

# HOUSE BILL 93

G1

(11r0398)

## ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Cardin, Rosenberg, Barkley, Bobo, Carr, Frick, Healey, Hixson, Howard, Ivey, Kaiser, Lafferty, Lee, Luedtke, Morhaim, Stein, and F. Turner**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Independent Expenditures and Electioneering**  
3 **Communications – Reporting**

4 FOR the purpose of altering the definition of “independent expenditure” ~~to include~~  
5 ~~independent expenditures relating to ballot issues~~; authorizing the State Board  
6 of Elections to audit certain independent expenditure reports and certain  
7 electioneering communication reports; requiring a person to file an independent  
8 expenditure or electioneering communication report on a certain date when the  
9 person makes aggregate ~~independent~~ expenditures of more than a certain  
10 amount in an election cycle on ~~campaign material that is a public~~  
11 ~~communication~~ certain communications; requiring a person who files an  
12 independent expenditure or electioneering communication report to file an  
13 additional ~~independent expenditure~~ report on a certain date when the person

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 makes aggregate ~~independent~~ expenditures of more than a certain amount on  
 2 ~~campaign material that is a public communication~~ certain communications  
 3 following the closing date of the person's previous independent expenditure or  
 4 electioneering communication report; requiring an independent expenditure or  
 5 electioneering communication report to cover certain periods; requiring an  
 6 independent expenditure or electioneering communication report to include  
 7 certain information; providing that a person is considered to have made an  
 8 independent expenditure or disbursement for electioneering communications if  
 9 the person has executed a contract to make an independent ~~expenditure~~  
 10 expenditure or disbursement for electioneering communications; clarifying that  
 11 a person who makes a certain contribution may not be considered to have made a  
 12 disbursement for electioneering communications because of the contribution;  
 13 requiring that certain costs of creating and disseminating campaign material be  
 14 considered in making a certain determination under this Act; requiring the  
 15 highest ranking official of treasurer or other individual designated by an entity  
 16 required to file an independent expenditure or electioneering communication  
 17 report to sign the report and be responsible for filing the report; subjecting an  
 18 individual who fails to file properly an independent expenditure or  
 19 electioneering communication report to certain sanctions; requiring an entity  
 20 that files an independent expenditure or electioneering communication report to  
 21 include certain information concerning independent expenditures or  
 22 electioneering communications in any regular, periodic report it submits to its  
 23 ~~shareholders, members, or donors on its finances or activities; requiring an~~  
 24 ~~entity that files an independent expenditure report to post a~~ a certain report  
 25 distributed to certain individuals or post a certain hyperlink on any Internet  
 26 ~~site if the entity maintains to the Internet site where the entity's independent~~  
 27 ~~expenditure report information is publicly available for a certain period of time;~~  
 28 requiring a person required to file an independent expenditure or electioneering  
 29 communication report under this Act to keep certain records for a certain period  
 30 of time; authorizing the State Board of Elections to adopt regulations as  
 31 necessary to implement this Act; providing for the application of this Act; a  
 32 delayed effective date; providing that only independent expenditures or  
 33 disbursements for electioneering communications made after the effective date of  
 34 this Act shall be considered for certain purposes; making the provisions of this  
 35 Act severable; defining certain terms; and generally relating to reporting of  
 36 independent expenditures and electioneering communications.

37 BY repealing and reenacting, without amendments,  
 38 Article – Election Law  
 39 Section 1–101(k)  
 40 Annotated Code of Maryland  
 41 (2010 Replacement Volume)

42 BY repealing and reenacting, with amendments,  
 43 Article – Election Law  
 44 Section 1–101(bb) and 2–102(b)(5)  
 45 Annotated Code of Maryland

1 (2010 Replacement Volume)

2 BY adding to  
3 Article – Election Law  
4 Section 13–306 and 13–307  
5 Annotated Code of Maryland  
6 (2010 Replacement Volume)

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

9 **Article – Election Law**

10 1–101.

11 (k) (1) “Campaign material” means any material that:

12 (i) contains text, graphics, or other images;

13 (ii) relates to a candidate, a prospective candidate, or the  
14 approval or rejection of a question; and

15 (iii) is published or distributed.

16 (2) “Campaign material” includes:

17 (i) material transmitted by or appearing on the Internet or  
18 other electronic medium; and

19 (ii) an oral commercial campaign advertisement.

