

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 811 Session of
2025

INTRODUCED BY KHAN, SHAFFER, GREEN, MERSKI, PIELLI, HILL-EVANS,
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WEBSTER, WARREN, DALEY, O'MARA AND INGLIS, MARCH 5, 2025

AS REPORTED FROM COMMITTEE ON COMMUNICATIONS AND TECHNOLOGY,
HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 3, 2025

AN ACT

1 Providing for civil liability for fraudulent misrepresentation
2 of candidates; and imposing penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fraudulent
7 Misrepresentation of a Candidate Prevention Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 ~~"Artificial intelligence." As follows:~~

<--

13 ~~(1) A machine based system that can, for a given set of~~
14 ~~human-defined objectives, make predictions, recommendations~~
15 ~~or decisions influencing real or virtual environments,~~
16 ~~including the ability to:~~

~~(i) perceive real and virtual environments;~~
~~(ii) abstract perceptions made under subparagraph~~
~~(i) into models through analysis in an automated manner;~~
and
~~(iii) use model inference to formulate options for~~
~~information or action based on outcomes under~~
~~subparagraphs (i) and (ii).~~
~~(2) The term includes generative artificial~~
~~intelligence.~~

"Campaign advertisement." A public advertisement for the purposes of influencing public opinion with respect to legislative, administrative or electoral matters utilizing a medium that includes mailings, emails, telephone calls, radio, television, billboards, yard signs or other electronic media.

"Candidate." As defined in section 102(a) of the Pennsylvania Election Code, including a candidate for President of the United States. The term includes a current or former candidate.

"Covered person." Any of the following:

- (1) A candidate.
- (2) A firm, partnership, corporation, limited liability company, association, organization or similar entity.
- (3) A political committee, including a political action committee, a political party or a political body.
- (4) A political action committee that only receives contributions to make independent expenditures.
- (5) A foreign government, including any agency or instrumentality thereof.
- (6) An employee, contractor or individual acting at the behest of an entity specified under paragraph (1), (2), (3),

(4) or (5) or an officer, director, employee, owner,
shareholder or contractor thereof.

"DEEPPFAKE." ANY VIDEO RECORDING, MOTION-PICTURE FILM, SOUND <--
RECORDING, ELECTRONIC IMAGE OR PHOTOGRAPH OR ANY TECHNOLOGICAL
REPRESENTATION OF SPEECH OR CONDUCT SUBSTANTIALLY DERIVATIVE
THEREOF:

(1) THAT IS SO REALISTIC THAT A REASONABLE PERSON WOULD
BELIEVE IT DEPICTS SPEECH OR CONDUCT OF AN INDIVIDUAL WHO DID
NOT IN FACT ENGAGE IN THE SPEECH OR CONDUCT; AND

(2) THE PRODUCTION OF WHICH WAS SUBSTANTIALLY DEPENDENT
UPON TECHNICAL MEANS RATHER THAN THE ABILITY OF ANOTHER
INDIVIDUAL TO PHYSICALLY OR VERBALLY IMPERSONATE THE
INDIVIDUAL.

"DIGITAL CONTENT PROVENANCE." FACTUAL INFORMATION THAT
DETAILS A DIGITAL RESOURCE'S CREATOR, ORIGIN, CONTEXT, HISTORY
AND EDITING PROCESS AND CONFORMS TO AN OPEN INDUSTRY TECHNICAL
STANDARD.

"Disseminate." To produce, publish, distribute, broadcast,
publicize, display, transmit or otherwise publicly share.

"Election." As defined in section 102(f) of the Pennsylvania
Election Code.

~~"Generative artificial intelligence." The class of models <--~~
~~that emulate the structure and characteristics of input data in~~
~~order to generate derived synthetic content.~~

"INTERACTIVE COMPUTER SERVICE." ANY INFORMATION <--
SERVICE, SYSTEM OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR
ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER,
INCLUDING SPECIFICALLY A SERVICE OR SYSTEM THAT PROVIDES ACCESS
TO THE INTERNET AND SUCH SYSTEMS OPERATED OR SERVICES OFFERED BY
LIBRARIES OR EDUCATIONAL INSTITUTIONS.

1 "Pennsylvania Election Code." The act of June 3, 1937
2 (P.L.1333, No.320), known as the Pennsylvania Election Code.
3 "Public office." As defined in section 102(s) of the
4 Pennsylvania Election Code.

