

Chapter 12 – Campaign Literature and Paraphernalia

12.1 Authority Lines

1. Generally

Each item of campaign material must include an authority line, set apart from the other printing or content of the campaign material. The authority line must state the name and address (unless the address is on file with the State Board) of the person who is responsible for the production and distribution of the campaign material.

Campaign material is any material that: 1) contains text, graphics, and/or images; 2) relates to a candidate, a prospective candidate, or a ballot question (or prospective question); and, 3) is distributed or disseminated in any way. Campaign material includes, but is not limited to, signs, buttons, letters, tickets, solicitations, radio and television advertisements, websites, social media accounts, bumper stickers, and paraphernalia such as pencils, hats, and t-shirts.

-§ 1-101 and § 13-401 of the Election Law Article

2. Campaign Materials Produced by a Political Committee

If the campaign material is produced by a political committee, the authority line must contain:

- The name of the treasurer; and
- The name of the campaign finance entity.

Example of authority line for a committee.

Committee to Elect Mary Smith, John Jones, Treasurer

If the material is too small to permit the inclusion of all required information in a legible manner, the material need only contain the name and title of the treasurer.

-§ 13-401 of the Election Law Article

Example: John Jones, Treas.

The Office of the Attorney General has stated that almost no material is too small to permit inclusion of the complete authority line. Accordingly, every effort should be made to include the entire authority line.

3. Mailings

If there is more than one piece or item bearing the candidate's name in a mailing (*for example*, a brochure, a cover letter, a bumper sticker, a reproduction of a newspaper article), each piece must bear the authority line. An envelope that does not include the name of a candidate, the name of a campaign finance entity, or a campaign slogan is not required to contain an authority line.

4. Campaign Materials Produced by a Person

Campaign materials paid for by a person other than the candidate or political committee mentioned in the campaign materials are either an ***in-kind contribution*** to the political committee or an ***independent expenditure***. This distinction dictates the contents of the authority line.

- ***In-Kind Contribution:*** If an individual or an entity pays for campaign material with the candidate's cooperation, knowledge and coordination, the campaign material in question should have the authority line of the candidate's campaign finance entity.
- ***Independent Expenditure:*** If an individual or an entity pays for campaign material without the candidate's cooperation, knowledge or coordination, the authority line should include the following statement.

"This message has been authorized and paid for by (insert). This message has not been authorized or approved by any candidate."

- The name and address of the person or entity; and
- The name and title of the president, treasurer, or person responsible for the campaign material.

Exception: According to the Attorney General of Maryland, an individual acting alone, i.e. without the use of vendors, consultants or other paid services, may create campaign materials without including an authority line but only in very limited circumstances.¹⁶

- §§ 13-102 and 13-401 of the Election Law Article

5. Campaign Material Produced by Multiple Political Committees

If campaign materials are produced jointly by more than one political committee (Committee A and Committee B), the authority line on the campaign materials is as follows:

- If the committees jointly purchased the materials, the authority line of both Committee A and B must be included; or
- If Committee A paid for the materials, only Committee A's authority line is required. It should be noted that Committee A must show on its campaign finance report that an in-kind contribution was made to Committee B (and Committee B must report receiving an in-kind contribution).

NOTE: A political committee may not reimburse another political committee. Any monies

¹⁶ In 80 *Opinions of the Attorney General* 110 (1995), the Attorney General applied *McIntyre v. Ohio Elections Commission* to Maryland's election law. In *McIntyre*, the Supreme Court ruled that Ohio's law prohibiting anonymous campaign literature, as that law applied to an individual acting independently, was unconstitutional. Accordingly, the Attorney General concluded that the Court's decision does not invalidate prohibitions on anonymous campaign materials (or the requirement that disclosures be made on campaign materials) except as applied to an individual acting independently.

received by a political committee from another political committee will be considered a transfer. Therefore, it is important when sharing an expense either to establish a slate or to write separate checks to the vendor.

Campaign Materials on Electronic Media

-COMAR 33.13.07.02

A. Webpages and Social Media accounts:

Candidates and political committees that have a web page or social media account must place an authority line on the home or landing page of the website or social media account. An authority line is not required after each post or tweet. However, since each post or tweet is considered campaign material, the political committee is required to retain a copy of posts and tweets for at least 1 year after the general election following the date of the post or tweet.

B. Electronic Media Advertisement:

Electronic media advertisement by a political committee is required to have an authority line. If the electronic media advertisement is too small for an authority line then:

1. The ad must allow the viewer to click on the ad and take the viewer to a home or landing page that displays the authority line; or
2. Register the ad with the State Board.

Examples of electronic advertisement ads deemed too small:

- A paid text advertisement that is 200 characters or less in length;
- A micro-bar; or
- A button ad.

C. Deepfakes:

A “deepfake” refers to an audio or video recording that appears to constitute a true recording of an action, sound, vocalization, or image, but that did not occur in reality and was instead generated by computer software.

A deepfake authorized by a political committee is campaign material and must include the authority line at the beginning and end of the content that was altered or artificially constructed.

-COMAR 33.13.07.02H

D. Bot:

A “bot” is an online user account where all or substantially all of the actions or posts of that account are not the result of a person. A committee must clearly disclose that the campaign material was published, distributed, or disseminated by a bot.

§ 13-401.1(b) of the Election Law Article

E. Text Message:

Text messages by a political committee sent to a potential voter or donor are campaign material. The text message must include the authority line within the text message, or, if the character limit of a text message is not sufficient to include the authority line information, a second text message that prominently displays the authority line is immediately sent to the same number.

