Protections Against Election Disinformation

No updates required since September 29, 2023

Background

Since the 2020 election and the proliferation of the “Big Lie,” voter confidence in elections has declined sharply and election denialism continues to plague our democracy. In response to these threats, some states have updated their laws to explicitly protect against election related disinformation. Specifically, this type of legislation prohibits the knowing dissemination of false information regarding the time, place and manner of conducting elections, as well as false or misleading information about the qualifications or restrictions related to voter eligibility. These laws generally work by imposing criminal penalties on persons who knowingly violate the disinformation prohibitions, and some states also provide private rights of action for voters to whom the false information is directed, allowing them to seek a court order against the person who communicated the information.

Scoring

• State has a law explicitly protecting against election disinformation, 1 point
• State does not have a law explicitly protecting against election disinformation, 0 points

Summary Table

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>List</th>
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<tbody>
<tr>
<td>State has a law explicitly protecting against election disinformation</td>
<td>11 states</td>
<td>California, Connecticut, Hawaii, Maryland, Minnesota, Missouri, Montana, New Mexico, Pennsylvania, Tennessee, Virginia</td>
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<tr>
<td>State does not have a law explicitly protecting against election disinformation</td>
<td>39 states &amp; D.C.</td>
<td>Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, D.C., Florida, Georgia, Idaho</td>
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**State-by-State Sources and More Detail**

Alabama (0)
- State does not have a law explicitly protecting against election disinformation.

Alaska (0)
- State does not have a law explicitly protecting against election disinformation.

Arizona (0)
- State does not have a law explicitly protecting against election disinformation.

Arkansas (0)
- State does not have a law explicitly protecting against election disinformation.
California (1)
- Law contains criminal penalties for violation.

Colorado (0)
- State does not have a law explicitly protecting against election disinformation.

Connecticut (1)

Delaware (0)
- State does not have a law explicitly protecting against election disinformation.

D.C. (0)
- State does not have a law explicitly protecting against election disinformation.

Florida (0)
- State does not have a law explicitly protecting against election disinformation.

Georgia (0)
- State does not have a law explicitly protecting against election disinformation.

Hawaii (1)
- State has a law explicitly protecting against election disinformation (H.R.S. § 11-391) (2010).
- Law contains provisions for fines as a result of violation.

Idaho (0)
- State does not have a law explicitly protecting against election disinformation.

Illinois (0)
- State does not have a law explicitly protecting against election disinformation.

Indiana (0)
- State does not have a law explicitly protecting against election disinformation.

Iowa (0)
- State does not have a law explicitly protecting against election disinformation.

Kansas (0)
- State does not have a law explicitly protecting against election disinformation.

Kentucky (0)
- State does not have a law explicitly protecting against election disinformation.
Louisiana (0)
- State does not have a law explicitly protecting against election disinformation.

Maine (0)
- State does not have a law explicitly protecting against election disinformation.

Maryland (1)
  - Law contains criminal penalties for violation.

Massachusetts (0)
- State does not have a law explicitly protecting against election disinformation.

Michigan (0)
- State does not have a law explicitly protecting against election disinformation.

Minnesota (1)
  - Law contains criminal penalties for violation.

Mississippi (0)
- State does not have a law explicitly protecting against election disinformation.

Missouri (1)
  - Law contains criminal penalties for violation.

Montana (1)
  - Law contains criminal penalties for violation.

Nebraska (0)
- State does not have a law explicitly protecting against election disinformation.

Nevada (0)
- State does not have a law explicitly protecting against election disinformation.

New Hampshire (0)
- State does not have a law explicitly protecting against election disinformation.

New Jersey (0)
- State does not have a law explicitly protecting against election disinformation. 
New Mexico (1)
- Law contains criminal penalties for violation.

New York (0)
- State does not have a law explicitly protecting against election disinformation.

North Carolina (0)
- State does not have a law explicitly protecting against election disinformation.

North Dakota (0)
- State does not have a law explicitly protecting against election disinformation.

Ohio (0)
- State does not have a law explicitly protecting against election disinformation.

Oklahoma (0)
- State does not have a law explicitly protecting against election disinformation.

Oregon (0)
- State does not have a law explicitly protecting against election disinformation.

Pennsylvania (1)
- State has a law explicitly protecting against election disinformation (PA Dept. of State Guidance Oct. 2020).
- Law contains criminal penalties and fines for violation.

Rhode Island (0)
- State does not have a law explicitly protecting against election disinformation.

South Carolina (0)
- State does not have a law explicitly protecting against election disinformation.

South Dakota (0)
- State does not have a law explicitly protecting against election disinformation.

Tennessee (1)
- Law contains criminal penalties for violation.

Texas (0)
- State does not have a law explicitly protecting against election disinformation.

Utah (0)
- State does not have a law explicitly protecting against election disinformation.
Vermont (0)

- State does not have a law explicitly protecting against election disinformation.

Virginia (1)

- Law contains criminal penalties and a private right of action for violation.

Washington (0)

- State does not have a law explicitly protecting against election disinformation.

West Virginia (0)

- State does not have a law explicitly protecting against election disinformation.

Wisconsin (0)

- State does not have a law explicitly protecting against election disinformation.

Wyoming (0)

- State does not have a law explicitly protecting against election disinformation.