20 (bb) **(1)** “Independent expenditure” means an expenditure by a person ~~to~~  
21 ~~aid or promote~~ **EXPRESSLY ADVOCATING** the success or defeat of a **CLEARLY**  
22 **IDENTIFIED** candidate **OR BALLOT ISSUE** if the expenditure is not made in  
23 coordination with, or at the request or suggestion of, [the] A candidate, a campaign  
24 finance entity of [the] A candidate, [or] an agent of [the] A candidate, **OR A BALLOT**  
25 **ISSUE COMMITTEE.**

26 **(2) FOR PURPOSES OF THIS SUBSECTION, “CLEARLY IDENTIFIED”**  
27 **MEANS:**

28 **(I) THE NAME OF THE CANDIDATE APPEARS;**

29 **(II) A PHOTOGRAPH OR DRAWING OF THE CANDIDATE**  
30 **APPEARS; OR**

1                   **(III) THE IDENTITY OF THE CANDIDATE OR BALLOT ISSUE IS**  
2 **APPARENT BY UNAMBIGUOUS REFERENCE.**

3 2-102.

4           **(b) In exercising its authority under this article and in order to ensure**  
5 **compliance with this article and with any requirements of federal law, the State Board**  
6 **shall:**

7                   **(5) receive, and in its discretion audit, campaign finance reports,**  
8 **INDEPENDENT EXPENDITURE REPORTS FILED UNDER § 13-306 OF THIS**  
9 **ARTICLE, AND ELECTIONEERING COMMUNICATION REPORTS FILED UNDER §**  
10 **13-307 OF THIS ARTICLE;**

11 **13-306.**

12           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
13 **MEANINGS INDICATED.**

14                   **(2) “~~CONTRIBUTION~~ DONATION” MEANS THE GIFT OR TRANSFER,**  
15 **OR PROMISE OF GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO**  
16 **A PERSON THAT IS MADE FOR THE PURPOSE OF FURTHERING INDEPENDENT**  
17 **EXPENDITURES.**

18                   **(3) “MASS MAILING” MEANS A MAILING BY UNITED STATES MAIL**  
19 **OR FACSIMILE OF MORE THAN 500 PIECES OF MAIL MATTER OF AN IDENTICAL**  
20 **OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY 30-DAY PERIOD.**

21                   **(4) (I) “PERSON” INCLUDES AN INDIVIDUAL, A PARTNERSHIP,**  
22 **A COMMITTEE, AN ASSOCIATION, A CORPORATION, A LABOR ORGANIZATION, OR**  
23 **ANY OTHER ORGANIZATION OR GROUP OF PERSONS.**

24                                   **(II) “PERSON” DOES NOT INCLUDE A CAMPAIGN FINANCE**  
25 **ENTITY ORGANIZED UNDER SUBTITLE 2, PART II OF THIS TITLE.**

26                   **(5) (I) “PUBLIC COMMUNICATION” MEANS A COMMUNICATION**  
27 **BY MEANS OF ANY BROADCAST, CABLE, OR SATELLITE COMMUNICATION,**  
28 **NEWSPAPER, MAGAZINE, OUTDOOR ADVERTISING FACILITY, MASS MAILING, OR**  
29 **TELEPHONE BANK TO THE GENERAL PUBLIC, OR ANY OTHER FORM OF GENERAL**  
30 **PUBLIC POLITICAL ADVERTISING.**

31                                   **(II) “PUBLIC COMMUNICATION” DOES NOT INCLUDE:**

1                   1.    A NEWS STORY, A COMMENTARY, OR AN  
2 EDITORIAL DISSEMINATED BY A ~~BONA FIDE NEWS MEDIA ORGANIZATION~~  
3 BROADCASTING STATION, INCLUDING A CABLE TELEVISION OPERATOR,  
4 PROGRAMMER, OR PRODUCER, SATELLITE TELEVISION OR RADIO PROVIDER,  
5 WEB SITE, NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL PUBLICATION,  
6 INCLUDING ANY INTERNET OR ELECTRONIC PUBLICATION, THAT IS NOT  
7 CONTROLLED BY A CANDIDATE OR POLITICAL PARTY; OR

8                   2.    A CANDIDATE DEBATE OR FORUM.

