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Artificial Intelligence in Elections

State approaches, constitutional challenges, and Utah law

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Artificial Intelligence in Elections

Presentation Overview:

1 State Approaches

How are states regulating AI-generated political media? What are the 1st Amendment concerns?

2 Utah's current law

What does Utah require now?

3 2026 H.B. 504

What would H.B. 504 have changed, and what is its status?

State legislation, court challenges, and proposed amendments continue to shape this area of the law.

State AI election laws: two basic approaches

As of June 2026, NCSL reports that 31 states have enacted laws addressing the use of AI to create images, videos, and voices in political advertisements (What NCSL terms "political deepfakes").

DISCLOSURE

28 states

Political deepfakes may be disseminated, but they must carry a notice that AI was used in their creation.

Utah is in this group.

Utah and Colorado also require certain information to be embedded in the deepfake file's metadata.

PROHIBITION

3 states

Certain **deceptive** political deepfakes are prohibited, rather than merely disclosed.

Minnesota – prohibition applies after the start of absentee voting or 90 days before an election

Texas – prohibition applies 30 days before an election

Maryland – complete ban

Both disclosure and prohibition state AI election laws have been challenged in court

*Litigants overwhelmingly raise objections on **1st Amendment** grounds: The central issue is how to balance election integrity against free speech. Court have focused on whether the laws are too broad, too vague, or place too great a burden on political speech.*

Kohls v. Bonta (2025)

LAW ENJOINED

California

A federal district court held that California's disclosure regime violated the First Amendment because key provisions were vague and overly burdensome.

The Babylon Bee v. Lopez (2026)

LAW ENJOINED

Hawaii

A federal court permanently blocked Hawaii's disclosure law on First Amendment grounds.

Kohls v. Ellison (2026)

MERITS UNRESOLVED

Minnesota

A federal district court denied preliminary relief based on delay, and the Eighth Circuit affirmed without deciding the constitutional merits.

Utah's current law: Disclose the use of AI media intended to influence an election

Utah Code § 20A-11-1104 – "Disclosure of synthetic media"

1

Covered media

Applies to an audio or visual communication that **1)** is paid for by a candidate or PAC; **2)** is intended to influence an election; and **3)** is "substantially produced by generative artificial intelligence."

2

Visible or audible notice

A covered communication must disclose that its content was generated by AI.

3

Embedded information

The file must include tamper-evident provenance information identifying creation information and any later alteration.

4

Enforcement

A violation may result in civil liability of up to $1,000 per violation.

Potentially a class B misdemeanor

Utah is a disclosure state, not a prohibition state.

Does current Utah law reach print communications?

POINTS TOWARD "YES"

The statute defines "synthetic visual media" to mean "an image or video" substantially produced by AI

An AI-generated image is an "image" when it appears on a campaign mailer, flyer, or other printed political advertisement.

POINTS TOWARD "NO"

The statute requires the AI disclosure to appear "throughout the duration" of the visual media.

"Duration" fits a video or other time-based communication more naturally than a static printed image.

The statute contains language that may support competing interpretations

2026 H.B. 504 – “Political Advertising Amendments”: proposed clarification for print media

H.B. 504 would have amended Utah Code § 20A-11-1104.

CURRENT LAW

The statutory language refers to, among other things, synthetic visual media.

The treatment of a static printed image is not explicit.

H.B. 504

Would have expressly applied the current disclosure requirement to print communications.

The change would have removed any print-versus-video uncertainty.

STATUS

Held in committee

H.B. 504 did not become law.

Utah’s existing statute remains in effect.

HB 504 Purpose: make explicit the law’s application to printed political advertising.



Questions?