
By: **Delegate Kagan**
Introduced and read first time: February 9, 2001
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, for commercial purposes, or for charitable solicitation purposes;
6 specifying a certain exception; requiring a certain warning for electronic
7 distribution of contributor data; authorizing the State Board of Elections to
8 adopt certain regulations; establishing penalties for violations of this Act;
9 making stylistic changes; and generally relating to limitations on the use of
10 information obtained from certain campaign documents.

11 BY repealing and reenacting, with amendments,
12 Article 33 - Election Code
13 Section 13-404
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 2000 Supplement)

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

18 **Article 33 - Election Code**

19 13-404.

20 (A) Every officer or board shall receive, file and preserve all reports,
21 statements, and accounts relating to campaign contributions and expenditures which
22 are required to be filed by this article. These reports, statements, and accounts shall
23 be kept as part of the records of the officer or board for a period not to exceed [five]
24 5 years or for at least [one] 1 year beyond the length of the term of the public or party
25 office for which every candidate to whom these reports, statements, or accounts apply,
26 has offered himself for nomination or election, regardless if the candidate is
27 successful, unsuccessful, or resigns, or for a longer period if ordered by a court of
28 competent jurisdiction. These reports, statements, and accounts shall be subject and
29 open to inspection by any citizen of this State during the hours in which the office in
30 which the reports, statements, and accounts are kept is open. Thereafter, the reports,

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

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

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

22 (3) ANY DISTRIBUTION OF CONTRIBUTOR DATA ON THE INTERNET
23 SHALL BE ACCOMPANIED BY A WARNING THAT:

24 (I) UNAUTHORIZED USE OF CONTRIBUTOR DATA IS ILLEGAL; AND

25 (II) THERE ARE PENALTIES FOR UNAUTHORIZED USE OF
26 CONTRIBUTOR DATA.

27 (4) THE STATE BOARD MAY ADOPT REGULATIONS NECESSARY FOR THE
28 IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION.

29 (5) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
30 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$2,500
31 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2001.