

HOUSE BILL 1086

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CF SB 102

By: **Delegates Bartlett, Boteler, Hecht, Hucker, Kaiser, Rice, and Riley**

Introduced and read first time: February 17, 2010

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Campaign Advertisements – Closed Captioning**

3 FOR the purpose of requiring a certain campaign finance entity to include closed
4 captioning for individuals who are deaf or hard of hearing in campaign
5 advertisements that are distributed by broadcast or cable television or on its
6 website; providing certain exemptions; specifying certain factors to be
7 considered when applying a certain exemption; prohibiting a certain campaign
8 finance entity from distributing a campaign advertisement by broadcast or cable
9 radio, subject to certain conditions; exempting a violation of a certain provision
10 of law from a certain penalty; providing for a delayed effective date; and
11 generally relating to campaign advertisements and closed captioning for the
12 deaf or hard of hearing.

13 BY repealing and reenacting, without amendments,

14 Article – Election Law

15 Section 1–101(k) and 13–403

16 Annotated Code of Maryland

17 (2003 Volume and 2009 Supplement)

18 BY adding to

19 Article – Election Law

20 Section 13–404

21 Annotated Code of Maryland

22 (2003 Volume and 2009 Supplement)

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 BY repealing and reenacting, with amendments,
2 Article – Election Law
3 Section 13–604(a)
4 Annotated Code of Maryland
5 (2003 Volume and 2009 Supplement)

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

8 **Article – Election Law**

9 1–101.

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

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

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

14 (iii) is published or distributed.

15 (2) “Campaign material” includes:

16 (i) material transmitted by or appearing on the Internet or
17 other electronic medium; and

18 (ii) an oral commercial campaign advertisement.

19 13–403.

20 (a) (1) Subject to paragraph (2) of this subsection, each campaign finance
21 entity responsible for, publisher of, and distributor of, an item of campaign material
22 shall keep a sample copy of the item for at least 1 year after the general election next
23 following the date when the item was published or distributed.

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

26 (i) a paper facsimile; or

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

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

30 **13–404.**

1 **(A) THIS SECTION ONLY APPLIES TO THE CAMPAIGN FINANCE ENTITY**
2 **OF A CANDIDATE FOR ELECTION TO THE OFFICES OF GOVERNOR AND**
3 **LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR COMPTROLLER.**

4 ~~(A)~~ **(B) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS**
5 **SECTION, A CAMPAIGN FINANCE ENTITY SUBJECT TO THIS SECTION SHALL**
6 **INCLUDE CLOSED CAPTIONING FOR DEAF OR HARD OF HEARING VIEWERS IN**
7 **ANY CAMPAIGN ADVERTISEMENT THAT IT DISTRIBUTES BY BROADCAST OR**
8 **CABLE TELEVISION OR ON ITS WEBSITE.**

9 ~~(B)~~ **(C) THE PROVISIONS OF SUBSECTION ~~(A)~~ (B) OF THIS SECTION DO**
10 **NOT APPLY TO A CAMPAIGN FINANCE ENTITY IF THE CAMPAIGN FINANCE**
11 **ENTITY:**

12 **(1) POSTS A TRANSCRIPT OF THE SPOKEN CONTENT OF THE**
13 **CAMPAIGN ADVERTISEMENT ON ITS WEBSITE; OR**

14 **(2) APPLIES FOR AND IS GRANTED AN EXEMPTION BY THE STATE**
15 **BOARD FROM THE REQUIREMENT FOR CLOSED CAPTIONING BECAUSE THE**
16 **REQUIREMENT WOULD IMPOSE AN UNDUE HARDSHIP.**

17 ~~(C)~~ **(D) WHEN DECIDING WHETHER TO GRANT AN EXEMPTION UNDER**
18 **SUBSECTION ~~(B)(2)~~ (C)(2) OF THIS SECTION, THE STATE BOARD SHALL**
19 **DETERMINE WHETHER THE CLOSED CAPTIONING REQUIREMENT WOULD**
20 **RESULT IN SIGNIFICANT DIFFICULTY OR EXPENSE TO THE CAMPAIGN FINANCE**
21 **ENTITY BY CONSIDERING:**

22 **(1) THE COST OF THE CLOSED CAPTIONING;**

23 **(2) THE FINANCIAL AND OTHER RESOURCES OF THE CAMPAIGN**
24 **FINANCE ENTITY; AND**

25 **(3) THE EFFECT THE CLOSED CAPTIONING REQUIREMENT WOULD**
26 **HAVE ON THE EXPENSES AND RESOURCES OF THE CAMPAIGN FINANCE ENTITY.**

27 ~~(D)~~ **(E) A CAMPAIGN FINANCE ENTITY SUBJECT TO THIS SECTION**
28 **MAY NOT DISTRIBUTE A CAMPAIGN ADVERTISEMENT BY BROADCAST OR CABLE**
29 **RADIO UNLESS THE CAMPAIGN FINANCE ENTITY:**

30 **(1) POSTS A TRANSCRIPT OF THE SPOKEN CONTENT OF THE**
31 **CAMPAIGN ADVERTISEMENT ON ITS WEBSITE; OR**

32 **(2) BEFORE THE CAMPAIGN ADVERTISEMENT IS DISTRIBUTED,**
33 **FILES A STATEMENT WITH THE STATE BOARD THAT THE STATE BOARD**

1 DETERMINES TO BE A SATISFACTORY EXPLANATION OF WHY THE TRANSCRIPT
2 IS NOT POSTED ON THE CAMPAIGN FINANCE ENTITY'S WEBSITE.

3 13-604.

4 (a) (1) A person who violates a provision of this title without knowing that
5 the act is illegal shall pay a civil penalty in accordance with subsections (b) through (g)
6 of this section.

7 (2) The penalty imposed under this section may not exceed \$5,000.

8 (3) An infraction described in paragraph (1) of this subsection is a civil
9 offense.

10 (4) This section does not apply to a violation of another section in
11 which a penalty is expressly provided **OR TO A VIOLATION OF § 13-404 OF THIS**
12 **TITLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 January 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.