

Amendment to HB 1596-FN

1 Amend RSA 664:14-c as inserted by section 1 of the bill by replacing it with the following:

2  
3 664:14-c Synthetic Media and Deceptive and Fraudulent Deepfakes.

4 I. In this section:

5 (a) "Synthetic media" means an image, an audio recording, or a video recording of an  
6 individual's appearance, speech, or conduct that has been created or intentionally manipulated with  
7 the use of generative adversarial network techniques or other digital technology in a manner to  
8 create a realistic but false image, audio, or video.

9 (b) "Artificial intelligence" or "AI" is the ability of a machine to display human-like  
10 capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may  
11 adapt their behavior to a certain degree by analyzing the effects of previous actions and operating  
12 under varying and unpredictable circumstances without significant human oversight.

13 (c) "Generative AI" is AI that can generate text, images, or other media in response to  
14 prompts.

15 (d) "Deepfake" means a video, audio, or any other media of a person in which his or her  
16 face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she  
17 appears to be saying something that he or she has never said, or he or she appears to be doing  
18 something that he or she has never done.

19 II. Except as provided in paragraph III, a person, corporation, committee, or other entity  
20 shall not, within 90 days of an election at which a candidate for elective office will appear on the  
21 ballot, distribute a message created using artificial intelligence or generative AI that the person,  
22 corporation, committee or other entity knows or should have known is a deepfake, as defined in  
23 paragraph I, of a candidate or party on the state or local ballot.

24 III.(a) The prohibition in paragraph II shall not apply if the audio or visual media includes a  
25 disclosure stating: "This \_\_\_\_\_ has been manipulated or generated by artificial intelligence  
26 technology and depicts speech or conduct that did not occur."

27 (b) The blank in the disclosure required by subparagraph (a) shall be filled with  
28 whichever of the following terms most accurately describes the media:

29 (1) Image.

30 (2) Video.

31 (3) Audio.

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1           (c) For visual media, the text of the disclosure shall appear in a size that is easily  
2 readable by the average viewer and no smaller than the largest font size of other text appearing in  
3 the visual media. If the visual media does not include any other text, the disclosure shall appear in  
4 a size that is easily readable by the average viewer. For visual media that is video, the disclosure  
5 shall appear for the duration of the video.

6           (d) If the media consists of audio only, the disclosure shall be read in a clearly spoken  
7 manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio,  
8 at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within  
9 the audio at intervals of not greater than 2 minutes each.

10           IV. This section shall not apply to any of the following:

11           (a) An interactive computer service provider or user as defined in 47 U.S.C. section 230  
12 unless such provider or user was the creator of the deepfake prohibited by paragraph II.

13           (b) Any radio or television broadcasting station or network, newspaper, magazine, cable  
14 or satellite radio or television operator, programmer, or producer, Internet website or online  
15 platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by  
16 paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar  
17 undertaking in which the deepfake is a subject of the report and in which publication, distribution,  
18 or broadcast there is contained a clear acknowledgment that there are questions about the  
19 authenticity of the materials which are the subject of the report.

20           (c) Any radio or television broadcasting station or network, newspaper, magazine, cable  
21 or satellite television operator, Internet website or online platform, or other periodical when such  
22 entity is paid to publish, distribute or broadcast an election communication including a deepfake  
23 prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer  
24 provided by the creator or sponsor of the election communication.

25           (d) A video, audio or any other media that constitutes satire or parody or the production  
26 of which is substantially dependent on the ability of one or more individuals to physically or verbally  
27 impersonate another person without reliance on artificial intelligence.

28           V. The provisions of this section are severable. If any provision of this section or its  
29 application is held invalid, that invalidity shall not affect other provisions or applications that can be  
30 given effect without the invalid provision or application.

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AMENDED ANALYSIS

This bill requires the disclosure of media created using artificial intelligence and deepfakes used in political advertising.