



March 26, 2024

House Committee on State Government and Elections
Attn: Steven Sepe, Committee Clerk
State House
82 Smith St
Providence, RI 02903

Re: H.B. 7387 - An Act Relating to Elections - Deceptive and Fraudulent Synthetic Media in Election Communications.

Dear Chair Shanley, and Members of the House Committee on State Government and Elections:

On behalf of the Computer & Communications Industry Association (CCIA), I write to share some suggested amendments to H.B. 7387 - An Act Relating to Elections - Deceptive and Fraudulent Synthetic Media in Election Communications.

CCIA is a 50-year-old not-for-profit international tech trade association that advocates for policy and market conditions that benefit innovation, the tech sector, and consumers.¹ CCIA's members have engaged in responsible AI development, through the development and application of their own responsible AI principles, conducting academic research that promotes privacy-by-design, and the hardening of AI against motivated attackers seeking to extract training data². Currently, H.B. 7387 risks creating confusion surrounding liability and could stifle further innovation in this emerging space.

CCIA shares the Committee's concerns around the risks associated with the use of synthetic media, specifically as it pertains to its potential use by nefarious actors seeking to influence elections, but it is important to ensure that the enforcement mechanisms would target the appropriate actors. As currently written, H.B. 7387 would allow a candidate whose "appearance, actions, or speech are depicted using synthetic media" to bring an action against "the person, company, political action committee or other entity that created the synthetic media". This language seemingly captures the developers of the artificial intelligence system, creating an impossible responsibility for these entities to predict how each and every individual user may use their product and risks chilling innovation. CCIA recommends that liability associated with enforcement of the proposed law be tied to the person or entity who committed the act as opposed to

¹ For 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² *Understanding AI: A Guide to Sensible Governance*, CCIA (June 2023)
<https://ccianet.org/library/understanding-ai-guide-to-sensible-governance/>.



the product that was used to generate the media. Therefore, we offer the following amended bill language, for the legislature's consideration:

Adding the definition of "Creator" to differentiate between an individual who utilizes or deploys AI to generate synthetic media and the provider or developer of the AI.

"Creator" means any person that utilizes or deploys artificial intelligence or other digital technology to generate synthetic media. "Creator" does not include the provider or developer of any technology used in the creation of synthetic media."

(b) Except as provided in subsection (c) of this section, a creator ~~person, corporation, political action committee, or other entity~~ shall not, within ninety (90) days of any election at which a candidate for elective officer will appear on a ballot, distribute synthetic media that the person, corporation, political action committee or other entity knows or should know is deceptive and fraudulent synthetic media, as defined in subsection (a) of this section.

(c)(1) The prohibition in subsection (b) of this section does not apply if the creator of the image, audio recording or video recording includes a disclosure stating that the image has been manipulated or generated by artificial intelligence.

(3) If the media consists of audio only, and no visual disclosure is feasible the disclosure shall be read in a clearly spoken manner, and in a speed and pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two (2) minutes in length, interspersed within the audio at intervals of not greater than two (2) minutes.

Amending Section 17-30-2 to focus liability on the creators of the synthetic media.

(a) A candidate whose appearance, actions, or speech are depicted through the use of synthetic media in violation of § 17-30-1 may seek injunctive or other equitable relief from the creator prohibiting the distribution of audio or visual synthetic media in violation of this chapter.

(b) A candidate whose appearance, actions, or speech are depicted using synthetic media may also bring an action for general or special damages against the creator ~~person, company, political action committee or other entity~~ that created the synthetic media. The court may also award a prevailing party reasonable attorneys' fees and costs. This subsection shall not be construed to limit or preclude a plaintiff from recovering under any other available remedy.



(c) In any civil action alleging a violation of this chapter, the plaintiff shall bear the burden of establishing the violation through clear and convincing evidence.

Amending Section 17-30-3 to exempt interactive service providers as defined in 47 USC 230.

The provisions contained within this chapter shall not apply to the following:

(1) A radio or television broadcasting station, including cable or satellite television operator, programmer, or producer, that broadcasts synthetic media as prohibited by this chapter as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that the authenticity of the synthetic media is questionable;

(2) A radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast synthetic media and has made a good faith effort to establish that the depiction is not synthetic media;

(3) An Internet website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an Internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes synthetic media as prohibited by this chapter, if the publication clearly states that the synthetic media does not accurately represent the speech or conduct of the candidate; or

(4) To synthetic media that constitutes satire or parody, or

(5) An interactive service provider as defined in 47 USC 230.

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We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Alex Spyropoulos
Regional Policy Manager, Northeast
Computer and Communications Industry Association