

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 1576  
Ways and Means

(Delegates McDonough and Lisanti)

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**Elections - Heads of State Governmental Units - Prohibition on Candidacy for  
Public Office**

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This emergency bill prohibits an individual from becoming a candidate for a public office while serving as the head of a governmental unit.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill requires the head of a governmental unit to vacate the individual's position as head of the unit before becoming a candidate for a public office. While serving as the head of a governmental unit, an individual may not (1) establish an authorized candidate campaign committee; (2) open a campaign account through a campaign finance entity; or (3) be a candidate for a public office.

"Head of a governmental unit" is defined as (1) the secretary of a principal department or (2) the primary manager of a unit in the Executive Branch of State government that has the authority to issue licenses or permits. "Head of a governmental unit" includes the Maryland Insurance Commissioner. The principal departments are (1) Aging; (2) Agriculture; (3) Budget and Management; (4) Commerce; (5) Disabilities; (6) the Environment; (7) General Services; (8) Health; (9) Housing and Community Development;

(10) Human Services; (11) Information Technology; (12) Juvenile Services; (13) Labor, Licensing, and Regulation; (14) Natural Resources; (15) Planning; (16) Public Safety and Correctional Services; (17) State Police; (18) Transportation; and (19) Veterans Affairs.

**Current Law/Background:** The State Ethics Commission indicates that generally the Maryland Public Ethics Law and other State laws have been interpreted to allow State employees and officials to run for public office provided they do not use State time, facilities, equipment, or otherwise misuse their State position or confidential information.

Under conflict of interest provisions of the Maryland Public Ethics Law, an official or employee is prohibited from intentionally using the prestige of office or public position for that official's or employee's private gain or that of another. The State Ethics Commission, which administers the Maryland Public Ethics Law, has, in advisory opinions, discussed the application of the prestige of office provision to campaigning and fundraising. In one opinion the commission stated: "With regard to political campaigning and fundraising ... the Commission has advised individuals of the continuing application of the [prestige of office provision] and the need to avoid circumstances where a person's position may figure in private campaigning. Individuals are consistently advised to take care in campaign activities about soliciting campaign funds or assistance from individuals who are subject to the agency's authority or that are vendors or likely vendors to the individual's agency employer."

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; Maryland Insurance Administration; State Ethics Commission; Department of Budget and Management; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2018  
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