

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE
Revised

House Joint Resolution 7 (Delegate Cardin, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

Election Law - Commission to Study Campaign Finance Law

This joint resolution establishes a Commission to Study Campaign Finance Law staffed by the State Board of Elections (SBE) and the Department of Legislative Services (DLS). An interim report of the commission's findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2012 session, must be provided to the Governor and General Assembly by December 31, 2011, with a similar final report due by December 31, 2012. The commission terminates June 30, 2013.

Fiscal Summary

State Effect: The bill's staffing requirements can be handled with existing resources by SBE and DLS.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill establishes a Commission to Study Campaign Finance Law, which must:

- examine the State election code as it relates to campaign financing;
- collect information about campaign financing practices and standards for other jurisdictions, including the federal government;

- consider specified issues related to campaign contributions;
- examine issues relating to the implementation of a voluntary system of public financing of campaigns for local, statewide, legislative, and judicial offices, including the costs and practical funding sources outside of the State's general fund;
- examine issues relating to the purpose and function of slates, including the process by which a candidate is added to and removed from a slate, the practice of creating statewide and regional slates among legislative candidates, and the role encompassed in the party committee model utilized in other jurisdictions for activities currently conducted in Maryland through slates;
- examine issues relating to the enforcement of election laws, including the roles and responsibilities of SBE, the Office of the State Prosecutor, and the Office of the Attorney General; and
- examine issues relating to opinions from the Office of the Attorney General, including the dissemination of letters of advice.

The commission is staffed by SBE and DLS and must provide an interim report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2012 session, to the Governor and General Assembly by December 31, 2011. A final report of the commission's findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2013 session, must be provided to the Governor and General Assembly by December 31, 2012.

Current Law/Background: State campaign finance law applies to each election conducted under State election law, but does not apply to campaign finance activity governed solely by federal law. Except for municipal elections outside Baltimore City, State election law generally applies to all primary, general, and special elections, including those for county offices.

State campaign finance laws regulate various aspects of campaign finance activity in the State, including actions of candidates and campaign finance entities (through which all campaign finance activity generally must be conducted) and the extent to which individuals and entities can contribute to campaigns.

The State's campaign finance laws were recently reviewed by the Attorney General's Advisory Committee on Campaign Finance formed in the fall of 2010. In its January 4, 2011 report, the committee made various recommendations for actions to be taken by the General Assembly, the State Board of Elections, and the Attorney General. The report indicated that the committee's work "was primarily legal in focus, considering ways to improve or strengthen the existing system, not to propose reforms that would fundamentally change that structure or that relate to what are more purely questions of policy."

Additional Information

Prior Introductions: None.

Cross File: SJ 4 (Senator Dyson) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections, Maryland Attorney General's Advisory Committee on Campaign Finance, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2011
ncs/hlb Revised - House Third Reader - March 28, 2011
Revised - Enrolled Bill - May 3, 2011

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