

SENATE BILL 697

G1

6lr1848

By: **Senator Feldman**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Actions to Influence an Election – Social Media Platform**
3 **Algorithms and Bots Purchased by Foreign Nationals**

4 FOR the purpose of establishing a rebuttable presumption that a social media platform has
5 made an independent expenditure to a certain candidate if the social media platform
6 knowingly and purposefully alters its algorithm to amplify certain political content
7 for the benefit of the candidate; establishing certain penalties for a social media
8 platform that is deemed to have made an independent expenditure and fails to file a
9 certain independent expenditure report; prohibiting a foreign national from using a
10 bot to publish, distribute, or disseminate campaign material or artificially amplify
11 political content to users of an online platform for a certain purpose; and generally
12 relating to actions to influence an election.

13 BY adding to
14 Article – Election Law
15 Section 13–251
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Election Law
20 Section 13–401.1
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2025 Supplement)

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

25 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13-251.

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

4 (2) "CONTENT" MEANS TEXT, IMAGES, VIDEOS, MEMES, GRAPHICS,
5 AND OTHER EXPRESSIVE MEDIA CREATED BY A PERSON THAT ARE SHARED OR
6 DISSEMINATED ON A SOCIAL MEDIA PLATFORM.

7 (3) "LEGITIMATE BUSINESS PURPOSE" DOES NOT INCLUDE A
8 BUSINESS DECISION TO SUPPORT OR OPPOSE A CANDIDATE DUE TO THE PERCEIVED
9 COMMERCIAL OR FINANCIAL BENEFIT TO THE PERSON IF THE CANDIDATE WINS OR
10 LOSES THE ELECTION.

11 (4) "POLITICAL CONTENT" MEANS CONTENT THAT:

12 (I) EXPRESSES OPINIONS OR VIEWPOINTS ON A CLEARLY
13 IDENTIFIED CANDIDATE IN AN ELECTION THAT ARE DESIGNED TO INFLUENCE A
14 VOTER TO CAST A VOTE OR MAKE A VOTING DECISION IN THAT ELECTION; OR

15 (II) IS CAMPAIGN MATERIALS.

16 (5) "SOCIAL MEDIA PLATFORM" MEANS A WEBSITE OR MOBILE
17 APPLICATION THAT:

18 (I) ALLOWS USERS TO UPLOAD, CREATE, SHARE, AND VIEW
19 CONTENT TO SHARE WITH OTHER USERS; AND

20 (II) ENABLES USERS VIEWING CONTENT TO REACT, COMMENT,
21 OR SHARE THE CONTENT VIEWED BY THE USER.

22 (B) THIS SECTION APPLIES ONLY WITH RESPECT TO CANDIDATES FOR
23 PUBLIC STATE OR LOCAL OFFICES IN THE STATE.

24 (C) (1) A SOCIAL MEDIA PLATFORM THAT KNOWINGLY AND PURPOSELY
25 ALTERS ITS ALGORITHM TO AMPLIFY POLITICAL CONTENT TO USERS THAT IS
26 BENEFICIAL TO A CLEARLY IDENTIFIED CANDIDATE FOR THE PURPOSE OF
27 INFLUENCING AN ELECTION IS PRESUMED TO HAVE MADE AN INDEPENDENT
28 EXPENDITURE IF:

29 (I) THE ALTERATION TO THE ALGORITHM IS MADE WITHOUT:

1 1. A LEGITIMATE BUSINESS PURPOSE OR STANDARD
2 POLICY FOR EDITORIAL CONTROL AND JUDGMENT BEFORE AN ELECTION; AND

3 2. THE COOPERATION, CONSULTATION,
4 UNDERSTANDING, AGREEMENT, OR CONCERT WITH THE CLEARLY IDENTIFIED
5 CANDIDATE; AND

6 (II) THE POLITICAL CONTENT IS NOT PAID ADVERTISING FOR
7 THE CLEARLY IDENTIFIED CANDIDATE OR A POLITICAL PARTY, AN AGENT OF THE
8 CANDIDATE OR A POLITICAL PARTY, OR A CAMPAIGN FINANCE ENTITY.

