

2017 Legislative Review

This session Common Cause Maryland helped move significant reforms on money in politics, and advanced technical reforms on a range of issues – teeing up more work to be done in 2018. In a session bookended with ethics scandals, and marked by partisan bickering in between, the progress we achieved in the 90-day session proves that elected officials can come to Annapolis and set aside their political concerns to focus on solid policy – fixing the fissures we are seeing in our democracy.

- strong progress

- some progress

- no progress

Campaign Finance

In the shadow of the 2018 elections, the legislature heeded warnings that big money is coming to Maryland. They passed a package of bills that close loopholes in the state’s campaign finance laws, strengthening rules focused on independent spenders such as SuperPACs.

- Ensure that Gubernatorial Public Financing Remains Viable** – After the 2014 campaigns, the Gubernatorial public campaign fund was almost entirely depleted. While **HB 72 (Del. Luedtke)**, which would have ensured that the program has enough funds to finance two participating candidates in any election year, did not pass, **the Governor’s budget** included \$1 million repayment to the fund.
- Put a Stop to Candidate and Super PAC Coordination** – Prior to session, Maryland did not define coordination – meaning that candidates could easily circumvent campaign donation limits by working together with Super PACs, entities that can receive unlimited campaign contributions. **HB 898 (Del. Ebersole)** defines coordination in Maryland law, reducing the role of outside spenders in our elections.
- Close Loopholes in Current Law** – The legislature moved two important bills, ensuring foreign companies are not allowed to spend money to influence our ballot campaigns (**SB 130, Sen. Simonaire**) and ensuring accountability by entities seeking to influence campaigns (**HB 1498, Del. Washington**). The legislature failed to pass a critical bill that would strengthen our state law to meet federal standards by requiring loans to campaigns are done through traditional lending mechanisms, ensuring the funds will be repaid (**SB 259 Sen. Bates, HB 551 Del. Cluster**).

Access to Voting

Maryland has a robust system for voter registration and access to the polls, but there are a few critical reforms that would tear down the last barriers to voting and make us a true national leader. The legislature missed a critical opportunity to make progress on this issue this year, but did move other technical reforms.

- Election Day Registration** – Marylanders are able to register to vote during early voting, but those who show up on Election Day are restricted from doing so. **SB 423 (Sen. Pinsky, Del. Reznik)** would have eliminated this unnecessary barrier and ensured anyone qualified to vote can do so when they show up to the polls. Sadly the measure died in conference committee on sine die.
- Increase Incentives for Election Judges** – Many of the problems we saw in Maryland’s primary came from the fact that we simply do not have enough qualified, trained election judges. **HB 73 (Del. Luedtke)** will lower the age to work the polls. Unfortunately, provisions requiring that poll workers are paid a minimum wage were amended out.
- Ensure Every Vote is Counted in Every Election** – reforms to introduce universal voter registration (**SB938, Sen. Smith/HB 741, Del. Turner**) and expand special elections to all openings in office (**HB 361, Del. Tarlau**) did not pass. However, the legislature made it easier to update your address during early voting (**HB1626, Del. Ali**) and required public notice of policy changes affecting voter rights (**HB 353, Del. Rosenberg**).

Redistricting Reform

For the first time in decades, the legislature passed reforms to change Maryland's rigged redistricting process. However, trigger provisions limit the chances of the bill taking effect.

- Redistricting Reform Act of 2017** – The legislature killed the **Governor's** legislation (**SB 252, HB 385**) to create an independent commission to draw legislative and Congressional district lines, set compactness standards for our Congressional districts, and ensure transparency and opportunity for public comment in the process. They instead moved a bill (**SB1023, Sen. Zucker**) that will only take effect if five other states also pass reforms to their processes. While the underlying policy in the bill is strong, this extensive trigger provision significantly decreases the likelihood of the bill's implementation.

Transparency and Accountability

Open and transparent government is critical for an accountable democracy. Too often, decisions or public records are kept behind closed doors. There is significant work to do in this area, though key bills passed that take discreet steps forward.

- Legislative Transparency Act** – The **Governor's** transparency bill (**SB 253**) advanced three core reforms, including: 1) live streaming of General Assembly Floor Sessions, standing committee hearings, and voting sessions; 2) Disclosure of receptions for executive employees paid for by registered lobbyists; and 3) Ensuring that public bodies are aware of and fulfill their responsibilities under the Open Meetings Act. While the Governor's bill did not move, the third element of it did move in a separate bill (**SB450, Sen. Manno/HB880, Del. Morales**).
- Public Access to Information** – Legislation (**SB1057, Sen. Lee/HB383, Del. Moon**) passed that will require custodians who deny requests under the PIA to justify why they chose denial over redaction. However, an effort to ensure that Marylanders have access to the outcomes of complaints they file against police (**SB 362 Sen. Conway, HB 698 Del. Barron**) did not advance.
- Live Streaming Election Board Meetings** – Legislation (**SB 91 Sen. Kagan/HB 169 Del Korman**) requiring the State Board to live stream meetings passed the House but not the Senate.

Other Initiatives

This year bipartisan interest in ethics reforms, reflecting the heightened awareness of ethical concerns at the state and national levels, resulted in strong ethics reforms. Legislative leadership also took strong action to protect our constitution against unprecedented attack.

- Public Integrity Act of 2017** – The **Governor's** bill (**HB 879**) strengthens the state's ethics law by improving transparency, giving citizens more oversight through the creation of an advisory Citizen Advisory Board to the Ethics Commission, and helps ensure that public officials not inappropriately influence legislation that could benefit them, their businesses, or their families.
- Liquor Board Reforms** – Bills moved to apply ethics oversight to all license commissions and liquor control board (**HB 1386, Lisante**) and to strengthen ethics provisions for Prince George's County liquor boards in particular (**SB 488/HB 1317, Prince George's Delegations**).
- Avert a Constitutional Crisis** – The state rescinded its outdated and dangerous calls for a constitutional convention (**SJ 2 Sen. Madaleno, HJ 2 Del. Frick**).