

# SB2762



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2762

Introduced 1/16/2024, by Sen. Steve Stadelman

### SYNOPSIS AS INTRODUCED:

10 ILCS 5/9-9.6 new

Amends the Election Code. Provides that, if a person, committee, or other entity creates, originally publishes, or originally distributes a qualified political advertisement, the qualified political advertisement shall include, in a clear and conspicuous manner, a statement that the qualified political advertisement was generated in whole or substantially by artificial intelligence that satisfies specified requirements. Provides for civil penalties and exceptions to the provision.

LRB103 36244 SPS 66340 b

A BILL FOR

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by adding Section  
5 9-9.6 as follows:

6 (10 ILCS 5/9-9.6 new)

7 Sec. 9-9.6. Disclosure of political communications  
8 generated by artificial intelligence.

9 (a) As used in this Section:

10 "Artificial intelligence" means a machine-based system  
11 that can, for a given set of human-defined objectives, make  
12 predictions, recommendations, or decisions influencing real or  
13 virtual environments, and that uses machine and human-based  
14 inputs to do all of the following:

15 (1) perceive real and virtual environments;

16 (2) abstract such perceptions into models through  
17 analysis in an automated manner; and

18 (3) use model inference to formulate options for  
19 information or action.

20 "Distribution platform" includes, but is not limited to, a  
21 website or a regularly published newspaper, magazine, or other  
22 periodical of general circulation, including an Internet  
23 publication or electronic publication, that routinely carries

1 news and commentary of general interest.

2 "Qualified political advertisement" means any paid  
3 advertisement, including, but not limited to, search engine  
4 marketing, display advertisements, video advertisements,  
5 native advertisements, issue advertisements, messaging service  
6 advertisements, mobile application advertisements, and  
7 sponsorships, relating to a candidate for federal, State, or  
8 local office in this State, any election to federal, State, or  
9 local office in this State, or a ballot question that contains  
10 any image, audio, or video that is generated in whole or  
11 substantially with the use of artificial intelligence.

12 (b) If a person, committee, or other entity creates,  
13 originally publishes, or originally distributes a qualified  
14 political advertisement, the qualified political advertisement  
15 shall include, in a clear and conspicuous manner, a statement  
16 that the qualified political advertisement was generated in  
17 whole or substantially by artificial intelligence as follows:

18 (1) if the qualified political advertisement is a  
19 graphic communication, the statement shall appear in  
20 letters at least as large as the majority of the text in  
21 the graphic communication and be in the same language as  
22 the language used in the graphic communication;

23 (2) if the qualified political advertisement is an  
24 audio communication, the statement shall be spoken in a  
25 clearly audible and intelligible manner at the beginning  
26 or end of the communication, last at least 3 seconds, and

1 be in the same language as the language used in the audio  
2 communication; and

3 (3) if the qualified political advertisement is a  
4 video communication that also includes audio, that  
5 statement shall:

6 (A) appear for at least 4 seconds in letters at  
7 least as large as the majority of any text  
8 communication, or if there is no other text  
9 communication, in a size that is easily readable by  
10 the average viewer;

11 (B) be spoken in a clearly audible and  
12 intelligible manner at the beginning or end of the  
13 communication and last at least 3 seconds; and

14 (C) be in the same language as the language used in  
15 the video communication; and

16 (c) A person who violates subsection (b) is subject to the  
17 following:

18 (1) for a first violation, the Board may impose on the  
19 person a civil penalty of not more than \$250; and

20 (2) for a second or subsequent violation, the Board  
21 may impose on the person a civil penalty of not more than  
22 \$1,000 for each violation.

23 Each qualified political advertisement that is distributed  
24 or aired to the public that violates this Section is a separate  
25 violation.

26 (d) This Section does not apply to any of the following:

1           (1) a radio or television broadcasting station,  
2           including a cable or satellite television operator,  
3           programmer, or producer that broadcasts a qualified  
4           political advertisement or a communication generated in  
5           whole or substantially by artificial intelligence as part  
6           of a bona fide newscast, news interview, news documentary,  
7           or on-the-spot coverage of bona fide news events, if the  
8           broadcast clearly acknowledges through content or a  
9           disclosure, in a manner that can be easily heard or read by  
10           the average listener or viewer, that the qualified  
11           political advertisement or communication generated in  
12           whole or substantially by artificial intelligence does not  
13           accurately represent the speech or conduct of the depicted  
14           individual;

15           (2) a radio or television broadcasting station,  
16           including a cable or satellite television operator,  
17           programmer, or producer, when the station is paid to  
18           broadcast qualified political advertisements;

19           (3) a distribution platform that publishes qualified  
20           political advertisements prohibited under this Section, if  
21           the distribution platform has a clearly stated written  
22           policy, provided to any person, committee, or other entity  
23           that creates, seeks to publish, or originally distributes  
24           a qualified political advertisement, that the qualified  
25           political advertisement shall include a statement  
26           consistent with subsection (b);

1           (4) a qualified political advertisement that  
2           constitutes satire or parody; and

3           (5) a business or its affiliate if the business or its  
4           affiliate is regulated by the Federal Communications  
5           Commission.

6           (e) A distribution platform is not liable under this  
7           Section if the distribution platform can show that it provided  
8           notice to the distributor of a qualified political  
9           advertisement of the distribution platform's prohibitions  
10           concerning the failure to disclose content created in whole or  
11           substantially by artificial intelligence in a qualified  
12           political advertisement or prerecorded telephone message.