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Feb. 4, 2026

General Assembly of Maryland
House Government, Labor and Elections Committee
Del. Melissa Wells, Chair
Del. Kenneth Kerr, Vice Chair
Annapolis, Maryland 21401

Dear Members of the Committee:

On behalf of our 15,880 supporters in Maryland, Public Citizen submits this testimony in strong support of H.B. 145 – **“Election Law – Election Misinformation, Election Disinformation, and Deepfakes,”** sponsored by Del. Jessica Feldmark.

Although *accidental* election misinformation and *deliberate* election disinformation have marred elections throughout history, these problems have become particularly acute today with the recent development of Artificial Intelligence-generated (AI) “deepfakes.” AI technology has made such startling advances in producing computerized content so realistic in appearance and sounds as to often be indistinguishable from actual events. Social media communications, and so far to a lesser extent in broadcast campaign ads, are proliferating in which candidates and party agents are depicted through fabricated computer images and voices as doing something or saying something that they never did. The entirely fabricated content created by computer that is designed to disinform voters about candidates are known as “deepfakes.” These fabricated images and voices of AI-generated content are now so realistic that most voters may well not be able to distinguish fact from fiction.

There are almost no disclosure requirements or regulations at most state or federal levels that would give voters a reasonable chance to discern the accuracy of these deceptive campaign communications.

H.B. 145 would change all that for Maryland voters.

The legislation explicitly directs state election officials to take corrective measures to educate the public in response to election misinformation and disinformation, and prohibits any person “knowingly and with reckless disregard” to sponsor and disseminate deceptive and fraudulent deepfakes. Broadcasters and news media, including Internet or electronic publications, are provided with every reasonable protection against liability. Broadcasters or news media are not liable for violations of this act if they made a good faith effort to ensure that the communication is not a deceptive and fraudulent deepfake or otherwise disclose to the public that the communication may contain deceptive visual or audio media.

BACKGROUND

Election misinformation and disinformation badly undercut the credibility of the 2020 election, and the 2024 election cycle became increasingly plagued with deepfakes.

AI-generated content can sometimes be useful, reducing the costs of campaigns by cheaply fabricating background images and assisting in campaign management. But some AI-generated content can also be harmfully deceptive, especially when the content targets candidates or political parties. Immediately following President Joe Biden's announcement that he is running for reelection in 2024, the Republican National Committee (RNC) produced its first entirely fabricated AI campaign ad entitled "Beat Biden." It pictured Biden and Vice President Kamala Harris laughing at their reelection party, then spanned into images of China bombing Taiwan, then to pictures of a collapsing Wall Street financial market, films of 80,000 illegal immigrants flooding across the border, and finally to scenes of a police occupation of San Francisco due to the fentanyl drug crisis. None of these images were real. All of it was fabricated. Yet, many viewers thought some of the ad was real, expressing concern especially about the San Francisco lockdown, even though the ad included a subtle disclaimer (to the RNC's credit).

Examples of harm intended by deepfakes in campaign communications mounted at both the federal, state and local levels. The 2024 presidential campaign of Gov. Ron DeSantis, for example, posted deepfake images of former President Donald Trump hugging Dr. Anthony Fauci.¹ The hug never happened. Earlier, Trump produced his own low-quality AI-generated ad of DeSantis enjoying the company of Elon Musk, George Soros, Dick Cheney, Adolf Hitler, and Satan.²

On the Democratic side, a consulting firm for presidential candidate Dean Phillips used an AI-generated voice of Biden in robocalls instructing Democratic voters in the New Hampshire primary to stay home. The robocall used a voice similar to Biden's and mimicked his phrase, "What a bunch of malarkey." The fake robocall continued: "Save your vote for the November election.... Voting this Tuesday only enables the Republicans in their quest to elect Donald Trump again. Your vote makes a difference in November, not this Tuesday."³

At the local level, on the eve of Chicago's most recent city election, a deepfake video was circulated on Twitter (now called X) depicting mayoral candidate Paul Vallas giving a speech, in a voice identical to his own, condoning police brutality. The video falsely showed Vallas saying that back in his day, cops could kill 17 or 18 people and "nobody would bat an eye." It was posted by a fictional entity called "Chicago Lakefront News" right before the primary election

