

# HOUSE BILL 1459

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CF 9lr3294

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By: **Delegates Shank, Bates, Feldman, Frick, Haddaway, Rice, and Stocksdales**  
Introduced and read first time: February 27, 2009  
Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – E-Mail Newsletters**

3 FOR the purpose of exempting electronically transmitted documents from certain  
4 provisions restricting the dissemination by members of the General Assembly of  
5 certain unsolicited documents; specifying that certain electronically transmitted  
6 documents shall be subject to certain standards; stating the intent of the  
7 General Assembly; and generally relating to the regulation of legislative  
8 newsletters under the Election Law.

9 BY repealing and reenacting, with amendments,  
10 Article – Election Law  
11 Section 13–406  
12 Annotated Code of Maryland  
13 (2003 Volume and 2008 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Election Law  
16 Section 13–407 and 13–408  
17 Annotated Code of Maryland  
18 (2003 Volume and 2008 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 13–406.

23 (a) In this Part II of this subtitle the following words have the meanings  
24 indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (b) “Incumbent” means a member of the General Assembly.

2 (c) (1) “Legislative newsletter” means an unsolicited document used by an  
3 incumbent, without supervision by, or coordination with, the General Assembly, to  
4 disseminate information to a constituent, voter, or potential voter about:

5 [(1)] (I) the incumbent’s performance in legislative office; or

6 [(2)] (II) one or more issues of public interest chosen by the  
7 incumbent.

8 (2) (I) **“LEGISLATIVE NEWSLETTER” DOES NOT INCLUDE A**  
9 **DOCUMENT THAT IS DISSEMINATED TO RECIPIENTS BY ELECTRONIC MAIL OR**  
10 **ANY OTHER MODE OF ELECTRONIC TRANSMISSION.**

11 (II) **A DOCUMENT DESCRIBED IN SUBPARAGRAPH (I) OF**  
12 **THIS PARAGRAPH SHALL BE SUBJECT TO STANDARDS ADOPTED BY THE**  
13 **PRESIDING OFFICERS, OR AN APPROPRIATE ENTITY, OF THE GENERAL**  
14 **ASSEMBLY.**

15 (d) “Publication expense” means an expenditure relating to writing,  
16 publishing, printing, issuing, mailing, or distributing a legislative newsletter.

17 13–407.

18 Part II of this subtitle does not restrict the use by the General Assembly of any  
19 funds appropriated in the State budget.

20 13–408.

21 (a) Publication expenses may not be paid from public funds.

22 (b) Publication expenses may be paid from:

23 (1) a campaign account of a campaign finance entity of the incumbent  
24 if the campaign finance entity complies with all other requirements of this title  
25 regarding expenditures and campaign material; or

26 (2) the personal funds of the incumbent or the spouse of the incumbent  
27 if, as to each issue:

28 (i) the incumbent has not filed a certificate of candidacy;

29 (ii) the legislative newsletter contains a notice that it is  
30 disseminated at the personal expense of the incumbent; and

1 (iii) within 10 days after the first mailing or distribution of the  
2 issue, the incumbent files a campaign finance report with the State Board that  
3 contains:

- 4 1. a detailed list of publication expenses; and
- 5 2. an affidavit that no funds for the legislative  
6 newsletter have been solicited or received from any source to supplement the personal  
7 funds.

8 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
9 General Assembly that the presiding officers of the General Assembly, the Joint  
10 Committee on Legislative Ethics, the Joint Advisory Committee on Legislative Data  
11 Systems, or other appropriate entity of the General Assembly shall promulgate  
12 reasonable standards for the use of the General Assembly's electronic mail system and  
13 other General Assembly resources that may be used in the dissemination of electronic  
14 communications.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2009.