

STATE OF NEW YORK

9028

IN ASSEMBLY

February 5, 2024

Introduced by M. of A. NORRIS -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to disclosure of political communication produced by artificial intelligence technology

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 14-106 of the election law is amended by adding a new subdivision 2-a to read as follows:

2-a. (a) Political communication covered by this section which was produced by artificial intelligence technology or that includes any artificial media shall be required to disclose such use. Printed or digital political communications, including but not limited to brochures, flyers, posters, mailings, electronic mailings, or internet advertising, must include a disclosure statement that reads as follows: "This political communication was created by or with the assistance of artificial intelligence". Such statement is to be printed or typed in an appropriate legible and conspicuous manner. Disclosure on non-printed or digital political communications shall clearly and conspicuously display and/or speak the following statement: "This political communication was created by or with the assistance of artificial intelligence". In the case of a political communication that does not use visuals, such as radio or automated telephone calls, clearly speaking the statement will satisfy the requirements of this subdivision.

(b) For the purposes of this subdivision, "artificial media" means any text, image, audio, video, or recording that was generated or modified using artificial intelligence technology.

(c) For the purposes of this subdivision "artificial intelligence technology" means the development and application of a computer system or computer systems that can perform tasks that typically require human intelligence, which may involve the creation of algorithms, models, and/or systems that enable machines to perceive, reason, learn, and make decisions autonomously or with minimal human intervention.

§ 2. Paragraph (b) of subdivision 1 of section 17-212 of the election law, as amended by chapter 481 of the laws of 2023, is amended to read as follows:

(b) A violation of paragraph (a) of this subdivision shall be established if:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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(i) a person uses or threatens to use any force, violence, restraint, abduction or duress, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any proposition submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; or to request or refrain from requesting an early mail or absentee ballot; or

(ii) a person knowingly uses any deceptive or fraudulent device, contrivance or communication, that impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any person, or that causes or will reasonably have the effect of causing any person to vote or refrain from voting in general or for or against any particular person or for or against any proposition submitted to voters at such election; to place or refrain from placing their name upon a registry of voters; or to request or refrain from requesting an early mail or absentee ballot; or

(iii) a person obstructs, impedes, or otherwise interferes with access to any polling place or elections office, or obstructs, impedes, or otherwise interferes with any voter in any manner that causes or will reasonably have the effect of causing any delay in voting or the voting process, including the canvassing and tabulation of ballots.

For the purposes of this paragraph, "deceptive or fraudulent device" and "contrivance or communication" shall include but not be limited to artificial media created or modified fully or partially by artificial intelligence technology.

§ 3. The election law is amended by adding a new section 17-172 to read as follows:

§ 17-172. Deceptive use of artificial media. 1. (a) Any person who, with intent to damage a candidate or deceive the electorate, creates and disseminates artificial media shall be guilty of a class E felony.

(b) For the purposes of this section "artificial media" shall mean an image, video or audio recording that:

(i) was generated or modified using artificial intelligence technologies;

(ii) is indistinguishable from reality; and

(iii) deceptively renders or alters an image or recording which could reasonably mislead a person to assume such image or recording is authentic.

(c) "Disseminates" shall mean to provide, deliver, mail, send, forward, transfer, or transmit electronically or otherwise to another person or persons.

§ 4. The election law is amended by adding a new section 3-106-a to read as follows:

§ 3-106-a. Fair use of artificial intelligence code. 1. In addition to the powers and duties elsewhere enumerated in this article, the state board of elections, after one or more public hearings, shall adopt a "fair use of artificial intelligence code" setting forth ethical standards of conduct for persons, political parties and committees which intend to utilize artificial intelligence technology in election campaigns including, but not limited to, specific prohibitions against certain practices.

2. Copies of such code shall be sent to each candidate, political party or political committee, upon request, by the board of elections with which such candidate, party or committee is required to file

1 disclosures of artificial intelligence use pursuant to article fourteen
2 of this chapter.

3 3. The state board of elections, on its own initiative, or upon
4 complaint or otherwise, may investigate any alleged violation of the
5 fair use of artificial intelligence code and, in appropriate cases, may
6 apply for an order, as provided in this article.

7 4. In addition to any other civil or criminal penalty which may be
8 provided for by law, the state board may impose a civil penalty, not to
9 exceed one thousand five hundred dollars, upon any person, political
10 party or committee found by the board, after a hearing, to have violated
11 any of the provisions of such code.

12 5. Any such finding by the board may only be made after a hearing
13 conducted by it upon reasonable written notice, as the board may deter-
14 mine, to such person and affording such person, political party or
15 committee a reasonable opportunity to be heard and present and examine
16 witnesses thereat.

17 § 5. The election law is amended by adding a new section 14-103 to
18 read as follows:

19 § 14-103. Disclosure of artificial intelligence use by political
20 committees and candidates. 1. Any political committee and any candidate
21 for election to public office, or for nomination for public office at a
22 contested primary election or convention, or for election to a party
23 position at a primary election, that intends to use artificial intelli-
24 gence technology for the purpose of political communications, as set
25 forth by section 14-106 of this article, shall file statements sworn, or
26 subscribed and bearing a form notice that false statements made therein
27 are punishable as a class A misdemeanor pursuant to section 210.45 of
28 the penal law, of such intention with the state board of elections prior
29 to use.

30 2. Statements by any political party, committee or candidate may be
31 filed electronically with the state board of elections.

32 3. The state board of elections shall promulgate regulations with
33 respect to the reporting and disclosure methods to be applied in prepar-
34 ing the statements required by the provisions of this section and shall
35 provide forms suitable for such statements.

36 4. The state board of elections, on its own initiative, or upon
37 complaint or otherwise, may investigate any alleged violation of this
38 section and, in appropriate cases, may apply for an order, as provided
39 in this article.

40 5. In addition to any other civil or criminal penalty which may be
41 provided for by law, the state board may impose a civil penalty, not to
42 exceed one thousand dollars, upon any person, political party or commit-
43 tee found by the board, after a hearing, to have violated any provision
44 of this section.

45 6. Any such finding by the board may only be made after a hearing
46 conducted by it upon reasonable written notice, as the board may deter-
47 mine, to such person and affording such person, political party or
48 committee a reasonable opportunity to be heard and present and examine
49 witnesses thereat.

50 § 6. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law. Effective immediately, the addition, amend-
52 ment and/or repeal of any rule or regulation necessary for the implemen-
53 tation of this act on its effective date are authorized to be made and
54 completed on or before such effective date.