

1 TO THE HONORABLE SENATE:

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

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

8 Subchapter 4. Use of Synthetic Media in Elections

9 § 2031. DEFINITIONS

10 As used in this subchapter:

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

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

17 (B) provides a reasonable person with a fundamentally different
18 understanding or impression of the appearance, speech, conduct, or
19 environment that a reasonable person would have from an unaltered and
20 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 at
9 which a candidate for elective office will appear on the ballot, publish,
10 communicate, or otherwise distribute a synthetic media message that the
11 person knows or should have known is a deceptive and fraudulent synthetic
12 media of a candidate on the ballot, unless the person includes a disclosure in
13 the synthetic media stating: “This media has been created or intentionally
14 manipulated by digital technology or artificial intelligence.”

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

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

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

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

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

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

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

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

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

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

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

14 § 2033. PENALTIES

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

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

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

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

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

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

11 Subchapter 5. Enforcement and Additional Remedies

12 § 2041. INJUNCTIONS

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

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.

1 (Committee vote: _____)

2

3

Senator _____

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FOR THE COMMITTEE