

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 825
Ways and Means

(Montgomery County Delegation)

Education, Health, and Environmental Affairs

Montgomery County - Regulation of Campaign Finance Disclosure
MC 913-09

This bill authorizes Montgomery County to enact specified laws to regulate campaign finance disclosure for the county executive, a member of the county council, or a candidate for either of the offices. The Montgomery County Board of Elections must administer any such enacted laws.

Fiscal Summary

State Effect: None.

Local Effect: In the event laws regulating campaign finance disclosure are enacted, expenditures may increase for the Montgomery County Board of Elections to administer those laws. Currently, the State Board of Elections regulates campaign finance disclosure requirements. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law/Background: State campaign finance law applies to each election conducted under State election law, but does not apply to campaign finance activity governed solely by federal law. Except for municipal elections other than in Baltimore City, State election law generally applies to all primary, general, and special elections, including those for county offices.

In *County Council for Montgomery County, Maryland v. Montgomery Association, Inc.*, 274 Md. 52, 333 A.2d 596 (1975), the Court of Appeals held that three Montgomery County ordinances designed to regulate the campaign finance activities of candidates for county offices were invalid because the General Assembly “had preempted the field of election financing practices” through the enactment of detailed State campaign finance laws.

Additional Information

Prior Introductions: HB 826 of 2008 passed the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - March 9, 2009
ncs/hlb

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