

# SENATE BILL 875

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CF HB 981

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By: **Senator Zucker**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 27, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Online Electioneering Transparency and Accountability Act**

3 FOR the purpose of ~~altering the definition of “public communication” to include online~~  
4 ~~political advertisements for the purposes of certain provisions of law that require a~~  
5 ~~person who makes independent expenditures of a certain amount to file a certain~~  
6 ~~report; altering the definition of “electioneering communication” to include online~~  
7 ~~political advertisements for the purposes of certain provisions of law that require a~~  
8 ~~person who makes disbursements for electioneering communications of a certain~~  
9 ~~amount to file a certain report; prohibiting a foreign principal from making a~~  
10 ~~donation to certain persons or entities; prohibiting a foreign-influenced corporation~~  
11 ~~from making a contribution or donation to certain persons or entities; requiring~~  
12 ~~certain persons making independent expenditures or disbursements for~~  
13 ~~electioneering communications to retain a copy of an item of campaign material for~~  
14 ~~a certain period of time; requiring an online platform to retain a digital copy of each~~  
15 ~~online political advertisement that the online platform distributes or transmits for a~~  
16 ~~certain period of time; requiring an online platform to maintain account books and~~  
17 ~~records that include certain information relating to online political advertisements~~  
18 ~~for a certain period of time; requiring an online platform to make certain records~~  
19 ~~available for public inspection and provide certain records to the State Board of~~  
20 ~~Elections on request; requiring an online platform to provide certain information to~~  
21 ~~the State Board within a certain period of time if certain persons purchase an online~~  
22 ~~political advertisement; defining certain terms; making a technical correction; and~~  
23 ~~generally relating to disclosure of online political advertisements and campaign~~  
24 ~~material.~~ altering the definition of “campaign material” to include certain material  
25 that is disseminated and certain qualifying paid digital communications; altering

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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.



1 the definition of “public communication” to include certain qualifying paid digital  
2 communications for purposes of certain provisions of law that require a person who  
3 makes independent expenditures of a certain amount to file a certain report; altering  
4 the definition of “electioneering communication” to include certain qualifying paid  
5 digital communications for purposes of certain provisions of law that require a  
6 person who makes disbursements for electioneering communications of a certain  
7 amount to file a certain report; providing that the definition of “electioneering  
8 communication” does not include a news story, commentary, or editorial  
9 disseminated through certain electronic or print media; providing that, if campaign  
10 material is too small to include certain information in a legible manner, the authority  
11 line need only contain the information required by the State Board of Elections by  
12 regulation, rather than the name and title of a certain person; requiring certain  
13 persons making independent expenditures or disbursements for electioneering  
14 communications to retain a copy of an item of campaign material for a certain period  
15 of time; requiring a person who directly or indirectly requests placement of a certain  
16 qualifying paid digital communication on an online platform to provide a certain  
17 express notice to the online platform in a certain manner; requiring a purchaser of a  
18 qualifying paid digital communication to take certain actions if the online platform  
19 does not provide a method to provide a certain notice; requiring an online platform  
20 to make available for public inspection on the Internet in a certain format certain  
21 records regarding certain qualifying paid digital communications disseminated  
22 through the online platform except under certain circumstances; requiring an online  
23 platform to allow the public to search certain records in a certain manner; requiring  
24 that certain records be available for public inspection on the Internet in a certain  
25 location for a certain period of time; authorizing an online platform to apply to the  
26 State Board for a certain compliance waiver; requiring the State Board to require an  
27 applicant for a compliance waiver to provide certain information; prohibiting the  
28 State Board from granting more than one compliance waiver to an online platform;  
29 prohibiting the State Board from granting a compliance waiver to an online platform  
30 within a certain period of time; providing that a certain compliance waiver is not  
31 effective during a certain period of time; requiring, under certain circumstances, an  
32 online platform to apply for a certain compliance waiver before receiving payment  
33 for a qualifying paid digital communication; requiring an online platform to maintain  
34 and make available to the State Board on request certain records regarding  
35 qualifying paid digital communications disseminated through the online platform;  
36 requiring certain records to be available on the request of the State Board for a  
37 certain period of time; providing that certain information obtained by the State  
38 Board concerning qualifying paid digital communications is not subject to inspection  
39 under the Public Information Act; requiring a purchaser of a certain qualifying paid  
40 digital communication to provide the online platform that disseminates the  
41 qualifying paid digital communication with certain information; providing that an  
42 online platform may rely in good faith on information provided by a purchaser of a  
43 certain qualifying paid digital communication; requiring an online platform to make  
44 reasonable efforts to allow the State Board to obtain certain information and request  
45 that a purchaser of a certain qualifying paid digital communication comply with  
46 certain provisions of law; requiring an online platform that disseminates certain  
47 qualifying paid digital communications to make reasonable efforts in accordance

1 with a certain federal law to comply with any subpoena that is issued in connection  
 2 with certain investigations concerning certain qualifying paid digital  
 3 communications; authorizing the State Administrator of Elections to investigate  
 4 certain potential violations of certain provisions of law and this Act by a purchaser  
 5 of a certain qualifying paid digital communication; authorizing the State  
 6 Administrator to issue a subpoena in furtherance of a certain investigation;  
 7 providing for service of a certain subpoena; authorizing a circuit court to compel  
 8 compliance with a subpoena on petition of the State Administrator; authorizing the  
 9 State Board to request that the Attorney General seek injunctive relief in a circuit  
 10 court to require a purchaser of a certain qualifying paid digital communication to  
 11 comply with certain provisions of law and this Act, or require an online platform to  
 12 remove a qualifying paid digital communication that does not comply with certain  
 13 provisions of law and this Act; requiring the State Board to provide a certain notice  
 14 and hold a public meeting before requesting that the Attorney General seek an  
 15 injunction; authorizing a circuit court to grant injunctive relief only if the Attorney  
 16 General shows clear and convincing evidence of a violation of certain provisions of  
 17 law or this Act; providing that a person who violates an injunction is subject to  
 18 certain penalties; prohibiting a person from purchasing campaign material or an  
 19 electioneering communication using any currency other than United States  
 20 currency; prohibiting a person from willfully and knowingly selling campaign  
 21 material or an electioneering communication to a person who uses any currency  
 22 other than United States currency to make the purchase; making conforming and  
 23 technical changes; defining certain terms; and generally relating to the disclosure of  
 24 qualifying paid digital communications and campaign material.

