

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing**

Chapter 07 Authority Line Requirements; Electronic Media

Authority: Election Law Article, §§2-102(b)(4), 13-401, 13-404, 13-245 and Title 13, Subtitle 4, Part I, Annotated Code of Maryland Annotated Code of Maryland

.02 Requirements.

A.-G. (text unchanged)

H. *Deep Fake*.

(1) In this paragraph “Deep Fake” means an audio or video recording that appears to constitute a true recording of an action, a sound, a vocalization, or an image, but:

(a) Did not occur in the manner presented by the recording in reality; and

(b) Was generated with the assistance of computer software to create apparently authentic images, vocalizations, or recordings.

(2) A deep fake created, used, paid or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(3) A political committee that creates, uses, pays or authorizes the creation, distribution, publication, or use of a deep fake as or included in campaign material, shall include:

(a) The authority line required under Election Law Article, §13-401(a)(1), Annotated Code of Maryland, within the publication or distribution of the deep fake; and

(b) In a clear and conspicuous manner at the beginning and the end of the part off the campaign material containing the deep fake that the content or substance of what is being presented does not reflect a true recording of an action, sound or image that occurred in reality.

I. *Text Message*.

(1) A text message created, used, paid or authorized by a political committee or its agent and sent to a potential voter or donor for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(2) A political committee that creates, uses, pays or authorizes the creation, distribution, publication, or use of a text message constituting campaign material under paragraph I(1) of this Regulation shall include the authority line required under Election Law Article, §13-401(a)(1), Annotated Code of Maryland, within the text message.

(3) If the character limit of a text message constituting campaign material described in paragraph I(1) of this Regulation is not sufficient to include the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, in a legible manner, the political committee is in compliance with the authority line requirement under Election Law Article, §13-401(a), Annotated Code of Maryland if a second text message that prominently displays the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, is immediately sent to the same number to which the text message constituting campaign material described in paragraph I(1) of this Regulation was sent.

Title 33 State Board of Elections
Subtitle 18 Violations
Chapter 02 Prohibited Acts

Authority: Election Law Article, §§2-102(b)(4), 13-602 and 16-201(a), Annotated Code of Maryland Annotated Code of Maryland

.01 Definitions

A. In this chapter, the following terms ha[s]ve the meaning indicated.

B. Terms Defined.

(1) “Deep fake” has the meaning stated in COMAR 33.13.07.02H(1).

(2) “Political convention” means the act of a political party or central committee of the political party to select, nominate, or elect:

[[1]](a) A replacement candidate to the ballot pursuant to Election Law Article, Title 5, Subtitles 9 and 10, Annotated Code of Maryland;

[[2]](b) A member to the central committee;

[[3]](c) A person for appointment to fill a vacancy in accordance with Article III, Section 13, of the Maryland Constitution; or

[[4]](d) A candidate for the general election.

.02 Prohibited Acts

(E) Deep Fake. A person may not willfully or knowingly influence or attempt to influence a voter’s decision to go to the polls or to cast a vote by publishing, distributing, or disseminating material constituting or containing a deep fake within 90 days before an election without meeting the same requirements imposed on political committees under COMAR 33.13.07.02H.

Title 33 State Board of Elections
Subtitle 20 Disclosure by Person Doing Public Business
Chapter 8 Sanctions

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland
Annotated Code of Maryland

.01 Penalties

A. Late Filing Fee Penalty. *Except as provided in §B of this Regulation, [T] the State Board shall assess a late filing fee for a failure to file the statement of contributions required under Election Law Article, §14-104, Annotated Code of Maryland, [of \$10 for each day or part of a day that the statement of contributions is overdue] in the same method and manner as prescribed by Election Law Article, §13-331(b), Annotated Code of Maryland.*

B. Maximum Fee. The maximum fee assessed under §A of this regulation is \$[500] 1,000.

C. [text unchanged]

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
Chapter 6 Campaign Accounts**

Authority: Election Law Article, §§2-102(b)(4) and Title 13, Subtitle 2, Part IV, Annotated Code of Maryland Annotated Code of Maryland

.07 Campaign Contribution Receipts

A. Receipts. By the next deadline for filing a campaign finance report after receiving a contribution specified in paragraph (2) of this subsection, a treasurer shall issue a campaign contribution receipt.

