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Education, Energy, and
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Chair, Joint Committee on
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB 0361 – Election Law – Influence on a Voter’s Voting Decision
By Use of Fraud – Prohibition**

February 26, 2025

Chairman Feldman, Vice-Chair Kagan, and members of the Education, Energy, and the Environment Committee:

Thank you for your consideration of SB 0361 – Election Law – Influence on a Voter’s Voting Decision By Use of Fraud – Prohibition, which aims to classify AI-generated materials created to influence a voter’s decision in an election as fraud. Last year, you heard a different version of this bill, SB 978, which passed out of this committee but ultimately did not move out of the House. Over the interim, we worked with State Administrator of Elections Jared Demarinis to make improvements to the bill, which is crossfiled by Delegate Feldmark.

As you know, election interference has become increasingly problematic as artificial intelligence grows more accessible. Synthetic pictures, videos, and audio recordings produced by AI technology empower social media trolls to spread deceiving content about electoral candidates online. The rise of deepfakes spread to the electorate during election cycles has created distrust in what is news and what is not.

In the most recent election cycle, we have seen the use of AI-generated content to dissuade people from voting for certain candidates. In September, Taylor Swift took to social media to endorse candidate Kamala Harris, in part to disprove deepfake content that falsely depicted her supporting Donald Trump.¹ In another instance, Elon Musk shared a video containing an AI-generated voice of Kamala Harris calling herself a “diversity hire” to his X account.² Recently, the FCC has declared the use of AI-cloned voices in robocall scams illegal, but this only protects tele-communications—not cloned voices on social media.

¹<https://abcnews.go.com/Politics/ai-deepfakes-top-concern-election-officials-voting-underway/story?id=114202574>

² <https://apnews.com/article/parody-ad-ai-harris-musk-x-misleading-3a5df582f911a808d34f68b766aa3b8e>

[Today, over 20 states have laws on the book to address deceptive deep fakes in elections](#)³ (Figure 1). For example:⁴

- Texas – In 2019, Texas made it a criminal offense to create a fabricated video with the intent to harm a candidate or influence the outcome of an election.
- New Mexico – A bill passed in February of 2024 made it a criminal act to knowingly distribute “materially deceptive media” within 90 days of an election without proper disclaimers.
- Oregon – In 2024, lawmakers passed a bill requiring synthetic media created to influence an election must disclose that it is AI-generated.

SB 361 takes a firm stance against deepfake content created to harm or influence elections. Rather than requiring a publisher of synthetic media to disclose its AI-generated content, this bill classifies synthetic media used to influence a person’s voter behavior as fraud.

Specifically, this bill:

- Prohibits a person from using fraud to influence a voter’s voting decision.
- Defines “fraud” to include the use of synthetic media.
- Defines “influence” to include the use of pressure, deception, trickery, or authority to incite action or to change the behaviors of another individual.
- Clearly defines “synthetic media” as a realistic image, video, or audio recording created or manipulated with the use of generative artificial intelligence to depict a real candidate, the speech, and/or the conduct of a candidate to produce a fundamentally different understanding or impression of an individual.

Last year’s bill took on all digitally manipulated content used on political campaigns and required the content be labeled as altered. This year’s bill takes a different approach: defining the use of deceptive deepfakes in elections as a form of voting fraud.

In summary, as AI becomes more sophisticated and prevalent in everyday life, we must protect against its capability to serve as a tool for misinformation. This bill is an essential step towards protecting our elections against misinformation and maintaining trust in our system of government. For these reasons, I respectfully request a favorable report on SB 0361.