9 (2) THE VALUE OF AN INDEPENDENT EXPENDITURE MADE UNDER
10 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DETERMINED BY THE FAIR MARKET
11 VALUE OF THE COST TO BOOST CONTENT ON THE SOCIAL MEDIA PLATFORM BASED
12 ON:

13 (I) THE FACTORS USED BY THE SOCIAL MEDIA PLATFORM TO
14 DETERMINE COSTS; AND

15 (II) THE ACTUAL EFFECT OF THE ALTERATIONS TO THE
16 ALGORITHM.

17 (D) A SOCIAL MEDIA PLATFORM MAY REBUT THE PRESUMPTION UNDER
18 SUBSECTION (C) OF THIS SECTION BY PRESENTING SUFFICIENT CONTRARY
19 EVIDENCE AND OBTAINING A DECLARATORY RULING FROM THE STATE BOARD
20 THAT:

21 (1) THE ALTERATION TO THE ALGORITHM WAS NOT FOR THE
22 PURPOSE OF INFLUENCING AN ELECTION;

23 (2) THE AMPLIFIED POLITICAL CONTENT WAS THE RESULT OF
24 ORGANIC VIRALITY; OR

25 (3) A LEGITIMATE BUSINESS PURPOSE OR EDITORIAL CONTROL OVER
26 CONTENT MODERATION WAS NOT THE RESULT OF THE ADVANCEMENT OF A
27 SPECIFIC POLITICAL VIEWPOINT OR IDEOLOGY.

28 (E) A PERSON THAT IS DEEMED TO MAKE AN INDEPENDENT EXPENDITURE
29 UNDER SUBSECTION (C) OF THIS SECTION AND WILLFULLY AND KNOWINGLY FAILS
30 TO FILE A REPORT AS REQUIRED UNDER § 13-306 OF THIS TITLE IS GUILTY OF A
31 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING 300%
32 OF THE AMOUNT BY WHICH THE INDEPENDENT EXPENDITURE MADE BY THE PERSON

1 EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS
2 SUBTITLE.

3 (F) (1) THE STATE ADMINISTRATOR OR THE STATE ADMINISTRATOR'S
4 DESIGNEE MAY INVESTIGATE A POTENTIAL VIOLATION OF § 13-306 OF THIS TITLE
5 BY A PERSON WHO IS DEEMED TO HAVE MADE AN INDEPENDENT EXPENDITURE
6 UNDER SUBSECTION (C) OF THIS SECTION.

7 (2) THE STATE ADMINISTRATOR OR THE STATE ADMINISTRATOR'S
8 DESIGNEE SHALL:

9 (I) NOTIFY A SOCIAL MEDIA PLATFORM THAT IS SUBJECT TO AN
10 INVESTIGATION UNDER THIS SUBSECTION OF THE CIRCUMSTANCES THAT GAVE
11 RISE TO THE INVESTIGATION; AND

12 (II) PROVIDE THE SOCIAL MEDIA PLATFORM AMPLE
13 OPPORTUNITY TO BE HEARD AT A PUBLIC MEETING OF THE STATE BOARD.

14 (3) (I) IN FURTHERANCE OF AN INVESTIGATION UNDER
15 PARAGRAPH (1) OF THIS SUBSECTION, THE STATE ADMINISTRATOR OR THE STATE
16 ADMINISTRATOR'S DESIGNEE MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A
17 WITNESS TO TESTIFY OR THE PRODUCTION OF RECORDS.

18 (II) A SUBPOENA ISSUED UNDER THIS PARAGRAPH SHALL BE
19 SERVED IN ACCORDANCE WITH THE MARYLAND RULES.

20 (III) IN ORDER FOR A SUBPOENA TO BE ISSUED UNDER THIS
21 PARAGRAPH, THE STATE ADMINISTRATOR SHALL MAKE A FINDING THAT THE
22 SUBPOENA IS NECESSARY TO AND IN FURTHERANCE OF AN INVESTIGATION BEING
23 CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

24 (IV) ANY FILING SUBMITTED TO A COURT WITH RESPECT TO A
25 SUBPOENA UNDER THIS PARAGRAPH SHALL BE SEALED ON FILING.

26 (V) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED
27 UNDER THIS PARAGRAPH, ON PETITION OF THE STATE ADMINISTRATOR, A CIRCUIT
28 COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE
29 SUBPOENA.

