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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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Committee Report: Favorable with amendments  
House action: Adopted with floor amendments  
Read second time: March 27, 1998

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CHAPTER \_\_\_\_\_

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~~ a certain type of contributions; specifying  
6 a certain 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; providing for certain effective dates; providing for  
9 the application of this Act; and generally relating to limiting the use of  
10 information obtained from certain campaign documents.

11 BY repealing and reenacting, with amendments,  
12 Article 33 - Election Code  
13 Section 26-14  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article 33 - Election Code  
18 Section 13-404  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 1997 Supplement)  
21 (As enacted by Chapter \_\_\_\_\_ (S.B. 118/H.B. 127) of the Acts of the General  
22 Assembly of 1998)

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

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**Article 33 - Election Code**

2 26-14.

3 (A) Every officer or board shall receive, file and preserve all reports,  
4 statements, and accounts relating to campaign contributions and expenditures which  
5 are required to be filed by this article. These reports, statements, and accounts shall  
6 be kept as part of the records of the officer or board for a period not to exceed five  
7 years or for at least one year beyond the length of the term of the public or party office  
8 for which every candidate to whom these reports, statements, or accounts apply, has  
9 offered himself for nomination or election, regardless if the candidate is successful,  
10 unsuccessful, or resigns, or for a longer period if ordered by a court of competent  
11 jurisdiction. These reports, statements, and accounts shall be subject and open to  
12 inspection by any citizen of this State during the hours in which the office in which  
13 the reports, statements, and accounts are kept is open. Thereafter, the reports,  
14 statements, and accounts shall be transferred to the State Archives. Before  
15 transferring any reports, statements or accounts to the State Archives, the officer or  
16 board with whom they were filed shall make a permanent record of all election  
17 reports required to have been filed by § 26-11 but which have not been filed. The  
18 permanent record shall include the name of the candidate or the committee, the  
19 treasurer, an identification of the missing report, and, if a final report, a notation of  
20 the amount of any outstanding balance, bills or deficits as shown on the last report  
21 filed. The officer or board shall file a copy of this permanent record with the State  
22 Administrative Board of Election Laws and with the State Archives. Copies of these  
23 reports, statements and accounts certified by the principal administrative officer in  
24 whose office they are kept under the seal of his office shall be evidence in any court to  
25 the same extent as the original report, statement or account would be if produced and  
26 proved.

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

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

35 (C) (1) A CANDIDATE OR POLITICAL COMMITTEE MAY SUBMIT UP TO 10  
36 PSEUDONYMS ON EACH REPORT, STATEMENT, OR ACCOUNT FILED UNDER THIS  
37 SECTION TO DETERMINE WHETHER THE NAMES AND ADDRESSES OF THE  
38 CANDIDATE'S OR POLITICAL COMMITTEE'S CONTRIBUTORS ARE BEING USED TO  
39 SOLICIT CONTRIBUTIONS OR FOR COMMERCIAL PURPOSES IN VIOLATION OF  
40 SUBSECTION (B) OF THIS SECTION. EACH PSEUDONYM CONSTITUTES A PROXY NAME  
41 TO REPRESENT A PERSON THAT IS NOT AN ACTUAL CONTRIBUTOR TO THE  
42 CANDIDATE OR POLITICAL COMMITTEE.

1 (2) IF A CANDIDATE OR POLITICAL COMMITTEE USES A PSEUDONYM TO  
2 IDENTIFY A FICTITIOUS CONTRIBUTOR UNDER THIS SECTION, THE TOTAL DOLLAR  
3 AMOUNT OF THE FICTITIOUS CONTRIBUTIONS SHALL BE SUBTRACTED FROM THE  
4 AGGREGATE AMOUNT SPECIFIED ON THE REPORT, STATEMENT, OR ACCOUNT FOR  
5 UNITEMIZED CONTRIBUTIONS FROM INDIVIDUALS SO THAT THE CANDIDATE OR  
6 POLITICAL COMMITTEE:

7 (I) OVERSTATES THE AMOUNT OF ITEMIZED CONTRIBUTIONS  
8 ACTUALLY RECEIVED; AND

9 (II) UNDERSTATES THE AMOUNT OF UNITEMIZED CONTRIBUTIONS  
10 ACTUALLY RECEIVED.

