

SENATE BILL 978

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EMERGENCY BILL

4r1791
CF 4r3222

By: **Senator Hester**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Synthetic Media – Disclosure and Regulation**

3 FOR the purpose of requiring certain persons that publish, distribute, or disseminate, or
4 cause to be published, distributed, or disseminated synthetic media, to publish on
5 their website or submit to the State Board of Elections for publication certain original
6 media content; requiring certain persons that publish, distribute, or disseminate or
7 cause to be published, distributed, or disseminated synthetic media to include a
8 certain disclosure in a certain manner; authorizing the State Board to adopt
9 regulations that establish certain procedures to label or remove certain synthetic
10 media and to seek to enjoin the publication, distribution, or dissemination of certain
11 synthetic media; and generally relating to synthetic media and the State Board of
12 Elections.

13 BY adding to

14 Article – Election Law

15 Section 13–401.2

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Election Law

20 Section 13–602(a)(9) and (b)

21 Annotated Code of Maryland

22 (2022 Replacement Volume and 2023 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Election Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **13-401.2.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) (I) "NEWS MEDIA ENTITY" MEANS AN ENTITY ENGAGED
5 PRIMARILY IN THE BUSINESS OF NEWSGATHERING, REPORTING, OR PUBLISHING
6 ARTICLES OR COMMENTARY ABOUT NEWS, CURRENT EVENTS, CULTURE, OR OTHER
7 MATTERS OF PUBLIC INTEREST.

8 (II) "NEWS MEDIA ENTITY" INCLUDES AN ENTITY THAT
9 REPORTS OR PUBLISHES PRINT, AUDIO, OR VIDEO MEDIA, ONLINE OR OTHERWISE.

10 (3) "SYNTHETIC MEDIA" MEANS AN IMAGE, AN AUDIO RECORDING, OR
11 A VIDEO RECORDING THAT HAS BEEN INTENTIONALLY CREATED OR MANIPULATED
12 WITH THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL
13 TECHNOLOGY TO CREATE A REALISTIC BUT FALSE IMAGE, AUDIO RECORDING, OR
14 VIDEO RECORDING THAT:

15 (I) PURPORTS TO DEPICT A REAL INDIVIDUAL, THE
16 INDIVIDUAL'S SPEECH, OR THE INDIVIDUAL'S CONDUCT;

17 (II) PRODUCES A FUNDAMENTALLY DIFFERENT
18 UNDERSTANDING OR IMPRESSION OF AN INDIVIDUAL'S APPEARANCE, SPEECH, OR
19 CONDUCT THAN A REASONABLE INDIVIDUAL WOULD HAVE FROM THE UNALTERED,
20 ORIGINAL VERSION OF THE IMAGE, AUDIO RECORDING, OR VIDEO RECORDING; OR

21 (III) IS OTHERWISE INTENDED TO HARM THE REPUTATION OF
22 THE PERSON THAT IS THE SUBJECT OF THE MEDIA.

23 (B) THIS SECTION DOES NOT APPLY TO:

24 (1) A NEWS MEDIA ENTITY:

25 (I) 1. THAT BROADCASTS SYNTHETIC MEDIA THAT WOULD
26 OTHERWISE VIOLATE THIS SECTION AS PART OF A BONA FIDE NEWSCAST, A NEWS
27 INTERVIEW, A NEWS DOCUMENTARY, OR ON-THE-SPOT COVERAGE; AND

28 2. IF THE NEWS MEDIA ENTITY CLEARLY STATES IN THE
29 BROADCAST, IN A MANNER THAT IS REASONABLY CALCULATED TO BE UNDERSTOOD
30 BY AN AVERAGE VIEWER OF THE BROADCAST, THAT THE SYNTHETIC MEDIA BEING
31 BROADCASTED MAY OR MAY NOT BE AUTHENTIC; OR

