

Chapter 444

(Senate Bill 141)

AN ACT concerning

Election Law – Election Misinformation, Election Disinformation, and Deepfakes

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

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

BY adding to
 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) (I) IF THE STATE ADMINISTRATOR RECEIVES A CREDIBLE REPORT THAT ELECTION MISINFORMATION OR ELECTION DISINFORMATION, INCLUDING A DEEPPAKE, HAS BEEN OR IS BEING COMMUNICATED, DISSEMINATED, OR DISTRIBUTED, THE STATE ADMINISTRATOR:

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

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

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

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

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

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

2. WHO SEEKS TO DETECT, REPORT, PREVENT, INVESTIGATE, RESPOND TO, OR PROSECUTE PERSONS RESPONSIBLE FOR SECURITY

BREACHES, IDENTITY THEFT, FRAUD, HARASSMENT, OR OTHER MALICIOUS OR ILLEGAL ACTIVITY.

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

A. ELECTION DISINFORMATION; OR

B. WITH RECKLESS DISREGARD, ELECTION MISINFORMATION; AND

~~(II)~~ 2. 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~~ THE STATE BOARD MAY SEEK DAMAGES, COURT COSTS, AND ATTORNEY’S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH ~~(2)~~ (2)(II) 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.~~

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

(I) ELECTION DISINFORMATION; OR

(II) WITH RECKLESS DISREGARD, ELECTION MISINFORMATION.

16-905.

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

(2) “DEEPPAKE” 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, OR AN AFFILIATE OF THE RADIO OR TELEVISION BROADCASTING STATION, 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;~~ OR

(4) TO ANY ONLINE PUBLISHER OR SERVICE PROVIDER FOR ACTS THAT WOULD BE SUBJECT TO IMMUNITY UNDER 47 U.S.C. § 230.

(C) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD ~~USE~~ CREATE, USE, OR DISSEMINATE A DEEPPAKE TO PRODUCE MATERIALLY FALSE INFORMATION IF:

(1) THE PERSON HAS THE INTENT TO USE THE DEEPPAKE 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~~

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

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

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

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

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

Approved by the Governor, May 12, 2026.