11 (3) IF A CANDIDATE OR POLITICAL COMMITTEE USES THE NAME OF A  
12 PSEUDONYM CONTRIBUTOR IN A CAMPAIGN REPORT, STATEMENT, OR ACCOUNT  
13 FILED UNDER THIS SECTION, THE CANDIDATE OR POLITICAL COMMITTEE SHALL  
14 FILE WITH THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS, UNDER  
15 SEPARATE COVER, A LIST OF THE PSEUDONYMS USED.

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
23 read as follows:

24 **Article 33 - Election Code**

25 13-404.

26 (A) Every officer or board shall receive, file and preserve all reports,  
27 statements, and accounts relating to campaign contributions and expenditures which  
28 are required to be filed by this article. These reports, statements, and accounts shall  
29 be kept as part of the records of the officer or board for a period not to exceed five  
30 years or for at least one year beyond the length of the term of the public or party office  
31 for which every candidate to whom these reports, statements, or accounts apply, has  
32 offered himself for nomination or election, regardless if the candidate is successful,  
33 unsuccessful, or resigns, or for a longer period if ordered by a court of competent  
34 jurisdiction. These reports, statements, and accounts shall be subject and open to  
35 inspection by any citizen of this State during the hours in which the office in which  
36 the reports, statements, and accounts are kept is open. Thereafter, the reports,  
37 statements, and accounts shall be transferred to the State Archives. Before  
38 transferring any reports, statements or accounts to the State Archives, the officer or  
39 board with whom they were filed shall make a permanent record of all election  
40 reports required to have been filed by § 13-401 of this subtitle but which have not

1 been filed. The permanent record shall include the name of the candidate or the  
2 committee, the treasurer, an identification of the missing report, and, if a final report,  
3 a notation of the amount of any outstanding balance, bills or deficits as shown on the  
4 last report filed. The officer or board shall file a copy of this permanent record with  
5 the State Board and with the State Archives. Copies of these reports, statements and  
6 accounts certified by the principal administrative officer in whose office they are kept  
7 under the seal of his office shall be evidence in any court to the same extent as the  
8 original report, statement or account would be if produced and proved.

9 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
10 INFORMATION OBTAINED SOLELY FROM REPORTS, STATEMENTS, OR ACCOUNTS  
11 REQUIRED BY THIS SECTION MAY NOT BE SOLD OR USED FOR COMMERCIAL  
12 PURPOSES OR TO SOLICIT CHARITABLE CONTRIBUTIONS.

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

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

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

30 (I) OVERSTATES THE AMOUNT OF ITEMIZED CONTRIBUTIONS  
31 ACTUALLY RECEIVED; AND

32 (II) UNDERSTATES THE AMOUNT OF UNITEMIZED CONTRIBUTIONS  
33 ACTUALLY RECEIVED.

34 (3) IF A CANDIDATE OR POLITICAL COMMITTEE USES THE NAME OF A  
35 PSEUDONYM CONTRIBUTOR IN A CAMPAIGN REPORT, STATEMENT, OR ACCOUNT  
36 FILED UNDER THIS SECTION, THE CANDIDATE OR POLITICAL COMMITTEE SHALL  
37 FILE WITH THE STATE BOARD, UNDER SEPARATE COVER, A LIST OF THE  
38 PSEUDONYMS USED.

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

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

4     SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not apply  
5 to any reports, statements, or accounts filed under Article 33, § 26-14 of the  
6 Annotated Code of Maryland before the effective date of this Act.

7     SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
8 shall take effect January 1, 1999.

9     SECTION 2. 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of  
10 this Act, this Act shall take effect October 1, 1998.