

KATIE FRY HESTER  
*Legislative District 9*  
Howard and Montgomery Counties

Education, Energy, and  
Environment Committee

Chair, Joint Committee on  
Cybersecurity, Information Technology  
and Biotechnology



*Annapolis Office*  
James Senate Office Building  
11 Bladen Street, Room 304  
Annapolis, Maryland 21401  
410-841-3671 • 301-858-3671  
800-492-7122 Ext. 3671  
KatieFry.Hester@senate.state.md.us

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB 0361 – Election Law – Influence on a Voter’s Voting Decision  
By Use of Fraud – Prohibition**

March 21, 2025

Chair Atterbeary, Vice-Chair Wilkins, and members of the Ways and Means Committee:

**Thank you for your consideration of SB 0361 – Election Law – Influence on a Voter’s Voting Decision By Use of Fraud – Prohibition**, which aims to classify AI-generated materials created to influence a voter’s decision in an election as fraud. Last year, you heard a different version of this bill, SB 978, which passed out of the Senate last year, but ultimately did not move out of the House. Over the interim, we worked with State Administrator of Elections Jared Demarinis to make improvements to the bill.

Sb 361 is the cross file to HB 525, sponsored by Delegate Feldmark, which this committee heard in February.

As you know, election interference has become increasingly problematic as artificial intelligence grows more accessible. Synthetic pictures, videos, and audio recordings produced by AI technology empower social media trolls to spread deceiving content about electoral candidates online. The rise of deepfakes spread to the electorate during election cycles has created distrust in what is news and what is not.

In the most recent election cycle, we have seen the use of AI-generated content to dissuade people from voting for certain candidates. In September, Taylor Swift took to social media to endorse candidate Kamala Harris, in part to disprove deepfake content that falsely depicted her supporting Donald Trump.<sup>1</sup> In another instance, Elon Musk shared a video containing an AI-generated voice of Kamala Harris calling herself a “diversity hire” to his X account.<sup>2</sup> Recently, the FCC has declared the use of AI-cloned voices in robocall scams illegal, but this only protects tele-communications—not cloned voices on social media.

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<sup>1</sup><https://abcnews.go.com/Politics/ai-deepfakes-top-concern-election-officials-voting-underway/story?id=114202574>

<sup>2</sup> <https://apnews.com/article/parody-ad-ai-harris-musk-x-misleading-3a5df582f911a808d34f68b766aa3b8e>

[Today, over 20 states have laws on the book to address deceptive deep fakes in elections](#)<sup>3</sup> (Figure 1). For example:<sup>4</sup>

- Texas – In 2019, Texas made it a criminal offense to create a fabricated video with the intent to harm a candidate or influence the outcome of an election.
- New Mexico – A bill passed in February of 2024 made it a criminal act to knowingly distribute “materially deceptive media” within 90 days of an election without proper disclaimers.
- Oregon – In 2024, lawmakers passed a bill requiring synthetic media created to influence an election must disclose that it is AI-generated.

SB 361 takes a firm stance against deepfake content created to harm or influence elections. Rather than requiring a publisher of synthetic media to disclose its AI-generated content, this bill classifies synthetic media used to influence a person’s voter behavior as fraud.

Specifically, this bill:

- Prohibits a person from using fraud to influence a voter’s voting decision.
- Defines “fraud” to include the use of synthetic media.
- Defines “influence” to include the use of pressure, deception, trickery, or authority to incite action or to change the behaviors of another individual.
- Clearly defines “synthetic media” as a realistic image, video, or audio recording created or manipulated with the use of generative artificial intelligence to depict a real candidate, the speech, and/or the conduct of a candidate to produce a fundamentally different understanding or impression of an individual.

Last year’s bill took on all digitally manipulated content used on political campaigns and required the content be labeled as altered. This year’s bill takes a different approach: defining the use of deceptive deepfakes in elections as a form of voting fraud.

