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Health and Government Operations  
Committee

*Chair*

Health Occupations and  
Long-Term Care Subcommittee

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Joint Committee on Administrative,  
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Testimony of Delegate Samuel I. Rosenberg  
Before the Senate Education, Energy and Environment Committee

In support of

**House Bill 333**

**Election Law- Election Disinformation on Large Social Media Platforms  
and Influence Related to Voting**

Madame Chair and Members of the Committee:

We are all aware of the growing impact that disinformation is having on the political process.

This is not a new phenomenon.

Twenty years ago, flyers encouraged people to vote on a date two days after Election Day.

This committee passed a bill that made it a crime to knowingly use fraud or other means to influence a voter's decision whether to vote.

But the bad actors who seek to mislead voters have new technology at their command through social media.

House Bill 333, as amended, would deter this corruption of the electoral process while protecting First Amendment rights. First, it defines "election disinformation" to mean "incorrect or misleading information regarding the time, place or manner of an election, election results or voting rights in the state." This definition should address any concerns that free speech would be infringed upon by this legislation.

Second, mandated reporting by social media platforms – which also raised First Amendment concerns – and the related penalties have been removed from the bill. SBE would now have the authority to issue corrective information or refer submissions to the State Prosecutor.

The U.S. Supreme Court is now considering the constitutional relationship between social media platforms. After oral argument earlier this month, the court will decide the extent to which governments can try to persuade companies to remove certain posts from websites - if they do not use coercion.

HB 333 would further address common occurrences during elections, such as misleading robocalls and mailings, by adding to existing law a more comprehensive definition of “influence.” Using certain means to induce action or change the decision or act of another would be prohibited “regardless of the medium used.” This new definition would strengthen the law and provide clarity for law enforcement and the courts when combatting voter suppression.

Fair and reliable elections are at the very heart of our democracy. Disinformation assaults that fundamental concept.

House Bill 333 would strengthen our protections against this unscrupulous behavior.

For all these reasons, I request a FAVORABLE report for HB 333.

March 27, 2024