

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 101 (Delegate Simmons)
Government, Labor, and Elections and
Appropriations

Public Broadcasters - Debate for Candidates for Statewide Office - Required Participants

This emergency bill requires a public broadcaster (receiving State funding) that holds a debate between candidates for statewide office to (1) invite all candidates who are certified to the ballot in the general election (and not base eligibility or invitations on campaign fundraising or polling metrics, or party affiliation) and (2) provide equitable opportunity to the candidates to contribute and respond in the debate. A public broadcaster who holds a debate in violation of the bill is subject to loss of the use of State funding for the remainder of the fiscal year.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Requirements for Debates Between Candidates for Statewide Office in a General Election

Under provisions governing the Maryland Public Broadcasting Commission (MPBC), the bill requires a public broadcaster that holds a debate between candidates for statewide

office to (1) invite to participate all candidates for that statewide office who are certified to the ballot in the general election in accordance with the applicable provisions of the Election Law Article and (2) provide equitable opportunity to each participating candidate to contribute and respond in the debate. A public broadcaster may not condition eligibility for or invitations to the debate on campaign fundraising metrics, party affiliation, or polling metrics.

“General election” includes a special general election. “Public broadcaster” means a broadcaster that receives funds, including grants or loans, from the State in a given fiscal year.

The bill does not require a public broadcaster to invite a candidate to participate in a debate who (1) is a write-in candidate or (2) has formally or informally suspended or terminated the candidate’s campaign.

Loss of Funding for Violation of the Requirements

If a public broadcaster holds a debate in violation of the bill’s requirements, for the remainder of the fiscal year in which the debate occurs (1) the public broadcaster may not use State funds and (2) a unit of State government may not provide funds to the public broadcaster.

MPBC must submit a proposed amended appropriation to the Secretary of Budget and Management to request that any remaining State funds from a public broadcaster that violates the bill’s requirements be reappropriated to another program for the current fiscal year. The Governor must approve a submitted amended appropriation.

Intent of the General Assembly

The bill expresses legislative intent to (1) promote open, democratic discourse; (2) strengthen public confidence in the State’s democratic institutions; and (3) ensure that State funding for public broadcasters is conditioned on the invitation of all candidates to a debate who are certified to the ballot for a general election for statewide office.

Current Law:

Maryland Public Broadcasting Commission

Responsibilities

MPBC must operate a system of State, regional, and local facilities to provide educational and cultural radio and television programs in the State. The commission is responsible for

and must control the preparation, content, programming, and scheduling of (1) all of its programs for the general public and (2) with the approval of the State Board of Education, all educational television and radio programs used in the public schools and adult education programs of the State.

Limitations on Programs and Use of Facilities

The facilities of MPBC may not be used for, and the programs may not be devoted to (1) presenting biased or one-sided aspects of partisan politics; (2) advocating or opposing any present or prospective political candidacy; or (3) advocating or opposing any legislation currently being considered or prepared. Each facility must be used in compliance with the rules and regulations of the Federal Communications Commission (FCC).

Federal Equal Opportunities Requirement

Under federal law (Section 315 of the Communications Act, [47 U.S.C. § 315](#)), FCC-licensed broadcasting stations, that permit a legally qualified candidate for public office to use their station, must afford equal opportunities to all other candidates for that office. However, the equal opportunities requirement does not apply to an appearance by a legally qualified candidate on any (1) *bona fide* newscast; (2) *bona fide* news interview; (3) *bona fide* news documentary (if the candidate's appearance is incidental to the presentation of the subject(s) covered by the documentary); and (4) on-the-spot coverage of *bona fide* news events (including but not limited to political conventions and activities incidental to a convention).

Arkansas Educational Television Commission v. Forbes

In the U.S. Supreme Court case *Arkansas Educational Television Commission v. Forbes* (1998), a state-owned public television broadcaster denied an independent congressional candidate, that had little popular support, permission to participate in a debate sponsored by the broadcaster. The candidate filed suit, claiming, among other things, that he was entitled under the First Amendment of the U.S. Constitution to participate in the debate. The court held that the broadcaster's decision to exclude the candidate, because he had not generated appreciable public interest, was a reasonable, viewpoint-neutral exercise of journalistic discretion consistent with the First Amendment.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Governor's Office; Maryland Public Television; Department of Budget and Management; Maryland State Board of Elections; Department of Legislative Services

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