

HOUSE BILL 76

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2000 Regular Session
0lr0351

(PRE-FILED)

By: **Delegates Kagan and Dewberry**
Requested: July 27, 1999
Introduced and read first time: January 12, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - 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 to solicit
5 contributions or for commercial purposes; specifying a certain exception;
6 authorizing a candidate or political committee to use certain procedures to test
7 whether certain campaign fund-raising information is being used in a
8 proscribed manner; requiring a certain warning for electronic distribution of
9 contributor data; requiring the State Board to adopt certain regulations;
10 establishing penalties for violations of this Act; and generally relating to
11 limitations on the use of information obtained from certain campaign
12 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 1999 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 5 years or for at least [one] 1 year beyond the length of the term of the public or party
27 office for which every candidate to whom these reports, statements, or accounts apply,
28 has offered himself for nomination or election, regardless if the candidate is
29 successful, unsuccessful, or resigns, or for a longer period if ordered by a court of

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

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

21 (2) THE CANDIDATE OR POLITICAL COMMITTEE THAT FILED THE
22 REPORTS, STATEMENTS, OR ACCOUNTS SUBJECT TO THIS SECTION MAY USE THE
23 INFORMATION FOR ANY PURPOSE.

24 (C) (1) A POLITICAL COMMITTEE MAY SUBMIT UP TO 10 PSEUDONYMS ON
25 EACH REPORT IT FILES THAT IS SUBJECT TO THIS SECTION IN ORDER TO PROTECT
26 AGAINST THE ILLEGAL USE OF NAMES AND ADDRESSES OF CONTRIBUTORS,
27 PROVIDED THE POLITICAL COMMITTEE ATTACHES A LIST OF THE PSEUDONYMS TO
28 THE REPORT.

29 (2) THE STATE BOARD SHALL EXCLUDE FROM THE PUBLIC RECORD THE
30 LIST OF PSEUDONYMS SUBMITTED BY A POLITICAL COMMITTEE ON A REPORT FILED
31 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

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

35 (II) THERE ARE PENALTIES FOR UNAUTHORIZED USE OF
36 CONTRIBUTOR DATA; AND

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

38 (2) THE STATE BOARD SHALL ADOPT REGULATIONS NECESSARY TO
39 IMPLEMENT THIS SUBSECTION.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2000.