Sincerely,

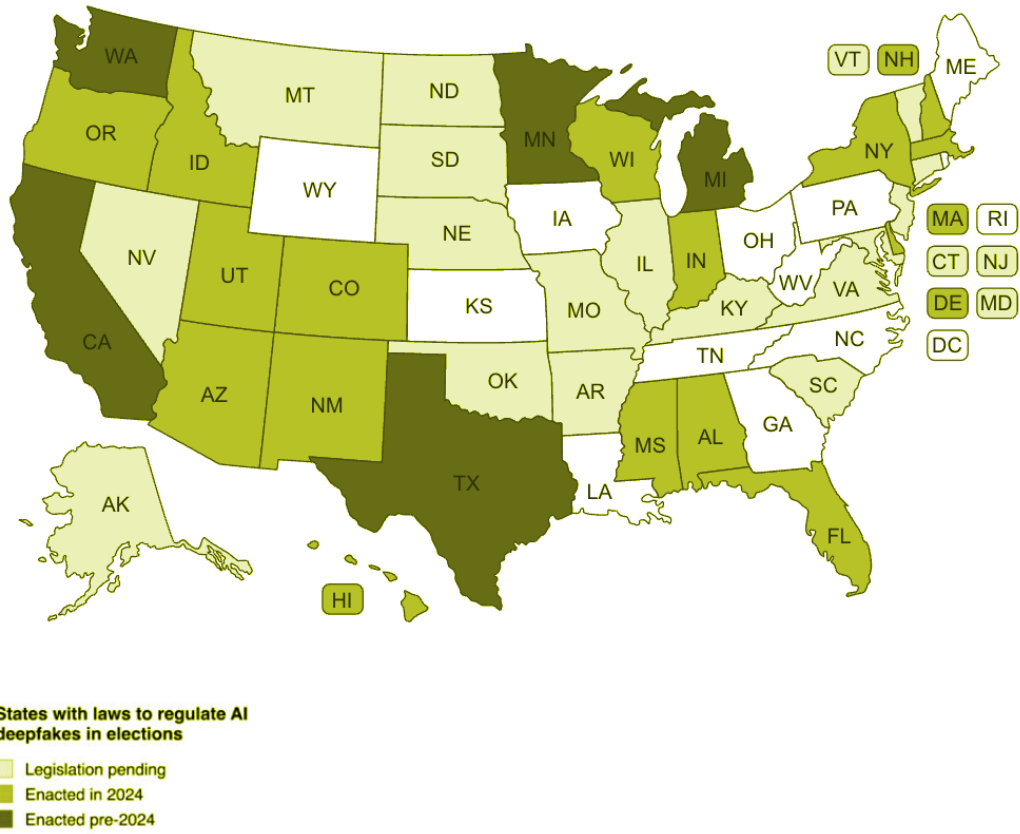


Senator Katie Fry Hester
Howard and Montgomery Counties

³ <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

⁴ <https://www.thomsonreuters.com/en-us/posts/government/deepfakes-federal-state-regulation/>

Figure 1 (Public Citizen)



Source: <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

Table 1: Enacted Prior to 2025

STATE	BILL NO.	STATUS
Alabama	HB 172	Enacted May 2024
Arizona	HB 2394	Enacted May 2024
Arizona	SB 1359	Enacted May 2024
California	AB 730	Enacted Oct. 2019
California	AB 972	Enacted Sept. 2022
California	AB 2355	Enacted Sept. 2024
California	AB 2839	Enacted Sept. 2024

California	AB 2655	Enacted Sept. 2024
Colorado	HB 1147	Enacted May 2024
Delaware	HB 316 HS 1	Enacted October 2024
Florida	HB 919	Enacted April 2024
Hawaii	SB 2687	Enacted July 2024
Idaho	HB 664	Enacted Mar. 2024
Indiana	HB 1133	Enacted Mar. 2024
Massachusetts	H 5100S 2856 Amendment 7	Enacted Nov 2024 (Sunsets Feb 2025)
Michigan	HB 5144	Enacted Nov. 2023
Minnesota	HF 1370	Enacted May 2023
Minnesota	HF 4772	Enacted May 2024
Mississippi	SB 2577	Enacted April 2024
New Hampshire	HB 1596	Enacted August 2024
New Hampshire	HB 1432	Enacted July 2024
New Mexico	HB 182	Enacted Mar. 2024
New York	NY State Budget FY 2024-25 (Part MM Subpart B)	Enacted April 2024
Oregon	SB 1571	Enacted Mar. 2024
Texas	SB 751	Enacted June 2019
Utah	SB 131	Enacted Mar. 2024
Washington	SB 5152	Enacted May 2023
Wisconsin	AB 664	Enacted Mar. 2024

Source: <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

Table 2: Introduced 2025

STATE	BILL NO.	STATUS
Alaska	SB 64	Introduced Jan. 2025
Alaska	SB 2	Introduced Jan. 2025
Alaska	SB 33	Introduced Jan. 2025
Arkansas	HB 1141	Introduced Jan. 2025
Connecticut	HB 6846	Introduced Jan. 2025
Illinois	SB 150	Introduced Jan. 2025
Kentucky	HB 21	Introduced Jan. 2025
Maryland	SB 361	Introduced Jan. 2025
Maryland	HB 525	Introduced Jan. 2025
Maryland	HB 740	Introduced Jan. 2025
Missouri	SB 509	Introduced Jan. 2025
Missouri	HB 673	Introduced Jan. 2025
Montana	SB 25	Introduced Jan. 2025
Nebraska	LB 615	Introduced Jan. 2025
New Hampshire	HB 630	Introduced Jan. 2025
New York	S 2414	Introduced Jan. 2025
New York	A 235	Introduced Jan. 2025
New York	A 3327	Introduced Jan. 2025
North Dakota	HB 1167	Introduced Jan. 2025
Oklahoma	SB 894	Introduced Jan. 2025
Oklahoma	SB 746	Introduced Jan. 2025
South Dakota	SB 164	Introduced Jan. 2025
Texas	SB 893	Introduced Jan. 2025
Vermont	S 23	Introduced Jan. 2025

Mississippi	SB 2642	Introduced Jan. 2025, failed Feb. 2025
Virginia	HB 2479	Introduced Jan. 2025, Passed House Feb. 2025

Source: <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>