9                   (6)   “TELEPHONE BANK” MEANS MORE THAN 500 TELEPHONE  
10 CALLS OF AN IDENTICAL OR SUBSTANTIALLY SIMILAR NATURE WITHIN ANY  
11 30-DAY PERIOD.

12                  (B)   ~~A PERSON SHALL FILE AN INDEPENDENT EXPENDITURE REPORT AS~~  
13 ~~REQUIRED IN THIS SECTION FOLLOWING THE DATE ON WHICH THE~~ AFTER A  
14 PERSON MAKES AGGREGATE INDEPENDENT EXPENDITURES OF \$10,000 OR  
15 MORE IN AN ELECTION CYCLE FOR CAMPAIGN MATERIAL THAT IS A PUBLIC  
16 COMMUNICATION, THE PERSON SHALL FILE AN INDEPENDENT EXPENDITURE  
17 REPORT AS REQUIRED IN THIS SECTION.

18                  (C)   (1)   IF THE CAMPAIGN MATERIAL RELATES TO A CANDIDATE, THE  
19 PERSON SHALL FILE AN INDEPENDENT EXPENDITURE REPORT WITH THE STATE  
20 BOARD ON THE NEXT DATE A CAMPAIGN FINANCE ENTITY OF A CANDIDATE IS  
21 REQUIRED TO FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS  
22 SUBTITLE.

23                  (2)   IF THE CAMPAIGN MATERIAL RELATES TO A BALLOT ISSUE,  
24 THE PERSON SHALL FILE AN INDEPENDENT EXPENDITURE REPORT WITH THE  
25 STATE BOARD ON THE NEXT DATE A BALLOT ISSUE COMMITTEE IS REQUIRED  
26 TO FILE A CAMPAIGN FINANCE REPORT UNDER § 13-309 OF THIS SUBTITLE.

27                  (3)   AN INDEPENDENT EXPENDITURE REPORT FILED UNDER THIS  
28 SUBSECTION SHALL INCLUDE THE INFORMATION REQUIRED BY SUBSECTION (E)  
29 OF THIS SECTION FOR THE PERIOD FROM THE BEGINNING OF THE ELECTION  
30 CYCLE THROUGH THE LAST DAY OF THE REPORTING PERIOD UNDER § 13-312  
31 OF THIS SUBTITLE THAT PRECEDES THE REPORT FILING DATE.

32                  (D)   (1)   A PERSON WHO FILES AN INDEPENDENT EXPENDITURE  
33 REPORT UNDER SUBSECTION (C) OF THIS SECTION SHALL FILE AN ADDITIONAL  
34 INDEPENDENT EXPENDITURE REPORT FOLLOWING ~~EACH~~ A DATE ON WHICH THE  
35 PERSON MAKES AGGREGATE INDEPENDENT EXPENDITURES OF \$10,000 OR  
36 MORE FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION

1 FOLLOWING THE CLOSING DATE OF THE PERSON'S PREVIOUS INDEPENDENT  
2 EXPENDITURE REPORT.

3 (2) AN INDEPENDENT EXPENDITURE REPORT UNDER THIS  
4 SUBSECTION SHALL:

5 (I) BE FILED WITH THE STATE BOARD ON THE DATE  
6 SPECIFIED IN SUBSECTION (C)(1) AND (2) OF THIS SECTION; AND

7 (II) INCLUDE THE INFORMATION REQUIRED BY SUBSECTION  
8 (E) OF THIS SECTION FOR THE PERIOD FROM THE CLOSING DATE OF THE  
9 PREVIOUS INDEPENDENT EXPENDITURE REPORT THROUGH THE LAST DAY OF  
10 THE REPORTING PERIOD UNDER § 13-312 OF THIS SUBTITLE THAT PRECEDES  
11 THE REPORT FILING DATE.

