Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 301   (Senator Della)

Education, Health, and Environmental Affairs   Ways and Means

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Election Law – Payment for Walk-Around Services

This bill repeals the prohibition on a campaign finance entity from paying an individual for walk-around services and requires payments to be made by check drawn from a designated campaign account. Expenditures for walk-around services must be reported on the entity's campaign finance report.

The bill is effective July 1, 2004.

Fiscal Summary

State Effect: None. The bill is procedural in nature and would not directly affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Walk-around services include the following activities if performed for money while the polls are open on election day:

- distributing campaign material;
- stationing a person, including oneself, or an object in the path of a voter;
- electioneering or canvassing;

- communicating in any other manner a voting preference or choice; or
- performing any other service as a poll worker or distributor of sample ballots.

In September 2003, the Maryland Court of Appeals invalidated the provision in Title 13 of the Election Article that prohibited a campaign finance entity or person acting on its behalf, from paying an individual for walk-around services on the grounds that the law was too vague and infringed on the free-speech provisions of the U.S. Constitution and State Constitution (*State v. Brookins, 376 Md. 697 (2003)*).

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Board of Elections, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2004
mam/mdr   Revised - Senate Third Reader - March 25, 2004

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