



# Maryland State Board of Elections

## HB 198

### Election Law – Online Campaign Material –Use of Deepfakes Delegates Cain, Bartlett, Carey, Chang and Chisholm

#### **Purpose:**

To inform voters and potential voters of altered or enhanced video or audio recordings attempting to influence the voter's decision to go to the polls or cast a vote.

#### **Comments:**

The State Board of Elections offers informational testimony on the proposed legislation.

A deepfake is a video or audio recording on social media or other public facing internet websites that was altered or enhanced in a manner unknown to the viewer of the video. The scope of the legislation is limited to campaigns, independent expenditure entities and their agents. The legislation requires if a campaign committee or an independent expenditure entity or their agents publishes, disseminates or distributes a video that depicts a fictional or an altered or enhanced action or audio statement from its original content or source material, the committee or independent expenditure entity must clearly identify the video or audio was altered prior to publication or dissemination.

The State Administrator may investigate potential violations for failure to identify an altered video or audio recording. In order to prevent the willfully and knowingly dissemination of a fictional or an altered or enhanced action or audio statement by a campaign or independent expenditure entity to influence a voter's decision to go to the polls or cast a vote, the State Administrator may seek the removal of the deepfake from that online platform. The injunction enforcement provision is necessary to act quickly to prevent the deepfake from going viral. This power is similar to the one previously granted by the General Assembly to the State Administrator to counter the influence of unidentified paid online political ads. In a similar fashion as paid online political ads, the person who published, disseminated or distributed the deepfake will be provided notice of the investigation. Additionally, prior to seeking the removal of the deepfake, the person will be afforded due process rights including presenting mitigating circumstances and other evidence to the State Board.

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**LINDA H. LAMONE, ADMINISTRATOR  
STATE BOARD OF ELECTIONS**

W & M 2/6/2020