

SENATE BILL 331

G1

8lr1489

By: **Senator Simonaire**

Introduced and read first time: January 28, 2008

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Telephone Polling - Campaign Transparency Act**

3 FOR the purpose of prohibiting a person who conducts a certain telephone poll
4 relating to a candidate or the candidate's family from failing to ensure that a
5 certain authority line is included with the message; providing for certain
6 penalties for a willful and knowing violation of the requirements of this Act;
7 defining certain terms; and generally relating to the use of the telephone to
8 conduct a persuasive poll under the Campaign Transparency Act.

9 BY adding to

10 Article - Election Law

11 Section 16-904

12 Annotated Code of Maryland

13 (2003 Volume and 2007 Supplement)

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

16 **Article - Election Law**

17 **16-904.**

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

20 (2) "ARTIFICIAL TELEPHONE MESSAGE" MEANS A TELEPHONE
21 MESSAGE CREATED USING A COMPUTER-GENERATED VOICE.

22 (3) (I) "PERSUASIVE POLL" MEANS THE PROCESS BY WHICH A
23 PERSON CONDUCTS A TELEPHONE POLL TO:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **1. CANVASS PERSONS BY MEANS OTHER THAN AN**
2 **ESTABLISHED METHOD OF SCIENTIFIC SAMPLING; AND**

3 **2. ASK QUESTIONS OR OFFER INFORMATION ABOUT**
4 **A CANDIDATE FOR THE PURPOSE OF PROVIDING INFORMATION THAT IS**
5 **NEGATIVE OR DEROGATORY ABOUT THE CANDIDATE OR THE CANDIDATE'S**
6 **FAMILY.**

7 **(II) "Persuasive Poll" does not include a poll that**
8 **is conducted to measure the public's opinion about or reaction to an**
9 **issue, fact, or theme.**

10 **(4) "Prerecorded Telephone Message" means a**
11 **telephone message that uses a human voice recorded in advance of**
12 **its use.**

13 **(B) A person may not fail to ensure that a persuasive poll**
14 **that is conducted with or without an artificial telephone message**
15 **or a prerecorded telephone message state during or after the**
16 **message the information that is required to be contained in an**
17 **authority line under § 13-401 of this article.**

18 **(C) A person who willfully and knowingly violates this**
19 **section shall be subject to the civil penalty provisions of the**
20 **Maryland Telephone Consumer Protection Act under Title 14,**
21 **Subtitle 32 of the Commercial Law Article.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2008.