

Joint Committee on Advanced Information Technology, the Internet and Cybersecurity 2025-2026 (194th) Bill Summary

Bill Number: H. 76

Title: An Act to protect against election misinformation

Lead Sponsor: Representative Tricia Farley-Bouvier

Hearing Date: September 11, 2025

Report Date: November 10, 2025

See Senate Filing: S. 44

Current Law:

Title VIII of Part I of the Massachusetts General Laws regulates elections.

M.G.L. c. 50, §1 defines “political party” for the purpose of regulating primaries, caucuses, and elections.

M.G.L. c. 55, §1 defines “candidate” for the purpose of regulating campaign finance.

Executive Summary: Prohibits the distribution of materially deceptive election-related communications containing false information about voting procedures, election dates, or endorsements within 90 days of an election, when distributed with actual malice and intent to mislead voters. The law provides civil remedies for individuals whose voice or likeness appears in such deceptive communications, including injunctive relief and damages. Includes certain exemptions, including for parody and satire and if disclosures of materially deceptive content are made.

Legislative History: New File

Summary:

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

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

Defines “Materially deceptive election-related communication” as 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 registering to vote;

- (iii) the requirements, methods, and deadlines for voting;
- (iv) 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.

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

Except as provided in subsection (d), 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 registering to vote; 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.

A 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 communication.

A 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 such 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.

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 a materially deceptive election-related communication 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 such communication is manipulated or that there are questions about its authenticity.

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 the materially deceptive election-related communication.

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 a materially deceptive election-related communication prohibited by this section, if the publication clearly states that such communication is manipulated or that there are questions about its authenticity.

This section shall not apply to materially deceptive election-related communications that constitute satire or parody.