

SB978

Election Law - Synthetic Media - Disclosure and Regulation

Testimony before the Education, Energy, and the Environment Committee

Hearing February , 21 2024

Position: Favorable

Dear Chair Feldman, Vice-Chair Kagan, and members of the committee,

My name is Peter Alexander. I am a resident of Woodbine, Howard County, MD and a constituent of Senator Hester's. I am writing today **in support of SB978** and I thank the Senator for introducing this important bill.

We are just beginning to appreciate the importance of synthetic media in our daily lives. Almost every day we hear news about how our images and voices can be copied and manipulated, often by "bad actors" with malicious intent. These "deep fakes" can have an enormous impact in this era of social media and mis- and disinformation.

Senate Bill 978 aims to regulate synthetic media, or "deep fakes," as they relate to elections. It requires:

- Publishers and creators of synthetic media to disclose that the photo or video "has been altered or modified through the use of computer programs ... that did not occur."
 - This only applies to synthetic media used within or in regard to elections.
- Original content is to be submitted to the State Board of Elections. This includes specific disclosures about the medium's authenticity.
 - If synthetic media are used on a campaign's mailers, it must be disclosed within the authority line.
 - If there is no "original content," the publisher and creator of the synthetic media will disclose to the State Board of Elections what AI model created the image, what prompt was used, and a timestamp for the creation.
- The State Board of Elections will adopt regulations for labeling or removing synthetic media and seek injunctions against non-compliant publications.

The bill also establishes:

- Violations that include fines or imprisonment, depending on the nature of the offense.

This bill is considered an emergency measure so that it will take effect in time for the upcoming 2024 election cycle.

Thank you for your consideration of this important legislation.

I respectfully urge a favorable report.

Peter Alexander, PhD
District 9A
Woodbine, MD 21797