5 ~~"Synthetic content." Information such as images, videos,~~ <--
6 ~~audio clips and text that have been significantly modified or~~
7 ~~generated by algorithms, including artificial intelligence.~~

8 Section 3. Civil liability for fraudulent misrepresentation of
9 candidates.

10 (a) Liability.--A covered person shall be liable for
11 fraudulent misrepresentation of a candidate if, within 90 days
12 before an election ~~and with willful or reckless disregard for~~ <--
13 ~~the possibility of influencing the outcome of an election,~~ the
14 covered person KNOWINGLY AND INTENTIONALLY disseminates or <--
15 causes to be disseminated a campaign advertisement that contains
16 ~~an artificially generated impersonation of a candidate for~~ <--
17 ~~public office with the intent to misrepresent the words, actions~~
18 ~~or beliefs of the candidate~~ A DEEPFAKE. <--

19 (b) Clear and conspicuous disclosure.--A covered person
20 shall not be liable ~~for a fraudulent misrepresentation~~ under <--
21 subsection (a) if the campaign advertisement contains a clear
22 and conspicuous disclosure. The disclosure under this subsection
23 must:

24 (1) State that the campaign advertisement contains
25 ~~synthetic~~ DEEPFAKE content of a candidate for public office. <--
26 The disclosure shall be in substantially the following form:
27 This ~~(text/image/video/sound)~~ <--
28 (IMAGE/VIDEO/SOUND/CONTENT) CONTAINS DEEPFAKE CONTENT <--
29 AND has been manipulated or generated ~~using synthetic~~ <--
30 ~~content~~ TO DEPICT SPEECH OR CONDUCT THAT DID NOT <--

OCCUR.

(2) Be displayed ~~in the first instance when~~ EACH TIME
the campaign advertisement is presented.

(3) Be presented in a manner reasonably understandable
and readily noticeable. The following shall apply:

(i) For content presented in static images, the
disclosure shall be in written form, in a size and font
that is easily readable by the average viewer, accessible
screen readers and other technology to assist visually
impaired users.

(ii) For content presented in video formats, the
disclosure shall appear for the duration of the video in
a format that is easily readable by the average viewer.
The disclosure shall be read in a clearly spoken manner
and in a pitch and at a speed that can be easily heard by
the average listener at the beginning and end of the
video.

(iii) For content that consists of only audio, the
disclosure shall be read in a clearly spoken manner and
in a pitch and at a speed that can be easily heard by the
average listener at the beginning and end of the audio,
and, if the audio is more than two minutes in length,
interspersed within the audio at intervals of not more
than two minutes each.

(4) BE IN THE SAME LANGUAGE AS USED IN THE CAMPAIGN
ADVERTISEMENT. FOR CONTENT PRESENTED IN STATIC IMAGES OR
VIDEO FORMATS, IF THE LANGUAGE USED IS NOT ENGLISH, THE
DISCLOSURE MUST APPEAR IN BOTH THE LANGUAGE USED AND IN
ENGLISH.

(C) DIGITAL CONTENT PROVENANCE.--A COVERED PERSON SHALL

1 ENSURE THAT CONTENT IN A CAMPAIGN ADVERTISEMENT CONTAINING A
2 DISCLOSURE UNDER SUBSECTION (B) CARRIES EMBEDDED TAMPER-EVIDENT
3 DIGITAL CONTENT PROVENANCE FOR THE DEEPPFAKE CONTENT THAT
4 DISCLOSES:

5 (1) THE INITIAL AUTHORITY AND CREATOR OF THE CONTENT.

6 (2) ANY SUBSEQUENT ENTITIES THAT EDITED, ALTERED OR
7 OTHERWISE MODIFIED THE CONTENT.

8 (3) ANY USE OF DIGITAL TECHNOLOGY IN GENERATING OR
9 MODIFYING THE SUBSTANTIVE CONTENT.

10 ~~(e)~~ (D) Relief.--A candidate for public office aggrieved by <--
11 a covered person under subsection (a) may bring a civil action
12 against the covered person in a court of competent jurisdiction
13 and shall be entitled to recover punitive damages, reasonable
14 attorney fees and other reasonably related litigation costs
15 incurred relating to the civil action. Upon a showing of cause
16 for the issuance of injunctive relief, a court may issue a
17 temporary restraining order, preliminary injunction or permanent
18 injunction as the court deems appropriate. During any period
19 that a civil action under this subsection is pending, a court
20 may order the immediate removal of the campaign advertisement
21 and cessation of the activity forming the basis of the
22 complaint.

