March 1, 2024

The Honorable Vanessa Atterbeary
Chair
House Ways and Means Committee
Maryland House of Delegates
Room 131
House Office Building
Annapolis, MD 21401

RE: *HB 872 (Kaiser) - Election Law – Campaign Materials – Disclosure of Use of Synthetic Media.*

Dear Chair Atterbeary and Members of the Committee,

On behalf of TechNet, I'm writing to offer comments on HB 872 related to synthetic media and campaign materials.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, and Washington, D.C.

Artificial intelligence has the potential to help us solve the greatest challenges of our time. It is being used to predict severe weather more accurately, protect critical infrastructure, defend against cyber threats, and accelerate the development of new medical treatments, including life-saving vaccines and ways to detect earlier signs of cancer. However, recognizing and addressing the genuine risks associated with AI is crucial for its responsible advancement. That includes preventing candidates and their agents from using AI to release deliberately misleading campaign content.

TechNet supports the clear disclosure by the creators of political content that is created in whole or in part by generative artificial intelligence tools. We suggest clarification to ensure that liability for dissemination of such media is limited to the

natural person who creates and disseminates it, and not on intermediaries such as internet service providers, platforms, or tools that may be used in its creation or dissemination.

Furthermore, we request that the term "natural" be added before every reference to person to clarify that only the creator or sponsor of the content in question can violate the law by not including a disclosure. It would also be prudent to add exemptions for the use of AI and machine learning for cybersecurity and anti-fraud purposes. This would ensure that entities working to detect and identify deepfakes, as well as deter such activity and remediate and address fraud, cannot be prosecuted under this bill.

This is a quickly developing area of new policy. TechNet and its member companies hope to be a resource to lawmakers on this issue. If you have any questions regarding TechNet's concerns, please don't hesitate to reach out. We look forward to continuing conversations with you on this important issue.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic