

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 867 (Delegate Rosenberg)  
Environmental Matters

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General Assembly - Use of Public Resources - Ballot Issues

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This bill allows members of the General Assembly to use, to the extent permitted for legislative activity, public resources to promote the success or defeat of a ballot issue.

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Fiscal Summary

**State Effect:** Potential significant expenditure increase for the Department of Legislative Services (DLS) due to increased use of DLS resources for the promotion of a ballot issue.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** Statutory provisions specify that public resources may be used by members of the General Assembly only for public purposes. Incidental use of public resources for nonpublic purposes is not prohibited.

**Background:** As noted in the bill's preamble, an ethics opinion issued by the Joint Committee on Legislative Ethics imposes limitations on a member's use of General Assembly letterhead, electronic mail, State-owned computers, other equipment, and legislative buildings for campaign activity. The opinion specifies topics that cannot be contained in official correspondence, including the success or defeat of a ballot question, except in responding to an inquiry regarding the ballot question.

The Presiding Officers of the General Assembly, in a 2007 memorandum, also set forth guidelines for the use of the General Assembly's print shop and mail room. The memorandum advised that the use of governmental resources for the printing and postage of letters or other mailings is intended primarily for communications relating directly to a single legislative issue and for responses to constituent inquiries. For example, items may be sent only to a named person or named family, and items generically addressed to "friend," "resident," or a comparable term will not be sent.

**State Fiscal Effect:** The bill may significantly increase general fund expenditures for DLS reflecting additional mailings for the promotion of ballot issues, particularly in election years. DLS advises, that under current policy, members are permitted to send an "end of session" letter to constituents who have contacted them on an issue regarding the General Assembly. In 2012, 72 members sent out these letters at a cost of approximately \$51,137. Print shop expenditures to produce the letters totaled \$12,864, and staff time to print and fold the letters totaled 544 hours. The volume of mail generated to promote the success or defeat of a ballot issue will likely be considerably higher due to the ongoing nature of those efforts. As of the 2012 general election, there were almost 3.7 million registered voters in the State. If every registered voter receives just one piece of mail at the expense of the State, postage costs are in excess of \$1 million. Costs associated with paper and ink may also increase significantly due to the additional mailings. In addition, demand for posters likely increases significantly, further increasing costs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Ethics Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 28, 2013  
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