

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
May 2, 2024
S.B. 880
PRINCIPAL CLERK

S

D

SENATE BILL DRS45441-LRa-155

Short Title: No Deepfakes in Election Communication. (Public)

Sponsors: Senators Salvador, Robinson, and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING THE USE OF FRAUDULENT DEEPFAKES IN ELECTION
3 COMMUNICATIONS AND APPROPRIATING FUNDS FOR ENFORCEMENT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 163 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 26.

8 "Deceptive and Fraudulent Deepfakes in Election Communications.

9 "**§ 163-330. Definitions.**

10 The following definitions apply in this Article:

11 (1) Deceptive and fraudulent deepfake. – Any synthetic media that depicts a
12 candidate or political party with the intent to injure the reputation of the
13 candidate or party or otherwise deceive a voter that:

14 a. Appears to a reasonable person to depict a real individual saying or
15 doing something that did not actually occur in reality; or

16 b. Provides a reasonable person a fundamentally different understanding
17 or impression of the appearance, action, or speech than a reasonable
18 person would have from an unaltered, original version of the image,
19 audio recording, or video recording.

20 (2) Synthetic media. – An image, an audio recording, or a video recording of an
21 individual's appearance, speech, or conduct that has been created or
22 intentionally manipulated with the use of generative adversarial network
23 techniques or other digital technology in a manner to create a realistic but false
24 image, audio, or video.

25 "**§ 163-331. Prohibition on use of fraudulent deepfakes in election communication.**

26 (a) Except as provided in subsection (b) of this section, a person, corporation, committee,
27 or other entity shall not, within 90 days of an election at which a candidate for elective office will
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 _____ has been manipulated or generated by artificial intelligence." The blank in the
34 disclosure must be filled with whichever of the following terms most accurately describes the
35 media: (i) image, (ii) video, or (iii) audio.



* D R S 4 5 4 4 1 - L R A - 1 5 5 *

- 1 (1) For visual media, the text of the disclosure shall appear in a size that is easily
2 readable by the average viewer and no smaller than the largest font size of
3 other text appearing in the visual media. If the visual media does not include
4 any other text, the disclosure shall appear in a size that is easily readable by
5 the average viewer.
- 6 (2) For visual media that is video, the disclosure shall appear for the duration of
7 the video.
- 8 (3) If the media consists of audio only, the disclosure shall be read in a clearly
9 spoken manner and in a pitch that can be easily heard by the average listener,
10 at the beginning of the audio, at the end of the audio, and, if the audio is greater
11 than two minutes in length, interspersed within the audio at intervals of not
12 greater than two minutes each.

13 **"§ 163-332. Use of deceptive and fraudulent deepfake to influence an election; penalty.**

14 (a) A candidate whose appearance, action, or speech is depicted using a deceptive and
15 fraudulent deepfake in violation of this Article may seek injunctive or other equitable relief
16 prohibiting the publication of the deceptive and fraudulent deepfake.

17 (b) A person may be held liable by the State Board of Elections for civil penalties for
18 violating this Article without the appropriate disclosures and fined as follows:

- 19 (1) If the person commits the violation within five years of one or more prior
20 violations under this section, to payment of a fine of not more than ten
21 thousand dollars (\$10,000).
- 22 (2) If the person commits the violation with the intent to cause violence or bodily
23 harm, to payment of a fine of not more than five thousand dollars (\$5,000).
- 24 (3) In other cases, to payment of a fine of not more than one thousand dollars
25 (\$1,000).

26 (c) This section does not apply to a radio or television broadcasting station, including a
27 cable or satellite television operator, programmer, or producer:

- 28 (1) That broadcasts a deceptive and fraudulent deepfake prohibited by this section
29 as part of a bona fide newscast, news interview, news documentary, or on the
30 spot coverage of bona fide news events, if the broadcast clearly acknowledges
31 through content or a disclosure, in a manner that can be easily heard or read
32 by the average listener or viewer, that there are questions about the
33 authenticity of the materially deceptive audio or visual media.
- 34 (2) When it is paid to broadcast a deceptive and fraudulent deepfake and has made
35 a good-faith effort to establish the depiction is not a deceptive and fraudulent
36 deepfake.

37 (d) This section does not apply to an internet website, or a regularly published newspaper,
38 magazine, or other periodical of general circulation, including an internet or electronic
39 publication, that routinely carries news and commentary of general interest, and that publishes
40 materially deceptive audio or visual media prohibited by this section, if the publication clearly
41 states that the materially deceptive audio or visual media does not accurately represent the speech
42 or conduct of the candidate.

43 (e) This section does not apply to materially deceptive audio or visual media that
44 constitutes satire or parody.

45 **"§ 163-333. Miscellaneous.**

46 (a) The provisions of this Article are severable. If any provision of this Article or its
47 application is held invalid, that invalidity shall not affect other provisions or applications that can
48 be given effect without the invalid provision or application.

49 (b) The clear proceeds of any civil penalties imposed under this Article shall be remitted
50 to the Civil Penalty and Forfeiture Fund as required by G.S. 115C-457.2."

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.