

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 521 (St. Mary's County Delegation)
Ways and Means

**St. Mary’s County – Public Ethics – Prohibition on Campaign Contributions
From Individual Registered Lobbyists**

This bill prohibits an individual registered lobbyist, who is engaged to lobby on behalf of St. Mary’s County, from making a personal political contribution to (1) a member of the General Assembly representing any part of St. Mary’s County; (2) a member of the Commissioners of St. Mary’s County; or (3) any other State or local official who is elected to represent only St. Mary’s County. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: General fund expenditures increase by \$25,000 only in FY 2025 for programming costs. The bill otherwise is not expected to directly affect State operations or finances.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	25,000	0	0	0	0
Net Effect	(\$25,000)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to affect St. Mary’s County government operations or finances.

Small Business Effect: None.

Analysis

Current Law: State ethics law prohibits regulated lobbyists from, for the benefit of the Governor, the Lieutenant Governor, the Attorney General, the Comptroller, and members of the General Assembly, (1) soliciting or transmitting a political contribution from any person, including a political committee; (2) serving on a fundraising or political committee; (3) acting as treasurer for a candidate, official, or chair of a political committee; (4) organizing or establishing a political committee for the purpose of soliciting or transmitting contributions from any person; or (5) forwarding tickets for fundraising activities, or other solicitations for political contributions, to a potential contributor.

Regulated lobbyists may make personal political contributions, inform any entity of a position taken by a candidate or official, or engage in other activities not specifically prohibited by statute.

State Expenditures: The State Ethics Commission, which regulates registered lobbyists, must update its lobbying training system to incorporate the bill's restrictions. Therefore, general fund expenditures for the commission increase by \$25,000 only in fiscal 2025 for programming costs.

Additional Comments: First Amendment freedom of speech protections extend to “the right of the people [to] peaceably assemble, and to petition the Government for a redress of grievances.” *See* U.S. Constitution Amendment I. To “lobby” means, generally, to “try to persuade a government official . . . in attempt to influence some action proposed to be taken.” In its most basic form, lobbying is a form of petitioning the government, a right protected under the First Amendment.

In *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), the U.S. Supreme Court held that political spending is a form of protected speech under the First Amendment.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): St. Mary's County; State Ethics Commission; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2024
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