

2024 -- H 7387 SUBSTITUTE A AS AMENDED

LC004624/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

**RELATING TO ELECTIONS -- DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN
ELECTION COMMUNICATIONS**

Introduced By: Representatives Baginski, J. Brien, Corvese, and Solomon

Date Introduced: January 31, 2024

Referred To: House State Government & Elections

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 30

4 DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN ELECTION

5 COMMUNICATIONS

6 **17-30-1. Deceptive synthetic media.**

7 (a) For purposes of this chapter, "candidate" also includes an incumbent or current officer
8 holder.

9 (b) For purposes of this chapter, "creator" means a person, corporation, political action
10 committee or other entity that utilizes or deploys artificial intelligence or other digital technology
11 to generate synthetic media. The "creator" does not include the provider or developer of the
12 artificial intelligence of other digital technology.

13 (c) For purposes of this chapter, "synthetic media" means an image, an audio recording, or
14 a video recording of an individual's appearance, speech, or conduct that has been intentionally
15 manipulated with the use of generative adversarial network techniques or other digital technology
16 to create a realistic but false image, audio, or video that produces:

17 (1) A depiction that, to a reasonable individual, appears to be a real individual in terms of
18 appearance, action, or speech, but that did not occur in reality; and

1 (2) A fundamentally different understanding or impression of the appearance, action, or
2 speech than a reasonable person would have from the unaltered, original version of the image, audio
3 recording, or video recording.

4 (d) Except as provided in subsection (e) of this section, a creator shall not, within ninety
5 (90) days of any election at which a candidate for elective office will appear on a ballot, distribute
6 synthetic media that the creator knows or should know is deceptive and fraudulent synthetic media,
7 as defined in subsection (c) of this section.

8 (e)(1) The prohibition in subsection (d) of this section does not apply if the creator of the
9 image, audio recording or video recording includes a disclosure stating that the image has been
10 manipulated or generated by artificial intelligence.

11 (2) For visual media, the text of the disclosure shall appear in a size that is easily readable
12 by the average viewer, and no smaller than the largest font size of any other text appearing in the
13 visual media. If the visual media does not include any other text, the disclosure shall appear in a
14 size that is easily readable by the average viewer. For visual media that is a video, the disclosure
15 shall appear for the duration of the video.

16 (3) If the media consists of audio only, and no visual disclosure is feasible, the disclosure
17 shall be read in a clearly spoken manner, and in a speed and pitch that can be easily heard by the
18 average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater
19 than two (2) minutes in length, interspersed within the audio at intervals of not greater than two (2)
20 minutes.

21 **17-30-2. Right of action.**

22 (a) A candidate whose appearance, actions, or speech are depicted through the use of
23 synthetic media in violation of § 17-30-1 may seek injunctive or other equitable relief from the
24 creator prohibiting the distribution of audio or visual synthetic media in violation of this chapter.

25 (b) A candidate whose appearance, actions, or speech are depicted using synthetic media
26 may also bring an action for general or special damages against the creator that generated the
27 synthetic media. The court may also award a prevailing party reasonable attorneys' fees and costs.
28 This subsection shall not be construed to limit or preclude a plaintiff from recovering under any
29 other available remedy.

30 (c) In any civil action alleging a violation of this chapter, the plaintiff shall bear the burden
31 of establishing the violation through clear and convincing evidence.

32 **17-30-3. Application.**

33 The provisions contained within this chapter shall not apply to the following:

34 (1) A radio or television broadcasting station, including cable or satellite television

1 operator, programmer, or producer, that broadcasts synthetic media as prohibited by this chapter as
2 part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona
3 fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner
4 that can be easily heard or read by the average listener or viewer, that the authenticity of the
5 synthetic media is questionable;

6 (2) A radio or television broadcasting station, including a cable or satellite television
7 operator, programmer, or producer, when it is paid to broadcast synthetic media and has made a
8 good faith effort to establish that the depiction is not synthetic media;

9 (3) An Internet website, or a regularly published newspaper, magazine, or other periodical
10 of general circulation, including an Internet or electronic publication, that routinely carries news
11 and commentary of general interest, and that publishes synthetic media as prohibited by this
12 chapter, if the publication clearly states that the synthetic media does not accurately represent the
13 speech or conduct of the candidate;

14 (4) Synthetic media that constitutes satire or parody; or

15 (5) An interactive computer service as defined in 47 USC 230.

16 **17-30-4. Severability.**

17 The provisions of this chapter are severable. If any provision of this chapter or its
18 application is held to be invalid, such holding shall not affect other provisions or applications that
19 can be given effect without the invalid provision.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ELECTIONS -- DECEPTIVE AND FRAUDULENT SYNTHETIC MEDIA IN
ELECTION COMMUNICATIONS

1 This act would prohibit a person, corporation, or political action committee from using
2 synthetic media, within ninety (90) days of any election. This act would define synthetic media as
3 an image, an audio recording or a video recording of an individual's appearance, speech or conduct
4 that has been intentionally manipulated with the use of generative adversarial network techniques
5 or other digital technology to create a realistic but fake image.

6 This act would take effect upon passage.

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