

SENATE BILL 141

G1
SB 361/25 – EEE

(PRE-FILED)

6lr0641
CF HB 145

By: **Senator Hester**

Requested: July 16, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

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

24 **Article – Election Law**

25 2–110.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

(c) (1) IF THE STATE ADMINISTRATOR RECEIVES A CREDIBLE REPORT THAT ELECTION MISINFORMATION OR ELECTION DISINFORMATION, INCLUDING A DEEPFAKE, HAS BEEN OR IS BEING COMMUNICATED, DISSEMINATED, OR DISTRIBUTED, THE STATE ADMINISTRATOR:

(I) SHALL COMMUNICATE, DISSEMINATE, OR DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION MISINFORMATION OR ELECTION DISINFORMATION;

(II) MAY SEEK AN INJUNCTION FOR THE REMOVAL OF THE ELECTION MISINFORMATION OR ELECTION DISINFORMATION FROM ANY ONLINE PLATFORM; AND

(III) MAY ISSUE A SUBPOENA FOR RECORDS RELATED TO THE DISSEMINATION OR DISTRIBUTION OF THE ELECTION MISINFORMATION OR ELECTION DISINFORMATION, INCLUDING INFORMATION RELATED TO THE TARGETED AUDIENCE.

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

(I) FINDS THAT THE ENTITY PUBLISHED ELECTION MISINFORMATION OR ELECTION DISINFORMATION; AND

(II) INCURS COSTS TO COMMUNICATE, DISSEMINATE, OR
DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION
MISINFORMATION OR ELECTION DISINFORMATION.

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

16-905.

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

(2) "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.

(3) "INFLUENCE" HAS THE MEANING STATED IN § 16-201 OF THIS
TITLE.

(B) THIS SECTION DOES NOT APPLY:

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

(2) TO A RADIO OR TELEVISION BROADCASTING STATION, INCLUDING
A CABLE OR SATELLITE TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER,
THAT BROADCASTS A DECEPTIVE AND FRAUDULENT DEEPPFAKE IF:

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

(II) THE BROADCAST:

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

2. CLEARLY IDENTIFIES TO THE AUDIENCE THROUGH
CONTENT OR A DISCLOSURE IN A MANNER THAT CAN BE EASILY HEARD OR READ BY

1 THE AVERAGE LISTENER OR VIEWER THAT THE DEEPFAKE MAY CONTAIN DECEPTIVE
2 AUDIO OR VISUAL MEDIA; OR

3 (III) THE BROADCASTER HAS:

4 1. BEEN PAID TO BROADCAST THE DEEPFAKE; AND

5 2. MADE A GOOD FAITH EFFORT TO ESTABLISH THAT
6 THE DEEPFAKE IS NOT A DECEPTIVE AND FRAUDULENT DEEPFAKE; OR

7 (3) TO A WEBSITE OR REGULARLY PUBLISHED NEWSPAPER,
8 MAGAZINE, OR OTHER PERIODICAL OF GENERAL CIRCULATION, INCLUDING AN
9 INTERNET OR ELECTRONIC PUBLICATION, THAT ROUTINELY CARRIES NEWS AND
10 COMMENTARY OF GENERAL INTEREST AND THAT PUBLISHES A DECEPTIVE AND
11 FRAUDULENT DEEPFAKE IF THE WEBSITE OR PERIODICAL CLEARLY STATES THAT
12 THE MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA DOES NOT ACCURATELY
13 REPRESENT THE SPEECH OR CONDUCT OF THE CANDIDATE.

14 (C) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD USE
15 OR DISSEMINATE A DEEPFAKE TO PRODUCE MATERIALLY FALSE INFORMATION IF
16 THE PERSON HAS THE INTENT TO USE THE DEEPFAKE TO:

17 (1) IMPEDE, INFLUENCE, PREVENT, OR ATTEMPT TO IMPEDE,
18 INFLUENCE, OR PREVENT A VOTER'S DECISION TO CAST A BALLOT;

19 (2) MISREPRESENT FACTS RELATING TO VOTER REGISTRATION,
20 VOTING METHODS, ELECTION RESULTS, ELECTORAL PROCESSES, OR OFFICIAL
21 DUTIES OF AN ELECTION OFFICIAL; OR

22 (3) INDUCE OR ATTEMPT TO INDUCE ANOTHER INDIVIDUAL TO SIGN
23 OR NOT SIGN A PETITION FOR A QUESTION TO APPEAR ON A BALLOT.

24 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
25 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
26 \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
28 1, 2026.