

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1275
Ways and Means

(Delegate Cardin, *et al.*)

Education, Health, and Environmental Affairs

Election Law - Petition Fund Reports - Available Online

This bill requires the State Board of Elections (SBE) to make statements filed with State law referendum petitions and petitions relating to a county charter, which show the contribution and expenditures for the petition, publicly available on SBE's Internet site. A person with whom a statement is filed must forward a copy of the statement to SBE within 24 hours after the statement is filed.

The bill takes effect June 1, 2012.

Fiscal Summary

State Effect: None. The bill does not affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: At the time of filing a State law referendum petition or a petition relating to a county charter (for creation of a charter board, nomination of charter board members, or a charter amendment), the person who files the petition must also file a signed statement, under penalty of perjury, showing the contributions and expenditures for the petition, including:

- the name and post office address of every contributor to the expense of the petition;

- the amount contributed by each contributor; and
- the name and address of each person to whom any money was paid or promised for providing a service related to the petition.

If the statement is not filed with the petition, the petition cannot ultimately be certified as having satisfied all the requirements of the law.

Under Article XVI of the Maryland Constitution, State law referendum petitions are filed with the Secretary of State. Under Article XI-A, which authorizes petitions relating to a county charter, certain provisions specify that petitions, in at least certain cases, are filed with an official or governmental body of a county other than the local board of elections. Pursuant to § 6-205 of the Election Law Article, unless otherwise provided by the Maryland Constitution, a petition is filed in the office of the appropriate election authority. However, if the Maryland Constitution provides that a petition be filed with the Secretary of State or with an official or governmental body of a county, the petition must be delivered to SBE or the applicable local board of elections, respectively, within 24 hours.

Background: The bill implements a recommendation of the Commission to Study Campaign Finance Law, which was established by Joint Resolution 1 of 2011. The commission issued an initial report in January 2012. In this report, the commission recommended that, in order to have greater transparency and disclosure, legislation should be introduced requiring that statements of contributions and expenditures filed with State law referendum petitions and petitions relating to a county charter be made available online on the SBE website.

The Commission to Study Campaign Finance Law is given relatively broad discretion to examine the State's campaign finance laws and activity in the State and other jurisdictions, but is also charged with considering or examining various specific issues ranging from contribution limits to public campaign financing to enforcement of election laws. The commission held its first two meetings in December 2011 and January 2012 and the commission's recommendations in the initial report originated from an effort to develop a list of noncomplex proposals that would offer immediate improvements to the existing campaign finance system. The commission must submit a final report by December 31, 2012.

Additional Information

Prior Introductions: None.

Cross File: SB 982 (Senator Benson) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections, Commission to Study Campaign Finance Law, Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2012
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