25 ~~BY repealing and reenacting, with amendments,~~

26 ~~Article – Election Law~~

27 ~~Section 1–101(k), 13–236.1, 13–306(a), 13–307(a) and (e), and 13–403~~

28 ~~Annotated Code of Maryland~~

29 ~~(2017 Replacement Volume and 2017 Supplement)~~

30 ~~BY adding to~~

31 ~~Article – Election Law~~

32 ~~Section 1–101(dd–1) and (dd–2) and 13–403.1~~

33 ~~Annotated Code of Maryland~~

34 ~~(2017 Replacement Volume and 2017 Supplement)~~

35 ~~BY repealing and reenacting, without amendments,~~

36 ~~Article – Election Law~~

37 ~~Section 13–306(b) through (e), 13–307(b) through (d), and 13–401~~

38 ~~Annotated Code of Maryland~~

39 ~~(2017 Replacement Volume and 2017 Supplement)~~

40 BY repealing and reenacting, without amendments,

41 Article – Election Law

42 Section 1–101(a), 13–306(b) through (e), and 13–307(b) through (d)

43 Annotated Code of Maryland

1 (2017 Replacement Volume and 2017 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Election Law

4 Section 1–101(k), 13–306(a), 13–307(a) and (e), 13–401, and 13–403

5 Annotated Code of Maryland

6 (2017 Replacement Volume and 2017 Supplement)

7 BY adding to

8 Article – Election Law

9 Section 1–101(dd–1) and (ll–1), 13–405, 13–405.1, and 13–405.2

10 Annotated Code of Maryland

11 (2017 Replacement Volume and 2017 Supplement)

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

14 **Article – Election Law**

15 ~~1–101.~~

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

17 ~~(i) contains text, graphics, or other images;~~

18 ~~(ii) relates to a candidate, a prospective candidate, or the approval~~  
19 ~~or rejection of a question or prospective question; and~~

20 ~~(iii) is published or distributed.~~

21 ~~(2) “Campaign material” includes:~~

22 ~~(I) AN ONLINE POLITICAL ADVERTISEMENT;~~

23 ~~[(i)] (H) ANY OTHER material transmitted by or appearing on the~~  
24 ~~Internet or other electronic medium; and~~

25 ~~[(ii)] (III) an oral commercial campaign advertisement.~~

26 ~~(DD–1) “ONLINE PLATFORM” MEANS ANY PUBLIC-FACING WEBSITE, WEB~~  
27 ~~APPLICATION, OR DIGITAL APPLICATION, INCLUDING A SOCIAL NETWORK OR~~  
28 ~~SEARCH ENGINE, THAT HAS 100,000 OR MORE UNIQUE MONTHLY UNITED STATES~~  
29 ~~VISITORS OR USERS FOR A MAJORITY OF MONTHS DURING THE IMMEDIATELY~~  
30 ~~PRECEDING 12 MONTHS.~~

~~(DD-2) (1) "ONLINE POLITICAL ADVERTISEMENT" MEANS ANY ELECTRONIC COMMUNICATION THAT:~~

~~(I) IS PLACED OR PROMOTED FOR A FEE ON AN ONLINE PLATFORM;~~

~~(II) IS DISTRIBUTED OR TRANSMITTED TO 5,000 OR MORE INDIVIDUALS;~~

~~(III) REFERS TO A CLEARLY IDENTIFIED CANDIDATE OR BALLOT ISSUE; AND~~

~~(IV) DOES NOT PROPOSE A COMMERCIAL TRANSACTION.~~

~~(2) FOR PURPOSES OF THIS SUBSECTION, "CLEARLY IDENTIFIED" MEANS:~~

~~(I) THE NAME OF A CANDIDATE APPEARS;~~

~~(II) A PHOTOGRAPH OR DRAWING OF A CANDIDATE APPEARS;~~

~~OR~~

~~(III) THE IDENTITY OF A CANDIDATE OR BALLOT ISSUE IS APPARENT BY UNAMBIGUOUS REFERENCE.~~

~~13-236.1.~~

~~(a) (1) In this section[, "foreign principal"] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "FOREIGN INFLUENCED CORPORATION" MEANS A CORPORATION AT LEAST 5% OF WHICH IS OWNED BY FOREIGN NATIONALS.~~

~~(3) "FOREIGN NATIONAL" HAS THE MEANING STATED IN 52 U.S.C. § 30121(b).~~

~~(4) "FOREIGN PRINCIPAL" has the meaning stated in 22 U.S.C. § 611(b).~~

~~(b) A foreign principal OR FOREIGN INFLUENCED CORPORATION may not:~~

~~(1) make a contribution to a ballot issue committee; or~~

~~(2) make a donation to [a person that makes independent expenditures or electioneering communications relating to a ballot issue];~~

~~(I) A PERSON REQUIRED TO FILE AN INDEPENDENT EXPENDITURE REPORT UNDER § 13-306 OF THIS TITLE;~~

~~(II) A PERSON REQUIRED TO FILE AN ELECTIONEERING COMMUNICATION REPORT UNDER § 13-307 OF THIS TITLE;~~

~~(III) A POLITICAL ACTION COMMITTEE REQUIRED TO FILE A DISCLOSURE REPORT UNDER § 13-309.1 OF THIS TITLE; OR~~

~~(IV) A PARTICIPATING ORGANIZATION REQUIRED TO FILE A PARTICIPATING ORGANIZATION REPORT UNDER § 13-309.2 OF THIS TITLE.~~

~~13-306.~~

~~(a) (1) In this section the following words have the meanings indicated.~~

~~(2) (i) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person who makes independent expenditures.~~

~~(ii) "Donation" does not include any amount of money or any other thing of value:~~

~~1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or~~

~~2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for independent expenditures; and~~

~~B. in the case of a monetary donation, is deposited in a separate bank account that is never used for independent expenditures.~~

~~(3) "E-mail blast" means a transmission of electronic mail messages of an identical or substantially similar nature to 5,000 or more e-mail accounts simultaneously.~~

~~(4) "Mass mailing" means a mailing by United States mail or facsimile of more than 500 pieces of mail matter of an identical or substantially similar nature within any 30-day period.~~

~~(5) (i) "Person" includes an individual, a partnership, a committee, an association, a corporation, a labor organization, or any other organization or group of persons.~~

~~(ii) "Person" does not include a campaign finance entity organized under Subtitle 2, Part II of this title.~~

1           ~~(6) (i) "Public communication" means a communication by means of~~  
2 ~~any broadcast television or radio communication, cable television communication, satellite~~  
3 ~~television or radio communication, newspaper, magazine, outdoor advertising facility, mass~~  
4 ~~mailing, e-mail blast, text blast, ONLINE POLITICAL ADVERTISEMENT, or telephone~~  
5 ~~bank to the general public, or any other form of general public political advertising.~~

6           ~~(ii) "Public communication" does not include:~~

7           ~~1. a news story, a commentary, or an editorial disseminated~~  
8 ~~by a broadcasting station, including a cable television operator, programmer, or producer,~~  
9 ~~satellite television or radio provider, Web site, newspaper, magazine, or other periodical~~  
10 ~~publication, including any Internet or electronic publication, that is not controlled by a~~  
11 ~~candidate or political party;~~

12           ~~2. an internal membership communication by a business or~~  
13 ~~other entity to its stockholders or members and executive and administrative personnel~~  
14 ~~and their immediate families, or by a membership entity, as defined under § 13-243 of this~~  
15 ~~title, to its members, executive and administrative personnel and their immediate families;~~  
16 ~~or~~

17           ~~3. a candidate debate or forum.~~

18           ~~(7) "Telephone bank" means more than 500 telephone calls of an identical~~  
19 ~~or substantially similar nature within any 30-day period.~~

20           ~~(8) "Text blast" means a transmission of text messages of an identical or~~  
21 ~~substantially similar nature to 5,000 or more telephone numbers simultaneously.~~

22           ~~(b) Within 48 hours after a person makes aggregate independent expenditures of~~  
23 ~~\$5,000 or more in an election cycle for campaign material that is a public communication,~~  
24 ~~the person shall file a registration form with the State Board.~~

