

## Chapter 15 – Enforcement

### 15.1 Audit

The State Board conducts an audit of every campaign finance report filed to ensure compliance with its laws and regulations. Political committees will be notified in writing by the State Board of any deficiencies, errors or omissions on their reports. The committee has thirty (30) days from the date of the notice to correct any deficiencies. Failure to correct the deficiencies and file a properly amended report will result in a report being considered not filed and late fees will be assessed.

*- § 13-327 of the Election Law Article*

The most common deficiencies are typically: missing or incomplete address information on contributions and expenditures; incorrect entries for reimbursements; and a lack of explanation for certain expenditures. Remember that it is required to get the full address when receiving contributions or making expenditures. As for reimbursements, the campaign finance report must include the ultimate payee of campaign funds.

### 15.2 The Office of the State Prosecutor

The State Board refers possible criminal offenses of state election law to the Office of the State Prosecutor (OSP) to investigate. In addition, OSP may investigate criminal offenses of state public ethics law, bribery, criminal malfeasance, extortion, and municipal voting. OSP may also initiate an investigation of criminal offenses per the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, and a State's Attorney.

*-MD Criminal Procedure Code § 14-107*

### 15.3 Offenses

#### 1. General Enumerated Offenses

The following offenses may result in a fine of up to but not exceeding \$1,000, or imprisonment for up to one (1) year, or both:

- A person may not directly or indirectly give, offer, or promise money or any other valuable thing to another person for the purpose of inducing or procuring that person to vote or refrain from voting for or against a candidate.
- A person may not directly or indirectly receive, accept, request, or solicit money, or any other valuable thing from another person for the purpose of inducing or procuring a third person to vote or refrain from voting for or against a candidate.
- A person may not vote or refrain from voting for or against a candidate, in consideration of money or any other valuable thing paid, received, accepted, or promised to that person or to another person.
- A person may not directly or indirectly pay, give, or promise money or any other valuable thing to defray the costs of an expenditure of the campaign finance entity.
- An employer who pays employees in envelopes may not mark on or enclose in the

envelopes a political motto, device, or argument that contains express or implied threats intended to influence the political opinions or actions of those employees.

- A person may not publish or distribute, or cause to be published or distributed, campaign material that does not include an authority line as required by law.

## 2. Concealing the Source or Intended Recipient

A transfer is not allowed if it is intended to conceal the source of the funds or intended recipient.

*- § 13-229 of the Election Law Article*

The responsible officers of a political committee may not knowingly receive a payment or promise of payment and enter it into an account book if the responsible officers know that it is not the name of the person that made the payment or promise of payment.

Furthermore, a person may not directly or indirectly pay or promise to pay a political committee in the name of another.

A person found guilty of making a campaign contribution under a false name may be fined up to \$1,000 and/or imprisoned for up to one (1) year and is ineligible for public or party office for four (4) years.

*- § 13-602(a)(5), (6), and (b) of the Election Law Article*

## 3. Failure to File Reports or Pay Late Fees

If a political committee fails to file a report, or fails to pay late fees assessed, the matter will be referred to the Office of the State Prosecutor for prosecution.

A responsible officer found in violation for failure to file is guilty of a misdemeanor and, on conviction, subject to a fine not exceeding \$25,000 and/or imprisonment not exceeding one (1) year.

*- §§ 13-335(b) and 13-603 of the Election Law Article*

## 4. False Reports or Statements

A person who willfully makes a false, fraudulent, or misleading statement or entry in any campaign finance report is guilty of the crime of perjury and subject to the criminal penalties attendant to that crime.

*- § 13-601 of the Election Law Article*

Additionally, an individual may not sign the name of any other individual or make an electronic submission on behalf of another individual on any form or other document under this title, without the authority and express consent of the individual whose name is signed.

*- § 13-602(a)(11) of the Election Law Article*

## 5. Criminal Penalties

A person who knowingly and willfully violates a provision of Title 13 that does not articulate a

specific penalty is subject to a fine of no more than \$25,000 and/or imprisonment up to one (1) year.

