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### ***Testimony – State Board of Elections***

#### **HB 267 - Chair, Government, Labor and Elections Committee (By Request – Departmental – State Board of Elections)**

#### **Election Law – Campaign Finance Entities – Oversight and Control of Campaign Funds**

##### Purposes:

- Change the term Chairman to Chair
- Define the specific individuals who may appoint a campaign manager for a campaign
- Increase campaign committee treasurers' and their agents' understanding of and fidelity to clearly defined legal duties
- Increase transparency and accountability in campaign financing
- Ensuring compliant expenditure of campaign committee funds by a political action committee

##### Comments:

The State Board of Elections supports this legislation.

HB 267 would ensure proper control and use of campaign funds by clarifying the role and overall responsibilities of a campaign finance entity's treasurer as its financial steward; and by clarifying that the campaign owns the funds.

A treasurer may not serve "in name only" for a political committee, and as the financial steward is responsible for monitoring and accounting for all assets received, disbursements made, and obligations incurred. As campaigns evolve and become more complex, the current text of the law is antiquated. It currently provides, for example, that assets must be delivered to the Treasurer or that disbursements only can occur if "passed through the hands of the Treasurer". These laws were intended to prevent theft and ensure the Treasurer has direct knowledge of the financial undertakings of the committee.

The proposed legislation modernizes the statutory role of the treasurer without sacrificing its core function and responsibilities. Receipt of assets no longer must be delivered to the Treasurer but to the campaign. This simple change recognizes that credit card transactions are electronically deposited into the campaign account.

Additionally, the bill recognized that the Treasurer is not the only individual who makes disbursements for a campaign. The proposed legislation allows for the use of authorized agents designated by the Treasurer for specific, limited purposes to assist in the campaign. These agents understand their legal obligations to the committee and may not make any disbursement without a written authorization filed with the

State Board. Therefore, the State Board and campaign have knowledge of every individual with access to the campaign funds. Disbursements can be made by the authorized agents as long as the Treasurer has knowledge of the transaction for reporting purposes.

The proposed legislation has an enforcement provision to ensure compliance with the written notification provision.

Finally, the bill clarifies the role of a Chair in a political action committee. The role and responsibility is similar to a Chair of a central committee. It is the Chair who authorizes disbursements of funds and may incur obligations on behalf of the political action committee.

Mounting trustworthy elections begins with robust transparency requirements and safeguards around campaign finance. By holding campaign staff legally accountable for the use of campaign funds and disclosure of their actions, this legislation will help secure and maintain Marylanders' high level confidence in the electoral process.

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