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January 19, 2026

Committee Chair Brian J. Feldman  
Committee Vice Chair Cherly C. Kagan  
Education, Energy, and the Environment Committee  
Maryland General Assembly  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

**Re: Public Citizen’s Statement for the Record: S.B. 141 Election Law – Election Misinformation, Election Disinformation, and Deepfakes**

Dear Chairman Feldman, Vice Chair Kagan, and Members of the Committee,

On behalf of Public Citizen and our over 15,000 supporters across Maryland, we submit this testimony in strong support of Senate Bill 141 (“S.B. 141”). Maryland’s elections are among the most trusted in the nation. That trust, however, increasingly depends not only on secure voting machines and accurate voter rolls, but on the integrity of the information environment in which voters make their decisions.<sup>1</sup>

Technology now exists, and is increasingly becoming perfected, that depicts candidates saying and doing things in seemingly real-life voices and images that never really happened. These fabricated images and audios created by generative artificial intelligence (“AI”) designed to cause harm to a candidate or public official or to deceive voters are known as deepfakes.<sup>2</sup> Increasingly election experts are seeing political related deepfakes aimed at destabilizing democracy and distorting reality.<sup>3</sup> It is one of the fastest growing threats to election security today.<sup>4</sup>

S.B. 141 reflects a fundamental reality of modern democracy: when voters are deliberately misled about when, where, or how to vote—or manipulated through realistic artificial intelligence-generated deepfakes—the right to vote itself is undermined. The bill protects the basic functioning of elections in an era when digital deception can spread faster than election officials can respond. This is why S.B. 141 has the support of Public Citizen and Maryland constituents across the state.

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<sup>1</sup> Rachel Orey, *Who Voters Trust for Election Information in 2024*, Bipartisan Policy Center, February 26, 2024, <https://bipartisanpolicy.org/explainer/who-voters-trust-election-information-2024/>

<sup>2</sup> Craig Holman, *The Nature and Risk of AI-Generated Deepfakes in Political Communications*, Paper Presented Before the 2025 Conference of the American Political Science Association, October 10, 2025, v

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



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## A New Era of Election Interference

The United States has entered a new phase of election interference. The most dangerous threats no longer come only from hacking machines or foreign propaganda campaigns. Increasingly, they come from false digital content that disrupts the mechanics of voting itself.<sup>5</sup>

False claims about polling locations, voting methods, election dates, and ballot eligibility now circulate widely online. At the same time, AI has made it possible to create realistic audio, video, and images depicting candidates or election officials saying or doing things that never occurred. These deepfakes are no longer crude forgeries. They are often indistinguishable from reality.

These tools can, in theory, be used productively, including in political communication. But they can also be weaponized to mislead voters, suppress turnout, and undermine confidence in election outcomes.<sup>6</sup> When voters cannot reliably distinguish fact from fabrication, participation erodes and democratic legitimacy weakens.<sup>7</sup>

In recent election cycles, AI-generated robocalls have falsely instructed voters to stay home.<sup>8</sup> Deepfake videos have been used to impersonate candidates and officials including President Biden,<sup>9</sup> President Trump,<sup>10</sup> and Senator Amy Klobuchar tricking voters and allowing for the spread of misinformation.<sup>11</sup> Moreover, a proliferation of disinformation spreads rapidly in the final days before elections, when correction is most difficult.<sup>12</sup> Put simply, our election laws were not designed for a world in which a single fabricated video can reach millions of voters overnight. Moreover, the scale and reach of election

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<sup>5</sup> Dan De Luce and Kevin Collier, *Experts War-Game What Might Happen if Deepfakes Disrupt the 2024 Election*, NBC News (Mar. 16, 2024), <https://www.nbcnews.com/politics/2024-election/war-game-deepfakes-disrupt-2024-election-rcna143038>

<sup>6</sup> *Id.*

<sup>7</sup> Janna Anderson & Lee Rainie, *Many Tech Experts Say Digital Disruption Will Hurt Democracy*, Pew Research Ctr. (Feb. 21, 2020), <https://www.pewresearch.org/internet/2020/02/21/concerns-about-democracy-in-the-digital-age/>

<sup>8</sup> Alex Seitz-Wald, *N.H. Attorney General Says Source of Fake Biden Robocalls Has Been Identified*, NBC News (Feb. 6, 2024), <https://www.nbcnews.com/politics/2024-election/nh-attorney-general-says-found-source-fake-biden-robocalls-rcna137499>

<sup>9</sup> *Id.*

<sup>10</sup> Nicholas Nehamas, “DeSantis campaign uses apparently fake images to attack Trump on Twitter,” *New York Times* (June 8, 2023), available at: <https://www.nytimes.com/2023/06/08/us/politics/desantis-deepfakes-trump-fauci.html?auth=login-google1tap&login=google1tap>