1 **(II) 1. THAT IS PAID TO BROADCAST SYNTHETIC MEDIA THAT**
2 **WOULD OTHERWISE VIOLATE THIS SECTION; AND**

3 **2. THAT HAS MADE A GOOD FAITH EFFORT TO**
4 **ESTABLISH THAT THE MEDIA IS NOT SYNTHETIC MEDIA;**

5 **(2) A WEBSITE, REGULARLY PUBLISHED NEWSPAPER, MAGAZINE, OR**
6 **PERIODICAL OF GENERAL CIRCULATION THAT:**

7 **(I) ROUTINELY PUBLISHES NEWS OR COMMENTARY OF**
8 **GENERAL INTEREST; AND**

9 **(II) CLEARLY STATES, IN A MANNER REASONABLY CALCULATED**
10 **TO BE UNDERSTOOD BY THE AVERAGE READER OF THE WEBSITE, NEWSPAPER,**
11 **MAGAZINE, OR PERIODICAL OF GENERAL CIRCULATION, THAT A PIECE OF**
12 **SYNTHETIC MEDIA PUBLISHED DOES NOT ACCURATELY REPRESENT THE SPEECH OR**
13 **CONDUCT OF THE SUBJECT OF THE SYNTHETIC MEDIA; OR**

14 **(3) SYNTHETIC MEDIA THAT IS SATIRE OR PARODY.**

15 **(C) (1) A PERSON THAT PUBLISHES, DISTRIBUTES, OR DISSEMINATES**
16 **SYNTHETIC MEDIA, OR CAUSES SYNTHETIC MEDIA TO BE PUBLISHED, DISTRIBUTED,**
17 **OR DISSEMINATED WITHIN 90 DAYS BEFORE AN ELECTION SHALL:**

18 **(I) 1. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
19 **SUBSECTION, PUBLISH THE ORIGINAL CONTENT THAT WAS MANIPULATED TO**
20 **GENERATE THE SYNTHETIC MEDIA ON THE WEBSITE OF THE PERSON; OR**

21 **2. SUBMIT THE ORIGINAL MATERIAL TO THE STATE**
22 **BOARD FOR PUBLICATION ON THE STATE BOARD'S WEBSITE; AND**

23 **(II) IN ADDITION TO THE REQUIREMENTS OF §§ 13-401 AND**
24 **13-403 OF THIS SUBTITLE, MAKE THE DISCLOSURE REQUIRED UNDER SUBSECTION**
25 **(D) OF THIS SECTION.**

26 **(2) IF THE PERSON IS A CANDIDATE OR AN AGENT OF A CANDIDATE, A**
27 **CAMPAIGN FINANCE ENTITY, OR A PERSON REQUIRED TO REGISTER UNDER §**
28 **13-306, § 13-307, OR § 13-309.2 OF THIS TITLE AND THE ORIGINAL MATERIAL WAS**
29 **NOT SUBMITTED TO THE STATE BOARD UNDER PARAGRAPH (1)(I)2 OF THIS**
30 **SUBSECTION, THE CANDIDATE, AGENT OF THE CANDIDATE, CAMPAIGN FINANCE**
31 **ENTITY, OR PERSON REQUIRED TO REGISTER UNDER § 13-306, § 13-307, OR §**
32 **13-309.2 OF THIS TITLE SHALL PUBLISH ON THE WEBSITE OF THE CANDIDATE,**

1 CAMPAIGN FINANCE ENTITY, OR PERSON THE ORIGINAL CONTENT THAT WAS
2 MANIPULATED TO GENERATE THE SYNTHETIC MEDIA.

3 (D) (1) (I) FOR A STILL IMAGE, THE DISCLOSURE SHALL INCLUDE THE
4 STATEMENT “THIS IMAGE HAS BEEN ALTERED OR MODIFIED THROUGH THE USE OF
5 COMPUTER PROGRAMS TO DISPLAY AN EVENT OR IMAGE THAT DID NOT OCCUR.”.

6 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
7 THIS PARAGRAPH SHALL BE WRITTEN IN A TYPE SIZE THAT IS:

8 1. EASILY READABLE BY THE AVERAGE VIEWER; AND

9 2. NOT SMALLER THAN THE LARGEST TYPE SIZE OF
10 OTHER TEXT APPEARING ON THE STILL IMAGE.

11 (2) (I) FOR MEDIA THAT IS ONLY AN AUDIO RECORDING, THE
12 DISCLOSURE SHALL INCLUDE THE STATEMENT “THIS AUDIO HAS BEEN ALTERED OR
13 MODIFIED THROUGH THE USE OF COMPUTER PROGRAMS TO DISPLAY A SOUND THAT
14 DID NOT OCCUR.”.

