

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 2770**

To prohibit the distribution of materially deceptive AI-generated audio or visual media relating to candidates for Federal office, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Ms. KLOBUCHAR

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Elections from  
5 Deceptive AI Act”.

6 **SEC. 2. PROHIBITION ON DISTRIBUTION OF MATERIALLY**

7 **DECEPTIVE AI-GENERATED AUDIO OR VIS-**

8 **UAL MEDIA PRIOR TO ELECTION.**

9 (a) IN GENERAL.—Title III of the Federal Election  
10 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is  
11 amended by adding at the end the following new section:

1 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**  
2 **ALLY DECEPTIVE AI-GENERATED AUDIO OR**  
3 **VISUAL MEDIA.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) COVERED INDIVIDUAL.—The term ‘cov-  
6 ered individual’ means a candidate for Federal of-  
7 fice.

8 “(2) DECEPTIVE AI-GENERATED AUDIO OR VIS-  
9 UAL MEDIA.—The term ‘deceptive AI-generated  
10 audio or visual media’ means an image, audio, or  
11 video that—

12 “(A) is the product of artificial intelligence  
13 technology that uses machine learning (includ-  
14 ing deep learning models, natural learning proc-  
15 essing, or any other computational processing  
16 techniques of similar or greater complexity),  
17 that—

18 “(i) merges, combines, replaces, or su-  
19 perimposes content onto an image, audio,  
20 or video, creating an image, audio, or video  
21 that appears authentic; or

22 “(ii) generates an inauthentic image,  
23 audio, or video that appears authentic; and

24 “(B) a reasonable person, having consid-  
25 ered the qualities of the image, audio, or video

1 and the nature of the distribution channel in  
2 which the image, audio, or video appears—

3 “(i) would have a fundamentally dif-  
4 ferent understanding or impression of the  
5 appearance, speech, or expressive conduct  
6 exhibited in the image, audio, or video  
7 than that person would have if that person  
8 were hearing or seeing the unaltered, origi-  
9 nal version of the image, audio, or video;  
10 or

11 “(ii) would believe that the image,  
12 audio, or video accurately exhibits any ap-  
13 pearance, speech, or expressive conduct of  
14 a person who did not actually exhibit such  
15 appearance, speech, or expressive conduct.

16 “(3) FEDERAL ELECTION ACTIVITY.—The term  
17 ‘Federal election activity’ has the meaning given the  
18 term in section 301(20)(A)(iii).

19 “(b) PROHIBITION.—Except as provided in sub-  
20 section (c), a person, political committee, or other entity  
21 may not knowingly distribute materially deceptive AI-gen-  
22 erated audio or visual media in carrying out a Federal  
23 election activity or of a covered individual for the purpose  
24 of—

25 “(1) influencing an election; or

1           “(2) soliciting funds.

2           “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This  
3 section shall not apply to the following:

4           “(1) A radio or television broadcasting station,  
5 including a cable or satellite television operator, pro-  
6 grammer, or producer, or a streaming service that  
7 broadcasts materially deceptive AI-generated audio  
8 or visual media prohibited by this section as part of  
9 a bona fide newscast, news interview, news documen-  
10 tary, or on-the-spot coverage of bona fide news  
11 events, if the broadcast clearly acknowledges through  
12 content or a disclosure, in a manner that can be eas-  
13 ily heard or read by the average listener or viewer,  
14 that there are questions about the authenticity of  
15 the materially deceptive AI-generated audio or visual  
16 media.

17           “(2) A regularly published newspaper, maga-  
18 zine, or other periodical of general circulation, in-  
19 cluding an internet or electronic publication, that  
20 routinely carries news and commentary of general  
21 interest, and that publishes materially deceptive AI-  
22 generated audio or visual media prohibited under  
23 this section, if the publication clearly states that the  
24 materially deceptive AI-generated audio or visual

1 media does not accurately represent the speech or  
2 conduct of the covered individual.

3 “(3) Materially deceptive AI-generated audio or  
4 visual media that constitutes satire or parody.

5 “(d) CIVIL ACTION.—

6 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-  
7 LIEF.—

8 “(A) IN GENERAL.—A covered individual  
9 whose voice or likeness appears in, or who is  
10 the subject of, a materially deceptive AI-gen-  
11 erated audio or visual media, including content  
12 distributed as part of a Federal election activ-  
13 ity, distributed in violation of this section may  
14 seek injunctive or other equitable relief prohib-  
15 iting the distribution of materially deceptive AI-  
16 generated audio or visual media in violation of  
17 this section.

18 “(B) PRECEDENCE.—An action under this  
19 paragraph shall be entitled to precedence in ac-  
20 cordance with the Federal Rules of Civil Proce-  
21 dure.

22 “(2) DAMAGES.—

23 “(A) IN GENERAL.—A covered individual  
24 whose voice or likeness appears in, or who is  
25 the subject of, a materially deceptive AI-gen-

1 erated audio or visual media, including content  
2 distributed as part of a Federal election activ-  
3 ity, distributed in violation of this section may  
4 bring an action for general or special damages  
5 against the person, committee, or other entity  
6 that distributed the materially deceptive AI-gen-  
7 erated audio or visual media.

8 “(B) ATTORNEY’S FEES AND COSTS.—In  
9 addition to any damages awarded under sub-  
10 paragraph (A), the court may also award a pre-  
11 vailing party reasonable attorney’s fees and  
12 costs.

13 “(C) RULE OF CONSTRUCTION.—Nothing  
14 in this paragraph shall be construed to limit or  
15 preclude a plaintiff from securing or recovering  
16 any other available remedy.

17 “(3) BURDEN OF PROOF.—In any civil action  
18 alleging a violation of this section, the plaintiff shall  
19 bear the burden of establishing the violation through  
20 clear and convincing evidence.”.

21 (b) SEVERABILITY.—If any provision of this Act, or  
22 an amendment made by this Act, or the application of  
23 such provision to any person or circumstance, is held to  
24 be invalid, the remainder of this Act, or an amendment

1 made by this Act, or the application of such provision to  
2 other persons or circumstances, shall not be affected.