12.2 Copies of Campaign Materials

Each political committee and each person who makes an independent expenditure responsible for publishing and distributing an item of campaign material is required to keep a sample copy of the item for at least 1 year after the general election following the date when the item was published or distributed. For each item of campaign material disseminated through the Internet, the sample copy may be either a paper facsimile copy or an electronic copy that can be produced as a paper facsimile on request. These requirements do not apply to a billboard or a sign distributed by a political committee.

- § 13-403 of the Election Law Article

12.3 Placement of Campaign Signs

The State Board does not have regulatory authority over the placement or location of campaign signs. However, there are State and local laws that regulate where and when you can put up campaign signs.

Placement of signs on State roads and highways is regulated by the State Highway Administration.

<i>County</i>	<i>SHA District Offices</i>
Dorchester Somerset Wicomico Worcester	P.O. Box 2679 660 West Road – Salisbury, MD 21802 410-677-4000 or 800-825-4742
Caroline Cecil Queen Anne's Talbot Kent	MD Route 291, 615 Morgnec Road P.O. Box 299 – Chestertown, MD 21620 410-778-3061 or 800-637-9740
Montgomery Prince George's	P.O. Box 327 9300 Kenilworth Avenue Greenbelt, MD 20770 301-513-7300 or 800-749-0737
Baltimore Harford	320 West Warren Road Hunt Valley, MD 21030 410-229-2300 or 1-866-998-0367

Anne Arundel Charles Calvert St. Mary's	138 Defense Highway Annapolis, MD 21401 410-841-1000, 410-841-5450, or 800-331-5603
Allegany Garrett Washington	1251 Vocke Road LaVale, MD 21502 301-729-8400 or 800-760-7138
Carroll Frederick Howard	5111 Buckeystown Pike Frederick, MD 21704 301-624-8100 or 800-635-5119

Placement of signs on city and county roads and on public property in the cities and counties is regulated by local ordinances. In addition, many cities and counties regulate when signs can be put up and when they must be taken down. You can call the local election board for assistance in obtaining information on the laws in your county or municipality.

Campaign signs may be placed at polling locations at 5:00pm the day before voting starts at that location. The campaign signs may remain at the polling location until 8:00am the day after the voting has ended at the polling location.

- § 10-101(a)(3)(iii) of the Election Law Article

12.4 Giveaway Items

Campaigns often give out small items, such as buttons, stickers, refrigerator magnets, and emery boards, to help advertise their campaign. While such traditional campaign memorabilia are not prohibited, it should be noted that certain non-traditional giveaway items (regardless of their cost) may cross the line from mere advertising to being a gift to induce a vote, which is prohibited. Furthermore, a giveaway may never be cash or a gift card with a cash value.

The State Board advises against the use of non-traditional campaign giveaway items. If you are not sure if an item is acceptable, please call the State Board for clarification.

12.5 RoboCalls

RoboCalls are campaign material and require an authority line.

- § 1-101(k)(2)(iv) of the Election Law Article

Additionally, the federal Telephone Consumer Protection Act (TCPA) requires that all automated calls using pre-recorded messages comply with the technical and procedural requirements set forth under 47 U.S.C. §227(d). Additionally, any violation of the federal Telephone Consumer Protection Act is also a violation under State law. Consult the Criminal Law Article for further requirements.

Federal law requires that all artificial or prerecorded telephone messages must include:

1. At the beginning of the message, the identity of the business, individual, or other entity initiating the call; and
2. During or after the message, the telephone number or address of the business, individual, or other entity initiating the call.

-47 U.S.C. § 227(d)(3)(A)

Federal regulations bar RoboCalls after 9pm.

12.6 Campaigning on Early Voting and Election Days

1. Electioneering

Maryland law prohibits electioneering within 100 feet of the entrance or exit to a polling place except in Montgomery County on early voting and election days. In Montgomery County, the no electioneering zone is 25 feet from the polling place.

In addition, Maryland law prohibits electioneering within a 50 feet boundary of a ballot drop box.

-47 U.S.C. § 227(d)(3)(A)

The “No Electioneering” zone is measured from the entrance to the building closest to the room in which voting actually takes place.

No electioneering means that no canvassing, campaigning, or posting of any campaign material is permitted within the zone. "Posting of any campaign material" includes wearing clothing, shirt, hat, sticker, or button that indicates support of or opposition to any candidate, question, or political party. However, electioneering does not apply to a voter going to vote in his or her polling place. A person on his or her way to vote may wear campaign paraphernalia or carry campaign literature if the voter leaves the zone promptly after voting.

The chief election judges at each polling place will post signs designating the "No Electioneering" zone. Election judges are instructed to strictly enforce the "No Electioneering" prohibition, including calling the police, if necessary.

A person who violates the electioneering boundaries is guilty of a misdemeanor and subject to a fine of not less than \$50 nor more than \$500, or imprisonment for not more than 60 days, or both.

- § 16-206 of the Election Law Article

2. Walk-Around Services

Walk-around services means the following activities while the polls are open:

1. Distributing campaign material;
2. Stationing a person at the polling location
3. Electioneering or canvassing
4. Communicating in any manner a voting preference; or

5. Performing any other service as a poll worker or distributor of sample ballots.

Payment for "walk-around services" on Election Day is permitted. All payments must be made by check from the political committee.

- § 13-245 of the Election Law Article