<sup>11</sup> Amy Klobuchar, *What I Didn't Say About Sydney Sweeney* (op-ed), *N.Y. Times* (Aug. 20, 2025) <https://www.nytimes.com/2025/08/20/opinion/amy-klobuchar-deepfakes.html>

<sup>12</sup> Darrell M. West, *Election Night Disinformation Risks*, Brookings Institution (Oct. 28, 2024), <https://www.brookings.edu/articles/election-night-disinformation-risks/>



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deepfakes makes it nearly impossible for enforcement to take videos down before they've made an impact with voters.<sup>13</sup>

## Why S.B. 141 is Necessary

Senate Bill 141 modernizes Maryland's election protections for this new reality.

First, the bill strengthens the State's ability to respond rapidly when election misinformation or disinformation is circulating. When credible reports emerge, the State Administrator of Elections is directed to promptly distribute accurate corrective information to the public. The bill also authorizes the Administrator to seek injunctions to remove demonstrably false election information from online platforms and to issue subpoenas to identify the sources and methods of dissemination. This ensures quick timely response but also investigative accountability after the fact to ensure violators will be held responsible.

Speed matters. Election misinformation is most dangerous when it spreads unchecked in the days or hours before voting.<sup>14</sup> S.B. 141 treats false election information not as a mere political dispute, but as a time-sensitive threat to election administration—much like a cyberattack or physical disruption of polling places.

Second, the bill creates accountability for those who deliberately impose these costs on the public. When the State must expend resources to counteract false election information, S.B. 141 allows recovery of damages and legal costs from responsible actors. This ensures that taxpayers do not permanently bear the burden of intentional election sabotage.

Third, S.B. 141 directly addresses the emerging threat of malicious election deepfakes. The bill narrowly prohibits the knowing or reckless use of AI-generated fabrications when intended to interfere with a voter's decision, misrepresent election procedures, or manipulate ballot processes. Therefore, the bill works to act as a prohibition on technologically sophisticated election fraud in the Age of AI.

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<sup>13</sup> See *supra* note 2.

<sup>14</sup> *Id.*



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## A Carefully Tailored Approach

S.B. 141 is careful in its approach. The bill is narrowly focused on conduct that materially interferes with elections. It does not regulate ordinary political advocacy, satire, or commentary. It includes explicit protections for parody, news reporting, documentaries, and good-faith broadcasters and publishers. In doing so, S.B. 141 ensures First Amendment protections that have historically allowed civil critique of the elected leadership.<sup>15</sup>

These safeguards reflect a balanced approach. The bill targets deception designed to disrupt democratic processes, not controversial opinions or political criticism. It mirrors long-standing election laws that prohibit impersonation, false election notices, and other forms of fraud—updated for modern technology.<sup>16</sup> In this way, S.B. 141 fits squarely within traditional election integrity law.

It does not create a new regulatory regime. Rather, it modernizes existing protections for the digital age. This approach will not only ensure election security but will ground Maryland as a leader in AI election security.

## Protecting Democratic Infrastructure

Elections depend on more than ballots and machines. They depend on voters having reliable information about how to participate. When false digital content systematically misleads voters, the harm is not abstract. It directly interferes with the exercise of constitutional rights.

Democracy cannot function if citizens are unsure whether election information is real, whether officials' statements are authentic, or whether voting procedures can be trusted. Left unchecked, this environment fosters cynicism, disengagement, and instability.

S.B. 141 recognizes that election integrity in the twenty-first century requires safeguarding both physical and informational infrastructure. Just as Maryland protects polling places from physical interference, it must also protect the informational channels that guide voters to them.

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<sup>15</sup> William P. Marshall, *False Campaign Speech and the First Amendment*, 153 U. Pa. L. Rev. 285 (2004) [https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=1209&context=faculty\\_publications](https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=1209&context=faculty_publications)

<sup>16</sup> *Id.*



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## **Conclusion**

Senate Bill 141 is a prudent, forward-looking response to a rapidly evolving threat. It equips Maryland's election officials with modern tools to correct false information swiftly, deter malicious actors, and preserve public confidence in democratic processes. By passing S.B. 141, Maryland can continue to lead the nation in protecting the right to vote in an era of unprecedented technological change.

Public Citizen respectfully urges the Committee to issue a favorable report on S.B. 141 and will continue to engage its Maryland members in supporting the legislation to help ensure the integrity and security of the State's elections.

## **Respectfully submitted,**

J.B. Branch

Big Tech Accountability Advocate  
Public Citizen