

Senate Bill 1571

Sponsored by Senators WOODS, MANNING JR, GELSER BLOUIN, Representative NERON; Senators CAMPOS, DEMBROW, FREDERICK, GOLDEN, HANSELL, JAMA, KNOPP, PATTERSON, PROZANSKI, WEBER, Representatives BOWMAN, BYNUM, FAHEY, GAMBA, GOMBERG, HARTMAN, HUDSON, LEVY E, LIVELY, MANNIX, NATHANSON, NELSON, NGUYEN D, PHAM H, PHAM K, SOSA (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act requires a disclosure of the use of AI in campaign ads. (Flesch Readability Score: 83).

Requires a disclosure of the use of artificial intelligence in campaign communications. Provides for the enforcement of the requirement. Subjects a violation of the requirement to a civil penalty not to exceed \$10,000.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the use of artificial intelligence in campaign communications; creating new provisions;
3 amending ORS 260.345; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. (1) As used in this section:

5
6 (a) **“Artificial intelligence” means digital technology used in a manner to create an im-**
7 **age, audio recording or video recording of an individual’s appearance, speech or conduct to**
8 **produce a depiction that a reasonable person would believe is of a real individual in appear-**
9 **ance, speech or conduct but that did not actually occur in reality.**

10 (b)(A) **“Campaign communication” means a communication in support of or in opposition**
11 **to a clearly identified candidate or measure, as defined in ORS 260.005 (10)(c).**

12 (B) **Notwithstanding ORS 260.005 (10)(c)(B)(i), a campaign communication may involve**
13 **aggregate expenditures of any amount.**

14 (2) **A campaign communication that includes any form of artificial intelligence must state**
15 **that the campaign communication uses artificial intelligence.**

16 (3) **The Secretary of State may institute proceedings to enjoin any violation of this sec-**
17 **tion, except that in the case of a violation by the Secretary of State or a candidate for the**
18 **office of the Secretary of State, the Attorney General may institute proceedings to enjoin**
19 **any violation of this section. In any action brought under this section, the circuit court may**
20 **at any time enter such injunctions, prohibitions or restraining orders, or take any other**
21 **actions as the court may deem proper. A restraining order, prohibition or injunction may**
22 **be issued under this section without proof of injury or damage to any person. The circuit**
23 **court shall give priority to the hearing and determination under this section. The court shall**
24 **award the prevailing party reasonable attorney fees at trial and on appeal.**

25 (4) **Upon proof of any violation of this section, the court shall impose a civil penalty of**
26 **not more than \$10,000. All penalties recovered under this section shall be paid into the State**
27 **Treasury and credited to the General Fund.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(5) The remedy provided by this section is the exclusive remedy for a violation of this**
 2 **section.**

3 **SECTION 2. Section 1 of this 2024 Act is added to and made a part of ORS chapter 260.**

4 **SECTION 3.** ORS 260.345 is amended to read:

5 260.345. (1) Any elector may file with any filing officer a written complaint alleging that a vio-
 6 lation of an election law or rule adopted by the Secretary of State under ORS chapters 246 to 260
 7 has occurred and stating the reason for believing that the violation occurred and any evidence re-
 8 lating to it. A complaint and any evidence relating to it may be filed electronically. A complaint
 9 alleging a violation involving the Secretary of State, a candidate for the office of Secretary of State,
 10 or any political committee or person supporting the Secretary of State or a candidate for the office
 11 of Secretary of State may be filed with the Attorney General. The Secretary of State or Attorney
 12 General shall not accept an anonymous complaint.

13 (2) The Secretary of State by rule shall prescribe the procedure for processing a complaint filed
 14 with any person other than the Secretary of State. If the complaint concerns the Secretary of State,
 15 any candidate for the office of the Secretary of State, or any political committee or person sup-
 16 porting the candidacy of the Secretary of State or of another person for the office of Secretary of
 17 State, the complaint and any additional information relating to the complaint shall be sent to the
 18 Attorney General.