25           ~~(c) Within 48 hours after a day on which a person makes aggregate independent~~  
26 ~~expenditures of \$10,000 or more in an election cycle for campaign material that is a public~~  
27 ~~communication, the person shall file an independent expenditure report with the State~~  
28 ~~Board.~~

29           ~~(d) A person who files an independent expenditure report under subsection (c) of~~  
30 ~~this section shall file an additional independent expenditure report with the State Board~~  
31 ~~within 48 hours after a day on which the person makes aggregate independent~~  
32 ~~expenditures of \$10,000 or more for campaign material that is a public communication~~  
33 ~~following the closing date of the person's previous independent expenditure report.~~

34           ~~(e) An independent expenditure report shall include the following information:~~

~~(1) the identity of the person making the independent expenditures and of the person exercising direction or control over the activities of the person making the independent expenditures;~~

~~(2) the business address of the person making the independent expenditures;~~

~~(3) the amount and date of each independent expenditure during the period covered by the report and the person to whom the expenditure was made;~~

~~(4) the candidate or ballot issue to which the independent expenditure relates and whether the independent expenditure supports or opposes that candidate or ballot issue; and~~

~~(5) the identity of each person who made cumulative donations of \$6,000 or more to the person making the independent expenditures during the period covered by the report.~~

~~13-307.~~

~~(a) (1) In this section the following words have the meanings indicated.~~

~~(2) (i) "Donation" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a person that makes disbursements for electioneering communications.~~

~~(ii) "Donation" does not include any amount of money or any other thing of value:~~

~~1. received by a person in the ordinary course of any trade or business conducted by the person, whether for profit or not for profit, or in the form of investments in the person's business; or~~

~~2. A. that the donor and the person receiving the money or thing of value expressly agree in writing may not be used for electioneering communications; and~~

~~B. in the case of a monetary donation, is deposited in a separate bank account that is never used for electioneering communications.~~

~~(3) (i) "Electioneering communication" means a broadcast television or radio communication, a cable television communication, a satellite television or radio communication, a mass mailing, an e-mail blast, a text blast, a telephone bank, AN ONLINE POLITICAL ADVERTISEMENT, or an advertisement in a print publication that:~~

~~1. refers to a clearly identified candidate or ballot issue;~~



~~2. is made within 60 days of an election day on which the candidate or ballot issue is on the ballot;~~

~~3. is capable of being received by:~~

~~A. 50,000 or more individuals in the constituency where the candidate or ballot issue is on the ballot, if the communication is transmitted by television or radio; or~~

~~B. 5,000 or more individuals in the constituency where the candidate or ballot issue is on the ballot, if the communication is a mass mailing, an e-mail blast, a text blast, a telephone bank, or an advertisement in a print publication; and~~

~~4. is not made in coordination with, or at the request or suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.~~

~~(ii) "Electioneering communication" does not include:~~

~~1. an independent expenditure;~~

~~2. a news story, a commentary, or an editorial disseminated by a broadcasting station, including a cable television operator, programmer, or producer, or satellite television or radio provider that is not controlled by a candidate or political party;~~

~~3. a candidate debate or forum;~~

~~4. an internal membership communication by a business or other entity to its stockholders or members and executive and administrative personnel and their immediate families, or by a membership entity, as defined under § 13-243 of this title, to its members, executive and administrative personnel and their immediate families; or~~

~~5. a communication that proposes a commercial transaction.~~

~~(iii) For purposes of this paragraph, "clearly identified" means:~~

~~1. the name of a candidate appears;~~

~~2. a photograph or drawing of a candidate appears; or~~

~~3. the identity of a candidate or ballot issue is apparent by unambiguous reference.~~

~~(4) "E-mail blast" means a transmission of electronic mail messages of an identical or substantially similar nature to 5,000 or more e-mail accounts simultaneously.~~

1           ~~(5) "Mass mailing" means a mailing by United States mail or facsimile of~~  
2 ~~more than 5,000 pieces of mail matter of an identical or substantially similar nature within~~  
3 ~~any 30-day period.~~

4           ~~(6) (i) "Person" includes an individual, a partnership, a committee, an~~  
5 ~~association, a corporation, a labor organization, or any other organization or group of~~  
6 ~~persons.~~

7           ~~(ii) "Person" does not include a campaign finance entity organized~~  
8 ~~under Subtitle 2, Part II of this title.~~

9           ~~(7) "Telephone bank" means more than 5,000 telephone calls of an identical~~  
10 ~~or substantially similar nature within any 30-day period.~~

11           ~~(8) "Text blast" means a transmission of text messages of an identical or~~  
12 ~~substantially similar nature to 5,000 or more telephone numbers simultaneously.~~

13           ~~(b) Within 48 hours after a person makes aggregate disbursements of \$5,000 or~~  
14 ~~more in an election cycle for electioneering communications, the person shall file a~~  
15 ~~registration form with the State Board.~~

16           ~~(e) Within 48 hours after a day on which a person makes aggregate~~  
17 ~~disbursements of \$10,000 or more in an election cycle for electioneering communications,~~  
18 ~~the person shall file an electioneering communication report with the State Board.~~

19           ~~(d) A person who files an electioneering communication report under subsection~~  
20 ~~(e) of this section shall file an additional electioneering communication report with the~~  
21 ~~State Board within 48 hours after a day on which the person makes aggregate~~  
22 ~~disbursements of \$10,000 or more for electioneering communications following the closing~~  
23 ~~date of the person's previous electioneering communication report.~~

24           ~~(e) An electioneering communication report shall include the following~~  
25 ~~information:~~

26           ~~(1) the identity of the person making disbursements for electioneering~~  
27 ~~communications and of the person exercising direction or control over the activities of the~~  
28 ~~person making the disbursements for electioneering communications;~~

29           ~~(2) the business address of the person making the disbursements for~~  
30 ~~electioneering communications;~~

31           ~~(3) the amount and date of each disbursement for electioneering~~  
32 ~~communications during the period covered by the report and the person to whom the~~  
33 ~~disbursement was made;~~

1 ~~(4) the candidate or ballot issue to which the electioneering~~  
2 ~~communications relate; AND~~

3 ~~(5) the identity of each person who made cumulative donations of \$6,000~~  
4 ~~or more to the person making the disbursements for electioneering communications during~~  
5 ~~the period covered by the report.~~

6 ~~13-401.~~

7 ~~(a) (1) Except as otherwise provided in this section, each item of campaign~~  
8 ~~material shall contain, set apart from any other message, an authority line that states:~~

9 ~~(i) as to campaign material published or distributed by a campaign~~  
10 ~~finance entity:~~

11 ~~1. the name and address of the treasurer of each campaign~~  
12 ~~finance entity responsible for the campaign material; and~~

13 ~~2. as to each treasurer named under item 1 of this item, the~~  
14 ~~name of each campaign finance entity for which the treasurer is acting; and~~

15 ~~(ii) as to campaign material published or distributed by any other~~  
16 ~~person, the name and address of the person responsible for the campaign material.~~

17 ~~(2) The authority line may omit an address that is on file with the State~~  
18 ~~Board or a local board.~~

19 ~~(3) If the campaign material is too small to include all the information~~  
20 ~~specified in paragraph (1) of this subsection in a legible manner, the authority line need~~  
21 ~~only contain the name and title of the treasurer or other person responsible for it.~~