30 (4) AT THE CONCLUSION OF THE INVESTIGATION AND FOLLOWING
31 THE HEARING UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, THE STATE BOARD
32 SHALL ISSUE A PUBLIC REPORT OF ITS FINDINGS AND MAY:

(I) IMPOSE A CIVIL PENALTY AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION IF THE STATE BOARD DETERMINES THAT THE SOCIAL MEDIA PLATFORM HAS UNINTENTIONALLY VIOLATED § 13-306 OF THIS TITLE; OR

(II) REFER THE MATTER FOR FURTHER INVESTIGATION BY THE STATE PROSECUTOR IF THE STATE BOARD HAS REASONABLE CAUSE TO BELIEVE THAT THE SOCIAL MEDIA PLATFORM HAS WILLFULLY AND KNOWINGLY VIOLATED THIS SECTION.

(5) A CIVIL PENALTY UNDER PARAGRAPH (4)(I) OF THIS SUBSECTION:

(I) SHALL BE ASSESSED IN THE MANNER SPECIFIED IN § 13-604.1 OF THIS TITLE; AND

(II) MAY NOT EXCEED:

1. 100% OF THE AMOUNT BY WHICH THE INDEPENDENT EXPENDITURE MADE BY THE SOCIAL MEDIA PLATFORM EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS SUBTITLE; OR

2. 100% OF THE AMOUNT BY WHICH THE INDEPENDENT EXPENDITURE OF WHICH THE CANDIDATE OR POLITICAL PARTY WAS THE BENEFICIARY EXCEEDED THE APPLICABLE CONTRIBUTION LIMIT UNDER § 13-226 OF THIS SUBTITLE.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A FINE OR PENALTY IMPOSED UNDER THIS SECTION SHALL BE PAID BY THE SOCIAL MEDIA PLATFORM THAT COMMITTED THE VIOLATION.

(2) A CANDIDATE MAY NOT BE HELD JOINTLY AND SEVERALLY LIABLE FOR A FINE OR PENALTY IMPOSED UNDER THIS SECTION UNLESS A COURT OR THE STATE BOARD FINDS THAT THE CANDIDATE ENGAGED IN CONDUCT THAT CONSTITUTES COORDINATION WITH A PERSON UNDER THIS SECTION.

(H) A FINE OR PENALTY IMPOSED UNDER THIS SECTION SHALL BE DISTRIBUTED TO THE FAIR CAMPAIGN FINANCING FUND ESTABLISHED UNDER § 15-103 OF THIS ARTICLE.

(I) THE STATE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

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) “CONTENT” HAS THE MEANING STATED IN § 13–251 OF THIS TITLE.

(4) “FOREIGN NATIONAL” MEANS:

(I) AN INDIVIDUAL WHO IS A CITIZEN OF A FOREIGN COUNTRY;

(II) A GOVERNMENT OF A FOREIGN COUNTRY OR OF A POLITICAL SUBDIVISION OF A FOREIGN COUNTRY;

(III) A FOREIGN POLITICAL PARTY; OR

(IV) AN INDIVIDUAL, A PARTNERSHIP, AN ASSOCIATION, A CORPORATION, AN ORGANIZATION, OR ANY OTHER COMBINATION OF INDIVIDUALS ORGANIZED UNDER THE LAWS OF OR HAVING ITS PRINCIPAL PLACE OF BUSINESS IN A FOREIGN COUNTRY.

~~[(3)]~~ (5) “Online” means appearing on any public-facing Internet website, web application, or digital application, including a social network or publication.

(6) “POLITICAL CONTENT” HAS THE MEANING STATED IN § 13–251 OF THIS TITLE.

(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) (1) A FOREIGN NATIONAL MAY NOT USE A BOT TO:

1 **(I) PUBLISH, DISTRIBUTE, OR DISSEMINATE CAMPAIGN**
2 **MATERIAL ONLINE TO A PERSON IN THE STATE FOR THE PURPOSE OF INFLUENCING**
3 **AN ELECTION; OR**

4 **(II) ARTIFICIALLY AMPLIFY POLITICAL CONTENT TO USERS OF**
5 **AN ONLINE PLATFORM FOR THE PURPOSE OF INFLUENCING AN ELECTION.**

6 **(2) IF THE STATE BOARD DETERMINES THAT THERE HAS BEEN A**
7 **VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION, THE STATE BOARD MAY SEEK**
8 **TO REMOVE THE BOT.**

9 **[(c)] (D)** This section does not impose a duty on service providers of online
10 platforms, including web hosting and Internet service providers.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2026.