

**ARTIFICIAL INTELLIGENCE IN POLITICAL
ADVERTISING**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ariel Defay

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill addresses artificial intelligence and political advertising.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a person who creates a political advertisement through the use of generative artificial intelligence to include a specified disclaimer in the advertisement;
- ▶ establishes a criminal penalty for a person who violates the requirement described above;
- ▶ clarifies that a person who violates other provisions related to political advertisements is guilty of a class B misdemeanor; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-11-901, as last amended by Laws of Utah 2022, Chapter 18



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-11-901** is amended to read:

20A-11-901. Political advertisements -- Requirement that ads designate responsibility and authorization -- Regulation on use of artificial intelligence -- Report to lieutenant governor -- Unauthorized use of endorsements -- Penalty.

(1) ~~(a)~~ As used in this section:

(a) "Generative artificial intelligence" means a machine-based system that can, for a given set of human-defined objectives, emulate the structures, patterns, and characteristics of input data in order to generate derived synthetic content, including images, video, audio, text, and other digital content.

(b) "Generative A.I. political advertisement" means an advertisement that contains images, video, audio, text or other digital content created in whole or in part with the use of generative artificial intelligence that:

(i) advocates for the nomination, election, or defeat of a candidate for public office;
and

(ii) depicts the candidate for public office or another individual performing an action that did not actually occur.

(2) (a) ~~[Whenever any]~~ If a person makes an expenditure for the purpose of financing an advertisement [expressly advocating] that expressly advocates for the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, the advertisement:

(i) if paid for and authorized by a candidate or the candidate's campaign committee, shall clearly state that the advertisement has been paid for by the candidate or the campaign committee;

(ii) if paid for by another person but authorized by a candidate or the candidate's campaign committee, shall clearly state who paid for the advertisement and that the candidate or the campaign committee authorized the advertisement; or

(iii) if not authorized by a candidate or a candidate's campaign committee, shall clearly state the name of the person who paid for the advertisement and state that the advertisement is

59 not authorized by any candidate or candidate's committee.

60 ~~[(2)]~~ (3) (a) A person that makes an expenditure for the purpose of financing an
 61 advertisement related to a ballot proposition shall ensure that the advertisement complies with
 62 Subsection ~~[(2)(b)]~~ (3)(b) if the advertisement expressly advocates:

- 63 (i) for placing a ballot proposition on the ballot;
- 64 (ii) for keeping a ballot proposition off the ballot;
- 65 (iii) that a voter refrain from voting on a ballot proposition; or
- 66 (iv) that a voter vote for or against a ballot proposition.

67 (b) An advertisement described in Subsection ~~[(2)(a)]~~ (3)(a) shall:

- 68 (i) if paid for by a political issues committee, clearly state that the advertisement was
 69 paid for by the political issues committee;
- 70 (ii) if paid for by another person but authorized by a political issues committee, clearly
 71 state who paid for the advertisement and that the political issues committee authorized the
 72 advertisement; or
- 73 (iii) if not authorized by a political issues committee, clearly state the name of the
 74 person who paid for the advertisement and state that the advertisement is not authorized by any
 75 political issues committee.

76 ~~[(3)]~~ (4) If a person makes an expenditure for the purpose of financing a generative A.I.
 77 political advertisement, the generative A.I. political advertisement shall prominently state the
 78 following disclaimer: "Created in whole or in part with the use of generative artificial
 79 intelligence (A.I.)."

80 (5) The requirements of Subsections ~~[(1) and (2)]~~ (2) and (3) do not apply to:

- 81 (a) lawn signs with dimensions of four by eight feet or smaller;
- 82 (b) bumper stickers;
- 83 (c) campaign pins, buttons, and pens; or
- 84 (d) similar small items upon which the disclaimer cannot be conveniently printed.

85 ~~[(4)]~~ (6) (a) A person who is not a reporting entity and pays for an electioneering
 86 communication shall file a report with the lieutenant governor within 24 hours of making the
 87 payment or entering into a contract to make the payment.

88 (b) The report shall include:

- 89 (i) the name and address of the person described in Subsection ~~[(4)(a)]~~ (6)(a);

90 (ii) the name and address of each person contributing at least \$100 to the person
91 described in Subsection [~~(4)~~(a)] (6)(a) for the purpose of disseminating the electioneering
92 communication;

93 (iii) the amount spent on the electioneering communication;

94 (iv) the name of the identified referenced candidate; [~~and~~]

95 (v) the medium used to disseminate the electioneering communication[-]; and

96 (vi) if the electioneering communication is a generative A.I. political advertisement, a
97 statement that the electioneering communication is a generative A.I. political advertisement.

98 [~~(5)~~] (7) A person may not, in order to promote the success of any candidate for
99 nomination or election to any public office, or in connection with any question submitted to the
100 voters, include or cause to be included the name of any person as endorser or supporter in any
101 political advertisement, circular, poster, or publication without the express consent of that
102 person.

103 [~~(6)~~] (8) (a) It is unlawful for a person to pay the owner, editor, publisher, or agent of
104 any newspaper or other periodical to induce the owner, editor, publisher, or agent to advocate
105 or oppose editorially any candidate for nomination or election.

106 (b) It is unlawful for any owner, editor, publisher, or agent to accept any payment to
107 advocate or oppose editorially any candidate for nomination or election.

108 (9) A person who violates this section is guilty of a class B misdemeanor.

109 Section 2. **Effective date.**

110 This bill takes effect on May 1, 2024.