

**SB141 Testimony - EEE Committee 1.21.26.pdf**

Uploaded by: Ben Yelin

Position: FAV

# Testimony in Support of SB141: Election Law – Election Misinformation, Election Disinformation, and Deepfakes

Date: January 21, 2026

Committee: Education, Energy, and the Environment

## Introduction

Chair Feldman, Vice Chair Kagan, and members of the Committee, thank you for the opportunity to provide testimony in support of SB141 - Election Law - Election Misinformation, Election Disinformation, and Deepfakes. My name is Ben Yelin, and I serve as the Program Director for Public Policy & External Affairs at the University of Maryland Center for Cyber, Health and Hazard Strategies. Over the past several years, our organization has collaborated with Senator Hester and this committee to develop policies addressing the challenges posed by the rapid advancement of artificial intelligence and deepfakes.

## Overview of SB141

SB141 is a straightforward and common-sense measure that would position Maryland as a leader in combating election-related misleading synthetic media. The bill is designed to accomplish two primary objectives:

- Empowering the State Board of Elections: The bill enables the State Board of Elections and its administrators, upon receiving credible reports of election misinformation or disinformation disseminated through synthetic media, to take decisive action. This includes filing for injunctions, correcting false information in the public record, and, in certain cases, pursuing civil suits against those responsible for spreading such information.
- Criminalizing Harmful Use of Deepfakes: SB141 criminalizes the knowing use or distribution of deepfake videos that spread false information about elections. This includes misinformation regarding voting times, methods, or any activity that could impede or alter an individual's decision to cast a ballot.

## Scope and Protections

This legislation is narrowly tailored to ensure the protection of First Amendment rights. It does not criminalize falsehoods or misleading statements about a candidate's record, issue positions, or political ideology, as these are protected by the First Amendment. Instead, the bill specifically targets false information about the election process itself, such as providing incorrect election dates or falsely claiming that mail ballots will not be accepted.

Furthermore, deepfakes are only subject to criminal or civil action by the Board of Elections if they do not constitute clear satire, parody, or bona fide news reports. In cases where such media is presented as satire, parody, or legitimate news reporting, there must be a disclosure stating that the content was created using artificial intelligence.

### **Enhancements and Enforcement**

While SB141 shares structural similarities with SB361 proposed in the previous session, updates in the current bill make it both stronger and more enforceable. By authorizing the State Board of Elections to seek injunctions against the spread of damaging election misinformation and disinformation, the bill equips election administrators with essential tools to prevent voters from being misled and to uphold the integrity of the electoral process. The ability for administrators to correct false information in real time ensures that voters receive accurate information promptly, particularly regarding synthetic media encountered on social media platforms.

### **National Context and Rationale**

Our organization has examined how other states regulate the use of deepfakes during political campaigns. Several states, including both traditionally Democratic states like California and Republican states such as Texas and Kentucky, have recognized the necessity of instituting regulations on the dissemination of misleading synthetic media. These actions reflect a shared understanding that a healthy democracy depends on access to accurate information about candidates and their campaigns. With SB141, Maryland has the opportunity to join these states in safeguarding the integrity of its electoral process.

### **Conclusion**

For the reasons outlined above, I respectfully **request a favorable report** on SB141. Thank you for your consideration.

# **SB 141**

Uploaded by: Calvin Ball

Position: FAV



## HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

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February 4, 2026

The Honorable Brian Feldman, Chair  
Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

Re: **TESTIMONY IN SUPPORT of Senate Bill 141:** Election Law - Election Misinformation, Election Disinformation, and Deepfakes

Dear Chair Feldmark, Vice Chair Kagan, and Members of the Committee:

The integrity of our elections is fundamental to public trust in government and to the health of our democracy. As technology continues to evolve at a rapid pace, so do the threats posed by the misuse of artificial intelligence and digitally manipulated media. I want to thank Senator Hester for introducing Senate Bill 141 (SB141) which takes a thoughtful and timely approach to addressing the growing risks of election misinformation, disinformation, and the use of deepfakes.

HB145 establishes clear and narrowly tailored prohibitions against the knowing or reckless dissemination of deepfakes intended to materially mislead voters, misrepresent election processes, or interfere with ballot-related activities. We believe that this bill will have a positive impact on election integrity and ensuring accurate information for vulnerable communities, including our older adults who are often targets for scams.

By focusing on intent and providing appropriate exceptions for satire, parody, journalism, and good-faith broadcasters, the bill strikes an important balance between protecting free expression and safeguarding the electoral process from deliberate deception. Equally important, the bill equips the State Administrator of Elections and the State Board of Elections with tools to respond quickly and effectively when election misinformation or disinformation arises. The ability to correct false information, seek removal of deceptive content from online platforms, and recover costs associated with those corrective efforts will help ensure that voters receive accurate and reliable information in Howard County and all counties across the state.

Howard County has a strong interest in the orderly administration of elections and in maintaining public confidence in the outcomes. Local election officials and community partners are often on the front lines of voter engagement, and clear state-level standards and enforcement mechanisms are essential to supporting that work. Preventing the spread of materially false election information ultimately benefits voters at every level of government.



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We recognize that Maryland has already taken important steps in recent years to address election interference and misinformation. SB141 build on that foundation in a prudent and forward-looking way, reflecting the realities of emerging technologies while preserving constitutional protections.

For these reasons, I respectfully urge the Committee to issue a **favorable report on Senate Bill 141**.

