

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1164  
Ways and Means

(Delegates Buckel and McKay)

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Election Law - Contribution to a Candidate for Judicial Office

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This bill prohibits an individual from appearing as an attorney of record or party of record before a judge to whom the individual made a campaign contribution. The prohibition applies for five years after the date of the contribution and applies regardless of whether the contribution was made to the campaign finance entity that was established for the judge's candidacy or a campaign finance entity established by another person to support the judge's candidacy.

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Fiscal Summary

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:**

*Code of Judicial Conduct*

The Maryland Code of Judicial Conduct contains requirements applicable to candidates for election to judicial offices, including that candidates comply with all applicable election laws and regulations and act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary and maintain the dignity appropriate to judicial office. The code does not explicitly address campaign contributions, though a comment to

the rules governing political activity under the code notes that the election laws and regulations with which a candidate must comply govern candidates, campaign contributions, finance, expenditures, and reporting. Another comment to the rules states that, due to the role played by judges of making decisions based on the law and facts of each case (distinct from decision-making of legislators or executive branch officials), judges and candidates for judicial office must, to the greatest extent possible, be free and appear to be free from political influence and political pressure.

### *Campaign Finance Entities*

Unless otherwise expressly authorized by law, all campaign finance activity for an election under the Election Law Article of the Annotated Code must be conducted through a campaign finance entity. An individual may not file a certificate of candidacy or a declaration of intent until the individual establishes, or causes to be established, an authorized candidate campaign committee (a campaign finance entity authorized by the candidate to promote the candidate's candidacy). Campaign finance entities must have a chairman (which the candidate may be) and treasurer (which the candidate may not be) as responsible officers, must have one or more designated campaign accounts, and are subject to reporting, recordkeeping, and other requirements under the Election Law Article.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections, State Prosecutor's Office, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2016  
min/hlb

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