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S.23

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

Referred to Committee on

Date:

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 or
12 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 or
11 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.