B. Required Contents. The receipt issued by the treasurer shall include:

- (1) The name of the contributor;*
- (2) The address of the contributor;*
- (3) The date of the contribution;*
- (4) The transaction method of the contribution;*
- (5) The amount of contribution;*
- (6) The aggregate amount of contributions made by the contributor to the political committee as of the date of the contribution;*
- (7) The name of the campaign finance report that the contribution was disclosed on; and*
- (8) Language regarding the contribution limits for an election cycle.*

Title 33 STATE BOARD OF ELECTIONS
Subtitle 13 CAMPAIGN FINANCING
Chapter 14 Public Financing

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

.07 Coordinated In-Kind Contributions.

A. In General. Coordinated expenditures by a State central committee of a political party with a candidate, or by the local central committee of a political party with a candidate who will appear only on the ballot in the county of the local central committee, are considered coordinated in-kind contributions.

B. Limits.

(1) A State central committee may not make a coordinated in-kind contribution in excess of \$10,000 per election to a candidate for elective office of county government participating in public financing in that election.

(2) A local central committee may not make a coordinated in-kind contribution in excess of \$10,000 per election to a candidate for elective office of county government participating in public financing in that election.

C. Sources of Funds. Any monies spent by a central committee on a coordinated in-kind contribution to a candidate for elective office of county government participating in public financing must be raised from permissible sources for that candidate within the reporting period for which the coordinated in-kind contribution was made.

D. Prohibitions. Except as provided in this regulation, all other coordinated in-kind contributions from other political committees are prohibited for a candidate for elective office of county government participating in public financing.

E. Disclosure. All coordinated in-kind contributions for candidates for elective office of county government participating in public financing are subject to the reporting requirements of COMAR 33.13.18.02.

.08 Electronic Signatures.

A. Definitions.

(1) "Contribution card" has the meaning stated in Election Law Article, § 15-102(c), Annotated Code of Maryland.

(2) "Electronic signature" has the meaning stated in Election Law Article, § 1-101(y), Annotated Code of Maryland.

B. Electronic signatures. An individual may place an electronic signature on the contribution card or the receipt of the contribution to the candidate for elective office of county government participating in public financing.

C. Electronic signatures—Process. An electronic signature:

(1) Shall be affixed or entered directly by the signer onto an electronic copy of the contribution card; and

(2) May not be pre-populated or otherwise entered by the signer by way of a check box, radio button, drop-down list, or other similar device, but instead must be entered or affixed by the signer by making affirmative marks into an empty field.

D. Electronic signatures—Restrictions. An individual may not sign a contribution card with an electronic signature unless that individual affirms that the contribution:

(1) Is being made from personal funds of the individual;

(2) Is not being reimbursed or is not intended to be reimbursed in any manner;

(3) Is not being made as a loan; and

(4) If applicable, in the case of a credit card contribution, is made from a personal credit card account of the individual that has no corporate or business affiliation.

.09 Transfers.

A. Prohibitions. Transfers from a publicly financed candidate committee to any other political committee are prohibited.

B. Voter Access Service. The purchase of the voter file access service from the State central committee is not considered a transfer and is a permissible expenditure.

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn E. S. Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: State Board Members
From: Jared DeMarinis
Date: December 6, 2021
Re: Proposed Changes to Regulations

At the next board meeting, I will propose changes to the following COMAR provision¹ (see enclosure):

- 33.13 -Campaign Financing
 - .07 (Authority Line Requirements, Electronic Media)
 - .02 (Requirements)
 - .14 (Public Financing)
 - .07 (*Coordinated In-kind Contributions*)
 - .08 (*Electronic Signatures*)
 - .09 (*Transfers*)
- 33.18 - Violations
 - .02 (Prohibited Acts)
- 33.20- Disclosure of Person Doing Public Business
 - .08 (Sanctions)

Campaign Financing (Subtitle 13)

.07 Authority Line Requirements, Electronic Media

The proposed regulation modifies the authority line requirements for the use of deep fake video and audio recordings and the sending of text messages by a political committee. The proposed regulations define what constitutes a deep fake audio and video recording. Moreover, it modifies the authority line requirements to include an additional disclaimer at the beginning and end of the recording that the audio or video recording did not occur in reality. Additionally, the proposed regulation requires a political committee that disseminates text messages to individuals but the text message service limits the number of characters in the text to immediately follow the text message with a text message including the authority line.

¹ Italicized text is new section or language.

.14 (Public Financing)

The proposed regulations allow for central committees to make coordinated in-kind contributions to county publicly financed candidates. The proposed regulations set limits and restricts the source of the funding consistent with the enabling legislation and county programs.

