

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2022

CHAPTER _____

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)

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 BY repealing and reenacting, with amendments,
2 Article – Election Law
3 Section 13–332, 13–332.1, 13–333, 13–604.1(d), (l), and (n)(1)(i), and 14–107(c)
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2021 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Election Law
8 Section 13–604.1(a) through (c) and (r)
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2021 Supplement)

11 BY repealing
12 Article – Election Law
13 Section 14–107(d) and (e)
14 Annotated Code of Maryland
15 (2017 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Election Law
18 Section 14–108, 14–109, and 14–110
19 Annotated Code of Maryland
20 (2017 Replacement Volume and 2021 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – General Provisions
23 Section 5–716(c) and (l)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2021 Supplement)

26 BY adding to
27 Article – General Provisions
28 Section 5–716(l) and (n)
29 Annotated Code of Maryland
30 (2019 Replacement Volume and 2021 Supplement)

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

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

36 **Article – Courts and Judicial Proceedings**

37 5–106.

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

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

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

Article – Election Law

13–332.

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

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

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

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

13–332.1.

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

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

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

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

(b) Not later than 20 days before the deadline for declining the nomination specified under § 5–801(b) of this article, the State Board shall send a written notice to each

candidate who was successful in the primary election and has failed to file a campaign finance report or an affidavit or pay a late filing fee **OR CIVIL PENALTY UNDER § 13-604.1 OF THIS TITLE** that the candidate will be deemed to have declined the nomination if the candidate does not rectify the failure on or before the deadline for declining the nomination specified under § 5-801(b) of this article.

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

13-333.

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

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

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

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

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

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

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

13-604.1.

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

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

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

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

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

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

(5) fund–raising during the General Assembly session in a manner not authorized in § 13–235 of this title;

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

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

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

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

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

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

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

(i) refund the contribution to the contributor; and

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

(l) (1) If a person charged in a citation fails to pay the penalty by the date of payment set forth in the citation and fails to deliver to the State Board the written notice of intent to stand trial, the person is liable for the assessed penalty.

(2) The State Prosecutor, on behalf of the State Board, may double the penalty to an amount not to exceed ~~[\$1,000]~~ **\$2,000** and request adjudication of the case through the District Court by filing a demand for judgment on affidavit.

(n) If a person is found by the District Court to have committed a violation:

(1) (i) the District Court shall order the person to pay the penalty set forth in the citation and may double the amount of the penalty to an amount not to exceed ~~[\$1,000]~~ **\$2,000**;

(r) The State Board shall consider the following in determining the amount of a penalty under this section:

(1) the severity of the violation for which the penalty is to be assessed;

(2) the good faith of the violator; and

(3) any history of prior violations.

14–107.

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

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

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

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

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

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

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

14–108.

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

(2) **A PENALTY IMPOSED UNDER THIS SECTION MAY NOT EXCEED ~~\$10,000~~ **\$5,000**.**

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

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

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

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

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

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

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

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

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

15 **(2) THE STATE PROSECUTOR SHALL FILE THE CITATION IN THE**
16 **DISTRICT COURT.**

17 **(C) THE CITATION SHALL BE SERVED IN ACCORDANCE WITH THE**
18 **MARYLAND RULES.**

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

22 **(2) THE TRIAL IN THE DISTRICT COURT SHALL BE CONDUCTED IN**
23 **THE SAME MANNER AS SET FORTH FOR MUNICIPAL INFRACTIONS UNDER §§ 6–108,**
24 **6–109, AND 6–111 THROUGH 6–115 OF THE LOCAL GOVERNMENT ARTICLE.**

25 **(3) THE DISTRICT COURT SHALL DISTRIBUTE ALL LATE FEES**
26 **COLLECTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §**
27 **15–103 OF THIS ARTICLE.**

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

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

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

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

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

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

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

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

14 **(G) A CIVIL PENALTY IMPOSED UNDER THIS SECTION SHALL BE**
15 **DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER §**
16 **15-103 OF THIS ARTICLE.**
17 **14-109.**

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

21 **(B) AN OFFICER OR A PARTNER OF A BUSINESS ENTITY WHO KNOWINGLY**
22 **AUTHORIZES OR PARTICIPATES IN A VIOLATION OF THIS TITLE BY THE BUSINESS**
23 **ENTITY IS SUBJECT TO THE PENALTY PROVIDED IN SUBSECTION (A) OF THIS**
24 **SECTION.**

