
By: **Delegate Kagan**
Introduced and read first time: February 3, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Campaign Reports - Privacy of Contributor Data**

3 FOR the purpose of prohibiting information obtained solely from certain campaign
4 documents filed with an election board from being sold or used for commercial
5 purposes or to solicit certain types 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; requiring a certain warning for certain electronic
9 distribution of contributor data; requiring the State Board to adopt certain
10 regulations; requiring certain penalties for violations of this section; and
11 generally relating to limiting the use of information obtained from certain
12 campaign documents.

13 BY repealing and reenacting, with amendments,
14 Article 33 - Election Code
15 Section 13-404
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1998 Supplement)

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

20 **Article 33 - Election Code**

21 13-404.

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

1 inspection by any citizen of this State during the hours in which the office in which
2 the reports, statements, and accounts are kept is open. Thereafter, the reports,
3 statements, and accounts shall be transferred to the State Archives. Before
4 transferring any reports, statements or accounts to the State Archives, the officer or
5 board with whom they were filed shall make a permanent record of all election
6 reports required to have been filed by § 13-401 of this subtitle but which have not
7 been filed. The permanent record shall include the name of the candidate or the
8 committee, the treasurer, an identification of the missing report, and, if a final report,
9 a notation of the amount of any outstanding balance, bills or deficits as shown on the
10 last report filed. The officer or board shall file a copy of this permanent record with
11 the State Board and with the State Archives. Copies of these reports, statements and
12 accounts certified by the principal administrative officer in whose office they are kept
13 under the seal of his office shall be evidence in any court to the same extent as the
14 original report, statement or account would be if produced and proved.

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

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

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

30 (2) IF A CANDIDATE OR POLITICAL COMMITTEE USES A PSEUDONYM TO
31 IDENTIFY A FICTITIOUS CONTRIBUTOR UNDER THIS SECTION, THE DOLLAR AMOUNT
32 OF A FICTITIOUS CONTRIBUTOR MAY NOT EXCEED \$100 AND THE TOTAL DOLLAR
33 AMOUNT OF THE FICTITIOUS CONTRIBUTIONS SHALL BE SUBTRACTED FROM THE
34 AGGREGATE AMOUNT SPECIFIED ON THE REPORT, STATEMENT, OR ACCOUNT FOR
35 UNITEMIZED CONTRIBUTIONS FROM INDIVIDUALS SO THAT THE CANDIDATE OR
36 POLITICAL COMMITTEE:

37 (I) OVERSTATES THE AMOUNT OF ITEMIZED CONTRIBUTIONS
38 ACTUALLY RECEIVED; AND

39 (II) UNDERSTATES THE AMOUNT OF UNITEMIZED CONTRIBUTIONS
40 ACTUALLY RECEIVED.

41 (3) IF A CANDIDATE OR POLITICAL COMMITTEE USES THE NAME OF A
42 PSEUDONYM CONTRIBUTOR IN A CAMPAIGN REPORT, STATEMENT, OR ACCOUNT

1 FILED UNDER THIS SECTION, THE CANDIDATE OR POLITICAL COMMITTEE SHALL
2 FILE WITH THE STATE BOARD, UNDER SEPARATE COVER, A LIST OF THE
3 PSEUDONYMS USED.

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

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

10 (D) (1) ANY DISTRIBUTION OF CONTRIBUTOR DATA ON THE INTERNET
11 SHALL BE ACCOMPANIED BY A WARNING THAT:

12 (I) UNAUTHORIZED USE OF CONTRIBUTOR DATA IS ILLEGAL;

13 (II) THERE ARE PENALTIES FOR UNAUTHORIZED USE OF
14 CONTRIBUTOR DATA; AND

15 (III) SOME OF THE CONTRIBUTOR DATA MAY BE FALSE.

16 (2) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO
17 IMPLEMENT THIS SUBSECTION.

18 (E) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE OF NOT
19 MORE THAN \$2,500 OR IMPRISONMENT IN THE PENITENTIARY FOR NOT MORE THAN 5
20 YEARS OR BOTH.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 1999.