Violations (Subtitle 18)

.02 Prohibited Acts

The proposed regulations require a person to place the same disclaimer requirements on a deep fake recording attempting to influence a voter's decision going to the polls or casting a vote within 90 days of the election.

Disclosure of Person doing Public Business (Subtitle 20)

.08 Sanctions

The proposed regulations update the late fee penalties to match the late fee fine structure for political committees. In 2019, the General Assembly changed the penalties for political committee to a maximum penalty of \$1,000. The law governing the contribution disclosure statement for persons doing public business requires that penalties for late filings are identical to political committees.

Attachment: Proposed Regulations

STATE BOARD OF ELECTIONS

P.O. BOX 6486, ANNAPOLIS, MD 21401-0486 PHONE (410) 269-2840

William G. Voelp, Chairman
Malcolm L. Funn, Vice Chairman
Severn Miller
Justin Williams
T. Sky Woodward



Linda H. Lamone
Administrator

Nikki Charlson
Deputy Administrator

Memorandum

To: Members of the State Board of Elections
From: Nikki Charlson
Date: November 16, 2021
Re: Final Adoption of Regulations for December 16 Meeting

At the December 16 meeting, I will present for final adoption some of the changes approved for publication at the July 22 meeting. The proposed changes were published in the September 24, 2021, edition of the *Maryland Register* (Vol. 48, Issue 20). The public comment period closed on October 25, 2021. No comments were received.

The proposed changes being considered for final adoption are:

1. 33.01.01.01B (General Provisions – Definitions): Adds “ballot drop box” as a defined term and references the definition in Election Law Article, §1-101(d-1), added by Chapters [56](#) and [514](#) of the 2021 Laws of Maryland.
2. 33.05.04.02C (Voter Registration – Processing Applications) and 33.11.02.01D (Absentee Ballots – Applications): These proposed changes add a reference to voter registration applications returned at a ballot drop box when determining whether the application was timely and establishes a deadline for an application for an absentee ballot deposited into a ballot drop box.
3. 33.11.03.08B(3) (Absentee Ballots – Timely): The proposed change incorporates into the “timely” definition ballots returned at a ballot drop box.
4. 33.17.05.01C (Early Voting – Election Judges): Under these proposed changes, onsite support is required to open and close the early voting center on the first day of early voting and to close the early voting center on the last day of early voting. On other days of early voting, the local board must provide remote support if there is not someone providing onsite support.

For more information on these proposed changes, please refer to my memo dated July 2, 2021, and the accompanying text of the proposed changes. Please let me know if you would like me to resend these memos or text of the proposed changes.

At the meeting, I will recommend final approval of these regulations. If you have any questions about these regulations before the meeting, please do not hesitate to contact me. I will also be at next meeting to answer any questions.

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing**

Chapter 07 Authority Line Requirements; Electronic Media

Authority: Election Law Article, §§2-102(b)(4), 13-401, 13-404, 13-245 and Title 13, Subtitle 4, Part I, Annotated Code of Maryland Annotated Code of Maryland

.02 Requirements.

A.-G. (text unchanged)

H. *Deep Fake*.

(1) In this paragraph “Deep Fake” means an audio or video recording that appears to constitute a true recording of an action, a sound, a vocalization, or an image, but:

(a) Did not occur in the manner presented by the recording in reality; and

(b) Was generated with the assistance of computer software to create apparently authentic images, vocalizations, or recordings.

(2) A deep fake created, used, paid or authorized by a political committee or its agent for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(3) A political committee that creates, uses, pays or authorizes the creation, distribution, publication, or use of a deep fake as or included in campaign material, shall include:

(a) The authority line required under Election Law Article, §13-401(a)(1), Annotated Code of Maryland, within the publication or distribution of the deep fake; and

(b) In a clear and conspicuous manner at the beginning and the end of the part off the campaign material containing the deep fake that the content or substance of what is being presented does not reflect a true recording of an action, sound or image that occurred in reality.

I. *Text Message*.

(1) A text message created, used, paid or authorized by a political committee or its agent and sent to a potential voter or donor for the purpose of promoting or opposing a candidate, a prospective candidate, or the approval or rejection of a question is campaign material as defined under Election Law Article, §1-101(k), Annotated Code of Maryland.

(2) A political committee that creates, uses, pays or authorizes the creation, distribution, publication, or use of a text message constituting campaign material under paragraph I(1) of this Regulation shall include the authority line required under Election Law Article, §13-401(a)(1), Annotated Code of Maryland, within the text message.

