

HOUSE BILL 340

G1

2lr1341
CF SB 15

By: **Delegate D. Jones**

Introduced and read first time: January 19, 2022

Assigned to: Ways and Means and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Finance – Enforcement**

3 FOR the purpose of altering the statute of limitations for certain prosecutions related to
4 violations of State election laws; imposing certain restrictions related to candidacies,
5 political committee positions, and elected offices if a certain civil penalty has not
6 been paid; altering enforcement mechanisms related to violations of State campaign
7 finance laws, including the amount of certain civil penalties, and the manner for
8 imposing certain penalties; prohibiting certain actions related to campaign finance
9 filings; establishing certain record retention requirements regarding the filing of
10 certain statements of contributions by persons providing compensation to a
11 regulated lobbyist; and generally relating to the enforcement of campaign finance
12 laws.

13 BY renumbering

14 Article – Election Law
15 Section 14–108 and 14–109, respectively
16 to be Section 14–111 and 14–112, respectively
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2021 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Courts and Judicial Proceedings
21 Section 5–106(h)
22 Annotated Code of Maryland
23 (2020 Replacement Volume and 2021 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Election Law
26 Section 13–332, 13–332.1, 13–333, 13–604.1(d), and 14–107(c)
27 Annotated Code of Maryland
28 (2017 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Election Law
3 Section 13–604.1(a) through (c)
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2021 Supplement)

6 BY repealing
7 Article – Election Law
8 Section 14–107(d) and (e)
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

11 BY adding to
12 Article – Election Law
13 Section 14–108, 14–109, and 14–110
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – General Provisions
18 Section 5–716(c) and (l)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

21 BY adding to
22 Article – General Provisions
23 Section 5–716(l) and (n)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2021 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That Section(s) 14–108 and 14–109, respectively, of Article – Election Law of the Annotated
28 Code of Maryland be renumbered to be Section(s) 14–111 and 14–112, respectively.

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
30 as follows:

31 **Article – Courts and Judicial Proceedings**

32 5–106.

33 (h) A prosecution **SHALL BE INSTITUTED WITHIN 4 YEARS AFTER THE**
34 **OFFENSE WAS COMMITTED:**

35 (1) **[for] FOR** the commission of or for the attempt to commit a
36 misdemeanor constituting a criminal offense under the State election laws; or

1 (2) [to] TO impose a civil fine for an offense arising under § 13–604, §
2 **13–604.1, § 14–107, OR § 14–110** of the Election Law Article [shall be instituted within
3 3 years after the offense was committed].

4 **Article – Election Law**

5 13–332.

6 (A) An individual may not become a candidate for any public or party office in this
7 State or become a treasurer for a campaign finance entity if, as to any campaign finance
8 report due under § 13–304 of this subtitle from, or on behalf of, that individual during the
9 preceding five calendar years:

10 (1) there exists a failure to file as specified in § 13–327 of this subtitle; or

11 (2) the individual has failed to pay a late filing fee that is due.

12 (B) AN INDIVIDUAL MAY NOT BECOME A CANDIDATE FOR ANY PUBLIC OR
13 PARTY OFFICE IN THIS STATE OR BECOME A TREASURER FOR A CAMPAIGN FINANCE
14 ENTITY IF THE INDIVIDUAL HAS FAILED TO PAY ANY CIVIL PENALTY DUE UNDER §
15 **13–604.1 OF THIS TITLE FROM, OR ON BEHALF OF, THE INDIVIDUAL DURING THE**
16 **IMMEDIATELY PRECEDING 5 CALENDAR YEARS.**

17 13–332.1.

18 (a) A candidate may not be issued a certificate of nomination under § 5–705 of
19 this article if, on or before the deadline for declining the nomination specified under §
20 5–801(b) of this article, the candidate has failed to:

21 (1) file a campaign finance report, an affidavit, or an amended campaign
22 finance report that is due under this subtitle from, or on behalf of, that candidate; [or]

23 (2) pay a late filing fee that is due under § 13–331 of this subtitle; OR

24 (3) **PAY A CIVIL PENALTY THAT IS DUE UNDER § 13–604.1 OF THIS**
25 **TITLE.**

26 (b) Not later than 20 days before the deadline for declining the nomination
27 specified under § 5–801(b) of this article, the State Board shall send a written notice to each
28 candidate who was successful in the primary election and has failed to file a campaign
29 finance report or an affidavit or pay a late filing fee **OR CIVIL PENALTY UNDER §**
30 **13–604.1 OF THIS TITLE** that the candidate will be deemed to have declined the
31 nomination if the candidate does not rectify the failure on or before the deadline for
32 declining the nomination specified under § 5–801(b) of this article.

