

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 615

Introduced by Cavanaugh, J., 9.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to elections; to amend section 49-1401,
2 Revised Statutes Cumulative Supplement, 2024; to define terms; to
3 prohibit certain distributions of deepfakes and synthetic media; to
4 provide for exceptions and injunctive or equitable relief; to
5 harmonize provisions; to provide severability; and to repeal the
6 original section.

7 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 49-1401, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 49-1401 Sections 49-1401 to 49-14,142 and section 2 of this act
4 shall be known and may be cited as the Nebraska Political Accountability
5 and Disclosure Act.

6 **Sec. 2.** (1) For purposes of this section:

7 (a) Deceptive and fraudulent deepfake means synthetic media that
8 depicts a candidate or political party with the intent to injure the
9 reputation of the candidate or party or otherwise deceive a voter that:

10 (i) Appears to a reasonable person to depict a real individual
11 saying or doing something that did not actually occur in reality; or

12 (ii) Provides a reasonable person a fundamentally different
13 understanding or impression of the appearance, action, or speech than a
14 reasonable person would have from an unaltered, original version of the
15 image, audio recording, or video recording; and

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

21 (2) Except as provided in subsection (3) of this section, a person,
22 corporation, committee, or other entity shall not, within ninety days
23 prior to an election at which a candidate for elective office will appear
24 on the ballot, distribute a synthetic media message that the person,
25 corporation, committee, or other entity knows or should have known is a
26 deceptive and fraudulent deepfake of a candidate or party on the state or
27 local ballot.

28 (3)(a) Subsection (2) of this section does not apply if the audio or
29 visual media includes a disclosure stating: This has been
30 manipulated or generated by artificial intelligence.

31 (b) The blank in the disclosure required by subdivision (a) of this

1 subsection shall be filled with whichever of the following terms most
2 accurately describes the media:

3 (i) Image;

4 (ii) Video; or

5 (iii) Audio.

6 (c) For visual media, the text of the disclosure shall appear in a
7 size that is easily readable by the average viewer. For visual media that
8 is video, the disclosure shall appear for the duration of the video.

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

15 (4) A candidate whose appearance, action, or speech is depicted
16 through the use of a deceptive and fraudulent deepfake in violation of
17 subsection (2) of this section may seek injunctive or other equitable
18 relief prohibiting the publication of such deceptive and fraudulent
19 deepfake.

20 (5) This section does not apply to:

21 (a) A radio or television broadcasting station, including a cable or
22 satellite television operator, programmer, or producer, that broadcasts a
23 deceptive and fraudulent deepfake prohibited by this section as part of a
24 bona fide newscast, news interview, news documentary, or on-the-spot
25 coverage of bona fide news events, if the broadcast clearly acknowledges
26 through content or a disclosure, in a manner that can be easily heard or
27 read by the average listener or viewer, that there are questions about
28 the authenticity of the materially deceptive audio or visual media, or in
29 cases where federal law requires broadcasters to air advertisements from
30 legally qualified candidates;

31 (b) A radio or television broadcasting station, including a cable or

1 satellite television operator, programmer, or producer, when it is paid
2 to broadcast a deceptive and fraudulent deepfake and has made a good
3 faith effort to establish the depiction is not a deceptive and fraudulent
4 deepfake, or in cases where federal law requires broadcasters to air
5 advertisements from legally qualified candidates;

6 (c) An Internet website, or a regularly published newspaper,
7 magazine, or other periodical of general circulation, including an
8 Internet or electronic publication, that routinely carries news and
9 commentary of general interest, and that publishes materially deceptive
10 audio or visual media prohibited by this section, if the publication
11 clearly states that the materially deceptive audio or visual media does
12 not accurately represent the speech or conduct of the candidate; or

13 (d) Materially deceptive audio or visual media that constitutes
14 satire or parody.

15 **Sec. 3.** If any section in this act or any part of any section is
16 declared invalid or unconstitutional, the declaration shall not affect
17 the validity or constitutionality of the remaining portions.

18 **Sec. 4.** Original section 49-1401, Revised Statutes Cumulative
19 Supplement, 2024, is repealed.