

SENATE BILL 141

G1

(6lr0641)

ENROLLED BILL

— *Education, Energy, and the Environment / Government, Labor, and Elections* —

Introduced by ~~Senator Hester~~ Senators Hester, Brooks, Feldman, Harris, Kagan,
and M. Washington

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Election Misinformation, Election Disinformation, and**
3 **Deepfakes**

4 FOR the purpose of requiring *and authorizing* the State Administrator of Elections to take
5 certain actions if the State Administrator receives a credible report that election
6 misinformation or election disinformation has been or is being communicated,
7 disseminated, or distributed; authorizing the State Board of Elections to file a certain
8 civil action related to election misinformation or election disinformation; prohibiting
9 a person, under certain circumstances, from knowingly or with reckless disregard,
10 creating, using, or disseminating a deepfake to produce materially false information;
11 and generally relating to election misinformation, election disinformation, and
12 deepfakes.

13 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 Article – Election Law
 2 Section 2–110
 3 Annotated Code of Maryland
 4 (2022 Replacement Volume and 2025 Supplement)

5 BY adding to
 6 Article – Election Law
 7 Section 16–905
 8 Annotated Code of Maryland
 9 (2022 Replacement Volume and 2025 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 11 That the Laws of Maryland read as follows:

12 **Article – Election Law**

13 2–110.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) “Election disinformation” means incorrect or misleading information
 16 regarding the time, place, or manner of an election, election results, or voting rights in the
 17 State that is knowingly and deliberately disseminated.

18 (3) “Election misinformation” means incorrect or misleading information
 19 regarding the time, place, or manner of an election, election results, or voting rights in the
 20 State.

21 (b) (1) The State Board shall maintain a portal on the State Board’s website
 22 that the public may use to report election misinformation and election disinformation.

23 (2) The State Board shall conduct a periodic review of material submitted
 24 by the public through the portal and, to the extent necessary, issue corrective information
 25 or refer submissions to the State Prosecutor.

26 (c) (1) ***(1) IF THE STATE ADMINISTRATOR RECEIVES A CREDIBLE***
 27 ***REPORT THAT ELECTION MISINFORMATION OR ELECTION DISINFORMATION,***
 28 ***INCLUDING A DEEPPFAKE, HAS BEEN OR IS BEING COMMUNICATED, DISSEMINATED,***
 29 ***OR DISTRIBUTED, THE STATE ADMINISTRATOR:***

30 ~~(H)~~ ***1. SHALL COMMUNICATE, DISSEMINATE, OR***
 31 ***DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION***
 32 ***MISINFORMATION OR ELECTION DISINFORMATION;***

33 ~~(H)~~ ***2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS***
 34 ***PARAGRAPH, MAY SEEK AN INJUNCTION IN ACCORDANCE WITH THE MARYLAND***

1 RULES FOR THE REMOVAL OF THE ELECTION MISINFORMATION OR ELECTION
2 DISINFORMATION FROM ANY ONLINE PLATFORM; AND

3 ~~(H)~~ 3. MAY ISSUE A SUBPOENA IN ACCORDANCE WITH THE
4 FEDERAL STORED COMMUNICATIONS ACT, IF APPLICABLE, FOR RECORDS RELATED
5 TO THE DISSEMINATION OR DISTRIBUTION OF THE ELECTION MISINFORMATION OR
6 ELECTION DISINFORMATION, INCLUDING INFORMATION RELATED TO THE
7 TARGETED AUDIENCE.

8 (II) THE STATE ADMINISTRATOR MAY NOT SEEK AN
9 INJUNCTION UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH AGAINST AN
10 INTERACTIVE COMPUTER SERVICE, AS DEFINED IN 47 U.S.C. § 230, FOR CONTENT
11 DISSEMINATED BY ANOTHER PERSON THROUGH THE INTERACTIVE COMPUTER
12 SERVICE.