1 (c) A vacancy in nomination that occurs as a result of subsection (a) of this section
2 shall be filled in accordance with Title 5, Subtitle 10 of this article.

3 13-333.

4 (a) An individual who, within the meaning of § 13-327 of this subtitle, has failed
5 to file a campaign finance report that is due from, or on behalf of, that individual, **OR WHO**
6 **HAS AN UNPAID CIVIL PENALTY UNDER § 13-604.1 OF THIS TITLE**, may not, until the
7 individual corrects the failure to file **OR PAY THE PENALTY**:

8 (1) be deemed to be elected to a public or party office in this State;

9 (2) take the oath or otherwise assume the duties of the office; or

10 (3) receive any salary or compensation for the office.

11 (b) An official of the State or any of its political subdivisions may not issue a
12 commission or administer an oath of office to an individual until that official receives
13 certification from the State Board that:

14 (1) all campaign finance reports due under § 13-304 of this subtitle from,
15 or on behalf of, that individual have been filed; **AND**

16 (2) **THE INDIVIDUAL HAS NO UNPAID CIVIL PENALTIES UNDER §**
17 **13-604.1 OF THIS TITLE.**

18 13-604.1.

19 (a) In this section, "person" includes a political committee.

20 (b) The State Board may impose a civil penalty in accordance with this section for
21 the following violations:

22 (1) making a disbursement in a manner not authorized in § 13-218(b)(2),
23 (c), and (d) of this title;

24 (2) failure to maintain a campaign bank account as required in § 13-220(a)
25 of this title;

26 (3) making a disbursement by a method not authorized in § 13-220(d) of
27 this title;

28 (4) failure to maintain detailed and accurate account books and records as
29 required in § 13-221 of this title;

30 (5) fund-raising during the General Assembly session in a manner not

1 authorized in § 13–235 of this title;

2 (6) failure to report all contributions received and expenditures made as
3 required in § 13–304(b) of this title;

4 (7) failure to include an authority line on campaign material as required in
5 § 13–401 of this title;

6 (8) failure to retain a copy of campaign material as required in § 13–403 of
7 this title; and

8 (9) failure to include a disclosure on online campaign material as required
9 in § 13–401.1(b) of this title.

10 (c) A civil penalty imposed under this section for a violation specified in
11 subsection (b) of this section is in addition to any other sanction provided by law.

12 (d) (1) Except as otherwise provided in this title or as provided in paragraph
13 (2) of this subsection, the amount of a civil penalty imposed under this section may not
14 exceed ~~[\$500]~~ **\$1,000** for each violation.

15 (2) As to a violation of § 13–235 of this title, the campaign finance entity
16 that receives a contribution as a result of a violation shall:

17 (i) refund the contribution to the contributor; and

18 (ii) pay a civil penalty that equals \$1,000 plus the amount of the
19 contribution, unless the State Board at its discretion assesses a lesser penalty for good
20 cause.

21 14–107.

22 (c) (1) As provided in this subsection, the State Board may impose fees for late
23 filing of:

24 (i) a statement required under § 14–104 of this title; or

25 (ii) an amended statement required under subsection (b) of this
26 section.

27 (2) The State Board may impose late filing fees in the same amounts and
28 in the same manner as provided under ~~[§ 13–331(a) and (b)]~~ **§§ 13–331, 13–335, AND**
29 **13–337** of this article for late filing of campaign finance reports.

30 (3) Late filing fees imposed under this subsection shall be distributed to
31 the Fair Campaign Financing Fund established under § 15–103 of this article.

1 [(d) A person who knowingly and willfully violates this title is guilty of a
2 misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment
3 not exceeding 1 year or both.]

4 [(e) An officer or partner of a business entity who knowingly authorizes or
5 participates in a violation of this title by the business entity is subject to the penalty
6 provided in subsection (d) of this section.]