(3) If the character limit of a text message constituting campaign material described in paragraph I(1) of this Regulation is not sufficient to include the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, in a legible manner, the political committee is in compliance with the authority line requirement under Election Law Article, §13-401(a), Annotated Code of Maryland if a second text message that prominently displays the authority line information required under Election Law Article, §13-401(a), Annotated Code of Maryland, is immediately sent to the same number to which the text message constituting campaign material described in paragraph I(1) of this Regulation was sent.

Title 33 State Board of Elections
Subtitle 18 Violations
Chapter 02 Prohibited Acts

Authority: Election Law Article, §§2-102(b)(4), 13-602 and 16-201(a), Annotated Code of Maryland Annotated Code of Maryland

.01 Definitions

A. In this chapter, the following terms ha[s]ve the meaning indicated.

B. Terms Defined.

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[[1)](a) A replacement candidate to the ballot pursuant to Election Law Article, Title 5, Subtitles 9 and 10, Annotated Code of Maryland;

[[2)](b) A member to the central committee;

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.02 Prohibited Acts

(E) Deep Fake. A person may not willfully or knowingly influence or attempt to influence a voter’s decision to go to the polls or to cast a vote by publishing, distributing, or disseminating material constituting or containing a deep fake within 90 days before an election without meeting the same requirements imposed on political committees under COMAR 33.13.07.02H.

Title 33 State Board of Elections
Subtitle 20 Disclosure by Person Doing Public Business
Chapter 8 Sanctions

Authority: Election Law Article, §§2-102(b)(4) and 14-109, Annotated Code of Maryland
Annotated Code of Maryland

.01 Penalties

A. Late Filing Fee Penalty. *Except as provided in §B of this Regulation, [T] the State Board shall assess a late filing fee for a failure to file the statement of contributions required under Election Law Article, §14-104, Annotated Code of Maryland, [of \$10 for each day or part of a day that the statement of contributions is overdue] in the same method and manner as prescribed by Election Law Article, §13-331(b), Annotated Code of Maryland.*

B. Maximum Fee. The maximum fee assessed under §A of this regulation is \$[500] 1,000.

C. [text unchanged]

**Title 33 State Board of Elections
Subtitle 13 Campaign Financing
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Authority: Election Law Article, §§2-102(b)(4) and Title 13, Subtitle 2, Part IV, Annotated Code of Maryland Annotated Code of Maryland

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B. Required Contents. The receipt issued by the treasurer shall include:

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- (3) The date of the contribution;*
- (4) The transaction method of the contribution;*
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- (6) The aggregate amount of contributions made by the contributor to the political committee as of the date of the contribution;*
- (7) The name of the campaign finance report that the contribution was disclosed on; and*
- (8) Language regarding the contribution limits for an election cycle.*

Title 33 STATE BOARD OF ELECTIONS
Subtitle 13 CAMPAIGN FINANCING
Chapter 14 Public Financing

Authority: Election Law Article, §§2-102(b)(4) and 13-505(b)(7), Annotated Code of Maryland

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B. Limits.

(1) A State central committee may not make a coordinated in-kind contribution in excess of \$10,000 per election to a candidate for elective office of county government participating in public financing in that election.

(2) A local central committee may not make a coordinated in-kind contribution in excess of \$10,000 per election to a candidate for elective office of county government participating in public financing in that election.

C. Sources of Funds. Any monies spent by a central committee on a coordinated in-kind contribution to a candidate for elective office of county government participating in public financing must be raised from permissible sources for that candidate within the reporting period for which the coordinated in-kind contribution was made.

D. Prohibitions. Except as provided in this regulation, all other coordinated in-kind contributions from other political committees are prohibited for a candidate for elective office of county government participating in public financing.

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A. Definitions.

(1) "Contribution card" has the meaning stated in Election Law Article, § 15-102(c), Annotated Code of Maryland.

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B. Electronic signatures. An individual may place an electronic signature on the contribution card or the receipt of the contribution to the candidate for elective office of county government participating in public financing.

C. Electronic signatures—Process. An electronic signature:

(1) Shall be affixed or entered directly by the signer onto an electronic copy of the contribution card; and

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D. Electronic signatures—Restrictions. An individual may not sign a contribution card with an electronic signature unless that individual affirms that the contribution:

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B. Voter Access Service. The purchase of the voter file access service from the State central committee is not considered a transfer and is a permissible expenditure.

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Campaign Financing (Subtitle 13)

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