13 (2) (I) THE STATE BOARD MAY NOT FILE A CIVIL ACTION UNDER
14 THIS PARAGRAPH AGAINST A PERSON:

15 1. EXEMPT FROM THE REQUIREMENTS OF § 16-905 OF
16 THIS ARTICLE; OR

17 2. WHO SEEKS TO DETECT, REPORT, PREVENT,
18 INVESTIGATE, RESPOND TO, OR PROSECUTE PERSONS RESPONSIBLE FOR SECURITY
19 BREACHES, IDENTITY THEFT, FRAUD, HARASSMENT, OR OTHER MALICIOUS OR
20 ILLEGAL ACTIVITY.

21 (II) THE STATE BOARD, IN CONSULTATION WITH THE STATE
22 ADMINISTRATOR, MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT
23 JURISDICTION WITHIN THE STATE AGAINST A PERSON, CAMPAIGN, POLITICAL
24 ACTION COMMITTEE, OR OTHER LEGAL ENTITY IF THE STATE BOARD:

25 ~~(H)~~ 1. FINDS THAT THE ~~ENTITY PUBLISHED~~ PERSON
26 CREATED, USED, OR DISSEMINATED ELECTION MISINFORMATION OR ELECTION
27 DISINFORMATION:

28 A. ELECTION DISINFORMATION; OR

29 B. WITH RECKLESS DISREGARD, ELECTION
30 MISINFORMATION; AND

31 ~~(H)~~ 2. INCURS COSTS TO COMMUNICATE, DISSEMINATE, OR
32 DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION
33 MISINFORMATION OR ELECTION DISINFORMATION.

1 (3) ~~(I) THE EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
 2 ~~PARAGRAPH, THE~~ *THE* STATE BOARD MAY SEEK DAMAGES, COURT COSTS, AND
 3 ATTORNEY’S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH ~~(2)~~ *(2)(II)* OF THIS
 4 SUBSECTION.

5 ~~(II) THE STATE BOARD MAY NOT SEEK DAMAGES, COURT~~
 6 ~~COSTS, OR ATTORNEY’S FEES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IN A~~
 7 ~~CIVIL ACTION AGAINST A PERSON EXEMPT FROM THE REQUIREMENTS OF § 16-905~~
 8 ~~OF THIS ARTICLE.~~

9 (4) A COURT MAY AWARD DAMAGES, COURT COSTS, OR ATTORNEY’S
 10 FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION
 11 ONLY BASED ON A SHOWING BY CLEAR AND CONVINCING EVIDENCE THAT THE
 12 PERSON, CAMPAIGN, POLITICAL ACTION COMMITTEE, OR OTHER LEGAL ENTITY
 13 CREATED, USED, OR DISSEMINATED:

14 (I) ELECTION DISINFORMATION; OR

15 (II) WITH RECKLESS DISREGARD, ELECTION MISINFORMATION.

16 **16-905.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 18 INDICATED.

19 (2) “DEEPPFAKE” MEANS AN IMAGE, AN AUDIO RECORDING, OR A
 20 VIDEO RECORDING THAT HAS BEEN INTENTIONALLY CREATED OR MANIPULATED
 21 WITH THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE OR OTHER DIGITAL
 22 TECHNOLOGY TO CREATE A REALISTIC BUT FALSE DEPICTION OF A PERSON THAT
 23 AN ORDINARY PERSON WOULD CONCLUDE IS AN ACTUAL VISUAL OR AUDIO
 24 REPRESENTATION OF THE PERSON DEPICTED.

25 (3) “INFLUENCE” HAS THE MEANING STATED IN § 16-201 OF THIS
 26 TITLE.