*-§ 13-603 of the Election Law Article*

The Office of the State Prosecutor

The State Board refers possible criminal offenses of state election law to the Office of the State Prosecutor (OSP) to investigate. In addition, OSP may investigate criminal offenses of state public ethics law, bribery, criminal malfeasance, extortion, and municipal voting. OSP may also initiate an investigation of criminal offenses per the request of the Governor, the Attorney General, the General Assembly, the State Ethics Commission, and a State's Attorney.

*-MD Criminal Procedure Code § 14-107*

6. Offenses relating to the management of the campaign.

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> and Subsequent Offenses
<b>A. Disbursement made by unauthorized individual</b>			
(1) If made by a person other than the responsible officers or candidate	\$500	\$1000	\$1000
(2) If made by a candidate	\$1000	\$1000	\$1000
(3) If made by the chair and not in accordance with Election Law Article §13-218(d)	\$500	\$1000	\$1000
<b>B. Failure to maintain a campaign bank account</b>			
(1) No bank account	\$100	\$500	\$1000
(2) Used personal or other account controlled by the responsible officers or candidate	\$1000	\$1000	\$1000
<b>C. Disbursement by unauthorized methods</b>			
(1) Credit card disbursement	\$200	\$1000	\$1000
(2) Cash disbursement greater than \$25	\$200	\$1000	\$1000
(3) Non-check disbursement for walk-around services	\$200	\$500	\$1000
<b>D. Failure to maintain account books and records</b>			
(1) Loan documents	\$500	\$1000	\$1000
(2) Bank records	\$1000	\$1000	\$1000
(3) Expenditure records	\$200	\$500	\$1000
(4) Campaign contribution records or receipts	\$200	\$500	\$1000

(5) Records for lump sum entries	\$200	\$500	\$1000
<b>E. Failure to report contribution(s) on a campaign finance report</b>			
(1) Less than 10 contributions	\$50	\$350	\$1000
(2) Between 10 and 20 contributions	\$150	\$600	\$1000
(3) More than 20 contributions	\$600	\$1000	\$1000
(4) Knowingly and willfully failed to disclose a contribution	\$1000	\$1000	\$1000
<b>F. Failure to report expenditure(s) on a campaign finance report</b>			
(1) Less than 10 expenditures	\$50	\$350	\$1000
(2) Between 10 and 20 expenditures	\$150	\$600	\$1000
(3) More than 20 expenditures	\$600	\$1000	\$1000
(4) Knowingly and willfully failed to disclose an expenditure	\$1000	\$1000	\$1000
<b>G. Failure to include authority line or authority line is insufficient</b>			
(1) No Authority Line	\$250	\$1000	\$1000
(2) Present but missing one or more requirements	\$50	\$300	\$750
<b>H. Failure to retain a copy of campaign material</b>	\$500	\$1000	\$1000
<b>I. Failure to receive affirmative consent by the contributor or donor for a recurring contribution or donation</b>	\$500	\$1000	\$1000
<b>J. Failure to report contribution(s) on a statement required under §14-1014 of the Election Law Article or §5-716 of the General Provision Article</b>			
(1) Less than 10 contributions	\$50	\$350	\$1000
(2) Between 10 and 20 contributions	\$150	\$600	\$1000
(3) More than 20 contributions	\$600	\$1000	\$1000
(4) Knowingly and willfully failed to disclose a contribution	\$1000	\$1000	\$1000
<b>K. Failure to make a monetary contribution or donation in United States currency in violation of Election Law Article §13-238, Annotated Code of Maryland</b>	\$750	\$1000	\$1000

<b>L. Failure to make a monetary disbursement or expenditure in United States currency in violation of Election Law Article, §13-250, Annotated Code of Maryland</b>	\$750	\$1000	\$1000
--	-------	--------	--------

The campaign bears the responsibility for payment of any violation. However, if the political committee is unable to pay, then the responsible officers are personally liable for the payment of the civil penalty.