

2024 -- H 7387

LC004624

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO ELECTIONS -- DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN
ELECTION COMMUNICATIONS

Introduced By: Representatives Baginski, J. Brien, Corvese, and Solomon

Date Introduced: January 31, 2024

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 30

4 DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN ELECTION

5 COMMUNICATIONS

6 **17-30-1. Deceptive synthetic media.**

7 (a) For purposes of this section, "synthetic media" means an image, an audio recording, or
8 a video recording of an individual's appearance, speech, or conduct that has been intentionally
9 manipulated with the use of generative adversarial network techniques or other digital technology
10 to create a realistic but false image, audio, or video that produces:

11 (1) A depiction that, to a reasonable individual, appears to be a real individual in terms of
12 appearance, action, or speech, but that did not occur in reality; and

13 (2) A fundamentally different understanding or impression of the appearance, action, or
14 speech than a reasonable person would have from the unaltered, original version of the image, audio
15 recording, or video recording.

16 (b) Except as provided in subsection (c) of this section, a person, corporation, political
17 action committee, or other entity shall not, within ninety (90) days of any election at which a
18 candidate for elective officer will appear on a ballot, distribute synthetic media that the person,

1 corporation, political action committee or other entity knows or should know is deceptive and
2 fraudulent synthetic media, as defined in subsection (a) of this section.

3 (c)(1) The prohibition in subsection (b) of this section does not apply if the image, audio
4 recording or video recording includes a disclosure stating that the image has been manipulated or
5 generated by artificial intelligence.

6 (2) For visual media, the text of the disclosure shall appear in a size that is easily readable
7 by the average viewer, and no smaller than the largest font size of any other text appearing in the
8 visual media. If the visual media does not include any other text, the disclosure shall appear in a
9 size that is easily readable by the average viewer. For visual media that is a video, the disclosure
10 shall appear for the duration of the video.

11 (3) If the media consists of audio only, the disclosure shall be read in a clearly spoken
12 manner, and in a speed and pitch that can be easily heard by the average listener, at the beginning
13 of the audio, at the end of the audio, and, if the audio is greater than two (2) minutes in length,
14 interspersed within the audio at intervals of not greater than two (2) minutes.

15 **17-30-2. Right of action.**

16 (a) A candidate whose appearance, actions, or speech are depicted through the use of
17 synthetic media in violation of § 17-30-1 may seek injunctive or other equitable relief prohibiting
18 the distribution of audio or visual synthetic media in violation of this chapter.

19 (b) A candidate whose appearance, actions, or speech are depicted using synthetic media
20 may also bring an action for general or special damages against the person, company, political
21 action committee or other entity that created the synthetic media. The court may also award a
22 prevailing party reasonable attorneys' fees and costs. This subsection shall not be construed to limit
23 or preclude a plaintiff from recovering under any other available remedy.

24 (c) In any civil action alleging a violation of this chapter, the plaintiff shall bear the burden
25 of establishing the violation through clear and convincing evidence.

26 **17-30-3. Application.**

27 The provisions contained within this chapter shall not apply to the following:

28 (1) A radio or television broadcasting station, including cable or satellite television
29 operator, programmer, or producer, that broadcasts synthetic media as prohibited by this chapter as
30 part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona
31 fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner
32 that can be easily heard or read by the average listener or viewer, that the authenticity of the
33 synthetic media is questionable;

34 (2) A radio or television broadcasting station, including a cable or satellite television

1 operator, programmer, or producer, when it is paid to broadcast synthetic media and has made a
2 good faith effort to establish that the depiction is not synthetic media;

3 (3) An Internet website, or a regularly published newspaper, magazine, or other periodical
4 of general circulation, including an Internet or electronic publication, that routinely carries news
5 and commentary of general interest, and that publishes synthetic media as prohibited by this
6 chapter, if the publication clearly states that the synthetic media does not accurately represent the
7 speech or conduct of the candidate; or

8 (4) To synthetic media that constitutes satire or parody.

9 **17-30-4. Severability.**

10 The provisions of this chapter are severable. If any provision of this chapter or its
11 application is held to be invalid, such holding shall not affect other provisions or applications that
12 can be given effect without the invalid provision.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO ELECTIONS -- DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN
ELECTION COMMUNICATIONS

1 This act would prohibit a person, corporation, or political action committee from using
2 synthetic media, within ninety (90) days of any election. This act would define synthetic media as
3 an image, an audio recording or a video recording of an individual's appearance, speech or conduct
4 that has been intentionally manipulated with the use of generative adversarial network techniques
5 or other digital technology to create a realistic but fake image.

6 This act would take effect upon passage.

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