7 **14-108.**

8 **(A) (1) A PERSON WHO VIOLATES A PROVISION OF THIS TITLE WITHOUT**
9 **KNOWING THAT THE ACT IS ILLEGAL SHALL PAY A CIVIL PENALTY IN ACCORDANCE**
10 **WITH SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.**

11 **(2) A PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED**
12 **\$10,000.**

13 **(3) AN INFRACTION DESCRIBED IN PARAGRAPH (1) OF THIS**
14 **SUBSECTION IS A CIVIL OFFENSE.**

15 **(B) (1) IF THE STATE PROSECUTOR DETERMINES THAT A PERSON**
16 **UNINTENTIONALLY, AND WITHOUT CRIMINAL INTENT, HAS VIOLATED A PROVISION**
17 **OF THIS TITLE, THE STATE PROSECUTOR SHALL ISSUE TO THE PERSON A CIVIL**
18 **CITATION THAT CONTAINS:**

19 **(I) THE NAME AND ADDRESS OF THE PERSON CITED;**

20 **(II) THE NATURE, TIME, AND PLACE OF THE VIOLATION;**

21 **(III) THE MANNER IN WHICH THE VIOLATION OCCURRED;**

22 **(IV) THE MAXIMUM PENALTY FOR THE VIOLATION;**

23 **(V) THE MANNER AND TIME IN WHICH TO PAY THE PENALTY;**

24 **(VI) WHERE TO PAY THE PENALTY; AND**

25 **(VII) A STATEMENT THAT THE PERSON RECEIVING THE CITATION**
26 **HAS A RIGHT TO A TRIAL IN THE DISTRICT COURT.**

27 **(2) THE STATE PROSECUTOR SHALL FILE THE CITATION IN THE**
28 **DISTRICT COURT.**

29 **(C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE**

1 **MARYLAND RULES.**

2 **(D) (1) ON RECEIPT OF THE RETURN OF SERVICE, THE DISTRICT COURT**
3 **SHALL SCHEDULE THE CASE FOR TRIAL AND NOTIFY THE PERSON NAMED IN THE**
4 **CITATION OF THE TRIAL DATE.**

5 **(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN**
6 **THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6-108,**
7 **6-109, AND 6-111 THROUGH 6-115 OF THE LOCAL GOVERNMENT ARTICLE.**

8 **(3) THE DISTRICT COURT SHALL DISTRIBUTE ALL LATE FEES**
9 **COLLECTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §**
10 **15-103 OF THIS ARTICLE.**

11 **(4) AN ADJUDICATION OF A VIOLATION UNDER THIS SUBSECTION:**

12 **(I) IS NOT A CRIMINAL CONVICTION; AND**

13 **(II) DOES NOT CARRY WITH IT ANY OF THE CIVIL DISABILITIES**
14 **THAT ARISE FROM A CRIMINAL CONVICTION.**

15 **(E) A PERSON WHO IS ADJUDICATED IN VIOLATION AS SET FORTH IN A**
16 **CITATION ISSUED UNDER SUBSECTION (B) OF THIS SECTION IS LIABLE FOR THE**
17 **COST OF THE DISTRICT COURT PROCEEDINGS.**

18 **(F) IF A PERSON WHO HAS BEEN SERVED WITH A CITATION FAILS TO APPEAR**
19 **FOR TRIAL, THE DISTRICT COURT, AT THE REQUEST OF THE STATE PROSECUTOR,**
20 **MAY DISMISS THE CITATION OR ENTER A CIVIL JUDGMENT AGAINST THE PERSON:**

21 **(1) IN FAVOR OF THE STATE BOARD;**

22 **(2) IN ACCORDANCE WITH THE MARYLAND RULES; AND**

23 **(3) IN AN AMOUNT NOT EXCEEDING THE MAXIMUM FINE SET FORTH**
24 **IN SUBSECTION (A) OF THIS SECTION AND ANY LATE FEES OWED TO THE STATE**
25 **BOARD.**

26 **(G) A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE**
27 **DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §**
28 **15-103 OF THIS ARTICLE.**

29 **14-109.**

1 (A) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS TITLE IS
2 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
3 EXCEEDING \$25,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

4 (B) AN OFFICER OR A PARTNER OF A BUSINESS ENTITY WHO KNOWINGLY
5 AUTHORIZES OR PARTICIPATES IN A VIOLATION OF THIS TITLE BY THE BUSINESS
6 ENTITY IS SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (A) OF THIS
7 SECTION.

8 (C) (1) A PERSON MAY NOT WILLFULLY MAKE A FALSE, FRAUDULENT, OR
9 MISLEADING STATEMENT OR ENTRY IN ANY FILING THAT IS UNDER OATH AND IS
10 REQUIRED BY THIS TITLE.

