



**Testimony of Damon Stewart
On behalf of
DISH Network L.L.C. & DIRECTV, LLC
Before the Government, Labor and Elections Committee
OPPOSE: HB145
February 4, 2026**

Thank you, Chair Wells, Vice-Chair Kerr, and members of the Committee.

Thank you for the opportunity to provide testimony in opposition to HB 145. My name is Damon Stewart, and I am an attorney with the law firm Orrick, Herrington, and Sutcliffe LLP. I represent both DISH Network and DIRECTV, and I am submitting this testimony on their behalf.

As you may know, DISH and DirecTV provide satellite and streaming video services throughout the entire state. Thousands of Maryland families and businesses subscribe to their platforms and rely on them for news, weather and entertainment.

With respect to HB 145, we respectfully oppose the bill in that it places a liability on the companies under circumstances for which they have no control.

The bill regulates the dissemination of deepfakes in political advertisements, with penalties for the intentional dissemination of a deepfake with intent to influence an election, an appropriate goal.

It also recognizes that “dissemination” of political ads can occur through various mediums, such as a satellite broadcast. The bill offers an exemption for the broadcasting of such ads, if (1) the broadcaster has been paid to broadcast the ad containing the deepfake, and (2) the “broadcaster has made a good faith effort to establish that the deepfake is not deceptive or fraudulent.”

The premise of the exception is that (1) all ads are provided directly to the companies for review prior to being broadcast, and (2) the companies have the ability to detect a deepfake in an ad.

Unfortunately, neither is the case.

DirecTV nor DISH do not employ a team of forensic AI analysts who have the technological capability of detecting synthetic media in materials provided to them by others. Indeed, as a rule, they don’t validate the claims in any advertisements, political or otherwise. They don’t check to see if the toothpaste ad is true in the claim that it gets teeth three shades whiter, that the advertised SUV actually gets 24 MPG, or that a particular insurance company really offers the best insurance rates for auto compared to every other insurance available in the state. Those that create any misleading advertisements are appropriately subject to the consequences of their own intentional acts per the applicable federal or state law or regulation.

Furthermore, much of the content DirecTV and DISH broadcast is a live, pass-through feed. Take, for example, the Baltimore ABC, NBC, CBS and Fox stations. A candidate wishes to run an ad, containing a deceptive deepfake, in the Baltimore area and so he or she pays those stations to run the advertisement without disclosing the deepfake. Each station in turn will take the ad and insert it into their broadcast in the agreed time slot. All of the local station broadcasts are, in turn, re-broadcast—live—by DISH or DirecTV as part of their package for Maryland customers.

Neither DISH nor DirecTV are thus even aware of what ads are running, much less any indication of the nature of those ads. They were not part of the transaction. Nor can they stop a live feed to check every ad that occurs during the broadcast.

Finally, federal law (Section 315 of the Communications Act) prohibits broadcasters from censoring candidate advertisements, which could conflict with the requirements of this bill.

For these reasons, we respectfully ask that the Committee consider removing the good faith requirement in the exemption. Otherwise, the companies could be required to explain their inability to detect deepfakes every time there is an investigation, which would be unduly burdensome and unnecessary.

I would also note that the exemption fails to include "streaming" as a broadcast medium, and so also respectfully ask the Committee to include that broadcast modality as well.

Thank you again for your time and I am happy to answer any questions the Committee may have.