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SUPPORT FOR SB 361

Mr. Chairman and Members of the Environmental, Energy, and the Environment Committee:

We are writing to express the support of the Office of the State Prosecutor for Senate Bill 361. The Office of the State Prosecutor is tasked with enforcing political corruption and police misconduct cases throughout Maryland and believes that this legislation will help address the challenges artificial intelligence presents to the integrity of the electoral process, as well as ensuring that people's identity is not manipulated using technology to defraud the public.

The Office of the State Prosecutor

The Office of the State Prosecutor is an independent agency within the Executive Branch of government. The Office is tasked with ensuring the honesty and integrity of State government and elections by conducting thorough, independent investigations and, when appropriate, prosecutions of criminal conduct affecting the integrity of our State and local government institutions, officials, employees, and elections.

SB 361- Criminalizing the use of artificial intelligence

SB 361 expands on existing language prohibiting using fraud to influence voters in elections.

Elections are one of the most essential elements of our democratic process and while often rife with misinformation and untruths now face a new frontier of challenges as it relates to Artificial Intelligence (AI). There is something different about a satirical piece or even a lie featuring an image that purports to be a candidate, when it is not. Throughout the country there have been cases where people's voices and bodies have been manipulated to be doing and saying things they did not say.

There is no doubt that AI is revolutionizing campaigns—from being used to target voters with AI calls and texts, to calls with the purported voices of candidates with no buy in from the candidates themselves. While the full scope of AI has yet to be realized, the dangers we can anticipate need to have real consequences to be taken seriously. This bill gives our office tools to hold people accountable for inducing people to vote using methods that are fraudulent. Maryland has a history of this. In 2011, our office prosecuted a campaign consultant that called over 100,000 Marylanders in primarily African American communities telling them the election was over and that one of the candidates had already won so the voters could stay home. The message was damaging enough in the form it came in, but with modern AI technology it could include photos of a winner being distributed, a fake concession from a candidate and so much

more.

We believe this legislation is an important step in protecting the integrity of the electoral process in our modern age.

We encourage a favorable report on SB 361.

Sincerely,

CHARLTON T. HOWARD, III
STATE PROSECUTOR