

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 725
Ways and Means

(Delegate Impallaria, *et al.*)

Campaign Finance - Contributions by Foreign Nationals

This bill prohibits a foreign national from making a contribution to any campaign finance entity subject to State campaign finance laws. A “foreign national” is an individual who was born outside the jurisdiction of the United States, is a citizen of a foreign country, and has not become a naturalized citizen of the United States.

The bill takes effect June 1, 2010.

Fiscal Summary

State Effect: Criminal and civil penalties applicable to violations of the bill’s prohibition are not expected to significantly affect State finances or operations.

Local Effect: Criminal penalties applicable to violations of the bill’s prohibition are not expected to significantly affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law/Background: State law does not specifically address voting by foreign nationals.

With the exception of contributions to ballot issue committees, transfers between campaign finance entities, and in-kind contributions of a political party central committee, a person may not make, directly or indirectly, aggregate contributions within

a four-year election cycle of more than \$4,000 to any one campaign finance entity or \$10,000 to all campaign finance entities.

State law prohibits anonymous contributions; pass-through contributions (made in a name other than the contributor's name); contributions by State-funded entities; and the receipt of contributions by the Governor, Lieutenant Governor, Attorney General, Comptroller, or General Assembly members during a regular session of the General Assembly, unless solely in relation to the official's candidacy for an elective federal or local office or public campaign financing for a gubernatorial ticket during an election year.

Except as otherwise provided for specific offenses, a person who knowingly and willfully violates a provision of Title 13 ("Campaign Finance") of the Election Law Article (within which the bill's provisions are included) is guilty of a misdemeanor and on conviction is subject to a fine of up to \$25,000 and/or imprisonment for up to one year. An unknowing violation is subject to a civil penalty of up to \$5,000. The Secretary of State may also seek an immediate injunction against a violation of Title 13.

Federal law prohibits a foreign national from, directly or indirectly, making a contribution or donation of money or other thing of value, or making an express or implied promise to make a contribution or donation, in connection with a federal, State, or local election.

Additional Information

Prior Introductions: None.

Cross File: SB 750 (Senator Dyson) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections, State Ethics Commission, Judiciary (Administrative Office of the Courts), State Prosecutor's Office, Department of Legislative Services

Fiscal Note History: First Reader - February 19, 2010
mlm/mwc

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