

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 361

(Senator Hester)

Education, Energy, and the Environment

Ways and Means

**Election Law - Influence on a Voter's Voting Decision By Use of Fraud -
Prohibition**

This bill adds to current law – that prohibits a person from willfully and knowingly influencing or attempting to influence, through the use of fraud, a voter's decision whether to vote – by also prohibiting willfully and knowingly influencing or attempting to influence a voter's voting decision through the use of fraud. The bill (1) establishes that, for both of those prohibitions, “fraud” includes the use of synthetic media and (2) defines synthetic media to mean a specified image, audio recording, or video recording intentionally created or manipulated with the use of generative artificial intelligence or other digital technology to create a realistic but false image or recording. **The bill takes effect June 1, 2025.**

Fiscal Summary

State Effect: Special fund revenues may increase annually beginning in FY 2026. Expenditures are not expected to be materially affected.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: A person may not willfully and knowingly influence or attempt to influence (1) a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward or (2) a voter's decision whether to go to the polls to cast a vote or vote by other lawful means, through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward.

Chapter 126 of 2024 defines “influence,” under those prohibitions, to include 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.

A person who violates the prohibitions is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years. A person who violates the prohibition against influencing or attempting to influence, through specified means, a voter's decision whether to vote, without knowing that the act is illegal, is subject to a civil penalty of up to \$5,000. Monetary penalties for these violations are distributed to the Fair Campaign Financing Fund, which holds funds for public campaign financing of gubernatorial tickets under the Public Financing Act.

State Revenues: Special fund revenues may increase annually beginning in fiscal 2026 to the extent the bill results in increased collection of penalties. The extent of any increase cannot be reliably estimated.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 525 (Delegate Feldmark, *et al.*) - Ways and Means.

Information Source(s): Judiciary (Administrative Office of the Courts); State Prosecutor's Office; Department of Public Safety and Correctional Services; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 3, 2025
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