15 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
16 THIS PARAGRAPH SHALL BE READ:

17 1. IN A CLEARLY SPOKEN MANNER AT A PITCH AND
18 SPEED THAT CAN EASILY BE HEARD BY THE AVERAGE LISTENER; AND

19 2. A. AT THE BEGINNING OF THE AUDIO RECORDING;

20 B. AT THE END OF THE AUDIO RECORDING; AND

21 C. FOR AUDIO RECORDINGS OF 2 MINUTES DURATION OR
22 LONGER, INTERSPERSED THROUGHOUT AT INTERVALS OF NOT MORE THAN 2
23 MINUTES.

24 (3) (I) FOR A VIDEO RECORDING, THE DISCLOSURE SHALL
25 INCLUDE THE STATEMENT “THIS VIDEO HAS BEEN ALTERED OR MODIFIED
26 THROUGH THE USE OF COMPUTER PROGRAMS TO DISPLAY AN EVENT, A SOUND, OR
27 AN IMAGE THAT DID NOT OCCUR.”.

28 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
29 THIS PARAGRAPH SHALL BE WRITTEN IN:

1 **1. TEXT THAT REMAINS VISIBLE TO THE VIEWER FOR**
2 **THE DURATION OF THE VIDEO RECORDING; AND**

3 **2. A TYPE SIZE THAT IS EASILY READABLE TO THE**
4 **AVERAGE VIEWER AND PLACED IN A CONSPICUOUS LOCATION IN THE FRAME OF THE**
5 **VIDEO.**

6 **(E) A PERSON THAT IS THE SUBJECT OF SYNTHETIC MEDIA PUBLISHED IN**
7 **VIOLATION OF THIS SECTION MAY SEEK TO ENJOIN THE PUBLICATION,**
8 **DISTRIBUTION, OR DISSEMINATION OF THE SYNTHETIC MEDIA BY A PERSON WHO**
9 **VIOLATES THE REQUIREMENTS OF THIS SECTION.**

10 **(F) THE STATE BOARD MAY:**

11 **(1) ADOPT REGULATIONS THAT ESTABLISH PROCEDURES TO:**

12 **(I) LABEL SYNTHETIC MEDIA RELATED TO ELECTIONS; AND**

13 **(II) REMOVE SYNTHETIC MEDIA RELATED TO ELECTIONS THAT**
14 **ARE PUBLISHED, DISTRIBUTED, OR DISSEMINATED, OR ARE CAUSED TO BE**
15 **PUBLISHED, DISTRIBUTED, OR DISSEMINATED, BY A FOREIGN PERSON; AND**

16 **(2) SEEK TO ENJOIN THE PUBLICATION, DISTRIBUTION, OR**
17 **DISSEMINATION OF SYNTHETIC MEDIA RELATED TO ELECTIONS BY A PERSON WHO**
18 **VIOLATES THE REQUIREMENTS OF THIS SECTION.**

19 13-602.

20 (a) (9) A person may not:

21 (i) publish or distribute, or cause to be published or distributed,
22 campaign material that violates § 13-401 of this title; [or]

23 (ii) publish, distribute, or disseminate, or cause to be published,
24 distributed, or disseminated, campaign material that violates § 13-401.1 of this title; **OR**

25 **(III) PUBLISH, DISTRIBUTE, OR DISSEMINATE, OR CAUSE TO BE**
26 **PUBLISHED, DISTRIBUTED, OR DISSEMINATED, CAMPAIGN MATERIAL IN VIOLATION**
27 **OF § 13-401.2(C) OF THIS TITLE.**

28 (b) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
29 **SUBSECTION, A person who violates this section is guilty of a misdemeanor and on**
30 **conviction is:**

1 [(1)] (I) subject to a fine not exceeding \$1,000 or imprisonment not
2 exceeding 1 year or both; and

3 [(2)] (II) ineligible to hold any public or party office for 4 years after the
4 date of the offense.

5 (2) A PERSON WHO VIOLATES SUBSECTION (A)(9)(III) OF THIS
6 SECTION IS SUBJECT TO A CIVIL PENALTY OF:

7 (I) FOR A REPEAT VIOLATION WITHIN 5 YEARS OF A PRIOR
8 VIOLATION, \$10,000;

9 (II) FOR A VIOLATION WITH THE INTENT TO CAUSE VIOLENCE
10 OR BODILY HARM, \$5,000; AND

11 (III) FOR ANY OTHER VIOLATION, \$1,000.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
13 measure, is necessary for the immediate preservation of the public health or safety, has
14 been passed by a ye and nay vote supported by three-fifths of all the members elected to
15 each of the two Houses of the General Assembly, and shall take effect from the date it is
16 enacted.