

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 525

Ways and Means

Rules

Election Law - Influencing a Voter By Dissemination of a Deepfake - Prohibition

This bill prohibits a person from, with specified fraudulent intent, influencing or attempting 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 "deepfake" (defined below). The bill does not apply to a deepfake that is disseminated by the news media or that is satire or parody. A person who violates the prohibition is subject to specified criminal penalties. **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

Bill Summary: The bill prohibits a person from, with fraudulent intent, influencing or attempting 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 deepfake. The prohibition does not apply to a deepfake that is (1) disseminated by the news media or (2) satire or parody.

"Deepfake" 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.

A person acts with fraudulent intent, under the prohibition, only if the person disseminates a deepfake (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 deepfake is a deepfake, or with reckless disregard for whether the deepfake is a deepfake; 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.

The following persons may not be found to have violated the prohibition because the person's services or facilities are used by another person to disseminate a deepfake in violation of the prohibition:

- an interactive computer service, as defined in specified federal law ("any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions");
- an Internet service provider;
- a cloud service provider;
- a telecommunications network;
- a radio or television broadcasting station or network;
- a cable, satellite radio, satellite television, or streaming service operator, programmer, or producer; or
- a newspaper, magazine, website, or other periodical publication.

A person who violates the prohibition is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years.

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.

State Revenues: Special fund (Fair Campaign Financing Fund) revenues may increase annually beginning in fiscal 2026 to the extent fines are imposed under the bill. The extent of any increase cannot be reliably estimated. Fines imposed for criminal violations of the Election Law Article are distributed to the Fair Campaign Financing Fund, which holds funds for public campaign financing of gubernatorial tickets under the Public Financing Act.

Additional Information

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

Designated Cross File: SB 361 (Senator Hester) - Education, Energy, and the Environment.

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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