

HB 630-FN - AS INTRODUCED

2025 SESSION

25-0638

07/08

HOUSE BILL

630-FN

AN ACT preventing the dissemination of deepfake materials of political candidates before an election.

SPONSORS: Rep. Cormen, Graf. 15; Rep. Lane, Merr. 16; Rep. Manos, Rock. 12; Rep. McGhee, Hills. 35; Rep. D. McGuire, Merr. 14; Rep. Muns, Rock. 29; Rep. Preece, Hills. 17

COMMITTEE: Election Law

ANALYSIS

This bill prevents the dissemination of deepfake materials of political candidates before an election.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~.
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT preventing the dissemination of deepfake materials of political candidates before an election.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Political Expenditures and Contributions; Political Advertising; Synthetic
2 Media and Deceptive and Fraudulent Deepfakes. Amend RSA 664:14-c to read as follows:
3 Synthetic Media and Deceptive and Fraudulent Deepfakes.

4 I. In this section:

5 (a) "Synthetic media" means an image, an audio recording, or a video recording of an
6 individual's appearance, speech, or conduct that has been created or intentionally manipulated with
7 the use of generative adversarial network techniques or other digital technology in a manner to
8 create a realistic but false image, audio, or video.

9 (b) "Artificial intelligence" or "AI" is the ability of a machine to display human-like
10 capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems
11 may adapt their behavior to a certain degree by analyzing the effects of previous actions and
12 operating under varying and unpredictable circumstances without significant human oversight.

13 (c) "Generative AI" is AI that can generate text, images, or other media in response to
14 prompts.

15 (d) "Deepfake" means a video, audio, or any other media of a person in which his or her
16 face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she
17 appears to be saying something that he or she has never said, or he or she appears to be doing
18 something that he or she has never done.

19 ***(e) "Synthetic media technology" means any digital technology that can be used***
20 ***to produce synthetic media, including artificial intelligence or generative AI.***

21 II. Except as provided in paragraph III, a person, corporation, committee, or other entity
22 shall not, within 90 days of an election at which a candidate for elective office will appear on the
23 ballot, distribute a ~~[message]~~ **deepfake** created using ~~[artificial intelligence or generative AI]~~
24 **synthetic media technology** that the person, corporation, committee or other entity knows or
25 should have known is a deepfake, as defined in paragraph I, of a candidate, election official, or party
26 on the state or local ballot.

27 III.(a) The prohibition in paragraph II shall not apply if the audio or visual media includes a
28 disclosure stating: "This _____ has been manipulated or generated by ~~[artificial intelligence~~
29 ~~technology]~~ **digital technology** and depicts speech or conduct that did not occur."

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1 (b) The blank in the disclosure required by subparagraph (a) shall be filled with
2 whichever of the following terms most accurately describes the media:

3 (1) Image.

4 (2) Video.

5 (3) Audio.

6 (c) For visual media, the text of the disclosure shall appear in a size that is easily
7 readable by the average viewer and no smaller than the largest font size of other text appearing in
8 the visual media. If the visual media does not include any other text, the disclosure shall appear in
9 a size that is easily readable by the average viewer. For visual media that is video, the disclosure
10 shall appear for the duration of the video.

11 (d) If the media consists of audio only, the disclosure shall be read in a clearly spoken
12 manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio,
13 at the end of the audio, and, if the audio is greater than 2 minutes in length, interspersed within the
14 audio at intervals of not greater than 2 minutes each.

15 IV.(a) A candidate or election official whose appearance, action, or speech is depicted
16 through the use of a deceptive and fraudulent deepfake in violation of paragraph II may seek
17 injunctive or other equitable relief prohibiting the publication of such deceptive and fraudulent
18 deepfake.

19 (b) A candidate or election official whose appearance, action, or speech is depicted using
20 a deceptive and fraudulent deepfake in violation of paragraph II may also bring an action for general
21 or special damages against the sponsor. The court may award a prevailing party reasonable
22 attorneys' fees and costs. This section shall not limit or preclude a plaintiff from securing or
23 recovering any other available remedy.

24 V. This section shall not apply to any of the following:

25 (a) An interactive computer service provider as defined in 47 U.S.C. section 230 for
26 content provided by another party.

27 (b) An individual who, within 90 days of an election at which a candidate for elective
28 office will appear on the ballot, distributes a ~~[message]~~ **deepfake** created using ~~[artificial~~
29 ~~intelligence or generative AI]~~ **synthetic media technology** that the individual did not know and
30 had no reasonable way of knowing that the distributed material was a deepfake, as defined in
31 paragraph I, of a candidate, election official, or party on the state or local ballot.

32 (c) Any radio or television broadcasting station or network, newspaper, magazine, cable
33 or satellite radio or television operator, programmer, or producer, Internet website or online
34 platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by
35 paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar
36 undertaking in which the deepfake is a subject of the report and in which publication, distribution,

1 or broadcast there is contained a clear acknowledgment that there are questions about the
2 authenticity of the materials which are the subject of the report.

3 (d) Any radio or television broadcasting station or network, newspaper, magazine, cable
4 or satellite television operator, Internet website or online platform, or other periodical when such
5 entity is paid to publish, distribute or broadcast an election communication including a deepfake
6 prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer
7 provided by the creator or sponsor of the election communication.

8 (e) A video, audio or any other media that constitutes satire or parody or the production
9 of which is substantially dependent on the ability of one or more individuals to physically or verbally
10 impersonate another person without reliance on [~~artificial intelligence~~] ***synthetic media***
11 ***technology***.

12 2 Effective Date. This act shall take effect 60 days after its passage.

HB 630-FN- FISCAL NOTE
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AN ACT preventing the dissemination of deepfake materials of political candidates before
an election.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact
of less than \$10,000 in each of the fiscal years 2025 through 2028.

AGENCIES CONTACTED:

Department of Justice and Judicial Branch