

SENATE BILL 895

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CONSTITUTIONAL AMENDMENT

2lr2374

By: **Senator Smith**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Declaration of Rights – Campaign Financing Right to Know**

3 FOR the purpose of establishing that every individual has a right to know in an open,
4 timely, and transparent manner about how, when, and by whom money is spent and
5 from whom money is raised to influence the vote of the individual for candidates for
6 office and ballot questions; and establishing that a publicly financed election is a
7 right of the people.

8 BY proposing an addition to the Maryland Constitution
9 Declaration of Rights
10 Article 48

11 Preamble

12 WHEREAS, The U.S. Constitution provides the people of this State a representative
13 government and guarantees the rights of free speech, assembly, and petition; and

14 WHEREAS, To fully exercise these rights of self-government, the public needs
15 information to choose candidates for office, decide ballot questions, and ensure that elected
16 officials are responsive to the people; and

17 WHEREAS, Our system of representative government depends in part on
18 guaranteeing that election campaigns are funded by and for the people and on eliminating
19 the corrupting and undemocratic effects of large private contributions; and

20 WHEREAS, The people have the right to know the source of the funds being spent
21 to influence the State's elections and governmental actions; and

22 WHEREAS, That right includes transparency about how, when, and by and from
23 whom significant funds are raised and spent to influence elections and governance; now,
24 therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
3 proposed that the Maryland Constitution read as follows:

4 **Declaration of Rights**

5 **ARTICLE 48.**

6 **(A) THAT EVERY INDIVIDUAL HAS THE RIGHT TO KNOW INFORMATION IN AN**
7 **OPEN, TIMELY, AND TRANSPARENT MANNER ABOUT HOW, WHEN, AND BY WHOM**
8 **MONEY IS SPENT AND FROM WHOM MONEY IS RAISED TO INFLUENCE THE VOTE OF**
9 **THE INDIVIDUAL FOR CANDIDATES FOR OFFICE AND BALLOT QUESTIONS.**

10 **(B) THAT A PUBLICLY FINANCED ELECTION IS A RIGHT OF THE PEOPLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
12 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
13 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
14 Constitution concerning local approval of constitutional amendments do not apply.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
16 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
17 voters of the State at the next general election to be held in November 2022 for adoption or
18 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
19 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
20 ballot there shall be printed the words “For the Constitutional Amendment” and “Against
21 the Constitutional Amendment”, as now provided by law. Immediately after the election,
22 all returns shall be made to the Governor of the vote for and against the proposed
23 amendment, as directed by Article XIV of the Maryland Constitution, and further
24 proceedings had in accordance with Article XIV.