

HOUSE BILL 333

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4lr0571

By: ~~Delegates Rosenberg and Wilkins~~, Wilkins, Wims, Vogel, Wu, Atterbeary,
Ebersole, and Young

Introduced and read first time: January 17, 2024

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2024

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Election Disinformation ~~on Large Social Media Platforms~~ and**
3 **Improper Influence Related to Voting**

4 FOR the purpose of requiring ~~each large social media platform to make reasonable efforts~~
5 ~~to prevent, detect, and remove accounts and posts that communicate election~~
6 ~~disinformation in the State; requiring a large social media platform to report election~~
7 ~~disinformation by providing certain information to the State Board of Elections~~
8 ~~within a certain period of time after the large social media platform becomes aware~~
9 ~~of an account or a post that communicates election disinformation; requiring the~~
10 ~~State Board to take certain action as soon as practicable after receiving a report from~~
11 ~~a large social media platform concerning an account or a post that communicates~~
12 ~~election disinformation~~ the State Board of Elections to maintain a portal on the State
13 Board’s website that the public may use to report election disinformation; requiring
14 the State Board to conduct a periodic review of material submitted by the public
15 through the portal and, to the extent necessary, issue corrective information or refer
16 submissions to the State Prosecutor; defining “influence” for purposes of a certain
17 provision ~~provisions of law related to offenses prohibiting improper influence related~~
18 ~~to voting; and generally relating to election disinformation on large social media~~
19 ~~platforms~~ and improper influence related to voting.

20 BY adding to

21 Article – Election Law

22 Section ~~13-405.3~~ 2-110

23 Annotated Code of Maryland

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.



(2022 Replacement Volume and 2023 Supplement)

~~BY repealing and reenacting, without amendments,
Article – Election Law
Section 13-604.1(e), (h), (i), (j), (k), and (q)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Election Law
Section 16-201
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

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

Article – Election Law

~~13-405.3. 2-110.~~

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

~~(2) “ELECTION DISINFORMATION” MEANS INCORRECT OR MISLEADING INFORMATION ABOUT ELECTION PROCEDURES, SECTION, “ELECTION DISINFORMATION” MEANS INCORRECT OR MISLEADING INFORMATION REGARDING THE TIME, PLACE, OR MANNER OF AN ELECTION, ELECTION RESULTS, OR VOTING RIGHTS IN THE STATE.~~

~~(3) (i) “LARGE SOCIAL MEDIA PLATFORM” MEANS A SERVICE PROVIDED TO THE PUBLIC THROUGH AN INTERNET WEBSITE OR A MOBILE APPLICATION THAT:~~

~~1. HAS MORE THAN 1,000,000 MONTHLY ACTIVE USERS IN THE UNITED STATES; OR~~

~~2. GENERATES MORE THAN \$500,000,000 IN ANNUAL GROSS REVENUE, ADJUSTED ANNUALLY FOR INFLATION.~~

~~(ii) “LARGE SOCIAL MEDIA PLATFORM” DOES NOT INCLUDE:~~

~~1. A SERVICE THAT IS PRIMARILY USED FOR:~~

1 ~~A. THE SALE OR PROVISION OF PROFESSIONAL~~
2 ~~SERVICES; OR~~

3 ~~B. THE SALE OF COMMERCIAL PRODUCTS; OR~~

4 ~~2. A PRESS ORGANIZATION OR A WEBSITE OWNED OR~~
5 ~~CONTROLLED BY A PRESS ORGANIZATION.~~

6 ~~(B) EACH LARGE SOCIAL MEDIA PLATFORM SHALL MAKE REASONABLE~~
7 ~~EFFORTS TO PREVENT, DETECT, AND REMOVE ACCOUNTS AND POSTS THAT~~
8 ~~COMMUNICATE ELECTION DISINFORMATION IN THE STATE.~~

9 ~~(C) WITHIN 18 HOURS AFTER A LARGE SOCIAL MEDIA PLATFORM BECOMES~~
10 ~~AWARE OF AN ACCOUNT OR A POST THAT COMMUNICATES ELECTION~~
11 ~~DISINFORMATION, THE LARGE SOCIAL MEDIA PLATFORM SHALL REPORT THE~~
12 ~~ELECTION DISINFORMATION BY PROVIDING THE FOLLOWING TO THE STATE BOARD,~~
13 ~~IF KNOWN:~~

