

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Energy, and
the Environment Committee



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

Joint Audit and Evaluation Committee

Joint Committee on Federal Relations

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB16: Exploratory & Draft Committees

Education, Energy, & the Environment Committee

January 30, 2024: 1:00 PM

For too long, Exploratory and Draft campaign committees have been exempt from our accountability and disclosure laws. [SB16](#) would close this loophole. Marylanders deserve to know who is financing prospective candidates for elected office.

An [Exploratory Committee](#) is “an entity established by a prospective candidate for a public office to determine the potential candidate’s viability.” A [Draft Committee](#) is organized to encourage a potential candidate to run for office without approval by, or coordination with, that individual.

[Current law](#) fails to **provide oversight** for these entities. In 2022, the State Board of Elections (SBE) crafted [regulations](#) based on the Attorney General’s opinion regarding the formation of Exploratory Committees. These didn’t require compliance with basic campaign finance transparency laws. SB16 requires that both types of committees report contributions to the SBE, bringing them into line with the rules others must already follow.

SB16 does not eliminate these committees nor impose limits on donations. The bill would ensure that they would follow disclosure laws; limit the purpose for which funds can be expended; and establish processes for dissolving them. These guardrails do not currently exist.

Exploratory and Draft Committees would be allowed to engage in the following types of expenditures:

- Public opinion polls;
- Direct mail;
- Hiring staff;
- Website hosting;
- Digital communications;
- Leasing (but not purchasing) office space; and
- Purchasing electronic equipment.

This is not a hypothetical issue. Candidates from both parties have had exploratory or draft committees, including: Laura Neuman (D- Governor 2022); Michael Steele (R- Governor 2021); Jim Shea (D- Governor 2017); and Larry Hogan (R-Governor 2010); among others.

This bill should be neither controversial nor partisan. It passed the Senate unanimously in 2023.

I urge a favorable report on SB16.