

The House Committee on Technology and Infrastructure Innovation offers the following substitute to SB 9:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to
2 establish the criminal offenses of fraudulent election interference and solicitation of such; to
3 provide for definitions; to provide for exceptions; to provide for the Attorney General to have
4 concurrent jurisdiction over such crimes; to provide for punishment; to provide for injunctive
5 relief; to provide for the State Election Board to publish results of investigations into such
6 offenses; to provide for certain disclaimers on campaign advertisements that use AI
7 generated media; to provide for the form of such disclaimers; to provide for definitions; to
8 provide for legislative findings and intent; to provide for related matters; to provide for an
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **PART I**

12 **SECTION 1-1.**

13 The General Assembly finds:

14 (1) The significant and rapid increase in use and advancements of artificial intelligence
15 and other sophisticated technologies poses a unique danger to the State of Georgia's free
16 and fair system of elections;

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17 (2) Artificial intelligence and other technologies now allow individuals, both in good faith
18 and bad faith, to create AI generated media that falsely depicts conduct that appears to be
19 real;

20 (3) The state and its citizens have the utmost rights to both free and fair elections and
21 freedom of speech; and

22 (4) This Act is narrowly tailored for the purpose of protection against the use of deceptive
23 media in bad faith to influence elections by reducing certain candidates' chances of being
24 elected or by suppressing voter turnout through mass confusion.

25 PART II

26 SECTION 2-1.

27 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended in
28 Chapter 2, relating to elections and primaries generally, by adding a new Code section to
29 read as follows:

30 "21-2-605.

31 (a) As used in this Code section, the term:

32 (1) 'Election' shall have the same meaning as provided in Code Section 21-5-3.

33 (2) 'Materially deceptive media' means a video recording, video file, audio recording, or
34 audio file, still image, or still image file that:

35 (A) Appears to depict a real individual's speech or conduct that did not occur in reality;
36 and

37 (B) Would appear to a reasonable observer to be authentic.

38 (3) 'Person' means any employee, staff member, or other similarly affiliated individual
39 of a political party, political body, candidate, campaign committee, political action
40 committee, or any other political committee. Such term shall not include a broadcaster,
41 cable provider, online service, internet service provider, streaming platform, or any

42 employees or agents thereof, who otherwise would not fall under this definition of person
43 except for their sale of advertising to a person as defined in this paragraph.

44 (b) A person commits the offense of fraudulent election interference if he or she, with
45 knowledge of its falsity, publishes, broadcasts, streams, or uploads materially deceptive
46 media within 90 days of an election with the intent to deceive one or more electors for the
47 purpose of:

48 (1) Significantly influencing a candidate's chance of being elected in such election;

49 (2) Creating confusion about the administration of such election; or

50 (3) Otherwise influencing the result of such referendum.

51 (c) A person commits the offense of solicitation of fraudulent election interference when
52 he or she, with the intent that a violation proscribed by subsection (b) of this Code section
53 be committed, commands, encourages, or requests any individual to commit a violation
54 proscribed by subsection (b) of this Code section.

55 (d) Nothing in this Code section shall apply to activities protected by the First Amendment
56 to the United States Constitution, including, but not limited to, satire, parody, works of
57 artistic expression, or works of journalism by bona fide news organizations.

58 (e) Upon conviction of an offense under this Code section, a person shall be punished as
59 follows:

60 (1) For the first offense, he or she shall be guilty of a misdemeanor; and

61 (2) For the second or subsequent offense, he or she shall be guilty of a felony and, upon
62 conviction thereof, shall be punished by imprisonment for not less than two years nor
63 more than five years and by a fine not to exceed \$50,000.00.

64 (f) For prosecutions under this Code section, venue shall be proper in any county in this
65 state where:

66 (1) Any act was committed in furtherance of the unlawful conduct;

67 (2) The candidate affected by the alleged violation resides;

68 (3) The defendant resided at the time of the alleged violation; or

92 Said chapter is further amended in Code Section 21-2-33.1, relating to enforcement of
93 chapter, suspension of election superintendents, and support and assistance from the
94 Secretary of State, by adding a new subsection to read as follows:

95 "(a.1) In any investigation stemming from an alleged violation of Code Section 21-2-605,
96 the State Election Board shall release to the public the findings of any completed
97 investigation."

