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TESTIMONY ON HB#/0740- POSITION: FAVORABLE

Election Law - Campaign Materials - Disclosure of Use of Synthetic Media

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#/0740, **Election Law - Campaign Materials - Disclosure of Use of Synthetic Media**

The misuse of technology has now made possible new techniques for influencing a voter’s voting decision by utilizing “synthetic media” for that purpose. Synthetic media is a catch-all term to describe video, image, text, or voice that has been fully or partially generated using artificial intelligence algorithms. ¹

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. ²

The National Conference of State Legislatures has noted: ³

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.

¹ <https://www.synthesia.io/glossary/synthetic-media>

² <https://www.brennancenter.org/our-work/analysis-opinion/effect-ai-elections-around-world-and-what-do-about-it>

³ <https://www.ncsl.org/elections-and-campaigns/artificial-intelligence-ai-in-elections-and-campaigns>

This bill will address the problems from usage of this technology by requiring that candidates, campaign finance entities, and specified other persons, or agents of candidates, campaign finance entities, or specified other persons, that publish, distribute, or disseminate, or cause to be published, distributed, or disseminated, to another person in the State campaign materials that use or contain synthetic media include a specified disclosure in a specified manner. It will force purveyors of this 'deep fake' to identify it as such. It defines "synthetic media" as an image, an audio recording, or a video recording that has been intentionally manipulated in a certain manner.

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.⁴

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#/0740.

⁴ <https://campaignlegal.org/update/how-artificial-intelligence-influences-elections-and-what-we-can-do-about-it>