

February 26, 2025

Testimony on SB 361
Election Law – Influence on a Voter’s Voting Decision by Use of Fraud – Prohibition
Education, Energy, and the Environment

Position: Favorable w/ Amendments

Common Cause Maryland supports SB 361, with the suggested amendments. The bill would prohibit the use of any deepfake or AI-generated media content, also known as synthetic media content, to influence or attempt to influence a voter’s decision at the ballot box.

Academics and researchers have been sounding the alarm about the use of synthetic media 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 synthetic media 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 synthetic media when they see it. For example, a [study](#) by the Rand Corporation found that 27% to 50% of respondents were unable to distinguish deepfakes.

Synthetic media content would likely cause harm to communities that have long 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 361 aims to mitigate these risks by prohibiting the use of synthetic media to influence or attempt to influence voter’s decisions. Several states like California and Texas have already taken steps to counter the use of synthetic media, and many other states have bills currently moving through their legislatures.

There are two additional steps we urge the committee to consider:

- A robust disclaimer would clearly inform Marylanders that they are viewing content created to mislead them.
- Injunctive relief would get the misleading content out of circulation as quickly as possible so that as few Marylanders view it as possible.

Disinformation is already a threat to democracy and the use of synthetic media within our elections system only builds on that danger. It is critical that the Maryland General Assembly respond promptly to this new technology to ensure our regulations address the potential for abuse that

comes along with these changes. SB 361 with the suggested amendments is a step in that direction. We urge a favorable report.