HOUSE FILE 2549
BY COMMITTEE ON ECONOMIC
GROWTH AND TECHNOLOGY

(SUCCESSOR TO HSB 599)

(As Amended and Passed by the House March 6, 2024)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

An Act relating to the conduct of elections, including the use of artificial intelligence and deceptive statements, and providing penalties.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. **52.7 Use of artificial intelligence prohibited.**

1. Automatic tabulating equipment, ballot marking devices, and optical scan voting systems approved for use in this state shall not utilize artificial intelligence.

2. For the purposes of this section, "*artificial intelligence*" means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments.

Sec. 2. Section 68A.405, Code 2024, is amended by adding the following new subsections:

NEW SUBSECTION. 5. *a.* Published material generated through the use of artificial intelligence and designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue must contain a disclosure on the published material that the published material was generated using artificial intelligence. [The disclosure must include the words "this material was generated using artificial intelligence".]

b. Notwithstanding section 68A.701, a person who violates this subsection is guilty of a [simple misdemeanor punishable by confinement for no more than ninety days and a fine of not more than one thousand dollars].

c. For the purposes of this subsection, "*artificial intelligence*" means as defined in section 52.7.

[*d.* The board shall adopt rules for the implementation of this subsection.]

NEW SUBSECTION. 6. *a.* Published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue that includes a materially deceptive depiction of a candidate must include a statement that the published material has been manipulated. [The disclosure must include the words "this material has been manipulated to include a

materially deceptive depiction of a candidate".]

b. For the purposes of this subsection, published material is materially deceptive if it has been manipulated to change the physical appearance of a candidate or depict a candidate performing an act that did not occur, or, in the case of an image, if it has been altered to change the saturation, brightness, contrast, color, or other visible quality of an image of a candidate.

c. Notwithstanding section 68A.701, a person who violates this subsection is guilty of a [simple misdemeanor punishable by confinement for no more than ninety days and a fine of not more than one thousand dollars].

[*d.* The board shall adopt rules for the implementation of this subsection.

Sec. 3. NEW SECTION. **68A.507 Synthetic media — restrictions — penalties.**

1. For the purposes of this section:

a. "*Creator*" means a person who utilizes or deploys artificial intelligence, as defined in section 52.7, or other digital technology to generate synthetic media.

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

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

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

c. "*Synthetic media*" means an image, an audio recording, or a video recording of an individual's appearance, action, or speech that has been created or intentionally manipulated with the use of generative adversarial network techniques or other

digital technology in a manner to create a realistic but false image, audio, or video.

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

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

a. 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 does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video. The disclosure must include the words "this image or video was manipulated or generated by artificial intelligence".

b. For media that consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each. The disclosure must include the words "this audio was manipulated or generated by artificial intelligence".

4. This section does not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts a deceptive and fraudulent deepfake prohibited by this section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener

or viewer, that there are questions about the authenticity of the audio or visual media.

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

6. This section does not apply to an internet site or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes audio or visual media prohibited by this section, if the publication clearly states that the media does not accurately represent the speech or conduct of the candidate. This section also does not apply to an interactive computer service provider, cloud service provider, or internet service provider.

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

8. Notwithstanding section 68A.701:

a. A candidate whose appearance, action, or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of subsection 2 may seek injunctive or other equitable relief prohibiting the publication of such deceptive and fraudulent deepfake.

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

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

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

e. A creator of a material distributed in violation of subsection 2 is guilty of a simple misdemeanor punishable by confinement for no more than ninety days and a fine of not more than one thousand dollars.

9. The board shall adopt rules for the implementation of this section.]