AN ACT
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

(Secretary of State)

It is enacted by the General Assembly as follows:

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

CHAPTER 30
DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN ELECTION COMMUNICATIONS

17-30-1. Deceptive synthetic media.

(a) For purposes of this chapter, "candidate" also includes an incumbent or current officer holder.

(b) For purposes of this chapter, "creator" means a person, corporation, political action committee or other entity that utilizes or deploys artificial intelligence or other digital technology to generate synthetic media. The "creator" does not include the provider or developer of the artificial intelligence of other digital technology.

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

(1) A depiction that, to a reasonable individual, appears to be a real individual in terms of appearance, action, or speech, but that did not occur in reality; and
(2) A fundamentally different understanding or impression of the appearance, action, or speech than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording.

(d) Except as provided in subsection (e) of this section, a creator shall not, within ninety (90) days of any election at which a candidate for elective office will appear on a ballot, distribute synthetic media that the creator knows or should know is deceptive and fraudulent synthetic media, as defined in subsection (c) of this section.

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

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

(3) If the media consists of audio only, and no visual disclosure is feasible, the disclosure shall be read in a clearly spoken manner, and in a speed and pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two (2) minutes in length, interspersed within the audio at intervals of not greater than two (2) minutes.

17-30-2. Right of action.

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

(b) A candidate whose appearance, actions, or speech are depicted using synthetic media may also bring an action for general or special damages against the creator that generated the synthetic media. The court may also award a prevailing party reasonable attorneys’ fees and costs. This subsection shall not be construed to limit or preclude a plaintiff from recovering under any other available remedy.

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

17-30-3. Application.

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

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

(2) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast synthetic media and has made a good faith effort to establish that the depiction is not synthetic media;

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

(4) Synthetic media that constitutes satire or parody; or

(5) An interactive computer service as defined in 47 USC 230.

17-30-4. Severability.

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

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

This act would take effect upon passage.