

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: HB-6846

AN ACT CONCERNING ARTIFICIAL INTELLIGENCE, DECEPTIVE SYNTHETIC

Title: MEDIA AND ELECTIONS.

Vote Date: 2/28/2025

Vote Action: Joint Favorable

PH Date: 2/7/2025

File No.:

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SPONSORS OF BILL:

Government Administration and Elections Committee

REASONS FOR BILL:

This bill would make the distribution of deceptive synthetic media with intent to injure a candidate or influence the result of an election or primary during the 90-day period preceding a primary or election illegal.

There are concerns about the depictions of real people as they are often generated without that person's consent. With the rapid advancements in the field of AI, there are growing concerns about the use of AI enhanced media to deceptively alter the perception of political candidates and influence the election.

RESPONSE FROM ADMINISTRATION/AGENCY:

Stephanie Thomas, Secretary of State, Secretary of the State Office:

This bill should be expanded to combat ways AI can impact elections holistically. It should include language that expands the targets of harm to election workers, regardless of whether they are on the ballot or not. Examine the timeframe (line 30) to ensure it adequately accounts for the availability of overseas absentee ballots, other absentee ballots, and early voting.

Shannon Clark Kief, Legal Program Manager, State Elections Enforcement

Commission:

The definition of *candidate* is not taken from Title 9 and is instead vaguer and does not result in a public record that can be referred to by those seeking to comply with the new law. Recommends that the definition of *candidate* be taken from Title 9. The provision only applies

for 90 days before a primary or election, but not all candidates have primaries, meaning the effective period would be different for different candidates. There can also be gaps of time between primaries and elections where the provision does not apply. Recommends a single date or period of time that applies to all candidates. Lastly, they have concerns where in the statutes will this language reside? If the intent is to place it in Title 9, what would the SEEC's role be?

NATURE AND SOURCES OF SUPPORT:

Carmen N. Clarkin, Research & Policy Associate, Connecticut Voices for Children:

The lack of regulation around the use of synthetic media in a political campaign can lead to the erosion of trust in the media, spread of misinformation, and contribute to voter suppression. Twenty states have implemented similar legislation requiring disclaimers on synthetic deceptive media being used within a specified time frame of an election cycle. The existing federal legal guidance consists of voluntary guidelines, not enforceable laws, and can easily change with the administration.

Christopher Gilrein, Executive Director, Northeast for TechNet:

Suggests clarification to language to ensure liability is restricted to creator and disseminators, not intermediaries such as internet service providers.

Additional support was provided by:

Sarah Anonymous

Sarah Baillargeon

Brianna Costello

Rebecca Wasileski

Brianna Costello

Anonymous

NATURE AND SOURCES OF OPPOSITION:

Jennifer Parsons, President, Connecticut Broadcasters Association:

Opposes the bill as written because it will hold distributors liable for content they did not create. The suppliers of political ads should be responsible. Broadcasters are currently prohibited from censoring or rejecting political ads that are paid for by legally qualified candidates – these broadcasters should not be able to be held responsible for content they cannot and decide not to distribute.

Steven Hill, President of the Satellite Broadcasting and Communications Association:

Opposes the bill because the language imposes liability on distributors of political ads. The use of the term “should know” is vague and because outlandish and inflammatory environment of modern politics things that were once hyperbole are now reality what a reasonable person “should know” to be false is difficult to determine. Distribution companies do not employ analysts to determine if AI was used in generating an image and as written this legislation will subject them to lawsuits or criminal prosecution because of the subjective belief of what a company should know.

Opposition to the bill was provided by:

GENERAL COMMENTS:

Jess Zaccagnino, Policy Counsel, American Civil Liberties Union of Connecticut:

By applying 90-day restrictions to both primary and general elections, as well as potentially special elections, accounting for absentee ballot periods, this would limit speech during most of the calendar year. This makes it near impossible for speakers to determine when they may legally engage in AI-assisted political commentary. There is a long-held precedent that discussion of public issues and debate about candidates' qualifications are entitled to the broadest constitutional protection. The bills core prohibition on communications intended to influence the result of an election strikes at the heart of constitutionally protected political speech. The Supreme Court has repeatedly emphasized that political speech, even if misleading or false, should not be unduly suppressed, as it is essential to democratic discourse. The disclaimer provisions do not adequately safeguard against the potential suppression of political commentary, satire, or artistic expression. The presumption that AI-generated or manipulated content is inherently deceptive fails to meet the high standards required for restricting political speech. Existing laws address defamation and intentional interference with elections, these can be adapted to address specific harms posed by new technologies without unduly restricting free speech.

Becca Branum, Center for Democracy & Technology:

There are concerns about this bill and first amendment rights. Well intentioned individuals could be charged for publishing materials generated using AI without realizing they needed to put a disclaimer. Also, content-based restrictions on speech are presumptively unconstitutional, requiring that such restrictions be the least restrictive means of achieving a compelling government interest.

Anna P. Lucey, Executive Vice President, New England Connectivity and Telecommunications Association:

The bill should be amended such that publishers like cable providers are not liable for content they did not create. Particularly, federal law prohibits broadcast stations from censoring paid political advertising from a candidate. The nature of AI generated ads – being designed to deceive people into believing they are real – means that publishers are no more able to determine if AI was used than the public. The focus of the legislation should be on the knowing intent of the creator of the content or advertisement, not the providers who distribute it.

Paul Amarone, Public Policy Associate & Advocacy Manager, Connecticut Business & Industry Association:

Language should be added to limit liability to the person who creates and disseminates the AI generate media, not the intermediaries such as cable or internet providers.

Reported by: Aston Foley

Date: 03/03/2025