Sincerely,

Calvin Ball  
Howard County Executive

# **SB0141\_Election\_Law\_-\_Election\_Misinformation\_Elec**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR  
SB0141 Election Law – Election Misinformation, Election Disinformation, and  
Deepfakes**

**Bill Sponsor:** Senator Hester

**Committee:** Education, Energy, and the Environment

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Aileen Alex, Co-chair

**Position:** FAVORABLE

Chair, Vice Chair, and Members of the Committee,

I am submitting this testimony in strong support of SB0141 on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district across the state—representing and supporting more than 30,000 Marylanders.

The rise of digital misinformation, coordinated disinformation campaigns, and AI-generated deepfakes poses a serious and rapidly escalating threat to Maryland’s democratic process. These tactics are increasingly used to target low-information and disadvantaged voters with false claims about how, when, or where to vote. Because this content is often anonymous, unattributed, and designed to spread quickly, voters have little ability to distinguish truth from manipulation. Deepfakes, in particular, now could allow malicious actors to fabricate audio or video that convincingly impersonates trusted officials or candidates, creating confusion and undermining public confidence.

While the Maryland State Board of Elections has taken proactive steps to address misinformation, current law does not provide the authority or structure needed to respond effectively to these emerging threats. SB0141 fills that gap by requiring the State Administrator of Elections to investigate credible reports of misinformation, disinformation, or deepfakes and to issue timely corrective information to the public. The bill also establishes clear prohibitions on knowingly creating or distributing deepfakes that materially mislead voters and provides meaningful civil and criminal penalties to deter such conduct. Additionally, the use of a public reporting portal will help Marylanders identify and flag harmful content quickly.

The Maryland Legislative Coalition’s mission is to inform voters about legislation and their legislators. Coordinated disinformation campaigns—especially those amplified by AI—undermine this work and threaten the integrity of our elections. SB0141 offers common-sense, urgently needed protections to ensure Maryland residents can trust that the information they receive about elections is accurate and reliable.

For these reasons, we respectfully urge a **FAVORABLE** report on SB0141.

# **Branch\_MD\_Testimony.pdf**

Uploaded by: Joshua Branch

Position: FAV



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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

# **Hester\_SB141\_Election Fraud Testimony.pdf**

Uploaded by: Katie Fry Hester

Position: FAV

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

Education, Energy, and the  
Environment Committee

*Chair*

Joint Committee on  
Cybersecurity, Information Technology,  
and Biotechnology



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**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

**Testimony in Support of SB 0141 – Election Law – Election Misinformation, Election Disinformation, and Deepfakes**

January 19, 2026

**Thank you for your consideration of SB 0141 – Election Law – Election Misinformation, Election Disinformation, and Deepfakes**, which aims to prohibit the distribution of deceptive deepfakes intended to mislead voters about our elections.

Last year, this committee heard a similar bill, SB 361, which passed out of this committee and the Senate unanimously and almost passed out of conference committee. Over the interim, we worked with State Administrator of Elections Jared Demarinis and Delegate Feldmark to rework the bill language as it emerged from conference committee and to ensure it rests on firmer constitutional footing.

As artificial intelligence becomes more accessible, election interference through synthetic media has grown increasingly concerning. AI-generated images, videos, and audio recordings are being used to spread materially false information about how and when to vote, election results, and the integrity of election administration itself.

Recent elections abroad have already demonstrated how quickly deceptive content can be deployed to confuse voters and undermine confidence in democratic systems. For example, in Germany's 2025 election, an AI-edited announcement from a British intelligence service featured falsehoods about bomb threats, poisoned ballots, and imminent attacks on German polling stations. In another incident, the May 2025 Buenos Aires city elections saw the release of two deepfakes hours before polls opened. This content falsely claimed that a political candidate had withdrawn from the race.<sup>1</sup>

States across the country are responding. Nearly 30 states have enacted laws addressing deceptive election deepfakes, including Texas, New Mexico, and Oregon, each taking different approaches to curbing election-related misinformation while respecting constitutional limits.

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<sup>1</sup> <https://cetas.turing.ac.uk/publications/deepfake-scams-poisoned-chatbots>

SB 141 takes a targeted and constitutionally grounded approach. Rather than regulating speech about candidates, this bill focuses narrowly on materially false information about the election process itself: how to register, how to vote, how ballots are counted, and how elections are administered. Concerns related to candidate deepfakes are intentionally addressed separately through SB 8, which will be heard in the Senate Judicial Proceedings Committee and focuses squarely on the use of AI to impersonate someone. This clear division ensures that SB 141 remains focused on protecting voters and election administration while standing on firmer constitutional ground.

Specifically, this bill prohibits a person from knowingly disseminating a deepfake that produces materially false information if they have the intent to:

- Impede, influence, or prevent a voter's decision to cast a ballot, or attempt to do so
- Misrepresent facts relating to voter registration, voting methods, election results, electoral processes, or official duties of an election official; or
- Induce or attempt to induce another individual to sign/not sign a petition for a question to appear on a ballot

The bill also requires the State Board of Elections to correct election misinformation and to seek injunctions to remove election-related mis/disinformation from online platforms. To safeguard First Amendment protections, the bill includes clear carve-outs for satire and parody, as well as for broadcast and print media where appropriate disclosures are provided.

Unlike last year's version, which classified deceptive deepfakes as a form of voting fraud, this bill defines them as election mis- or disinformation. This change reflects our work with stakeholders and the House to more precisely tailor the bill and reduce the risk of constitutional challenge. SB 141 is a proactive measure to prevent voter disenfranchisement before harm occurs, because once voters are misled and elections disrupted, that damage cannot be undone.

