

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 335 - L.D. 517

An Act Regarding Synthetic Media in Campaign Advertising

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1014, sub-§3, as amended by PL 2025, c. 224, §7, is further amended to read:

3. Broadcasting prohibited without disclosure. A Except as provided in subsection 5-C, paragraph C, a person operating a broadcast, cable or satellite system within this State may not broadcast any public communication, as described in subsections 1 to 2-A, without an oral or written visual announcement of the each disclosure required by this section.

Sec. 2. 21-A MRSA §1014, sub-§3-B, as amended by PL 2025, c. 224, §7, is further amended to read:

3-B. Newspapers. A Except as provided in subsection 5-C, paragraph C, a newspaper may not publish a public communication described in subsections 1 to 2-A without including the each disclosure required by this section. For purposes of this subsection, "newspaper" includes any printed material intended for general circulation or to be read by the general public, including a version of the newspaper displayed on a website owned or operated by the newspaper. When necessary, a newspaper may seek the advice of the commission regarding whether or not a communication requires the disclosure.

Sec. 3. 21-A MRSA §1014, sub-§4, as amended by PL 2025, c. 224, §7, is further amended to read:

4. Enforcement. A violation of this section may result in a civil penalty of no more than 100% of the amount of the expenditure in violation, except that a violation of subsection 5-C may result in a civil penalty of no more than 500% of the amount of the expenditure in violation and except that an expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$200. In assessing a civil penalty, the commission shall consider, among other things, how widely the public communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the public communication conceals or misrepresents the identity of the person who financed it. If the person who financed the public communication or who committed the violation corrects

the violation within 10 days after receiving notification of the violation from the commission by adding the missing information to the public communication, the commission may, except for a violation of subsection 5-C, decide to assess no civil penalty.

Sec. 4. 21-A MRSA §1014, sub-§5-C is enacted to read:

5-C. Use of synthetic media. Whenever a public communication that requires a disclosure under subsections 1, 2, 2-A or 2-B contains synthetic media, the public communication must include, in addition to any other required disclosure, the words "THIS COMMUNICATION CONTAINS AUDIO, VIDEO AND/OR IMAGES THAT HAVE BEEN MANIPULATED OR ALTERED." The commission shall adopt rules regarding the manner, size and placement of the disclosure required under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. For purposes of this subsection, "synthetic media" means an image, an audio recording or a video recording depicting a candidate's appearance, speech or conduct that:

(1) In a manner that is likely to deceive a reasonable person, depicts the candidate saying or doing something that the candidate did not say or do; or

(2) Has been manipulated or altered in a manner that is likely to provide a reasonable person with a materially different understanding or impression of the candidate's appearance, action or speech than a reasonable person would have from an unaltered, original version of the image, audio recording or video recording.

B. For purposes of this subsection, "synthetic media" does not include:

(1) An image, an audio recording or a video recording depicting a candidate's appearance, speech or conduct that has been modified to improve audio, video or image clarity, to add captions or to highlight a specific section of the image, audio recording or video recording as long as the modification does not create a materially different understanding or impression of the candidate's appearance, action or speech than a reasonable person would have from an unaltered, original version of the image, audio recording or video recording; or

(2) Satire or parody.

C. A person operating a broadcast, cable or satellite system within the State that broadcasts a public communication does not violate this subsection and a newspaper that publishes a public communication does not violate this subsection unless the broadcaster broadcasts or newspaper publishes a paid public communication with actual knowledge that the public communication contains synthetic media. The broadcaster's or newspaper's receipt of an allegation made by a 3rd party that a public communication contains synthetic media does not, by itself, constitute actual knowledge by the broadcaster or newspaper that the public communication contains synthetic media. For purposes of this paragraph, "newspaper" has the same meaning as in subsection 3-B.

D. The commission shall notify the Office of the Attorney General if a person who is in violation of this subsection does not cease violating this subsection after being notified of the violation by the commission or if the commission is unable for any reason to notify a person that the person is in violation of this subsection. The Attorney

General may bring a civil action in the Superior Court of Kennebec County for injunctive or other appropriate equitable relief requiring the person to comply with this subsection. An action under this paragraph may be combined with an action under section 1004-B for the purposes of the enforcement of penalties assessed by the commission. If the Attorney General prevails in an action under this paragraph, the court may award to the Attorney General the costs of the action together with reasonable attorney's fees as determined by the court.

E. This subsection may not be construed to prohibit or limit any other cause of action that a person may have against a person who violates this subsection.