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Ways and Means Committee

Education Subcommittee

Election Law Subcommittee

The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

In SUPPORT of HB0198
Election Law–Online Campaign Material–Use of Deepfakes

Chair Kaiser, Vice-Chair Washington, and Members of the Ways and Means Committee:

Thank you for the opportunity to testify on a bill that will help ensure that protections for our democracy keep pace with technology.

As you know, deepfakes are videos, sound clips, or photographs of a real person that depict the subject doing something that they didn't actually do or saying something they didn't actually say. Deepfakes can be very convincing. I would now like to show a video clip with a few deepfakes:

[Video]

As you can see, it can be hard to tell what is real and what has been altered. It's possible to take a video of any of us, run it through free software, and produce a video seeming to show any one of us doing or saying something we didn't actually do or say. With advanced software, someone could take a single picture of your face, or my face, and edit it so it appears that we are saying, or doing, just about anything.
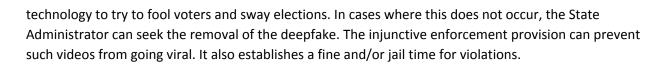
Deepfakes were originally used to maliciously edit faces of non-consenting women, mainly actresses, into pornographic material. Over 13,000 deepfake pornographic videos exist online[1]. Malicious deepfake producers have also targeted businesses. Last year, an audio deepfake was used to impersonate the voice of a CEO to scam an employee into wiring hundreds of thousands of dollars to scammers.[2]

Now deepfake videos are being used politically, generally to degrade a candidate's image, and I am concerned that we could see an increase in deepfakes as the 2020 Presidential election approaches.

This bipartisan bill is about transparency and requires a campaign that alters or enhances a video to clearly identify that it was altered. bans the publication, distribution, or dissemination of political deepfakes 90 days before an election. The intent is to prevent malicious deepfake producers from using

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[1] https://deeptracelabs.com/resources/
[2]
https://www.forbes.com/sites/jessedamiani/2019/09/03/a-voice-deepfake-was-used-to-scam-a-ceo-out-of-243000/#3717fc8a2241

technology to try to fool voters and sway elections. In cases where this does not occur, the State Administrator can seek the removal of the deepfake. The injunctive enforcement provision can prevent such videos from going viral. It also establishes a fine and/or jail time for violations.

In order to protect our democracy from dangerous forms of fraud and disinformation, I respectfully request a favorable report on this bill. Thank you.