



January 30, 2025

Legislative Position: Unfavorable
House Bill 233
Labor and Employment - Mandatory Meetings on Religious
or Political Matters - Employee Attendance and Participation
House Economic Matters Committee

Dear Chairman Wilson and members of the committee:

Founded in 1969, the Howard Chamber of Commerce is dedicated to helping businesses—from sole proprietors to large international firms—grow and succeed. With the power of 700 members that encompass more than 170,000 employees, the Howard County Chamber is an effective partner with elected officials and advocates for the interests of the county's business community.

As introduced, HB 233 would, among other things, prohibit a Maryland employer from exercising its constitutional and statutory right to speak to its employees about “political issues,” which the bill defines to include “the decision to join or support any labor union.” As set forth in detail below, HB 233 presents significant constitutional, statutory, and economic concerns. The Howard County Chamber believes that this legislation places unconstitutional restrictions on employers’ freedom of speech, its preemptive nature conflicts with federal labor laws, and the adverse effects on Maryland’s business climate and economy are significant.

Constitutional Concerns

HB 233 directly violates the First and Fourteenth Amendments of the U.S. Constitution by impeding employers’ rights to express their viewpoints on political matters, including issues related to labor and unionization. By regulating the content of employers communications with their employees, this legislation unlawfully restricts freedom of speech and inhibits employers from sharing vital information on matters of public concern. Moreover, the bill’s broad and vague definitions of “political matters” introduce further constitutional concerns, as they fail to provide clear guidance to employers and may result in arbitrary enforcement. If enacted, this legislation would likely be subject to immediate legal challenges.

By its express terms, HB 233 would regulate speech on “matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, proposals to change public policy, and the decision to join or support any political party or political, civic, community, fraternal, or labor organization.” As “the legislature is constitutionally disqualified from dictating the subjects about which persons may speak and the speakers who may address a public issue,” HB 322 violates Maryland employers’ rights. See *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 784-85 (1978).



Conflict with Federal Labor Laws

HB 322 is preempted by federal labor law, particularly Section 8(c) of the National Labor Relations Act (NLRA). This provision explicitly safeguards employers' rights to express their views on labor-related issues including politics and unionization, without fear of reprisal or penalty. The NLRA also safeguards the right to require employees to attend meetings or otherwise view communications about those issues. This legislation would create a new Article 3-718 under Maryland's Labor and Employment Code which would eviscerate these rights. HB 802's attempt to regulate employer speech directly contradicts the protections afforded by the NLRA and undermines the balance of labor relations established at the federal level. The NLRA comprehensively regulates labor matters throughout the United States. See *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959) (forbidding states to regulate activity that the NLRA protects, prohibits, or arguably protects or prohibits) ("Garmon preemption") & *Machinists v. Wisconsin Employment Relations Comm'n*, 427 U.S. 132, 140 (1976) (forbidding both the National Labor Relations Board (NLRB) and states from regulating conduct that Congress intended be left to be controlled by the free play of economic forces) ("Machinists preemption").

Anti-Competitive Impact

HB 322 denies employers their Constitutional right to speak about a range of important issues. The legislation sends a negative message to Maryland's business community. At a time when Governor Moore is pushing a "growth agenda" for Maryland's business climate in a season when state and local budgetary challenges are becoming impossible to ignore, telling Maryland's business community that they must now litigate to protect their First Amendment rights sends a devastating message.

HB 322 poses a significant threat to Maryland's economic competitiveness and business climate. By depriving employers of their constitutional rights and introducing legal uncertainty, this bill creates a hostile environment for businesses, discouraging investment and hindering economic growth. Maryland's already sluggish economic performance will continue to decline if HB 322 is enacted, leading to business out-migration and diminished prospects for attracting new enterprises.

For these reasons, the Howard County Chamber of Commerce respectfully **requests an unfavorable report on HB 233.**

Sincerely,

Kristi Simon
President & CEO
Howard County Chamber of Commerce