11 (2) A PERSON MAY NOT MAKE AN ELECTRONIC SUBMISSION OF A
12 STATEMENT REQUIRED UNDER § 14-104 OF THIS TITLE OR ANY OTHER DOCUMENT
13 REQUIRED BY THIS TITLE ON BEHALF OF ANOTHER PERSON WITHOUT THAT
14 PERSON'S EXPRESS CONSENT.

15 (3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF
16 PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY PROVIDED UNDER THE
17 CRIMINAL LAW ARTICLE.

18 14-110.

19 (A) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY IN ACCORDANCE
20 WITH THIS SECTION FOR THE FOLLOWING VIOLATIONS:

21 (1) FAILURE TO REPORT ALL APPLICABLE CONTRIBUTIONS MADE AS
22 REQUIRED UNDER § 14-104 OF THIS TITLE; AND

23 (2) FAILURE TO MAINTAIN DETAILED AND ACCURATE RECORDS AND
24 REPORTS AS REQUIRED IN § 14-105 OF THIS TITLE.

25 (B) A CIVIL PENALTY IMPOSED UNDER THIS SECTION FOR A VIOLATION
26 SPECIFIED IN SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO ANY OTHER
27 SANCTION PROVIDED BY LAW.

28 (C) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE AMOUNT OF A
29 CIVIL PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM
30 AMOUNT PROVIDED UNDER § 13-331 OF THIS ARTICLE FOR LATE FILING OF
31 CAMPAIGN FINANCE REPORTS.

32 (D) A CIVIL PENALTY IS PAYABLE TO THE STATE BOARD BY THE PERSON

1 CHARGED IN A CITATION WITHIN 20 CALENDAR DAYS AFTER SERVICE OF THE
2 CITATION.

3 (E) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE STATE
4 BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION SPECIFIED IN
5 SUBSECTION (A) OF THIS SECTION.

6 (F) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN ACCORDANCE
7 WITH THE MARYLAND RULES.

8 (G) THE CITATION SHALL CONTAIN:

9 (1) THE CERTIFICATION BY THE STATE BOARD ATTESTING TO THE
10 TRUTH OF THE MATTER SET FORTH IN THE CITATION;

11 (2) THE NAME AND ADDRESS OF THE PERSON CHARGED;

12 (3) THE NATURE, TIME, AND PLACE OF THE VIOLATION;

13 (4) THE MANNER IN WHICH THE VIOLATION OCCURRED;

14 (5) THE AMOUNT OF THE PENALTY ASSESSED;

15 (6) THE MANNER, TIME, AND LOCATION TO PAY THE PENALTY;

16 (7) A STATEMENT THAT THE PERSON RECEIVING THE CITATION HAS A
17 RIGHT TO TRIAL IN THE DISTRICT COURT; AND

18 (8) THE EFFECT OF FAILING TO PAY THE ASSESSED FINE OR OF
19 FAILING TO DEMAND A TRIAL WITHIN THE PRESCRIBED TIME.

20 (H) (1) A PERSON CHARGED IN A CITATION MAY ELECT TO STAND TRIAL
21 FOR THE VIOLATION BY NOTIFYING THE STATE BOARD IN WRITING OF THE
22 PERSON'S INTENT TO STAND TRIAL.

23 (2) THE WRITTEN NOTICE SHALL BE GIVEN AT LEAST 5 DAYS BEFORE
24 THE DATE OF PAYMENT AS SET FORTH IN THE CITATION.

25 (I) (1) ON RECEIPT OF THE WRITTEN NOTICE OF INTENT TO STAND
26 TRIAL, THE STATE BOARD SHALL FORWARD TO THE STATE PROSECUTOR A COPY OF
27 THE CITATION AND THE WRITTEN NOTICE.

28 (2) THE STATE PROSECUTOR SHALL FORWARD TO THE DISTRICT

1 COURT HAVING VENUE A COPY OF THE CITATION AND THE WRITTEN NOTICE.

2 (3) ON RECEIPT OF THE CITATION AND THE WRITTEN NOTICE:

3 (I) THE STATE PROSECUTOR SHALL ASSUME RESPONSIBILITY
4 FOR PROSECUTING THE VIOLATION; AND

5 (II) THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR
6 TRIAL, NOTIFY THE DEFENDANT OF THE TRIAL DATE, AND SUMMON THE DEFENDANT
7 TO APPEAR.

