

HOUSE BILL 200

G1, G2

6lr0570

By: **Delegate Krebs**

Introduced and read first time: January 21, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Legislative Newsletters – Distribution by Electronic Mail**

3 FOR the purpose of altering the definition of “legislative newsletter” to exclude a document
4 distributed only by electronic mail; and generally relating to election law and
5 legislative newsletters.

6 BY repealing and reenacting, with amendments,
7 Article – Election Law
8 Section 13–406
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 13–407 through 13–409
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2015 Supplement)

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

18 **Article – Election Law**

19 13–406.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

6 (2) **“LEGISLATIVE NEWSLETTER” DOES NOT INCLUDE A DOCUMENT**
7 **DISTRIBUTED ONLY BY ELECTRONIC MAIL.**

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

10 13–407.

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

13 13–408.

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

15 (b) Publication expenses may be paid from:

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

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

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

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

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

26 1. a detailed list of publication expenses; and

27 2. an affidavit that no funds for the legislative newsletter
28 have been solicited or received from any source to supplement the personal funds.

29 13–409.

1 (a) There is a \$10 late filing fee for each day or part of a day, excluding a Saturday,
2 Sunday, or holiday, that a campaign finance report required by § 13–408 of this subtitle is
3 overdue.

4 (b) The maximum fee payable is \$250.

5 (c) A late fee assessed under this section shall be:

6 (1) paid from the personal funds of the incumbent; and

7 (2) distributed to the Fair Campaign Financing Fund established under §
8 15–103 of this article.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2016.