

HOUSE JOINT RESOLUTION 7

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(11r2291)

ENROLLED BILL

— *Ways and Means/ Education, Health, and Environmental Affairs* —

Introduced by **Delegates Cardin, Busch, Hixson, and Rosenberg**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

RESOLUTION NO. _____

1 A House Joint Resolution concerning

2 **Election Law – Commission to Study Campaign Finance Law**

3 FOR the purpose of creating a Commission to Study Campaign Finance Law;
4 specifying the composition, powers, and duties of the Commission; providing for
5 the staffing of the Commission; requiring the Commission to report its findings
6 and recommendations, including suggested legislative changes, to the Governor
7 and the General Assembly by ~~a certain date~~ *certain dates*; providing for the
8 termination of the Commission; and generally relating to the Commission to
9 Study Campaign Finance Law.

10 WHEREAS, As the cost of election campaigns escalates, candidates and other
11 persons involved in the political process often must devote an increasing amount of
12 time and effort engaged in campaign fund-raising; and

13 WHEREAS, There is concern in Maryland and across the country that the cost
14 of election campaigns may discourage potential candidates and present a serious

EXPLANATION:

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 obstacle to efforts to attract a wide and diverse field of candidates for elective office,
2 including women and minorities; and

3 WHEREAS, Many citizens express concern about the perceived impact and link
4 between campaign contributions and the executive and legislative
5 decision-making process; and

6 WHEREAS, The people of Maryland ought to be assured that the State's
7 campaign finance laws are structured in a way that enhances public confidence and
8 trust in the executive and legislative decision-making process and that those
9 decision-making processes are not subject to improper and undue influence because of
10 campaign contributions; and

11 WHEREAS, The time now seems ripe for the General Assembly to take a fresh,
12 comprehensive look at the issue of campaign finance regulation and assess whether
13 additional modifications to the campaign finance laws are in order; now, therefore, be
14 it

15 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

16 (a) There is a Commission to Study Campaign Finance Law.

17 (b) The Commission shall consist of the following 17 members:

18 ~~(1) Four individuals appointed by the President of the Senate, at least~~
19 ~~one of whom shall represent the minority party in the Senate, including:~~

20 ~~(i) At least two members of the Senate of Maryland; and~~

21 ~~(ii) If necessary to fill the four appointments allowed to the~~
22 ~~President under this item, one or two additional individuals;~~

23 ~~(2) Four individuals appointed by the Speaker of the House, at least~~
24 ~~one of whom shall represent the minority party in the House, including:~~

25 ~~(i) At least two members of the House of Delegates; and~~

26 ~~(ii) If necessary to fill the four appointments allowed to the~~
27 ~~Speaker under this item, one or two additional individuals; and~~

28 (1) Six individuals appointed by the President of the Senate of
29 Maryland, including:

30 (i) Three members of the Senate of Maryland, at least one of
31 whom shall be a member of the minority party of the Senate; and

1 (ii) Three additional individuals, at least one of whom shall be a
 2 member of the principal minority party in the State;

3 (2) Six individuals appointed by the Speaker of the House, including:

4 (i) Three members of the House of Delegates, at least one of
 5 whom shall be a member of the minority party in the House; and

6 (ii) Three additional individuals, at least one of whom shall be a
 7 member of the principal minority party in the State;

8 (3) ~~Nine~~ Five individuals appointed by the Governor, at least ~~three~~ one
 9 of whom shall be ~~members~~ a member of a political party other than that of the
 10 Governor, including:

11 ~~(i) A member of the State Board of Elections;~~

12 ~~(ii) A member of the State Ethics Commission;~~

13 ~~(iii) A regulated lobbyist; and~~

14 (i) The State Administrator of Elections, or the State
 15 Administrator's designee;

16 (ii) The Executive Director of the State Ethics Commission, or the
 17 Executive Director's designee; and

18 ~~(iv)~~ (iii) Six ~~Three~~ additional individuals.

