



To: House Government, Labor, and Elections Committee

From: Tim Nelson and Pearson Cost, Counsel to the Maryland-DC-Delaware Broadcasters Association

Date: Submitted – February 2, 2026; Hearing – February 4, 2026

Re: House Bill 101

The Maryland-DC-Delaware Broadcasters Association (“MDCD” or the “Association”)¹ values the opportunity to submit this written testimony regarding House Bill 101, “Public Broadcasters - Debate for Candidates for Statewide Office - Required Participants,” which legislation would regulate how certain broadcasters hold debates and impose an economic penalty upon those that violate the General Assembly’s dictates. On behalf of the Association and its Members, which include approximately 20 television stations and 110 radio stations, MDCD opposes House Bill 101 and urges an unfavorable report.

MDCD appreciates the spirit in which House Bill 101 appears to have been filed. In what is a challenging time for journalists of all stripes, the Association’s Members work daily to seek the truth and report it, and to promote open, democratic discourse. Those efforts, however, are hampered when the government injects itself into how journalists cover the issues, and journalists cannot function when in fear of retaliation (economic or otherwise) for their editorial choices. Simply put, news organizations and their journalists must be free to report the news without fear or favor of government intervention.

The Association does not believe that it is appropriate for the government (whether local, state, or federal) to dictate editorial decision-making for television and radio broadcast stations and other news media entities, particularly where First Amendment protections are at their zenith—political speech bearing on free and fair elections. Indeed, it is constitutionally problematic for the General Assembly to impose state-mandated requirements on what kind of speech is permissible (and, by logical extension, what kind of speech is impermissible) by determining what candidates must be included in a political debate and how a debate must be governed. House Bill 101, however, would do just that; worse, the legislation goes one problematic step further in proposing that the State can economically punish a broadcaster, thereby potentially limiting or even thwarting its ability to continue to serve the public, if the broadcaster does not engage in the type of speech mandated by the State.

Beyond the myriad concerns MDCD has with House Bill 101, it is worth noting that an extensive, complex federal statutory and regulatory framework already governs radio and television broadcasters. Radio and television stations are licensed by the federal government and

¹ The Maryland-DC-Delaware Broadcasters Association is a voluntary, non-profit trade association that advocates for the interests of its member radio and television stations and, more generally, the interests of broadcasting in Maryland, Delaware, and Washington, D.C.

must operate in the public interest. Members of the public may address concerns directly with the Federal Communications Commission if they believe a television or radio station—commercial or non-commercial—is not serving the public interest.

For the reasons set forth above, MDCD urges an unfavorable report of House Bill 101.