

January 21, 2026

Testimony on SB 141
Election Law – Election Misinformation, Election Disinformation, and Deepfakes
Education, Energy, and the Environment

Position: Favorable

Common Cause Maryland supports SB 141 which would require the State Administrator of Elections to take certain actions upon receiving a credible report that election misinformation or disinformation has been spread and prohibits the knowing or reckless use of deepfakes to create misinformation.

The spread of mis- and disinformation is not only dangerous to American democracy, but it also has significant consequences on people’s ability and motivation to vote, as well as their trust in our election systems. In 2022, sixty-four percent of elections officials reported that the spread of false information had made their jobs more dangerous.¹

SB 141 not only combats the spread of mis- and disinformation by helping ensure that voters receive accurate information from a trusted source of information – the State Board of Elections - but it also gives the State Administrator new tools to stop the spread of incorrect information once it has been found and to identify and prosecute the bad actors who disseminate it.

The rapid development and wide dissemination of AI technology within the past few years has also created a host of new problems for our election officials and our democracy. New generative AI tools make it easy to create and circulate fake or doctored pictures and videos. There is no longer a need for technical expertise to almost instantly generate hyper-realistic images, videos, and audio that could easily be used to confuse, mislead, or intimidate voters.

The spread of AI generated/deepfaked media would likely cause hardship to communities that have long been targets of mis- and disinformation campaigns – voters from Black and brown communities, young people and first-time voters, those with first language is not English and those with limited mobility.

With mid-terms just around the corner, it’s important that Maryland legislators take action on this issue now. The public is beginning to understand the risk posed by the use of deepfakes in our elections, with poll data showing that anywhere from seventy to eighty-five percent of people are concerned about the

¹ <https://www.brennancenter.org/election-misinformation>

role deepfakes and other AI-generated content plays in the spread of misinformation.²³ At the same time, research is raising concerns about the ability of viewers to recognize synthetic media when they see it. A 2023 study by the Rand Corporation found that twenty-seven to fifty percent of respondents were unable to distinguish deepfakes – and the technology has only continued to develop rapidly since then.⁴

SB 141 helps to address this issue by prohibiting the use and dissemination of deepfakes to influence voters' decisions or misrepresent facts related to our elections systems. To date, twenty-six states, including Texas and Utah, have enacted similar laws regulating the use of political deepfakes through prohibition or disclosure. Now is the time for Maryland to join them.

The spread of misinformation, disinformation, and the rampant use of deepfakes/generative AI technology represent serious threats to our elections systems and our democracy. It is critical that the Maryland General Assembly respond promptly to ensure that the truth prevails and that our regulations address the potential for abuse that unfortunately come along with these developments in technology.

For these reasons, we request a favorable report on SB 141.

² <https://www.ipsos.com/en-us/americans-hold-mixed-opinions-ai-and-fear-its-potential-disrupt-society-drive-misinformation>

³ <https://today.yougov.com/technology/articles/46058-majorities-americans-are-concerned-about-spread-ai>

⁴ https://www.rand.org/pubs/external_publications/EP70217.html