

HOUSE BILL 1000

G1
HB 1086/10 – W&M

1lr2733

By: **Delegate Hogan**
Introduced and read first time: February 11, 2011
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a certain campaign finance entity to include closed
4 captioning for individuals who are deaf or hard of hearing in campaign
5 advertisements that are distributed by broadcast or cable television or on its
6 Web site; providing certain exemptions; specifying certain factors to be
7 considered when applying a certain exemption; prohibiting a certain campaign
8 finance entity from distributing a campaign advertisement by broadcast or cable
9 radio, subject to certain conditions; exempting a violation of a certain provision
10 of law from a certain penalty; and generally relating to campaign
11 advertisements and closed captioning for the deaf or hard of hearing.

12 BY repealing and reenacting, without amendments,
13 Article – Election Law
14 Section 1–101(k) and 13–403
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

17 BY adding to
18 Article – Election Law
19 Section 13–404
20 Annotated Code of Maryland
21 (2010 Replacement Volume)

22 BY repealing and reenacting, with amendments,
23 Article – Election Law
24 Section 13–604(a)
25 Annotated Code of Maryland
26 (2010 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

3 **Article – Election Law**

4 1–101.

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

6 (i) contains text, graphics, or other images;

7 (ii) relates to a candidate, a prospective candidate, or the
8 approval or rejection of a question; and

9 (iii) is published or distributed.

10 (2) “Campaign material” includes:

11 (i) material transmitted by or appearing on the Internet or
12 other electronic medium; and

13 (ii) an oral commercial campaign advertisement.

14 13–403.

15 (a) (1) Subject to paragraph (2) of this subsection, each campaign finance
16 entity responsible for, publisher of, and distributor of, an item of campaign material
17 shall keep a sample copy of the item for at least 1 year after the general election next
18 following the date when the item was published or distributed.

19 (2) For each item of campaign material disseminated through the
20 Internet, the sample copy shall be:

21 (i) a paper facsimile; or

22 (ii) a copy on an electronic medium that can be produced as a
23 paper facsimile on request.

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

25 **13–404.**

26 **(A) THIS SECTION ONLY APPLIES TO THE CAMPAIGN FINANCE ENTITY**
27 **OF A CANDIDATE FOR ELECTION TO THE OFFICES OF GOVERNOR AND**
28 **LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR COMPTROLLER.**

1 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
2 **CAMPAIGN FINANCE ENTITY SUBJECT TO THIS SECTION SHALL INCLUDE**
3 **CLOSED CAPTIONING FOR DEAF OR HARD OF HEARING VIEWERS IN ANY**
4 **CAMPAIGN ADVERTISEMENT THAT IT DISTRIBUTES BY BROADCAST OR CABLE**
5 **TELEVISION OR ON ITS WEB SITE.**

6 **(C) THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION DO NOT**
7 **APPLY TO A CAMPAIGN FINANCE ENTITY IF THE CAMPAIGN FINANCE ENTITY:**

8 **(1) POSTS A TRANSCRIPT OF THE SPOKEN CONTENT OF THE**
9 **CAMPAIGN ADVERTISEMENT ON ITS WEB SITE; OR**

10 **(2) APPLIES FOR AND IS GRANTED AN EXEMPTION BY THE STATE**
11 **BOARD FROM THE REQUIREMENT FOR CLOSED CAPTIONING BECAUSE THE**
12 **REQUIREMENT WOULD IMPOSE AN UNDUE HARDSHIP.**

13 **(D) WHEN DECIDING WHETHER TO GRANT AN EXEMPTION UNDER**
14 **SUBSECTION (C)(2) OF THIS SECTION, THE STATE BOARD SHALL DETERMINE**
15 **WHETHER THE CLOSED CAPTIONING REQUIREMENT WOULD RESULT IN**
16 **SIGNIFICANT DIFFICULTY OR EXPENSE TO THE CAMPAIGN FINANCE ENTITY BY**
17 **CONSIDERING:**

18 **(1) THE COST OF THE CLOSED CAPTIONING;**

19 **(2) THE FINANCIAL AND OTHER RESOURCES OF THE CAMPAIGN**
20 **FINANCE ENTITY; AND**

21 **(3) THE EFFECT THE CLOSED CAPTIONING REQUIREMENT WOULD**
22 **HAVE ON THE EXPENSES AND RESOURCES OF THE CAMPAIGN FINANCE ENTITY.**

23 **(E) A CAMPAIGN FINANCE ENTITY SUBJECT TO THIS SECTION MAY NOT**
24 **DISTRIBUTE A CAMPAIGN ADVERTISEMENT BY BROADCAST RADIO UNLESS THE**
25 **CAMPAIGN FINANCE ENTITY:**

26 **(1) POSTS A TRANSCRIPT OF THE SPOKEN CONTENT OF THE**
27 **CAMPAIGN ADVERTISEMENT ON ITS WEB SITE; OR**

28 **(2) BEFORE THE CAMPAIGN ADVERTISEMENT IS DISTRIBUTED,**
29 **FILES A STATEMENT WITH THE STATE BOARD THAT THE STATE BOARD**
30 **DETERMINES TO BE A SATISFACTORY EXPLANATION OF WHY THE TRANSCRIPT**
31 **IS NOT POSTED ON THE CAMPAIGN FINANCE ENTITY'S WEB SITE.**

1 (a) (1) A person who violates a provision of this title without knowing that
2 the act is illegal shall pay a civil penalty in accordance with subsections (b) through (g)
3 of this section.

4 (2) The penalty imposed under this section may not exceed \$5,000.

5 (3) An infraction described in paragraph (1) of this subsection is a civil
6 offense.

7 (4) This section does not apply to a violation of another section in
8 which a penalty is expressly provided **OR TO A VIOLATION OF § 13-404 OF THIS**
9 **TITLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.