

HOUSE BILL 730

G1

5lr2086

By: **Delegate M. Morgan**

Introduced and read first time: January 27, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Online Platforms and Qualifying Paid Digital Communications –**
3 **Alterations**

4 FOR the purpose of altering certain requirements relating to online platforms and
5 qualifying paid digital communications; repealing certain provisions of law
6 establishing and governing a compliance waiver; requiring an online platform to
7 make certain records relating to qualifying paid digital communications available for
8 public inspection on the online platform’s website rather than to provide the records
9 to the State Board on request; and generally relating to online platforms and
10 qualifying paid digital communications.

11 BY repealing and reenacting, without amendments,
12 Article – Election Law
13 Section 1–101(dd–1) and (ll–1)
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2024 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Election Law
18 Section 13–405
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2024 Supplement)

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

23 **Article – Election Law**

24 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (dd-1) “Online platform” means any public-facing website, web application, or digital
2 application, including a social network, ad network, or search engine, that:

3 (1) has 100,000 or more unique monthly United States visitors or users for
4 a majority of months during the immediately preceding 12 months; and

5 (2) receives payment for qualifying paid digital communications.

6 (ll-1) “Qualifying paid digital communication” means any electronic communication
7 that:

8 (1) is campaign material;

9 (2) is placed or promoted for a fee on an online platform;

10 (3) is disseminated to 500 or more individuals; and

11 (4) does not propose a commercial transaction.

12 13-405.

13 (a) (1) A person who directly [or indirectly requests placement of]
14 **PURCHASES** a qualifying paid digital communication [on] **FROM** an online platform shall
15 expressly notify the online platform [at the time the request for placement] **BEFORE THE**
16 **PURCHASE** of [a] **THE** qualifying paid digital communication [is made] that the
17 communication is a qualifying paid digital communication.

18 (2) The notice required under paragraph (1) of this subsection:

19 (i) shall be provided using the method prescribed by the online
20 platform; and

21 (ii) may not be provided through the inclusion of the authority line
22 required under § 13-401 of this subtitle on the qualifying paid digital communication.

23 (3) If an online platform does not provide a method for a [requester]
24 **PURCHASER** of a qualifying paid digital communication to give notice as required by
25 paragraph (2)(i) of this subsection, the [requester] **PURCHASER** shall:

26 (i) notify the State Board that the online platform is not in
27 compliance with paragraph (2)(i) of this subsection; and

28 (ii) provide the information required under subsection [(b)(6)] **(B)(4)**
29 of this section to the State Board.

1 (b) (1) An online platform shall make available for public inspection on the
2 Internet in a machine-readable format the records described in paragraph [(6)] (4) of this
3 subsection regarding qualifying paid digital communications disseminated through the
4 online platform for which the online platform has received notice in accordance with
5 subsection (a) of this section.

6 (2) An online platform shall allow the public to search the records described
7 in paragraph [(6)] (4) of this subsection by [purchaser] **THE PERSON WHO PAID FOR THE**
8 **QUALIFYING PAID DIGITAL COMMUNICATIONS, AS IDENTIFIED BY THE PURCHASER**
9 **OF EACH QUALIFYING PAID DIGITAL COMMUNICATION IN THE NOTICE UNDER**
10 **SUBSECTION (A) OF THIS SECTION.**

11 (3) [Except as provided in paragraph (5) of this subsection, the] **THE**
12 records described in paragraph [(6)] (4) of this subsection shall be available for public
13 inspection on the Internet [in a clearly identifiable location] on the online platform's
14 website:

15 (i) [within 48 hours] **AS SOON AS PRACTICABLE** after [a] **THE**
16 **ONLINE PLATFORM DISSEMINATED THE** qualifying paid digital communication [is
17 purchased]; and

18 (ii) for at least 1 year after the general election following the date
19 when the online platform disseminated the qualifying paid digital communication to which
20 the records relate.

21 (4) [For purposes of paragraph (3) of this subsection, a person shall be
22 considered to have purchased a qualifying paid digital communication if the person has
23 executed a contract to purchase a qualifying paid digital communication.

24 (5) (i) An online platform may apply to the State Board for a compliance
25 waiver to allow the online platform to make the records described in paragraph (6) of this
26 subsection available for public inspection on the Internet within up to 7 days after a
27 qualifying paid digital communication is purchased.

28 (ii) The State Board shall require an applicant for a compliance
29 waiver under subparagraph (i) of this paragraph to:

30 1. describe why complying with the requirements under
31 paragraph (3) of this subsection presents an unreasonable burden on the applicant; and

32 2. present measures the applicant will take to meet the
33 requirements under paragraph (3) of this subsection within 6 months after the date the
34 compliance waiver is granted.

35 (iii) The State Board may not grant:

1 1. more than one compliance waiver to an online platform;
2 and

3 2. a compliance waiver to an online platform within 30 days
4 before an election.

5 (iv) A compliance waiver is not effective during the 30 days
6 immediately preceding an election.

7 (v) If an online platform will apply for a compliance waiver under
8 subparagraph (i) of this paragraph, the online platform shall apply for the compliance
9 waiver before receiving payment for a qualifying paid digital communication.