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

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

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

4 **14-110.**

5 **(A) THE STATE BOARD MAY IMPOSE A CIVIL PENALTY IN ACCORDANCE**
6 **WITH THIS SECTION FOR THE FOLLOWING VIOLATIONS:**

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

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

11 **(B) A CIVIL PENALTY IMPOSED UNDER THIS SECTION FOR A VIOLATION**
12 **SPECIFIED IN SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO ANY OTHER**
13 **SANCTION PROVIDED BY LAW.**

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

18 **(D) A CIVIL PENALTY IS PAYABLE TO THE STATE BOARD BY THE PERSON**
19 **CHARGED IN A CITATION WITHIN 20 CALENDAR DAYS AFTER SERVICE OF THE**
20 **CITATION.**

21 **(E) THE STATE BOARD MAY ISSUE A CITATION TO ANY PERSON THE STATE**
22 **BOARD BELIEVES IS COMMITTING OR HAS COMMITTED A VIOLATION SPECIFIED IN**
23 **SUBSECTION (A) OF THIS SECTION.**

24 **(F) THE CITATION SHALL BE SERVED ON THE DEFENDANT IN ACCORDANCE**
25 **WITH THE MARYLAND RULES.**

26 **(G) THE CITATION SHALL CONTAIN:**

27 **(1) THE CERTIFICATION BY THE STATE BOARD ATTESTING TO THE**
28 **TRUTH OF THE MATTER SET FORTH IN THE CITATION;**

29 **(2) THE NAME AND ADDRESS OF THE PERSON CHARGED;**

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

(4) THE MANNER IN WHICH THE VIOLATION OCCURRED;

(5) THE AMOUNT OF THE PENALTY ASSESSED;

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

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

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

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

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

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

(2) THE STATE PROSECUTOR SHALL FORWARD TO THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND THE WRITTEN NOTICE.

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

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

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

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

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

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

5 **(L) IF A PERSON IS FOUND BY THE DISTRICT COURT TO HAVE COMMITTED**
6 **A VIOLATION:**

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

10 **(II) THE PENALTY IMPOSED SHALL CONSTITUTE A JUDGMENT IN**
11 **FAVOR OF THE STATE BOARD; AND**

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

17 **(2) THE DISTRICT COURT MAY SUSPEND OR DEFER THE PAYMENT OF**
18 **ANY PENALTY UNDER CONDITIONS THAT THE COURT SETS;**

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

21 **(4) THE DISTRICT COURT MAY ORDER THE PERSON TO ABATE THE**
22 **VIOLATION.**

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

26 **(N) ADJUDICATION OF A VIOLATION UNDER THIS SECTION:**

27 **(1) IS NOT A CRIMINAL CONVICTION; AND**

28 **(2) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT ARISE**
29 **FROM A CRIMINAL CONVICTION.**

30 **(O) IN A DISTRICT COURT PROCEEDING RELATING TO A VIOLATION UNDER**
31 **THIS SECTION:**

1 **(1) THE STATE PROSECUTOR HAS THE BURDEN TO PROVE THAT THE**
2 **DEFENDANT HAS COMMITTED THE VIOLATION BY CLEAR AND CONVINCING**
3 **EVIDENCE;**

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

6 **(3) THE DISTRICT COURT SHALL ENSURE THAT THE DEFENDANT HAS**
7 **RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE**
8 **DEFENDANT UNDERSTANDS THOSE CHARGES;**

9 **(4) THE DEFENDANT MAY CROSS-EXAMINE ALL WITNESSES WHO**
10 **APPEAR AGAINST THE DEFENDANT, PRODUCE EVIDENCE OR WITNESSES IN THE**
11 **DEFENDANT'S OWN BEHALF, OR TESTIFY IN THE DEFENDANT'S OWN BEHALF;**

12 **(5) THE DEFENDANT SHALL BE ENTITLED TO BE REPRESENTED BY**
13 **COUNSEL OF THE DEFENDANT'S OWN SELECTION AND AT THE DEFENDANT'S OWN**
14 **EXPENSE;**

15 **(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY**
16 **OF THE VIOLATION AS CHARGED; AND**

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

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

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

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

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

26 **(Q) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE DISTRIBUTED**
27 **TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS**
28 **ARTICLE.**

29 **Article – General Provisions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) A PERSON MAY NOT MAKE AN ELECTRONIC SUBMISSION OF A
5 STATEMENT REQUIRED UNDER SUBSECTION (C) OF THIS SECTION OR ANY OTHER
6 DOCUMENT REQUIRED UNDER THIS SECTION ON BEHALF OF ANOTHER PERSON
7 WITHOUT THAT PERSON'S EXPRESS CONSENT.

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.