



**Unfavorable Statement HB514/SB04  
Keeping Charities Nonpartisan Act**  
Laura Bogley, JD  
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**We Respectfully Oppose HB514/SB04**

**THIS BILL WILL CHILL FREE SPEECH IN MARYLAND**

On behalf of our chapters and members across the state, we oppose SB04/HB514. While we are in agreement that *all* nonprofit organizations should be held to the highest standard in their use of public funds and private donations, we must oppose this bill which would resort to tyranny and weaponize the State to infringe upon citizens’ First Amendment rights of freedom of speech, assembly and redress.

The bill is **anti-democratic**, and if enacted, would invite serious litigation at taxpayer expense. The bill would empower the State to utilize unilateral administrative means to target conservative nonprofit organizations with administrative penalties and disenfranchisement to silence opposing viewpoints that the First Amendment was designed to protect. This bill would **deny due process** and a right to hearing to charitable organizations targeted and accused by the State.

Contrary to these legal principles, the bill would put the burden on nonprofit organizations to disprove accusations made by the State that they coordinated election activities with a particular political candidate or party, and deny these organizations their due process and day in court. As a result, nonprofits could be denied their charter and nonprofit registration with the Maryland Secretary of State without sufficient opportunity to redress the government for the infringement of their speech.

The bill also patently misunderstands or manipulates the laws that control political activities by nonprofit organizations. The bill challenges Supreme Court precedent articulated in the *Citizens United v. Federal Election Commission* which held that corporations and nonprofit organizations are a collection of citizens and therefore these organizations can invest money in political elections, as long as they do not directly support a candidate or party. By enacting this bill into law, the Assembly would be inviting litigation and possibly, an appeal to the Supreme Court of the United States, which would likely result in a favorable decision for nonprofit organizations and free speech. **The bill would put political spending by abortion organizations and the State’s application of the law under scrutiny.**

<b><u>Political Spending by Organization</u></b>	<b><u>2022 Midterms</u></b>	<b><u>2024 Election</u></b>	<b><u>2-Cycle Total</u></b>
<b>Planned Parenthood</b>	~\$50 Million	\$69.5 Million	<b>~\$119.5 Million</b>
<b>EMILY's List (PACs)</b>	~\$35 Million	~\$40 Million+	<b>~\$75 Million+</b>
<b>Repro Freedom for All</b>	~\$15 Million	~\$20 Million+	<b>~\$35 Million+</b>
<b>Other (State PACs/Ballot Measures)</b>	~\$15 Million	~\$25 Million+	<b>~\$40 Million+</b>
<b>Estimated Grand Total Political \$\$</b>			<b>\$269.5 Million</b>

## **CONTENT DISCRIMINATION INFRINGES ON CONSTITUTIONAL RIGHTS**

It is our position that this bill will empower the State to infringe upon First Amendment rights in order to suppress political or ideological opponents. The bill could make pro-life citizens and others, victims of endless lawfare at taxpayer expense.

The First Amendment exists to protect the rights of citizens to speak out against the actions of their Government. Our laws, including anti-SLAPP laws, should ensure equal protection to all citizens, particularly those with whom the Government disagrees. The existing statute protects defendants against frivolous lawsuits.

However, this bill proposes to utilize the administrative state to circumvent and undermine the First Amendment protections currently cited in Section 5-8007(b)(d) of the Courts and Judicial Proceedings Article which states that a SLAPP suit is a suit “Intended to inhibit or inhibits the exercise of rights under the First Amendment of the U.S. Constitution or Article 10, Article 13, or Article 40 of the Maryland Declaration of Rights.”

For the past 5 sessions, Maryland Right to Life has been the primary opponent opposing the agenda of a faction of democrat lawmakers to amend the existing anti-SLAPP lawsuit to allow the State and others to sue those with opposing viewpoints to prevent their public participation when the State deems this action is brought in the “general public interest”. Because this faction has failed to enact their SLAPP exception bill, they seek to weaponize the administrative State against their opponents. **This is the definition of tyranny.**

## **FEDERAL PRECEDENT PROHIBITS TARGETING PRO-LIFE SPEECH**

In conflict with federal court precedent, this bill attempts to weaponize the administrative state against **pro-life speech which has been under attack as commercial speech** in Maryland. In [\*Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore, 879 F.3d 101 \(4th Cir. 2018\)\*](#), the City of Baltimore acting on behalf of abortion advocates, attempted unsuccessfully to put pro-life pregnancy centers out of business by enacting a targeted ordinance against **commercial** speech as "deceptive advertising".