As AI continues to advance and the 2026 election approaches, it is critical that Maryland has clear, enforceable protections in place. For these reasons, I respectfully request a favorable report on SB 141.

Sincerely,



Senator Katie Fry Hester  
Howard and Montgomery Counties



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
Kentucky	<a href="#">SB 4 HB 672</a>	Enacted Mar. 2025
Massachusetts	<a href="#">H 5100 / S 2856 Amendment 7</a>	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
Montana	<a href="#">SB 25</a>	Enacted May 2025
Nevada	<a href="#">AB 73</a>	Enacted June 2025
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

North Dakota	<a href="#">HB 1167</a>	Enacted April 2025
Oregon	<a href="#">SB 1571</a>	Enacted Mar. 2024
Pennsylvania	<a href="#">SB 649</a>	Enacted July 2025
Rhode Island	<a href="#">S 816</a>	Enacted July 2025
Rhode Island	<a href="#">HB 5872</a>	Enacted July 2025
South Dakota	<a href="#">SB 164</a>	Enacted Mar. 2025
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 2026**

STATE	BILL NO.	STATUS
Alaska	<a href="#">SB 64</a>	Introduced Jan. 2025, Passed Senate May 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, Failed May 2025

California	<a href="#">AB 502</a>	Introduced Feb. 2025, Passed House Apr. 2025, Ordered Inactive Sep. 2025
Connecticut	<a href="#">HB 6846</a>	Introduced Jan. 2025, Failed June 2025
DC	<a href="#">B26-0329</a>	Introduced Jul. 2025
Georgia	<a href="#">SB 9</a>	Passed Sen. Mar. 2025, Passed House Mar. 2025
Idaho	<a href="#">HB 442</a>	Introduced Mar. 2025, Failed Apr. 2025
Illinois	<a href="#">SB 150</a>	Introduced Jan. 2025
Illinois	<a href="#">HB 1860</a>	Introduced Feb. 2025
Illinois	<a href="#">HB 3303</a>	Introduced Feb. 2025
Iowa	<a href="#">HSB 294</a>	Introduced Mar. 2025
Kansas	<a href="#">SB 375</a>	Failed Feb. 2025
Kentucky	<a href="#">HB 21</a>	Introduced Jan. 2025, Failed Mar. 2025
Maine	<a href="#">LD 1690</a>	Introduced Apr. 2025, Failed May 2025

Maryland	<a href="#">SB 361</a>	Introduced Jan. 2025, Failed Apr. 2025
Maryland	<a href="#">HB 525</a>	Introduced Jan. 2025, Failed Apr. 2025
Maryland	<a href="#">HB 740</a>	Introduced Jan. 2025, Failed Apr. 2025
Massachusetts	<a href="#">H 76</a>	Introduced Mar. 2025
Massachusetts	<a href="#">H 846</a>	Introduced Mar. 2025
Massachusetts	<a href="#">S 2631</a>	Introduced Oct. 2025
Mississippi	<a href="#">SB 2642</a>	Introduced Jan. 2025, failed Feb. 2025
Missouri	<a href="#">SB 509</a>	Introduced Jan. 2025, Failed May 2025
Missouri	<a href="#">HB 673</a>	Introduced Jan. 2025, Failed May 2025
Nebraska	<a href="#">LB 615</a>	Introduced Jan. 2025
Nevada	<a href="#">AB 271</a>	Introduced Feb. 2025, Failed April 2025
New Hampshire	<a href="#">HB 630</a>	Introduced Jan. 2025, Failed June 2025

New York	<a href="#">S 2414</a>	Introduced Jan. 2025, Failed June 2025
New York	<a href="#">A 235</a>	Introduced Jan. 2025, Failed June 2025
New York	<a href="#">A 3327</a>	Introduced Jan. 2025, Failed June 2025
New York	<a href="#">A 6491</a>	Introduced March 2025, Failed June 2025
New York	<a href="#">A 7656</a>	Introduced Apr. 2025, Failed June 2025
New York	<a href="#">S 7963 / A 8523</a>	Introduced May 2025, Failed June 2025
North Carolina	<a href="#">H 934</a>	Introduced Apr. 2025
North Carolina	<a href="#">H 375</a>	Introduced Mar. 2025
Ohio	<a href="#">HB 362</a>	Introduced June 2025
Ohio	<a href="#">HB 185</a>	Introduced Mar. 2025
Oklahoma	<a href="#">SB 894</a>	Introduced Jan. 2025, Laid over until 2026
Oklahoma	<a href="#">SB 746</a>	Introduced Jan. 2025

Pennsylvania	<a href="#">HB 811</a>	Introduced Mar. 2025, Passed House Jun 2025
Texas	<a href="#">SB 893</a>	Introduced Jan. 2025, Failed June 2025
Texas	<a href="#">HB 142</a>	Introduced July 2025
Texas	<a href="#">HB 366</a>	Introduced Feb. 2025, Passed House Apr. 2025, Failed June 2025
Vermont	<a href="#">S 23</a>	Introduced Jan. 2025, Passed Sen. Mar. 2025, Passed House June 2025
Virginia	<a href="#">HB 2479</a>	Introduced Jan. 2025, Passed both chambers Feb. 2025, Vetoed Mar. 2025
Virginia	<a href="#">HB 2479</a>	Introduced Jan. 2025, Passed House Feb. 2025
West Virginia	<a href="#">SB 484</a>	Introduced Feb. 2025, Failed April 2025

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

# **SB 141 - Election Law – Election Misinformation, E**

Uploaded by: Morgan Drayton

Position: FAV

**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.<sup>1</sup>

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

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

role deepfakes and other AI-generated content plays in the spread of misinformation.<sup>23</sup> 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.<sup>4</sup>

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.