8 (J) (1) IF A PERSON CHARGED IN A CITATION FAILS TO PAY THE PENALTY
9 BY THE DATE OF PAYMENT SET FORTH IN THE CITATION AND FAILS TO DELIVER TO
10 THE STATE BOARD THE WRITTEN NOTICE OF INTENT TO STAND TRIAL, THE PERSON
11 IS LIABLE FOR THE ASSESSED PENALTY.

12 (2) THE STATE PROSECUTOR, ON BEHALF OF THE STATE BOARD,
13 MAY DOUBLE THE PENALTY TO AN AMOUNT NOT TO EXCEED \$2,000 AND REQUEST
14 ADJUDICATION OF THE CASE THROUGH THE DISTRICT COURT BY FILING A DEMAND
15 FOR JUDGMENT ON AFFIDAVIT.

16 (K) THE DEFENDANT'S FAILURE TO RESPOND TO THE SUMMONS OF THE
17 DISTRICT COURT SHALL RESULT IN THE ENTRY OF JUDGMENT AGAINST THE
18 DEFENDANT IN FAVOR OF THE STATE BOARD IN THE AMOUNT SET FORTH IN THE
19 CITATION IF A PROPER DEMAND FOR JUDGMENT ON AFFIDAVIT HAS BEEN MADE.

20 (L) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE COMMITTED
21 A VIOLATION:

22 (1) (I) THE DISTRICT COURT SHALL ORDER THE PERSON TO PAY
23 THE PENALTY SET FORTH IN THE CITATION AND MAY DOUBLE THE AMOUNT OF THE
24 PENALTY TO AN AMOUNT NOT TO EXCEED \$2,000;

25 (II) THE PENALTY IMPOSED SHALL CONSTITUTE A JUDGMENT IN
26 FAVOR OF THE STATE BOARD; AND

27 (III) IF THE PENALTY REMAINS UNPAID FOR 30 DAYS FOLLOWING
28 THE DATE OF ITS ENTRY, THE JUDGMENT SHALL BE ENFORCEABLE IN THE SAME
29 MANNER AND TO THE SAME EXTENT AS OTHER CIVIL JUDGMENTS FOR MONEY
30 UNLESS THE COURT HAS SUSPENDED OR DEFERRED PAYMENT OF THE PENALTY AS
31 PROVIDED IN ITEM (2) OF THIS SUBSECTION;

32 (2) THE DISTRICT COURT MAY SUSPEND OR DEFER THE PAYMENT OF

1 ANY PENALTY UNDER CONDITIONS THAT THE COURT SETS;

2 (3) THE DEFENDANT SHALL BE LIABLE FOR THE COSTS OF THE
3 PROCEEDINGS IN THE DISTRICT COURT; AND

4 (4) THE DISTRICT COURT MAY ORDER THE PERSON TO ABATE THE
5 VIOLATION.

6 (M) IF A DEFENDANT FAILS TO PAY ANY PENALTY OR COST IMPOSED BY THE
7 DISTRICT COURT WITHOUT GOOD CAUSE, THE DISTRICT COURT MAY PUNISH THE
8 FAILURE AS CONTEMPT OF COURT.

9 (N) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:

10 (1) IS NOT A CRIMINAL CONVICTION; AND

11 (2) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT ARISE
12 FROM A CRIMINAL CONVICTION.

13 (O) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION UNDER
14 THIS SECTION:

15 (1) THE STATE PROSECUTOR HAS THE BURDEN TO PROVE THAT THE
16 DEFENDANT HAS COMMITTED THE VIOLATION BY CLEAR AND CONVINCING
17 EVIDENCE;

18 (2) THE DISTRICT COURT SHALL APPLY THE EVIDENTIARY
19 STANDARDS AS PROVIDED BY LAW OR RULE FOR THE TRIAL OF CIVIL CAUSES;

20 (3) THE DISTRICT COURT SHALL ENSURE THAT THE DEFENDANT HAS
21 RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE
22 DEFENDANT UNDERSTANDS THOSE CHARGES;

23 (4) THE DEFENDANT MAY CROSS-EXAMINE ALL WITNESSES WHO
24 APPEAR AGAINST THE DEFENDANT, PRODUCE EVIDENCE OR WITNESSES IN THE
25 DEFENDANT'S OWN BEHALF, OR TESTIFY IN THE DEFENDANT'S OWN BEHALF;

26 (5) THE DEFENDANT SHALL BE ENTITLED TO BE REPRESENTED BY
27 COUNSEL OF THE DEFENDANT'S OWN SELECTION AND AT THE DEFENDANT'S OWN
28 EXPENSE;