22 ~~(4) The authority line for campaign material that is a commercial~~  
23 ~~advertisement need only contain the information specified in paragraphs (1) and (2) of this~~  
24 ~~subsection for one campaign finance entity or other person responsible for the~~  
25 ~~advertisement.~~

26 ~~(b) Campaign material that is published or distributed in support of or in~~  
27 ~~opposition to a candidate, but is not authorized by the candidate, shall include the following~~  
28 ~~statement:~~

29 ~~"This message has been authorized and paid for by (name of payor or any~~  
30 ~~organization affiliated with the payor), (name and title of treasurer or president). This~~  
31 ~~message has not been authorized or approved by any candidate."~~

32 ~~13-403.~~

1           ~~(a) (1) Subject to paragraph (2) of this subsection, each campaign finance~~  
 2 ~~entity, EACH PERSON REQUIRED TO FILE AN INDEPENDENT EXPENDITURE REPORT~~  
 3 ~~UNDER § 13-306 OF THIS TITLE, AND EACH PERSON REQUIRED TO FILE AN~~  
 4 ~~ELECTIONEERING COMMUNICATION REPORT UNDER § 13-307 OF THIS TITLE THAT~~  
 5 ~~IS responsible for, publisher of, and distributor of, an item of campaign material shall keep~~  
 6 ~~a sample copy of the item for at least 1 year after the general election next following the~~  
 7 ~~date when the item was published or distributed.~~

8           ~~(2) For each item of campaign material disseminated through the Internet,~~  
 9 ~~the sample copy shall be:~~

10                     ~~(i) a paper facsimile; or~~

11                     ~~(ii) a copy on an electronic medium that can be produced as a paper~~  
 12 ~~facsimile on request.~~

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

14 ~~13-403.1.~~

15           ~~(A) (1) AN ONLINE PLATFORM SHALL:~~

16                     ~~(I) RETAIN A DIGITAL COPY OF EACH ONLINE POLITICAL~~  
 17 ~~ADVERTISEMENT THAT THE ONLINE PLATFORM DISTRIBUTES OR TRANSMITS; AND~~

18                     ~~(II) MAINTAIN ACCOUNT BOOKS AND RECORDS THAT INCLUDE:~~

19                             ~~1. THE NAME AND ADDRESS OF EACH PERSON WHO~~  
 20 ~~PURCHASES AN ONLINE POLITICAL ADVERTISEMENT FROM THE ONLINE PLATFORM;~~  
 21 ~~AND~~

22                             ~~2. THE COST AND METHOD OF PAYMENT FOR THE~~  
 23 ~~ONLINE POLITICAL ADVERTISEMENT.~~

24           ~~(2) AN ONLINE PLATFORM SHALL RETAIN THE RECORDS REQUIRED~~  
 25 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AT LEAST 1 YEAR AFTER THE~~  
 26 ~~GENERAL ELECTION NEXT FOLLOWING THE DATE WHEN THE ONLINE PLATFORM~~  
 27 ~~DISTRIBUTED OR TRANSMITTED THE ONLINE POLITICAL ADVERTISEMENT TO~~  
 28 ~~WHICH THE RECORDS RELATE.~~

29           ~~(3) THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS~~  
 30 ~~SUBSECTION SHALL BE:~~

31                     ~~(I) AVAILABLE FOR PUBLIC INSPECTION AT THE OFFICES OF~~  
 32 ~~THE ONLINE PLATFORM DURING NORMAL BUSINESS HOURS; AND~~

~~(H) PROVIDED TO THE STATE BOARD ON REQUEST.~~

~~(B) (1) IN THIS SUBSECTION, "FOREIGN PRINCIPAL" HAS THE MEANING STATED IN 22 U.S.C. § 611(B).~~

~~(2) IF A FOREIGN PRINCIPAL, A PERSON USING A FOREIGN INTERNET PROTOCOL ADDRESS, OR A PERSON USING FOREIGN CURRENCY PURCHASES AN ONLINE POLITICAL ADVERTISEMENT, THE ONLINE PLATFORM USED TO DISTRIBUTE OR TRANSMIT THE ONLINE POLITICAL ADVERTISEMENT SHALL PROVIDE THE FOLLOWING TO THE STATE BOARD WITHIN 48 HOURS AFTER THE ONLINE POLITICAL ADVERTISEMENT IS DISTRIBUTED OR TRANSMITTED:~~

~~(I) A DIGITAL COPY OF THE ONLINE POLITICAL ADVERTISEMENT; AND~~

~~(H) THE AMOUNT PAID TO THE ONLINE PLATFORM TO DISTRIBUTE OR TRANSMIT THE ONLINE POLITICAL ADVERTISEMENT.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.~~

1-101.

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

(k) (1) "Campaign material" means any material that:

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

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

(iii) is published [or], distributed, OR DISSEMINATED.

(2) "Campaign material" includes:

~~(I) A QUALIFYING PAID DIGITAL COMMUNICATION;~~

~~[(i)] (II) ANY OTHER material transmitted by or appearing on the Internet or other electronic medium; and~~

~~[(ii)] (III) an oral commercial campaign advertisement.~~

1 (DD-1) "ONLINE PLATFORM" MEANS ANY PUBLIC-FACING WEBSITE, WEB  
 2 APPLICATION, OR DIGITAL APPLICATION, INCLUDING A SOCIAL NETWORK, AD  
 3 NETWORK, OR SEARCH ENGINE, THAT:

4 (1) HAS 100,000 OR MORE UNIQUE MONTHLY UNITED STATES  
 5 VISITORS OR USERS FOR A MAJORITY OF MONTHS DURING THE IMMEDIATELY  
 6 PRECEDING 12 MONTHS; AND

7 (2) RECEIVES PAYMENT FOR QUALIFYING PAID DIGITAL  
 8 COMMUNICATIONS.

9 (LL-1) "QUALIFYING PAID DIGITAL COMMUNICATION" MEANS ANY  
 10 ELECTRONIC COMMUNICATION THAT:

11 (1) IS CAMPAIGN MATERIAL;

12 (2) IS PLACED OR PROMOTED FOR A FEE ON AN ONLINE PLATFORM;

13 (3) IS DISSEMINATED TO 500 OR MORE INDIVIDUALS; AND

14 (4) DOES NOT PROPOSE A COMMERCIAL TRANSACTION.

15 13-306.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) "Donation" means the gift or transfer, or promise of gift or  
 18 transfer, of money or other thing of value to a person who makes independent expenditures.

19 (ii) "Donation" does not include any amount of money or any other  
 20 thing of value:

21 1. received by a person in the ordinary course of any trade or  
 22 business conducted by the person, whether for profit or not for profit, or in the form of  
 23 investments in the person's business; or

24 2. A. that the donor and the person receiving the money  
 25 or thing of value expressly agree in writing may not be used for independent expenditures;  
 26 and

27 B. in the case of a monetary donation, is deposited in a  
 28 separate bank account that is never used for independent expenditures.

29 (3) "E-mail blast" means a transmission of electronic mail messages of an  
 30 identical or substantially similar nature to 5,000 or more e-mail accounts simultaneously.

1           (4) “Mass mailing” means a mailing by United States mail or facsimile of  
2 more than 500 pieces of mail matter of an identical or substantially similar nature within  
3 any 30-day period.