14 ~~(1) THE NAME OF THE ACCOUNT RESPONSIBLE FOR THE~~
15 ~~COMMUNICATION OR THE POST;~~

16 ~~(2) THE DATES AND TIMES THAT THE COMMUNICATION WAS FIRST~~
17 ~~DISSEMINATED AND LAST DISSEMINATED;~~

18 ~~(3) A DIGITAL COPY OF THE CONTENT OF THE COMMUNICATION;~~

19 ~~(4) AN APPROXIMATE DESCRIPTION OF THE GEOGRAPHIC LOCATIONS~~
20 ~~TO WHICH THE COMMUNICATION WAS DISSEMINATED;~~

21 ~~(5) AN APPROXIMATE DESCRIPTION OF THE AUDIENCE THAT~~
22 ~~RECEIVED OR WAS TARGETED TO RECEIVE THE COMMUNICATION; AND~~

23 ~~(6) THE TOTAL NUMBER OF IMPRESSIONS GENERATED BY THE~~
24 ~~COMMUNICATION.~~

25 ~~(D) AS SOON AS PRACTICABLE AFTER RECEIVING A REPORT UNDER~~
26 ~~SUBSECTION (C) OF THIS SECTION, THE STATE BOARD SHALL:~~

27 ~~(1) MAKE THE INFORMATION AVAILABLE ON THE STATE BOARD'S~~
28 ~~WEBSITE; AND~~

29 ~~(2) MAKE A REASONABLE ATTEMPT TO CONTACT THE INDIVIDUALS~~
30 ~~OR ENTITIES THAT RECEIVED THE COMMUNICATION IN ORDER TO NOTIFY THE~~
31 ~~INDIVIDUALS OR ENTITIES OF THE NATURE OF THE COMMUNICATION.~~

~~(E) (1) IN ADDITION TO ANY OTHER SANCTION PROVIDED BY LAW, IF A LARGE SOCIAL MEDIA PLATFORM FAILS TO FILE A REPORT UNDER THIS SECTION, THE STATE BOARD MAY ASSESS A CIVIL PENALTY AGAINST THE LARGE SOCIAL MEDIA PLATFORM IN AN AMOUNT NOT EXCEEDING:~~

~~(I) \$10,000 FOR A FIRST OFFENSE;~~

~~(II) \$25,000 FOR A SECOND OFFENSE; AND~~

~~(III) \$50,000 FOR A THIRD OR SUBSEQUENT OFFENSE.~~

~~(2) A PENALTY UNDER THIS SUBSECTION SHALL BE:~~

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

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

~~(III) THE JOINT AND SEVERAL LIABILITY OF:~~

~~1. THE PERSON WHO OPERATES THE LARGE SOCIAL MEDIA PLATFORM; AND~~

~~2. ANY PERSON EXERCISING DIRECTION OR CONTROL OVER THE ACTIVITIES OF THE PERSON WHO OPERATES THE LARGE SOCIAL MEDIA PLATFORM.~~

(B) (1) THE STATE BOARD SHALL MAINTAIN A PORTAL ON THE STATE BOARD'S WEBSITE THAT THE PUBLIC MAY USE TO REPORT ELECTION DISINFORMATION.

(2) THE STATE BOARD SHALL CONDUCT A PERIODIC REVIEW OF MATERIAL SUBMITTED BY THE PUBLIC THROUGH THE PORTAL AND, TO THE EXTENT NECESSARY, ISSUE CORRECTIVE INFORMATION OR REFER SUBMISSIONS TO THE STATE PROSECUTOR.

~~13-604.1.~~

~~(e) The civil penalty is payable to the State Board by the person charged in a citation within 20 calendar days after service of the citation.~~

~~(h) The citation shall be served on the defendant in accordance with the Maryland Rules.~~