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

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

<sup>4</sup> [https://www.rand.org/pubs/external\\_publications/EP70217.html](https://www.rand.org/pubs/external_publications/EP70217.html)

# **Testimony in support of SB0141 - Election Law - EI**

Uploaded by: Richard KAP Kaplowitz

Position: FAV

01/21/2026

Richard Keith Kaplowitz  
Frederick, MD 21703

**TESTIMONY ON SB#/0141- POSITION: FAVORABLE**

**Election Law - Election Misinformation, Election Disinformation, and Deepfakes**

**TO:** Chair Feldman, Vice Chair Kagan, and members of the Education, Energy and the Environment Committee

**FROM:** Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0141, **Election Law - Election Misinformation, Election Disinformation, and Deepfakes**

This bill is a recognition of the problems that now exist in an environment in which technology can be misused to influence voters in an election. The bill will require the State Administrator of Elections to take certain actions if the State Administrator receives a credible report that election misinformation or election disinformation, including a deepfake, has been or is being communicated, disseminated, or distributed; requiring the Administrator to communicate correct information to the public; prohibiting a person, under certain circumstances, from knowingly or with reckless disregard using or disseminating a deepfake to produce materially false information; etc. As reported in Science and Technology:

“Typically, deepfakes are used to purposefully spread false information or they may have a malicious intent behind their use. They can be designed to harass, intimidate, demean and undermine people. Deepfakes can also create misinformation and confusion about important issues.”<sup>1</sup>

This can have significant and dire consequences for voters and elections in their negative effects on our democracy. NPR reported on “How AI deepfakes polluted elections in 2024 - <https://www.npr.org/2024/12/21/nx-s1-5220301/deepfakes-memes-artificial-intelligence-elections>

This bill provides affirmative steps to combat the problem along with provisions to initiate civil actions with penalties against providers of this misinformation and disinformation. It increases elections integrity and security within Maryland.

**I respectfully urge this committee to return a favorable report on SB#/0141.**

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<sup>1</sup> <https://www.unr.edu/nevada-today/news/2023/atp-deepfakes>

# **OSP Support SB141.pdf**

Uploaded by: Sarah David

Position: FAV

## STATE OF MARYLAND

CHARLTON T. HOWARD III  
State Prosecutor

SARAH R. DAVID  
Deputy State Prosecutor

ABIGAIL E. TICSE - MARY W. SETZER  
JOYCE K. McDONALD - BRITTANY DUNKLOW  
Senior Assistant State Prosecutors

STEPHANIE HADDAD  
Assistant State Prosecutor



## OFFICE OF THE STATE PROSECUTOR

40 W. Chesapeake Avenue  
Suite 300  
Towson, MD 21204  
Telephone (410) 321-4067  
1 (800) 695-4058  
Fax (410) 321-3851

### **SUPPORT FOR SB 141**

Mr. Chairman and Members of the Education, Energy and the Environment Committee:

We are writing to express the support of the Office of the State Prosecutor for Senate Bill 141. The Office of the State Prosecutor is tasked with enforcing political corruption and police misconduct cases throughout Maryland and believes that this legislation will help address the challenges artificial intelligence presents to the integrity of the electoral process as well as ensuring that people's identity is not manipulated using technology to defraud the public.

### **The Office of the State Prosecutor**

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of State government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our State and local government institutions, officials, employees, and elections.

### **SB 141- Criminalizing the use of artificial intelligence in elections**

SB 141 criminalizes the use of artificial intelligence to influence a voters decision to vote in elections.

Elections are one of the most essential elements of our democratic process and while often rife with misinformation and untruths now face a new frontier of challenges as it relates to Artificial Intelligence (AI). There is something different about a satirical piece or even a lie than an image that purports to be a polling place on fire, when it is not. Throughout the country there have been cases where people's voices and bodies have been manipulated to be doing and saying things they did not say.

There is no doubt that AI is revolutionizing elections—from being used to target voters with AI calls and texts to calls with voices of candidates telling voters the election is over or not to vote. While the full scope of AI has yet to be realized, the dangers we can anticipate need to have real consequences to be taken seriously. This bill gives our office tools to hold people accountable for inducing people to vote using methods that are fraudulent. Maryland has a history of this. In 2011, our office prosecuted a campaign consultant that called over 100,000 Marylanders in primarily African American communities telling them the election was over and that one of the candidates had already won so the voters could stay home. The message was damaging enough in the form it came in, but with modern AI technology it could include photos of a winner being

distributed, a fake concession from a candidate and so much more.

We believe this legislation is an important step in protecting the integrity of the electoral process in our modern age.

We encourage a favorable report on SB 141.

Sincerely,

CHARLTON T. HOWARD, III  
STATE PROSECUTOR

# **SB 141**

Uploaded by: Virginia White

Position: FAV



## Senate Bill 141

*Election Law – Election Misinformation, Election Disinformation, and Deepfakes*

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment  
Committee

Date: January 21, 2026

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **SUPPORTS** SB 141. This bill strengthens Maryland’s election laws by prohibiting deepfakes and other forms of synthetic media intended to interfere with voting, and equipping the State to respond swiftly to election misinformation.

In recent years, the rise of “deepfakes” — manipulated videos, images, and audio generated through artificial intelligence—have threatened voter confidence and the integrity of democratic elections. As a result, local election officials face heightened pressure, misinformation-driven confusion, and, increasingly, threats and harassment tied to false election narratives.

