SENATE BILL 331

By: Senator Simonaire
Introduced and read first time: January 28, 2008
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Election Law – Telephone Polling – Campaign Transparency Act

FOR the purpose of prohibiting a person who conducts a certain telephone poll relating to a candidate or the candidate’s family from failing to ensure that a certain authority line is included with the message; providing for certain penalties for a willful and knowing violation of the requirements of this Act; defining certain terms; and generally relating to the use of the telephone to conduct a persuasive poll under the Campaign Transparency Act.

BY adding to

Article – Election Law
Section 16–904
Annotated Code of Maryland
(2003 Volume and 2007 Supplement)

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

Article – Election Law

16–904.

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

(2) “ARTIFICIAL TELEPHONE MESSAGE” MEANS A TELEPHONE MESSAGE CREATED USING A COMPUTER–GENERATED VOICE.

(3) (I) “PERSUASIVE POLL” MEANS THE PROCESS BY WHICH A PERSON CONDUCTS A TELEPHONE POLL TO:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
1. CANVASS PERSONS BY MEANS OTHER THAN AN
   ESTABLISHED METHOD OF SCIENTIFIC SAMPLING; AND

2. ASK QUESTIONS OR OFFER INFORMATION ABOUT
   A CANDIDATE FOR THE PURPOSE OF PROVIDING INFORMATION THAT IS
   NEGATIVE OR DEROGATORY ABOUT THE CANDIDATE OR THE CANDIDATE’S
   FAMILY.

   (II) “PERSUASIVE POLL” DOES NOT INCLUDE A POLL THAT
   IS CONDUCTED TO MEASURE THE PUBLIC’S OPINION ABOUT OR REACTION TO AN
   ISSUE, FACT, OR THEME.

   (4) “PRERECORDED TELEPHONE MESSAGE” MEANS A
   TELEPHONE MESSAGE THAT USES A HUMAN VOICE RECORDED IN ADVANCE OF
   ITS USE.

   (B) A PERSON MAY NOT FAIL TO ENSURE THAT A PERSUASIVE POLL
   THAT IS CONDUCTED WITH OR WITHOUT AN ARTIFICIAL TELEPHONE MESSAGE
   OR A PRERECORDED TELEPHONE MESSAGE STATE DURING OR AFTER THE
   MESSAGE THE INFORMATION THAT IS REQUIRED TO BE CONTAINED IN AN
   AUTHORITY LINE UNDER § 13–401 OF THIS ARTICLE.

   (C) A PERSON WHO WILLFULLY AND KNOWINGLY VIOLATES THIS
   SECTION SHALL BE SUBJECT TO THE CIVIL PENALTY PROVISIONS OF THE
   MARYLAND TELEPHONE CONSUMER PROTECTION ACT UNDER TITLE 14,
   SUBTITLE 32 OF THE COMMERCIAL LAW ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2008.