

# 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:

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

3 2-a. (a) Political communication covered by this section which was  
4 produced by artificial intelligence technology or that includes any  
5 artificial media shall be required to disclose such use. Printed or  
6 digital political communications, including but not limited to  
7 brochures, flyers, posters, mailings, electronic mailings, or internet  
8 advertising, must include a disclosure statement that reads as follows:  
9 "This political communication was created by or with the assistance of  
10 artificial intelligence". Such statement is to be printed or typed in an  
11 appropriate legible and conspicuous manner. Disclosure on non-printed or  
12 digital political communications shall clearly and conspicuously display  
13 and/or speak the following statement: "This political communication was  
14 created by or with the assistance of artificial intelligence". In the  
15 case of a political communication that does not use visuals, such as  
16 radio or automated telephone calls, clearly speaking the statement will  
17 satisfy the requirements of this subdivision.

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

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

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

30 (b) A violation of paragraph (a) of this subdivision shall be estab-  
31 lished if:

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

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

10 (ii) a person knowingly uses any deceptive or fraudulent device,  
11 contrivance or communication, that impedes, prevents or otherwise inter-  
12 feres with the free exercise of the elective franchise by any person, or  
13 that causes or will reasonably have the effect of causing any person to  
14 vote or refrain from voting in general or for or against any particular  
15 person or for or against any proposition submitted to voters at such  
16 election; to place or refrain from placing their name upon a registry of  
17 voters; or to request or refrain from requesting an early mail or absen-  
18 tee ballot; or

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

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

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

30 § 17-172. Deceptive use of artificial media. 1. (a) Any person who,  
31 with intent to damage a candidate or deceive the electorate, creates and  
32 disseminates artificial media shall be guilty of a class E felony.

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

35 (i) was generated or modified using artificial intelligence technolo-  
36 gies;

37 (ii) is indistinguishable from reality; and

38 (iii) deceptively renders or alters an image or recording which could  
39 reasonably mislead a person to assume such image or recording is authen-  
40 tic.

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

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

46 § 3-106-a. Fair use of artificial intelligence code. 1. In addition to  
47 the powers and duties elsewhere enumerated in this article, the state  
48 board of elections, after one or more public hearings, shall adopt a  
49 "fair use of artificial intelligence code" setting forth ethical stand-  
50 ards of conduct for persons, political parties and committees which  
51 intend to utilize artificial intelligence technology in election  
52 campaigns including, but not limited to, specific prohibitions against  
53 certain practices.

54 2. Copies of such code shall be sent to each candidate, political  
55 party or political committee, upon request, by the board of elections  
56 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.