Counties play a critical role in administering elections, and local boards of elections bear the direct operational and security consequences when false information spreads unchecked.

With a strict focus on materially false information intended to impede the voting process, SB 141 does not regulate general political speech or public opinion. It helps protect voters from misinformation designed to manipulate electoral outcomes and works to maintain public trust in Maryland’s elections.

Safe and secure elections are a core function of local government. By modernizing policy to address the digital realities of 2026, this bill safeguards the trust Marylanders place in their local electoral systems.

This legislation provides a balanced, statewide framework that supports local election administration efforts. By giving the State clear authority to respond quickly and to correct misinformation at its source, this bill helps protect election workers, preserve public trust, and support the county officials responsible for carrying out elections.

SB 141 provides necessary and timely policy changes that balance the shared goals of providing fair, open, and transparent elections. Accordingly, MACo urges a **FAVORABLE** report on SB 141.

**Chamber of Progress\_MD SB 141\_SWA.pdf**

Uploaded by: Brianna January

Position: FWA



January 21, 2025

The Honorable Brian Feldman  
Chair  
Committee on Education, Energy, and the Environment  
Room 2 West Wing, Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401-1991

**RE: SB 141 - Misinformation, Disinformation, and Deepfakes in the Electoral Process**

Dear Chair Feldman and members of the committee,

On behalf of Chamber of Progress, a tech industry association supporting public policies to build a society in which all people benefit from technological advances, I respectfully **urge you to amend SB 141 by striking Section 2-110(c)(1)(II)**, which creates an overly broad platform injunction authority, forces emergency court involvement in fast-moving election speech disputes, cannot be implemented effectively once content spreads through reposts and cross-platform sharing, and predictably drives platforms toward over-removal that chills lawful political speech.

The sponsor's intent to protect Maryland voters from election misinformation, disinformation, and deepfake content is understandable and well-intentioned, and we support rapid, accurate public information to correct false claims. However, SB 141 includes a platform injunction provision that would move the State from issuing corrections to seeking court-ordered takedowns of online speech. That is a major escalation in government authority over election-related expression, and it is likely to create significant implementation problems, legal risk, and collateral suppression of lawful political debate, especially in the compressed and high-stakes environment of an election period.

**Section 2-110(c)(1)(II) is too broad and turns a narrow anti-deception goal into a sweeping platform takedown authority**

The bill does not limit this injunction power to clearly fraudulent or objectively verifiable falsehoods (like a fake election date). Instead, it covers any "incorrect or misleading" election-related content, and applies to "any online platform." That scope is functionally unlimited: it risks capturing everything from genuine voter confusion to rough or incomplete reporting to real-time commentary about election administration. For

example, a campaign or influencer might post “your vote won’t count” or “don’t bother voting, it’s already decided.” That kind of message can be harmful, but it often blends cynical opinion, rhetoric, and persuasion rather than a concrete factual claim.

Once you give the State a mechanism to seek court-ordered removal of broad categories of election speech, the line between stopping deception and suppressing contested narratives becomes legally and practically hard to maintain.

### **Courts would be required to make real-time rulings about contested election speech under extreme time pressure, which invites error and politicizes the judiciary**

Maryland already has a mature process for handling election disputes through administrative review, judicial review, and post-election litigation, but those cases typically involve concrete records, defined parties, and established standards. This injunction mechanism would be different: it would push courts into urgent, speech-based disputes driven by what is going viral online, where the “facts” are often contested, incomplete, or evolving. In practice, these disputes will rarely look like cleanly provable lies. They will look like a partial video clip alleging misconduct, a claim that an election official “refused” something, or a rumor that gets amplified before it can be verified.

The timing problem is built in. This bill authorizes injunctions immediately after a “credible report” is received, which all but guarantees emergency filings right when courts are least positioned to conduct careful fact-finding: right before Election Day, during early voting, or while results are still being recorded and litigated. Even with good-faith actors, an injunction request requires a judge to evaluate contested claims on an incomplete record, weigh constitutional speech risks, and order or deny removal on a compressed schedule. That is a recipe for inconsistent outcomes, mistakes that cannot be cleanly undone, and enormous public controversy because the decision is functionally picking what election speech stays online during the most politically sensitive period.

Maryland courts already face time-compressed election emergencies without having to decide whether online speech should be removed from platforms. For example, in 2022, the Maryland State Board of Elections sought emergency court relief to permit early canvassing and tabulation of mail-in ballots, and the case moved rapidly on an expedited track.<sup>1</sup> Maryland courts have also granted emergency injunctive relief extending voting hours at specific Baltimore precincts after voters were reportedly turned away when

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<sup>1</sup> Maryland Court of Appeals, *In re Petition for Emergency Remedy by the Maryland State Board of Elections*, No. 21A22. Md. Jan. 6, 2023. This Maryland Court of Appeals decision addresses an emergency petition filed by the Maryland State Board of Elections seeking a court-approved remedy related to how mail-in ballots could be processed and counted. The case is an example of how election disputes can move on an expedited timeline through Maryland courts, with judges being asked to make fast, high-stakes decisions that affect election administration statewide. <https://www.mdcourts.gov/data/opinions/coa/2023/21a22.pdf>

machines were not set up on time.<sup>2</sup> These are difficult cases, but they are comparatively administrable because they involve defined locations, concrete remedies, and identifiable records.

