

## Chapter 216

**(House Bill 465)**

AN ACT concerning

**Election Law – Campaign Material – Disclosure of the Use of Bots**

FOR the purpose of requiring certain persons that use a bot to publish, distribute, or disseminate campaign material online to another person in the State for a certain purpose to disclose in a certain manner on the campaign material that the person is using a bot to publish, distribute, or disseminate the campaign material; authorizing the State Board of Elections to seek to remove a bot under certain circumstances; providing that certain provisions of this Act do not impose a duty on service providers of online platforms; prohibiting a person from publishing, distributing, or disseminating, or causing to be published, distributed, or disseminated, campaign material in violation of certain provisions of this Act; authorizing the State Board to impose a certain civil penalty for a violation of a certain provision of this Act; defining certain terms; and generally relating to disclosure of the use of bots to publish, distribute, or disseminate campaign material.

BY adding to

Article – Election Law

Section 13–401.1

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Election Law

Section 13–602(a)(9) and 13–604.1(b)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, without amendments,

Article – Election Law

Section 13–602(b)

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

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

**Article – Election Law****13–401.1.**

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

**(2) “BOT” MEANS AN AUTOMATED ONLINE ACCOUNT WHERE ALL OR SUBSTANTIALLY ALL OF THE ACTIONS OR POSTS OF THAT ACCOUNT ARE NOT THE RESULT OF A PERSON.**

**(3) “ONLINE” MEANS APPEARING ON ANY PUBLIC-FACING INTERNET WEBSITE, WEB APPLICATION, OR DIGITAL APPLICATION, INCLUDING A SOCIAL NETWORK OR PUBLICATION.**

**(B) (1) THIS SECTION APPLIES TO ANY CANDIDATE, CAMPAIGN FINANCE ENTITY, PERSON REQUIRED TO REGISTER UNDER § 13-306, § 13-307, OR § 13-309.2 OF THIS TITLE, OR AN AGENT OF A CANDIDATE, CAMPAIGN FINANCE ENTITY, OR PERSON REQUIRED TO REGISTER UNDER § 13-306, § 13-307, OR § 13-309.2 OF THIS TITLE.**

**(2) IN ADDITION TO THE REQUIREMENTS UNDER §§ 13-401 AND 13-403 OF THIS SUBTITLE, A PERSON SUBJECT TO THIS SECTION THAT USES A BOT TO PUBLISH, DISTRIBUTE, OR DISSEMINATE CAMPAIGN MATERIAL ONLINE TO ANOTHER PERSON IN THE STATE FOR THE PURPOSE OF INFLUENCING AN ELECTION SHALL DISCLOSE IN A CLEAR AND CONSPICUOUS MANNER ON THE CAMPAIGN MATERIAL THAT THE PERSON IS USING A BOT TO PUBLISH, DISTRIBUTE, OR DISSEMINATE THE CAMPAIGN MATERIAL.**

**(3) IF A PERSON SUBJECT TO THIS SECTION VIOLATES THE REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE STATE BOARD MAY SEEK TO REMOVE THE BOT.**

**(C) THIS SECTION DOES NOT IMPOSE A DUTY ON SERVICE PROVIDERS OF ONLINE PLATFORMS, INCLUDING WEB HOSTING AND INTERNET SERVICE PROVIDERS.**

13-602.

**(a) (9) A person may not:**

**(I) publish or distribute, or cause to be published or distributed, campaign material that violates § 13-401 of this title; OR**

**(II) PUBLISH, DISTRIBUTE, OR DISSEMINATE, OR CAUSE TO BE PUBLISHED, DISTRIBUTED, OR DISSEMINATED, CAMPAIGN MATERIAL THAT VIOLATES § 13-401.1 OF THIS TITLE.**

(b) A person who violates this section is guilty of a misdemeanor and on conviction is:

(1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both; and

(2) ineligible to hold any public or party office for 4 years after the date of the offense.

13-604.1.

(b) The State Board may impose a civil penalty in accordance with this section for the following violations:

(1) making a disbursement in a manner not authorized in § 13-218(b)(2), (c), and (d) of this title;

(2) failure to maintain a campaign bank account as required in § 13-220(a) of this title;

(3) making a disbursement by a method not authorized in § 13-220(d) of this title;

(4) failure to maintain detailed and accurate account books and records as required in § 13-221 of this title;

(5) fund-raising during the General Assembly session in a manner not authorized in § 13-235 of this title;

(6) failure to report all contributions received and expenditures made as required in § 13-304(b) of this title;

(7) failure to include an authority line on campaign material as required in § 13-401 of this title; [or]

(8) failure to retain a copy of campaign material as required in § 13-403 of this title; **OR**

**(9) FAILURE TO INCLUDE A DISCLOSURE ON ONLINE CAMPAIGN MATERIAL AS REQUIRED IN § 13-401.1(B) OF THIS TITLE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2020.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.**