¹ Nicholas Nehamas, "DeSantis campaign uses apparently fake images to attack Trump on Twitter," *New York Times* (June 8, 2023), available at: <https://www.nytimes.com/2023/06/08/us/politics/desantis-deepfakes-trump-fauci.html?auth=login-google1tap&login=google1tap>

² Shannon Bond, "DeSantis campaign shares apparent AI-generated fake images of Trump and Fauci," *National Public Radio* (June 8, 2023), available at:

³ Ali Swenson and Will Weissert, "New Hampshire investigating fake Biden robocall meant to discourage voters ahead of the primary," *Associated Press* (Jan. 22, 2024), available at: <https://apnews.com/article/new-hampshire-primary-biden-ai-deepfake-robocall-f3469ceb6dd613079092287994663db5>

and viewed thousands of times before being taken down. Vallas lost the otherwise close mayoral primary election.⁴

In trying to assess the potential impact of generative AI in the U.S. 2024 elections and beyond, a new database has been developed by the Center for Advancing Safety of Machine Intelligence, a collaborative research project of Northwestern University and UL Research Institutes, called the “Political Deepfakes Incidents Database.”⁵

The Political Deepfakes Incidents Database is constantly growing in size. When the database was shared with this witness in excel format on June 17, 2024, it contained 293 cases of cheapfake (manipulated images) or deepfake (fabricated images) political communications on Twitter targeting U.S. elections since 2016 through the first half of 2024.

In a follow-up study by the witness, the database grew exponentially. The latest database filled in the full 2024 election year and added 2025 up to July 25, 2025. The number of cases in the last couple years increased at a phenomenal rate as we entered the 2026 election cycle. The number of deepfakes increased to 624 cases in the 2024 election and another 586 cases in 2025 through July of that year.⁶ Each case usually gets viewed and shared, often hundreds of thousands of times (if not in the millions for viewed), and so the reach is far greater than the actual number of cases.

As is evident, the fabrication of deepfake political ads is swarming and will grow exponentially year by year.

H.B. 145 addresses this growing problem of false and deceptive deepfakes head-on, vastly improving upon a similar approach recently adopted by the Federal Election Commission (FEC) for federal elections. The new FEC “interpretive rule” of the federal regulation banning “fraudulent misrepresentation” by candidates in campaign ads (11 C.F.R. § 110.16) clarifies that the rule against campaign fraud applies “irrespective of the technology used.” This FEC interpretive rule came in response to a petition for rulemaking submitted by Public Citizen in July 2023.

Voters are very concerned about being fraudulently deceived by deepfake election ads. A nationwide survey conducted in February 2024 found that citizens across all parties are worried about being fooled by such ads, as shown below in Table 1.

⁴ Megan Hickey, “Vallas campaign condemns deepfake video posted on twitter,” CBS Chicago (Feb. 27, 2023), available at: <https://www.cbsnews.com/chicago/news/vallas-campaign-deepfake-video/>

⁵ “The Political Deepfakes Incidents Database” from the Center for Advancing Safety of Machine Intelligence, which was graciously shared with the author in an excel program for further data analysis, is available in Airtable format at: <https://airtable.com/appOU03dIKuBdbmty/shrEkrfYINbrckQ3z/tbleGYjNLn2D4Xfzs>

