

STATE OF NEW YORK

10715

IN ASSEMBLY

March 27, 2026

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

AN ACT to amend the election law, in relation to the use of non-consensual materially deceptive media prior to an election

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

Section 1. Subdivision 5 of section 14-106 of the election law, as added by section 1 of subpart B of part MM of chapter 58 of the laws of 2024 and paragraph (b) as amended by chapter 169 of the laws of 2024, is amended to read as follows:

5. (a) For purposes of this subdivision:

(i) "Materially deceptive media" means any image, video, audio, text, or any technological representation of speech or conduct fully or partially created or modified that:

(1) exhibits a high level of authenticity or convincing appearance that is visually or audibly indistinguishable from reality to a reasonable person;

(2) depicts a scenario that did not actually occur or that has been altered in a significant way from how ~~they~~ it actually occurred; and

(3) is created by or with software, machine learning, artificial intelligence, or any other computer-generated or technological means, including adapting, modifying, manipulating, or altering a realistic depiction.

(ii) "Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

(b) (i) A person, firm, association, corporation, campaign, committee, or organization that distributes or publishes any political communication that was produced by or includes materially deceptive media and has actual knowledge that it is materially deceptive shall be required to disclose this use.

(ii) (1) For visual media the disclosure shall be printed or typed in a legible font size easily readable by the average viewer that is no

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

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1 smaller than other text appearing in the visual media and in the same
2 language used on the communication to read as follows: "This (image,
3 video, or audio) has been manipulated".

4 (2) For communication that is auditory, such as radio or automated
5 telephone calls, clearly speaking the statement at the beginning of the
6 audio, at the end of the audio, and, if the audio is greater than two
7 minutes in length, interspersed within the audio at intervals of not
8 greater than two minutes each and in the same language as the rest of
9 the audio used in the communication, and in a pitch that can be easily
10 heard by the average listener satisfies the requirements of clause one
11 of this subparagraph.

12 (c) A person, firm, association, corporation, campaign, committee, or
13 organization with actual knowledge that a political communication was
14 produced by or includes materially deceptive media shall not distribute
15 or publish any such political communication when such publication or
16 distribution:

17 (i) takes place within the period of time beginning on the first day a
18 valid designating petition signature may be obtained in that election
19 year, as provided for by section 6-134 of this chapter, or, in the case
20 of a special election, beginning on the first day a candidate is desig-
21 nated, and ending on the day after such corresponding election day;

22 (ii) is made without the express written consent of any depicted indi-
23 vidual; and

24 (iii) is made with the intent to influence the result of an election.

25 ~~[(iii) This paragraph]~~ (d) Paragraphs (b) and (c) of this subdivision
26 shall not apply to the following:

27 ~~[(1)]~~ (i) materially deceptive media that constitutes satire or paro-
28 dy;

29 ~~[(2)]~~ (ii) materially deceptive media distributed by a bona fide news
30 reporting entity for the purpose of news reporting or coverage, if the
31 reporting clearly acknowledges through content or a disclosure, in a
32 manner that can be easily read or heard by the average listener or view-
33 er, that there are questions about the authenticity of the materially
34 deceptive media;

35 ~~[(3)]~~ (iii) a radio or television broadcasting station, including a
36 cable television, satellite television or streaming service operator,
37 programmer, producer or other similar entity, that broadcasts a poli-
38 tical communication when the station or streaming service is paid to
39 broadcast the political communication if the station or streaming
40 service can show that it has disclaimer requirements that are consistent
41 with the requirements provided in ~~[this]~~ paragraph (b) of this subdivi-
42 sion and that it provided those disclaimer requirements to each person
43 or entity that purchased the broadcast or streaming of the advertise-
44 ment; or

45 ~~[(4)]~~ (iv) initial dissemination by a platform or service including,
46 but not limited to, a website, regularly published newspaper, or maga-
47 zine, where the content disseminated is materially deceptive media
48 provided by another information content provider.

49 ~~[(iv)]~~ (e) A candidate whose voice or likeness appears in materially
50 deceptive media in violation of this subdivision may seek reasonable
51 court costs and attorneys' fees and injunctive relief prohibiting the
52 distribution, publication or broadcasting of any materially deceptive
53 media in violation of this subdivision against such individual or entity
54 who disseminated or published such media without the consent of the
55 person depicted and who knew or should have known that it was materially
56 deceptive. An action under this paragraph shall be initiated by filing

1 an application for an order to show cause in the supreme court where the
2 materially deceptive media at issue could deceive and influence electors
3 in an upcoming election. Such action shall be entitled to an automatic
4 calendar preference and be subject to expedited pretrial and trial
5 proceedings.

6 [~~(v)~~] (f) In any action alleging a violation of this subdivision in
7 which a plaintiff seeks preliminary relief with respect to an upcoming
8 election, the court shall grant relief if it determines that:

9 [~~(A)~~] (i) plaintiffs are more likely than not to succeed on the
10 merits; and

11 [~~(B)~~] (ii) it is possible to implement an appropriate remedy that
12 would resolve the alleged violation in the upcoming election.

13 [~~(vi)~~] (g) In any action commenced under this subdivision, the plain-
14 tiff bears the burden of establishing the use of materially deceptive
15 media by clear and convincing evidence.

16 § 2. This act shall take effect January 1, 2027.