

SENATE BILL 141

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SB 361/25 – EEE

(PRE-FILED)

6lr0641
CF HB 145

By: ~~Senator Hester~~ Senators Hester, Brooks, Feldman, Harris, Kagan, and M. Washington

Requested: July 16, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 3, 2026

Returned to second reading: February 5, 2026

Senate action: Adopted with floor amendments

Read second time: February 7, 2026

CHAPTER _____

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, creating,
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

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.



Article – Election Law

Section 16–905

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)

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

Article – Election Law

2–110.

(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~~ PERSON CREATED,
USED, OR DISSEMINATED 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) (I) ~~THE EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
PARAGRAPH, THE STATE BOARD MAY SEEK DAMAGES, COURT COSTS, AND
ATTORNEY'S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2) OF THIS
SUBSECTION.

(II) THE STATE BOARD MAY NOT SEEK DAMAGES, COURT
COSTS, OR ATTORNEY'S FEES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A
CIVIL ACTION AGAINST A PERSON EXEMPT FROM THE REQUIREMENTS OF § 16-905
OF THIS ARTICLE.

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 DEEPPAKE 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 DEEPPAKE 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 THE AVERAGE LISTENER OR VIEWER THAT THE DEEPPAKE MAY CONTAIN DECEPTIVE AUDIO OR VISUAL MEDIA; OR

(III) THE BROADCASTER HAS:

~~1.~~ BEEN PAID TO BROADCAST THE DEEPPAKE; ~~AND~~

~~2.~~ ~~MADE A GOOD FAITH EFFORT TO ESTABLISH THAT THE DEEPPAKE IS NOT A DECEPTIVE AND FRAUDULENT DEEPPAKE; 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 DEEPPAKE 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) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD ~~USE~~ CREATE, USE, OR DISSEMINATE A DEEPPAKE TO PRODUCE MATERIALLY FALSE INFORMATION IF THE PERSON HAS THE INTENT TO USE THE DEEPPAKE TO:

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

1 **(2) MISREPRESENT FACTS RELATING TO VOTER REGISTRATION,**
2 **VOTING METHODS, ELECTION RESULTS, ELECTORAL PROCESSES, OR OFFICIAL**
3 **DUTIES OF AN ELECTION OFFICIAL; OR**

4 **(3) INDUCE OR ATTEMPT TO INDUCE ANOTHER INDIVIDUAL TO SIGN**
5 **OR NOT SIGN A PETITION FOR A QUESTION TO APPEAR ON A BALLOT.**

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.