



TESTIMONY IN SUPPORT OF SB361- ELECTION LAW - INFLUENCE ON A VOTER'S VOTING DECISION BY USE OF FRAUD – PROHIBITION

EDUCATION, ENERGY AND THE ENVIRONMENT

FEBRUARY 26, 2025

Chair Feldman, Vice Chair Kagan, and members of the Ways and Means Committee, thank you for the opportunity to testify in support of SB361 - ELECTION LAW - INFLUENCE ON A VOTER'S VOTING DECISION BY USE OF FRAUD – PROHIBITION.

My name is Ben Yelin, and I am the Program Director for Public Policy & External Affairs at the University of Maryland Center for Health and Homeland Security. During the interim, our team of legal researchers studied state legislation related to Artificial Intelligence. We were pleased to be able to brief members of the Joint Committee on Cybersecurity, Information Technology and Biotechnology on emerging issues in AI, and how other states were crafting policies to meet these new challenges.

One of our areas of study included looking at state statutes regulating the use of deep fakes during political campaigns. Several states, not just blue States like California, but also red states like Texas and Kentucky have recognized the need to institute regulations and restrictions on the dissemination of misleading synthetic media. These state governments have recognized that a functioning democracy relies on access to accurate information about candidates and campaigns. Because of rapidly advancing technology, synthetic media such as “deep fakes” have become easier to produce, and more convincing than they were even a couple of years ago. It is incumbent upon policymakers to ensure that when someone hears a candidate speaking or observes the candidates’ conduct, the public can be assured it is indeed *that candidate* and that the words and conduct are true and authentic.

SB361 is a simple, common-sense measure that would put Maryland at the forefront of the effort to combat election-related misleading synthetic media. This bill would broaden the definition of election fraud to include the use of synthetic media to depict a candidate in a false or misleading way. The problem this bill seeks to remedy is not theoretical. Last year, during the New Hampshire primary, thousands of voters [received](#) AI-generated robocalls purporting to be from President Biden, instructing them not to vote. Other examples of using artificial intelligence to create a misleading impression of a candidate can be more subtle, but just as harmful. During last year’s Indiana Governor’s race, one of the candidates [released an ad](#) depicting his opponent at a political rally with rallygoers holding signs in the background that read “Ban Gas Stoves.” Of course, no such rally had occurred. The image was digitally altered using artificial intelligence.

These examples highlight the urgency of legislative action to protect the integrity of our elections. SB361 does just that. This bill is narrowly targeted in a way that does not jeopardize Marylanders’ right to free speech or expression and is consistent with approaches taken in other States.

For these reasons, I respectfully urge a favorable report on SB361.