

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3648 · 301-858-3648
800-492-7122 Ext. 3648
Chris.West@senate.state.md.us

District Office
1134 York Road, Suite 200
Lutherville -Timonium, MD 21093
410-823-7087

January 22, 2020

The Honorable Paul Pinsky
Senate Education, Health & Environmental Affairs Committee
2 West Miller Senate Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Senate Bill 38 – Election Law – Campaign Finance Violations – Injunctive Relief

Dear Chairman Pinsky and Members of the Committee

Senate Bill 38 is identical to Senate Bill 226 from last year. Last year, after this Committee voted in favor of Senate Bill 226, it passed on the floor of the State Senate 46-1. Then it got hung up in the House of Delegates.

This bill would allow a candidate to seek an immediate injunction against an opposing candidate who files to file the required pre-Primary or pre-General Election campaign finance report. Each of these reports is due on or before the second Friday before the election.

Under current law, a candidate can violate the State's election laws by filing the required pre-Primary or pre-General Election report with relative impunity. The fine for the first 7 days for failure to file is \$20 per day, and for the following 7 days, the fine is only \$35 per day. So a candidate can delay filing the pre-Primary or pre-General Election report until the day after the election and only incur a fine of \$305. During this period, under current law, only the Secretary of State can go to court to seek an injunction forcing the delinquent candidate to file the report. (I don't believe that the Secretary of State has ever sought such an injunction.)

As a result, a candidate can shield the candidate's contributions from public knowledge until after the election and incur only a modest fine. When candidates have to report their donors, voters are able to see who is trying to influence their votes. This enables the voters to make more informed voting decisions. A well-informed electorate is critical to the health of our democratic system of government. Concealing the sources of campaign funding serves only special interests, at the expense of the public.

Senate Bill 38 adds a single sentence to the law of Maryland authorizing the opposing candidate in this very limited situation to go to court to seek an injunction directing the delinquent candidate to immediately file the required report.

As I mentioned at the outset, this Committee thought this bill meritorious last year, and it passed the Senate 46-1. I ask for a favorable report again this year.