HOUSE BILL 949

By: Delegates Kittleman and Boteler
Introduced and read first time: February 10, 2022
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 Campaign Finance – Campaign Finance Reports – Prohibition on Disclosure

3 FOR the purpose of establishing that campaign finance reports are not subject to public
inspection under the Public Information Act and may not be disclosed to a person
other than the State Board of Elections or a local board of elections except under
certain circumstances; and generally relating to the disclosure of campaign finance
reports.

8 BY adding to
9 Article – Election Law
10 Section 13–302
11 Annotated Code of Maryland
12 (2017 Replacement Volume and 2021 Supplement)

13 BY adding to
14 Article – Local Government
15 Section 4–108.5
16 Annotated Code of Maryland
17 (2013 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, The right to a secret ballot is a foundational concept of the Republic;

and

WHEREAS, The secret ballot provision is to protect voters from being subject to
undue pressure or potential retaliation; and

WHEREAS, Current law requires candidates to publicly disclose the identity of
contributors and the amount of contributions; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
WHEREAS, Disclosing whose campaign a person contributed to is tantamount to disclosing who the contributor is likely to vote for, thus undermining the constitutional right to a secret ballot; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Election Law

13–302.

THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER THIS SUBTITLE:

(1) ARE NOT SUBJECT TO PUBLIC INSPECTION UNDER THE PUBLIC INFORMATION ACT; AND

(2) MAY NOT BE DISCLOSED TO A PERSON OTHER THAN THE STATE BOARD OR A LOCAL BOARD UNLESS:

(I) THE DISCLOSURE IS REQUIRED BY FEDERAL LAW;

(II) THE REPORT IS BEING DISCLOSED TO A LAW ENFORCEMENT AGENCY IN ACCORDANCE WITH A WARRANT; OR

(III) THE REPORT IS BEING DISCLOSED AS PART OF A BONA FIDE LEGAL PROCEEDING.

Article – Local Government

4–108.5.

IF A MUNICIPALITY REQUIRES CANDIDATES IN A MUNICIPAL ELECTION TO FILE CAMPAIGN FINANCE REPORTS, THE CAMPAIGN FINANCE REPORTS ARE:

(1) NOT SUBJECT TO PUBLIC INSPECTION UNDER THE PUBLIC INFORMATION ACT; AND

(2) MAY NOT BE DISCLOSED TO A PERSON OTHER THAN THE STATE BOARD OF ELECTIONS OR A LOCAL BOARD OF ELECTIONS UNLESS:

(I) THE DISCLOSURE IS REQUIRED BY FEDERAL LAW;

(II) THE REPORT IS BEING DISCLOSED TO A LAW ENFORCEMENT AGENCY IN ACCORDANCE WITH A WARRANT; OR
(III) THE REPORT IS BEING DISCLOSED AS PART OF A BONA FIDE LEGAL PROCEEDING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any requests for inspections of public records filed, campaign finance reports filed, or campaign contributions made before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2023.