10 (6) For each qualifying paid digital communication [a purchaser requests
11 to disseminate] **DISSEMINATED** through an online platform and for which the purchaser
12 has provided notice in accordance with subsection (a) of this section, the online platform
13 shall maintain the following records:

14 (I) **THE CANDIDATE OR BALLOT ISSUE TO WHICH THE**
15 **QUALIFYING PAID DIGITAL COMMUNICATION RELATES AND WHETHER THE**
16 **QUALIFYING PAID DIGITAL COMMUNICATION SUPPORTS OR OPPOSES THAT**
17 **CANDIDATE OR BALLOT ISSUE;**

18 (II) **THE DATES THAT THE QUALIFYING PAID DIGITAL**
19 **COMMUNICATION WAS FIRST DISSEMINATED AND LAST DISSEMINATED;**

20 (III) **A DIGITAL REPRESENTATION OF THE CONTENT OF THE**
21 **QUALIFYING PAID DIGITAL COMMUNICATION;**

22 (IV) **AN APPROXIMATE DESCRIPTION OF THE GEOGRAPHIC**
23 **LOCATIONS WHERE THE QUALIFYING PAID DIGITAL COMMUNICATION WAS**
24 **TARGETED;**

25 (V) **AN APPROXIMATE DESCRIPTION OF THE AUDIENCE THAT**
26 **WAS TARGETED TO RECEIVE THE QUALIFYING PAID DIGITAL COMMUNICATION;**

27 (VI) **THE APPROXIMATE NUMBER OF IMPRESSIONS GENERATED**
28 **BY THE QUALIFYING PAID DIGITAL COMMUNICATION;**

29 [(i)] (VII) for each qualifying paid digital communication
30 [purchased] **PAID FOR** by a political committee:

31 1. the name of the person and any contact information for the
32 person required by the State Board, of the political committee;

2. the treasurer of the political committee; and

3. the [total] APPROXIMATE amount paid by the purchaser to the online platform for the placement of the qualifying paid digital communication; AND

[(ii)] (VIII) for each qualifying paid digital communication [purchased] PAID FOR by a person other than a political committee [or an ad network]:

1. the name of the person and any contact information for the person required by the State Board, of the person;

2. the identity of the individuals exercising direction or control over the activities of the person, including the chief executive officer or board of directors, if applicable; and

3. the [total] APPROXIMATE amount paid by the purchaser to the online platform for the placement of the qualifying paid digital communication[; and

(iii) for each qualifying paid digital communication purchased by an ad network:

1. the contact information for the ad network; or

2. a hyperlink to the ad network’s website where the contact information is located].

(c) (1) An online platform shall maintain and make available to the State Board on request the records described in paragraph (3) of this subsection regarding qualifying paid digital communications disseminated through the online platform for which the online platform has received notice in accordance with subsection (a) of this section.

(2) The records described in paragraph (3) of this subsection shall be available on the request of the State Board:

(i) within 48 hours after a qualifying paid digital communication is first disseminated on the online platform; and

(ii) for at least 1 year after the general election following the date when the online platform disseminated the qualifying paid digital communication to which the records relate.

(3) For each qualifying paid digital communication a purchaser requests to disseminate through an online platform and for which the purchaser has provided notice in accordance with subsection (a) of this section, the online platform shall maintain the following records:

1 (i) the candidate or ballot issue to which the qualifying paid digital
2 communication relates and whether the qualifying paid digital communication supports or
3 opposes that candidate or ballot issue;

4 (ii) the dates and times that the qualifying paid digital
5 communication was first disseminated and last disseminated;

6 (iii) a digital copy of the content of the qualifying paid digital
7 communication;

8 (iv) an approximate description of the geographic locations where the
9 qualifying paid digital communication was disseminated;

10 (v) an approximate description of the audience that received or was
11 targeted to receive the qualifying paid digital communication; and

12 (vi) the total number of impressions generated by the qualifying paid
13 digital communication.

14 (4) Information obtained by the State Board under this subsection is not
15 subject to inspection under the Public Information Act.]

16 **[(d)] (C)** (1) A purchaser of a qualifying paid digital communication shall
17 provide the online platform that disseminates the qualifying paid digital communication
18 with the information necessary for the online platform to comply with **[subsections]**
19 **SUBSECTION (b) [and (c)]** of this section **AND ANY UPDATES TO THE INFORMATION AS**
20 **NECESSARY.**

21 (2) An online platform may rely in good faith on the information provided
22 by a purchaser of a qualifying paid digital communication to comply with **[subsections]**
23 **SUBSECTION (b) [and (c)]** of this section.

24 **[(e)] (D)** An online platform shall make reasonable efforts to allow the State
25 Board to:

26 (1) obtain the information required under **[subsections]** **SUBSECTION (b)**
27 **[and (c)]** of this section;

28 (2) obtain the information that a purchaser of a qualifying paid digital
29 communication provided to the online platform in accordance with subsection **[(d)] (C)** of
30 this section; and

31 (3) otherwise request that a purchaser of a qualifying paid digital
32 communication comply with this section or § 13–401 of this subtitle.

1 **[(f)] (E)** An online platform that disseminates qualifying paid digital
2 communications shall make reasonable efforts, in accordance with the federal Stored
3 Communications Act, to comply with any subpoena that is issued in connection with an
4 investigation concerning the compliance of a purchaser of a qualifying paid digital
5 communication with this section or § 13–401 of this subtitle.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2025.