

SENATE BILL 97

G1

9lr0749

By: **Senator Stone**

Introduced and read first time: January 15, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Advertisements – Closed Captioning**

3 FOR the purpose of requiring a campaign finance entity to include closed captioning
4 for individuals who are deaf or hard of hearing in campaign advertisements that
5 are distributed by broadcast or cable television or on its website; providing
6 certain exemptions; prohibiting a campaign finance entity from distributing a
7 campaign advertisement by broadcast or cable radio, subject to certain
8 conditions; and generally relating to campaign advertisements and closed
9 captioning for the deaf or hard of hearing.

10 BY repealing and reenacting, without amendments,
11 Article – Election Law
12 Section 1–101(k) and 13–403
13 Annotated Code of Maryland
14 (2003 Volume and 2008 Supplement)

15 BY adding to
16 Article – Election Law
17 Section 13–404
18 Annotated Code of Maryland
19 (2003 Volume and 2008 Supplement)

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

22 **Article – Election Law**

23 1–101.

24 (k) (1) “Campaign material” means any material that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) contains text, graphics, or other images;
- 2 (ii) relates to a candidate, a prospective candidate, or the
- 3 approval or rejection of a question; and
- 4 (iii) is published or distributed.

5 (2) "Campaign material" includes:

- 6 (i) material transmitted by or appearing on the Internet or
- 7 other electronic medium; and
- 8 (ii) an oral commercial campaign advertisement.

9 13-403.

10 (a) (1) Subject to paragraph (2) of this subsection, each campaign finance

11 entity responsible for, publisher of, and distributor of, an item of campaign material

12 shall keep a sample copy of the item for at least 1 year after the general election next

13 following the date when the item was published or distributed.

14 (2) For each item of campaign material disseminated through the

15 Internet, the sample copy shall be:

- 16 (i) a paper facsimile; or
- 17 (ii) a copy on an electronic medium that can be produced as a
- 18 paper facsimile on request.

19 (b) Subsection (a) of this section does not apply to a billboard or a sign.

20 13-404.

21 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A

22 CAMPAIGN FINANCE ENTITY SHALL INCLUDE CLOSED CAPTIONING FOR DEAF OR

23 HARD OF HEARING VIEWERS IN ANY CAMPAIGN ADVERTISEMENT THAT IT

24 DISTRIBUTES BY BROADCAST OR CABLE TELEVISION OR ON ITS WEBSITE.

25 (B) THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION DO NOT

26 APPLY TO A CAMPAIGN FINANCE ENTITY IF THE CAMPAIGN FINANCE ENTITY:

27 (1) POSTS A TRANSCRIPT OF THE SPOKEN CONTENT OF THE

28 CAMPAIGN ADVERTISEMENT ON ITS WEBSITE; OR

29 (2) APPLIES FOR AND IS GRANTED AN EXEMPTION BY THE STATE

30 BOARD FROM THE REQUIREMENT FOR CLOSED CAPTIONING.

1 (C) A CAMPAIGN FINANCE ENTITY MAY NOT DISTRIBUTE A CAMPAIGN
2 ADVERTISEMENT BY BROADCAST OR CABLE RADIO UNLESS THE CAMPAIGN
3 FINANCE ENTITY:

4 (1) POSTS A TRANSCRIPT OF THE SPOKEN CONTENT OF THE
5 CAMPAIGN ADVERTISEMENT ON ITS WEBSITE; OR

6 (2) BEFORE THE CAMPAIGN ADVERTISEMENT IS DISTRIBUTED,
7 FILES A STATEMENT WITH THE STATE BOARD THAT THE STATE BOARD
8 DETERMINES TO BE A SATISFACTORY EXPLANATION OF WHY THE TRANSCRIPT
9 IS NOT POSTED ON THE CAMPAIGN FINANCE ENTITY'S WEBSITE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2009.