Even if a judge acts carefully, the legitimacy cost is unavoidable. The party benefiting from removal will frame it as protecting voters, and the party harmed by removal will frame it as state-backed censorship during an election. Either way, courts get pulled into adjudicating online narratives rather than resolving concrete disputes through established election procedures. That politicizes the judiciary, undermines trust in election administration, and encourages campaigns and outside groups to treat emergency injunction litigation as a tactical tool rather than a last resort.

**“Removal” is not operationally achievable once misinformation spreads, so this becomes a whack-a-mole system that does not solve the real distribution problem**

Platforms cannot reliably “remove” an idea from the internet through a single takedown, because election content replicates instantly through reposts, screenshots, quote-posts, reaction videos, and reuploads across multiple services. A court order may reach one post, on one platform, at one point in time, but the same content is often already circulating in dozens of copies in different formats.

That problem becomes even more acute with election misinformation because the highest-impact content is designed for fast viral spread. A misleading claim about voting access or election integrity does not need to remain available on the original URL to do damage: once the message is copied into group chats, screenshots, and repost chains, the removal of one version often has little impact on overall exposure. And because platforms have different technical architectures, rules, and moderation capabilities, a court order aimed at “any online platform” creates fragmented compliance expectations across services. One platform might remove the post, another might label it, another might geoblock it, and smaller platforms may have no capacity to respond quickly at all.

The practical result is a compliance treadmill: platforms are pressured to keep chasing downstream copies rather than doing the work that actually reduces harm, like adding context, pushing accurate information, and slowing virality.

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<sup>2</sup> Lawyers' Committee for Civil Rights Under Law, “Baltimore Board of Elections Extends Voting Hours for Polling Station Following Lawyers' Committee/Maryland NAACP Lawsuit,” 866ourvote.org, Jun. 26, 2018. This press release describes a 2018 election-day emergency lawsuit in Baltimore. Voters were reportedly unable to cast ballots at a specific precinct because voting machines were not operational when polls opened. The Maryland NAACP and Lawyers' Committee for Civil Rights Under Law sued for emergency relief, and the court granted an injunction extending voting hours at the affected polling station so that voters delayed by the setup problem could still vote. <https://866ourvote.org/press-releases/baltimore-board-of-elections-extends-voting-hours-for-polling-station-following-lawyers-committee-maryland-naacp-lawsuit/>

**The provision will push platforms toward over-removal and suppress lawful political speech that voters and the public have a right to discuss**

Because SB 141 authorizes the State Administrator to seek a court injunction to remove alleged election misinformation or disinformation from any online platform, platforms will face emergency takedown pressure during the most time-sensitive and politically volatile moments of an election cycle. Even when the target is legitimately harmful content, the effect of an injunction-backed removal tool is to shift decision-making toward speed and risk avoidance rather than context, nuance, or real-time clarification.

That dynamic threatens a wide range of lawful, high-value speech that is central to democratic accountability. It includes voters sharing their experiences, journalists reporting developing information before every fact is fully confirmed, watchdog groups criticizing election administration, and advocates urging communities to take specific actions. Much of this speech may be disputed, emotional, or imperfectly phrased without being intentionally deceptive. But once the State has a direct path to court-ordered removal, it becomes easier for political actors to frame contested narratives as “misleading” and seek suppression rather than rebuttal.

The bill’s carve-outs for satire, parody, and bona fide news coverage in the deepfake section are thoughtful and helpful guardrails. But the injunction authority is not limited to deepfakes, and the practical result is that lawful election-related discussion can still be chilled or removed during the critical period when public debate matters most.

For these reasons, I respectfully urge you to amend **SB 141 by striking Section 2-110(c)(1)(II)**, which would authorize the State Administrator to seek court-ordered removal of alleged election misinformation or election disinformation from any online platform, creating an overly broad and unworkable takedown mechanism that risks politicizing election oversight, fueling whack-a-mole enforcement, and chilling lawful election-related speech.

Sincerely,

A handwritten signature in black ink, appearing to read "Brianna January". The signature is fluid and cursive, with the first name being more prominent.

Brianna January  
Director of State & Local Government Relations, Northeast US

**pdf\_[MD] SB 141\_Deepfakes elections\_TechNet commen**

Uploaded by: margaret durkin

Position: FWA

January 19, 2026

The Honorable Brian Feldman  
Chair  
Senate Education, Energy, and the Environment Committee  
Maryland Senate  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

*RE: SB 141 (Hester) - Election Law - Election Misinformation, Election Disinformation, and Deepfakes – Favorable with Amendments*

Dear Chairman Feldman and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on SB 141 pertaining to election deepfakes.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 106 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

Artificial intelligence has the potential to help us solve the greatest challenges of our time. It is being used to predict severe weather more accurately, protect critical infrastructure, defend against cyber threats, and accelerate the development of new medical treatments, including life-saving vaccines and ways to detect earlier signs of cancer.

However, recognizing and addressing the genuine risks associated with AI is crucial for its responsible advancement. That includes preventing candidates and their agents from using AI to release deliberately misleading campaign content. Creators of political content that include materially deceptive media should have an obligation to provide clear disclosures. We support statutory language to ensure that liability for dissemination of such media is limited to the person who creates and disseminates it, and not on intermediaries such as internet service providers, platforms, or tools that may be used in its creation or dissemination. Any liability should be solely on the natural person who is the bad actor violating the law. We believe that any state law should align with federal exemptions contained in Section 230 of the federal code. As such, we're requesting the following language be

included in the bill's exemption list, in addition to (B)(2) exemptions on radio and television broadcasting stations:

- **"This section does not impose liability upon the following entities as a result of content provided by another person:**
  - **An interactive computer service, as defined in 47 U.S.C. § 230;**
  - **An internet service provider, cloud provider, or telecommunications network.**

We propose adding cybersecurity and antifraud exemptions to clarify that the sharing of deepfake content for the purposes of cybersecurity or antifraud efforts is not considered the dissemination of the content, and hence that person would not be liable. Suggested language:

- **"This act shall not restrict the ability of a person to detect, prevent, respond to, or protect against security incidents, identity theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems or investigate, report, or prosecute those responsible for any such action."**

Thank you for the opportunity to share our comments on SB 141. Please don't hesitate to reach out with any questions.