27 (B) THIS SECTION DOES NOT APPLY:

28 (1) WITH RESPECT TO A DEEPPFAKE THAT IS SATIRE OR PARODY;

29 (2) TO A RADIO OR TELEVISION BROADCASTING STATION, INCLUDING
 30 A CABLE OR SATELLITE TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER, OR
 31 AN AFFILIATE OF THE RADIO OR TELEVISION BROADCASTING STATION, THAT
 32 BROADCASTS A DECEPTIVE AND FRAUDULENT DEEPPFAKE IF:

1 (I) THE BROADCAST IS REQUIRED BY THE FEDERAL LAW THAT
2 REQUIRES BROADCASTERS TO AIR ADVERTISEMENTS FROM LEGALLY QUALIFIED
3 CANDIDATES;

4 (II) THE BROADCAST:

5 ~~1.~~ IS PART OF A BONA FIDE NEWSCAST, A NEWS
6 INTERVIEW, A NEWS DOCUMENTARY, OR ON-THE-SPOT COVERAGE OF BONA FIDE
7 NEWS EVENTS; ~~AND~~

8 ~~2. CLEARLY IDENTIFIES TO THE AUDIENCE THROUGH~~
9 ~~CONTENT OR A DISCLOSURE IN A MANNER THAT CAN BE EASILY HEARD OR READ BY~~
10 ~~THE AVERAGE LISTENER OR VIEWER THAT THE DEEPPFAKE MAY CONTAIN DECEPTIVE~~
11 ~~AUDIO OR VISUAL MEDIA; OR~~

12 (III) THE BROADCASTER HAS:

13 ~~1.~~ BEEN PAID TO BROADCAST THE DEEPPFAKE; ~~AND~~

14 ~~2. MADE A GOOD FAITH EFFORT TO ESTABLISH THAT~~
15 ~~THE DEEPPFAKE IS NOT A DECEPTIVE AND FRAUDULENT DEEPPFAKE; OR~~

16 (3) TO A WEBSITE OR REGULARLY PUBLISHED NEWSPAPER,
17 MAGAZINE, OR OTHER PERIODICAL OF GENERAL CIRCULATION, INCLUDING AN
18 INTERNET OR ELECTRONIC PUBLICATION, THAT ROUTINELY CARRIES NEWS AND
19 COMMENTARY OF GENERAL INTEREST AND THAT PUBLISHES A DECEPTIVE AND
20 FRAUDULENT DEEPPFAKE ~~IF THE WEBSITE OR PERIODICAL CLEARLY STATES THAT~~
21 ~~THE MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA DOES NOT ACCURATELY~~
22 ~~REPRESENT THE SPEECH OR CONDUCT OF THE CANDIDATE; OR~~

23 (4) TO ANY ONLINE PUBLISHER OR SERVICE PROVIDER FOR ACTS
24 THAT WOULD BE SUBJECT TO IMMUNITY UNDER 47 U.S.C. § 230.

25 (C) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD ~~USE~~
26 CREATE, USE, OR DISSEMINATE A DEEPPFAKE TO PRODUCE MATERIALLY FALSE
27 INFORMATION IF:

28 (1) THE PERSON HAS THE INTENT TO USE THE DEEPPFAKE TO:

29 ~~(1)~~ (1) IMPEDE, INFLUENCE, PREVENT, OR ATTEMPT TO IMPEDE,
30 INFLUENCE, OR PREVENT A VOTER'S DECISION TO CAST A BALLOT;

1 ~~(2)~~ (II) MISREPRESENT FACTS RELATING TO VOTER
2 REGISTRATION, VOTING METHODS, ELECTION RESULTS, ELECTORAL PROCESSES,
3 OR OFFICIAL DUTIES OF AN ELECTION OFFICIAL; ~~OR~~

4 ~~(3)~~ (III) INDUCE OR ATTEMPT TO INDUCE ANOTHER INDIVIDUAL TO
5 SIGN OR NOT SIGN A PETITION FOR A QUESTION TO APPEAR ON A BALLOT; OR

6 (IV) INFLUENCE OR ATTEMPT TO INFLUENCE A VOTER'S
7 DECISION WHETHER TO VOTE FOR OR AGAINST A CANDIDATE OR BALLOT ISSUE; AND

8 (2) THE CREATION, USE, OR DISSEMINATION OF THE DEEPPFAKE
9 RESULTS, OR HAS THE INTENT TO RESULT, IN HARM TO A VOTER, POTENTIAL VOTER,
10 OR PETITION.

11 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
12 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
13 \$5,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
15 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.