

HOUSE No. 5093

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 11, 2026.

The committee on House Ways and Means, to whom was referred the Bill to protect against election misinformation (House, No.76), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5093).

For the committee,

AARON MICHLEWITZ.

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In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to protect against election misinformation.

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. Section 1 of chapter 50 of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by inserting after the definition of “Ballot labels” the
3 following definition:-

4 “Candidate”, as defined in section 1 of chapter 55.

5 SECTION 2. Said section 1 of said chapter 50, as so appearing, is hereby further
6 amended by inserting after the definition of “Majority” the following definition:-

7 “Materially deceptive audio or visual media”, an image or audio or video recording
8 concerning the safety or regular operations of an election or candidate’s appearance, speech or
9 conduct that has been fabricated or intentionally manipulated in a manner such that the image or
10 audio or video recording would: (i) falsely appear to a reasonable person to be authentic; and (ii)
11 would cause a reasonable person to have a fundamentally different understanding or impression
12 of the expressive content of such image or audio or video recording than that person would have
13 if the person were hearing or seeing an unaltered, original image or audio or video recording.

“Materially deceptive election-related communication”, communication in any media, including, but not limited to, written, audio, visual or synthetic media, that contains verifiably false information regarding: (i) the date, time or place of an election; (ii) the requirements, methods and deadlines for voting; (iii) any certification related to an election; or (iv) the express endorsement of a candidate or ballot initiative by a political party, elected official, nonprofit organization or other person.

SECTION 3. Said section 1 of said chapter 50, as so appearing, is hereby further amended by inserting after the definition of “Official ballot” the following definition:-

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

SECTION 4. Said section 1 of said chapter 50, as so appearing, is hereby further amended by inserting after the definition of “State officer” the following definition:-

“Synthetic media”, audio or video content substantially produced by generative artificial intelligence.

SECTION 5. Chapter 56 of the General Laws is hereby amended by adding the following section:-

Section 70. (a)(1) A person, candidate, campaign committee, political action committee, political issues committee, political party or other entity shall not, within 90 days of an election at which a candidate for elective office will appear on the ballot, distribute with actual malice materially deceptive audio or visual media: (i) depicting the candidate with the intent to injure the candidate’s reputation or deceive a voter into voting for or against the candidate; or (ii)

concerning the safety or regular operations of an election intended to disrupt the integrity of the electoral process.

(2) A person, candidate, campaign committee, political action committee, political issues committee, political party or other entity shall not, within 90 days of an election at which a candidate for elective office will appear on the ballot, distribute with actual malice materially deceptive election-related communication with the intent to mislead voters as to the date, time or place of an election, the requirements, methods and deadlines for voting, any certification related to an election or the express endorsement of a candidate or ballot initiative by a political party, elected official, nonprofit organization or other person.

(b)(1) A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media or person whose voice or likeness appears in a materially deceptive election-related communication distributed in violation of this section or the attorney general may seek injunctive or other equitable relief prohibiting the distribution of such audio or visual media.

(2) A candidate for elective office whose voice or likeness appears in a materially deceptive audio or visual media or person whose voice or likeness appears in a materially deceptive election-related communication distributed in violation of this section may bring an action for general or special damages against a person, candidate, campaign committee, political action committee, political issues committee, political party or other entity that distributed the materially deceptive audio or visual media or materially deceptive election-related communication. A court may also award a prevailing party reasonable attorney's fees and costs.

This subsection shall not limit or preclude a plaintiff from securing or recovering any other available legal remedy.

(3) In any civil action alleging a violation of this section, the plaintiff shall bear the burden of establishing the violation through clear and convincing evidence.

(c)(1) This section shall not alter or negate any rights, obligations or immunities of an interactive service provider under 47 U.S.C. section 230.

(2) This section shall not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, producer or mobile application or streaming service that broadcasts materially deceptive audio or visual media or materially deceptive election-related communication prohibited by this section if: (i) part of a bona fide newscast, news interview, news documentary or on-the-spot coverage of bona fide news events; and (ii) 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 materially deceptive audio or visual media or materially deceptive election-related communication.

(3) This section shall not apply to a radio or television broadcasting station, including a cable or satellite television operator, programmer, producer or mobile application or streaming service when it is paid to broadcast materially deceptive audio or visual media or materially deceptive election-related communication.

(4) This section shall not apply to an internet website 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

78 materially deceptive audio or visual media or materially deceptive election-related
79 communication prohibited by this section, if the publication clearly states that the materially
80 deceptive audio or visual media or materially deceptive election-related communication does not
81 accurately represent the speech or conduct of the candidate.

82 (5) This section shall not apply to materially deceptive audio or visual media or
83 materially deceptive election-related communication that constitute satire or parody.