



**TESTIMONY OF THE NEW ENGLAND CONNECTIVITY &
TELECOMMUNICATIONS ASSOCIATION, INC. REGARDING S.23**

February 7, 2025

Dear Chair Collamore, Vice Chair Vyhovsky, and Members of the Senate Committee on Government Operations,

On behalf of the New England Connectivity and Telecommunications Association (NECTA), I appreciate the opportunity to provide testimony on Senate Bill 23, *An Act Relating to the Use of Synthetic Media in Elections*. NECTA's members have long shared the sponsor's concern for ensuring public confidence in elections communications and advertising and understand the legitimate concerns that advertising, particularly political advertising, can be misleading given the proliferation of the use of generative Artificial Intelligence.

Presently, federal law places strict regulation on broadcast licensees and cable providers that choose to air political advertisements and NECTA appreciates the sponsor's recognition of these federal requirements in the exemption language. At the same time however, media platforms are more diverse than ever, including NECTA's members' platforms. The public interest would not benefit from placing heightened requirements on providers that distribute non-regulated political advertisements. For one thing, it would potentially create confusion among voters if an advertisement containing a deepfake was removed from one platform, while the ad continued airing on platforms where required by federal law, undermining the bill's goals of protecting voters from disinformation. Additionally, it would place streamers and other online platforms in the middle of a dispute over an elections advertisement, that may or may not include synthetic media, creating serious liability that could result in ad platforms simply choosing to sell less time to election advertisers to reduce legal risk.

Thus, given the changing media landscape, NECTA respectfully requests that the committee amend the bill to further clarify that political advertisement publishers like cable providers, streaming platforms, and other video providers cannot be liable for content that they did not create or had any way of knowing could contain misleading synthetic media.

- First, and foremost, we respectfully request that the Committee remove the “good faith effort” requirement of the paid advertising exemption in § 2032(b)(2). In addition to complying with federal rules, our members’ advertisement guidelines directly address the use of synthetic media, deepfakes, and fraudulent content in that such media either must be disclosed or is outright prohibited; however, visual review of an advertisement does not always indicate whether deceptive or fraudulent synthetic media has been used in the advertisements, particularly as the purpose of deceptive synthetic media is to make the reasonable person believe that it is real. It will be extremely difficult for publishers to discover or determine if a political advertisement contains synthetic media when it has not been disclosed by the ad purchaser or the creator of the media itself. Nor is there any technology that has been verified and readily available that could allow providers to reliably detect deceptive synthetic media with any degree of certainty. ***Paid advertisers are in no better position to detect deceptive synthetic media than any other member of the public.*** Even if the publisher can avoid liability, it cannot avoid the risk and expense of having to prove it acted in good faith. This will likely have the unintended consequence of limiting access to political advertising for certain groups on important issues of public interest.

Additionally, in order to account for the vast media market that exists today, NECTA supports the recommendations of the Vermont Association of Broadcasters, in making the following further clarifications:

- Include “*internet website, streaming platform, or mobile application*” in the bona fide newscast exemption in §2032(b)(1). Non-traditional media channels are a legitimate, growing source of news and information and should be afforded similar protections as traditional television news but would still be subject to the same requirement that they disclose the authenticity of the synthetic media in question under the bill.
- Include “*internet website, streaming platform, or mobile application*” in the paid advertising exemption in §2032(b)(2). Streaming platforms are in the same position as traditional publishers of selling ad time for which they have no visibility into or control over whether the creator of a political advertisement has used deceptive or fraudulent synthetic media.

The proposed edits would appear as follows in S.23:

(1) Subsection (a) of this section shall not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, internet website, streaming platform, or mobile application that 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, if 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, or in cases where federal law requires broadcasters to air advertisements from legally qualified candidates

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

NECTA appreciates the Committee's consideration of our recommended changes to S.23. Thank you for your time and attention to this testimony. Please do not hesitate to reach out with any questions.

Sincerely,



Timothy Wilkerson
President, NECTA

About NECTA

NECTA is a five-state regional trade association representing substantially all private telecommunications companies in Vermont, Connecticut, Massachusetts, New Hampshire, and Rhode Island. In Vermont, our member companies include Comcast and Charter Communications. The networks built and maintained by our companies deliver gigabit speeds to more Vermonters than any other provider. NECTA members serve 190 Vermont municipalities with broadband, video, voice, and home security and automation services. Over the past decade, our members have collectively invested over \$200 million developing state-of-the-art networks in Vermont. Today, we provide high-speed broadband to 157,000 homes and businesses through approximately 9,000 miles of fiber.