12 (E) AN INDEPENDENT EXPENDITURE REPORT SHALL INCLUDE THE  
13 FOLLOWING INFORMATION:

14 (1) THE IDENTITY OF THE PERSON MAKING THE INDEPENDENT  
15 EXPENDITURES AND OF ANY PERSON EXERCISING DIRECTION OR CONTROL  
16 OVER THE ACTIVITIES OF THE PERSON MAKING THE INDEPENDENT  
17 EXPENDITURES;

18 (2) THE BUSINESS ADDRESS OF THE PERSON MAKING THE  
19 INDEPENDENT EXPENDITURES;

20 (3) THE AMOUNT AND DATE OF EACH INDEPENDENT  
21 EXPENDITURE DURING THE PERIOD COVERED BY THE REPORT AND THE  
22 PERSON TO WHOM THE EXPENDITURE WAS MADE;

23 (4) THE CANDIDATE OR BALLOT ISSUE TO WHICH THE  
24 INDEPENDENT EXPENDITURE RELATES AND WHETHER THE INDEPENDENT  
25 EXPENDITURE SUPPORTS OR OPPOSES THAT CANDIDATE OR BALLOT ISSUE; AND

26 (5) THE IDENTITY OF EACH PERSON WHO MADE A ~~CONTRIBUTION~~  
27 ~~DONATION~~ CUMULATIVE DONATIONS IN EXCESS OF \$51 TO THE PERSON MAKING  
28 THE INDEPENDENT EXPENDITURES DURING THE PERIOD COVERED BY THE  
29 REPORT.

30 (F) FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE  
31 CONSIDERED TO HAVE MADE AN INDEPENDENT EXPENDITURE IF THE PERSON  
32 HAS EXECUTED A CONTRACT TO MAKE AN INDEPENDENT EXPENDITURE.

1           **(G) THE COST OF CREATING AND DISSEMINATING CAMPAIGN**  
2 **MATERIAL, INCLUDING ANY DESIGN AND PRODUCTION COSTS, SHALL BE**  
3 **CONSIDERED IN DETERMINING THE AGGREGATE AMOUNT OF INDEPENDENT**  
4 **EXPENDITURES MADE BY A PERSON FOR CAMPAIGN MATERIAL THAT IS A**  
5 **PUBLIC COMMUNICATION UNDER THIS SECTION.**

6           **(G) (H) THE ~~HIGHEST RANKING OFFICIAL OF~~ TREASURER OR OTHER**  
7 **INDIVIDUAL DESIGNATED BY AN ENTITY REQUIRED TO FILE AN INDEPENDENT**  
8 **EXPENDITURE REPORT UNDER THIS SECTION:**

9                   (1) SHALL SIGN EACH INDEPENDENT EXPENDITURE REPORT; AND

10                   (2) IS RESPONSIBLE FOR FILING INDEPENDENT EXPENDITURE  
11 REPORTS IN FULL AND ACCURATE DETAIL.

12           **(H) (I) (1) AN INDIVIDUAL IS SUBJECT TO THE SANCTIONS THAT**  
13 **APPLY TO THE RESPONSIBLE OFFICERS OF A CAMPAIGN FINANCE ENTITY**  
14 **UNDER PART VII OF THIS SUBTITLE FOR FAILURE TO FILE PROPERLY AN**  
15 **INDEPENDENT EXPENDITURE REPORT.**

16                   (2) THE FAILURE TO PROVIDE ON AN INDEPENDENT  
17 EXPENDITURE REPORT ALL OF THE INFORMATION REQUIRED BY THIS SECTION  
18 IS DEEMED A FAILURE TO FILE AND RENDERS THE REPORT OVERDUE AS  
19 PROVIDED IN § 13-327(B) OF THIS SUBTITLE.

20           **(H) (J) (1) AN ENTITY REQUIRED TO FILE AN INDEPENDENT**  
21 **EXPENDITURE REPORT UNDER THIS SECTION ~~THAT SUBMITS REGULAR,~~**  
22 **~~PERIODIC REPORTS TO ITS SHAREHOLDERS, MEMBERS, OR DONORS ON ITS~~**  
23 **~~FINANCES OR ACTIVITIES SHALL~~ SHALL DO AT LEAST ONE OF THE FOLLOWING,**  
24 **UNLESS NEITHER ARE APPLICABLE TO THE ENTITY:**

25                   (1) ~~INCLUDE IN EACH~~ **IF THE ENTITY SUBMITS REGULAR,**  
26 **PERIODIC ~~REPORT~~ REPORTS TO ITS SHAREHOLDERS, MEMBERS, OR DONORS,**  
27 **INCLUDE IN EACH REPORT, IN A CLEAR AND CONSPICUOUS MANNER, THE**  
28 **INFORMATION SPECIFIED IN SUBSECTION (E)(3) THROUGH (5) OF THIS SECTION**  
29 **FOR EACH INDEPENDENT EXPENDITURE MADE DURING THE PERIOD COVERED**  
30 **BY THE REPORT THAT MUST BE INCLUDED IN AN INDEPENDENT EXPENDITURE**  
31 **REPORT; ~~AND OR~~**

32                   (II) IF THE ENTITY MAINTAINS AN INTERNET SITE, POST ON  
33 THAT INTERNET SITE A HYPERLINK FROM ITS HOMEPAGE TO THE INTERNET  
34 SITE WHERE THE ENTITY'S INDEPENDENT EXPENDITURE REPORT INFORMATION  
35 IS PUBLICLY AVAILABLE.

