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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1217 Session of  
2024

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INTRODUCED BY PENNYCUICK, DILLON, GEBHARD, KANE, ROTHMAN,  
TARTAGLIONE, KEARNEY, COMMITTA, HAYWOOD, J. WARD, COSTA,  
BROWN, CULVER AND MILLER, MAY 29, 2024

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REFERRED TO STATE GOVERNMENT, MAY 29, 2024

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AN ACT

1 Providing for civil liability for fraudulent misrepresentation  
2 of candidates; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fraudulent  
7 Misrepresentation of a Candidate Prevention Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Artificial intelligence." Any of the following:

13 (1) An artificial system that performs tasks under  
14 varying and unpredictable circumstances without significant  
15 human oversight or that can learn from experience and improve  
16 performance when exposed to data sets.

17 (2) An artificial system developed in computer software,

1 physical hardware or other context that solves tasks  
2 requiring human-like perception, cognition, planning,  
3 learning, communication or physical action.

4 (3) An artificial system designed to think or act like a  
5 human, including cognitive architectures and neural networks.

6 (4) A set of techniques, including machine learning,  
7 that is designed to approximate a cognitive task.

8 (5) An artificial system designed to act rationally,  
9 including an intelligent software agent or embodied robot  
10 that achieves goals using perception, planning, reasoning,  
11 learning, communicating, decision making and acting.

12 "Artificially generated impersonation." A form of media,  
13 including text, image, video or sound:

14 (1) the production of which is wholly dependent upon the  
15 use of artificial intelligence; and

16 (2) that appears to establish, resemble or represent an  
17 individual in a way that did not occur in reality.

18 "Campaign advertisement." A public advertisement for the  
19 purposes of influencing public opinion with respect to  
20 legislative, administrative or electoral matters utilizing a  
21 medium that includes mailings, emails, telephone calls, radio,  
22 television, billboards, yard signs or other electronic media.

23 "Candidate." As defined in section 102(a) of the  
24 Pennsylvania Election Code.

25 "Disseminate." To produce, publish, distribute, broadcast,  
26 publicize, display, transmit or otherwise publicly share.

27 "Election." As defined in section 102(f) of the Pennsylvania  
28 Election Code.

29 "Pennsylvania Election Code." The act of June 3, 1937  
30 (P.L.1333, No.320), known as the Pennsylvania Election Code.

1 "Public office." As defined in section 102(s) of the  
2 Pennsylvania Election Code.  
3 Section 3. Civil liability for fraudulent misrepresentation of  
4 candidates.

5 (a) Liability.--A person shall be liable for fraudulent  
6 misrepresentation of a candidate if, within 90 days before an  
7 election and with willful or reckless disregard for the  
8 possibility of influencing the outcome of an election, the  
9 person disseminates or causes to be disseminated a campaign  
10 advertisement that contains an artificially generated  
11 impersonation of a current or former candidate for public office  
12 with the intent to misrepresent the words, actions or beliefs of  
13 the current or former candidate.

14 (b) Relief.--A current or former candidate for public office  
15 aggrieved by a person under subsection (a) may bring a civil  
16 action against the person in a court of competent jurisdiction  
17 and shall be entitled to recover punitive damages, reasonable  
18 attorney fees and other reasonably related litigation costs  
19 incurred relating to the civil action. Upon a showing of cause  
20 for the issuance of injunctive relief, a court may issue a  
21 temporary restraining order, preliminary injunction or permanent  
22 injunction as the court deems appropriate. During any period  
23 that a civil action under this subsection is pending, a court  
24 may order the cessation of the activity forming the basis of the  
25 complaint.

26 (c) Civil penalties.--

27 (1) In addition to any other judgment or relief awarded  
28 under subsection (b) to an aggrieved current or former  
29 candidate for public office, a court may, for each campaign  
30 advertisement containing a unique artificially generated

1 impersonation, impose a civil penalty on the person for each  
2 day the fraudulent misrepresentation is disseminated in an  
3 amount not exceeding:

4 (i) An amount of \$15,000 when the individual  
5 impersonated is a current or former candidate for a  
6 municipal public office in this Commonwealth.

7 (ii) An amount of \$50,000 when the individual  
8 impersonated is a current or former candidate for a State  
9 public office in this Commonwealth.

10 (iii) An amount of \$250,000 when the individual  
11 impersonated is a current or former candidate for  
12 President of the United States, presidential elector, the  
13 United States Senate or the United States House of  
14 Representatives.

15 (2) For a person that is a political action committee  
16 that only receives contributions to make independent  
17 expenditures, the court may impose twice the amounts  
18 specified under paragraph (1) on the person.

19 (d) Defense.--It shall be a defense to a civil action  
20 brought under this section that the person disseminated the  
21 campaign advertisement with the consent of the individual  
22 impersonated if the person who disseminated the campaign  
23 advertisement can establish that the individual impersonated has  
24 given the individual's express, written consent.

25 (e) Location.--A person may be found liable in a civil  
26 action brought under this section if the person or candidate is  
27 located within this Commonwealth.

28 (f) Construction.--Nothing in this section shall be  
29 construed to apply to any of the following:

30 (1) A law enforcement officer engaged in the performance

1 of the law enforcement officer's official duties.

2 (2) A radio or television broadcasting station,  
3 including a cable or satellite television operator,  
4 programmer or producer, that disseminates a campaign  
5 advertisement as part of a bona fide newscast, news  
6 interview, news documentary or on-the-spot coverage of bona  
7 fide news events if the radio or television broadcasting  
8 station clearly acknowledges through content or a disclosure  
9 statement, in a manner that can be easily heard or read by  
10 the average listener or viewer, that there are questions  
11 about the authenticity of the campaign advertisement.

12 (3) A publicly accessible Internet website or a  
13 regularly published newspaper, magazine or other periodical  
14 of general circulation, including an Internet or electronic  
15 publication, which routinely carries news and commentary of  
16 general interest and that disseminates a campaign  
17 advertisement as part of coverage of bona fide news events if  
18 the publicly accessible Internet website, regularly published  
19 newspaper, magazine or other periodical of general  
20 circulation clearly acknowledges through content or a  
21 disclosure statement, in a manner that can be easily heard or  
22 read by the average listener or viewer, that there are  
23 questions about the authenticity of the campaign  
24 advertisement.

25 (4) A radio or television broadcasting station,  
26 including a cable or satellite television operator,  
27 programmer or producer, when the radio or television  
28 broadcasting station is paid to disseminate a campaign  
29 advertisement with the consent of the individual impersonated  
30 as specified under subsection (d).

1 (g) Definitions.--As used in this section, the term "person"  
2 means any of the following:

3 (1) A firm, partnership, corporation, limited liability  
4 company, association, organization or similar entity.

5 (2) A political committee, including a political action  
6 committee, a political party or a member of a political  
7 committee or political party.

8 (3) A political action committee that only receives  
9 contributions to make independent expenditures.

10 (4) An individual employed by an entity specified under  
11 paragraph (1), (2) or (3).

12 Section 4. Severability.

13 The provisions of this act are severable. If any provision of  
14 this act or its application to any person or circumstance is  
15 held invalid, the invalidity shall not affect other provisions  
16 or applications of this act which can be given effect without  
17 the invalid provision or application.

18 Section 5. Effective date.

19 This act shall take effect in 60 days.