98 **SECTION 2-4.**

99 Title 21 of the Official Code of Georgia Annotated, relating to elections, is further amended
100 in Chapter 5, relating to government transparency and campaign finance, by adding a new
101 article to read as follows:

102 "ARTICLE 5

103 21-5-90.

104 As used in this article, the term:

105 (1) 'AI generated media' means a video recording, video file, audio recording, audio file,
106 still image, or still image file that:

107 (A) Is created through the use of an artificial intelligence system;

108 (B) Depicts a real individual's speech or conduct that did not occur in reality; and

109 (C) Appears to a reasonable observer to be authentic.

110 (2) 'Artificial intelligence system' means an engineered or machine based system that
111 emulates the capability of a person to receive audio, visual, text, or any other form of
112 information and use the information received to emulate a human cognitive process,
113 including, but not limited to, learning, generalizing, reasoning, planning, predicting,
114 acting, or communicating; provided, however, that artificial intelligence systems may

115 vary in the forms of information they can receive and in the human cognitive processes
116 they can emulate.

117 (3) 'Campaign advertisement' means any campaign material, commercial, advertisement,
118 or other media designed to bring about the nomination or election of an individual to any
119 elected office; designed to bring about the recall of a public officer holding elective office
120 or to oppose the recall of a public officer holding elective office; or designed to bring
121 about the approval or rejection by the voters of any proposed constitutional amendment,
122 a state-wide referendum, or a proposed question which is to appear on the ballot in this
123 state or in a county or a municipal election in this state.

124 21-5-91.

125 (a) Notwithstanding the prohibitions contained in Code Section 21-2-605, any person may
126 use AI generated content in any campaign advertisement, so long as the campaign
127 advertisement discloses, in accordance with the provisions of Code Section 21-5-92:

128 (1) The name of the candidate or candidates or campaign committee or committees that
129 created, sponsored, and paid for the campaign advertisement;

130 (2) The name of each person who is being impersonated;

131 (3) That events depicted may not have actually occurred; and

132 (4) That artificial intelligence was used to make part or all of the content of the campaign
133 advertisement.

134 (b) Minor editing of a piece of existing audio or visual media shall not require disclosure
135 under this Code section when such minor editing would not substantially change an
136 observer's understanding of such media.

137 21-5-92.

138 The disclosure provided for in Code Section 21-5-91 shall meet the following
139 requirements:

140 (1) For each campaign advertisement that involves the use, in whole or in part, of visual
141 media, such disclosure:

142 (A) Shall be in writing and completed in each written language used in the remainder
143 of the advertisement; and

144 (B) Shall be clearly readable, which shall mean that the text of the disclosure shall:

145 (i) Be equal to or greater than 30 percent of the vertical picture height;

146 (ii) Be visible for a period of at least 30 percent of the media, in the case of moving
147 images and video; and

148 (iii) Appear with a reasonable degree of color contrast between the background and
149 the text of the statement. A statement satisfies the color contrast requirement of this
150 division if it is printed in black text on a white background or if the degree of color
151 contrast between the background and the text of the statement is no less than the color
152 contrast between the background and the largest type size used in the communication;
153 and

154 (2) For each campaign advertisement that involves the use of audible media but does not
155 involve the use of any visual media, such disclosure shall be announced, articulated,
156 spoken, or otherwise rendered completely using the same audible volume, the same rate
157 of speaking as measured in words per minute, and each spoken language as used in the
158 remainder of the advertisement.

159 21-5-93.

160 (a) Each violation of this article shall be punishable by a fine pursuant to the provisions
161 of Code Section 21-5-6, except that the amount of such fine shall not be less than
162 \$10,000.00.

163 (b) Any violation of this article involving the use of AI generated media in a solicitation
164 for fundraising shall be punishable by disgorgement of any funds raised within ten days of
165 such solicitation.

166 (c) Except as described in subsection (a) of this Code section, nothing in this Code section
167 shall be construed so as to limit the powers or remedies available to the commission.

168 (d) Notwithstanding any other provision of law to the contrary, the commission shall be
169 authorized to investigate any complaint concerning a violation of this article within 90 days
170 of an election.

171 21-5-94.

172 The commission shall be authorized to promulgate such rules and regulations as may be
173 necessary for the execution of its functions under this article."

174 **PART III**

175 **SECTION 3-1.**

176 This Act shall become effective upon its approval by the Governor or upon its becoming law
177 without such approval.

178 **SECTION 3-2.**

179 All laws and parts of laws in conflict with this Act are repealed.