

March 26, 2024

Testimony on SB 978
Election Law - Synthetic Media - Disclosure and Regulation
Ways & Means

Position: Favorable

Common Cause Maryland supports SB 978 which would require that individuals disclose any deepfake or AI-generated media content that is being distributed to the public to the State Board of Elections (SBE). It also provides SBE the opportunity to label or remove such content when necessary.

Academics and researchers have been sounding the alarm about the use of deepfakes in our elections since well before the dramatic rise in interest in Artificial Intelligence (AI) and the potential risks to democracy and national security. The public is also beginning to understand the risk posed by the use of AI in our elections, with polls from [Ispos](#) and [YouGov](#) showing anywhere from 70% to 85% of people concerned about the role AI deepfakes and other AI-generated content could play in the spread of misinformation. At the same time, research is raising concerns about the ability of viewers to recognize deepfakes when they see them. For example, a [study](#) by the Rand Corporation found that 27% to 50% of respondents were unable to distinguish deepfakes.

Deepfakes and AI-generated content would likely cause harm to communities that have been targets of disinformation campaigns – from Black and brown communities, young people, those with first language is not English and those with limited mobility – as there is limited ability to combat biases as the systems used to identify this type of content can for example not [recognize darker skin tones](#).

SB 978 aims to mitigate these risks by establishing a process that ensures we know who and what deepfake or AI content is being distributed to the public with a process to combat any disinformation in this content. Several states like California and Texas have already taken steps to counter deepfakes, with many others with bills moving through their legislature, especially as AI deepfakes are already appearing in our elections and expected to increase as we get closer to the 2024 general election.

Disinformation is already a threat to democracy and deepfakes and AI builds on that danger. It is critical that the Maryland General Assembly respond promptly to this new technology to ensure our regulations address these changes. SB 978 is a step in that direction.

We urge a favorable report.