1           (2) AN ENTITY SHALL POST THE HYPERLINK REQUIRED UNDER  
2 PARAGRAPH (1)(II) OF THIS SUBSECTION WITHIN 24 HOURS OF THE ENTITY'S  
3 INDEPENDENT EXPENDITURE REPORT INFORMATION BEING MADE PUBLICLY  
4 AVAILABLE ON THE INTERNET, AND THE HYPERLINK SHALL REMAIN POSTED ON  
5 THE ENTITY'S INTERNET SITE UNTIL THE END OF THE ELECTION CYCLE DURING  
6 WHICH THE ENTITY FILED AN INDEPENDENT EXPENDITURE REPORT.

7           (K) (1) A PERSON REQUIRED TO FILE AN INDEPENDENT  
8 EXPENDITURE REPORT UNDER THIS SECTION SHALL KEEP DETAILED AND  
9 ACCURATE RECORDS OF:

10           (I) ALL INDEPENDENT EXPENDITURES MADE BY THE  
11 PERSON FOR CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION; AND

12           (II) ALL DONATIONS RECEIVED BY THE PERSON THAT ARE  
13 FOR THE PURPOSE OF FURTHERING INDEPENDENT EXPENDITURES FOR  
14 CAMPAIGN MATERIAL THAT IS A PUBLIC COMMUNICATION.

15           (2) RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION  
16 SHALL BE PRESERVED FOR 2 YEARS AFTER THE END OF THE ELECTION CYCLE  
17 IN WHICH THE PERSON FILED THE INDEPENDENT EXPENDITURE REPORT TO  
18 WHICH THE RECORDS RELATE.

19           ~~(J)~~ (L) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY  
20 TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

21 13-307.

22           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
23 MEANINGS INDICATED.

24           (2) "DONATION" MEANS THE GIFT OR TRANSFER, OR PROMISE OF  
25 GIFT OR TRANSFER, OF MONEY OR OTHER THING OF VALUE TO A PERSON THAT  
26 IS MADE FOR THE PURPOSE OF FURTHERING ELECTIONEERING  
27 COMMUNICATIONS.

28           (3) (1) "ELECTIONEERING COMMUNICATION" MEANS A  
29 BROADCAST, CABLE, OR SATELLITE COMMUNICATION THAT:

30                           1. REFERS TO A CLEARLY IDENTIFIED CANDIDATE  
31 OR BALLOT ISSUE;

32                           2. IS MADE WITHIN 60 DAYS OF AN ELECTION DAY ON  
33 WHICH THE CANDIDATE OR BALLOT ISSUE IS ON THE BALLOT; ~~AND~~



1                   **3. IS CAPABLE OF BEING RECEIVED BY 50,000 OR**  
2 **MORE INDIVIDUALS IN THE CONSTITUENCY WHERE THE CANDIDATE OR BALLOT**  
3 **ISSUE IS ON THE BALLOT; AND**

4                   **4. IS NOT MADE IN COORDINATION WITH, OR AT THE**  
5 **REQUEST OR SUGGESTION OF, A CANDIDATE, A CAMPAIGN FINANCE ENTITY OF A**  
6 **CANDIDATE, AN AGENT OF A CANDIDATE, OR A BALLOT ISSUE COMMITTEE.**

7                   **(II) "ELECTIONEERING COMMUNICATION" DOES NOT**  
8 **INCLUDE:**

9                   **1. AN INDEPENDENT EXPENDITURE;**

10                   **2. A NEWS STORY, A COMMENTARY, OR AN**  
11 **EDITORIAL DISSEMINATED BY A BROADCASTING STATION, INCLUDING A CABLE**  
12 **TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER, OR SATELLITE**  
13 **TELEVISION OR RADIO PROVIDER THAT IS NOT CONTROLLED BY A CANDIDATE**  
14 **OR POLITICAL PARTY;**