Sincerely,

*Margaret Durkin*

Margaret Durkin  
TechNet Executive Director, Pennsylvania & the Mid-Atlantic

# **SB141 - MDDC Support with Amendments.pdf**

Uploaded by: Rebecca Snyder

Position: FWA



**Maryland | Delaware | DC Press Association**

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | [rsnyder@mddcpres.com](mailto:rsnyder@mddcpres.com)

[www.mddcpres.com](http://www.mddcpres.com)

To: Education, Energy & the Environment Senate Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: January 19, 2026

**Re: SB 141 – Election Misinformation, Election Disinformation, and Deepfakes – SUPPORT with AMENDMENTS**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of newspaper publications, from large metro dailies such as the Washington Post and the Baltimore Sun, to hometown newspapers such as the Star Democrat and Dorchester Banner, to publications such as The Daily Record, Baltimore Jewish Times, and online-only publications such as the Baltimore Banner, Maryland Matters and Baltimore Brew.

We are pleased to support this important bill and have a few suggestions for further improvement. Local news organizations are trusted sources of information about topic of interest to the public. Misinformation, disinformation and deepfakes affect us all and erode the public trust in elections. Our members struggle against the manipulation and distortion of news by generative AI. Our members publish paid advertisements and other related content during the election cycle. We want to make sure the focus of this bill is on the bad actors that are manipulating information and not sweeping news organizations into investigations or burdensome subpoenas.

Section 2-110 supports the additional state responsibility of the State Board of Elections in this fight. However, we are concerned that the State Election Administrator could issue a subpoena to news media organizations that publish advertisements containing misinformation or disinformation. Further, this bill opens the possibility that the State Administrator could file a civil action against a news media organization for publishing that advertisement. When a news media organization takes a paid advertisement, we should not be asked to investigate each advertisement, even if it appears realistic, to affirm that it is not a deepfake or disinformation. We ask that the news media be exempted from this section, as it is exempted in Section 16-905.

Thank you for considering this amendment. We believe this is an important bill that will help combat the spread of misinformation, disinformation and deepfakes in the context of free and fair elections.



**We believe a strong news media is central to a strong and open society.**

**MPA Letter Testimony re MD SB 141 - 2026.01.19 3.p**

Uploaded by: Renata Colbert

Position: FWA



# MOTION PICTURE ASSOCIATION

January 19, 2026

Maryland Senate Committee on Education, Energy and the Environment  
Miller Senate Office Building  
11 Bladen St.  
Annapolis, Maryland 21401

**Re:** SB 141 – Election Misinformation Law – Favorable With Amendments

Dear Senators:

On behalf of the Motion Picture Association, Inc. (“MPA”),<sup>1</sup> I am writing concerning the SB 141 (the “Bill”), a bill concerning election misinformation and deepfakes. MPA appreciates the concerns that the Bill aims to address with regards to election integrity. I am writing concerning a proposed amendment that the MPA believes would eliminate unintended consequences for broadcasters and streaming services that may distribute communications provided by third parties.

The Bill revises Article 2-110 of the Maryland Election Law to provide that the State Board of Elections may file a civil action against a “person, campaign, political action committee, or other legal entity” if that entity “published election misinformation or election disinformation.” This provision does not contain any requirement that a civil action be taken against the creator of the election misinformation or disinformation, and thus could create liability for a broadcaster, streaming service, or website that hosts a communication or advertisement provider by others.

MPA requests an amendment requiring that a civil action under Article 2-110 may only be brought against an individual that creates or publishes the communication with knowledge that the communication constitutes misinformation or disinformation, and with the intent to mislead or deceive the electorate, and which provides express protections for broadcasters, streaming services, and other online services distributing a communication provided by third parties.

Notably, a separate part of the Bill concerning election deepfakes does contain protections for third parties. The new section 16-905 of the Election Law created by this Bill would expressly exempt broadcast entities and online services that distribute communications on behalf of others (as

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<sup>1</sup> The MPA serves as the global voice and advocate of the motion picture, television, and streaming industries. It works in every corner of the globe to advance the creative industry, protect its members’ content across all screens, defend the creative and artistic freedoms of storytellers, and support innovative distribution models that expand viewing choices for audiences around the world. The MPA’s member studios are Netflix Studios, LLC; Paramount Pictures Corporation; Prime Amazon MGM Studios; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; and Warner Bros. Entertainment, Inc.

well as other exemptions for First Amendment-protected activity). Similar protections are appropriate in the revisions to Article 2-110.

MPA is available to discuss this Bill and potential language to address these concerns at your convenience. Please contact Renata Colbert ([Renata\\_Colbert@motionpicturs.org](mailto:Renata_Colbert@motionpicturs.org)) or Nick Manis ([nmanis@maniscanning.com](mailto:nmanis@maniscanning.com)) with any questions about the Bill or MPA's proposed amendments.

