

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 921

(Senator Hough)

Education, Health, and Environmental Affairs Ways and Means and Economic Matters

**Frederick County - Ethics and Campaign Activity - County Board and
Commission Members and Board of License Commissioners**

This bill prohibits a member of the Board of License Commissioners for Frederick County, the Frederick County Board of Zoning Appeals, the Frederick County Ethics Commission, or the Frederick County Planning Commission; a person acting on behalf of the member; a campaign finance entity of the member; or any other campaign finance entity operated in coordination with the member from soliciting, receiving, depositing, or using a contribution while the member is serving on the board or commission. In addition, the bill prohibits a campaign finance entity of the member or any campaign finance entity operated in coordination with the member from making an expenditure, except to pay a specified late filing fee or civil penalty, while the member is serving on the board or commission. A campaign finance entity of the member or any other campaign finance entity operated in coordination with the member must pay any outstanding obligations before the member begins serving on the board or commission. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: None.

Local Effect: None. The bill does not materially affect Frederick County operations or finances.

Small Business Effect: None.

Analysis

Current Law: Chapter 273 of 2018 requires an appointed member of the Frederick County Board of Zoning Appeals, the Frederick County Ethics Commission, the Frederick County Planning Commission, or the Board of License Commissioners for Frederick County to vacate the member's position on the board or commission within 48 hours after opening a campaign account through a campaign finance entity established under State campaign finance law.

Boards and Commissions Affected by the Bill

The Frederick County Planning Commission consists of seven members appointed by the county executive and confirmed by the county council to five-year terms. The commission's responsibilities include approving site plans and subdivision plats and making recommendations on zoning amendments and comprehensive plans.

The Frederick County Board of Zoning Appeals consists of five members and one alternate appointed by the county council to three-year terms. The board's responsibilities include (1) hearing and deciding appeals of administrative zoning actions; (2) hearing and deciding special exceptions authorized in the zoning ordinance; and (3) authorizing, upon appeal in specific cases, variances from the zoning ordinance.

The Frederick County Ethics Commission consists of seven members and one alternate appointed by the county executive, subject to confirmation by the county council, to three-year terms. The commission's responsibilities include making determinations on alleged violations of the ethics ordinance, granting or denying exceptions to the ordinance, giving advisory opinions on the application of the ordinance, and recommending ordinance changes to the county governing body.

The Board of License Commissioners for Frederick County consist of three members appointed by the Governor to five-year terms. The board regulates the sale and distribution of alcoholic beverages within Frederick County, enforcing State law and the county alcoholic beverages regulations.

Campaign Finance Entities

A "campaign finance entity" is defined as a political committee established under provisions of the Election Law Article pertaining to campaign finance. An "authorized candidate campaign committee" is a campaign finance entity authorized by the candidate to promote the candidate's candidacy. Unless otherwise expressly authorized by law, all campaign finance activity for an election under the Election Law Article of the Annotated Code must be conducted through a campaign finance entity. An individual may not file a certificate of candidacy or a declaration of intent until the individual establishes, or causes

to be established, an authorized candidate campaign committee. Campaign finance entities must have a chairman (which the candidate may be) and treasurer (which the candidate may not be) as responsible officers; must have one or more designated campaign accounts; and are subject to reporting, recordkeeping, and other requirements under the Election Law Article.

The State Board of Elections must assess a late filing fee for a failure to meet specified reporting requirements and may impose a civil penalty for specified campaign finance-related violations. With specified exceptions, a late filing fee or specified civil penalty is paid by the campaign finance entity.

Additional Information

Prior Introductions: None.

Cross File: HB 673 (Delegate Pippy, *et al.*) - Ways and Means and Economic Matters.

Information Source(s): Frederick County; Department of Legislative Services

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