

Senate File 2318 - Introduced

SENATE FILE 2318

BY BENNETT

A BILL FOR

1 An Act relating to the publication of synthetic media
2 concerning an election, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 68A.507 Synthetic media —
2 restrictions — penalties.

3 1. For the purposes of this section:

4 a. "*Deceptive and fraudulent deepfake*" means synthetic media
5 that depicts a candidate or political party with the intent to
6 injure the reputation of the candidate or party or otherwise
7 deceive a voter and that does any of the following:

8 (1) Appears to a reasonable person to depict a real
9 individual saying or doing something that did not actually
10 occur in reality.

11 (2) Provides a reasonable person a fundamentally different
12 understanding or impression of an appearance, action, or speech
13 than a reasonable person would have from an unaltered, original
14 version of an image, audio recording, or video recording.

15 b. "*Synthetic media*" means an image, an audio recording,
16 or a video recording of an individual's appearance, action, or
17 speech that has been created or intentionally manipulated with
18 the use of generative adversarial network techniques or other
19 digital technology in a manner to create a realistic but false
20 image, audio, or video.

21 2. Except as provided in subsection 3, a person shall
22 not, within ninety days of an election at which a candidate
23 will appear on a ballot, distribute a synthetic media message
24 that the person knows or should have known is a deceptive and
25 fraudulent deepfake of a candidate or party on the ballot.

26 3. Subsection 2 does not apply if the synthetic media
27 includes a disclosure stating that the image, audio, or video
28 has been manipulated or generated by artificial intelligence.

29 a. For visual media, the text of the disclosure shall appear
30 in a size that is easily readable by the average viewer and
31 no smaller than the largest font size of other text appearing
32 in the visual media. If the visual media does not include
33 any other text, the disclosure shall appear in a size that is
34 easily readable by the average viewer. For visual media that
35 is video, the disclosure shall appear for the duration of the

1 video.

2 *b.* For media that consists of audio only, the disclosure
3 shall be read in a clearly spoken manner and in a pitch that can
4 be easily heard by the average listener, at the beginning of
5 the audio, at the end of the audio, and, if the audio is greater
6 than two minutes in length, interspersed within the audio at
7 intervals of not greater than two minutes each.

8 4. This section does not apply to a radio or television
9 broadcasting station, including a cable or satellite television
10 operator, programmer, or producer, that broadcasts a deceptive
11 and fraudulent deepfake prohibited by this section as part of
12 a bona fide newscast, news interview, news documentary, or
13 on-the-spot coverage of bona fide news events, if the broadcast
14 clearly acknowledges through content or a disclosure, in a
15 manner that can be easily heard or read by the average listener
16 or viewer, that there are questions about the authenticity of
17 the audio or visual media.

18 5. This section does not apply to a radio or television
19 broadcasting station, including a cable or satellite television
20 operator, programmer, or producer, when it is paid to broadcast
21 a deceptive and fraudulent deepfake and has made a good-faith
22 effort to establish the depiction is not a deceptive and
23 fraudulent deepfake.

24 6. This section does not apply to an internet site or a
25 regularly published newspaper, magazine, or other periodical
26 of general circulation, including an internet or electronic
27 publication, that routinely carries news and commentary of
28 general interest, and that publishes audio or visual media
29 prohibited by this section, if the publication clearly states
30 that the media does not accurately represent the speech or
31 conduct of the candidate.

32 7. This section does not apply to audio or visual media that
33 constitutes satire or parody.

34 8. Notwithstanding section 68A.701:

35 *a.* A candidate whose appearance, action, or speech is

1 depicted through the use of a deceptive and fraudulent deepfake
2 in violation of subsection 2 may seek injunctive or other
3 equitable relief prohibiting the publication of such deceptive
4 and fraudulent deepfake.

5 *b.* A person who violates subsection 2 is guilty of a simple
6 misdemeanor punishable by confinement for no more than ninety
7 days and a fine of not more than one thousand dollars.

8 *c.* A person who violates subsection 2 with the intent
9 to cause violence or bodily harm is guilty of a serious
10 misdemeanor.

11 *d.* A person who violates subsection 2 within five years of
12 a prior conviction for a violation of subsection 2 is guilty
13 of a class "D" felony.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the publication of synthetic media
18 within 90 days of an election. The bill prohibits a person
19 from publishing synthetic media, defined in the bill, that
20 constitutes a deceptive and fraudulent deepfake, defined
21 in the bill as synthetic media that depicts a candidate or
22 political party with the intent to injure the reputation of
23 the candidate or party or otherwise deceive a voter, of a
24 candidate or political party appearing on a ballot within
25 90 days of the publication, unless the person complies with
26 certain disclosure requirements. The bill does not apply to
27 media organizations reporting on media if the organization
28 discloses that the authenticity of the media is in doubt or
29 that the media is inaccurate, or if the organization is paid
30 to broadcast a deceptive and fraudulent deepfake and made a
31 good-faith effort to establish the depiction is not a deceptive
32 and fraudulent deepfake. The bill also does not apply to media
33 that constitutes satire or parody.

34 The bill allows a candidate whose appearance, action,
35 or speech is depicted through the use of a deceptive and

1 fraudulent deepfake in violation of the bill to seek injunctive
2 or other equitable relief prohibiting publication of the
3 deceptive and fraudulent deepfake. A person who publishes
4 a deceptive and fraudulent deepfake without a disclosure is
5 guilty of a simple misdemeanor punishable by confinement for
6 no more than 90 days and a fine of not more than \$1,000. A
7 person who publishes a deceptive and fraudulent deepfake with
8 the intent to cause violence or bodily harm is guilty of a
9 serious misdemeanor. A serious misdemeanor is punishable
10 by confinement for no more than one year and a fine of at
11 least \$430 but not more than \$2,560. A person convicted of
12 publishing a deceptive and fraudulent deepfake in violation
13 of the bill within five years of a previous conviction for a
14 violation of the bill is guilty of a class "D" felony. A class
15 "D" felony is punishable by confinement for no more than five
16 years and a fine of at least \$1,025 but not more than \$10,245.