

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 261
Ways and Means

(Delegate Cardin)

Election Law - Campaign Material - Clarification of Definition

This bill modifies the definition of “campaign material.” Under the modified definition, among other existing requirements, text, graphics, or other images contained in the material must primarily be related to campaign activity for an election in order for the material to be considered campaign material.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: “Campaign material” means any material that (1) contains text, graphics, or other images; (2) relates to a candidate, a prospective candidate, or the approval or rejection of a question or prospective question; and (3) is published, distributed, or disseminated. “Campaign material” includes (1) a qualifying paid digital communication; (2) any other material transmitted by or appearing on the Internet or other electronic medium; and (3) an oral commercial campaign advertisement.

Each item of campaign material generally must contain an authority line that states (1) as to campaign material published, distributed, or disseminated by a campaign finance entity, the name and address of the treasurer of each campaign finance entity responsible for the campaign material and the name of each campaign finance entity for which each

treasurer is acting; and (2) as to campaign material published, distributed, or disseminated by any other person, the name and address of the person responsible for the campaign material.

Campaign material that is published or distributed in support of or in opposition to a candidate, but is not authorized by the candidate, must include the statement “This message has been authorized and paid for by (name of payor or any organization affiliated with the payor), (name and title of treasurer or president). This message has not been authorized or approved by any candidate.”

With the exception of billboards and signs, each campaign finance entity and each independent expenditure or electioneering communication registrant responsible for, publisher of, and distributor of, an item of campaign material must keep a sample copy of the item for at least one year after the general election next following the date the item was published or distributed.

The State Board of Elections is required to adopt regulations governing the application of statutory campaign material requirements to campaign material transmitted through electronic media.

Additional Information

Prior Introductions: HB 156 of 2016 received an unfavorable report from the House Ways and Means Committee.

Cross File: SB 225 (Senator West) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Department of Legislative Services

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sb/hlb

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