23 ~~(d)~~ (E) Civil penalties.-- <--

24 (1) In addition to any other judgment or relief awarded
25 under subsection ~~(e)~~ (D) to an aggrieved candidate for public <--
26 office, a court may, for each campaign advertisement
27 containing unique ~~synthetic~~ DEEPPFAKE content, impose a civil <--
28 penalty on the covered person for each day the fraudulent
29 misrepresentation is disseminated in an amount up to:

30 (i) \$15,000 when the campaign advertisement contains

1 unique ~~synthetic~~ DEEPFAKE content of a candidate for a <--
2 municipal public office in this Commonwealth for which
3 the candidate files with the county board of elections
4 under section 913 of the Pennsylvania Election Code.

5 (ii) Except as provided in subparagraph (iii),
6 \$50,000 when the campaign advertisement contains unique
7 ~~synthetic~~ DEEPFAKE content of a candidate for a State <--
8 public office in this Commonwealth for which the
9 candidate files with the Secretary of the Commonwealth
10 under section 913 of the Pennsylvania Election Code.

11 (iii) \$250,000 when the campaign advertisement
12 contains unique ~~synthetic~~ DEEPFAKE content of a candidate <--
13 for President of the United States, VICE PRESIDENT OF THE <--
14 UNITED STATES, presidential elector, the United States
15 Senate or the United States House of Representatives.

16 (2) For a covered person that is a political action
17 committee that only receives contributions to make
18 independent expenditures, the court may impose twice the
19 amounts specified under paragraph (1) on the covered person.

20 ~~(e)~~ (F) Frivolous actions.--If a court determines that a <--
21 civil action brought under this section is frivolous, the court
22 shall issue an order suspending the covered person's obligation
23 to respond to the civil action and shall order the candidate to
24 show cause why the civil action should not be dismissed. If the
25 candidate fails to respond to the court or the candidate's
26 response to the court confirms that the civil action is
27 frivolous, the court shall dismiss the civil action and may
28 award reasonable attorney fees and other reasonably related
29 litigation costs incurred relating to the civil action to the
30 covered person and may impose appropriate sanctions against the

1 candidate and the candidate's attorney.

2 ~~(f)~~ (G) Defense.--It shall be a defense to a civil action <--
3 brought under this section that the covered person disseminated
4 the campaign advertisement containing ~~synthetic~~ DEEPFAKE content <--
5 with the consent of the candidate if the covered person who
6 disseminated the campaign advertisement can establish that the
7 candidate has given the candidate's express, written consent.

8 ~~(g) Location.--A covered person may be found liable in a~~ <--
9 ~~civil action brought under this section if the covered person or~~
10 ~~candidate is located within this Commonwealth.~~

11 (h) Applicability.--Nothing in this section shall be
12 construed to apply to any of the following:

13 (1) A law enforcement officer engaged in the performance
14 of the law enforcement officer's official duties.

15 (2) A streaming service, radio or television
16 broadcaster, including a cable or satellite television
17 operator, programmer or producer that disseminates a campaign
18 advertisement provided by another person.

19 (3) A newspaper, magazine or other periodical ~~of general~~ <--
20 ~~circulation~~, including an Internet or electronic publication,
21 which routinely carries news and commentary of general
22 interest and that disseminates a campaign advertisement
23 provided by another person.

24 (4) An entity under paragraph (2) or (3) when the entity
25 is paid to disseminate a campaign advertisement with the
26 consent of the candidate as specified under subsection ~~(f)~~ <--
27 (G). <--

28 (5) An interactive computer service, ~~as defined in 47~~ <--
29 ~~U.S.C. § 230 (relating to protection for private blocking and~~
30 ~~screening of offensive material).~~

(6) An Internet service provider, cloud provider, cybersecurity provider, communication service provider or telecommunications network.

(7) Content that constitutes satire or parody which is substantially dependent on the ability of an individual to impersonate a candidate physically or verbally and not upon ~~generative artificial intelligence~~ TECHNOLOGY.

(8) THE PROVIDER OR DEVELOPER OF TECHNOLOGY USED IN THE
CREATION OF THE DEEPPFAKE.

(i) Construction.--Nothing in this act shall be construed to:

(1) restrict the ability of a covered person to detect, prevent, respond to or protect against security incidents, identity theft, fraud, harassment, malicious or deceptive activities or any illegal activity, preserve the integrity or security of systems or investigate, report or prosecute those responsible for any such action; or

(2) limit or preclude a candidate from securing or recovering any other available remedies at law or in equity.

Section 4. Effective date.

This act shall take effect in 60 days.