

ESSB 5152 - H AMD TO SGOV COMM AMD (H-1820.1/23) 576

By Representative Low

NOT ADOPTED 04/06/2023

1 On page 1, line 21 of the striking amendment, after "may" strike
2 "seek" and insert "bring a cause of action against the person or
3 entity who sponsored, with actual malice, the electioneering
4 communication containing the synthetic media or a medium in accordance
5 with section 3 of this act. Such candidate may:

6 (a) Seek"
7

8 On page 1, beginning on line 22 of the striking amendment, after
9 "media" strike all material through "bring" on line 25 and insert "
10 and

11 (b) Bring"
12

13 On page 1, line 30 of the striking amendment, after "(4)" insert
14 "(a)"
15

16 On page 2, line 1 of the striking amendment, after "disclosure"
17 strike "stating" and insert "as described under (b) of this subsection
18 or a digital content provenance authenticity as described under (c) of
19 this subsection.

20 (b) For the inclusion of a disclosure statement to qualify as an
21 affirmative defense under (a) of this subsection, disclosures must
22 state"
23

24 On page 2, at the beginning of line 3 of the striking amendment,
25 strike "(a)" and insert "(i)"
26
27

1 On page 2, at the beginning of line 10 of the striking amendment,
2 strike "(b)" and insert "(ii)"

3
4 On page 2, after line 15 of the striking amendment, insert the
5 following:

6 "(c) For the inclusion of a digital content provenance
7 authenticity to qualify as an affirmative defense under (a) of this
8 subsection, the synthetic media must use open technical standards
9 specification which enables the synthetic media to be labeled with
10 cryptographically secured metadata visible to show the origin of the
11 media, all edits made to the media, and whether artificial
12 intelligence was used to generate the content of or any edits to the
13 media."

14
15 On page 2, line 31 of the striking amendment, after
16 "communication" strike "it disseminates" and insert "containing
17 synthetic media and disseminates it with actual malice"

18
19 On page 2, line 33 of the striking amendment, after "changes"
20 insert ", with actual malice,"

21
EFFECT: Specifies that a cause of action brought under the act
requires a showing of actual malice on the part of the sponsor or,
where applicable, the medium disseminating the electioneering
communication.

Adds as an affirmative defense to a civil action brought under
the act the inclusion of digital content provenance authenticity in
synthetic media.

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