

1 S.23

2 An act relating to the use of synthetic media in elections

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 17 V.S.A. chapter 35, subchapter 4 is added to read:

5 Subchapter 4. Use of Synthetic Media in Elections

6 § 2031. DEFINITIONS

7 As used in this subchapter:

8 (1) “Deceptive and fraudulent synthetic media” means synthetic media  
9 that creates a representation of an individual or individuals with the intent to  
10 injure the reputation of a candidate, to influence the outcome of an election, or  
11 to otherwise deceive a voter, in a manner that:

12 (A) appears to a reasonable person to be an authentic recording of an  
13 individual saying or doing something that did not occur; or

14 (B) provides a reasonable person with a fundamentally different  
15 understanding or impression of the appearance, speech, conduct, or  
16 environment that a reasonable person would have from an unaltered and  
17 original version of the image, audio recording, or video recording.

18 (2) “Synthetic media” means an image, an audio recording, or a video  
19 recording of an individual’s appearance, speech, conduct, or environment that  
20 has been created or intentionally manipulated with the use of digital

1 technology, including artificial intelligence, in a manner that creates a realistic  
2 but false representation of the candidate.

3 § 2032. DISCLOSURE OF A DECEPTIVE AND FRAUDULENT  
4 SYNTHETIC MEDIA

5 (a) Disclosure. A person shall not, within 90 days before an election in  
6 Vermont, publish, communicate, or otherwise distribute synthetic media that  
7 the person knows or should have known is deceptive and fraudulent synthetic  
8 media unless the person includes a disclosure in the synthetic media stating:  
9 “This media has been created or intentionally manipulated by digital  
10 technology or artificial intelligence.”

11 (1) For deceptive and fraudulent synthetic media consisting of images  
12 and video recordings, the text of the disclosure shall appear in a size that is  
13 easily readable by the average viewer and not smaller than the largest font size  
14 of other text appearing in the visual media. If the image or video recording  
15 does not include any other text, the disclosure shall appear in a size that is  
16 easily readable by the average viewer. For video recordings, the disclosure  
17 shall appear for the full duration of the video recording.

18 (2) For deceptive and fraudulent synthetic media consisting of audio  
19 recordings only, the disclosure shall be read in a clearly spoken manner and in  
20 a pitch and pace that can be easily heard by the average listener, at the  
21 beginning of the audio recording, at the end of the audio recording, and, if the

1 audio is greater than two minutes in length, interspersed within the audio  
2 recording at intervals of not greater than two minutes each.

3 (b) Exceptions. Subsection (a) of this section shall not apply to:

4 (1) a radio or television broadcasting station, including a cable or  
5 satellite television operator, programmer, or producer, or to a website,  
6 streaming platform, or mobile application, that:

7 (A) broadcasts deceptive and fraudulent synthetic media as part of a  
8 bona fide newscast, news interview, news documentary, or on-the-spot  
9 coverage of bona fide news events, so long as the broadcast clearly  
10 acknowledges through content or a disclosure, in a manner that can be easily  
11 heard or read by the average listener or viewer, that there are questions about  
12 the authenticity of the deceptive and fraudulent synthetic media;

13 (B) is paid to broadcast deceptive and fraudulent synthetic media; or

14 (C) is required by federal law to broadcast advertisements from  
15 legally qualified candidates;

16 (2) a website or a regularly published newspaper, magazine, or other  
17 periodical of general circulation, including an internet or electronic  
18 publication, that routinely carries news and commentary of general interest,  
19 and that publishes deceptive and fraudulent synthetic media, if the publication  
20 clearly states that the deceptive and fraudulent synthetic media does not  
21 accurately represent the speech or conduct of the represented individual;

1           (3) a person that produces deceptive and fraudulent synthetic media  
2           constituting satire or parody;

3           (4) a provider of a telecommunications service or information service, as  
4           those terms are defined in the Communications Act of 1934, 47 U.S.C. § 153,  
5           for content provided by another person; or

6           (5) a provider of an interactive computer service, as defined in 47  
7           U.S.C. § 230, for content provided by another person.

8           § 2033. PENALTIES

9           (a) A person that knowingly and intentionally violates a provision of this  
10          subchapter shall be fined not more than \$1,000.00, unless:

11          (1) the person commits the violation with the intent to cause violence or  
12          bodily harm, in which case the fine shall be not more than \$5,000.00;

13          (2) the person commits the violation within five years after one or more  
14          prior convictions under this section, in which case the fine shall be not more  
15          than \$10,000.00; or

16          (3) the person commits the violation with the intent to cause violence or  
17          bodily harm and the person commits the violation within five years after one or  
18          more prior convictions under this section, in which case the fine shall be not  
19          more than \$15,000.00.

20          (b) A candidate whose appearance, speech, conduct, or environment is  
21          misrepresented through the use of deceptive and fraudulent synthetic media in

1 violation of section 2032 of this title may seek injunctive or other equitable  
2 relief prohibiting the publication, communication, or other distribution of such  
3 deceptive and fraudulent synthetic media.

4 Sec. 2. 17 V.S.A. chapter 35, subchapter 5 is added to read:

5 Subchapter 5. Enforcement and Additional Remedies

6 § 2041. INJUNCTIONS

7 In addition to the other penalties provided in this chapter, a State's Attorney  
8 or the Attorney General may institute any appropriate action, injunction, or  
9 other proceeding to prevent, restrain, correct, or abate any violation of this  
10 chapter.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on passage.