4           (5) (i) “Person” includes an individual, a partnership, a committee, an  
5 association, a corporation, a labor organization, or any other organization or group of  
6 persons.

7                   (ii) “Person” does not include a campaign finance entity organized  
8 under Subtitle 2, Part II of this title.

9           (6) (i) “Public communication” means a communication by means of  
10 any broadcast television or radio communication, cable television communication, satellite  
11 television or radio communication, newspaper, magazine, outdoor advertising facility, mass  
12 mailing, e-mail blast, text blast, **QUALIFYING PAID DIGITAL COMMUNICATION**, or  
13 telephone bank to the general public, or any other form of general public political  
14 advertising.

15                   (ii) “Public communication” does not include:

16                           1. a news story, a commentary, or an editorial disseminated  
17 by a broadcasting station, including a cable television operator, programmer, or producer,  
18 satellite television or radio provider, Web site, newspaper, magazine, or other periodical  
19 publication, including any Internet or electronic publication, that is not controlled by a  
20 candidate or political party;

21                           2. an internal membership communication by a business or  
22 other entity to its stockholders or members and executive and administrative personnel  
23 and their immediate families, or by a membership entity, as defined under § 13-243 of this  
24 title, to its members, executive and administrative personnel and their immediate families;  
25 or

26                           3. a candidate debate or forum.

27           (7) “Telephone bank” means more than 500 telephone calls of an identical  
28 or substantially similar nature within any 30-day period.

29           (8) “Text blast” means a transmission of text messages of an identical or  
30 substantially similar nature to 5,000 or more telephone numbers simultaneously.

31           (b) Within 48 hours after a person makes aggregate independent expenditures of  
32 \$5,000 or more in an election cycle for campaign material that is a public communication,  
33 the person shall file a registration form with the State Board.

34           (c) Within 48 hours after a day on which a person makes aggregate independent  
35 expenditures of \$10,000 or more in an election cycle for campaign material that is a public

1 communication, the person shall file an independent expenditure report with the State  
2 Board.

3 (d) A person who files an independent expenditure report under subsection (c) of  
4 this section shall file an additional independent expenditure report with the State Board  
5 within 48 hours after a day on which the person makes aggregate independent  
6 expenditures of \$10,000 or more for campaign material that is a public communication  
7 following the closing date of the person's previous independent expenditure report.

8 (e) An independent expenditure report shall include the following information:

9 (1) the identity of the person making the independent expenditures and of  
10 the person exercising direction or control over the activities of the person making the  
11 independent expenditures;

12 (2) the business address of the person making the independent  
13 expenditures;

14 (3) the amount and date of each independent expenditure during the period  
15 covered by the report and the person to whom the expenditure was made;

16 (4) the candidate or ballot issue to which the independent expenditure  
17 relates and whether the independent expenditure supports or opposes that candidate or  
18 ballot issue; and

19 (5) the identity of each person who made cumulative donations of \$6,000  
20 or more to the person making the independent expenditures during the period covered by  
21 the report.

22 13-307.

23 (a) (1) In this section the following words have the meanings indicated.

24 (2) (i) "Donation" means the gift or transfer, or promise of gift or  
25 transfer, of money or other thing of value to a person that makes disbursements for  
26 electioneering communications.

27 (ii) "Donation" does not include any amount of money or any other  
28 thing of value:

29 1. received by a person in the ordinary course of any trade or  
30 business conducted by the person, whether for profit or not for profit, or in the form of  
31 investments in the person's business; or

32 2. A. that the donor and the person receiving the money  
33 or thing of value expressly agree in writing may not be used for electioneering  
34 communications; and



1                   B. in the case of a monetary donation, is deposited in a  
2 separate bank account that is never used for electioneering communications.

3                   (3) (i) “Electioneering communication” means a broadcast television or  
4 radio communication, a cable television communication, a satellite television or radio  
5 communication, a mass mailing, an e-mail blast, a text blast, a telephone bank, A  
6 QUALIFYING PAID DIGITAL COMMUNICATION, or an advertisement in a print  
7 publication that:

8                           1. refers to a clearly identified candidate or ballot issue;

9                           2. is made within 60 days of an election day on which the  
10 candidate or ballot issue is on the ballot;

11                           3. is capable of being received by:

12                                 A. 50,000 or more individuals in the constituency where the  
13 candidate or ballot issue is on the ballot, if the communication is transmitted by television  
14 or radio; or

15                                 B. 5,000 or more individuals in the constituency where the  
16 candidate or ballot issue is on the ballot, if the communication is a mass mailing, an e-mail  
17 blast, a text blast, a telephone bank, A QUALIFYING PAID DIGITAL COMMUNICATION, or  
18 an advertisement in a print publication; and

19                           4. is not made in coordination with, or at the request or  
20 suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a  
21 candidate, or a ballot issue committee.

22                   (ii) “Electioneering communication” does not include:

23                           1. an independent expenditure;

24                           2. a news story, a commentary, or an editorial disseminated  
25 by a broadcasting station, including a cable television operator, programmer, or producer,  
26 or satellite television or radio provider, WEBSITE, NEWSPAPER, MAGAZINE, OR OTHER  
27 PERIODICAL PUBLICATION, INCLUDING ANY INTERNET OR ELECTRONIC  
28 PUBLICATION, that is not controlled by a candidate or political party;

29                           3. a candidate debate or forum;

30                           4. an internal membership communication by a business or  
31 other entity to its stockholders or members and executive and administrative personnel  
32 and their immediate families, or by a membership entity, as defined under § 13-243 of this

1 title, to its members, executive and administrative personnel and their immediate families;  
2 or

3                   5.     a communication that proposes a commercial transaction.

4                   (iii) For purposes of this paragraph, “clearly identified” means:

5                         1.     the name of a candidate appears;

6                         2.     a photograph or drawing of a candidate appears; or

7                         3.     the identity of a candidate or ballot issue is apparent by  
8 unambiguous reference.

9                   (4)     “E–mail blast” means a transmission of electronic mail messages of an  
10 identical or substantially similar nature to 5,000 or more e–mail accounts simultaneously.

11                   (5)     “Mass mailing” means a mailing by United States mail or facsimile of  
12 more than 5,000 pieces of mail matter of an identical or substantially similar nature within  
13 any 30–day period.

14                   (6)     (i)     “Person” includes an individual, a partnership, a committee, an  
15 association, a corporation, a labor organization, or any other organization or group of  
16 persons.

17                         (ii)    “Person” does not include a campaign finance entity organized  
18 under Subtitle 2, Part II of this title.

19                   (7)     “Telephone bank” means more than 5,000 telephone calls of an identical  
20 or substantially similar nature within any 30–day period.

21                   (8)     “Text blast” means a transmission of text messages of an identical or  
22 substantially similar nature to 5,000 or more telephone numbers simultaneously.

23                   (b)     Within 48 hours after a person makes aggregate disbursements of \$5,000 or  
24 more in an election cycle for electioneering communications, the person shall file a  
25 registration form with the State Board.

26                   (c)     Within 48 hours after a day on which a person makes aggregate  
27 disbursements of \$10,000 or more in an election cycle for electioneering communications,  
28 the person shall file an electioneering communication report with the State Board.

