

HOUSE BILL 216

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By: **Delegates Cardin, Ebersole, Hettleman, Hill, and Stein**

Introduced and read first time: January 16, 2020

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2020

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Campaign Material – Definition ~~and Authority Line for~~**
3 **~~Telephone Calls~~**

4 FOR the purpose of ~~clarifying the definition of “campaign material” by providing that the~~
5 ~~text, graphics, or other images contained in the material must primarily relate to~~
6 ~~campaign activity for an election;~~ altering the definition of “campaign material” to
7 include certain material ~~that relates to a political party or~~ that is an automated or
8 prerecorded oral communication; ~~requiring campaign material published,~~
9 ~~distributed, or disseminated through the telephone to include an authority line at~~
10 ~~the beginning of the telephone call;~~ providing for a delayed effective date; and
11 generally relating to campaign material.

12 BY repealing and reenacting, without amendments,

13 Article – Election Law

14 Section 1–101(a) and 13–401

15 Annotated Code of Maryland

16 (2017 Replacement Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article – Election Law

19 Section 1–101(k) ~~and 13–401~~

20 Annotated Code of Maryland

21 (2017 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Election Law**

4 1–101.

5 (a) In this article the following words have the meanings indicated unless a
6 different meaning is clearly intended from the context.

7 (k) (1) “Campaign material” means any material that:

8 (i) contains text, graphics, or other images ~~THAT ARE PRIMARILY~~
9 ~~RELATED TO CAMPAIGN ACTIVITY FOR AN ELECTION;~~

10 (ii) relates to a candidate, a prospective candidate, ~~A POLITICAL~~
11 ~~PARTY,~~ or the approval or rejection of a question or prospective question; and

12 (iii) is published, distributed, or disseminated.

13 (2) “Campaign material” includes:

14 (i) a qualifying paid digital communication;

15 (ii) any other material transmitted by or appearing on the Internet
16 or other electronic medium; [and]

17 (iii) an oral commercial campaign advertisement; AND

18 **(IV) AN AUTOMATED OR PRERECORDED ORAL COMMUNICATION.**

19 13–401.

20 (a) (1) Except as otherwise provided in this section, each item of campaign
21 material shall contain, set apart from any other message, an authority line that states:

22 (i) as to campaign material published, distributed, or disseminated
23 by a campaign finance entity:

24 1. the name and address of the treasurer of each campaign
25 finance entity responsible for the campaign material; and

26 2. as to each treasurer named under item 1 of this item, the
27 name of each campaign finance entity for which the treasurer is acting; and

1 (ii) as to campaign material published, distributed, or disseminated
2 by any other person, the name and address of the person responsible for the campaign
3 material.

4 (2) The authority line may omit an address that is on file with the State
5 Board or a local board.

6 (3) If the campaign material is too small to include all the information
7 specified in paragraph (1) of this subsection in a legible manner, the authority line need
8 only contain the information required by regulations adopted by the State Board.

9 (4) The authority line for campaign material that is a commercial
10 advertisement need only contain the information specified in paragraphs (1) and (2) of this
11 subsection for one campaign finance entity or other person responsible for the
12 advertisement.

13 ~~(5) CAMPAIGN MATERIAL THAT IS PUBLISHED, DISTRIBUTED, OR~~
14 ~~DISSEMINATED THROUGH THE TELEPHONE SHALL INCLUDE AN AUTHORITY LINE AT~~
15 ~~THE BEGINNING OF THE TELEPHONE CALL.~~

16 (b) Campaign material that is published or distributed in support of or in
17 opposition to a candidate, but is not authorized by the candidate, shall include the following
18 statement:

19 "This message has been authorized and paid for by (name of payor or any
20 organization affiliated with the payor), (name and title of treasurer or president). This
21 message has not been authorized or approved by any candidate."

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 January 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.