

Maryland bill seeks transparency in online political ads

April 19 2018, by Brian Witte



In this Saturday, April 7, 2018 photo, Maryland Del. Alonzo Washington, D-Prince George County, who sponsored legislation in Maryland to increase transparency in online political ads, sits in his seat in the Maryland House of Delegates, in Annapolis, Md. The bill, which was passed and sent to Gov. Larry Hogan on April 5, aims to help stop foreign influence in the state's elections. (AP Photo/Brian Witte)

In the wake of alleged Russian meddling in the 2016 U.S. presidential race, Maryland is close to enacting a law that some experts say would set a new standard for how states deal with foreign interference in local elections and increase overall transparency in online political ads.

If signed by Gov. Larry Hogan, the law would require online platforms to create a database identifying the purchasers of online ads in state and local elections and how much they spend. The measure would effectively extend disclosure rules that apply to paid political ads for radio, television and print to [social media](#).

The measure is similar in some respects to one introduced in Congress that would require digital platforms with at least 50 million monthly visitors to maintain a public file of advertisers who spend more than \$500 in ads on the platform. But Maryland's measure—crafted to catch ads displayed in smaller state and local elections—would apply to digital platforms with 100,000 unique monthly visitors. Maryland does not have a monetary threshold, though the law would only apply to platforms that reach more than 500 people.

Under the Maryland measure, information about the ads would have to be made public within 48 hours by the entity that was paid for the ad. Online platforms also would need to retain digital copies of the ads.

"I think this is a good template for a national model," said Bradley Shear, an attorney who specializes in technology and social media who believes the 50-million threshold proposed by Congress doesn't cover enough platforms. "Obviously, every state has their own particular nuances, but I think the basic premise of the [bill](#) and what it requires is greater transparency and greater accountability."

Facebook CEO Mark Zuckerberg, testifying before Congress earlier this month, acknowledged that the company's mistakes led to the personal

information of 87 million of its users being turned over to Cambridge Analytica, a data-mining firm tied to President Donald Trump's 2016 campaign. That, and a host of other privacy concerns, has prompted loud calls for government regulation of social media companies.

Facebook supports the Honest Ads Act now being considered in Congress; the company also said it supports the Maryland legislation.

"We believe this bill will be a national model for the other 49 states to follow," said Will Castleberry, Facebook's vice president of state and local policy.

Ian Vandewalker, who has studied foreign [election](#) interference at the Brennan Center for Justice at the New York University School of Law's Democracy Program, described the Maryland measure as "a cutting edge bill."

"This is a direction that more states need to follow, and I think we will see more states engaging in this effort," Vandewalker said, noting a similar bill has been introduced in California. "I think we're sort of on the verge of a movement through the [states](#) on this issue."

He said there was about \$1.4 billion in digital political spending online in the 2016 election, almost eight times higher than in 2012.

Under the bill, the Maryland State Board of Elections would have subpoena power to find out how Maryland voters are targeted on social media. If the board finds ads may have been purchased by a foreign entity prohibited from buying them, the board will have powers to seek the removal of the ads from the [platform](#).

The Maryland measure also requires ads to be purchased in U.S. currency. Investigations into Russia's suspected cyber intrusion in the

2016 elections found that ads on Facebook meant to foment discord over issues like politics, immigration and gun control were made in rubles. In February, special counsel Robert Mueller accused 13 Russians of plotting to disrupt the 2016 presidential election by running a social media trolling campaign.

The Maryland-Delaware-D.C. Press Association, an association of media outlets, opposed a provision in the bill requiring sites to publish political ad purchases. Rebecca Snyder, the association's executive director, said the group supports transparency in elections but opposed that part of the bill as a violation of the First Amendment by forcing publication. The group includes The Baltimore Sun, which has more than 5 million digital visitors a month.

"This is compelled speech in our view, and it's a huge issue with us, and we were unable to come to an agreement with the sponsors on this," Snyder said.

Sen. Craig Zucker, a Democrat and bill sponsor, said it updates the disclosure requirements for online platforms to put them into present-day times.

"It's completely behind the times, and this is catching it up," he said.

The bill would take effect July 1, if the governor signs it.

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