
By: **Delegate Hurson**

Introduced and read first time: February 1, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Campaign Materials - Advertisements That Include an**
3 **Elected Official**

4 FOR the purpose of altering the definition of "campaign material" to include certain
5 advertisements that include certain elected officials; specifying that campaign
6 material may be paid for only by an expenditure authorized by a campaign
7 finance entity; and generally relating to advertisements that include an elected
8 official and other campaign materials.

9 BY repealing and reenacting, with amendments,
10 Article - Election Law
11 Section 1-101(k) and 13-401
12 Annotated Code of Maryland
13 (2003 Volume and 2004 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Election Law
16 Section 13-403
17 Annotated Code of Maryland
18 (2003 Volume and 2004 Supplement)

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

21 **Article - Election Law**

22 1-101.

23 (k) (1) "Campaign material" means any material that:

24 (i) contains text, graphics, or other images;

25 (ii) relates to a candidate, a prospective candidate, or the approval
26 or rejection of a question; and

1 (iii) is published or distributed.

2 (2) "Campaign material" includes:

3 (i) material transmitted by or appearing on the Internet or other
4 electronic medium; [and]

5 (ii) an oral commercial campaign advertisement; AND

6 (III) AN ADVERTISEMENT THAT:

7 1. INCLUDES AN ELECTED OFFICIAL;

8 2. IDENTIFIES THE OFFICE HELD BY THAT OFFICIAL;

9 3. IS DIRECTED AT THE VOTERS REPRESENTED BY THAT
10 OFFICIAL; AND

11 4. IS PUBLISHED OR DISTRIBUTED WITHIN 3 MONTHS OF AN
12 ELECTION IN WHICH THAT OFFICIAL IS A CANDIDATE.

13 13-401.

14 (a) (1) Except as otherwise provided in this section, each item of campaign
15 material shall contain, set apart from any other message, an authority line that
16 states:

17 (i) as to campaign material published or distributed by a campaign
18 finance entity:

19 1. the name and address of the treasurer of each campaign
20 finance entity responsible for the campaign material; and

21 2. as to each treasurer named under item 1 of this item, the
22 name of each campaign finance entity for which the treasurer is acting; and

23 (ii) as to campaign material published or distributed by any other
24 person, the name and address of the person responsible for the campaign material.

25 (2) The authority line may omit an address that is on file with the State
26 Board or a local board.

27 (3) If the campaign material is too small to include all the information
28 specified in paragraph (1) of this subsection in a legible manner, the authority line
29 need only contain the name and title of the treasurer or other person responsible for
30 it.

31 (4) The authority line for campaign material that is a commercial
32 advertisement need only contain the information specified in paragraphs (1) and (2)
33 of this subsection for one campaign finance entity or other person responsible for the
34 advertisement.

1 (b) Campaign material that is published or distributed in support of or in
2 opposition to a candidate, but is not authorized by the candidate, shall include the
3 following statement:

4 "This message has been authorized and paid for by (name of payor or any
5 organization affiliated with the payor), (name and title of treasurer or president).
6 This message has not been authorized or approved by any candidate."

7 (C) CAMPAIGN MATERIAL MAY BE PAID FOR ONLY BY AN EXPENDITURE
8 AUTHORIZED BY A CAMPAIGN FINANCE ENTITY.

9 13-403.

10 (a) (1) Subject to paragraph (2) of this subsection, each campaign finance
11 entity responsible for, publisher of, and distributor of, an item of campaign material
12 shall keep a sample copy of the item for at least 1 year after the general election next
13 following the date when the item was published or distributed.

14 (2) For each item of campaign material disseminated through the
15 Internet, the sample copy shall be:

16 (i) a paper facsimile; or

17 (ii) a copy on an electronic medium that can be produced as a paper
18 facsimile on request.

19 (b) Subsection (a) of this section does not apply to a billboard or a sign.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2005.