January 31, 2025

The Honorable Vanessa Atterbeary
Chair
House Ways and Means Committee
131 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: HB 525 (Feldmark) - Election Law - Influence on a Voter's Voting Decision By Use of Fraud – Prohibition – Favorable with Amendments

Dear Chair Atterbeary and Members of the Committee,

On behalf of TechNet, I'm writing to share comments on HB 525 related to the use of synthetic media in elections.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.5 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance. TechNet has offices in Austin, Boston, Chicago, Denver, Harrisburg, Olympia, Sacramento, Silicon Valley, Tallahassee, and Washington, D.C.

Artificial intelligence has the potential to help us solve the greatest challenges of our time. It is being used to predict severe weather more accurately, protect critical infrastructure, defend against cyber threats, and accelerate the development of new medical treatments, including life-saving vaccines and ways to detect earlier signs of cancer. However, recognizing and addressing the genuine risks associated with AI is crucial for its responsible advancement. That includes preventing candidates and their agents from using AI to release deliberately misleading campaign content.

Creators of political content that includes materially deceptive media should have an obligation to provide clear disclosures. We support statutory language to ensure that liability for dissemination of such media is limited to the person who creates and disseminates it, and not on intermediaries such as internet service providers, platforms, or tools that may be used in its creation or dissemination. We

appreciate the intent of this bill and agree conceptually with its overarching premise. TechNet and its members want to ensure that the bad actors are the ones held liable, and ultimately accountable, and not the platform or online service they may have used to distribute this deceitful material.   As such, we request the following language:

- **This section does not impose liability upon the following entities as a result of content provided by another person:**
    - o **An interactive computer service, as defined in 47 U.S.C. § 230;**
    - o **An internet service provider, cloud provider, or telecommunications network; or**
    - o **A radio or television broadcaster, including a cable or satellite television operator, programmer, or producer."**

We also want to ensure that the sharing of deepfake content for the purposes of cybersecurity or antifraud efforts is not considered the dissemination of the content, and hence that person would not be liable. We request the following language:

- **This act shall not restrict the ability of a person to detect, prevent, respond to, or protect against security incidents, identity theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems or investigate, report, or prosecute those responsible for any such action.**

We believe that any law needs to require both actual knowledge and intent to deceive. HB 525 appears to include that provision with the term "willfully and knowingly". Thank you for your consideration or our suggestions and please don't hesitate to reach out with any questions.

Sincerely,

Margaret Durkin

Margaret Durkin
TechNet Executive Director, Pennsylvania & the Mid-Atlantic