

January 31, 2025

Dear Members of the Maryland House Ways and Means Committee,

I am writing to express my support for House Bill 525, which seeks to prohibit the use of fraud—including synthetic media—to influence a voter’s decision. While existing Maryland law already prohibits tactics such as intimidation, bribery, and deception to influence voting, this bill makes two valuable clarifications: (1) explicitly extending the prohibition of fraud to influence voting decisions, and (2) defining fraud to include synthetic media.

For context, I hold a Master of Science in Social Science of the Internet from Oxford University, where my thesis focused on the risks legislators in 10 state envisioned when passing laws prohibiting the use of deepfakes or synthetic media in political communications.¹ I analyzed ten state laws requiring disclosure of AI-generated content in political ads and analyzed 25 committee hearings to articulate the risks legislators envisioned the laws as addressing, and then compared these risks to the risks that existing laws addressed. Many of the existing state laws included state and federal voter intimidation statutes analogous to the one HB 525 amends.

HB 525 addresses a notable gap in current law. Section 16–201(a)(5) prohibits influencing a voter’s decision through threats and intimidation but does not explicitly mention fraud. In contrast, section 16–201(a)(6) includes fraud among the prohibited tactics for voter influence. Aligning these sections ensures consistency within the statute.

While the existing definition of “influence” already covers fraudulent behavior “regardless of the medium used,” explicitly referencing synthetic media reinforces this and eliminates ambiguity in how courts might interpret the law. The inclusion of synthetic media is particularly important given its potential to deceive voters. Synthetic media, such as deepfake videos, can fabricate realistic but false depictions of candidates’ speech or actions. By explicitly defining this as a form of fraud, the bill ensures that voters are protected from such manipulative tactics.

I would also like to address a common criticism and question regarding bills like this. Having listened to nearly 30 committee hearings on similar bills, one question that regularly arises concerns scope: will this law unintentionally “scoop up” people who are making satire or engaging in related, protected speech. The answer is a strong “no”. Since this bill modifies a criminal law, a *mens rea* is required to be shown for a jury to convict. Thus, a prosecutor must prove beyond a reasonable doubt, 1) that a piece of synthetic media “produc[ed] a fundamentally different understanding or impression” and 2) that the defendant intended to do so. Meeting both of these requirements is a high bar and should assuage Members of potential First Amendment concerns.

In conclusion, I urge this committee to advance HB 525 to codify protections against the use of synthetic media to wrongly influence a voters vote.

Thank you for your time and consideration.

Sincerely,

Hayden Goldberg

¹ See https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4912795.