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By: **Delegate Kagan**  
Introduced and read first time: February 12, 1998  
Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Campaign Reports - Use of Information**

3 FOR the purpose of prohibiting the information obtained solely from certain  
4 campaign documents filed with election boards from being sold or used for  
5 commercial purposes or to solicit any type of contributions; specifying a certain  
6 exception; authorizing a candidate or political committee to use certain  
7 procedures to test whether certain campaign fund-raising information is being  
8 used in a proscribed manner; and generally relating to limiting the use of  
9 information obtained from certain campaign documents.

10 BY repealing and reenacting, with amendments,  
11 Article 33 - Election Code  
12 Section 26-14  
13 Annotated Code of Maryland  
14 (1997 Replacement Volume and 1997 Supplement)

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

17 **Article 33 - Election Code**

18 26-14.

19 (A) Every officer or board shall receive, file and preserve all reports,  
20 statements, and accounts relating to campaign contributions and expenditures which  
21 are required to be filed by this article. These reports, statements, and accounts shall  
22 be kept as part of the records of the officer or board for a period not to exceed five  
23 years or for at least one year beyond the length of the term of the public or party office  
24 for which every candidate to whom these reports, statements, or accounts apply, has  
25 offered himself for nomination or election, regardless if the candidate is successful,  
26 unsuccessful, or resigns, or for a longer period if ordered by a court of competent  
27 jurisdiction. These reports, statements, and accounts shall be subject and open to  
28 inspection by any citizen of this State during the hours in which the office in which  
29 the reports, statements, and accounts are kept is open. Thereafter, the reports,  
30 statements, and accounts shall be transferred to the State Archives. Before

1 transferring any reports, statements or accounts to the State Archives, the officer or  
2 board with whom they were filed shall make a permanent record of all election  
3 reports required to have been filed by § 26-11 but which have not been filed. The  
4 permanent record shall include the name of the candidate or the committee, the  
5 treasurer, an identification of the missing report, and, if a final report, a notation of  
6 the amount of any outstanding balance, bills or deficits as shown on the last report  
7 filed. The officer or board shall file a copy of this permanent record with the State  
8 Administrative Board of Election Laws and with the State Archives. Copies of these  
9 reports, statements and accounts certified by the principal administrative officer in  
10 whose office they are kept under the seal of his office shall be evidence in any court to  
11 the same extent as the original report, statement or account would be if produced and  
12 proved.

13 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
14 INFORMATION OBTAINED SOLELY FROM REPORTS, STATEMENTS, OR ACCOUNTS  
15 REQUIRED BY THIS SECTION MAY NOT BE SOLD OR USED FOR COMMERCIAL  
16 PURPOSES OR TO SOLICIT CONTRIBUTIONS, INCLUDING POLITICAL OR CHARITABLE  
17 CONTRIBUTIONS.

18 (2) THE CANDIDATE OR POLITICAL COMMITTEE THAT FILED THE  
19 REPORTS, STATEMENTS, OR ACCOUNTS REQUIRED BY THIS SECTION MAY USE THE  
20 INFORMATION FOR ANY PURPOSE.

21 (C) (1) A CANDIDATE OR POLITICAL COMMITTEE MAY SUBMIT UP TO 10  
22 PSEUDONYMS ON EACH REPORT, STATEMENT, OR ACCOUNT FILED UNDER THIS  
23 SECTION TO DETERMINE WHETHER THE NAMES AND ADDRESSES OF THE  
24 CANDIDATE'S OR POLITICAL COMMITTEE'S CONTRIBUTORS ARE BEING USED TO  
25 SOLICIT CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES IN VIOLATION OF  
26 SUBSECTION (B) OF THIS SECTION. EACH PSEUDONYM CONSTITUTES A PROXY NAME  
27 TO REPRESENT A PERSON THAT IS NOT AN ACTUAL CONTRIBUTOR TO THE  
28 CANDIDATE OR POLITICAL COMMITTEE.

29 (2) IF A CANDIDATE OR POLITICAL COMMITTEE USES A PSEUDONYM TO  
30 IDENTIFY A FICTITIOUS CONTRIBUTOR UNDER THIS SECTION, THE TOTAL DOLLAR  
31 AMOUNT OF THE FICTITIOUS CONTRIBUTIONS SHALL BE SUBTRACTED FROM THE  
32 AGGREGATE AMOUNT SPECIFIED ON THE REPORT, STATEMENT, OR ACCOUNT FOR  
33 UNITEMIZED CONTRIBUTIONS FROM INDIVIDUALS SO THAT THE CANDIDATE OR  
34 POLITICAL COMMITTEE:

35 (I) OVERSTATES THE AMOUNT OF ITEMIZED CONTRIBUTIONS  
36 ACTUALLY RECEIVED; AND

37 (II) UNDERSTATES THE AMOUNT OF UNITEMIZED CONTRIBUTIONS  
38 ACTUALLY RECEIVED.

39 (3) IF A CANDIDATE OR POLITICAL COMMITTEE USES THE NAME OF A  
40 PSEUDONYM CONTRIBUTOR IN A CAMPAIGN REPORT, STATEMENT, OR ACCOUNT  
41 FILED UNDER THIS SECTION, THE CANDIDATE OR POLITICAL COMMITTEE SHALL

1 FILE WITH THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS, UNDER  
2 SEPARATE COVER, A LIST OF THE PSEUDONYMS USED.

3           (4)       THE STATE BOARD SHALL MAINTAIN THE LIST OF PSEUDONYMS  
4 FILED BY A CANDIDATE OR POLITICAL COMMITTEE UNDER THIS SECTION, BUT  
5 SHALL EXCLUDE THE LIST FROM THE PUBLIC RECORD.

6           (5)       A CANDIDATE OR POLITICAL COMMITTEE MAY NOT USE A  
7 PSEUDONYM UNDER THIS SUBSECTION FOR THE PURPOSE OF CIRCUMVENTING THE  
8 REPORTING REQUIREMENTS, LIMITATIONS, AND PROHIBITIONS OF THIS TITLE.

9       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1998.