

January 16, 2019

Testimony on HB 41
Election Law - Campaign Finance Violations - Injunctive Relief
Ways and Means

Position: Favorable w/Amendments

Common Cause Maryland supports HB41 which would empower the Chair and Vice Chair of the State Board of Elections or a candidate to seek injunctions over violations of state election law.

Under current Maryland law, the process for election law violations is for complaints to be filed with the State Board of Elections, typically through the Director of Candidates and Campaign Finance. The Director may do some cursory look at the materials presented to him, and then pass along actionable complaints to the State's Attorney for potential prosecution. There, the State's Attorney has prosecutorial discretion to pursue any complaints referred to their office.

This process can be frustrating for candidates and voters alike, as often these violations can continue to go on with no resolution until after the election, if at all. Maryland's election laws are put in place to help provide a layer of transparency and accountability with campaigns, but the current process allows bad actors to violate campaign rules, impact the election, and only possibly see a penalty after the damage has been done.

HB 41 would help alleviate some of this by allowing the Chair or Vice Chair of the State Board, or a candidate to seek an injunction in cases of ongoing violations. We support this change, but would suggest amending HB 260 to allow the Director of Candidates and Campaign Finance to initiate such injunctions. As the Director arguably has the greatest expertise in the application of Maryland election law, they would be the most knowledgeable and effective at seeking injunctions only when necessary.

Because HB 41 would enhance the effectiveness of Maryland's election law, we ask the committee to provide a favorable report.