19 ~~(e) The chair of the Commission shall be designated by the Governor.~~

20 (c) The President of the Senate and the Speaker of the House jointly shall
 21 designate the chair of the Commission.

22 (d) The State Board of Elections and the Department of Legislative Services
 23 shall provide staff for the Commission.

24 (e) The Commission shall:

25 (1) Examine the State election code as it relates to campaign
 26 financing;

27 (2) Collect information about campaign financing practices and
 28 standards for other jurisdictions, including the federal government;

29 (3) Consider issues related to campaign contributions, including:

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1 (i) The types of individuals, corporations, political action
2 committees (PACs), unions, and other persons who make campaign contributions for
3 elections in Maryland;

4 (ii) The role played by PACs in election campaigns in Maryland;

5 (iii) The adequacy of the current limits on contributions or
6 transfers that may be made by individuals, PACs, or other persons during an election
7 cycle;

8 (iv) The effectiveness of current disclosure requirements in
9 Maryland and in other states in providing detailed and accessible information to the
10 public regarding ~~beneficiaries~~ contributions to and expenditures by candidates,
11 candidate slates, campaign committees, and political action committees;

12 (v) The role and impact of technology changes over the years on
13 how campaigns are conducted and how money is raised and spent on elections;

14 (vi) The role and prevalence of “issue ads” and other
15 independent expenditures under the current Maryland campaign finance laws,
16 particularly in light of the recent United States Supreme Court decision in Citizens
17 United v. Federal Election Commission; and

18 (vii) An assessment of the system of electronic filing for campaign
19 contributions administered by the State Board of Elections to facilitate full and timely
20 disclosure of campaign contributions;

21 (4) Examine issues relating to the implementation of a voluntary
22 system of public financing of statewide and legislative election campaigns in
23 Maryland; public financing of campaigns for local, statewide, legislative, and judicial
24 offices, including the costs and practical funding sources available outside of the State’s
25 general fund;

26 (5) Examine issues relating to the purpose and function of slates,
27 including the process by which a candidate is added to and removed from a slate, the
28 practice of creating statewide and regional slates among legislative candidates, and the
29 role encompassed in the party committee model utilized in other jurisdictions for
30 activities currently conducted in Maryland through slates;

31 (6) Examine issues relating to the enforcement of election laws,
32 including the roles and responsibilities of the State Board of Elections, the Office of the
33 State Prosecutor, and the Office of the Attorney General;

34 (7) Examine issues relating to opinions from the Office of the Attorney
35 General, including the dissemination of letters of advice;

1 ~~(5)~~ (8) Receive testimony, as the Commission considers appropriate; and

2 ~~(6)~~ ~~Report its findings and recommendations, including any proposed~~
3 ~~statutory changes to the Maryland campaign finance laws for consideration by the~~
4 ~~General Assembly in the 2013 2012 Session, to the Governor and, subject to § 2-1246~~
5 ~~of the State Government Article, the General Assembly not later than December 31,~~
6 ~~2012 2011.~~

7 (9) (i) Provide an interim report of its findings and
8 recommendations, including any proposed statutory changes to the Maryland
9 campaign finance laws for consideration by the General Assembly in the 2012 Session,
10 to the Governor and, in accordance with § 2-1246 of the State Government Article, to
11 the General Assembly by December 31, 2011; and

12 (ii) Provide a final report of its findings and recommendations,
13 including any proposed statutory changes to the Maryland campaign finance laws for
14 consideration by the General Assembly in the 2013 Session, to the Governor and, in
15 accordance with § 2-1246 of the State Government Article, to the General Assembly by
16 December 31, 2012.

17 (f) The Commission shall terminate its existence after June 30, ~~2013~~ 2012
18 2013; and be it further

19 RESOLVED, That a copy of this Resolution be forwarded by the Department of
20 Legislative Services to the Honorable Martin O'Malley, Governor of Maryland; the
21 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the
22 Honorable Michael E. Busch, Speaker of the House of Delegates.

Approved:

Speaker of the House of Delegates.

President of the Senate.