



State of Wisconsin
2023 - 2024 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 664

February 14, 2024 - Offered by Representative NEYLON.

1 AN ACT *to amend* 11.1303 (title); and *to create* 11.1303 (2m) of the statutes;
2 **relating to:** disclosures regarding content generated by artificial intelligence
3 in political advertisements, granting rule-making authority, and providing a
4 penalty.

Analysis by the Legislative Reference Bureau

This bill requires that any audio or video communication make certain disclosures if the communication 1) is paid for by a candidate committee, legislative campaign committee, political action committee, independent expenditure committee, political party, recall committee, or referendum committee with a contribution or disbursement; 2) contains synthetic media; and 3) contains express advocacy, as defined under current law, or issue advocacy or supports or opposes a referendum. The bill defines “synthetic media” as audio or video content substantially produced by means of generative artificial intelligence. The bill further defines “issue advocacy” as a communication that provides information about political or social issues and is made to influence the outcome of an election.

Under the bill, every such audio communication must include at both the beginning and the end of the communication the words “Contains content generated by AI.”

Similarly, the bill provides that every such video communication must include throughout the duration of each portion of the communication containing synthetic

media, in writing that is readable, legible, and readily accessible, the words “This video content generated by AI” if the video includes video synthetic media only, “This audio content generated by AI” if the video includes audio synthetic media only, or “This content generated by AI” if the video includes both video and audio synthetic media.

The bill imposes a forfeiture of up to \$1,000 for each violation of the bill’s requirements, enforced in the same manner as other similar violations of Wisconsin’s laws regulating campaigns, and authorizes the Ethics Commission to adopt rules creating limited exceptions to the bill’s disclosure requirements.

Finally, the bill specifies that no liability for a violation of the bill’s disclosure requirements shall attach to a broadcaster or other host or carrier of a video or audio communication and that the bill may not be construed to alter or negate any rights, obligations, or immunities of a computer service or Internet access provider under federal law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 11.1303 (title) of the statutes is amended to read:

2 **11.1303 (title) Attribution of political contributions, disbursements**
3 **and communications; synthetic media.**

4 **SECTION 2.** 11.1303 (2m) of the statutes is created to read:

5 11.1303 (2m) (a) In this subsection:

6 1. “Issue advocacy” means a communication that provides information about
7 political or social issues and is made to influence the outcome of an election.

8 2. “Synthetic media” means audio or video content that is substantially
9 produced in whole or in part by means of generative artificial intelligence.

10 (b) Every audio communication otherwise described in sub. (2) (a) or (b) but
11 containing express advocacy or issue advocacy or supporting or opposing a
12 referendum and that contains synthetic media shall include both at the beginning
13 and at the end of the communication the words “Contains content generated by AI.”

1 (c) Every video communication otherwise described in sub. (2) (a) or (b) but
2 containing express advocacy or issue advocacy or supporting or opposing a
3 referendum shall include throughout the duration of each portion of the
4 communication containing synthetic media, in writing that is readable, legible, and
5 readily accessible, the words “This video content generated by AI” if the video
6 includes video synthetic media only, “This audio content generated by AI” if the video
7 includes audio synthetic media only, or “This content generated by AI” if the video
8 includes both video and audio synthetic media.

9 (d) The commission may promulgate rules implementing this subsection. The
10 rules may include limited exceptions to the requirements under pars. (b) and (c).

11 (e) Compliance with this subsection does not create an exemption from any civil
12 or criminal liability, including for violations of s. 12.05.

13 (f) Notwithstanding s. 11.1401 (1) (b), whoever intentionally violates par. (b)
14 or (c) shall be subject to a forfeiture not to exceed \$1,000 for each violation. Any
15 violation of par. (b) or (c) shall be enforced as provided under s. 11.1400 (5).

16 (g) No liability for a violation of this subsection shall attach to any person who
17 is a broadcaster or other host or carrier of a video or audio communication described
18 in sub. (2) (a) or (b) that contains synthetic media, unless the person is a committee
19 responsible for the communication.

20 (h) This subsection may not be construed to alter or negate any rights,
21 obligations, or immunities of a provider of an interactive computer service under 47
22 USC 230.

23 **SECTION 3. Initial applicability.**

