

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Tricia Farley-Bouvier

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 to protect against election misinformation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**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 An Act to protect against election misinformation

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

4 “Artificial intelligence”, computerized methods and tools, including but not limited to
5 machine learning and natural language processing, that act in a way that resembles human
6 cognitive abilities when it comes to solving problems or performing other tasks.

7 “Candidate”, shall have the same meanings as in section 1 of chapter 55.

8 “Generative artificial intelligence”, artificial intelligence technology that is capable of
9 generating content such as text, audio, image, or video based on patterns learned from large
10 volumes of data.

11 “Materially deceptive election-related communication”, communication in any media,
12 including but not limited to written, audio, visual, or synthetic media, that contains verifiably

13 false information regarding: (i) the date, time, or place of an election; (ii) the requirements,
14 methods, and deadlines for registering to vote; (iii) the requirements, methods, and deadlines for
15 voting; (iv) any certification related to an election; or (iv) the express endorsement of a candidate
16 or ballot initiative by a political party, elected official, nonprofit organization, or other person.

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

19 “Political party”, shall have the same meaning as in section 1 of chapter 50 of the General
20 Laws.

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

23 (b) Except as provided in subsection (d), a person, candidate, campaign committee,
24 political action committee, political issues committee, political party or other entity shall not,
25 within 90 days of an election at which a candidate for elective office will appear on the ballot,
26 distribute with actual malice materially deceptive election-related communication with the intent
27 to mislead voters as to the date, time, or place of an election; the requirements, methods, and
28 deadlines for registering to vote; the requirements, methods, and deadlines for voting; any
29 certification related to an election; or the express endorsement of a candidate or ballot initiative
30 by a political party, elected official, nonprofit organization, or other person.

31 (c)(1) A person whose voice or likeness appears in a materially deceptive election-related
32 communication distributed in violation of this section or the attorney general may seek injunctive
33 or other equitable relief prohibiting the distribution of such communication.

34 (2) A person whose voice or likeness appears in a materially deceptive election-related
35 communication distributed in violation of this section may bring an action for general or special
36 damages against a person, candidate, campaign committee, political action committee, political
37 issues committee, political party or other entity that distributed such communication. A court
38 may also award a prevailing party reasonable attorney's fees and costs. This subsection shall not
39 limit or preclude a plaintiff from securing or recovering any other available legal remedy.

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

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

44 (2) This section shall not apply to a radio or television broadcasting station, including a
45 cable or satellite television operator, programmer, producer or mobile application or streaming
46 service that broadcasts a materially deceptive election-related communication prohibited by this
47 section as part of a bona fide newscast, news interview, news documentary or on-the-spot
48 coverage of bona fide news events, if the broadcast clearly acknowledges through content or a
49 disclosure, in a manner that can be easily heard or read by the average listener or viewer, that
50 such communication is manipulated or that there are questions about its authenticity.

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

54 (4) This section shall not apply to an internet website or a regularly published newspaper,
55 magazine or other periodical of general circulation, including an internet or electronic

56 publication, that routinely carries news and commentary of general interest, and that publishes a
57 materially deceptive election-related communication prohibited by this section, if the publication
58 clearly states that such communication is manipulated or that there are questions about its
59 authenticity.

60 (5) This section shall not apply to materially deceptive election-related communications
61 that constitute satire or parody.