

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 453 (Senators Manno and Peters)
Education, Health, and Environmental Affairs

**Election Law and Ethics - Political Parties - Uniform Transparency, Disclosure,
and Accountability Act**

This bill requires that the constitution and bylaws of each political party provide that a central committee must (1) provide public access to records related to filling a vacancy in public office, similar to the provisions of the Public Information Act governing access to public records; (2) perform activities related to filling a vacancy in public office in an open and public manner, similar to the requirements of the Open Meetings Act; and (3) prohibit a member of the central committee from demanding or receiving a bribe related to filling a vacancy in public office. The bill also makes members of, or candidates for election to, the State or local central committee of a political party subject to financial disclosure provisions of the Maryland Public Ethics Law and prohibits State and local elected officials and certain court-appointed personnel from being members of the State or local central committee of a political party.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: A political party's State central committee determines its own rules of procedure, not inconsistent with the provisions of the Election Law Article of the Annotated Code. Except as otherwise provided in the Election Law Article, each political party must adopt and be governed by a constitution and all bylaws and rules

adopted in accordance with the constitution. Among other things, the constitution and bylaws of each political party must provide for (1) such matters as in its opinion are necessary for the proper conduct of party affairs and (2) the adoption of rules governing the political party.

Background:

Central Committees

Under the Maryland Constitution, if there is a vacancy in the office of senator or delegate, the local central committee of the party of the vacating senator or delegate (when elected or appointed), and in the applicable county or district, submits a person's name to the Governor for appointment. Where there is more than one applicable central committee due to a district covering more than one county, each committee has a vote for the name submitted and if there is a tie vote, the list of names proposed is submitted and the Governor makes the appointment from the list. Central committees also submit names to the Governor for appointments to the State and local boards of elections and to fill vacancies in local offices in certain cases. Central committees also directly fill vacancies in State and local candidacies before primary elections and vacancies in nomination before general elections.

Public Information Act – Access to Public Records

The provisions of the Public Information Act governing access to public records establish a general right that “all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.” Further, the Act states that “[e]xcept as otherwise provided by law, a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time,” and “inspection or copying of a public record may be denied only to the extent provided under [the Act].”

Open Meetings Act

Under Maryland's Open Meetings Act, with limited exceptions, a “public body” must (1) provide adequate notice of the time and location of meetings and (2) meet in open session in a location that is reasonably accessible to attendees. A public body is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor's cabinet and Executive Council, and single-member entities.

Maryland Public Ethics Law – Financial Disclosure

Under the financial disclosure provisions of the Maryland Public Ethics Law, various officials are required to file financial disclosure statements with the State Ethics Commission, including State elected officials (other than those in the Judicial Branch, who file with the Judiciary), candidates for those offices, and State employees designated as public officials under standards set out in the law. The statements are required to contain specified information on financial interests, gifts, employment by or a similar interest in an entity doing business with the State, indebtedness to an entity doing business with the State, family members employed by the State, and sources of earned income.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Ethics Commission, Office of the Attorney General, Charles and Frederick counties, Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2013
mc/kdm

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510