

HOUSE BILL 872

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4lr2693

By: **Delegates Kaiser, Watson, Buckel, McComas, Miller, Palakovich Carr, Patterson, Rose, Terrasa, and Tomlinson**

Introduced and read first time: February 2, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Campaign Materials – Disclosure of Use of Synthetic Media**

3 FOR the purpose of requiring certain persons that publish, distribute, or disseminate, or
4 cause to be published, distributed, or disseminated, to another person in the State
5 certain campaign materials that use or contain synthetic media to include a certain
6 disclosure in a certain manner; and generally relating to disclosure of the use of
7 synthetic media in campaign materials.

8 BY adding to

9 Article – Election Law

10 Section 13–401.2

11 Annotated Code of Maryland

12 (2022 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Election Law

15 Section 13–602

16 Annotated Code of Maryland

17 (2022 Replacement Volume and 2023 Supplement)

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

20 **Article – Election Law**

21 **13–401.2.**

22 **(A) IN THIS SECTION, “SYNTHETIC MEDIA” MEANS AN IMAGE, AN AUDIO**
23 **RECORDING, OR A VIDEO RECORDING THAT HAS BEEN INTENTIONALLY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MANIPULATED WITH THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE OR
2 OTHER DIGITAL TECHNOLOGY TO CREATE A REALISTIC BUT FALSE IMAGE, AUDIO
3 RECORDING, OR VIDEO RECORDING THAT:

4 (1) DEPICTS A REAL INDIVIDUAL, THE INDIVIDUAL'S SPEECH, OR THE
5 INDIVIDUAL'S CONDUCT; OR

6 (2) PRODUCES A FUNDAMENTALLY DIFFERENT UNDERSTANDING OR
7 IMPRESSION OF AN INDIVIDUAL'S APPEARANCE, SPEECH, OR CONDUCT THAN A
8 REASONABLE INDIVIDUAL WOULD HAVE FROM THE UNALTERED, ORIGINAL VERSION
9 OF THE IMAGE, AUDIO RECORDING, OR VIDEO RECORDING.

10 (B) THIS SECTION APPLIES TO A CANDIDATE, A CAMPAIGN FINANCE ENTITY,
11 A PERSON REQUIRED TO REGISTER UNDER § 13-306, § 13-307, OR § 13-309.2 OF
12 THIS TITLE, OR AN AGENT OF A CANDIDATE, CAMPAIGN FINANCE ENTITY, OR PERSON
13 REQUIRED TO REGISTER UNDER § 13-306, § 13-307, OR § 13-309.2 OF THIS TITLE.

14 (C) IN ADDITION TO THE REQUIREMENTS UNDER §§ 13-401 AND 13-403 OF
15 THIS SUBTITLE, A PERSON SUBJECT TO THIS SECTION THAT PUBLISHES,
16 DISTRIBUTES, OR DISSEMINATES, OR CAUSES TO BE PUBLISHED, DISTRIBUTED, OR
17 DISSEMINATED, TO A PERSON IN THE STATE CAMPAIGN MATERIAL THAT IS
18 PRODUCED USING OR CONTAINS SYNTHETIC MEDIA SHALL INCLUDE THE
19 DISCLOSURE REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

20 (D) (1) (I) FOR A STILL IMAGE, THE DISCLOSURE SHALL INCLUDE THE
21 STATEMENT "THIS IMAGE HAS BEEN ALTERED OR MODIFIED THROUGH THE USE OF
22 COMPUTER PROGRAMS TO DISPLAY AN EVENT OR IMAGE THAT DID NOT OCCUR."

23 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
24 THIS PARAGRAPH SHALL BE WRITTEN IN A TYPE SIZE THAT IS:

25 1. EASILY READABLE BY THE AVERAGE VIEWER; AND

26 2. NOT SMALLER THAN THE LARGEST TYPE SIZE OF
27 OTHER TEXT APPEARING ON THE STILL IMAGE.

