



1 (b) "AI-generated content" does not include image, video, audio, multimedia, or text content that is  
2 minimally edited, adjusted, or enhanced by generative artificial intelligence in a manner that does not materially  
3 alter the meaning or significance that a reasonable person would take away from the content.

4 (2) "Candidate" has the same meaning as set forth in 13-1-101(8) and, for the purposes of this  
5 part, also includes an incumbent or current office holder.

6 (3) "Deepfake" means AI-generated content or synthetic media that depicts a candidate or political  
7 party with the intent to injure the reputation of the candidate or party or otherwise deceive a voter that:

8 (a) appears to a reasonable person to depict a real individual saying or doing something that did  
9 not actually occur in reality; or

10 (b) provides a reasonable person a fundamentally different understanding or impression of the  
11 appearance, action, or speech than a reasonable person would have from the unaltered, original version of the  
12 image, audio recording, or video recording.

13 (4) "Generative artificial intelligence" or "generative AI" means an artificial intelligence system  
14 capable of generating novel image, video, audio, multimedia, or text content based on prompts or other forms  
15 of data provided by a person.

16 (5) "Synthetic media" means an image, audio recording, or video recording of an individual's  
17 appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative  
18 artificial intelligence or other digital technology to create a realistic but false image, audio, or video.

19

20 **NEW SECTION. Section 2. Use of deepfakes in election communications and electioneering**  
21 **communications concerning a candidate for elective office -- disclosure requirements -- exceptions. (1)**

22 (a) Except as provided in subsection (1)(b), a person, corporation, committee, political party, or other entity  
23 shall not, within 60 days of the initiation of voting in an election at which a candidate for elective office will  
24 appear on the ballot, distribute, disseminate, publish, broadcast, transmit, or display an election communication  
25 or an electioneering communication that the person, corporation, committee, political party, or other entity knew  
26 or should have known is a deepfake, as defined in [Section 1], of a candidate or party on the ballot.

27 (b) The prohibition in subsection (1)(a) does not apply to an election communication or  
28 electioneering communication that includes a disclosure stating, "This \_\_\_\_\_ (image/audio/video/multimedia)

1 has been edited and depicts speech or conduct that falsely appears to be authentic or truthful".

2 (c) The disclosure required in subsection (1)(b) must:

3 (i) for a printed communication, be stated in bold font with a font size of at least 12 points;

4 (ii) for a television or video communication, be clearly readable throughout the communication and  
5 occupy at least four percent of the vertical picture height;

6 (iii) for an internet public communication that includes text or graphic components, be viewable  
7 without the user taking any action and be large enough to be clearly readable; or

8 (iv) for any audio component of a communication, be at least ten seconds in length and be spoken  
9 in a clearly audible and intelligible manner at either the beginning or the end of the audio component of the  
10 communication.

11 (2) It is not a violation of this section for:

12 (a) a radio or television broadcasting station, including a cable television, satellite television or  
13 streaming service operator, programmer or producer, that broadcasts an advertisement as part of a bona fide  
14 newscast, news interview, news documentary or on-the-spot coverage of a bona fide news event if the  
15 broadcast clearly acknowledges through content or a disclaimer, in a manner that can be easily read or heard,  
16 that the advertisement was generated in whole or in part by using artificial intelligence and does not accurately  
17 represent the speech or conduct of the depicted individual;

18 (b) a radio or television broadcasting station, including a cable television, satellite television or  
19 streaming service operator, programmer or producer, that broadcasts an advertisement when the station or  
20 streaming service is paid to broadcast the advertisement if the station or streaming service can show that it has  
21 disclosure requirements that are consistent with the requirements provided in subsections (1)(b) and (1)(c) of  
22 this section and that it provided those disclosure requirements to each person that purchased the broadcast or  
23 streaming of the advertisement;

24 (c) an advertisement that reasonably constitutes satire or parody if the advertisement includes a  
25 disclaimer consistent with the requirements provided in subsections (1)(b) and (1)(c) of this section; or

26 (d) a distribution platform that published, posted, or distributed an advertisement or a prerecorded  
27 phone message if the distribution platform can show that it has disclaimer requirements that are consistent with  
28 the requirements provided in subsections (1)(b) and (1)(c) of this section and that it provided those disclaimer

1 requirements to the person or entity that purchased the distribution of the advertisement or prerecorded phone  
2 message by or on the distribution platform.

3  
4 **NEW SECTION. Section 3. Injunctive and other civil relief.** (1) In addition to any other penalties or  
5 remedies provided by law, a candidate or political party representing the candidate aggrieved by a violation of  
6 [section 2] may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin the  
7 violation.

8 (2) An action commenced pursuant to subsection (1) of this section must be expedited by the  
9 district court and given preference over all other matters currently before the district court upon showing of  
10 present or ongoing harm.

11 (3) If, in the action, a violation of [section 2] is established, the court shall enjoin and restrain to  
12 otherwise prohibit the violation and, in addition, shall assess in favor of the plaintiff and against the defendant  
13 the costs of the suit and reasonable attorney fees.

14 (4) In the action, it is not necessary that actual damages to the plaintiff be alleged or proved, but  
15 when alleged and proved, the plaintiff in the action, in addition to injunctive relief and fees and costs of suit, is  
16 entitled to recover from the defendant the amount of actual damages sustained by the plaintiff and \$10,000 in  
17 punitive damages.

18 (5) In any civil action alleging a violation of [section 2], the plaintiff bears the burden of establishing  
19 the violation by clear and convincing evidence.

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21 **NEW SECTION. Section 4. Penalties.** A complaint of violation of [section 2] may be filed with the  
22 commissioner of political practices pursuant to 13-37-111. A sufficiency finding from the commissioner of an  
23 investigation into a complaint filed under 13-37-111 is subject to civil penalties under 13-37-128 imposed by the  
24 commissioner or a county attorney.

25 (1) A second sufficiency finding by the commissioner will be referred to the county attorney for  
26 misdemeanor prosecution. Punishment upon conviction shall be a fine of not more than \$500, imprisonment in  
27 the county jail for not more than 6 months, or both.

28 (2) A third sufficiency finding by the commissioner will be referred to the attorney general or county

1 attorney for felony prosecution. Punishment upon conviction shall be a fine of not more than \$5,000,  
2 imprisonment in the state prison for not more than 2 years, or both.

3 (3) All penalties accruing under this section are cumulative to each other, and a suit for or recovery  
4 of one is not a bar to the recovery of any other penalty.

5 (4) A prosecution under this section is not a bar to enforcement by injunction or other appropriate  
6 civil or administrative remedies.

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8 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be  
9 codified as an integral part of Title 13, chapter 35, part 8, and the provisions of Title 13, chapter 35, part 8,  
10 apply to [sections 1 through 4].

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12 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are  
13 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
14 the part remains in effect in all valid applications that are severable from the invalid applications.

15 - END -

