

HOUSE BILL 701

G2, G1

0lr1416
CF SB 537

By: **Delegate Dumais (Chair, Joint Committee on Legislative Ethics)**

Introduced and read first time: January 30, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Legislative Newsletters – Publication Expenses and Links**
3 **to Social Media Accounts**

4 FOR the purpose of providing that publication expenses related to unofficial legislative
5 newsletters may be paid by an authorized candidate campaign committee, rather
6 than a campaign account of a campaign finance entity, of an incumbent under certain
7 circumstances; repealing the authority for publication expenses related to legislative
8 newsletters to be paid from the personal funds of the incumbent or the spouse of the
9 incumbent under certain circumstances; prohibiting publication expenses related to
10 unofficial legislative newsletters from being paid from the personal funds of any
11 individual; repealing the late filing fee that is assessed for each day or part of a day
12 that a certain campaign finance report related to legislative newsletters is overdue;
13 providing that an official electronic legislative newsletter may include a link to a
14 social media account only under certain circumstances; defining certain terms;
15 repealing a certain definition; altering a certain definition; making conforming
16 changes; and generally relating to legislative newsletters used by members of the
17 General Assembly.

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 13–406 and 13–408
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – Election Law
25 Section 13–407
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2019 Supplement)

28 BY repealing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Election Law
2 Section 13–409
3 Annotated Code of Maryland
4 (2017 Replacement Volume and 2019 Supplement)

5 BY adding to
6 Article – General Provisions
7 Section 5–514.1
8 Annotated Code of Maryland
9 (2019 Replacement Volume)

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

12 **Article – Election Law**

13 13–406.

14 (a) In this Part II of this subtitle the following words have the meanings
15 indicated.

16 (b) “Incumbent” means a member of the General Assembly.

17 (c) [“Legislative newsletter” means an unsolicited document used by an
18 incumbent, without supervision by, or coordination with, the General Assembly, to
19 disseminate information to a constituent, voter, or potential voter about:

20 (1) the incumbent’s performance in legislative office; or

21 (2) one or more issues of public interest chosen by the incumbent.

22 (d)] “Publication expense” means an expenditure relating to writing, publishing,
23 printing, issuing, mailing, or distributing [a] AN UNOFFICIAL legislative newsletter.

24 **(D) “UNOFFICIAL LEGISLATIVE NEWSLETTER” MEANS AN UNSOLICITED**
25 **DOCUMENT USED BY AN INCUMBENT, WITHOUT SUPERVISION BY OR COORDINATION**
26 **WITH THE GENERAL ASSEMBLY, TO DISSEMINATE INFORMATION TO A**
27 **CONSTITUENT, VOTER, OR POTENTIAL VOTER ABOUT:**

28 **(1) THE INCUMBENT’S PERFORMANCE IN LEGISLATIVE OFFICE; OR**

29 **(2) ONE OR MORE ISSUES OF PUBLIC INTEREST CHOSEN BY THE**
30 **INCUMBENT.**

31 13–407.

1 Part II of this subtitle does not restrict the use by the General Assembly of any funds
2 appropriated in the State budget.

3 13–408.

4 (a) Publication expenses may not be paid from public funds.

5 (b) Publication expenses [may be paid from]:

6 (1) [a campaign account of a campaign finance entity] **MAY BE PAID BY AN**
7 **AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE** of the incumbent if the [campaign
8 finance entity] **AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE** complies with all
9 other requirements of this title regarding expenditures and campaign material; [or] **AND**

10 (2) [the personal funds of the incumbent or the spouse of the incumbent if,
11 as to each issue:

12 (i) the incumbent has not filed a certificate of candidacy;

13 (ii) the legislative newsletter contains a notice that it is
14 disseminated at the personal expense of the incumbent; and

15 (iii) within 10 days after the first mailing or distribution of the issue,
16 the incumbent files a campaign finance report with the State Board that contains:

17 1. a detailed list of publication expenses; and

18 2. an affidavit that no funds for the legislative newsletter
19 have been solicited or received from any source to supplement the personal funds] **MAY**
20 **NOT BE PAID FROM THE PERSONAL FUNDS OF ANY INDIVIDUAL.**

21 [13–409.

22 (a) There is a \$10 late filing fee for each day or part of a day, excluding a Saturday,
23 Sunday, or holiday, that a campaign finance report required by § 13–408 of this subtitle is
24 overdue.

25 (b) The maximum fee payable is \$250.

26 (c) A late fee assessed under this section shall be:

27 (1) paid from the personal funds of the incumbent; and

28 (2) distributed to the Fair Campaign Financing Fund established under §
29 15–103 of this article.]

Article – General Provisions

5-514.1.

(A) IN THIS SECTION, “OFFICIAL ELECTRONIC LEGISLATIVE NEWSLETTER” MEANS A DOCUMENT THAT:

(1) IS ELECTRONICALLY DISTRIBUTED; AND

(2) IS USED BY AN INCUMBENT, WITH SUPERVISION BY OR COORDINATION WITH THE GENERAL ASSEMBLY, TO DISSEMINATE INFORMATION ABOUT ONE OR MORE ISSUES OF PUBLIC INTEREST CHOSEN BY THE INCUMBENT.

(B) AN OFFICIAL ELECTRONIC LEGISLATIVE NEWSLETTER MAY INCLUDE A LINK TO A SOCIAL MEDIA ACCOUNT OF THE INCUMBENT ONLY IF THE SOCIAL MEDIA ACCOUNT:

(1) IS USED TO COMMUNICATE LEGISLATIVE AND CONSTITUENT INFORMATION;

(2) IS NOT PRIMARILY USED FOR ELECTORAL PURPOSES, AS DEFINED IN COMAR 33.13.01.01;

(3) IS NOT USED FOR THE PERSONAL ECONOMIC GAIN OF THE INCUMBENT; AND

(4) EXCEPT FOR A USUAL AND CUSTOMARY CONSTITUENT SERVICE, IS NOT USED FOR THE ECONOMIC GAIN OF ANOTHER PERSON.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.