



Maryland State Board of Elections

HB 340 – Delegate D. Jones

Election Law - Campaign Finance - Enforcement

Purpose:

1. To increase the statute of limitations on election law violations from 3 years to 4 years
2. To clarify that the Office of the State Prosecutor can issue civil citations for late filings of the contribution disclosure statement from persons doing public business
3. To update the criminal monetary penalties for filers of the contribution disclosure statement.
4. To increase the State Board of Elections' enforcement authority over technical violations against filers of the contribution disclosure statement
5. To update the provisions on disqualifications

Comments:

The State Board of Elections supports the legislation. The bill updates the enforcement provisions for campaign finance and other electoral disclosure violations. As a result of the legislation, civil penalties and enforcement provisions will be more uniform for all disclosure filers.

1. The legislation increases the statute of limitations on election law violations for criminal and civil offenses from 3 years to 4 years. The additional year brings the enforcement provisions in line with the 4-year election cycle and allows the State Board and the Office of the State Prosecutor to conduct more robust investigations and detailed audits of noncompliant campaign finance entities.
2. The legislation clarifies that the Office of State Prosecutor can seek civil penalties against entities in violation of Title 14 of the Election Law Article¹. The legislative intent of the 2013 legislation was to expand the civil enforcement authority of Office of the State Prosecutor, but the language was not explicit. This legislation explicitly grants the Office of the State Prosecutor the authority to issue civil citations and makes the process of issuing and collecting late fees from business entities the same as issuing and collecting late fees from political committees in Title 13.
3. The legislation increases the criminal penalties from \$1,000 to \$25,000 for criminal penalties related to non-disclosure by business entities. This increase makes the penalties for business entities commensurate with the criminal penalties for political committees in Title 13.
4. Under §5-716 of the General Provisions Article, an entity that provides compensation to a State lobbyist and makes \$500 or more in contributions to a State official or candidate must file a contribution statement with the State Board in the manner and method as an entity required under Title 14 of the Election Law Article. The provision grants the State Board civil enforcement authority over technical violations, similar to authority granted under Title 13 of the Election Law Article. The State Board, rather than the Office of the State Prosecutor, is best equipped to deal with technical violations.
5. Currently, individuals may not assume office or be candidate if that individual has failed to file a campaign finance report. The intent was to ensure individuals running and holding office are in good standing with the State Board of Elections. This legislation adds the civil penalties granted by the General Assembly to the State Board in 2013 to that disqualification. Therefore, this legislation will help ensure compliance with Election Laws.

¹ Title 14 mandates that business entities that have a single contract of at least \$200,000 with a governmental entity file a contribution disclosure statement with the State Board disclosing the business' applicable contributions. Title 14 encourages transparency and the avoidance of the appearance of corruption in the awarding of contracts through the procurement process.

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