



Political Law Alert

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Enforcement Sweep Under Maryland Pay-to-Play Reporting Law and Reminder of November Filing

The Maryland State Board of Elections recently sent out a notice to pay-to-play law filers for whom it is missing an Initial Report.

The Law

Within 15 business days of a company or its subsidiary being awarded a new Maryland state or local government contract worth \$200,000 or more, the company must file an Initial Report disclosing reportable contracts and reportable contributions made during the prior 24 months. A filer with such existing contract has to file regular semi-annual reports (the next one due on November 30, 2018 covering May 1-October 31 of 2018) during the life of the contract. Prior to an amendment to this requirement in 2015, a filer did not have to file either the Initial Report or the semi-annual report if there was no reportable contribution. The 2015 amendment required that these filings be made regardless of whether there was a reportable contribution (*i.e.*, merely if there was an award of a contract or an existing contract).

The Notice

As a result of the 2015 amendment, a filer with existing Maryland state or local government contracts worth \$200,000 or more had to start filing the semi-annual reports even if it had no reportable contribution. The Maryland State Board of Elections recently sent the notice to companies it identified as filing these semi-annual reports but which had not filed an Initial Report, requiring them to file such Initial Report within 30 days. Assuming the company did not historically have any reportable contributions, it did not have a duty to file an Initial Report unless a covered contract was awarded after the 2015 amendment.

Many of the filers did not receive the mailed notice and only discovered they were a subject of the sweep from an email received four days before the due date. We suggest checking the “Documents/Correspondence” section of your company’s registration from the Maryland State Board of Elections website [here](#) to ensure your company also was not a subject of the sweep.

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