In summary, as AI becomes more sophisticated and prevalent in everyday life, we must protect against its capability to serve as a tool for misinformation. This bill is an essential step towards protecting our elections against misinformation and maintaining trust in our system of government. For these reasons, I respectfully request a favorable report on SB 0361.

Sincerely,



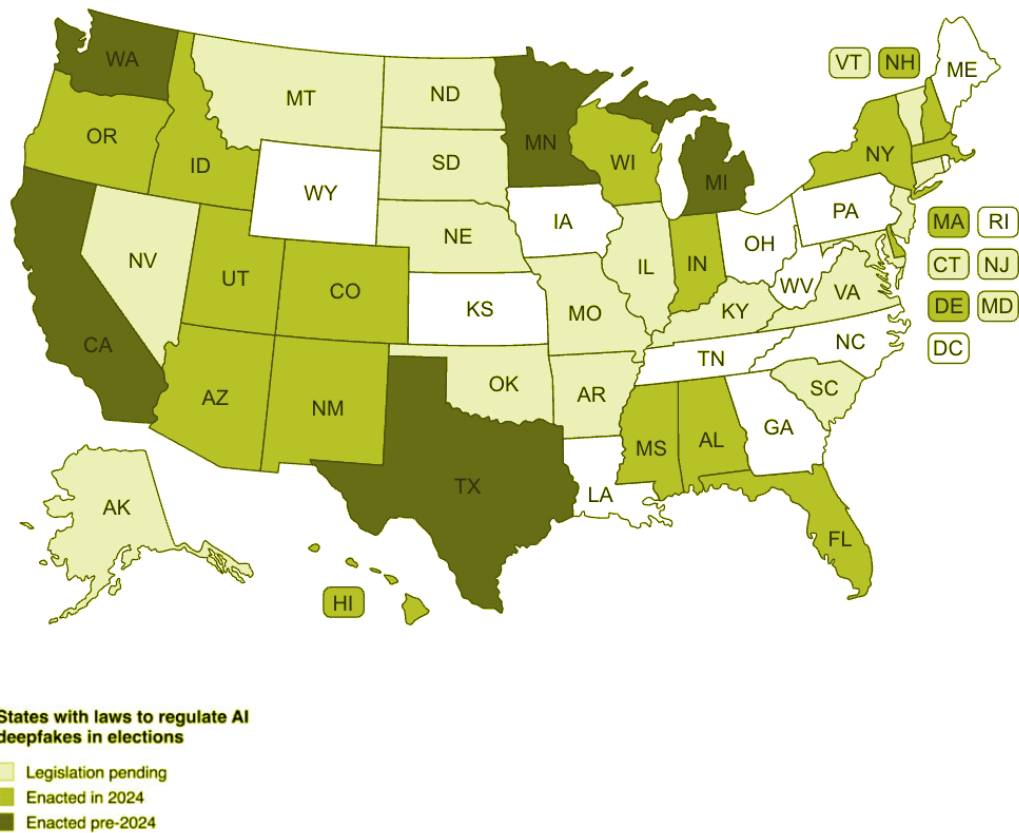
Senator Katie Fry Hester  
Howard and Montgomery Counties

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<sup>3</sup> <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

<sup>4</sup> <https://www.thomsonreuters.com/en-us/posts/government/deepfakes-federal-state-regulation/>

### Figure 1 (Public Citizen)



Source: <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

**Table 1: Enacted Prior to 2025**

STATE	BILL NO.	STATUS
Alabama	<a href="#">HB 172</a>	Enacted May 2024
Arizona	<a href="#">HB 2394</a>	Enacted May 2024
Arizona	<a href="#">SB 1359</a>	Enacted May 2024
California	<a href="#">AB 730</a>	Enacted Oct. 2019
California	<a href="#">AB 972</a>	Enacted Sept. 2022
California	<a href="#">AB 2355</a>	Enacted Sept. 2024