The federal appeals court for the 4<sup>th</sup> Circuit affirmed the lower court’s decision in favor of the pro-life pregnancy center, noting that *“the City has considerable latitude in regulating public health and deceptive advertising. But Baltimore’s chosen means here are too loose a fit with those ends, and in this case compel a politically and religiously motivated group to convey a message fundamentally at odds with its core beliefs and mission.”* The City also failed to establish that the pro-life pregnancy center was engaged in commercial or professional speech, which required the Court to apply higher scrutiny against the government action. Without proving the inefficacy of less restrictive alternatives, providing concrete evidence of deception, or more precisely targeting its regulation, the City did not prevail.

## **ABORTION ORGANIZATIONS WILL BE PUT UNDER SCRUTINY**

The First Amendment protects citizens and the organizations they form from **content discrimination**. Enactment of this bill by the State would cause the State's neutral application of the law to be put under review. This examination will expose abortion rights organizations to serious scrutiny.

Over the last four years, the political spending of the two largest abortion organizations—**Planned Parenthood** and **Reproductive Freedom for All** (formerly NARAL)—along with the donor network **EMILY's List**, exceeded **\$250 million**. While much of their political spending is reported as independent expenditures, it may be revealed under a more stringent review that these organizations have treated taxpayer funds and private donations as “fungible”, or used to offset their political expenditures as well as their abortion practices.

These organizations are demonstrably aligned with the Democrat Party. They dedicate their candidate spending almost exclusively to **Democrat Party** candidates. They also exert strong influence over state and local Democrat central committees, including the selection process for candidates to fill legislative vacancies, as has been the case in Maryland where nominees have been selected directly from the staff or directors of NARAL or Planned Parenthood and Democrat political spouses have been given paid positions within these organizations and their extended networks.

**Planned Parenthood** operates several political arms, including **Planned Parenthood Action Fund** (a 501(c)(4)) and **Planned Parenthood Votes** (a Super PAC). Their spending in the last two cycles reached historic highs:

- **2024 Election Cycle:** Planned Parenthood's advocacy and political arms spent a record-breaking **\$69.5 million**.
- **2022 Midterm Cycle:** The organization spent approximately **\$50 million**. This was the first major election following the *Dobbs* decision, and funds were heavily directed toward gubernatorial races.
- **Four-Year Total:** Approximately **\$119.5 million**.

**Reproductive Freedom for All** often splits their political spending between direct candidate contributions and massive "voter mobilization" programs.

- **2024 Election Cycle:** The group committed to an eight-figure spending plan, including a specific **\$5 million** "Your Vote, Your Freedom" campaign to mobilize its 4 million members.
- **2025/2026 Preview:** They launched a **\$5 million** electoral program for the 2025 Virginia elections, viewing it as a "bellwether" for the 2026 midterms.
- **Historical Context:** In the 2022 cycle, the organization's revenue was approximately **\$17 million**, with a significant portion dedicated to political advocacy and independent expenditures.

**Emily's List** is the largest financial resource for pro-abortion female **democrat** candidates.

- **Fundraising Power:** Since its inception, the group has raised over **\$700 million**.
- **2022–2024 Impact:** In the 2022 cycle alone, their federal PAC and Super PAC (Women Vote!) spent over **\$30 million** on independent expenditures. In 2024, they remained one of the top spenders, specifically targeting state legislative majorities in states like Arizona and Michigan.

Emily's List admits "bundling" individual donations. While their PAC gives roughly \$4M directly to candidates, they facilitate **hundreds of millions** in individual checks from donors directly to candidates. Under review, it may be revealed that Planned Parenthood and RFFA do the same bundling.

These abortion organizations also have been know to provide **indirect support** to Democrat candidates. Instead of "giving" money to the party, they **share data**. For example, Planned Parenthood and Reproductive Freedom for All often coordinate their voter outreach lists with Democratic Party.

**While we would welcome the scrutinization of abortion “nonprofits” and their political networks, we respectfully urge you to do your duty to guarantee the First Amendment freedoms of Maryland citizens and the nonprofit organizations that they form together. We ask that you preserve democracy itself, by rejecting HB514/SB04 and its tyrannical weaponization of the administrative state against Maryland citizens and their freedom of speech.**

Respectfully Submitted,  
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