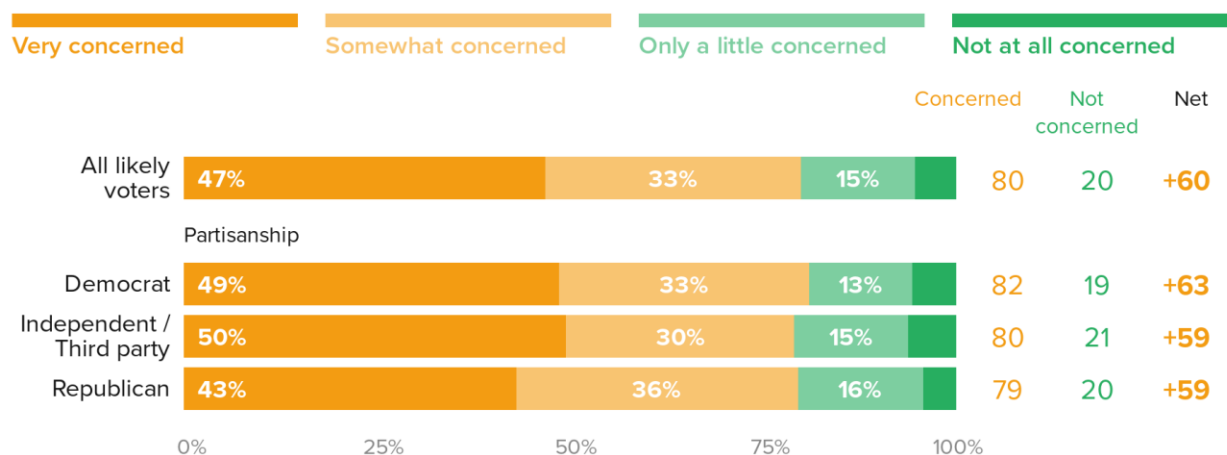
⁶ The author exercised some discretion in simplifying some of the coding of the database for the purposes of statistical analysis. Within the category of “Evidence of Harm,” for example, coders often provided multiple descriptions of harms for a single case. In these instances, the author would simplify the code to a single primary description of the harm.

Table 1.

More Than Three-Quarters of Voters Are Concerned About the Use of Deepfakes in the November 2024 Election

"Deepfakes" are a type of artificial intelligence (AI) in which someone can create convincing images, audio, and videos to represent a person saying or doing something that they never actually said or did.

How concerned or not concerned are you about the use of "deepfakes" of candidates and political figures during the November 2024 election?



February 2–5, 2024 survey of 1,225 likely voters

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CONCLUSION: PROTECT THE INTEGRITY OF ELECTIONS BY PASSING H.B. 145

Currently, more than half the states across the nation have taken the lead in regulating the use of deepfakes in state elections. Maryland should join this reform wave by declaring that fraudulent misrepresentation of the images and voices of candidates constitute fraud against the candidates targeted and fraud against the voters. In state after state, the idea of regulating deepfakes in campaign communications has gained bipartisan support in state legislatures and overwhelming support among the public.

H.B. 145 seeks to preserve the integrity of elections in Maryland under the constitutional protection prohibiting fraud against candidates and voters. While the content of political messages is protected under the First Amendment, as it should be, that right does not extend to saying anything, anywhere and in any fashion. The regulation of fraud in political messages is permissible under the Constitution. In order to protect the right to vote, the Supreme Court has recognized that government has compelling interests in protecting voters “from confusion and

undue influence,” and in “preserving the integrity of its election process.”⁷ In the Court’s view, “preventing voter intimidation and election fraud” is “necessary,” and “[e]nsuring that every vote is cast freely, without intimidation or undue influence, is ... a valid and important state interest.”⁸ Where it is necessary to regulate speech about elections—a content-based category of speech subject to strict scrutiny—the government can take steps to protect this compelling interest.

Public Citizen strongly urges the Maryland House Government, Labor and Elections Committee to move H.B. 145 forward for final passage in order to put in place much-needed regulations to protect voters, our elections and our democracy from the harms of election misinformation, disinformation and fraudulent deepfakes.

Respectfully Submitted,

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⁷ Institute for Constitutional Advocacy and Protection, “Fact Sheet: Regulation of False, Misleading, or Intimidating Speech About Elections,” Georgetown Law School (2024), available at: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2024/08/Fact-Sheet-False-Misleading-and-Intimidating-Election-Information.pdf](https://www.law.georgetown.edu/icap/wp-content/uploads/sites/32/2024/08/Fact-Sheet-False-Misleading-and-Intimidating-Election-Information.pdf)

⁸ *Brnovich v. Democratic Nat’l Comm.*, 594 U.S. 647, 672 (2021).