

Department of Legislative Services
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 200 (Delegate Krebs)
Rules and Executive Nominations

Election Law - Legislative Newsletters - Distribution by Electronic Mail

This bill excludes a document distributed only by electronic mail from the definition of “legislative newsletter,” under provisions prohibiting payment of publication expenses of legislative newsletters from public funds.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: “Legislative newsletter” is defined as an unsolicited document used by a member of the General Assembly, without supervision by, or coordination with, the General Assembly, to disseminate information to a constituent, voter, or potential voter about the member’s performance in legislative office or one or more issues of public interest chosen by the member.

Expenditures relating to writing, publishing, printing, issuing, mailing, or distributing a legislative newsletter may not be paid from public funds, but may be paid for by a campaign finance entity of the member or the personal funds of the member or member’s spouse, subject to certain conditions.

Background: The Office of the Attorney General has provided advice that a newsletter distributed electronically is subject to the prohibition against use of public funds for publication expenses of a legislative newsletter.

The Joint Committee on Legislative Ethics, which administers sections of the Maryland Public Ethics Law that relate to legislators, has determined that standards established by the Presiding Officers in 2007 regarding use of the General Assembly's print shop and mail room apply as well to communications that are sent over the General Assembly's email server. The committee's *2016 Ethics Guide* indicates that members are free to send unrestricted email correspondence through an email service that is not funded by the State and a periodic email newsletter may be sent only through such a nonofficial source.

Additional Information

Prior Introductions: SB 1015 of 2009, a similar bill, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 1459, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): State Board of Elections, State Ethics Commission, Joint Committee on Legislative Ethics, Department of Legislative Services

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me/hlb

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