

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.



1 Article – Election Law
2 Section 16–905
3 Annotated Code of Maryland
4 (2022 Replacement Volume and 2025 Supplement)

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

7 **Article – Election Law**

8 2–110.

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

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

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

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

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

21 **(C) (1) IF THE STATE ADMINISTRATOR RECEIVES A CREDIBLE REPORT**
22 **THAT ELECTION MISINFORMATION OR ELECTION DISINFORMATION, INCLUDING A**
23 **DEEPMFAKE, HAS BEEN OR IS BEING COMMUNICATED, DISSEMINATED, OR**
24 **DISTRIBUTED, THE STATE ADMINISTRATOR:**

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

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

31 **(III) MAY ISSUE A SUBPOENA FOR RECORDS RELATED TO THE**
32 **DISSEMINATION OR DISTRIBUTION OF THE ELECTION MISINFORMATION OR**

1 ELECTION DISINFORMATION, INCLUDING INFORMATION RELATED TO THE
2 TARGETED AUDIENCE.

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

7 (I) FINDS THAT THE ~~ENTITY PUBLISHED~~ PERSON CREATED,
8 USED, OR DISSEMINATED ELECTION MISINFORMATION OR ELECTION
9 DISINFORMATION; AND

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

13 (3) (I) THE EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
14 PARAGRAPH, THE STATE BOARD MAY SEEK DAMAGES, COURT COSTS, AND
15 ATTORNEY'S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2) OF THIS
16 SUBSECTION.

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

21 16-905.

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

24 (2) "DEEPMODE" MEANS AN IMAGE, AN AUDIO RECORDING, OR A
25 VIDEO RECORDING THAT HAS BEEN INTENTIONALLY CREATED OR MANIPULATED
26 WITH THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL
27 TECHNOLOGY TO CREATE A REALISTIC BUT FALSE DEPICTION OF A PERSON THAT
28 AN ORDINARY PERSON WOULD CONCLUDE IS AN ACTUAL VISUAL OR AUDIO
29 REPRESENTATION OF THE PERSON DEPICTED.

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

32 (B) THIS SECTION DOES NOT APPLY:

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

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

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

8 (II) THE BROADCAST:

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

16 (III) THE BROADCASTER HAS:

¶ BEEN PAID TO BROADCAST THE DEEPFAKE; AND

2. MADE A GOOD FAITH EFFORT TO ESTABLISH THAT A DECEPTIVE AND FRAUDULENT DEEPFAKE; OR

20 (3) TO A WEBSITE OR REGULARLY PUBLISHED NEWSPAPER,
21 MAGAZINE, OR OTHER PERIODICAL OF GENERAL CIRCULATION, INCLUDING AN
22 INTERNET OR ELECTRONIC PUBLICATION, THAT ROUTINELY CARRIES NEWS AND
23 COMMENTARY OF GENERAL INTEREST AND THAT PUBLISHES A DECEPTIVE AND
24 FRAUDULENT DEEPFAKE IF THE WEBSITE OR PERIODICAL CLEARLY STATES THAT
25 THE MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA DOES NOT ACCURATELY
26 REPRESENT THE SPEECH OR CONDUCT OF THE CANDIDATE.

27 (C) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD ~~USE~~
28 CREATE, USE, OR DISSEMINATE A DEEPMODEL TO PRODUCE MATERIALLY FALSE
29 INFORMATION IF THE PERSON HAS THE INTENT TO USE THE DEEPMODEL 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.