

HOUSE BILL 525

G1
SB 978/24 – EEE

5lr1689
CF SB 361

By: ~~Delegates Feldmark, D. Jones, Kaiser, Phillips, Ruth, Watson, Wells, and~~
~~Woods Woods, Wilkins, Palakovich Carr, Roberts, Wims, Ebersole, Fair,~~
~~Patterson, Young, and Vogel~~

Introduced and read first time: January 22, 2025
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2025

CHAPTER _____

1 AN ACT concerning

2 **Election Law – ~~Influence on a Voter's Voting Decision By Use of Fraud~~**
3 **Influencing a Voter By Dissemination of a Deepfake – Prohibition**

4 FOR the purpose of prohibiting a person from ~~using fraud to influence or attempt to~~
5 ~~influence a voter's voting decision; defining "fraud" to include the use of synthetic~~
6 ~~media; and generally relating to the use of fraud to influence a voter's voting decision,~~
7 with fraudulent intent, influencing or attempting to influence a voter's decision
8 whether or not to cast a vote or whether to vote for or against a candidate or ballot
9 issue by disseminating a deepfake; and generally relating to prohibiting influencing
10 or attempting to influence a voter by dissemination of a deepfake.

11 BY ~~repealing and reenacting, with amendments,~~ adding to
12 Article – Election Law
13 Section ~~16-201~~ 16-905
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2024 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Election Law**

19 ~~16-201.~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(a) (1) In this section[, “influence”] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “FRAUD” INCLUDES THE USE OF SYNTHETIC MEDIA.~~

~~(3) “INFLUENCE” includes the use of pressure, deception, trickery, or direct or indirect authority to induce action or to change the decision or act of another, regardless of the medium used.~~

~~(4) “SYNTHETIC MEDIA” MEANS AN IMAGE, AN AUDIO RECORDING, OR A VIDEO RECORDING THAT HAS BEEN INTENTIONALLY CREATED OR MANIPULATED WITH THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL TECHNOLOGY TO CREATE A REALISTIC BUT FALSE IMAGE, AUDIO RECORDING, OR VIDEO RECORDING;~~

~~(I) PURPORTING TO DEPICT A REAL, CLEARLY IDENTIFIED CANDIDATE OR THE SPEECH OR CONDUCT OF THE CANDIDATE; OR~~

~~(H) PRODUCING A FUNDAMENTALLY DIFFERENT UNDERSTANDING OR IMPRESSION OF AN INDIVIDUAL’S APPEARANCE, SPEECH, OR CONDUCT THAN A REASONABLE INDIVIDUAL WOULD HAVE FROM THE UNALTERED, ORIGINAL VERSION OF THE IMAGE, AUDIO RECORDING, OR VIDEO RECORDING.~~

~~(b) A person may not willfully and knowingly:~~

~~(1) (i) impersonate another person in order to vote or attempt to vote;~~

~~(ii) vote or attempt to vote under a false name;~~

~~(2) vote more than once for a candidate for the same office or for the same ballot question;~~

~~(3) vote or attempt to vote more than once in the same election, or vote in more than one election district or precinct;~~

~~(4) vote in an election district or precinct without the legal authority to vote in that election district or precinct;~~

~~(5) influence or attempt to influence a voter’s voting decision through the use of force, FRAUD, threat, menace, intimidation, bribery, reward, or offer of reward;~~

~~(6) influence or attempt to influence a voter’s decision, through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward, whether to:~~

(i) ~~go to the polls to cast a vote; or~~

(ii) ~~vote by other lawful means; or~~

(7) ~~engage in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.~~

(e) ~~Except as provided in § 16-1002 of this title, a person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.~~

(d) ~~A person who violates this section is subject to § 5-106(b) of the Courts Article.~~

16-905.

(A) IN THIS SECTION, “DEEPPFAKE” MEANS AN IMAGE, AN AUDIO RECORDING, OR A VIDEO RECORDING THAT HAS BEEN INTENTIONALLY CREATED OR MANIPULATED WITH THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL TECHNOLOGY TO CREATE A REALISTIC BUT FALSE DEPICTION OF A PERSON THAT AN ORDINARY PERSON WOULD CONCLUDE IS AN ACTUAL VISUAL OR AUDIO REPRESENTATION OF THE PERSON DEPICTED.

(B) THIS SECTION DOES NOT APPLY TO A DEEPPFAKE THAT IS:

(1) DISSEMINATED BY THE NEWS MEDIA; OR

(2) SATIRE OR PARODY.

(C) A PERSON MAY NOT, WITH FRAUDULENT INTENT, INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER’S DECISION WHETHER OR NOT TO CAST A VOTE OR WHETHER TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE BY DISSEMINATING A DEEPPFAKE.

(D) A PERSON ACTS WITH FRAUDULENT INTENT UNDER SUBSECTION (C) OF THIS SECTION ONLY IF THE PERSON DISSEMINATES A DEEPPFAKE:

(1) THAT MISREPRESENTS A FACT THAT IS MATERIAL TO A VOTER’S DECISION WHETHER OR NOT TO CAST A VOTE OR WHETHER TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE;

(2) WITH KNOWLEDGE THAT THE DEEPPFAKE IS A DEEPPFAKE, OR WITH RECKLESS DISREGARD FOR WHETHER THE DEEPPFAKE IS A DEEPPFAKE; AND

(3) WITH THE INTENT TO DECEIVE A VOTER AND INDUCE A VOTER TO CAST A VOTE OR NOT CAST A VOTE OR TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE AT LEAST IN PART ON THE BASIS OF THE DECEPTION.

(E) THE FOLLOWING PERSONS MAY NOT BE FOUND TO HAVE VIOLATED THIS SECTION BECAUSE THE PERSON'S SERVICES OR FACILITIES ARE USED BY ANOTHER PERSON TO DISSEMINATE A DEEPPAKE IN VIOLATION OF THIS SECTION:

(1) AN INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230;

(2) AN INTERNET SERVICE PROVIDER;

(3) A CLOUD SERVICE PROVIDER;

(4) A TELECOMMUNICATIONS NETWORK;

(5) A RADIO OR TELEVISION BROADCASTING STATION OR NETWORK;

(6) A CABLE, SATELLITE RADIO, SATELLITE TELEVISION, OR STREAMING SERVICE OPERATOR, PROGRAMMER, OR PRODUCER; OR

(7) A NEWSPAPER, MAGAZINE, WEBSITE, OR OTHER PERIODICAL PUBLICATION.

(F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.