

HOUSE BILL 145

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(PRE-FILED)

6lr0640
CF SB 141

By: ~~Delegate Feldmark~~ **Delegates Feldmark, Fair, Lehman, Ruth, and Terrasa**

Requested: July 16, 2025

Introduced and read first time: January 14, 2026

Assigned to: Government, Labor, and Elections

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2026

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of requiring and authorizing the State Administrator of Elections to take
5 certain actions if the State Administrator receives a credible report that election
6 misinformation or election disinformation has been or is being communicated,
7 disseminated, or distributed; authorizing the State Board of Elections to file a certain
8 civil action related to election misinformation or election disinformation; prohibiting
9 a person, under certain circumstances, from knowingly or with reckless disregard
10 using or disseminating a deepfake to produce materially false information; and
11 generally relating to election misinformation, election disinformation, and
12 deepfakes.

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 2–110
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2025 Supplement)

18 BY adding to
19 Article – Election Law
20 Section 16–905
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2025 Supplement)

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.



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

3 **Article – Election Law**

4 2–110.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Election disinformation” means incorrect or misleading information
7 regarding the time, place, or manner of an election, election results, or voting rights in the
8 State that is knowingly and deliberately disseminated.

9 (3) “Election misinformation” means incorrect or misleading information
10 regarding the time, place, or manner of an election, election results, or voting rights in the
11 State.

12 (b) (1) The State Board shall maintain a portal on the State Board’s website
13 that the public may use to report election misinformation and election disinformation.

14 (2) The State Board shall conduct a periodic review of material submitted
15 by the public through the portal and, to the extent necessary, issue corrective information
16 or refer submissions to the State Prosecutor.

17 (c) (1) **(I) IF THE STATE ADMINISTRATOR RECEIVES A CREDIBLE**
18 **REPORT THAT ELECTION MISINFORMATION OR ELECTION DISINFORMATION,**
19 **INCLUDING A DEEPPAKE, HAS BEEN OR IS BEING COMMUNICATED, DISSEMINATED,**
20 **OR DISTRIBUTED, THE STATE ADMINISTRATOR:**

21 ~~(H)~~ **1. SHALL COMMUNICATE, DISSEMINATE, OR**
22 **DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION**
23 **MISINFORMATION OR ELECTION DISINFORMATION;**

24 ~~(H)~~ **2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
25 **PARAGRAPH, MAY SEEK AN INJUNCTION IN ACCORDANCE WITH THE MARYLAND**
26 **RULES FOR THE REMOVAL OF THE ELECTION MISINFORMATION OR ELECTION**
27 **DISINFORMATION FROM ANY ONLINE PLATFORM; AND**

28 ~~(H)~~ **3. MAY ISSUE A SUBPOENA IN ACCORDANCE WITH THE**
29 **FEDERAL STORED COMMUNICATIONS ACT, IF APPLICABLE, FOR RECORDS RELATED**
30 **TO THE DISSEMINATION OR DISTRIBUTION OF THE ELECTION MISINFORMATION OR**
31 **ELECTION DISINFORMATION, INCLUDING INFORMATION RELATED TO THE**
32 **TARGETED AUDIENCE.**

1 (II) THE STATE ADMINISTRATOR MAY NOT SEEK AN
2 INJUNCTION UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH AGAINST AN
3 INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230, FOR THE
4 REMOVAL OF CONTENT DISSEMINATED BY AN ANOTHER PERSON THROUGH THE
5 INTERACTIVE COMPUTER SERVICE.

6 (2) (I) THE STATE BOARD MAY NOT FILE A CIVIL ACTION UNDER
7 THIS PARAGRAPH AGAINST A PERSON:

8 1. EXEMPT FROM THE REQUIREMENTS OF § 16-905 OF
9 THIS ARTICLE; OR

10 2. WHO SEEKS TO DETECT, REPORT, PREVENT,
11 INVESTIGATE, RESPOND TO, OR PROSECUTE PERSONS RESPONSIBLE FOR SECURITY
12 BREACHES, IDENTITY THEFT, FRAUD, HARASSMENT, OR OTHER MALICIOUS OR
13 ILLEGAL ACTIVITY.

14 (II) THE STATE BOARD, IN CONSULTATION WITH THE STATE
15 ADMINISTRATOR, MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT
16 JURISDICTION WITHIN THE STATE AGAINST A PERSON, CAMPAIGN, POLITICAL
17 ACTION COMMITTEE, OR OTHER LEGAL ENTITY IF THE STATE BOARD:

18 ~~(I)~~ 1. FINDS THAT THE ~~ENTITY PUBLISHED ELECTION~~
19 ~~MISINFORMATION OR ELECTION DISINFORMATION~~ PERSON CREATED, USED, OR
20 ~~DISSEMINATED:~~

21 A. ELECTION DISINFORMATION; OR

22 B. WITH RECKLESS DISREGARD, ELECTION
23 MISINFORMATION; AND

24 ~~(H)~~ 2. INCURS COSTS TO COMMUNICATE, DISSEMINATE, OR
25 DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION
26 MISINFORMATION OR ELECTION DISINFORMATION.

27 (3) THE STATE BOARD MAY SEEK DAMAGES, COURT COSTS, AND
28 ATTORNEY'S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH ~~(2)~~ (2)(II) OF THIS
29 SUBSECTION.

