HB0333

Comments by Michael Fletcher, Derwood, MD on March 26, 2024:

Previously, I commented on HB0333 in its original form when it was an unconstitutional assault on free speech. Since then, the bill has been modified, but it still contains the seeds of conflict with the First Amendment to the US Constitution. Furthermore, its provisions are contrary to good governance.

The problem with HB0333 is that it still tries to regulate "disinformation"; and, in doing so, places the burden of defining "disinformation" on the State Board of Elections. The State Board is wholly unqualified to perform this task. First, it is, in its constitution, a biased body. Depending on which party is in power in Annapolis, the Board may lean Democratic or Republican. Therefore, if the Board has a majority membership made up of one political party, it will tend to define any criticism of election activities by the other party as "disinformation." Second, the Board, in the normal course of conducting elections, will make many decisions that affect the results of elections some of which could be criticized by the citizens of Maryland. As written, HB0333 could stifle the criticisms of Maryland citizens if the Board had the power to refer the originators of the criticism for prosecution. This situation would be detrimental to government by the people.

On the whole, I remain opposed to the revised HB0333 becoming law for the following reasons.

1. Citizens have a right to free speech in the USA. That includes Maryland. There should be no individual or organization capable of hindering the free-flow of ideas in our nation – period.

2. What is considered "disinformation" is subject to the beholder, and in the antagonistic political milieu of today, there would be an overriding tendency for one political group to label the statements of another political group "disinformation" – especially if that labeling could get the originator of the statements prosecuted. This would be detrimental, to say the least, to the ability of citizens to consider all sides of a political question.

For these reasons, HB0333 should be scuttled and not salvaged.