

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2019

CHAPTER _____

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, on or before a certain date, the individual has failed to file a campaign
9 finance report, an affidavit, or an amended campaign finance report or pay a certain
10 late filing fee; requiring the State Board of Elections to send a certain notice by a
11 certain date to certain candidates; requiring that a vacancy in nomination that
12 occurs as a result of this Act be filled in a certain manner; making conforming
13 changes; and generally relating to sanctions for failure to file campaign finance
14 reports.

15 BY repealing and reenacting, without amendments,
16 Article – Election Law
17 Section 5–705(a)
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2018 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 5–705(b)(1) and (2) and 13–331

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2017 Replacement Volume and 2018 Supplement)

3 BY adding to
4 Article – Election Law
5 Section 13–332.1
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2018 Supplement)

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

10 **Article – Election Law**

11 5–705.

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

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

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

21 13–331.

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

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

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

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

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

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

1 ~~[(3)]~~ (2) The maximum fee payable for a campaign finance report, an
2 affidavit, or an amended campaign finance report is ~~[\$500] \$1,500~~ \$1,000.

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

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

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

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

15 **13-332.1.**

16 (A) ~~AN A INDIVIDUAL CANDIDATE~~ MAY NOT BE ISSUED A CERTIFICATE OF
17 NOMINATION UNDER § 5-705 OF THIS ARTICLE IF, ON OR BEFORE THE DEADLINE
18 FOR DECLINING THE NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE,
19 THE ~~INDIVIDUAL~~ CANDIDATE HAS FAILED TO:

20 (1) FILE A CAMPAIGN FINANCE REPORT, AN AFFIDAVIT, OR AN
21 AMENDED CAMPAIGN FINANCE REPORT THAT IS DUE UNDER THIS SUBTITLE FROM,
22 OR ON BEHALF OF, THAT ~~INDIVIDUAL~~ CANDIDATE; OR

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

25 (B) NOT LATER THAN 20 DAYS BEFORE THE DEADLINE FOR DECLINING THE
26 NOMINATION SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE, THE STATE BOARD
27 SHALL SEND A WRITTEN NOTICE TO EACH CANDIDATE WHO WAS SUCCESSFUL IN THE
28 PRIMARY ELECTION AND HAS FAILED TO FILE A CAMPAIGN FINANCE REPORT OR AN
29 AFFIDAVIT OR PAY A LATE FILING FEE THAT THE CANDIDATE WILL BE DEEMED TO
30 HAVE DECLINED THE NOMINATION IF THE CANDIDATE DOES NOT RECTIFY THE
31 FAILURE ON OR BEFORE THE DEADLINE FOR DECLINING THE NOMINATION
32 SPECIFIED UNDER § 5-801(B) OF THIS ARTICLE.

1 ~~(B)~~ (C) A VACANCY IN NOMINATION THAT OCCURS AS A RESULT OF
 2 SUBSECTION (A) OF THIS SECTION SHALL BE FILLED IN ACCORDANCE WITH TITLE 5,
 3 SUBTITLE 10 OF THIS ARTICLE.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.