

# SENATE BILL 918

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By: **Senator Jackson**

Introduced and read first time: February 9, 2021

Assigned to: Judicial Proceedings and Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Prosecution for Election Law Violations – Limitation**

3 FOR the purpose of extending the period of time during which a prosecution is required to  
4 be instituted for certain violations of State election law; making stylistic changes;  
5 and generally relating to time limitations for the prosecution of violations of election  
6 law.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 5–106(h)  
10 Annotated Code of Maryland  
11 (2020 Replacement Volume)

12 BY repealing and reenacting, without amendments,  
13 Article – Election Law  
14 Section 13–604(a) and 13–604.1(b)  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2020 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 5–106.

21 (h) A prosecution[: (1) for the commission of or for the attempt to commit a  
22 misdemeanor constituting a criminal offense under the State election laws; or (2) to impose  
23 a civil fine for an offense arising under § 13–604 of the Election Law Article shall be  
24 instituted within 3 years after the offense was committed] **SHALL BE INSTITUTED WITHIN**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4 YEARS AFTER THE OFFENSE WAS COMMITTED FOR:

2 (1) THE COMMISSION OR ATTEMPTED COMMISSION OF A  
3 MISDEMEANOR VIOLATION OF THE STATE ELECTION LAWS; OR

4 (2) THE IMPOSITION OF A CIVIL FINE UNDER § 13-604 OR § 13-604.1  
5 OF THE ELECTION LAW ARTICLE.

6 Article – Election Law

7 13-604.

8 (a) (1) A person who violates a provision of this title without knowing that the  
9 act is illegal shall pay a civil penalty in accordance with subsections (b) through (g) of this  
10 section.

11 (2) The penalty imposed under this section may not exceed \$5,000.

12 (3) An infraction described in paragraph (1) of this subsection is a civil  
13 offense.

14 (4) This section does not apply to a violation of another section in which a  
15 penalty is expressly provided.

16 13-604.1.

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

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

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

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

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

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

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

1                   (7)     failure to include an authority line on campaign material as required in  
2 § 13–401 of this title;

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

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

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2021.