

# STATUTES GOVERNING THE USE OF AI IN ELECTIONS AND CAMPAIGNS

Updated 7/15/2024

| YEAR | STATE      | SUMMARY   | PENALTY   | BILL/STATUTE   |
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| 1973 | Wisconsin  | Prohibits the publishing of false representation of a candidate or referendum to influence an election  | Not included  | <a href="#">§12.05</a>                                 |
| 2019 | California | <b>Disclosure</b><br>--Prohibits the publication of materially deceptive media intended to harm a candidate or deceive voters into voting for or against a candidate 60 days prior to an election where a candidate will appear on the ballot, unless it includes a disclosure that the media has been manipulated. | <b>Civil</b><br>--A candidate may seek injunctive relief to prohibit the publication of the deceptive media<br>--A candidate may seek general or special damages, including attorney's fees and costs   | <a href="#">California Election Code §20010</a>        |
| 2019 | Texas      | <b>Prohibition</b><br>--Prohibits the publication of deepfake videos to harm a candidate or influence an election 30 days prior to an election.   | <b>Criminal</b><br>--Punishable with a class A misdemeanor which results in a maximum of 1 year in prison and/or a fine of \$4,000  | <a href="#">Texas Election Code Annotated §255.004</a> |
| 2023 | Michigan   | <b>Disclosure</b><br>--Prohibits the publication of materially deceptive media intended to harm a candidate and deceive voters into voting for or against a candidate 90 days prior to an election, unless it includes a disclosure that the media has been manipulated.  | <b>Civil</b><br>--A candidate may seek injunctive relief to prohibit the publication of the deceptive media<br>--If the request for injunctive relief is frivolous, attorney fees and costs may be awarded to the defendant<br><b>Criminal</b><br>--First violation is punishable with a maximum of 90 days in prison and/or a fine of \$500<br>--Second violations within five years of the first are punishable with a maximum of five years in prison and/or a fine of \$1,000             | <a href="#">Michigan Compiled Laws §168.932f</a>       |
|      |            |   |   | <a href="#">Michigan Compiled Laws §169.247</a>        |
| 2023 | Minnesota  | <b>Prohibition</b><br>--Prohibits the publication of deepfake media intended to harm a candidate and without the consent of the depicted individual 90 days prior to an election.   | <b>Civil</b><br>--A person may seek injunctive relief to prohibit the publication of the deepfake<br><b>Criminal</b><br>--First violation is punishable with a maximum of 90 days in prison and/or a fine of \$1,000<br>--Second violation within five years of the first are punishable with a maximum of five years in prison and/or a fine of \$10,000<br>--Violations that result in violence or bodily harm are punishable with a maximum of one year in prison and/or a fine of \$3,000 | <a href="#">Minnesota Statute §609.771</a>             |

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| 2023 | Washington | <p><b>Disclosure</b></p> <p>--Requires a disclosure on synthetic media used to depict a candidate.</p>   | <p><b>Civil</b></p> <p>--A candidate may seek injunctive relief to prohibit the publication of the synthetic media</p> <p>--A candidate may seek general or special damages, including attorney's fees and costs</p>   | <p><a href="#">Washington Revenue Code §42.62.020</a></p> |
| 2024 | Alabama    | <p><b>Disclosure</b></p> <p>--Prohibits the publication of materially deceptive media intended to harm the reputation or electoral prospects of a candidate 90 days before an election, unless the media has a disclaimer that it has been manipulated.</p> <p>--If it was generated from existing media, it must include a citation directing a viewer to the unedited version.</p>                                       | <p><b>Civil</b></p> <p>--A person may seek injunctive relief to prohibit the publication of the materially deceptive media.</p> <p>--If an injunctive relief request is frivolous, a defendant may be awarded with attorney costs and fees.</p> <p>--A plaintiff may be awarded attorney costs and fees if they are awarded permanent injunctive relief.</p> <p><b>Criminal</b></p> <p>--First violations are a Class A misdemeanor.</p> <p>--Second violations within five years of the first are a Class D felony.</p> | <p><a href="#">HB 172</a></p>                             |
| 2024 | Arizona    | <p><b>Disclosure</b></p> <p>--Allows a person to file a lawsuit against a publisher for a digital impersonation. Requires a person to prove that a publisher did not reasonably convey that the media was fake.</p> <p>--It also requires the person to be a candidate for an election within 180 days, be depicted committing a criminal act, suffer personal or financial hardship, or have their reputation harmed.</p> | <p><b>Civil</b></p> <p>--A person may seek preliminary and permanent declaratory relief.</p>   | <p><a href="#">HB 2394</a></p>                            |
| 2024 | Colorado   | <p><b>Disclosure</b></p> <p>--Prohibits the publication of deepfakes depicting candidates within 60 days of an election unless the media contains a disclosure stating that the media has been edited.</p> <p>--Requires the media's metadata to contain the disclosure statement, what tool was used to create the deepfake and the time the deepfake was created.</p>  | <p><b>Civil</b></p> <p>--A candidate may seek injunctive relief to prohibit the publication of the deepfake.</p> <p>--A candidate may seek action for compensatory and punitive damages, along with attorney fees.</p> <p>--A civil penalty of at least 10% of the amount paid to advertise or promote the deepfake.</p> <p>--A civil penalty of at least \$100 per violation if there were no payments for advertising or promotion.</p>  | <p><a href="#">HB 24-1147</a></p>                         |
| 2024 | Florida    | <p><b>Disclosure</b></p> <p>--Requires media generated by AI that depicts another person performing an action that did not occur with the intent to harm a candidate or deceive voters regarding a ballot issue to include a disclaimer stating that the media was created by AI.</p>  | <p><b>Criminal</b></p> <p>--A person who fails to include the disclaimer is guilty of a misdemeanor of the first degree.</p>   | <p><a href="#">HB 919</a></p>                             |

