

# **TestimonySB918.pdf**

Uploaded by: David, Sarah

Position: FAV

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## STATE OF MARYLAND



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### **SUPPORT FOR SENATE BILL 918**

Mr. Chairman and Members of the Judicial Proceedings Committee:

We are writing to express the Office of the State Prosecutor's support for Senate Bill 918. The Office of the State Prosecutor is tasked with enforcement of Maryland election laws and believes that extending the statute of limitations from three years to four years on election law offenses would aid in the Office of the State Prosecutor's ability to enforce Maryland election laws and preserve the integrity of the electoral process.

#### **The Office of the State Prosecutor**

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of State government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our State and local government institutions, officials, employees and elections.

#### **Election Violations- Referral Process**

The current statute of limitations for state election law violations is three years. Election law violations can be reported in various ways, including: direct complaints to the Office of the State Prosecutor (from citizens or from a local State's Attorney or the Office of the Attorney General), investigations by the Office of the State Prosecutor as a result of failing to file reports, and referrals from the State Board of Elections.

The majority of the complaints come from the State Board of Elections. The State Board is often able to handle administrative violations of the election laws. If the crime is complex, however, requiring review of bank records and financial documents, or there is a failure to comply with the State Board of Elections, the case is referred to the Office of the State Prosecutor for civil or criminal enforcement action.

The State Board of Elections has two auditors to review thousands of campaign reports. The cases that are referred to the Office of the State Prosecutor are most often referred after a certain audit cycle where an entity either failed to file or there was suspicious activity reflected on the

campaign report. Due to the breadth of information involved, identifying suspicious activity is often limited to clear over contributions and other obvious violations, such as an anonymous donation or a donation from an inappropriate entity.

If an administrative violation is identified, the State Board of Elections spends months trying to bring the entity into compliance. It is usually only after initial detection and consequent months of remedial effort on the part of the State Board of Elections that the Office of the State Prosecutor begins our investigation. By the time the Office of the State Prosecutor is notified of an abnormality, it is routinely a year or in some cases years after the action in question.

For clear statutory violations, we initiate civil enforcement; for criminal enforcement of theft, straw contributions and other significant violations, however, the detection and subsequent investigation can take years to resolve. Such cases will often not be caught by the auditors at the State Board of Elections. They come to light only through the review of bank records and other investigative tactics executed by the Office of the State Prosecutor. Oftentimes the suspicious behavior is intentionally designed to make detection difficult, if not impossible, within a three year cycle. Accordingly, we often have only one contested election cycle of information to review. This forecloses any proactive investigative actions by the Office, often precluding the prosecution of responsible individuals.

These cases are serious and undermine the transparency and fairness of our democracy. Voters should have the opportunity to truly see who is funding the campaigns of their elected representatives. Individuals who attempt to undermine the process can bolster their campaigns through reporting more fundraising than they have actually received and by misrepresenting the sources of their campaign fundraising.

The current statute of limitations is unfair to Maryland voters and unfair to the majority of elected officials and individuals who run for office and follow the rules. We encourage this Committee to issue a favorable report on Senate Bill 918.

Sincerely,

CHARLTON T. HOWARD  
MARYLAND STATE PROSECUTOR

## **SB918\_StateBoardofElections\_support\_JaredDeMarinis**

Uploaded by: DeMarinis, Jared

Position: FAV



# Maryland State Board of Elections

## **SB 918 – Senator M. Jackson**

Courts- Prosecution for Election Law Violations- Limitations

### **Purpose:**

To increase the statute of limitations on election law violations from 3 years to 4 years.

### **Comments:**

The State Board of Elections supports the proposed legislation.

The proposed legislation increases the statute of limitations on election law violations on misdemeanors and civil offenses from 3 years to 4 years. Additionally, the legislation adds the civil enforcement authority of the State Board under Election Law Article 13-604.1 to the statute.

The increase of the year brings the enforcement provisions in line with an election cycle which is 4 years. The extra year allows for greater investigations and detailed audits of noncompliant campaign finance entities by the State Board and the Office of the State Prosecutor.

### **Contacts:**

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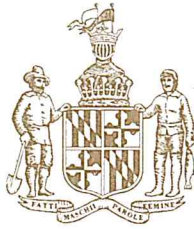
**LINDA H. LAMONE, ADMINISTRATOR  
STATE BOARD OF ELECTIONS**

JPR 3/10/2021

# **JacksonSB918TestimonyPDF.pdf**

Uploaded by: Jackson, Michael

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**TESTIMONY - SENATE BILL 918**  
**COURTS – PROSECUTION FOR ELECTION**  
**LAW VIOLATIONS - LIMITATION**  
**MARCH 10, 2021**

Chairman Smith, Vice Chairman Waldstreicher, and Fellow Committee Members:

Senate Bill 918 is a straightforward piece of legislation that simply changes, from three years to four years, the amount of time to institute the prosecution or to impose a civil fine relating to an election law offense.

Election law offenses are often very complex cases to investigate. While the State Board of Elections is able to handle minor administrative election law violations, they require the assistance of the Office of the State Prosecutor for cases involving significant amounts of complexity. The State Board of Elections makes every attempt to protect those who unknowingly commit violations and allows them to bring campaign finance accounts into compliance. These efforts to bring accounts into compliance, however, often last well over a year putting the Office of the State Prosecutor at a severe disadvantage in investigating egregious violations and bringing forward potential charges.

Additionally, the election law crimes investigated by the Office of the State Prosecutor are often masked to make their detection extremely difficult to ascertain within the current three year time frame. The added amount of time that this legislation would provide would allow prosecutors to better complete investigations. This would help them to better do their job of holding those accountable who intentionally and maliciously seek to undermine the integrity of our campaign finance laws and related electoral system.

**For the reasons listed above, I ask for a favorable report of Senate Bill 918.**

## **2021-03-10 SB 918 (Support).pdf**

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March 10, 2021

TO: The Honorable Paul G. Pinsky  
Chair, Education, Health & Environmental Affairs Committee  
The Honorable William C. Smith Jr.  
Chair, Judicial Proceedings Committee

FROM: Office of the Attorney General

RE: SB 918: Courts - Prosecution for Election Law Violations – Limitation – **Letter  
of Support**

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The Office of the Attorney General urges a favorable report of Senator Jackson's Senate Bill 918. This bill would extend the statute of limitations for election law related misdemeanors and violations from three years to four years.

Election related issues, specifically election law violations, are significant public concerns. In response, Senate Bill 918 increases the length of the statute of limitations. And this increase will enhance opportunities to enforce against election law violations.

For the foregoing reasons, the Office of Attorney General urges a favorable report of Senate Bill 918.

cc: Members of the Education, Health & Environmental Affairs Committee and Members of the Judicial Proceedings Committee