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S.23

Introduced by Senators Hardy, Clarkson, Collamore, Norris, Vyhovsky,  
Watson and White

Referred to Committee on Government Operations

Date: January 22, 2025

Subject: Elections; offenses against the purity of elections; synthetic media

Statement of purpose of bill as introduced: This bill proposes to require the  
disclosure of deceptive and fraudulent synthetic media within 90 days of an  
election.

An act relating to the use of synthetic media in elections

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

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

Subchapter 4. Use of Synthetic Media in Elections

§ 2031. DEFINITIONS

As used in this subchapter:

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

1 ~~(A) appears to a reasonable person to represent an individual saying~~  
2 ~~or doing something that did not occur; or~~

3 ~~(B) provides a reasonable person with a fundamentally different~~  
4 ~~understanding or impression of the appearance, speech, conduct, or~~  
5 ~~environment that a reasonable person would have from an unaltered and~~  
6 ~~original version of the image, audio recording, or video recording.~~

7 ~~(2) "Synthetic media" means an image, an audio recording, or a video~~  
8 ~~recording of an individual's appearance, speech, conduct, or environment that~~  
9 ~~has been created or intentionally manipulated with the use of digital~~  
10 ~~technology, including artificial intelligence, in a manner that creates a realistic~~  
11 ~~but false representation of the candidate.~~

12 § 2032. DISCLOSURE OF A DECEPTIVE AND FRAUDULENT

13 SYNTHETIC MEDIA

14 (a) Disclosure. A person shall not, within 90 days of an election at which a  
15 candidate for elective office will appear on the ballot, publish, communicate,  
16 or otherwise distribute a synthetic media message that the person knows or  
17 should have known is a deceptive and fraudulent synthetic media of a  
18 candidate on the ballot, unless the synthetic media includes a disclosure  
19 stating: "This media has been created or intentionally manipulated by digital  
20 technology or artificial intelligence."

1 ~~(1) For deceptive and fraudulent synthetic media consisting of images~~  
2 ~~and video recordings, the text of the disclosure shall appear in a size that is~~  
3 ~~easily readable by the average viewer and not smaller than the largest font size~~  
4 ~~of other text appearing in the visual media. If the image or video recording~~  
5 ~~does not include any other text, the disclosure shall appear in a size that is~~  
6 ~~easily readable by the average viewer. For video recordings, the disclosure~~  
7 ~~shall appear for the full duration of the video recording.~~

8 ~~(2) For deceptive and fraudulent synthetic media consisting of audio~~  
9 ~~recordings only, the disclosure shall be read in a clearly spoken manner and in~~  
10 ~~a pitch that can be easily heard by the average listener, at the beginning of the~~  
11 ~~audio recording, at the end of the audio recording, and, if the audio is greater~~  
12 ~~than two minutes in length, interspersed within the audio recording at intervals~~  
13 ~~of not greater than two minutes each.~~

14 ~~(b) Exceptions.~~

15 ~~(1) Subsection (a) of this section shall not apply to a radio or television~~  
16 ~~broadcasting station, including a cable or satellite television operator,~~  
17 ~~programmer, or producer, that broadcasts deceptive and fraudulent synthetic~~  
18 ~~media as part of a bona fide newscast, news interview, news documentary, or~~  
19 ~~on-the-spot coverage of bona fide news events, if the broadcast clearly~~  
20 ~~acknowledges through content or a disclosure, in a manner that can be easily~~  
21 ~~heard or read by the average listener or viewer, that there are questions about~~

1 ~~the authenticity of the deceptive and fraudulent synthetic media, or in cases~~  
2 where federal law requires broadcasters to air advertisements from legally  
3 qualified candidates.

4 (2) Subsection (a) of this section shall not apply to a radio or television  
5 broadcasting station, including a cable or satellite television operator,  
6 programmer, or producer, when it is paid to broadcast deceptive and fraudulent  
7 synthetic media after making a good faith effort to establish that the  
8 representation is not deceptive and fraudulent synthetic media, or in cases  
9 where federal law requires broadcasters to air advertisements from legally  
10 qualified candidates.

11 (3) Subsection (a) of this section shall not apply to an internet website  
12 or a regularly published newspaper, magazine, or other periodical of general  
13 circulation, including an internet or electronic publication, that routinely  
14 carries news and commentary of general interest, and that publishes deceptive  
15 and fraudulent synthetic media, if the publication clearly states that the  
16 deceptive and fraudulent synthetic media does not accurately represent the  
17 speech or conduct of the represented individual.

18 (4) Subsection (a) of this section shall not apply to deceptive and  
19 fraudulent synthetic media that constitutes satire or parody.

1 2033. PENALTIES

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

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

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

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

13 (b) A candidate whose appearance, speech, conduct, or environment is  
14 misrepresented through the use of deceptive and fraudulent synthetic media in  
15 violation of section 2032 of this title may seek injunctive or other equitable  
16 relief prohibiting the publication, communication, or other distribution of such  
17 deceptive and fraudulent synthetic media.

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

19 Subchapter 5. Enforcement and Additional Remedies

1 ~~§ 2041. INJUNCTIONS~~

2 ~~In addition to the other penalties provided in this chapter, a State's Attorney~~  
3 ~~or the Attorney General may institute any appropriate action, injunction, or~~  
4 ~~other proceeding to prevent, restrain, correct, or abate any violation of this~~  
5 ~~chapter.~~

6 Sec. 3. EFFECTIVE DATE

7 ~~This act shall take effect on passage.~~

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

*Subchapter 4. Use of Synthetic Media in Elections*

*§ 2031. DEFINITIONS*

*As used in this subchapter:*

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

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

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

*(2) "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, conduct, or environment that has been created or intentionally manipulated with the use of digital technology, including artificial intelligence, in a manner that creates a realistic but false representation of the candidate.*

*§ 2032. DISCLOSURE OF A DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA*

~~*(a) Disclosure. A person shall not, within 90 days before an election at which a candidate for elective office will appear on the ballot, publish, communicate, or otherwise distribute a synthetic media message that*~~

~~person knows or should have known is a deceptive and fraudulent synthetic media of a candidate on the ballot, unless the person includes a disclosure in the synthetic media stating: "This media has been created or intentionally manipulated by digital technology or artificial intelligence."~~

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

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

*(2) For deceptive and fraudulent synthetic media consisting of audio recordings only, the disclosure shall be read in a clearly spoken manner and in a pitch and pace that can be easily heard by the average listener, at the beginning of the audio recording, at the end of the audio recording, and, if the audio is greater than two minutes in length, interspersed within the audio recording at intervals of not greater than two minutes each.*

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

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

*(A) broadcasts deceptive and fraudulent synthetic media as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, so long as 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 there are questions about the authenticity of the deceptive and fraudulent synthetic media;*

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

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

*(2) a 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 deceptive and fraudulent synthetic media, if the publication clearly states that the deceptive and fraudulent synthetic media does not accurately represent the speech or conduct of the represented individual;

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

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

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

#### § 2033. PENALTIES

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

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

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

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

(b) A candidate whose appearance, speech, conduct, or environment is misrepresented through the use of deceptive and fraudulent synthetic media in violation of section 2032 of this title may seek injunctive or other equitable relief prohibiting the publication, communication, or other distribution of such deceptive and fraudulent synthetic media.

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

#### Subchapter 5. Enforcement and Additional Remedies

#### § 2041. INJUNCTIONS

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



*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on passage.*