29                   (d)     A person who files an electioneering communication report under subsection  
30 (c) of this section shall file an additional electioneering communication report with the  
31 State Board within 48 hours after a day on which the person makes aggregate  
32 disbursements of \$10,000 or more for electioneering communications following the closing  
33 date of the person’s previous electioneering communication report.

1           (e) An electioneering communication report shall include the following  
2 information:

3           (1) the identity of the person making disbursements for electioneering  
4 communications and of the person exercising direction or control over the activities of the  
5 person making the disbursements for electioneering communications;

6           (2) the business address of the person making the disbursements for  
7 electioneering communications;

8           (3) the amount and date of each disbursement for electioneering  
9 communications during the period covered by the report and the person to whom the  
10 disbursement was made;

11           (4) the candidate or ballot issue to which the electioneering  
12 communications relate; AND

13           (5) the identity of each person who made cumulative donations of \$6,000  
14 or more to the person making the disbursements for electioneering communications during  
15 the period covered by the report.

16 13-401.

17           (a) (1) Except as otherwise provided in this section, each item of campaign  
18 material shall contain, set apart from any other message, an authority line that states:

19                   (i) as to campaign material published [or], distributed, OR  
20 DISSEMINATED by a campaign finance entity:

21                           1. the name and address of the treasurer of each campaign  
22 finance entity responsible for the campaign material; and

23                           2. as to each treasurer named under item 1 of this item, the  
24 name of each campaign finance entity for which the treasurer is acting; and

25                           (ii) as to campaign material published [or], distributed, OR  
26 DISSEMINATED by any other person, the name and address of the person responsible for  
27 the campaign material.

28           (2) The authority line may omit an address that is on file with the State  
29 Board or a local board.

30           (3) If the campaign material is too small to include all the information  
31 specified in paragraph (1) of this subsection in a legible manner, the authority line need

1 only contain the [name and title of the treasurer or other person responsible for it]  
2 **INFORMATION REQUIRED BY REGULATIONS ADOPTED BY THE STATE BOARD.**

3 (4) The authority line for campaign material that is a commercial  
4 advertisement need only contain the information specified in paragraphs (1) and (2) of this  
5 subsection for one campaign finance entity or other person responsible for the  
6 advertisement.

7 (b) Campaign material that is published or distributed in support of or in  
8 opposition to a candidate, but is not authorized by the candidate, shall include the following  
9 statement:

10 “This message has been authorized and paid for by (name of payor or any  
11 organization affiliated with the payor), (name and title of treasurer or president). This  
12 message has not been authorized or approved by any candidate.”

13 13-403.

14 (a) (1) Subject to paragraph (2) of this subsection, each campaign finance  
15 entity, EACH PERSON REQUIRED TO REGISTER UNDER § 13-306(B) OF THIS TITLE,  
16 AND EACH PERSON REQUIRED TO REGISTER UNDER § 13-307(B) OF THIS TITLE THAT  
17 IS responsible for, publisher of, and distributor of, an item of campaign material shall keep  
18 a sample copy of the item for at least 1 year after the general election next following the  
19 date when the item was published or distributed.

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

22 (i) a paper facsimile; or

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

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

26 13-405.

27 (A) (1) A PERSON WHO DIRECTLY OR INDIRECTLY REQUESTS  
28 PLACEMENT OF A QUALIFYING PAID DIGITAL COMMUNICATION ON AN ONLINE  
29 PLATFORM SHALL EXPRESSLY NOTIFY THE ONLINE PLATFORM AT THE TIME THE  
30 REQUEST FOR PLACEMENT OF A QUALIFYING PAID DIGITAL COMMUNICATION IS  
31 MADE THAT THE COMMUNICATION IS A QUALIFYING PAID DIGITAL  
32 COMMUNICATION.

33 (2) THE NOTICE REQUIRED UNDER PARAGRAPH (1) OF THIS  
34 SUBSECTION:

1           (I) SHALL BE PROVIDED USING THE METHOD PRESCRIBED BY  
2 THE ONLINE PLATFORM; AND

3           (II) MAY NOT BE PROVIDED THROUGH THE INCLUSION OF THE  
4 AUTHORITY LINE REQUIRED UNDER § 13-401 OF THIS SUBTITLE ON THE  
5 QUALIFYING PAID DIGITAL COMMUNICATION.

6           (3) IF AN ONLINE PLATFORM DOES NOT PROVIDE A METHOD FOR A  
7 REQUESTER OF A QUALIFYING PAID DIGITAL COMMUNICATION TO GIVE NOTICE AS  
8 REQUIRED BY PARAGRAPH (2)(I) OF THIS SUBSECTION, THE REQUESTER SHALL:

9           (I) NOTIFY THE STATE BOARD THAT THE ONLINE PLATFORM IS  
10 NOT IN COMPLIANCE WITH PARAGRAPH (2)(I) OF THIS SUBSECTION; AND

11           (II) PROVIDE THE INFORMATION REQUIRED UNDER  
12 SUBSECTION (B)(6) OF THIS SECTION TO THE STATE BOARD.

13           (B) (1) AN ONLINE PLATFORM SHALL MAKE AVAILABLE FOR PUBLIC  
14 INSPECTION ON THE INTERNET IN A MACHINE-READABLE FORMAT THE RECORDS  
15 DESCRIBED IN PARAGRAPH (6) OF THIS SUBSECTION REGARDING QUALIFYING PAID  
16 DIGITAL COMMUNICATIONS DISSEMINATED THROUGH THE ONLINE PLATFORM FOR  
17 WHICH THE ONLINE PLATFORM HAS RECEIVED NOTICE IN ACCORDANCE WITH  
18 SUBSECTION (A) OF THIS SECTION.

19           (2) AN ONLINE PLATFORM SHALL ALLOW THE PUBLIC TO SEARCH  
20 THE RECORDS DESCRIBED IN PARAGRAPH (6) OF THIS SUBSECTION BY PURCHASER.

21           (3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION,  
22 THE RECORDS DESCRIBED IN PARAGRAPH (6) OF THIS SUBSECTION SHALL BE  
23 AVAILABLE FOR PUBLIC INSPECTION ON THE INTERNET IN A CLEARLY  
24 IDENTIFIABLE LOCATION ON THE ONLINE PLATFORM'S HOMEPAGE:

25           (I) WITHIN 48 HOURS AFTER A QUALIFYING PAID DIGITAL  
26 COMMUNICATION IS PURCHASED; AND

27           (II) FOR AT LEAST 1 YEAR AFTER THE GENERAL ELECTION  
28 FOLLOWING THE DATE WHEN THE ONLINE PLATFORM DISSEMINATED THE  
29 QUALIFYING PAID DIGITAL COMMUNICATION TO WHICH THE RECORDS RELATE.

30           (4) FOR PURPOSES OF PARAGRAPH (3) OF THIS SUBSECTION, A  
31 PERSON SHALL BE CONSIDERED TO HAVE PURCHASED A QUALIFYING PAID DIGITAL  
32 COMMUNICATION IF THE PERSON HAS EXECUTED A CONTRACT TO PURCHASE A  
33 QUALIFYING PAID DIGITAL COMMUNICATION.

