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

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

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

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

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

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

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

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

      (a) image;

      (b) video; or

      (c) audio.

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

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

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

   (2) A candidate whose voice or likeness appears in deceptive audio or visual media distributed in violation of this section may bring an action for general or special damages against the person that distributed the deceptive audio or visual media. The court may
also award a prevailing plaintiff reasonable attorney’s fees and
costs. This subsection shall not be construed to limit or preclude a
plaintiff from securing or recovering any other available remedy.
d. (1) This section shall not be construed to alter or negate any
rights, obligations, or immunities of an interactive computer service
provider pursuant to 47 U.S.C. s.230.
(2) This section shall not apply to a broadcasting station,
including a cable or satellite television company, programmer, or
producer, an Internet website, or a regularly published newspaper,
magazine, or other periodical of general circulation, including an
Internet or electronic publication, that routinely carries news and
commentary of general interest, and that broadcasts or publishes
deceptive audio or visual media prohibited by this section for the
purpose of disseminating newsworthy facts, if the broadcast or
publication clearly states that the deceptive audio or visual media
does not accurately represent the speech or conduct of the
candidate.
3. This act shall take effect immediately.

STATEMENT

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

The provisions of this bill are not to apply if the deceptive audio
or visual media includes a disclosure stating: “This _____ has been
manipulated.” The blank in the disclosure is to be filled with
whichever of the following terms most accurately describes the
media:
1) image;
2) video; or
3) audio.

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

A candidate whose voice or likeness appears in deceptive audio
or visual media distributed in violation of the bill may bring an
action for general or special damages against the person that
distributed the deceptive audio or visual media. The court may also
award a prevailing plaintiff reasonable attorney’s fees and costs.
The bill is not to be construed to limit or preclude a plaintiff from
securing or recovering any other available remedy.
The provisions of the bill are not to apply to a broadcasting station, including a cable or satellite television company, programmer, or producer, an Internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an Internet or electronic publication, that routinely carries news and commentary of general interest, and that broadcasts or publishes deceptive audio or visual media prohibited by this section for the purpose of disseminating newsworthy facts, if the broadcast or publication clearly states that the deceptive audio or visual media does not accurately represent the speech or conduct of the candidate.