

**Department of Legislative Services**  
Maryland General Assembly  
2018 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 244 (Senators Robinson and Salling)  
Education, Health, and Environmental Affairs

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**Campaign Material – Social Media – Consent for Use of Image**

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This bill prohibits a campaign finance entity from disseminating campaign material that includes an image of an individual through social media unless the campaign finance entity has obtained the written consent of the individual for the use of the individual’s image for that purpose. “Social media” is defined as a website or an application that enables a user to create and share content or to participate in social networking.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect State finances.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** State election law and State Board of Elections regulations currently only require that campaign material disseminated through social media disclose the identity of persons responsible for transmitting the campaign material, and do not otherwise regulate the content of the campaign material.

Unless otherwise expressly provided in statute, a person who knowingly and willfully violates State campaign finance laws is guilty of a misdemeanor and on conviction is subject to a fine of up to \$25,000 and/or imprisonment for up to one year. Unknowing violations are subject to a civil penalty of up to \$5,000.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Board of Elections; State Prosecutor's Office; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2018  
nb/hlb

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