

HOUSE BILL 878

G1

9lr2307

By: **Delegates Kaiser, Barve, Cain, Ebersole, Feldmark, Gaines, Haynes, Krebs, Mosby, and K. Young**

Introduced and read first time: February 8, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Finance Reports – Late Fees and Certificates of**
3 **Nomination**

4 FOR the purpose of altering the fees that are due for failure to file a campaign finance
5 report, an affidavit, or an amended campaign finance report; altering the maximum
6 fee payable for a campaign finance report, an affidavit, or an amended campaign
7 finance report; prohibiting an individual from being issued a certificate of
8 nomination if the individual has failed to file a campaign finance report, an affidavit,
9 or an amended campaign finance report or pay a certain late filing fee; requiring that
10 a vacancy in nomination that occurs as a result of this Act be filled in a certain
11 manner; making conforming changes; and generally relating to sanctions for failure
12 to file campaign finance reports.

13 BY repealing and reenacting, without amendments,
14 Article – Election Law
15 Section 5–705(a)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 5–705(b)(1) and (2) and 13–331
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2018 Supplement)

23 BY adding to
24 Article – Election Law
25 Section 13–332.1
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Election Law**

4 5–705.

5 (a) A certificate of nomination that entitles a candidate for public office to have
6 the candidate's name listed on the general election ballot and submitted to the voters at
7 the general election shall be issued in accordance with this section.

8 (b) (1) **[The] SUBJECT TO § 13–332.1 OF THIS ARTICLE, THE** State Board
9 shall issue a certificate of nomination to each candidate who files a certificate of candidacy
10 with the State Board and who qualifies for the nomination.

11 (2) **[The] SUBJECT TO § 13–332.1 OF THIS ARTICLE, THE** local board
12 with which a candidate files a certificate of candidacy shall issue a certificate of nomination
13 to each candidate who qualifies for the nomination.

14 13–331.

15 (a) In accordance with subsection (b) of this section, the State Board shall assess
16 **[a] late filing [fee] FEES** for a failure to file a campaign finance report, an affidavit, or an
17 amended campaign finance report, as specified in § 13–327 of this subtitle.

18 (b) (1) The **[fee is \$10] STATE BOARD SHALL ASSESS THE FEES IN THE**
19 **FOLLOWING AMOUNTS** for each day or part of a day that a campaign finance report, an
20 affidavit, or an amended campaign finance report is overdue:

21 **(I) \$20 FOR EACH OF THE FIRST 7 DAYS;**

22 **(II) \$35 FOR EACH OF THE FOLLOWING 7 DAYS; AND**

23 **(III) \$50 FOR EACH DAY THEREAFTER.**

24 **[(2) An additional fee of \$10 is due for each of the first 6 days that a**
25 **preelection campaign finance report under § 13–309 of this subtitle is overdue.]**

26 **[(3) (2) The maximum fee payable for a campaign finance report, an**
27 **affidavit, or an amended campaign finance report is [\$500] \$1,500.**

28 (c) (1) The State Board shall accept an overdue campaign finance report,
29 affidavit, or amended campaign finance report that is submitted without payment of the
30 late filing fee, but the campaign finance report, affidavit, or amended campaign finance
31 report is not considered filed until the fee has been paid.

1 (2) After an overdue campaign finance report, affidavit, or amended
2 campaign finance report is received under paragraph (1) of this subsection no further late
3 filing fee shall be incurred.

4 (d) (1) Subject to paragraph (2) of this subsection, a late filing fee shall be paid
5 by the campaign finance entity.

6 (2) If the campaign finance entity has insufficient funds with which to pay
7 a late filing fee in a timely manner, the late filing fee is the joint and several liability of the
8 responsible officers.

9 **13-332.1.**

10 (A) AN INDIVIDUAL MAY NOT BE ISSUED A CERTIFICATE OF NOMINATION
11 UNDER § 5-705 OF THIS ARTICLE IF THE INDIVIDUAL HAS FAILED TO:

12 (1) FILE A CAMPAIGN FINANCE REPORT, AN AFFIDAVIT, OR AN
13 AMENDED CAMPAIGN FINANCE REPORT THAT IS DUE UNDER THIS SUBTITLE FROM,
14 OR ON BEHALF OF, THAT INDIVIDUAL; OR

15 (2) PAY A LATE FILING FEE THAT IS DUE UNDER § 13-331 OF THIS
16 SUBTITLE.

17 (B) A VACANCY IN NOMINATION THAT OCCURS AS A RESULT OF SUBSECTION
18 (A) OF THIS SECTION SHALL BE FILLED IN ACCORDANCE WITH TITLE 5, SUBTITLE
19 10 OF THIS ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.