

SENATE BILL 141

G1
SB 361/25 – EEE

(PRE-FILED)

6lr0641
CF HB 145

By: ~~Senator Hester~~ **Senators Hester, Brooks, Feldman, Harris, Kagan, and
M. Washington**

Requested: July 16, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 3, 2026

CHAPTER _____

1 AN ACT concerning

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

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

13 BY repealing and reenacting, with amendments,
14 Article – Election Law
15 Section 2–110
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2025 Supplement)

18 BY adding to
19 Article – Election Law
20 Section 16–905
21 Annotated Code of Maryland

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.



(2022 Replacement Volume and 2025 Supplement)

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

Article – Election Law

2–110.

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

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

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

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

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

(C) (1) IF THE STATE ADMINISTRATOR RECEIVES A CREDIBLE REPORT THAT ELECTION MISINFORMATION OR ELECTION DISINFORMATION, INCLUDING A DEEPPFAKE, HAS BEEN OR IS BEING COMMUNICATED, DISSEMINATED, OR DISTRIBUTED, THE STATE ADMINISTRATOR:

(I) SHALL COMMUNICATE, DISSEMINATE, OR DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION MISINFORMATION OR ELECTION DISINFORMATION;

(II) MAY SEEK AN INJUNCTION FOR THE REMOVAL OF THE ELECTION MISINFORMATION OR ELECTION DISINFORMATION FROM ANY ONLINE PLATFORM; AND

(III) MAY ISSUE A SUBPOENA FOR RECORDS RELATED TO THE DISSEMINATION OR DISTRIBUTION OF THE ELECTION MISINFORMATION OR ELECTION DISINFORMATION, INCLUDING INFORMATION RELATED TO THE TARGETED AUDIENCE.

1 **(2) THE STATE BOARD, IN CONSULTATION WITH THE STATE**
2 **ADMINISTRATOR, MAY FILE A CIVIL ACTION IN A COURT OF COMPETENT**
3 **JURISDICTION WITHIN THE STATE AGAINST A PERSON, CAMPAIGN, POLITICAL**
4 **ACTION COMMITTEE, OR OTHER LEGAL ENTITY IF THE STATE BOARD:**

5 **(I) FINDS THAT THE ~~ENTITY PUBLISHED~~ PERSON CREATED,**
6 **USED, OR DISSEMINATED ELECTION MISINFORMATION OR ELECTION**
7 **DISINFORMATION; AND**

8 **(II) INCURS COSTS TO COMMUNICATE, DISSEMINATE, OR**
9 **DISTRIBUTE TO THE PUBLIC ACCURATE INFORMATION TO CORRECT THE ELECTION**
10 **MISINFORMATION OR ELECTION DISINFORMATION.**

11 **(3) THE STATE BOARD MAY SEEK DAMAGES, COURT COSTS, AND**
12 **ATTORNEY'S FEES IN A CIVIL ACTION FILED UNDER PARAGRAPH (2) OF THIS**
13 **SUBSECTION.**

14 **16-905.**

15 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
16 **INDICATED.**

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

23 **(3) "INFLUENCE" HAS THE MEANING STATED IN § 16-201 OF THIS**
24 **TITLE.**

25 **(B) THIS SECTION DOES NOT APPLY:**

26 **(1) WITH RESPECT TO A DEEFAKE THAT IS SATIRE OR PARODY;**

27 **(2) TO A RADIO OR TELEVISION BROADCASTING STATION, INCLUDING**
28 **A CABLE OR SATELLITE TELEVISION OPERATOR, PROGRAMMER, OR PRODUCER,**
29 **THAT BROADCASTS A DECEPTIVE AND FRAUDULENT DEEFAKE IF:**

30 **(I) THE BROADCAST IS REQUIRED BY THE FEDERAL LAW THAT**
31 **REQUIRES BROADCASTERS TO AIR ADVERTISEMENTS FROM LEGALLY QUALIFIED**
32 **CANDIDATES;**

1 (II) THE BROADCAST:

2 1. IS PART OF A BONA FIDE NEWSCAST, A NEWS
3 INTERVIEW, A NEWS DOCUMENTARY, OR ON-THE-SPOT COVERAGE OF BONA FIDE
4 NEWS EVENTS; AND

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

9 (III) THE BROADCASTER HAS:

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

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

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

20 (C) A PERSON MAY NOT KNOWINGLY OR WITH RECKLESS DISREGARD ~~USE~~
21 CREATE, USE, OR DISSEMINATE A DEEPPFAKE TO PRODUCE MATERIALLY FALSE
22 INFORMATION IF THE PERSON HAS THE INTENT TO USE THE DEEPPFAKE TO:

23 (1) IMPEDE, INFLUENCE, PREVENT, OR ATTEMPT TO IMPEDE,
24 INFLUENCE, OR PREVENT A VOTER'S DECISION TO CAST A BALLOT;

25 (2) MISREPRESENT FACTS RELATING TO VOTER REGISTRATION,
26 VOTING METHODS, ELECTION RESULTS, ELECTORAL PROCESSES, OR OFFICIAL
27 DUTIES OF AN ELECTION OFFICIAL; OR

28 (3) INDUCE OR ATTEMPT TO INDUCE ANOTHER INDIVIDUAL TO SIGN
29 OR NOT SIGN A PETITION FOR A QUESTION TO APPEAR ON A BALLOT.

1 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
2 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
3 **\$5,000** OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2026.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.