

HOUSE BILL 949

G1, P3

2lr1307

By: **Delegates Kittleman and Boteler**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Campaign Finance – Campaign Finance Reports – Prohibition on Disclosure**

3 FOR the purpose of establishing that campaign finance reports are not subject to public
4 inspection under the Public Information Act and may not be disclosed to a person
5 other than the State Board of Elections or a local board of elections except under
6 certain circumstances; and generally relating to the disclosure of campaign finance
7 reports.

8 BY adding to

9 Article – Election Law

10 Section 13–302

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2021 Supplement)

13 BY adding to

14 Article – Local Government

15 Section 4–108.5

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2021 Supplement)

18 Preamble

19 WHEREAS, The right to a secret ballot is a foundational concept of the Republic;
20 and

21 WHEREAS, The secret ballot provision is to protect voters from being subject to
22 undue pressure or potential retaliation; and

23 WHEREAS, Current law requires candidates to publicly disclose the identity of
24 contributors and the amount of contributions; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Disclosing whose campaign a person contributed to is tantamount to
2 disclosing who the contributor is likely to vote for, thus undermining the constitutional
3 right to a secret ballot; now, therefore,

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That the Laws of Maryland read as follows:

6 **Article – Election Law**

7 **13–302.**

8 **THE CAMPAIGN FINANCE REPORTS REQUIRED UNDER THIS SUBTITLE:**

9 **(1) ARE NOT SUBJECT TO PUBLIC INSPECTION UNDER THE PUBLIC**
10 **INFORMATION ACT; AND**

11 **(2) MAY NOT BE DISCLOSED TO A PERSON OTHER THAN THE STATE**
12 **BOARD OR A LOCAL BOARD UNLESS:**

13 **(I) THE DISCLOSURE IS REQUIRED BY FEDERAL LAW;**

14 **(II) THE REPORT IS BEING DISCLOSED TO A LAW ENFORCEMENT**
15 **AGENCY IN ACCORDANCE WITH A WARRANT; OR**

16 **(III) THE REPORT IS BEING DISCLOSED AS PART OF A BONA FIDE**
17 **LEGAL PROCEEDING.**

18 **Article – Local Government**

19 **4–108.5.**

20 **IF A MUNICIPALITY REQUIRES CANDIDATES IN A MUNICIPAL ELECTION TO**
21 **FILE CAMPAIGN FINANCE REPORTS, THE CAMPAIGN FINANCE REPORTS ARE:**

22 **(1) NOT SUBJECT TO PUBLIC INSPECTION UNDER THE PUBLIC**
23 **INFORMATION ACT; AND**

24 **(2) MAY NOT BE DISCLOSED TO A PERSON OTHER THAN THE STATE**
25 **BOARD OF ELECTIONS OR A LOCAL BOARD OF ELECTIONS UNLESS:**

26 **(I) THE DISCLOSURE IS REQUIRED BY FEDERAL LAW;**

27 **(II) THE REPORT IS BEING DISCLOSED TO A LAW ENFORCEMENT**
28 **AGENCY IN ACCORDANCE WITH A WARRANT; OR**

1 **(III) THE REPORT IS BEING DISCLOSED AS PART OF A BONA FIDE**
2 **LEGAL PROCEEDING.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
4 apply only prospectively and may not be applied or interpreted to have any effect on or
5 application to any requests for inspections of public records filed, campaign finance reports
6 filed, or campaign contributions made before the effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 January 1, 2023.