30 (4) A COURT MAY AWARD DAMAGES, COURT COSTS, OR ATTORNEY'S
31 FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION
32 ONLY BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT THE
33 PERSON, CAMPAIGN, POLITICAL ACTION COMMITTEE, OR OTHER LEGAL ENTITY
34 CREATED, USED, OR DISSEMINATED:

1 **(I) ELECTION DISINFORMATION; OR**

2 **(II) WITH RECKLESS DISREGARD, ELECTION MISINFORMATION.**

3 **16-905.**

4 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

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

12 **(3) “INFLUENCE” HAS THE MEANING STATED IN § 16-201 OF THIS**
13 **TITLE.**

14 **(B) THIS SECTION DOES NOT APPLY:**

15 **(1) WITH RESPECT TO A DEEPPFAKE THAT IS SATIRE OR PARODY;**

16 **(2) TO A RADIO OR TELEVISION BROADCASTING STATION, INCLUDING**
17 **A CABLE OR SATELLITE TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER, OR**
18 **AN AFFILIATE OF THE RADIO OR TELEVISION BROADCASTING STATION, THAT**
19 **BROADCASTS A DECEPTIVE AND FRAUDULENT DEEPPFAKE IF:**

20 **(I) THE BROADCAST IS REQUIRED BY THE FEDERAL LAW THAT**
21 **REQUIRES BROADCASTERS TO AIR ADVERTISEMENTS FROM LEGALLY QUALIFIED**
22 **CANDIDATES;**

23 **(II) THE BROADCAST:**

24 ~~1.~~ **IS PART OF A BONA FIDE NEWSCAST, A NEWS**
25 **INTERVIEW, A NEWS DOCUMENTARY, OR ON-THE-SPOT COVERAGE OF BONA FIDE**
26 **NEWS EVENTS; ~~AND~~**

27 ~~2.~~ **~~CLEARLY IDENTIFIES TO THE AUDIENCE THROUGH~~**
28 **~~CONTENT OR A DISCLOSURE IN A MANNER THAT CAN BE EASILY HEARD OR READ BY~~**
29 **~~THE AVERAGE LISTENER OR VIEWER THAT THE DEEPPFAKE MAY CONTAIN DECEPTIVE~~**
30 **~~AUDIO OR VISUAL MEDIA; OR~~**

(III) THE BROADCASTER HAS:~~**1. BEEN PAID TO BROADCAST THE DEEPFAKE; AND**~~~~**2. MADE A GOOD FAITH EFFORT TO ESTABLISH THAT THE DEEPFAKE IS NOT A DECEPTIVE AND FRAUDULENT DEEPFAKE; OR**~~~~**(3) TO A WEBSITE OR REGULARLY PUBLISHED NEWSPAPER, MAGAZINE, OR OTHER PERIODICAL OF GENERAL CIRCULATION, INCLUDING AN INTERNET OR ELECTRONIC PUBLICATION, THAT ROUTINELY CARRIES NEWS AND COMMENTARY OF GENERAL INTEREST AND THAT PUBLISHES A DECEPTIVE AND FRAUDULENT DEEPFAKE IF THE WEBSITE OR PERIODICAL CLEARLY STATES THAT THE MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA DOES NOT ACCURATELY REPRESENT THE SPEECH OR CONDUCT OF THE CANDIDATE.**~~**(C) THE FOLLOWING PERSONS MAY NOT BE FOUND TO HAVE VIOLATED THIS SECTION SOLELY BECAUSE THE PERSON'S SERVICES OR FACILITIES ARE USED BY ANOTHER PERSON TO DISSEMINATE A DEEPFAKE 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 STREAMING SERVICE PROVIDER; OR****(5) A TELECOMMUNICATIONS NETWORK.**~~**(D)**~~ **(D) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD USE CREATE, USE, OR DISSEMINATE A DEEPFAKE TO PRODUCE MATERIALLY FALSE INFORMATION IF:****(1) THE PERSON HAS THE INTENT TO USE THE DEEPFAKE TO:**~~**(1)**~~ **(I) IMPEDE, INFLUENCE, PREVENT, OR ATTEMPT TO IMPEDE, INFLUENCE, OR PREVENT A VOTER'S DECISION TO CAST A BALLOT;**~~**(2)**~~ **(II) MISREPRESENT FACTS RELATING TO VOTER REGISTRATION, VOTING METHODS, ELECTION RESULTS, ELECTORAL PROCESSES, OR OFFICIAL DUTIES OF AN ELECTION OFFICIAL; OR**

1 ~~(3)~~ (III) INDUCE OR ATTEMPT TO INDUCE ANOTHER INDIVIDUAL TO
2 SIGN OR NOT SIGN A PETITION FOR A QUESTION TO APPEAR ON A BALLOT; OR

3 (IV) INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER'S
4 DECISION WHETHER TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE; AND

5 (2) THE CREATION, USE, OR DISSEMINATION OF THE DEEPPAKE
6 RESULTS, OR HAS THE INTENT TO RESULT, IN HARM TO A VOTER, POTENTIAL VOTER,
7 OR PETITION.

8 ~~(D)~~ (E) A PERSON WHO VIOLATES SUBSECTION ~~(C)~~ (D) OF THIS SECTION
9 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT
10 MORE THAN \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.