

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1459
Ways and Means

(Delegate Shank, *et al.*)

Election Law - E-Mail Newsletters

This bill specifies that a document that is disseminated to recipients by electronic mail or any other mode of electronic transmission is not included within the definition of a “legislative newsletter” sent out by a member of the General Assembly. A document sent by electronic mail or any other mode of electronic transmission is subject to standards adopted by the presiding officers, or an appropriate entity, of the General Assembly, and it is the intent of the General Assembly that specified standards be promulgated.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: “Legislative newsletter” is defined as an unsolicited document used by a member of the General Assembly, without supervision by, or coordination with, the General Assembly, to disseminate information to a constituent, voter, or potential voter about the member’s performance in legislative office or one or more issues of public interest chosen by the member.

Expenditures relating to writing, publishing, printing, issuing, mailing, or distributing a legislative newsletter may not be paid from public funds, but may be paid for by a

campaign finance entity of the member or the personal funds of the member or member's spouse, subject to certain conditions.

Background: The Office of the Attorney General recently provided advice that a newsletter distributed electronically is subject to the prohibition against use of public funds for publication expenses of a legislative newsletter.

Additional Information

Prior Introductions: None.

Cross File: SB 1015 (Senators Kittleman and Jacobs) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections, State Ethics Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 23, 2009
mlm/hlb

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