

In Support of  
S. 23





# Defining “Deepfake”



# Deepfake Example

1.

1. Is this celebrity photoshoot real or A.I.?

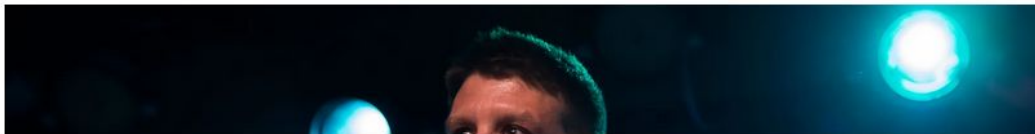


A.I.

Not A.I.

# Slovakia's Election Deepfakes Show AI Is a Danger to Democracy

Fact-checkers scrambled to deal with faked audio recordings released days before a tight election, in a warning for other countries with looming votes.

**WIRED**

Slovakia's Election Deepfakes Show AI Is a Danger to Democracy

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Progressive Slovakia party leader Michal Simecka. PHOTOGRAPH: ZUZANA GOGOVA/GETTY IMAGES

# "DEEFAKE" ROBOCALLER

NH ATTORNEY GENERAL

- ▶ Someone using President Biden's voice
- ▶ Says "your vote makes a difference in November, not this Tuesday"
- ▶ AG telling people to disregard message and contact them



**JOE BIDEN**

**YOUR LOCAL ELECTION HQ**

# **North Carolina 6th District candidate Mark Walker calls video shared by PAC a 'deepfake'**

by: [Emily Mikkelsen](#)

Posted: Feb 29, 2024 / 11:30 AM EST

Updated: Mar 1, 2024 / 06:45 AM EST

# Urgency

- Accessibility of deepfake technology
- Quality of deepfakes
- Erosion of public trust

# Key Elements of S 23 - Importance - and Variation

- Definition of deepfake/ synthetic media
- Prohibit distribution of unlabeled deepfakes - **Why disclosure not ban?**
- Standards for disclosure - must be very clear and prominent
- Covers all people – not just candidates, parties and committees e.g. influencers
- Within 90 days of Election day
- Only covers people who knowingly circulate a deepfake
- Establish a right for affected parties to seek injunction to take it down
- Establishes penalties



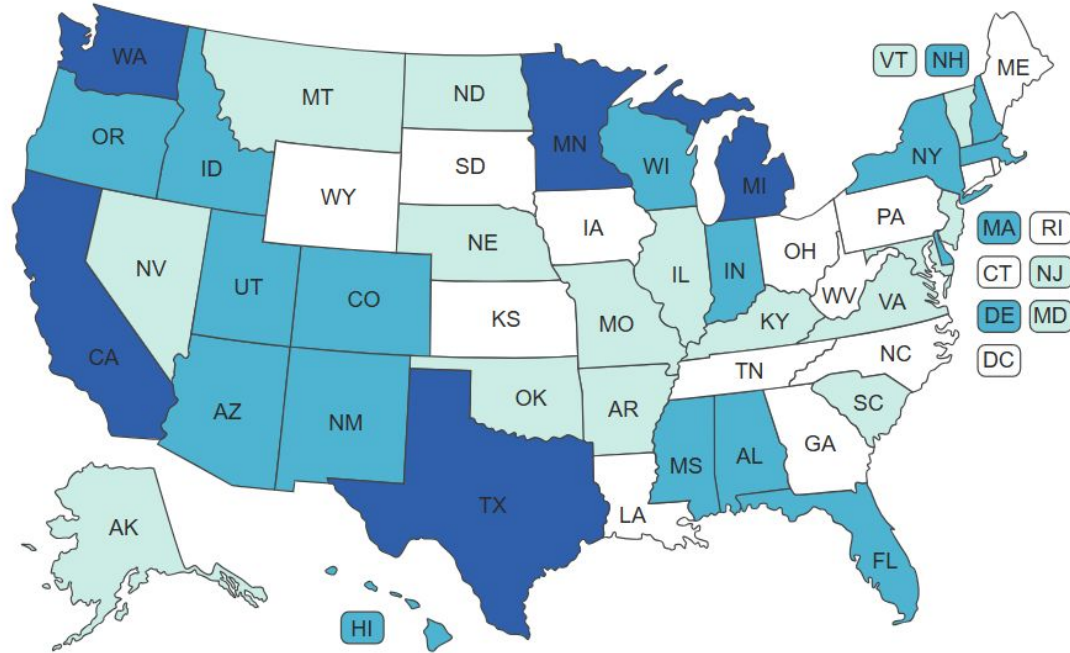
# Protections

- No liability for broadcasters or platforms that make a good faith effort to prevent deepfakes, or that show deepfakes as part of news coverage and describe as deepfakes, or in situations where folks are required to air content by the FCC
- Satire and parody are protected
- Individuals who are unknowingly reposting are not held liable

# Legislation Addressing this Issue

- 21 States have passed legislation
- 49 States and D.C. have introduced legislation
  - Mostly in this session and last
  - Most that did not pass was because of time
- 18 States have already introduced this legislation this session
- Strong bipartisan support, unanimous votes

States where  
election  
deepfake bills  
passed or are  
in play as of  
Jan. 2025...



**States with laws to regulate AI deepfakes in elections**

- Legislation pending
- Enacted in 2024
- Enacted pre-2024

<https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>

Questions?