1           **(5) (I) AN ONLINE PLATFORM MAY APPLY TO THE STATE BOARD**  
2 **FOR A COMPLIANCE WAIVER TO ALLOW THE ONLINE PLATFORM TO MAKE THE**  
3 **RECORDS DESCRIBED IN PARAGRAPH (6) OF THIS SUBSECTION AVAILABLE FOR**  
4 **PUBLIC INSPECTION ON THE INTERNET WITHIN UP TO 7 DAYS AFTER A QUALIFYING**  
5 **PAID DIGITAL COMMUNICATION IS PURCHASED.**

6           **(II) THE STATE BOARD SHALL REQUIRE AN APPLICANT FOR A**  
7 **COMPLIANCE WAIVER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO:**

8                   **1. DESCRIBE WHY COMPLYING WITH THE**  
9 **REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION PRESENTS AN**  
10 **UNREASONABLE BURDEN ON THE APPLICANT; AND**

11                   **2. PRESENT MEASURES THE APPLICANT WILL TAKE TO**  
12 **MEET THE REQUIREMENTS UNDER PARAGRAPH (3) OF THIS SUBSECTION WITHIN 6**  
13 **MONTHS AFTER THE DATE THE COMPLIANCE WAIVER IS GRANTED.**

14           **(III) THE STATE BOARD MAY NOT GRANT:**

15                   **1. MORE THAN ONE COMPLIANCE WAIVER TO AN ONLINE**  
16 **PLATFORM; AND**

17                   **2. A COMPLIANCE WAIVER TO AN ONLINE PLATFORM**  
18 **WITHIN 30 DAYS BEFORE AN ELECTION.**

19           **(IV) A COMPLIANCE WAIVER IS NOT EFFECTIVE DURING THE 30**  
20 **DAYS IMMEDIATELY PRECEDING AN ELECTION.**

21           **~~(IV)~~ (V) IF AN ONLINE PLATFORM WILL APPLY FOR A**  
22 **COMPLIANCE WAIVER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE ONLINE**  
23 **PLATFORM SHALL APPLY FOR A COMPLIANCE WAIVER BEFORE RECEIVING PAYMENT**  
24 **FOR A QUALIFYING PAID DIGITAL COMMUNICATION.**

25           **(6) FOR EACH QUALIFYING PAID DIGITAL COMMUNICATION A**  
26 **PURCHASER REQUESTS TO DISSEMINATE THROUGH AN ONLINE PLATFORM AND FOR**  
27 **WHICH THE PURCHASER HAS PROVIDED NOTICE IN ACCORDANCE WITH SUBSECTION**  
28 **(A) OF THIS SECTION, THE ONLINE PLATFORM SHALL MAINTAIN THE FOLLOWING**  
29 **RECORDS:**

30                   **(I) FOR EACH QUALIFYING PAID DIGITAL COMMUNICATION**  
31 **PURCHASED BY A POLITICAL COMMITTEE:**

1                    1. THE NAME OF THE PERSON AND ANY CONTACT  
2 INFORMATION FOR THE PERSON REQUIRED BY THE STATE BOARD, OF THE  
3 POLITICAL COMMITTEE;

4                    2. THE TREASURER OF THE POLITICAL COMMITTEE; AND

5                    3. THE TOTAL AMOUNT PAID BY THE PURCHASER TO THE  
6 ONLINE PLATFORM FOR THE PLACEMENT OF THE QUALIFYING PAID DIGITAL  
7 COMMUNICATION;

8                    (II) FOR EACH QUALIFYING PAID DIGITAL COMMUNICATION  
9 PURCHASED BY A PERSON OTHER THAN A POLITICAL COMMITTEE OR AN AD  
10 NETWORK:

11                    1. THE NAME OF THE PERSON AND ANY CONTACT  
12 INFORMATION FOR THE PERSON REQUIRED BY THE STATE BOARD, OF THE PERSON;

13                    2. THE IDENTITY OF THE INDIVIDUALS EXERCISING  
14 DIRECTION OR CONTROL OVER THE ACTIVITIES OF THE PERSON, INCLUDING THE  
15 CHIEF EXECUTIVE OFFICER OR BOARD OF DIRECTORS, IF APPLICABLE; AND

16                    3. THE TOTAL AMOUNT PAID BY THE PURCHASER TO THE  
17 ONLINE PLATFORM FOR THE PLACEMENT OF THE QUALIFYING PAID DIGITAL  
18 COMMUNICATION; AND

19                    (III) FOR EACH QUALIFYING PAID DIGITAL COMMUNICATION  
20 PURCHASED BY AN AD NETWORK:

21                    1. THE CONTACT INFORMATION FOR THE AD NETWORK;  
22 OR

23                    2. A HYPERLINK TO THE AD NETWORK'S WEBSITE  
24 WHERE THE CONTACT INFORMATION IS LOCATED.

25                    (C) (1) AN ONLINE PLATFORM SHALL MAINTAIN AND MAKE AVAILABLE  
26 TO THE STATE BOARD ON REQUEST THE RECORDS DESCRIBED IN PARAGRAPH (3)  
27 OF THIS SUBSECTION REGARDING QUALIFYING PAID DIGITAL COMMUNICATIONS  
28 DISSEMINATED THROUGH THE ONLINE PLATFORM FOR WHICH THE ONLINE  
29 PLATFORM HAS RECEIVED NOTICE IN ACCORDANCE WITH SUBSECTION (A) OF THIS  
30 SECTION.

31                    (2) THE RECORDS DESCRIBED IN PARAGRAPH (3) OF THIS  
32 SUBSECTION SHALL BE AVAILABLE ON THE REQUEST OF THE STATE BOARD:

1           (I) WITHIN 48 HOURS AFTER A QUALIFYING PAID DIGITAL  
2 COMMUNICATION IS FIRST DISSEMINATED ON THE ONLINE PLATFORM; AND

3           (II) FOR AT LEAST 1 YEAR AFTER THE GENERAL ELECTION  
4 FOLLOWING THE DATE WHEN THE ONLINE PLATFORM DISSEMINATED THE  
5 QUALIFYING PAID DIGITAL COMMUNICATION TO WHICH THE RECORDS RELATE.

6           (3) FOR EACH QUALIFYING PAID DIGITAL COMMUNICATION A  
7 PURCHASER REQUESTS TO DISSEMINATE THROUGH AN ONLINE PLATFORM AND FOR  
8 WHICH THE PURCHASER HAS PROVIDED NOTICE IN ACCORDANCE WITH SUBSECTION  
9 (A) OF THIS SECTION, THE ONLINE PLATFORM SHALL MAINTAIN THE FOLLOWING  
10 RECORDS:

11           (I) THE CANDIDATE OR BALLOT ISSUE TO WHICH THE  
12 QUALIFYING PAID DIGITAL COMMUNICATION RELATES AND WHETHER THE  
13 QUALIFYING PAID DIGITAL COMMUNICATION SUPPORTS OR OPPOSES THAT  
14 CANDIDATE OR BALLOT ISSUE;

15           (II) THE DATES AND TIMES THAT THE QUALIFYING PAID DIGITAL  
16 COMMUNICATION WAS FIRST DISSEMINATED AND LAST DISSEMINATED;

17           (III) A DIGITAL COPY OF THE CONTENT OF THE QUALIFYING PAID  
18 DIGITAL COMMUNICATION;

19           (IV) AN APPROXIMATE DESCRIPTION OF THE GEOGRAPHIC  
20 LOCATIONS WHERE THE QUALIFYING PAID DIGITAL COMMUNICATION WAS  
21 DISSEMINATED;

22           (V) AN APPROXIMATE DESCRIPTION OF THE AUDIENCE THAT  
23 RECEIVED OR WAS TARGETED TO RECEIVE THE QUALIFYING PAID DIGITAL  
24 COMMUNICATION; AND

25           (VI) THE TOTAL NUMBER OF IMPRESSIONS GENERATED BY THE  
26 QUALIFYING PAID DIGITAL COMMUNICATION.

