

# HOUSE BILL 465

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By: **Delegates Cain and Rosenberg**

Introduced and read first time: January 24, 2020

Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law – Campaign Material – Disclosure of the Use of Bots**

3 FOR the purpose of requiring certain persons that use a bot to publish, distribute, or  
4 disseminate campaign material online to another person in the State for a certain  
5 purpose to disclose in a certain manner on the campaign material that the person is  
6 using a bot to publish, distribute, or disseminate the campaign material; authorizing  
7 the State Board of Elections to seek to remove a bot under certain circumstances;  
8 providing that certain provisions of this Act do not impose a duty on service providers  
9 of online platforms; prohibiting a person from publishing, distributing, or  
10 disseminating, or causing to be published, distributed, or disseminated, campaign  
11 material in violation of certain provisions of this Act; authorizing the State Board to  
12 impose a certain civil penalty for a violation of a certain provision of this Act; defining  
13 certain terms; and generally relating to disclosure of the use of bots to publish,  
14 distribute, or disseminate campaign material.

15 BY adding to

16 Article – Election Law

17 Section 13–401.1

18 Annotated Code of Maryland

19 (2017 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Election Law

22 Section 13–602(a)(9) and 13–604.1(b)

23 Annotated Code of Maryland

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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.



(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,  
Article – Election Law  
Section 13–602(b)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2019 Supplement)

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

**Article – Election Law**

**13–401.1.**

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

(2) “BOT” MEANS AN AUTOMATED ONLINE ACCOUNT WHERE ALL OR  
SUBSTANTIALLY ALL OF THE ACTIONS OR POSTS OF THAT ACCOUNT ARE NOT THE  
RESULT OF A PERSON.

(3) “ONLINE” MEANS APPEARING ON ANY PUBLIC–FACING INTERNET  
WEBSITE, WEB APPLICATION, OR DIGITAL APPLICATION, INCLUDING A SOCIAL  
NETWORK OR PUBLICATION.

(B) (1) THIS SECTION APPLIES TO ANY CANDIDATE, CAMPAIGN FINANCE  
ENTITY, PERSON REQUIRED TO REGISTER UNDER § 13–306, § 13–307, OR § 13–309.2  
OF THIS TITLE, OR AN AGENT OF A CANDIDATE, CAMPAIGN FINANCE ENTITY, OR  
PERSON REQUIRED TO REGISTER UNDER § 13–306, § 13–307, OR § 13–309.2 OF THIS  
TITLE.

(2) IN ADDITION TO THE REQUIREMENTS UNDER §§ 13–401 AND  
13–403 OF THIS SUBTITLE, A PERSON SUBJECT TO THIS SECTION THAT USES A BOT  
TO PUBLISH, DISTRIBUTE, OR DISSEMINATE CAMPAIGN MATERIAL ONLINE TO  
ANOTHER PERSON IN THE STATE FOR THE PURPOSE OF INFLUENCING AN ELECTION  
SHALL DISCLOSE IN A CLEAR AND CONSPICUOUS MANNER ON THE CAMPAIGN  
MATERIAL THAT THE PERSON IS USING A BOT TO PUBLISH, DISTRIBUTE, OR  
DISSEMINATE THE CAMPAIGN MATERIAL.

(3) IF A PERSON SUBJECT TO THIS SECTION VIOLATES THE  
REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE STATE BOARD  
MAY SEEK TO REMOVE THE BOT.

1           **(C) THIS SECTION DOES NOT IMPOSE A DUTY ON SERVICE PROVIDERS OF**  
2 **ONLINE PLATFORMS, INCLUDING WEB HOSTING AND INTERNET SERVICE**  
3 **PROVIDERS.**

4 13-602.

5           (a)     (9)     A person may not:

6                     **(I)**     publish or distribute, or cause to be published or distributed,  
7 campaign material that violates § 13-401 of this title; **OR**

8                     **(II)**    **PUBLISH, DISTRIBUTE, OR DISSEMINATE, OR CAUSE TO BE**  
9 **PUBLISHED, DISTRIBUTED, OR DISSEMINATED, CAMPAIGN MATERIAL THAT**  
10 **VIOLATES § 13-401.1 OF THIS TITLE.**

11           (b)     A person who violates this section is guilty of a misdemeanor and on conviction  
12 is:

13                     (1)     subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1  
14 year or both; and

15                     (2)     ineligible to hold any public or party office for 4 years after the date of  
16 the offense.

17 13-604.1.

18           (b)     The State Board may impose a civil penalty in accordance with this section for  
19 the following violations:

20                     (1)     making a disbursement in a manner not authorized in § 13-218(b)(2),  
21 (c), and (d) of this title;

22                     (2)     failure to maintain a campaign bank account as required in § 13-220(a)  
23 of this title;

24                     (3)     making a disbursement by a method not authorized in § 13-220(d) of  
25 this title;

26                     (4)     failure to maintain detailed and accurate account books and records as  
27 required in § 13-221 of this title;

28                     (5)     fund-raising during the General Assembly session in a manner not  
29 authorized in § 13-235 of this title;

30                     (6)     failure to report all contributions received and expenditures made as  
31 required in § 13-304(b) of this title;

1 (7) failure to include an authority line on campaign material as required in  
2 § 13-401 of this title; [or]

3 (8) failure to retain a copy of campaign material as required in § 13-403 of  
4 this title; **OR**

5 **(9) FAILURE TO INCLUDE A DISCLOSURE ON ONLINE CAMPAIGN**  
6 **MATERIAL AS REQUIRED IN § 13-401.1(B) OF THIS TITLE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2020.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.