

HOUSE BILL 219

G1

5lr0779

By: **Delegates Morhaim, Hixson, Krimm, Lam, Stein, and K. Young**

Introduced and read first time: February 2, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Independent Expenditures and Electioneering Communications – Registration**
3 **and Reporting**

4 FOR the purpose of altering the aggregate amount of independent expenditures or
5 disbursements for electioneering communications that a person may make before
6 being required to file a certain registration form and a certain report with the State
7 Board of Elections; altering the aggregate amount of independent expenditures or
8 disbursements for electioneering communications that a person may make following
9 the closing date of the person's previous report with the State Board before the
10 person is required to file an additional report with the State Board; and generally
11 relating to registration and reporting of independent expenditures and
12 electioneering communications.

13 BY repealing and reenacting, without amendments,
14 Article – Election Law
15 Section 13–306(a) and (e) and 13–307(a) and (e)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2014 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 13–306(b), (c), and (d) and 13–307(b), (c), and (d)
21 Annotated Code of Maryland
22 (2010 Replacement Volume and 2014 Supplement)

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

Article – Election Law

25
26 13–306.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (2) (i) “Donation” means the gift or transfer, or promise of gift or
3 transfer, of money or other thing of value to a person who makes independent expenditures.

4 (ii) “Donation” does not include any amount of money or any other
5 thing of value:

6 1. received by a person in the ordinary course of any trade or
7 business conducted by the person, whether for profit or not for profit, or in the form of
8 investments in the person’s business; or

9 2. A. that the donor and the person receiving the money
10 or thing of value expressly agree in writing may not be used for independent expenditures;
11 and

12 B. in the case of a monetary donation, is deposited in a
13 separate bank account that is never used for independent expenditures.

14 (3) “E–mail blast” means a transmission of electronic mail messages of an
15 identical or substantially similar nature to 5,000 or more e–mail accounts simultaneously.

16 (4) “Mass mailing” means a mailing by United States mail or facsimile of
17 more than 500 pieces of mail matter of an identical or substantially similar nature within
18 any 30–day period.

19 (5) (i) “Person” includes an individual, a partnership, a committee, an
20 association, a corporation, a labor organization, or any other organization or group of
21 persons.

22 (ii) “Person” does not include a campaign finance entity organized
23 under Subtitle 2, Part II of this title.

24 (6) (i) “Public communication” means a communication by means of
25 any broadcast television or radio communication, cable television communication, satellite
26 television or radio communication, newspaper, magazine, outdoor advertising facility, mass
27 mailing, e–mail blast, text blast, or telephone bank to the general public, or any other form
28 of general public political advertising.

29 (ii) “Public communication” does not include:

30 1. a news story, a commentary, or an editorial disseminated
31 by a broadcasting station, including a cable television operator, programmer, or producer,
32 satellite television or radio provider, Web site, newspaper, magazine, or other periodical
33 publication, including any Internet or electronic publication, that is not controlled by a
34 candidate or political party;

1 2. an internal membership communication by a business or
2 other entity to its stockholders or members and executive and administrative personnel
3 and their immediate families, or by a membership entity, as defined under § 13–243 of this
4 title, to its members, executive and administrative personnel and their immediate families;
5 or

6 3. a candidate debate or forum.

7 (7) “Telephone bank” means more than 500 telephone calls of an identical
8 or substantially similar nature within any 30–day period.

9 (8) “Text blast” means a transmission of text messages of an identical or
10 substantially similar nature to 5,000 or more telephone numbers simultaneously.

11 (b) Within 48 hours after a person makes aggregate independent expenditures of
12 ~~[\$5,000]~~ **\$1,000** or more in an election cycle for campaign material that is a public
13 communication, the person shall file a registration form with the State Board.

14 (c) Within 48 hours after a day on which a person makes aggregate independent
15 expenditures of ~~[\$10,000]~~ **\$1,000** or more in an election cycle for campaign material that
16 is a public communication, the person shall file an independent expenditure report with
17 the State Board.

18 (d) A person who files an independent expenditure report under subsection (c) of
19 this section shall file an additional independent expenditure report with the State Board
20 within 48 hours after a day on which the person makes aggregate independent
21 expenditures of ~~[\$10,000]~~ **\$5,000** or more for campaign material that is a public
22 communication following the closing date of the person’s previous independent expenditure
23 report.

24 (e) An independent expenditure report shall include the following information:

25 (1) the identity of the person making the independent expenditures and of
26 any person exercising direction or control over the activities of the person making the
27 independent expenditures;

28 (2) the business address of the person making the independent
29 expenditures;

30 (3) the amount and date of each independent expenditure during the period
31 covered by the report and the person to whom the expenditure was made;

32 (4) the candidate or ballot issue to which the independent expenditure
33 relates and whether the independent expenditure supports or opposes that candidate or
34 ballot issue; and

1 (5) the identity of each person who made cumulative donations of \$6,000
2 or more to the person making the independent expenditures during the period covered by
3 the report.

