

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 216  
Ways and Means

(Delegate Cardin, *et al.*)  
Education, Health, and Environmental Affairs

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Election Law – Campaign Material – Definition

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This bill alters the definition of “campaign material” so that it includes an automated or prerecorded oral communication. **The bill takes effect January 1, 2021.**

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Fiscal Summary

**State Effect:** Any impact on State finances is not expected to be material.

**Local Effect:** Any impact on local government finances is not expected to be material.

**Small Business Effect:** None.

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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. The authority line may omit an address that is on file with the State Board of Elections (SBE) or a local board.

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.

SBE is required to adopt (and has adopted) regulations governing the application of statutory campaign material requirements to campaign material transmitted through electronic media.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

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

**Fiscal Note History:** First Reader - January 31, 2020  
an/hlb Third Reader - March 11, 2020  
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