28 (2) (I) FOR MEDIA THAT IS ONLY AN AUDIO RECORDING, THE
29 DISCLOSURE SHALL INCLUDE THE STATEMENT "THIS AUDIO HAS BEEN ALTERED OR
30 MODIFIED THROUGH THE USE OF COMPUTER PROGRAMS TO DISPLAY A SOUND THAT
31 DID NOT OCCUR."

32 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
33 THIS PARAGRAPH SHALL BE READ:

1 1. IN A CLEARLY SPOKEN MANNER AT A PITCH AND
2 SPEED THAT CAN EASILY BE HEARD BY THE AVERAGE LISTENER; AND

3 2. A. AT THE BEGINNING OF THE AUDIO RECORDING;

4 B. AT THE END OF THE AUDIO RECORDING; AND

5 C. FOR AUDIO RECORDINGS OF 2 MINUTES DURATION OR
6 LONGER, INTERSPERSED THROUGHOUT AT INTERVALS OF NOT MORE THAN 2
7 MINUTES.

8 (3) (I) FOR A VIDEO RECORDING, THE DISCLOSURE SHALL
9 INCLUDE THE STATEMENT “THIS VIDEO HAS BEEN ALTERED OR MODIFIED
10 THROUGH THE USE OF COMPUTER PROGRAMS TO DISPLAY AN EVENT, A SOUND, OR
11 AN IMAGE THAT DID NOT OCCUR.”.

12 (II) THE STATEMENT REQUIRED UNDER SUBPARAGRAPH (I) OF
13 THIS PARAGRAPH SHALL BE WRITTEN IN:

14 1. TEXT THAT REMAINS VISIBLE TO THE VIEWER FOR
15 THE DURATION OF THE VIDEO RECORDING; AND

16 2. A TYPE SIZE THAT IS EASILY READABLE TO THE
17 AVERAGE VIEWER AND PLACED IN A CONSPICUOUS LOCATION IN THE FRAME OF THE
18 VIDEO.

19 13-602.

20 (a) (1) A person may not directly or indirectly give, offer, or promise money,
21 aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing to
22 another person for the purpose of inducing or procuring that person to vote or refrain from
23 voting for or against:

24 (i) an individual, question, or measure at an election or political
25 convention; or

26 (ii) the election of an officer by the General Assembly.

27 (2) A person may not directly or indirectly receive, accept, request, or solicit
28 money, aid, a gift, an advantage, a preferment, an emolument, or any other valuable thing
29 from another person for the purpose of inducing or procuring a third person to vote or
30 refrain from voting for or against an individual, question, or measure at an election or
31 political convention.

1 (ii) any other threat, expressed or implied, intended to influence the
2 political opinions or actions of the employer's employees.

3 (9) A person may not:

4 (i) publish or distribute, or cause to be published or distributed,
5 campaign material that violates § 13-401 of this title; [or]

6 (ii) publish, distribute, or disseminate, or cause to be published,
7 distributed, or disseminated, campaign material that violates § 13-401.1 of this title; **OR**

8 **(III) PUBLISH, DISTRIBUTE, OR DISSEMINATE, OR CAUSE TO BE**
9 **PUBLISHED, DISTRIBUTED, OR DISSEMINATED, CAMPAIGN MATERIAL THAT**
10 **VIOLATES § 13-401.2 OF THIS TITLE.**

11 (10) A candidate may not make a payment, contribution, or expenditure, or
12 incur a liability to pay, contribute, or expend, from the candidate's personal funds any
13 money or valuable thing in a manner not authorized by § 13-230 of this title.

14 (11) An individual may not sign the name of any other individual on any
15 form or other document under this title, without the authority of the individual whose name
16 is signed.

17 (b) A person who violates this section is guilty of a misdemeanor and on conviction
18 is:

19 (1) subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1
20 year or both; and

21 (2) ineligible to hold any public or party office for 4 years after the date of
22 the offense.

23 (c) (1) The State Prosecutor may prosecute, in any jurisdiction of the State, a
24 person that the State Prosecutor believes to be guilty of a willful violation of this section.

25 (2) A State's Attorney may prosecute a person that the State's Attorney
26 believes to be guilty of a willful violation of this section in the county in which the State's
27 Attorney serves.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 January 1, 2025.