

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1035 (Senator Smith)
Education, Health, and Environmental Affairs

Declaration of Rights - Right to Information

This constitutional amendment declares that the U.S. Constitution provides to the people of this State a representative form of government and guarantees the rights of free speech, assembly, and petition, and in order to ensure that elected officials are responsive to the people, the public has a right to have access to information in a timely, open, and transparent manner regarding how, when, and by and from whom funds are raised and spent to influence (1) the State's elections; (2) governmental actions in selecting candidates for office; and (3) ballot questions.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: The bill does not directly affect local government finances.

Small Business Effect: None.

Analysis

Current Law/Background:

Disclosure of Fundraising and Spending under State Campaign Finance Law

State campaign finance law regulates various aspects of raising and spending of funds in relation to the State's elections. Various reporting requirements apply to different types of election-related fundraising and/or spending, including campaign finance activity of political committees (those affiliated with candidates and those not affiliated with

candidates), raising and spending of funds to support or oppose a petition to place a question on the ballot and to support or oppose a question on the ballot, and independent political spending by individuals or entities to influence State elections. The State Board of Elections makes reported information publicly available through its online Maryland Campaign Reporting Information System.

Declaration of Rights

Maryland has had a Declaration of Rights since 1776. The Court of Appeals has described the Declaration of Rights and the Constitution as composing the State's form of government, to be interpreted as one instrument (Baltimore v. State, 15 Md. 376 (1860)).

Additional Information

Prior Introductions: None.

Cross File: Although HB 1648 (Delegate A. Washington - Ways and Means) is designated as a cross file, it is not identical.

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

Fiscal Note History: First Reader - February 28, 2018
nb/hlb

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510