

SENATE, No. 1941

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Senator NIA H. GILL
District 34 (Essex and Passaic)

SYNOPSIS

Prohibits distribution of certain intentionally deceptive audio or visual media within 60 days of election with intent to deceive voter.

CURRENT VERSION OF TEXT

As introduced.



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1 AN ACT concerning certain intentionally deceptive audio or visual
2 media and elections and supplementing Title 19 of the Revised
3 Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Candidate” means a person seeking election or reelection to a
11 public office of the State or of a county, municipality, school
12 district, or any other public office thereof.

13 “Deceptive audio or visual media” means any audio or visual
14 media in an electronic format, including any motion picture film,
15 video recording, or sound recording, which is created or altered in a
16 manner that it would falsely appear to a reasonable listener or
17 observer to be an authentic record of the actual speech or conduct of
18 the individual depicted in the recording.

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20 2. a. A person shall not, within 60 days of an election in which
21 a candidate will appear on the ballot, knowingly or recklessly
22 distribute deceptive audio or visual media of the candidate with the
23 intent to injure the candidate’s reputation or to deceive a voter with
24 false information about the candidate.

25 b. (1) The provisions of subsection a. of this section shall not
26 apply if the deceptive audio or visual media includes a disclosure
27 stating: “This _____ has been manipulated.”

28 (2) The blank in the disclosure required pursuant to paragraph
29 (1) of this subsection shall be filled with whichever of the following
30 terms most accurately describes the media:

31 (a) image;

32 (b) video; or

33 (c) audio.

34 (3) (a) For visual media, the text of the disclosure shall appear
35 in a size that is easily readable by the average observer. If the visual
36 media is video, the disclosure shall appear for the duration of the
37 video.

38 (b) If the media consists of audio only, the disclosure shall be
39 read at the beginning of the audio, in a clearly spoken manner and
40 in a pitch that can be easily heard by the average listener.

41 c. (1) A registered voter may seek injunctive or other equitable
42 relief prohibiting the distribution of deceptive audio or visual media
43 in violation of this section. An action under this subsection shall
44 have priority over other civil matters.

45 (2) A candidate whose voice or likeness appears in deceptive
46 audio or visual media distributed in violation of this section may
47 bring an action for general or special damages against the person
48 that distributed the deceptive audio or visual media. The court may

1 also award a prevailing plaintiff reasonable attorney's fees and
2 costs. This subsection shall not be construed to limit or preclude a
3 plaintiff from securing or recovering any other available remedy.

4 d. (1) This section shall not be construed to alter or negate any
5 rights, obligations, or immunities of an interactive computer service
6 provider pursuant to 47 U.S.C. s.230.

7 (2) This section shall not apply to a broadcasting station,
8 including a cable or satellite television company, programmer, or
9 producer, an Internet website, or a regularly published newspaper,
10 magazine, or other periodical of general circulation, including an
11 Internet or electronic publication, that routinely carries news and
12 commentary of general interest, and that broadcasts or publishes
13 deceptive audio or visual media prohibited by this section for the
14 purpose of disseminating newsworthy facts, if the broadcast or
15 publication clearly states that the deceptive audio or visual media
16 does not accurately represent the speech or conduct of the
17 candidate.

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19 3. This act shall take effect immediately.

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STATEMENT

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24 This bill prohibits a person from knowingly or recklessly
25 distributing deceptive audio or visual media, within 60 days of an
26 election in which a candidate will appear on the ballot, of a
27 candidate with the intent to injure the candidate's reputation or to
28 deceive a voter with false information about the candidate.

29 The provisions of this bill are not to apply if the deceptive audio
30 or visual media includes a disclosure stating: "This _____ has been
31 manipulated." The blank in the disclosure is to be filled with
32 whichever of the following terms most accurately describes the
33 media:

34 1) image;

35 2) video; or

36 3) audio.

37 A registered voter may seek injunctive or other equitable relief
38 prohibiting the distribution of deceptive audio or visual media in
39 violation of this bill. An action under the bill is to have priority over
40 other civil matters.

41 A candidate whose voice or likeness appears in deceptive audio
42 or visual media distributed in violation of the bill may bring an
43 action for general or special damages against the person that
44 distributed the deceptive audio or visual media. The court may also
45 award a prevailing plaintiff reasonable attorney's fees and costs.
46 The bill is not to be construed to limit or preclude a plaintiff from
47 securing or recovering any other available remedy.

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1 The provisions of the bill are not to apply to a broadcasting
2 station, including a cable or satellite television company,
3 programmer, or producer, an Internet website, or a regularly
4 published newspaper, magazine, or other periodical of general
5 circulation, including an Internet or electronic publication, that
6 routinely carries news and commentary of general interest, and that
7 broadcasts or publishes deceptive audio or visual media prohibited
8 by this section for the purpose of disseminating newsworthy facts,
9 if the broadcast or publication clearly states that the deceptive audio
10 or visual media does not accurately represent the speech or conduct
11 of the candidate.