02/04/2025

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## TESTIMONY ON HB#/0525- POSITION: FAVORABLE

### Election Law - Influence on a Voter's Voting Decision By Use of Fraud – Prohibition

**TO**: Chair Atterbeary, Vice Chair Wilkins, and members of the Ways and Means Committee
**FROM**: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of HB#/0525, **Election Law - Influence on a Voter's Voting Decision By Use of Fraud – Prohibition**

The misuse of technology has now made possible new techniques for influencing a voter's voting decision by spreading false misinformation for that purpose.

> AI's dangers to the political process have become increasingly evident in the United States and many other countries. Earlier this year, for instance, AI-generated **robocalls** imitated President Biden's voice, targeting New Hampshire voters and discouraging them from voting in the primary. Earlier this year, an **AI-generated image** falsely depicting former president Trump with convicted sex trafficker Jeffrey Epstein and a young girl began circulating on Twitter. [1]

The National Conference of State Legislatures has noted: [2]

> With the recent emergence of AI programs that can produce realistic images, videos and voices in a matter of seconds, both campaigns and state policymakers are responding. Attempts to alter or misrepresent media to influence an election are hardly new. Some states have criminal impersonation laws that predate the internet, which may apply to AI impersonations. Legislation may use different terms such as "deepfake," "synthetic media" or "deceptive media" when referring to AI. While each term refers to what's commonly thought of as AI, differences in definitions and statutory phrasing impact how the laws work in practice.

This bill will establish rules governing these harmful practices being utilized in Maryland by prohibiting a person from using fraud to influence or attempting to influence a voter's voting decision. This governance is applied providing that fraud includes the use of synthetic media; and

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[1] https://www.brennancenter.org/our-work/analysis-opinion/effect-ai-elections-around-world-and-what-do-about-it

[2] https://www.ncsl.org/elections-and-campaigns/artificial-intelligence-ai-in-elections-and-campaigns

defining "synthetic media" as an image, an audio recording, or a video recording that has been intentionally created or manipulated with the use of generative artificial intelligence or other digital technology to create a realistic but false image, audio recording, or video recording.

The Campaign Legal Center has noted:

> Although it is encouraging to see widespread interest in preventing AI-based election manipulation, many proposed solutions are still a long way from providing tangible protection for voters and the electoral process. That is why Campaign Legal Center continues to urge policymakers across the country to redouble their efforts and take strong action to address the unique challenges AI creates for our democracy. [3]

Maryland has an opportunity to become a leader in the work to combat these challenges by passing strong legislation to reign in the practice within Maryland.

**I respectfully urge this committee to return a favorable report on HB#/0525.**

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[3] https://campaignlegal.org/update/how-artificial-intelligence-influences-elections-and-what-we-can-do-about-it