

**Department of Legislative Services**  
Maryland General Assembly  
2021 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 918 (Senator Jackson)

Judicial Proceedings and Education, Health,  
and Environmental Affairs

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**Courts - Prosecution for Election Law Violations - Limitation**

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This bill changes – from three years after an offense was committed to four years after an offense was committed – the time within which a prosecution must be instituted for (1) the commission or attempted commission of a misdemeanor violation of the State election laws or (2) the imposition of a civil fine for an unknowing violation of campaign finance laws and certain other State election laws or a civil fine imposed by the State Board of Elections (SBE) for specified campaign finance violations.

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**Fiscal Summary**

**State Effect:** Special fund revenues may increase annually, beginning in FY 2022, as discussed below. Expenditures are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A prosecution must be instituted within three years after an offense was committed (1) for the commission of or for the attempt to commit a misdemeanor constituting a criminal offense under the State election laws or (2) to impose a civil fine for an unknowing violation of campaign finance laws and certain other State election laws.

Varying criminal and civil penalties apply to violations of campaign finance and other provisions of the State election laws. The State Prosecutor generally handles prosecutions

of violations, including those referred by SBE, and SBE is authorized to impose civil penalties for certain campaign finance violations pursuant to authority established under Chapter 419 of 2013.

Under campaign finance provisions of the State election laws, an individual may not become a candidate for any public or party office in the State or become a treasurer for a campaign finance entity if, as to any campaign finance report due from, or on behalf of, that individual during the preceding five calendar years (1) there exists a failure to file or (2) the individual has failed to pay a late filing fee that is due.

**State Revenues:** Special fund revenues may increase annually, beginning in fiscal 2022, to the extent monetary penalties or fines are able to be collected under the bill when they otherwise would not have been collected under current law because the three-year period had passed. Monetary penalties under State election laws are deposited in the Fair Campaign Financing Fund.

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### **Additional Information**

**Prior Introductions:** HB 627 of 2020 passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee and the Senate Judicial Proceedings Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Office of the State Prosecutor; State Board of Elections; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2021  
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