

## Chapter 563

**(Senate Bill 537)**

AN ACT concerning

**General Assembly – Legislative Newsletters – Publication Expenses and Links to Social Media Accounts**

FOR the purpose of providing that publication expenses related to unofficial legislative newsletters may be paid by an authorized candidate campaign committee, rather than a campaign account of a campaign finance entity, of an incumbent under certain circumstances; repealing the authority for publication expenses related to legislative newsletters to be paid from the personal funds of the incumbent or the spouse of the incumbent under certain circumstances; prohibiting publication expenses related to unofficial legislative newsletters from being paid from the personal funds of any individual; repealing the late filing fee that is assessed for each day or part of a day that a certain campaign finance report related to legislative newsletters is overdue; providing that an official electronic legislative newsletter may include a link to a social media account only under certain circumstances; defining certain terms; repealing a certain definition; altering a certain definition; making conforming changes; and generally relating to legislative newsletters used by members of the General Assembly.

BY repealing and reenacting, with amendments,  
Article – Election Law  
Section 13–406 and 13–408  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

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

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

BY adding to  
Article – General Provisions  
Section 5–514.1  
Annotated Code of Maryland  
(2019 Replacement Volume)

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

**Article – Election Law**

13–406.

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

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

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

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

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

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

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

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

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

13–407.

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

13–408.

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

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

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

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

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

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

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

1. a detailed list of publication expenses; and

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

[13–409.

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

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

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

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

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

### **Article – General Provisions**

**5–514.1.**

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

**(1) IS ELECTRONICALLY DISTRIBUTED; AND**

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

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

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

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

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

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

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

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**