California	<a href="#">AB 2839</a>	Enacted Sept. 2024
California	<a href="#">AB 2655</a>	Enacted Sept. 2024
Colorado	<a href="#">HB 1147</a>	Enacted May 2024
Delaware	<a href="#">HB 316 HS 1</a>	Enacted October 2024
Florida	<a href="#">HB 919</a>	Enacted April 2024
Hawaii	<a href="#">SB 2687</a>	Enacted July 2024
Idaho	<a href="#">HB 664</a>	Enacted Mar. 2024
Indiana	<a href="#">HB 1133</a>	Enacted Mar. 2024
Massachusetts	H 5100S 2856 Amendment 7	Enacted Nov 2024 (Sunsets Feb 2025)
Michigan	<a href="#">HB 5144</a>	Enacted Nov. 2023
Minnesota	<a href="#">HF 1370</a>	Enacted May 2023
Minnesota	<a href="#">HF 4772</a>	Enacted May 2024
Mississippi	<a href="#">SB 2577</a>	Enacted April 2024
New Hampshire	<a href="#">HB 1596</a>	Enacted August 2024
New Hampshire	<a href="#">HB 1432</a>	Enacted July 2024
New Mexico	<a href="#">HB 182</a>	Enacted Mar. 2024
New York	<a href="#">NY State Budget FY 2024-25 (Part MM Subpart B)</a>	Enacted April 2024
Oregon	<a href="#">SB 1571</a>	Enacted Mar. 2024
Texas	<a href="#">SB 751</a>	Enacted June 2019
Utah	<a href="#">SB 131</a>	Enacted Mar. 2024
Washington	<a href="#">SB 5152</a>	Enacted May 2023
Wisconsin	<a href="#">AB 664</a>	Enacted Mar. 2024

**Source:** <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

**Table 2: Introduced 2025**

STATE	BILL NO.	STATUS
Alaska	<a href="#">SB 64</a>	Introduced Jan. 2025
Alaska	<a href="#">SB 2</a>	Introduced Jan. 2025
Alaska	<a href="#">SB 33</a>	Introduced Jan. 2025
Arkansas	<a href="#">HB 1141</a>	Introduced Jan. 2025
Connecticut	<a href="#">HB 6846</a>	Introduced Jan. 2025
Illinois	<a href="#">SB 150</a>	Introduced Jan. 2025
Kentucky	<a href="#">HB 21</a>	Introduced Jan. 2025
Maryland	<a href="#">SB 361</a>	Introduced Jan. 2025
Maryland	<a href="#">HB 525</a>	Introduced Jan. 2025
Maryland	<a href="#">HB 740</a>	Introduced Jan. 2025
Missouri	<a href="#">SB 509</a>	Introduced Jan. 2025
Missouri	<a href="#">HB 673</a>	Introduced Jan. 2025
Montana	<a href="#">SB 25</a>	Introduced Jan. 2025
Nebraska	<a href="#">LB 615</a>	Introduced Jan. 2025
New Hampshire	<a href="#">HB 630</a>	Introduced Jan. 2025
New York	<a href="#">S 2414</a>	Introduced Jan. 2025
New York	<a href="#">A 235</a>	Introduced Jan. 2025
New York	<a href="#">A 3327</a>	Introduced Jan. 2025

North Dakota	<a href="#">HB 1167</a>	Introduced Jan. 2025
Oklahoma	<a href="#">SB 894</a>	Introduced Jan. 2025
Oklahoma	<a href="#">SB 746</a>	Introduced Jan. 2025
South Dakota	<a href="#">SB 164</a>	Introduced Jan. 2025
Texas	<a href="#">SB 893</a>	Introduced Jan. 2025
Vermont	<a href="#">S 23</a>	Introduced Jan. 2025
Mississippi	<a href="#">SB 2642</a>	Introduced Jan. 2025, failed Feb. 2025
Virginia	<a href="#">HB 2479</a>	Introduced Jan. 2025, Passed House Feb. 2025

Source: <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>