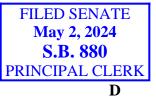
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023



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SENATE BILL DRS45441-LRa-155

	Short Title:	No Deep	fakes in Election Communication.	(Public)			
	Sponsors:	Senators	Salvador, Robinson, and Meyer (Primary Sponsors)	•			
	Referred to:						
1							
1			A BILL TO BE ENTITLED				
2 3		AN ACT PROHIBITING THE USE OF FRAUDULENT DEEPFAKES IN ELECTION COMMUNICATIONS AND APPROPRIATING FUNDS FOR ENFORCEMENT.					
4	The General Assembly of North Carolina enacts:						
5	S	SECTION 1. Chapter 163 of the General Statutes is amended by adding a new					
6	Article to rea	ıd:					
7			" <u>Article 26.</u>				
8		"Deceptive and Fraudulent Deepfakes in Election Communications.					
9	" <u>§ 163-330. Definitions.</u>						
10		-	tions apply in this Article:				
11	<u>(1</u>		ptive and fraudulent deepfake. – Any synthetic m				
12			date or political party with the intent to injure th	e reputation of the			
13			date or party or otherwise deceive a voter that:				
14		<u>a.</u>	Appears to a reasonable person to depict a real i				
15		1	doing something that did not actually occur in rea				
16 17		<u>b.</u>	Provides a reasonable person a fundamentally diff				
17			or impression of the appearance, action, or speec				
10 19			person would have from an unaltered, original ve audio recording, or video recording.	ersion of the image,			
20	(2) Suntl	<u>audio recording, or video recording.</u> netic media. – An image, an audio recording, or a vi	deo recording of an			
20	<u>\</u>	•	idual's appearance, speech, or conduct that has				
22			tionally manipulated with the use of generative a				
23			iques or other digital technology in a manner to creat				
24			e, audio, or video.				
25	"§ 163-331.	-	n on use of fraudulent deepfakes in election comm	nunication.			
26	(a) Except as provided in subsection (b) of this section, a person, corporation, committee,						
27			within 90 days of an election at which a candidate fo				
28	appear on the ballot, distribute a synthetic media message that the person, corporation,						
29	committee, or other entity knows or should have known is a deceptive and fraudulent deepfake						
30	of a candidate or political party on the State or local ballot.						
31	(b) The prohibition in subsection (a) of this section does not apply if the audio or visual						
32	media complies with all of the requirements of this subsection and includes a disclosure stating:						
33	"This		manipulated or generated by artificial intelligence.				
34	disclosure must be filled with whichever of the following terms most accurately describes the						
35	media: (i) image, (ii) video, or (iii) audio.						



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	<u>(1)</u>	For visual media, the text of the disclosure shall appear in	a size that is easily
		readable by the average viewer and no smaller than the	largest font size of
		other text appearing in the visual media. If the visual media	dia does not include
		any other text, the disclosure shall appear in a size that is	
		the average viewer.	<u>/</u>
	<u>(2)</u>	For visual media that is video, the disclosure shall appear	r for the duration of
		the video.	
	<u>(3)</u>	If the media consists of audio only, the disclosure shall	•
		spoken manner and in a pitch that can be easily heard by t	the average listener,
		at the beginning of the audio, at the end of the audio, and, it	f the audio is greater
		than two minutes in length, interspersed within the audio	o at intervals of not
		greater than two minutes each.	
<u>§ 163</u>		e of deceptive and fraudulent deepfake to influence an ele	
<u>(a)</u>		ndidate whose appearance, action, or speech is depicted us	
		fake in violation of this Article may seek injunctive or ot	her equitable relief
rohib	iting the p	bublication of the deceptive and fraudulent deepfake.	
<u>(b)</u>	<u>A per</u>	rson may be held liable by the State Board of Elections fo	r civil penalties for
iolati	<u>ng this Ar</u>	ticle without the appropriate disclosures and fined as follow	
	<u>(1)</u>	If the person commits the violation within five years of	<u>f one or more prior</u>
		violations under this section, to payment of a fine of	not more than ten
		thousand dollars (\$10,000).	
	<u>(2)</u>	If the person commits the violation with the intent to cause	e violence or bodily
		harm, to payment of a fine of not more than five thousand	
	<u>(3)</u>	In other cases, to payment of a fine of not more than or	ne thousand dollars
		<u>(\$1,000).</u>	
<u>(c)</u>		section does not apply to a radio or television broadcasting	station, including a
able o	or satellite	television operator, programmer, or producer:	
	<u>(1)</u>	That broadcasts a deceptive and fraudulent deepfake prohi	•
		as part of a bona fide newscast, news interview, news doc	
		spot coverage of bona fide news events, if the broadcast cl	
		through content or a disclosure, in a manner that can be	
		by the average listener or viewer, that there are qu	
		authenticity of the materially deceptive audio or visual me	
	<u>(2)</u>	When it is paid to broadcast a deceptive and fraudulent dee	-
		a good-faith effort to establish the depiction is not a decep	ptive and fraudulent
		<u>deepfake.</u>	
<u>(d)</u>		section does not apply to an internet website, or a regularly pu	± ±
~		ther periodical of general circulation, including an inter-	
-		routinely carries news and commentary of general interest	-
		tive audio or visual media prohibited by this section, if the	
		aterially deceptive audio or visual media does not accurately i	represent the speech
		e candidate.	
<u>(e)</u>		section does not apply to materially deceptive audio or	<u>visual media that</u>
		e or parody.	
		scellaneous.	
<u>(a)</u>		provisions of this Article are severable. If any provision o	
		ld invalid, that invalidity shall not affect other provisions or a	applications that can
		vithout the invalid provision or application.	
<u>(b)</u>		clear proceeds of any civil penalties imposed under this Artic	cle shall be remitted
to the	Civil Pena	alty and Forfeiture Fund as required by G.S. 115C-457.2."	

General Assembly Of North Carolina

1 **SECTION 2.** Effective July 1, 2024, there is appropriated from the General Fund to 2 the State Board of Elections the sum of one hundred thousand dollars (\$100,000) for the 3 2024-2025 fiscal year to enforce the provisions of this act.

4 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes 5 law.