

**SENATE . . . . . No. 2730**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Barry R. Finegold***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to deceptive and fraudulent deepfakes in election communications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>4/12/2024</i>

**SENATE . . . . . No. 2730**

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 2730) (subject to Joint Rule 12) of Barry R. Finegold and Frank A. Moran for legislation relative to deceptive and fraudulent deepfakes in election communications. Election Laws.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to deceptive and fraudulent deepfakes in election communications.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 56 of the General Laws, as appearing in the 2022 Official Edition,  
2 is hereby amended by inserting after section 39 the following new section:-

3 Section 39A. Synthetic Media in Election Communications

4 (a) As used in this section, the following words shall have the following meanings unless  
5 the context clearly requires otherwise:

6 “Candidate” and “political committee” shall have the same meanings as such terms are  
7 defined in section 1 of chapter 55 of the General Laws.

8 “Deceptive or fraudulent deepfake”, synthetic media that depicts a candidate or political  
9 party with the intent to injure the reputation of the candidate or party or otherwise deceive a  
10 voter and that: (i) appears to a reasonable person to depict a real individual saying or doing  
11 something that that individual did not say or do; or (ii) provides a reasonable person a

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

15 “Person”, an individual, corporation, political committee, association, operation, firm,  
16 partnership, trust or other form of business or personal association.

17 “Political party” shall have the meaning as defined in section 1 of chapter 50 of the  
18 General Laws.

19 “Synthetic media”, an image, audio recording or video recording of an individual’s  
20 appearance, speech or conduct that has been created or intentionally manipulated with the use of  
21 generative adversarial network techniques or other digital technology in a manner to create a  
22 realistic but false image, audio or video.

23 (b)(1) A person shall not distribute a synthetic media message that the person knows or  
24 reasonably should have known is a deceptive or fraudulent deepfake depicting a candidate or  
25 political party within 90 days of an election in which said candidate or political party will appear  
26 on the state or local ballot; provided, however, that this section shall not apply if the following  
27 statement is made in the form provided herein by the distributing person: "This \_\_\_\_\_ (image,  
28 video, or audio) has been manipulated or generated by artificial intelligence."

29 (2) The following requirements shall apply to the conveyance of such statement based on  
30 the medium of the message:

31 (i) If said synthetic media message includes an image or video recording, said statement  
32 shall appear as text in a clearly readable manner with a reasonable degree of color contrast

33 between the background and the statement; provided, however, that said text shall be no smaller  
34 than the largest font size of any other text appearing in said image or video recording, if any; and  
35 provided further, that any such statement shall appear for the full duration of the video if the  
36 synthetic media message consists of a video recording.

37 (ii) If said synthetic media message consists only of an audio recording, said statement  
38 shall be read in a clearly-spoken manner with a reasonable pitch at the beginning of the audio, at  
39 the end of the audio and, if the audio is greater than 2 minutes in length, interspersed within the  
40 audio at intervals of not greater than 2 minutes each.

41 (c) A candidate whose appearance, action or speech is depicted through the use of a  
42 deceptive or fraudulent deepfake in violation of this section may institute a civil action for: (i)  
43 special or general damages not to exceed \$10,000 per incident; (ii) injunctive or declaratory  
44 relief; or (iii) any other relief the court deems proper; provided, however, that such civil action  
45 shall not limit or preclude a plaintiff from securing or recovering any other available remedy;  
46 and provided further, that the court may award reasonable attorney's fees and costs to the  
47 prevailing party.

48 (d) This section shall not apply to:

49 (i) a radio or television broadcasting station, including a cable or satellite television  
50 operator, programmer or producer that broadcasts a deceptive or fraudulent deepfake in violation  
51 of this section as part of a bona fide newscast, news interview, news documentary or live  
52 coverage of bona fide news events, provided that the broadcast clearly acknowledges through  
53 verbal or text disclosure which is reasonably understandable to the average viewer or listener that  
54 the authenticity of the synthetic media is in question;

55 (ii) a radio or television broadcasting station, including a cable or satellite television  
56 operator, programmer or producer that has been paid to broadcast such deceptive or fraudulent  
57 deepfake, provided that such radio or television broadcasting station has made a good faith effort  
58 to establish that the depiction is not a deceptive or fraudulent deepfake;

59 (iii) an internet website, or a regularly published newspaper, magazine or other periodical  
60 of general circulation, including an internet or electronic publication, which routinely carries  
61 news and commentary of general interest and that publishes a deceptive or fraudulent deepfake  
62 in violation of this section, provided that the publication clearly states, in a manner at least as  
63 prominent as the synthetic media itself, that said synthetic media does not accurately represent  
64 the speech or conduct of the candidate; or

65 (iv) synthetic media that constitutes satire or parody.

66 SECTION 2. This Act shall take effect upon its passage.