

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which  
3 was referred Senate Bill No. 23 entitled “An act relating to the use of synthetic  
4 media in elections” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

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

9 Subchapter 4. Use of Synthetic Media in Elections

10 § 2031. DEFINITIONS

11 As used in this subchapter:

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

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

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

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

6           § 2032. DISCLOSURE OF A DECEPTIVE AND FRAUDULENT  
7           SYNTHETIC MEDIA

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

14           (1) For deceptive and fraudulent synthetic media consisting of images  
15           and video recordings, the text of 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, commentary of  
9 general interest, or on-the-spot coverage of bona fide news events, so long as  
10 the broadcast clearly acknowledges through content or a disclosure, in a  
11 manner that can be easily heard or read by the average listener or viewer, that  
12 there are questions about the authenticity of the deceptive and fraudulent  
13 synthetic media;

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

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

17 (2) a website or a regularly published newspaper, magazine, or other  
18 periodical of general circulation, including an internet or electronic  
19 publication, that routinely carries news and commentary of general interest,  
20 and that publishes deceptive and fraudulent synthetic media, if the publication

1 clearly states that the deceptive and fraudulent synthetic media does not  
2 accurately represent the speech or conduct of the represented individual;

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

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

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

10 § 2033. PENALTIES

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

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

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

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

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