

SENATE BILL 2057

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 19, Part 1, relative to political campaigns.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 19, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Advertisement" means a representation or communication disseminated by any means or medium that relates to political campaigns within the scope of this section;

(2) "Artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments;

(3) "Materially deceptive media" means an image or audio or video recording where:

(A) The media falsely depicts an individual engaging in speech, conduct, or appearance in which the individual did not actually engage;

(B) A reasonable viewer or listener would incorrectly believe that the depicted individual engaged in the speech, conduct, or appearance; and

(C) The media was produced by substantially relying on technical means other than an individual's ability to physically impersonate the depicted individual, including artificial intelligence;

(4) "Political advertisement" means an advertisement or sponsored content involving a candidate for federal, state, or local office in this state, an election to federal, state, or local office in this state, or a ballot question that is made by or on behalf of a candidate or political campaign committee and contains visual or audio media partially or wholly generated with the use of artificial intelligence. The term does not include an advertisement or content that is a satire or parody; and

(5) "Political campaign committee" has the same meaning as defined in § 2-10-102.

(b)

(1) In addition to all other disclosure requirements for campaign advertisements under federal and state law, if a person, political campaign committee, or other entity creates, publishes, distributes, or disseminates a political advertisement, then the political advertisement must clearly and conspicuously contain a statement that the advertisement was partially or wholly generated by artificial intelligence as follows:

(A) If the advertisement is a text or graphic communication, the statement must appear in letters at least as large as the majority of the text in the communication;

(B) If the advertisement is an audio communication, the statement must be at least three (3) seconds in length and spoken in a clearly audible and intelligible manner at either the beginning or end of the communication; and

(C) If the advertisement is a video communication that includes audio, the statement must meet the requirements for an audio

communication and appear for at least four (4) seconds in letters that are as large as the majority of all text included in the advertisement.

(2) If a person, political campaign committee, or other entity creates, publishes, or distributes a communication partially or wholly generated by artificial intelligence that references an election, candidate, or ballot question and is not a political advertisement, the communication must contain the following disclaimer: **THIS COMMUNICATION WAS GENERATED IN WHOLE OR IN PART BY ARTIFICIAL INTELLIGENCE.**

(c)

(1) A person, political campaign committee, or other entity shall not distribute or agree to distribute materially deceptive media pertaining to a federal, state, or local election if:

(A) The person knows or recklessly disregards whether the media falsely represents a depicted individual;

(B) The distribution occurs not more than ninety (90) days before an election;

(C) The distribution is intended and likely to harm the reputation or electoral prospects of a candidate; and

(D) The distribution is intended and likely to influence voter behavior by deceiving voters into incorrectly believing that an individual engaged in the speech, conduct, or appearance depicted in the media.

(2) Subdivision (c)(1) is inapplicable to media distributions that include the following applicable disclaimer informing the viewer that the media has been manipulated to depict speech or conduct that did not occur:

(A) If the media is a video, the disclaimer must appear throughout its entirety, be clearly visible to and readable by an observer, and be in letters that are at least as large as the majority of text communicated in the video;

(B) If the media is audio only, the disclaimer must be read at the beginning and end of the communication in a clearly spoken manner and in a pitch that the average listener could easily hear; and

(C) If the media is an image, the disclaimer would have to be clearly visible to and readable by the average viewer, and if the image contains other text, the disclaimer must be printed in letters that are at least as large as a majority of the other text.

(d) A violation of this section is a Class C misdemeanor.

(e) If a depicted person or candidate has been or is likely to be injured by the distribution of a political advertisement or materially deceptive media, the person, candidate, or the attorney general and reporter may seek permanent injunctive relief in the appropriate circuit court. A plaintiff must prove by clear and convincing evidence that the defendant knew or recklessly disregarded whether the advertisement or media falsely represents the depicted person or candidate.

(f) To the extent that this subsection (f) does not conflict with federal law, this section does not apply to a radio station, television station, publication, media outlet, or internet website if a political advertisement or materially deceptive media disseminated on the respective station, outlet, or website complies with this section.

SECTION 2. This act takes effect July 1, 2024, the public welfare requiring it, and applies to acts or omissions occurring on or after such date.