

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 22

(Delegate Cardin)

Ways and Means

Election Law - Campaign Material - Alteration of Definition

This bill alters the definition of “campaign material” so that it includes (1) material that relates to a political party and (2) an automated or pre-recorded oral communication. The bill also establishes that in order to meet the definition of “campaign material,” the material must contain text, graphics, or images that are primarily related to campaign activity for an election. **The bill takes effect January 1, 2021.**

Fiscal Summary

State Effect: Any impact on State finances is not expected to be material.

Local Effect: Any impact on local government finances is not expected to be material.

Small Business Effect: None.

Analysis

Current Law/Background: “Campaign material” means any material that (1) contains text, graphics, or other images; (2) relates to a candidate, a prospective candidate, or the approval or rejection of a question or prospective question; and (3) is published, distributed, or disseminated. “Campaign material” includes (1) a qualifying paid digital communication; (2) any other material transmitted by or appearing on the Internet or other electronic medium; and (3) an oral commercial campaign advertisement.

Each item of campaign material generally must contain an authority line that states (1) as to campaign material published, distributed, or disseminated by a campaign finance entity, the name and address of the treasurer of each campaign finance entity responsible

for the campaign material and the name of each campaign finance entity for which each treasurer is acting and (2) as to campaign material published, distributed, or disseminated by any other person, the name and address of the person responsible for the campaign material. The authority line may omit an address that is on file with the State Board of Elections (SBE) or a local board.

Campaign material that is published or distributed in support of or in opposition to a candidate, but is not authorized by the candidate, must include the statement “This message has been authorized and paid for by (name of payor or any organization affiliated with the payor), (name and title of treasurer or president). This message has not been authorized or approved by any candidate.”

With the exception of billboards and signs, each campaign finance entity and each independent expenditure or electioneering communication registrant responsible for, publisher of, and distributor of an item of campaign material must keep a sample copy of the item for at least one year after the general election next following the date the item was published or distributed.

SBE is required to adopt (and has adopted) regulations governing the application of statutory campaign material requirements to campaign material transmitted through electronic media.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): State Board of Elections; Department of Legislative Services

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mr/hlb

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