

HOUSE BILL 1037

G1

11r2473

By: **Delegate M. Fisher**

Introduced and read first time: February 5, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Websites – Reporting of Political Censorship**

3 FOR the purpose of requiring certain websites that practice political censorship to file a
4 certain report with the State Board of Elections within a certain period of time after
5 first practicing political censorship on or after a certain date; requiring certain
6 websites that practice political censorship to file certain additional reports with the
7 State Board at certain times under certain circumstances; providing that political
8 censorship is considered to be a contribution to each candidate, political party, or
9 question that benefits from the political censorship for purposes of this Act; providing
10 that political censorship may not be considered to be a contribution to each
11 candidate, political party, or question that benefits from the political censorship for
12 purposes of certain provisions of law; requiring certain reports to include certain
13 information; authorizing the State Board to assess a civil penalty not exceeding a
14 certain amount on certain websites that fail to file certain reports; providing for
15 certain matters concerning the civil penalty; authorizing the State Board to adopt
16 regulations to implement this Act; defining certain terms; and generally relating to
17 reporting of political censorship by websites.

18 BY adding to

19 Article – Election Law

20 Section 13–405.3

21 Annotated Code of Maryland

22 (2017 Replacement Volume and 2020 Supplement)

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

25 **Article – Election Law**

26 **13–405.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "COVERED WEBSITE" MEANS AN ONLINE SOCIAL NETWORK OR
4 SEARCH ENGINE THAT HAS 50,000,000 OR MORE UNIQUE MONTHLY VISITORS OR
5 USERS FROM THE UNITED STATES FOR A MAJORITY OF MONTHS DURING THE
6 IMMEDIATELY PRECEDING 12 MONTHS.

7 (3) "POLITICAL CENSORSHIP" MEANS HIDING, BANNING, OR
8 CENSORING POLITICAL SPEECH RELATING TO A CANDIDATE, POLITICAL PARTY, OR
9 QUESTION ON THE BALLOT AT AN ELECTION.

10 (B) (1) IF A COVERED WEBSITE PRACTICES POLITICAL CENSORSHIP, THE
11 COVERED WEBSITE SHALL FILE A REPORT WITH THE STATE BOARD WITHIN 7 DAYS
12 AFTER THE COVERED WEBSITE FIRST PRACTICES POLITICAL CENSORSHIP ON OR
13 AFTER OCTOBER 1, 2021.

14 (2) A COVERED WEBSITE SHALL FILE AN ADDITIONAL REPORT ON
15 EVERY 7TH DAY FOLLOWING THE DUE DATE OF THE REPORT REQUIRED UNDER
16 PARAGRAPH (1) OF THIS SUBSECTION COVERING THE IMMEDIATELY PRECEDING 7
17 DAYS IF THE COVERED WEBSITE PRACTICED POLITICAL CENSORSHIP DURING THAT
18 PERIOD.

19 (C) (1) FOR PURPOSES OF THIS SECTION ONLY, POLITICAL CENSORSHIP
20 IS CONSIDERED TO BE A CONTRIBUTION TO EACH CANDIDATE, POLITICAL PARTY, OR
21 QUESTION THAT BENEFITS FROM THE POLITICAL CENSORSHIP.

22 (2) POLITICAL CENSORSHIP MAY NOT BE CONSIDERED TO BE A
23 CONTRIBUTION TO EACH CANDIDATE, POLITICAL PARTY, OR QUESTION THAT
24 BENEFITS FROM THE POLITICAL CENSORSHIP FOR ANY OTHER PURPOSE UNDER
25 THIS ARTICLE.

26 (D) EACH REPORT UNDER THIS SECTION SHALL INCLUDE:

27 (1) EACH CANDIDATE, POLITICAL PARTY, OR QUESTION THAT
28 BENEFITS FROM THE POLITICAL CENSORSHIP;

29 (2) THE DATES THAT POLITICAL CENSORSHIP WAS PRACTICED;

30 (3) DIGITAL COPIES OF THE CAMPAIGN MATERIAL OR OTHER
31 CONTENT THAT USERS OF THE COVERED WEBSITE WERE PREVENTED FROM
32 VIEWING BECAUSE OF THE POLITICAL CENSORSHIP;

1 **(4) AN ESTIMATE OF THE MONETARY VALUE OF THE CONTRIBUTION**
2 **BY THE COVERED WEBSITE TO EACH CANDIDATE, POLITICAL PARTY, OR QUESTION**
3 **THAT BENEFITS FROM THE POLITICAL CENSORSHIP; AND**

4 **(5) ANY OTHER INFORMATION THE STATE BOARD REQUIRES BY**
5 **REGULATION.**

6 **(E) (1) THE STATE BOARD MAY ASSESS A CIVIL PENALTY ON A COVERED**
7 **WEBSITE THAT FAILS TO FILE A REPORT REQUIRED UNDER THIS SECTION IN AN**
8 **AMOUNT NOT EXCEEDING \$50,000 FOR EACH VIOLATION.**

9 **(2) A CIVIL PENALTY UNDER PARAGRAPH (1) OF THIS SUBSECTION**
10 **SHALL BE:**

11 **(I) ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS**
12 **TITLE;**

13 **(II) DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND**
14 **ESTABLISHED UNDER § 15-103 OF THIS ARTICLE; AND**

15 **(III) THE JOINT AND SEVERAL LIABILITY OF:**

16 **1. THE COVERED WEBSITE; AND**

17 **2. THE PERSON EXERCISING DIRECTION OR CONTROL**
18 **OVER THE ACTIVITIES OF THE COVERED WEBSITE.**

19 **(F) THE STATE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS**
20 **SECTION.**

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