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| 2024 | Hawaii      | <b>Disclosure</b><br>--Prohibits the distribution of materially deceptive media intended to harm a candidate between the first business day of February through the general election unless the media includes a disclosure that the appearance, speech or conduct depicted did not actually occur.   | <b>Civil</b><br>--A person depicted may seek general and special damages.<br>--A person may seek injunctive relief to prohibit the publication of the materially deceptive media.<br>--A court may issue a restraining order.<br>--A civil fine may be imposed of \$1,000 per day for violating a court order.  | <a href="#">SB 2687</a>                  |
| 2024 | Idaho       | <b>Disclosure</b><br>--Requires synthetic media that deceptively represents a candidate to contain a disclosure that the media has been manipulated.  | <b>Civil</b><br>--A candidate may seek injunctive relief to prohibit the publication of the synthetic media.<br>--A candidate may seek general or special damages, including attorney's fees and costs.   | <a href="#">HB 426</a>                   |
| 2024 | Indiana     | <b>Disclosure</b><br>--Requires fabricated media intended to injure a candidate or influence the outcome of an election to include a disclaimer that the media has been digitally altered or artificially generated.  | <b>Civil</b><br>--A candidate may seek injunctive relief to prohibit the publication of the fabricated media.<br>--A candidate may seek actual damages including court costs and attorney's fees.   | <a href="#">HB 1133</a>                  |
| 2024 | Mississippi | <b>Disclosure</b><br>--Digitizations within 90 days of an election done without the consent of the individual depicted and intended to injure a candidate or influence an election are prohibited unless a disclosure is included stating that the conduct or speech depicted did not actually occur. | <b>Civil</b><br>--A person may seek injunctive relief to prohibit and take down the publication of the digitization.<br><b>Criminal</b><br>--Violations with the intent to cause violence, or if a person has committed a violation in the past five years, is punishable with a maximum of five years in prison and/or a maximum fine of \$10,000.<br>--All other violations are punishable with a maximum of one year in prison and/or a maximum fine of \$5,000. | <a href="#">SB 2577</a>                  |
| 2024 | New Mexico  | <b>Disclosure</b><br>--Prohibits the publication of materially deceptive media intended to alter voting behaviors 90 days prior to an election unless it includes a disclosure that the media has been manipulated.   | <b>Civil</b><br>--The state ethics commission may seek injunctive relief to prohibit the publication of the deceptive media.<br>--A civil penalty up to \$1,000 for each violation not to exceed \$20,000 total.  | <a href="#">HB 182</a>                   |
| 2024 | New York    | <b>Disclosure</b><br>--Requires political communications containing materially deceptive media to disclose that the media has been manipulated.   | <b>Civil</b><br>--A candidate may seek court costs and attorneys' fees.<br>--A candidate may seek injunctive relief to prohibit the publication of the materially deceptive media.  | <a href="#">NY Election Laws §14-106</a> |
| 2024 | Oregon      | <b>Disclosure</b><br>--Requires campaign communications that contain synthetic media to include a disclosure stating that the media has been manipulated.   | <b>Civil</b><br>--Any person may seek a restraining order, prohibition or injunction along with attorney fees.<br>--A penalty of no more than \$10,000.   | <a href="#">SB 1571</a>                  |

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| 2024 | Utah      | <p><b>Disclosure</b><br/> --Requires synthetic media intended to influence voting to contain a disclaimer that it was generated by AI. Requires the media to be embedded with tamper-evident digital content provenance that discloses the author, creator, and any other entities that subsequently altered the media and disclosure of the use of AI to create or edit the media.</p> | <p><b>Civil</b><br/> --A civil penalty of up to \$1,000 for each violation.</p> | <a href="#">HB 329</a>            |
| 2024 | Wisconsin | <p><b>Disclosure</b><br/> --Requires synthetic media intended to influence the outcome of an election to include a disclosure stating that the media was generated by AI. Those who comply with these requirements may still be subject to violations of publishing false representations of candidates or referendum under Wis. Stat. § 12.05.</p>                                     | <p><b>Civil</b><br/> --Forfeiture up to \$1,000 for each violation.</p>         | <a href="#">Assembly Bill 664</a> |