15                   **3. A CANDIDATE DEBATE OR FORUM; OR**

16                   **4. A COMMUNICATION THAT PROPOSES A**  
17 **COMMERCIAL TRANSACTION.**

18                   **(III) FOR PURPOSES OF THIS PARAGRAPH, "CLEARLY**  
19 **IDENTIFIED" MEANS:**

20                   **1. THE NAME OF A CANDIDATE APPEARS;**

21                   **2. A PHOTOGRAPH OR DRAWING OF A CANDIDATE**  
22 **APPEARS; OR**

23                   **3. THE IDENTITY OF A CANDIDATE OR BALLOT ISSUE**  
24 **IS APPARENT BY UNAMBIGUOUS REFERENCE.**

25                   **(4) (I) "PERSON" INCLUDES AN INDIVIDUAL, A PARTNERSHIP,**  
26 **A COMMITTEE, AN ASSOCIATION, A CORPORATION, A LABOR ORGANIZATION, OR**  
27 **ANY OTHER ORGANIZATION OR GROUP OF PERSONS.**

28                   **(II) "PERSON" DOES NOT INCLUDE A CAMPAIGN FINANCE**  
29 **ENTITY ORGANIZED UNDER SUBTITLE 2, PART II OF THIS TITLE.**

1       **(B) AFTER A PERSON MAKES AGGREGATE DISBURSEMENTS OF \$10,000**  
2 **OR MORE IN AN ELECTION CYCLE FOR ELECTIONEERING COMMUNICATIONS,**  
3 **THE PERSON SHALL FILE AN ELECTIONEERING COMMUNICATION REPORT AS**  
4 **REQUIRED IN THIS SECTION.**

5       **(C) (1) IF THE ELECTIONEERING COMMUNICATIONS RELATE TO A**  
6 **CANDIDATE, THE PERSON SHALL FILE AN ELECTIONEERING COMMUNICATION**  
7 **REPORT WITH THE STATE BOARD ON THE NEXT DATE A CAMPAIGN FINANCE**  
8 **ENTITY OF A CANDIDATE IS REQUIRED TO FILE A CAMPAIGN FINANCE REPORT**  
9 **UNDER § 13-309 OF THIS SUBTITLE.**

10       **(2) IF THE ELECTIONEERING COMMUNICATIONS RELATE TO A**  
11 **BALLOT ISSUE, THE PERSON SHALL FILE AN ELECTIONEERING COMMUNICATION**  
12 **REPORT WITH THE STATE BOARD ON THE NEXT DATE A BALLOT ISSUE**  
13 **COMMITTEE IS REQUIRED TO FILE A CAMPAIGN FINANCE REPORT UNDER §**  
14 **13-309 OF THIS SUBTITLE.**

15       **(3) AN ELECTIONEERING COMMUNICATION REPORT FILED**  
16 **UNDER THIS SUBSECTION SHALL INCLUDE THE INFORMATION REQUIRED BY**  
17 **SUBSECTION (E) OF THIS SECTION FOR THE PERIOD FROM THE BEGINNING OF**  
18 **THE ELECTION CYCLE THROUGH THE LAST DAY OF THE REPORTING PERIOD**  
19 **UNDER § 13-312 OF THIS SUBTITLE THAT PRECEDES THE REPORT FILING DATE.**

20       **(D) (1) A PERSON WHO FILES AN ELECTIONEERING COMMUNICATION**  
21 **REPORT UNDER SUBSECTION (C) OF THIS SECTION SHALL FILE AN ADDITIONAL**  
22 **ELECTIONEERING COMMUNICATION REPORT FOLLOWING A DATE ON WHICH**  
23 **THE PERSON MAKES AGGREGATE DISBURSEMENTS OF \$10,000 OR MORE FOR**  
24 **ELECTIONEERING COMMUNICATIONS FOLLOWING THE CLOSING DATE OF THE**  
25 **PERSON'S PREVIOUS ELECTIONEERING COMMUNICATION REPORT.**

26       **(2) AN ELECTIONEERING COMMUNICATION REPORT UNDER THIS**  
27 **SUBSECTION SHALL:**

28               **(I) BE FILED WITH THE STATE BOARD ON THE DATE**  
29 **SPECIFIED IN SUBSECTION (C)(1) AND (2) OF THIS SECTION; AND**

