

SENATE BILL 1035

G1, P1

CONSTITUTIONAL AMENDMENT

8lr1414
CF 8lr3740

By: **Senator Smith**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Declaration of Rights – Right to Information**

3 FOR the purpose of proposing an amendment to the Maryland Constitution to establish the
4 Constitution of the United States of America provides to the people of the State a
5 representative government and guarantees the rights of free speech, assembly, and
6 petition, and that the public has a right to have access to information in a timely,
7 open, and transparent manner regarding how, when, and by and from whom funds
8 are raised and spent to influence State elections, governmental actions in selecting
9 candidates for office, and ballot questions; and submitting this amendment to the
10 qualified voters of the State for their adoption or rejection.

11 BY proposing an addition to the Maryland Constitution
12 Declaration of Rights
13 Article 48

14 Preamble

15 WHEREAS, The United States Constitution provides the people of this State a
16 representative government and guarantees the rights of free speech, assembly, and
17 petition; and

18 WHEREAS, To fully exercise these rights of self-government, the public needs
19 information to choose candidates for office, decide ballot measures, and ensure that its
20 elected officials are responsive to the people; and

21 WHEREAS, The people have a right to know the original source of the funds being
22 spent to influence the State's elections and governmental actions; and

23 WHEREAS, That right includes the right to transparency regarding how, when, and
24 by and from whom significant funds are raised and spent to influence elections and
25 governance; now, therefore,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 (Three-fifths of all the members elected to each of the two Houses concurring), That it be
3 proposed that the Maryland Constitution read as follows:

4 **Declaration of Rights**

5 **ARTICLE 48.**

6 **THAT THE CONSTITUTION OF THE UNITED STATES OF AMERICA PROVIDES TO**
7 **THE PEOPLE OF THIS STATE A REPRESENTATIVE GOVERNMENT AND GUARANTEES**
8 **THE RIGHTS OF FREE SPEECH, ASSEMBLY, AND PETITION, AND, IN ORDER TO**
9 **ENSURE THAT ELECTED OFFICIALS ARE RESPONSIVE TO THE PEOPLE, THE PUBLIC**
10 **HAS A RIGHT TO HAVE ACCESS TO INFORMATION IN A TIMELY, OPEN, AND**
11 **TRANSPARENT MANNER REGARDING HOW, WHEN, AND BY AND FROM WHOM FUNDS**
12 **ARE RAISED AND SPENT TO INFLUENCE:**

13 **(1) THE STATE'S ELECTIONS;**

14 **(2) GOVERNMENTAL ACTIONS IN SELECTING CANDIDATES FOR**
15 **OFFICE; AND**

16 **(3) BALLOT QUESTIONS.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
18 determines that the amendment to the Maryland Constitution proposed by Section 1 of this
19 Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland
20 Constitution concerning local approval of constitutional amendments do not apply.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the amendment to the
22 Maryland Constitution proposed by Section 1 of this Act shall be submitted to the qualified
23 voters of the State at the next general election to be held in November 2018 for adoption or
24 rejection pursuant to Article XIV of the Maryland Constitution. At that general election,
25 the vote on the proposed amendment to the Constitution shall be by ballot, and on each
26 ballot there shall be printed the words "For the Constitutional Amendment" and "Against
27 the Constitutional Amendment", as now provided by law. Immediately after the election,
28 all returns shall be made to the Governor of the vote for and against the proposed
29 amendment, as directed by Article XIV of the Maryland Constitution, and further
30 proceedings had in accordance with Article XIV.