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## THE MARYLAND HOUSE OF DELEGATES ANNAPOLIS, MARYLAND 21401

### **Testimony in support of HB949 – Disclosure of Qualifying Paid Digital Communications**

The purpose of HB949 is to rectify part of Maryland Statute as a result of the Fourth District Court decision on December 9<sup>th</sup>, 2019. The Court ruled that the Online Electioneering Transparency and Accountability Act of 2018 was unconstitutional against press and media outlets. However, in the ruling, it was noted that online platforms had to maintain records in a different way than other digital ads. This prompted discussion with large scale digital advertisers on how we can work together to fix Maryland law. This bill comes as a result of those discussions, as a way to fix some issues with law surrounding digital advertisements. This bill does not address enforcement against the press. The 4<sup>th</sup> Circuit ruling still holds against SBE.

**Under this bill, the following records are no longer required to be maintained and made available to SBE, on request:**

- The candidate or ballot issue to which the qualifying paid digital communication relates and whether the qualifying paid digital communication supports or opposes that candidate or ballot issue;
- The dates and times that the qualifying paid digital communication was first disseminated and last disseminated;
- A digital copy of the content of the qualifying paid digital communication;
- An approximate description of the geographic locations where the qualifying paid digital communication was disseminated;
- An approximate description of the audience that received or was targeted to receive the qualifying paid digital communication; and the total number of impressions generated by the qualifying paid digital communication.

### **What this bill does require:**

- This bill will allow digital advertisers to treat political advertisements the same as all other ads. Whatever information they keep about general advertisements (food, travel, etc.), they would be required to keep for political advertisements.
- It also requires the online platform to maintain a record of these advertisements for at least one year after the general election the ad is targeted for.
- The platform where the ad was displayed must then produce their record of an advertisement within 48 hours upon the request of the State Board of Elections.

I respectfully ask for a favorable report on HB949.