27           (4) INFORMATION OBTAINED BY THE STATE BOARD UNDER THIS  
28 SUBSECTION IS NOT SUBJECT TO INSPECTION UNDER THE PUBLIC INFORMATION  
29 ACT.

30           (D) (1) A PURCHASER OF A QUALIFYING PAID DIGITAL COMMUNICATION  
31 SHALL PROVIDE THE ONLINE PLATFORM THAT DISSEMINATES THE QUALIFYING  
32 PAID DIGITAL COMMUNICATION WITH THE INFORMATION NECESSARY FOR THE  
33 ONLINE PLATFORM TO COMPLY WITH SUBSECTIONS (B) AND (C) OF THIS SECTION.



1           **(2) AN ONLINE PLATFORM MAY RELY IN GOOD FAITH ON THE**  
2 **INFORMATION PROVIDED BY A PURCHASER OF A QUALIFYING PAID DIGITAL**  
3 **COMMUNICATION TO COMPLY WITH SUBSECTIONS (B) AND (C) OF THIS SECTION.**

4           **(E) AN ONLINE PLATFORM SHALL MAKE REASONABLE EFFORTS TO ALLOW**  
5 **THE STATE BOARD TO:**

6           **(1) OBTAIN THE INFORMATION REQUIRED UNDER SUBSECTIONS (B)**  
7 **AND (C) OF THIS SECTION;**

8           **(2) OBTAIN THE INFORMATION THAT A PURCHASER OF A QUALIFYING**  
9 **PAID DIGITAL COMMUNICATION PROVIDED TO THE ONLINE PLATFORM IN**  
10 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION; AND**

11           **(3) OTHERWISE REQUEST THAT A PURCHASER OF A QUALIFYING PAID**  
12 **DIGITAL COMMUNICATION COMPLY WITH THIS SECTION OR § 13-401 OF THIS**  
13 **SUBTITLE.**

14           **(F) AN ONLINE PLATFORM THAT DISSEMINATES QUALIFYING PAID DIGITAL**  
15 **COMMUNICATIONS SHALL MAKE REASONABLE EFFORTS, IN ACCORDANCE WITH THE**  
16 **FEDERAL STORED COMMUNICATIONS ACT, TO COMPLY WITH ANY SUBPOENA THAT**  
17 **IS ISSUED IN CONNECTION WITH AN INVESTIGATION CONCERNING THE COMPLIANCE**  
18 **OF A PURCHASER OF A QUALIFYING PAID DIGITAL COMMUNICATION WITH THIS**  
19 **SECTION OR § 13-401 OF THIS SUBTITLE.**

20 **13-405.1.**

21           **(A) (1) THE STATE ADMINISTRATOR MAY INVESTIGATE A POTENTIAL**  
22 **VIOLATION OF § 13-401 OR § 13-405 OF THIS SUBTITLE BY A PURCHASER OF A**  
23 **QUALIFYING PAID DIGITAL COMMUNICATION.**

24           **(2) IN FURTHERANCE OF AN INVESTIGATION UNDER PARAGRAPH (1)**  
25 **OF THIS SUBSECTION, THE STATE ADMINISTRATOR MAY ISSUE A SUBPOENA FOR**  
26 **THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF RECORDS.**

27           **(3) A SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED**  
28 **IN ACCORDANCE WITH THE MARYLAND RULES.**

29           **(4) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER**  
30 **THIS SUBSECTION, ON PETITION OF THE STATE ADMINISTRATOR, A CIRCUIT COURT**  
31 **OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.**

32           **(B) (1) AT THE CONCLUSION OF AN INVESTIGATION UNDER SUBSECTION**  
33 **(A)(1) OF THIS SECTION, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**

1 STATE BOARD MAY REQUEST THAT THE ATTORNEY GENERAL INSTITUTE AN ACTION  
2 IN A CIRCUIT COURT FOR INJUNCTIVE RELIEF IN ACCORDANCE WITH THE  
3 MARYLAND RULES TO:

4 (I) REQUIRE A PURCHASER OF A QUALIFYING PAID DIGITAL  
5 COMMUNICATION TO COMPLY WITH § 13-401 OR § 13-405 OF THIS SUBTITLE; OR

6 (II) REQUIRE AN ONLINE PLATFORM TO REMOVE A QUALIFIED  
7 PAID DIGITAL COMMUNICATION THAT DOES NOT COMPLY WITH § 13-401 OF THIS  
8 SUBTITLE OR IF THE PURCHASER OF THE COMMUNICATION DOES NOT COMPLY WITH  
9 § 13-405 OF THIS SUBTITLE.

10 (2) BEFORE REQUESTING THAT THE ATTORNEY GENERAL SEEK AN  
11 INJUNCTION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE BOARD  
12 SHALL:

13 (I) NOTIFY A PURCHASER OF A QUALIFYING PAID DIGITAL  
14 COMMUNICATION WHO IS THE SUBJECT OF AN INVESTIGATION OF THE  
15 CIRCUMSTANCES THAT GAVE RISE TO THE INVESTIGATION; AND

16 (II) PROVIDE THE PERSON REASONABLE OPPORTUNITY TO BE  
17 HEARD AT A PUBLIC MEETING OF THE STATE BOARD.

18 (3) A CIRCUIT COURT MAY GRANT INJUNCTIVE RELIEF UNDER THIS  
19 SUBSECTION ONLY IF THE ATTORNEY GENERAL SHOWS BY CLEAR AND CONVINCING  
20 EVIDENCE THAT A VIOLATION OF § 13-401 OR § 13-405 OF THIS SUBTITLE IS BEING  
21 COMMITTED.

22 (4) A PERSON WHO VIOLATES AN INJUNCTION ISSUED UNDER THIS  
23 SUBSECTION IS SUBJECT TO THE PENALTIES PROVIDED IN § 13-605(B) OF THIS  
24 TITLE.

25 13-405.2.

26 (A) IN THIS SECTION, “ELECTIONEERING COMMUNICATION” HAS THE  
27 MEANING STATED IN § 13-307(A) OF THIS TITLE.

28 (B) A PERSON MAY NOT PURCHASE CAMPAIGN MATERIAL OR AN  
29 ELECTIONEERING COMMUNICATION USING ANY CURRENCY OTHER THAN UNITED  
30 STATES CURRENCY.

31 (C) A PERSON MAY NOT WILLFULLY AND KNOWINGLY SELL CAMPAIGN  
32 MATERIAL OR AN ELECTIONEERING COMMUNICATION TO A PERSON WHO USES ANY

1 CURRENCY OTHER THAN UNITED STATES CURRENCY TO PAY FOR THE CAMPAIGN  
2 MATERIAL OR ELECTIONEERING COMMUNICATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.