Sincerely,

Renata Colbert  
Director, State Government Affairs  
MPA

\* \* \* \*

# **2026 Testimony -- MDCD Broadcasters Association --**

Uploaded by: Timothy Nelson

Position: FWA



**To: Senate Education, Energy, and the Environment Committee**

**From: Tim Nelson, Counsel to the Maryland-DC-Delaware Broadcasters Association**

**Date: January 19, 2026**

**Re: Senate Bill 141**

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The Maryland-DC-Delaware Broadcasters Association (“MDCD” or the “Association”) appreciates the opportunity to submit this written testimony regarding Senate Bill 141, “Election Law - Election Misinformation, Election Disinformation, and Deepfakes.”<sup>1</sup> On behalf of the Association and its Members, which include approximately 20 television stations and 110 radio stations, MDCD thanks Senator Hester for sponsoring and the Committee for holding a hearing on Senate Bill 141, which legislation addresses the very important issue of the use of generative artificial intelligence (AI) and similar technology in the context of elections.

MDCD’s members—local television and radio stations—are the most trusted source of news and information here in Maryland and across the country; that role for local broadcasters is all the more important in light of the rampant increase in the use of generative AI in spreading misinformation and disinformation. As is the case in newsrooms across America, the Association’s television and radio stations are working diligently to protect against generative AI distorting the news reporting and informational content that they source, produce, and freely deliver to the public.

With that aim in mind, the Association is supportive of the goals Senate Bill 141 (and its predecessor legislation in the 2025 Session, Senate Bill 361) appears intended to achieve. MDCD previously advocated for certain changes to Senate Bill 361 with the hopes of strengthening the legislation by clarifying its scope, and MDCD was pleased to see many of those changes implemented in Senate Bill 141. The Association is grateful for Senator Hester and the Committee’s commitment to protecting broadcasters here in Maryland. MDCD has further suggestions regarding the breadth/potential scope of Senate Bill 141 as introduced—and we hope to have the opportunity to work with the Committee on this legislation.

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<sup>1</sup> The Maryland-DC-Delaware Broadcasters Association is a voluntary, non-profit trade association that advocates for the interests of its member radio and television stations and, more generally, the interests of broadcasting in Maryland, Delaware, and Washington, D.C.

1. Section 2-110: State Board and Administrator of Elections

Section 2-110 in Senate Bill 141 charges the State Board of Elections and State Administrator of Elections with correcting election misinformation and disinformation. MDCD is supportive of additional state responsibility in the fight against deceptive content, but the Association is also concerned that the proposed breadth will impede broadcasters in pursuing the same aim. Specifically, as written, it would appear that the State Administrator could issue subpoenas to broadcasters that air advertisements containing misinformation or disinformation, and the State Board could file a civil action against broadcasters for airing such advertisements.

As MDCD has previously written to the Committee, a broadcaster in receipt of paid advertising containing misinformation or disinformation should not be subject to State action—in this case, burdensome subpoenas and civil actions for airing such content—nor should broadcasters be forced to shoulder the burden of investigating each paid advertisement or program for content that appears to be realistic but is in fact misinformation or disinformation.

Similarly, MDCD notes that there is a discrepancy between Section 2-110 and federal law. Under 47 U.S.C. § 315(a), broadcasters are prohibited from censoring (including editing by way of addition or removal) the content of an advertisement that is paid for by a legally qualified candidate for public office and/or such candidate’s authorized campaign committee (unless such content is legally obscene). MDCD respectfully submits that the language of Section 2-110 must account for this provision of federal law because a broadcaster should not be held liable for its compliance with federal law.

Accordingly, MDCD respectfully requests that the broadcaster-related exceptions found in Senate Bill 141’s Section 16-905(b)(2) be included in Section 2-110, save for the “good faith effort” requirement, which is discussed below.

2. Section 16-905: Dissemination of Deepfakes

MDCD is appreciative of the inclusion of broadcaster-related exceptions in Section 16-905 (some of which the Association advocated for last Session). MDCD is concerned, however, that the exception for when a broadcaster has “been paid to broadcast the deepfake” is undermined by also requiring such broadcaster to have made a “good faith effort to establish that the deepfake is not a deceptive and fraudulent deepfake.”

Although MDCD’s members are already undertaking efforts to discover the use of generative AI, the proposed “good faith effort” standard is ambiguous and focused on undefined actions. Radio or television broadcasting stations in receipt of paid advertising should not be held responsible for ascertaining, on threat of violation of law, whether an image, audio, or video used in third-party content is a product of generative artificial intelligence—especially given the intentionally deceptive nature of such deepfakes. Additionally, MDCD’s members’ good-faith efforts to protect against deceptive and fraudulent information are tested each day by the public, as confidence breeds viewership and listenership; such good-faith effort does not also need to be examined in court with vague, imprecise guidelines.

The Association therefore encourages consideration of amendatory language such that Senate Bill 141 would not apply to broadcasters that are paid to broadcast a deceptive and

fraudulent deepfake that would otherwise violate the Section—in other words, MDCD advocates for the removal of the good-faith obligation to Section 16-905(b)(2)(iii).

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To reiterate, MDCD supports efforts to harness the power of generative artificial intelligence and to reduce the spread of misinformation and disinformation, particularly in the context of free and fair elections, and the Association is appreciative that the Committee continues to address these issues. It is important that such efforts, however, do not inadvertently sweep up broadcasters and other news media entities that are already working tirelessly to provide trusted local journalism and information—and to root out deceptive uses of AI. We look forward to working with the Committee on this important legislation.