

ASSEMBLY, No. 5510

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 25, 2023

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

SYNOPSIS

Prohibits and imposes criminal penalty on distribution of certain intentionally deceptive audio or visual media within 90 days of election.

CURRENT VERSION OF TEXT

As introduced.



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 video recording,
14 motion picture film, sound recording, electronic image, or
15 photograph, or any technological representation of speech or
16 conduct substantially derivative thereof that appears to authentically
17 depict any speech or conduct of a person who did not in fact engage
18 in the speech or conduct and the production of which was
19 substantially dependent upon technical means, rather than the
20 ability of another person to physically or verbally impersonate the
21 person.

22
23 2. a. A person commits a disorderly person offense if, within 90
24 days of an election in which a candidate will appear on the ballot,
25 the person knowingly or recklessly distributes deceptive audio or
26 visual media with the intent to deceive a voter with false
27 information about the candidate or the election.

28 b. (1) The provisions of subsection a. of this section shall not
29 apply if the deceptive audio or visual media includes a disclosure
30 stating: “This advertisement contains manipulated images or
31 sound.”

32 (2) (a) For visual media, the text of the disclosure shall appear in
33 a size, color, and typeface that is easily readable by a reasonable
34 observer. If the visual media is video, the disclosure shall appear
35 for the entire duration of the video.

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

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

44 (2) A candidate whose voice or likeness appears in deceptive
45 audio or visual media distributed in violation of this section may
46 bring an action for general or special damages against the person
47 that distributed the deceptive audio or visual media. The court may
48 also award a prevailing plaintiff reasonable attorney’s fees and

1 costs. This subsection shall not be construed to limit or preclude a
2 plaintiff from securing or recovering any other available remedy.

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

6 (2) This section shall not apply to any broadcasting station,
7 including a cable or satellite television company, programmer, or
8 producer, an Internet website, or a regularly published newspaper,
9 magazine, or other periodical of general circulation, including an
10 Internet or electronic publication, that routinely carries news and
11 commentary of general interest, and that broadcasts or publishes
12 any deceptive audio or visual media prohibited by this section for
13 the purpose of disseminating newsworthy facts; provided that the
14 broadcast or publication shall clearly contain a disclosure which is
15 either shown or read aloud that identifies the deceptive audio or
16 visual media and states that the deceptive audio or visual media
17 does not accurately represent the speech or conduct of a 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, also commonly known
26 as “deepfakes,” within 90 days of an election in which a candidate
27 will appear on the ballot, with the intent to deceive a voter with
28 false information about the candidate or the election.

29 A violation under this bill is a disorderly person offense. A
30 disorderly person offense is punishable by up to six months
31 imprisonment, a fine of up to \$1,000, or both. The provisions of
32 this bill are not to apply if the deepfake includes a disclosure which
33 is either shown or read aloud stating: “This advertisement contains
34 manipulated images or sound.”

35 A registered voter may seek injunctive or other equitable relief
36 prohibiting the distribution of a deepfake in violation of this bill.
37 An action under the bill is to have priority over other civil matters.
38 A candidate whose voice or likeness appears in a deepfake
39 distributed in violation of the bill may bring an action for general or
40 special damages against the person that distributed media. The
41 court may also award a prevailing plaintiff reasonable attorney’s
42 fees and costs. The bill is not to be construed to limit or preclude a
43 plaintiff from securing or recovering any other available remedy.

44 The provisions of the bill are not to apply to certain entities
45 enumerated in the bill that routinely carry news and commentary of
46 general interest, and that broadcasts or publishes a deepfake
47 prohibited by the bill for the purpose of disseminating newsworthy
48 facts; provided that the broadcast or publication clearly contains a

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- 1 disclosure which is either shown or read aloud that identifies the
- 2 deceptive audio or visual media and states that the media does not
- 3 accurately represent the speech or conduct of a candidate.