29 (6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY
30 OF THE VIOLATION AS CHARGED; AND

1 **(7) THE VERDICT OF THE DISTRICT COURT SHALL BE GUILTY OF A**
 2 **VIOLATION OR NOT GUILTY OF A VIOLATION, OR THE DISTRICT COURT MAY, BEFORE**
 3 **RENDERING JUDGMENT, PLACE THE DEFENDANT ON PROBATION.**

4 **(P) THE STATE BOARD SHALL CONSIDER THE FOLLOWING IN DETERMINING**
 5 **THE AMOUNT OF A PENALTY UNDER THIS SECTION:**

6 **(1) THE SEVERITY OF THE VIOLATION FOR WHICH THE PENALTY IS TO**
 7 **BE ASSESSED;**

8 **(2) THE GOOD FAITH OF THE VIOLATOR; AND**

9 **(3) ANY HISTORY OF PRIOR VIOLATIONS.**

10 **(Q) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE DISTRIBUTED**
 11 **TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15–103 OF THIS**
 12 **ARTICLE.**

13 Article – General Provisions

14 5–716.

15 (c) Subject to subsection (i) of this section, a person shall file a statement in
 16 accordance with this section if at any time during the reporting period the person[:

17 (1)] spent at least \$500 to provide compensation to one or more regulated
 18 lobbyists[; and

19 (2) made or caused to be made an applicable contribution in the cumulative
 20 amount of \$500 or more].

21 **(L) (1) A PERSON REQUIRED TO FILE A STATEMENT UNDER THIS SECTION**
 22 **SHALL MAINTAIN DETAILED AND ACCURATE RECORDS OF:**

23 **(I) CONTRACTS MADE BY THE PERSON OR ATTRIBUTED TO THE**
 24 **PERSON THAT CAUSE THE PERSON TO PROVIDE COMPENSATION TO THE LOBBYIST;**
 25 **AND**

26 **(II) APPLICABLE CONTRIBUTIONS MADE BY THE PERSON OR**
 27 **ATTRIBUTED TO THE PERSON.**

28 **(2) A PERSON REQUIRED TO KEEP RECORDS UNDER THIS**
 29 **SUBSECTION SHALL RETAIN THE RECORDS FOR 3 YEARS AFTER THE CREATION OF**

1 **THE RECORD.**

2 **[(1)] (M)** (1) A person who knowingly and willfully fails to comply with the
3 requirements of this section is guilty of a misdemeanor and on conviction is subject to a fine
4 not exceeding **[\$1,000] \$25,000** or imprisonment not exceeding 1 year or both.

5 (2) If a person that violates this section is a business entity, each officer
6 and partner of the business entity who knowingly authorized or participated in violating
7 this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding
8 **[\$1,000] \$25,000** or imprisonment not exceeding 1 year or both.

9 (3) The State Board of Elections may impose fees for the late filing of a
10 statement required under this section in the same manner as provided under § 14–107 of
11 the Election Law Article.

12 **(4) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY IN THE SAME**
13 **METHOD AND MANNER AS PROVIDED UNDER § 14–110 OF THE ELECTION LAW**
14 **ARTICLE FOR THE FOLLOWING VIOLATIONS:**

15 **(I) FAILURE TO REPORT ALL APPLICABLE CONTRIBUTIONS**
16 **MADE AS REQUIRED IN SUBSECTION (F) OF THIS SECTION; AND**

17 **(II) FAILURE TO MAINTAIN DETAILED AND ACCURATE RECORDS**
18 **AS REQUIRED IN SUBSECTION (L) OF THIS SECTION.**

19 **(N) (1) A PERSON MAY NOT WILLFULLY MAKE A FALSE, FRAUDULENT, OR**
20 **MISLEADING STATEMENT OR ENTRY IN ANY FILING THAT IS UNDER OATH AND IS**
21 **REQUIRED BY THIS SECTION.**

22 **(2) A PERSON MAY NOT MAKE AN ELECTRONIC SUBMISSION OF A**
23 **STATEMENT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION OR ANY OTHER**
24 **DOCUMENT REQUIRED UNDER THIS SECTION ON BEHALF OF ANOTHER PERSON**
25 **WITHOUT THAT PERSON’S EXPRESS CONSENT.**

26 **(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF**
27 **PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY PROVIDED UNDER THE**
28 **CRIMINAL LAW ARTICLE.**

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2022.