30               **(II) INCLUDE THE INFORMATION REQUIRED BY SUBSECTION**  
31 **(E) OF THIS SECTION FOR THE PERIOD FROM THE CLOSING DATE OF THE**  
32 **PREVIOUS ELECTIONEERING COMMUNICATION REPORT THROUGH THE LAST**  
33 **DAY OF THE REPORTING PERIOD UNDER § 13-312 OF THIS SUBTITLE THAT**  
34 **PRECEDES THE REPORT FILING DATE.**

35       **(E) AN ELECTIONEERING COMMUNICATION REPORT SHALL INCLUDE**  
36 **THE FOLLOWING INFORMATION:**

1           **(1) THE IDENTITY OF THE PERSON MAKING DISBURSEMENTS FOR**  
2 **ELECTIONEERING COMMUNICATIONS AND OF ANY PERSON EXERCISING**  
3 **DIRECTION OR CONTROL OVER THE ACTIVITIES OF THE PERSON MAKING THE**  
4 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS;**

5           **(2) THE BUSINESS ADDRESS OF THE PERSON MAKING THE**  
6 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS;**

7           **(3) THE AMOUNT AND DATE OF EACH DISBURSEMENT FOR**  
8 **ELECTIONEERING COMMUNICATIONS DURING THE PERIOD COVERED BY THE**  
9 **REPORT AND THE PERSON TO WHOM THE DISBURSEMENT WAS MADE;**

10           **(4) THE CANDIDATE OR BALLOT ISSUE TO WHICH THE**  
11 **ELECTIONEERING COMMUNICATIONS RELATE;**

12           **(5) THE IDENTITY OF EACH PERSON WHO MADE ~~A DONATION~~**  
13 **CUMULATIVE DONATIONS IN EXCESS OF \$51 TO THE PERSON MAKING THE**  
14 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS DURING THE**  
15 **PERIOD COVERED BY THE REPORT.**

16           **(F) (1) FOR PURPOSES OF THIS SECTION, A PERSON SHALL BE**  
17 **CONSIDERED TO HAVE MADE A DISBURSEMENT FOR AN ELECTIONEERING**  
18 **COMMUNICATION IF THE PERSON HAS EXECUTED A CONTRACT TO MAKE A**  
19 **DISBURSEMENT FOR AN ELECTIONEERING COMMUNICATION.**

20           **(2) A PERSON WHO MAKES A CONTRIBUTION TO A CAMPAIGN**  
21 **FINANCE ENTITY MAY NOT BE CONSIDERED TO HAVE MADE A DISBURSEMENT**  
22 **FOR ELECTIONEERING COMMUNICATIONS UNDER THIS SECTION BECAUSE OF**  
23 **THE CONTRIBUTION.**

24           **(G) THE COST OF CREATING AND DISSEMINATING ELECTIONEERING**  
25 **COMMUNICATIONS, INCLUDING ANY DESIGN AND PRODUCTION COSTS, SHALL**  
26 **BE CONSIDERED IN DETERMINING THE AGGREGATE AMOUNT OF**  
27 **DISBURSEMENTS FOR ELECTIONEERING COMMUNICATIONS MADE BY A PERSON**  
28 **UNDER THIS SECTION.**

29           **(H) THE TREASURER OR OTHER INDIVIDUAL DESIGNATED BY AN ENTITY**  
30 **REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER**  
31 **THIS SECTION:**

32           **(1) SHALL SIGN EACH ELECTIONEERING COMMUNICATION**  
33 **REPORT; AND**

1           (2) IS RESPONSIBLE FOR FILING ELECTIONEERING  
2 COMMUNICATION REPORTS IN FULL AND ACCURATE DETAIL.

3           (I) (1) AN INDIVIDUAL IS SUBJECT TO THE SANCTIONS THAT APPLY  
4 TO THE RESPONSIBLE OFFICERS OF A CAMPAIGN FINANCE ENTITY UNDER PART  
5 VII OF THIS SUBTITLE FOR FAILURE TO FILE PROPERLY AN ELECTIONEERING  
6 COMMUNICATION REPORT.

