

SENATE BILL 537

G2, G1

0lr1400
CF HB 701

By: **Senator Edwards (Chair, Joint Committee on Legislative Ethics) and
Senators Feldman, Griffith, Hershey, King, and Klausmeier**

Introduced and read first time: January 30, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2020

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,
2 Article – Election Law
3 Section 13–407
4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2019 Supplement)

6 BY repealing
7 Article – Election Law
8 Section 13–409
9 Annotated Code of Maryland
10 (2017 Replacement Volume and 2019 Supplement)

11 BY adding to
12 Article – General Provisions
13 Section 5–514.1
14 Annotated Code of Maryland
15 (2019 Replacement Volume)

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

18 **Article – Election Law**

19 13–406.

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

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

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

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

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

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

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

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

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

4 13-407.

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

7 13-408.

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

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

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

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

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

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

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

21 1. a detailed list of publication expenses; and

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

25 [13-409.

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

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

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

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

3 (2) distributed to the Fair Campaign Financing Fund established under §
4 15–103 of this article.]

5 **Article – General Provisions**

6 **5–514.1.**

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

9 (1) IS ELECTRONICALLY DISTRIBUTED; AND

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

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

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

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

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

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

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