4 13–307.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) (i) “Donation” means the gift or transfer, or promise of gift or
7 transfer, of money or other thing of value to a person that makes disbursements for
8 electioneering communications.

9 (ii) “Donation” does not include any amount of money or any other
10 thing of value:

11 1. received by a person in the ordinary course of any trade or
12 business conducted by the person, whether for profit or not for profit, or in the form of
13 investments in the person’s business; or

14 2. A. that the donor and the person receiving the money
15 or thing of value expressly agree in writing may not be used for electioneering
16 communications; and

17 B. in the case of a monetary donation, is deposited in a
18 separate bank account that is never used for electioneering communications.

19 (3) (i) “Electioneering communication” means a broadcast television or
20 radio communication, a cable television communication, a satellite television or radio
21 communication, a mass mailing, an e–mail blast, a text blast, a telephone bank, or an
22 advertisement in a print publication that:

23 1. refers to a clearly identified candidate or ballot issue;

24 2. is made within 60 days of an election day on which the
25 candidate or ballot issue is on the ballot;

26 3. is capable of being received by:

27 A. 50,000 or more individuals in the constituency where the
28 candidate or ballot issue is on the ballot, if the communication is transmitted by television
29 or radio; or

30 B. 5,000 or more individuals in the constituency where the
31 candidate or ballot issue is on the ballot, if the communication is a mass mailing, an e–mail
32 blast, a text blast, a telephone bank, or an advertisement in a print publication; and

1 4. is not made in coordination with, or at the request or
2 suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a
3 candidate, or a ballot issue committee.

4 (ii) “Electioneering communication” does not include:

5 1. an independent expenditure;

6 2. a news story, a commentary, or an editorial disseminated
7 by a broadcasting station, including a cable television operator, programmer, or producer,
8 or satellite television or radio provider that is not controlled by a candidate or political
9 party;

10 3. a candidate debate or forum;

11 4. an internal membership communication by a business or
12 other entity to its stockholders or members and executive and administrative personnel
13 and their immediate families, or by a membership entity, as defined under § 13–243 of this
14 title, to its members, executive and administrative personnel and their immediate families;
15 or

16 5. a communication that proposes a commercial transaction.

17 (iii) For purposes of this paragraph, “clearly identified” means:

18 1. the name of a candidate appears;

19 2. a photograph or drawing of a candidate appears; or

20 3. the identity of a candidate or ballot issue is apparent by
21 unambiguous reference.

22 (4) “E–mail blast” means a transmission of electronic mail messages of an
23 identical or substantially similar nature to 5,000 or more e–mail accounts simultaneously.

24 (5) “Mass mailing” means a mailing by United States mail or facsimile of
25 more than 5,000 pieces of mail matter of an identical or substantially similar nature within
26 any 30–day period.

27 (6) (i) “Person” includes an individual, a partnership, a committee, an
28 association, a corporation, a labor organization, or any other organization or group of
29 persons.

30 (ii) “Person” does not include a campaign finance entity organized
31 under Subtitle 2, Part II of this title.

1 (7) "Telephone bank" means more than 5,000 telephone calls of an identical
2 or substantially similar nature within any 30-day period.

3 (8) "Text blast" means a transmission of text messages of an identical or
4 substantially similar nature to 5,000 or more telephone numbers simultaneously.

5 (b) Within 48 hours after a person makes aggregate disbursements of ~~[\$5,000]~~
6 **\$1,000** or more in an election cycle for electioneering communications, the person shall file
7 a registration form with the State Board.

8 (c) Within 48 hours after a day on which a person makes aggregate
9 disbursements of ~~[\$10,000]~~ **\$1,000** or more in an election cycle for electioneering
10 communications, the person shall file an electioneering communication report with the
11 State Board.

12 (d) A person who files an electioneering communication report under subsection
13 (c) of this section shall file an additional electioneering communication report with the
14 State Board within 48 hours after a day on which the person makes aggregate
15 disbursements of ~~[\$10,000]~~ **\$5,000** or more for electioneering communications following
16 the closing date of the person's previous electioneering communication report.

17 (e) An electioneering communication report shall include the following
18 information:

19 (1) the identity of the person making disbursements for electioneering
20 communications and of any person exercising direction or control over the activities of the
21 person making the disbursements for electioneering communications;

22 (2) the business address of the person making the disbursements for
23 electioneering communications;

24 (3) the amount and date of each disbursement for electioneering
25 communications during the period covered by the report and the person to whom the
26 disbursement was made;

27 (4) the candidate or ballot issue to which the electioneering
28 communications relate;

29 (5) the identity of each person who made cumulative donations of \$6,000
30 or more to the person making the disbursements for electioneering communications during
31 the period covered by the report.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2015.