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February 11, 2026

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 4 – Charitable Organizations - Charitable Donation and Tax-Exempt Status - Revocation (Keeping Charities Nonpartisan Act of 2026)

The Office of the Attorney General (OAG) submits this letter of information in support of the objectives underlying **Senate Bill 4-Charitable Organizations - Charitable Donation and Tax-Exempt Status - Revocation (Keeping Charities Nonpartisan Act of 2026)**. The purpose of Senate Bill 4 is to preserve nonpartisanship in charities should a current and long-standing federal prohibition be weakened or repealed. Together with the Office of the Secretary of State, the Office of the Attorney General shares joint statutory authority to enforce the Maryland Solicitations Act (“the Act”). These joint enforcement activities aim to honor donor intent, root out charitable solicitation fraud and scams, and protect charitable assets.

Senate Bill 4 would expand the Act’s definition of "charitable organization" to encompass all entities eligible for federally deductible contributions and align the enforcement authority under the Act with certain existing IRS standards. Specifically, Senate Bill 4 expressly prohibits these organizations from intervening in political campaigns or engaging in candidate advocacy, mirroring the long-standing restrictions that have been placed on 501(c)(3) entities by the IRS. Violations of Senate Bill 4’s prohibition could lead to civil penalties and endanger an organization’s state tax-exempt status, namely, the exemptions for income, sales and use, and property taxes.

Under current federal law, 501(c)(3) entities, in exchange for tax-exemption, are prohibited from endorsing or rejecting candidates for public office. This prohibition covers campaign contributions

and actions to “participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.” 26 USCA § 501(c)(3). Since 1954, this prohibition, called the Johnson Amendment, has worked to enhance the public good, make it financially easier to pursue charitable missions, and helps keep charitable enterprises from becoming partisan. The Johnson Amendment has, in recent years, been subject to attack despite widespread support and general compliance in the nonprofit sector.

While we support Senate Bill 4’s policy objective to maintain nonpartisanship should the Johnson Amendment be weakened or repealed, it is important to consider the fiscal and operational concerns that may confront the Office of the Secretary of State and the Office of the Attorney General. Specifically, charitable enforcement activities are funded by registration fees from charitable organizations that solicit in the State, many of which are federally tax-exempt. However, Senate Bill 4 extends charitable enforcement authority to all federally tax-exempt organizations. Many of these organizations, such as private foundations that do not solicit the public, are not required to register or annually disclose their fundraising operations to the Office of the Secretary of State. Next, while Senate Bill 4’s aim is to fit seamlessly into existing enforcement activities under the Act, it does introduce a new potential for defensive and politically motivated litigation, increasing the legal needs of both the Office of the Attorney General and the Office of the Secretary of State. This could unintentionally pull focus from enforcement activities that honor donor intent and shut down sham charities. We urge the General Assembly to consider the capacity and resources needed to implement a new charitable enforcement objective, while at the same time making sure attention is not taken away from ongoing enforcement and vital efforts that rid the State of fundraising scams and fake charities.¹

We appreciate the General Assembly's work on this important policy and welcome the opportunity to share our perspective.

Cc: Members of the Committee

¹ <https://oag.maryland.gov/News/Pages/Attorney-General-Brown-and-Secretary-of-State-Lee-Shut-Down-Sham-Youth-Charities.aspx>