7           (2) THE FAILURE TO PROVIDE ON AN ELECTIONEERING  
8 COMMUNICATION REPORT ALL OF THE INFORMATION REQUIRED BY THIS  
9 SECTION IS DEEMED A FAILURE TO FILE AND RENDERS THE REPORT OVERDUE  
10 AS PROVIDED IN § 13-327(B) OF THIS SUBTITLE.

11           (J) (1) AN ENTITY REQUIRED TO FILE AN ELECTIONEERING  
12 COMMUNICATION REPORT UNDER THIS SECTION SHALL DO AT LEAST ONE OF  
13 THE FOLLOWING, UNLESS NEITHER ARE APPLICABLE TO THE ENTITY:

14           (I) IF THE ENTITY SUBMITS REGULAR, PERIODIC REPORTS  
15 TO ITS SHAREHOLDERS, MEMBERS, OR DONORS, INCLUDE IN EACH REPORT IN A  
16 CLEAR AND CONSPICUOUS MANNER, THE INFORMATION SPECIFIED IN  
17 SUBSECTION (E)(3) THROUGH (5) OF THIS SECTION FOR EACH DISBURSEMENT  
18 FOR ELECTIONEERING COMMUNICATIONS MADE DURING THE PERIOD COVERED  
19 BY THE REPORT THAT MUST BE INCLUDED IN AN ELECTIONEERING  
20 COMMUNICATION REPORT; OR

21           (II) IF THE ENTITY MAINTAINS AN INTERNET SITE, POST ON  
22 THAT INTERNET SITE A HYPERLINK FROM ITS HOMEPAGE TO THE INTERNET  
23 SITE WHERE THE ENTITY'S ELECTIONEERING COMMUNICATION REPORT  
24 INFORMATION IS PUBLICLY AVAILABLE.

25           (2) (I) AN ENTITY SHALL POST THE HYPERLINK REQUIRED  
26 UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION WITHIN 24 HOURS OF THE  
27 ENTITY'S ELECTIONEERING COMMUNICATION REPORT INFORMATION BEING  
28 MADE PUBLICLY AVAILABLE ON THE INTERNET.

29           (II) THE HYPERLINK SHALL REMAIN POSTED ON THE  
30 ENTITY'S INTERNET SITE UNTIL THE END OF THE ELECTION CYCLE DURING  
31 WHICH THE ENTITY FILED AN ELECTIONEERING COMMUNICATION REPORT.

32           (K) (1) A PERSON REQUIRED TO FILE AN ELECTIONEERING  
33 COMMUNICATION REPORT UNDER THIS SECTION SHALL KEEP DETAILED AND  
34 ACCURATE RECORDS OF:

1                   (I) ALL DISBURSEMENTS FOR ELECTIONEERING  
2 COMMUNICATIONS MADE BY THE PERSON; AND

3                   (II) ALL DONATIONS RECEIVED BY THE PERSON THAT ARE  
4 FOR THE PURPOSE OF FURTHERING ELECTIONEERING COMMUNICATIONS.

5                   (2) RECORDS REQUIRED TO BE KEPT UNDER THIS SUBSECTION  
6 SHALL BE PRESERVED UNTIL 2 YEARS AFTER THE END OF THE ELECTION CYCLE  
7 IN WHICH THE PERSON FILED THE ~~INDEPENDENT EXPENDITURE~~  
8 ELECTIONEERING COMMUNICATION REPORT TO WHICH THE RECORDS RELATE.

9                   (L) THE STATE BOARD MAY ADOPT REGULATIONS AS NECESSARY TO  
10 IMPLEMENT THE REQUIREMENTS OF THIS SECTION.

11                   ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be~~  
12 ~~construed to apply retroactively and shall be applied to independent expenditures~~  
13 ~~made on or after January 1, 2011.~~

14                   SECTION 2. AND BE IT FURTHER ENACTED, That only independent  
15 expenditures or disbursements for an electioneering communication made after the  
16 effective date of this Act shall be considered in determining whether a person has made  
17 the aggregate amount of independent expenditures or disbursements for electioneering  
18 communications that subjects the person to the requirements of this Act.

19                   SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That if any provision of this  
20 Act or the application thereof to any person or circumstance is held invalid for any  
21 reason in a court of competent jurisdiction, the invalidity does not affect other  
22 provisions or any other application of this Act which can be given effect without the  
23 invalid provision or application, and for this purpose the provisions of this Act are  
24 declared severable.

25                   SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect ~~June~~ December 1, 2011.