

# Joint Resolution 1

## (House Joint Resolution 7)

A House Joint Resolution concerning

### **Election Law – Commission to Study Campaign Finance Law**

FOR the purpose of creating a Commission to Study Campaign Finance Law; specifying the composition, powers, and duties of the Commission; providing for the staffing of the Commission; requiring the Commission to report its findings and recommendations, including suggested legislative changes, to the Governor and the General Assembly by ~~a certain date~~ *certain dates*; providing for the termination of the Commission; and generally relating to the Commission to Study Campaign Finance Law.

WHEREAS, As the cost of election campaigns escalates, candidates and other persons involved in the political process often must devote an increasing amount of time and effort engaged in campaign fund-raising; and

WHEREAS, There is concern in Maryland and across the country that the cost of election campaigns may discourage potential candidates and present a serious obstacle to efforts to attract a wide and diverse field of candidates for elective office, including women and minorities; and

WHEREAS, Many citizens express concern about the perceived impact and link between campaign contributions and the executive and legislative decision-making process; and

WHEREAS, The people of Maryland ought to be assured that the State's campaign finance laws are structured in a way that enhances public confidence and trust in the executive and legislative decision-making process and that those decision-making processes are not subject to improper and undue influence because of campaign contributions; and

WHEREAS, The time now seems ripe for the General Assembly to take a fresh, comprehensive look at the issue of campaign finance regulation and assess whether additional modifications to the campaign finance laws are in order; now, therefore, be it

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

- (a) There is a Commission to Study Campaign Finance Law.
- (b) The Commission shall consist of the following 17 members:

~~(1) Four individuals appointed by the President of the Senate, at least one of whom shall represent the minority party in the Senate, including:~~

~~(i) At least two members of the Senate of Maryland; and~~

~~(ii) If necessary to fill the four appointments allowed to the President under this item, one or two additional individuals;~~

~~(2) Four individuals appointed by the Speaker of the House, at least one of whom shall represent the minority party in the House, including:~~

~~(i) At least two members of the House of Delegates; and~~

~~(ii) If necessary to fill the four appointments allowed to the Speaker under this item, one or two additional individuals; and~~

(1) Six individuals appointed by the President of the Senate of Maryland, including:

(i) Three members of the Senate of Maryland, at least one of whom shall be a member of the minority party of the Senate; and

(ii) Three additional individuals, at least one of whom shall be a member of the principal minority party in the State;

(2) Six individuals appointed by the Speaker of the House, including:

(i) Three members of the House of Delegates, at least one of whom shall be a member of the minority party in the House; and

(ii) Three additional individuals, at least one of whom shall be a member of the principal minority party in the State;

(3) ~~Nine~~ Five individuals appointed by the Governor, at least ~~three~~ one of whom shall be ~~members~~ a member of a political party other than that of the Governor, including:

~~(i) A member of the State Board of Elections;~~

~~(ii) A member of the State Ethics Commission;~~

~~(iii) A regulated lobbyist; and~~

(i) The State Administrator of Elections, or the State Administrator's designee;

(ii) The Executive Director of the State Ethics Commission, or the Executive Director's designee; and

~~(iv)~~ (iii) Six ~~Three~~ additional individuals.

~~(e) The chair of the Commission shall be designated by the Governor.~~

(c) The President of the Senate and the Speaker of the House jointly shall designate the chair of the Commission.

(d) The State Board of Elections and the Department of Legislative Services shall provide staff for the Commission.

(e) The Commission shall:

(1) Examine the State election code as it relates to campaign financing;

(2) Collect information about campaign financing practices and standards for other jurisdictions, including the federal government;

(3) Consider issues related to campaign contributions, including:

(i) The types of individuals, corporations, political action committees (PACs), unions, and other persons who make campaign contributions for elections in Maryland;

(ii) The role played by PACs in election campaigns in Maryland;

(iii) The adequacy of the current limits on contributions or transfers that may be made by individuals, PACs, or other persons during an election cycle;

(iv) The effectiveness of current disclosure requirements in Maryland and in other states in providing detailed and accessible information to the public regarding ~~beneficiaries~~ contributions to and expenditures by candidates, candidate slates, campaign committees, and political action committees;

(v) The role and impact of technology changes over the years on how campaigns are conducted and how money is raised and spent on elections;

(vi) The role and prevalence of "issue ads" and other independent expenditures under the current Maryland campaign finance laws, particularly in light of the recent United States Supreme Court decision in Citizens United v. Federal Election Commission; and

(vii) An assessment of the system of electronic filing for campaign contributions administered by the State Board of Elections to facilitate full and timely disclosure of campaign contributions;

(4) Examine issues relating to the implementation of a voluntary system of ~~public financing of statewide and legislative election campaigns in Maryland;~~ public financing of campaigns for local, statewide, legislative, and judicial offices, including the costs and practical funding sources available outside of the State's general fund;

(5) Examine issues relating to the purpose and function of slates, including the process by which a candidate is added to and removed from a slate, the practice of creating statewide and regional slates among legislative candidates, and the role encompassed in the party committee model utilized in other jurisdictions for activities currently conducted in Maryland through slates;

(6) Examine issues relating to the enforcement of election laws, including the roles and responsibilities of the State Board of Elections, the Office of the State Prosecutor, and the Office of the Attorney General;

(7) Examine issues relating to opinions from the Office of the Attorney General, including the dissemination of letters of advice;

~~(5)~~ (8) Receive testimony, as the Commission considers appropriate; and

~~(6)~~ Report its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2013 2012 Session, to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly not later than December 31, 2012 2011.

(9) (i) Provide an interim report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2012 Session, to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly by December 31, 2011; and

(ii) Provide a final report of its findings and recommendations, including any proposed statutory changes to the Maryland campaign finance laws for consideration by the General Assembly in the 2013 Session, to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly by December 31, 2012.

(f) The Commission shall terminate its existence after June 30, ~~2013~~ 2012  
2013; and be it further

RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates.

**Signed by the President and the Speaker, May 10, 2011.**