- 1 ~~(i) The citation shall contain:~~
- 2 ~~(1) the certification by the State Board attesting to the truth of the matter~~
3 ~~set forth in the citation;~~
- 4 ~~(2) the name and address of the person charged;~~
- 5 ~~(3) the nature, time, and place of the violation;~~
- 6 ~~(4) the manner in which the violation occurred;~~
- 7 ~~(5) the amount of the penalty assessed;~~
- 8 ~~(6) the manner, time, and location to pay the penalty;~~
- 9 ~~(7) a statement that the person receiving the citation has a right to trial in~~
10 ~~the District Court; and~~
- 11 ~~(8) the effect of failing to pay the assessed fine or of failing to demand a~~
12 ~~trial within the prescribed time.~~
- 13 ~~(j) (1) A person charged in a citation may elect to stand trial for the violation~~
14 ~~by notifying the State Board in writing of the person's intent to stand trial.~~
- 15 ~~(2) The written notice shall be given at least 5 days before the date of~~
16 ~~payment as set forth in the citation.~~
- 17 ~~(k) (1) On receipt of the written notice of intent to stand trial, the State Board~~
18 ~~shall forward to the State Prosecutor a copy of the citation and the written notice.~~
- 19 ~~(2) The State Prosecutor shall forward to the District Court having venue~~
20 ~~a copy of the citation and the written notice.~~
- 21 ~~(3) On receipt of the citation and the written notice:~~
- 22 ~~(i) the State Prosecutor shall assume responsibility for prosecuting~~
23 ~~the violation; and~~
- 24 ~~(ii) the District Court shall schedule the case for trial, notify the~~
25 ~~defendant of the trial date, and summon the defendant to appear.~~
- 26 ~~(q) In a District Court proceeding relating to a violation under this section:~~
- 27 ~~(1) the State Prosecutor has the burden to prove that the defendant has~~
28 ~~committed the violation by clear and convincing evidence;~~

1 ~~(2) the District Court shall apply the evidentiary standards as provided by~~
 2 ~~law or rule for the trial of civil causes;~~

3 ~~(3) the District Court shall ensure that the defendant has received a copy~~
 4 ~~of the charges against the defendant and that the defendant understands those charges;~~

5 ~~(4) the defendant may cross-examine all witnesses who appear against the~~
 6 ~~defendant, produce evidence or witnesses in the defendant's own behalf, or testify in the~~
 7 ~~defendant's own behalf;~~

8 ~~(5) the defendant shall be entitled to be represented by counsel of the~~
 9 ~~defendant's own selection and at the defendant's own expense;~~

10 ~~(6) the defendant may enter a plea of guilty or not guilty of the violation as~~
 11 ~~charged; and~~

12 ~~(7) the verdict of the District Court shall be guilty of a violation or not~~
 13 ~~guilty of a violation, or the District Court may, before rendering judgment, place the~~
 14 ~~defendant on probation.~~

15 16-201.

16 (A) ~~(1)~~ IN THIS SECTION, "INFLUENCE" MEANS TO USE PRESSURE,
 17 DECEPTION, TRICKERY, OR DIRECT OR INDIRECT AUTHORITY TO INDUCE ACTION OR
 18 TO CHANGE THE DECISION OR ACT OF ANOTHER, REGARDLESS OF THE MEDIUM
 19 USED.

20 ~~(2) "INFLUENCE" INCLUDES THE DISSEMINATION OF FALSE~~
 21 ~~INFORMATION REGARDING THE TIME, PLACE, OR MANNER OF AN ELECTION,~~
 22 ~~REGARDLESS OF THE MEDIUM THROUGH WHICH THE FALSE INFORMATION IS~~
 23 ~~DISSEMINATED.~~

24 [(a)] (B) A person may not willfully and knowingly:

25 (1) (i) impersonate another person in order to vote or attempt to vote;
 26 or

27 (ii) vote or attempt to vote under a false name;

28 (2) vote more than once for a candidate for the same office or for the same
 29 ballot question;

30 (3) vote or attempt to vote more than once in the same election, or vote in
 31 more than one election district or precinct;

1 (4) vote in an election district or precinct without the legal authority to vote
2 in that election district or precinct;

3 (5) influence or attempt to influence a voter’s voting decision through the
4 use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

5 (6) influence or attempt to influence a voter’s decision, through the use of
6 force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward, whether to:

7 (i) go to the polls to cast a vote; or

8 (ii) vote by other lawful means; or

9 (7) engage in conduct that results or has the intent to result in the denial
10 or abridgement of the right of any citizen of the United States to vote on account of race,
11 color, or disability.

12 [(b)] (C) Except as provided in § 16–1002 of this title, a person who violates this
13 section is guilty of a misdemeanor and on conviction is subject to a fine of not more than
14 \$5,000 or imprisonment for not more than 5 years or both.

15 [(c)] (D) A person who violates this section is subject to § 5–106(b) of the Courts
16 Article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
18 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.