19 (3) Upon receipt of a complaint under subsection (1) or (2) of this section the Secretary of State
 20 or Attorney General immediately shall examine the complaint to determine whether a violation of
 21 an election law or rule has occurred and shall make any investigation the Secretary of State or
 22 Attorney General considers necessary. Except as provided in this subsection, within three business
 23 days of determining that an investigation is necessary to determine whether a violation of an
 24 election law or rule has occurred, the Secretary of State or Attorney General shall notify the person
 25 who is the subject of the complaint that an investigation will take place. If the Secretary of State
 26 or Attorney General receives a complaint or complaints involving 10 or more individuals, political
 27 committees or petition committees in any 48-hour period, the Secretary of State or Attorney General
 28 need not notify the persons who are the subjects of those complaints within three business days of
 29 receiving the complaints but shall notify those persons not later than 10 business days after deter-
 30 mining that an investigation is necessary to determine whether a violation of election law or rule
 31 has occurred.

32 (4) If the Secretary of State believes after an investigation under subsection (3) of this section
 33 that a violation of an election law or rule has occurred, the secretary:

34 (a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall
 35 report the findings to the Attorney General and request prosecution. If the violation involves the
 36 Attorney General, a candidate for that office or a political committee or person supporting or op-
 37 posing the Attorney General or a candidate for that office, the Secretary of State shall appoint an-
 38 other prosecutor for that purpose;

39 (b) In the case of a violation not subject to a penalty under ORS 260.537 or 260.993 **or section**
 40 **1 of this 2024 Act**, may impose a civil penalty under ORS 260.995; [*or*]

41 (c) In the case of a violation under ORS 260.537, may institute civil proceedings in the manner
 42 described in ORS 260.537; **or**

43 **(d) In the case of a violation under section 1 of this 2024 Act, may institute civil pro-**
 44 **ceedings in the manner described in section 1 of this 2024 Act.**

45 (5) Upon receipt of a complaint or report under subsection (1), (2) or (4) of this section involving

1 an alleged violation subject to a penalty under ORS 260.993 or an alleged violation of ORS 260.537
2 **or section 1 of this 2024 Act**, the Attorney General or other prosecutor immediately shall examine
3 the complaint or report to determine whether a violation of an election law has occurred. If the
4 Attorney General or prosecutor determines that a violation has occurred, the Attorney General or
5 prosecutor immediately shall begin prosecution or civil proceedings in the name of the state. The
6 Attorney General or other prosecutor shall have the same powers in any county of this state as the
7 district attorney for the county.

8 (6) Upon receipt of a complaint under subsection (1) or (2) of this section involving an alleged
9 violation of an election law or rule not subject to a penalty under ORS 260.537 or 260.993 **or section**
10 **1 of this 2024 Act**, the Attorney General shall examine the complaint to determine whether a vio-
11 lation of an election law or rule has occurred and shall make any investigation the Attorney Gen-
12 eral considers necessary. If the Attorney General believes after an investigation that a violation of
13 an election law or rule has occurred, the Attorney General may impose a civil penalty under ORS
14 260.995.

15 (7) In the case of an alleged violation subject to a civil penalty under ORS 260.995 or an alleged
16 violation of ORS 260.537 **or section 1 of this 2024 Act**, a complaint shall be filed by an elector
17 under this section no later than 90 days following the election at which a violation of an election
18 law or rule is alleged to have occurred, or 90 days following the date the violation of an election
19 law or rule is alleged to have occurred, whichever is later.

20 (8) A filing officer having reason to believe that a violation of an election law or rule has oc-
21 curred shall proceed promptly as though the officer had received a complaint. Except as provided
22 in ORS 260.234, a filing officer shall proceed under this subsection no later than two years following
23 the election at which a violation of an election law or rule is alleged to have occurred, or two years
24 following the date the violation of an election law or rule is alleged to have occurred, whichever is
25 later. If a filing officer has not proceeded within two years because of fraud, deceit, misleading
26 representation or the filing officer could not have reasonably discovered the alleged violation, the
27 filing officer shall proceed no later than five years following the election at which a violation of an
28 election law or rule is alleged to have occurred, or five years following the date the violation of an
29 election law or rule is alleged to have occurred, whichever is later.

30 **SECTION 4. This 2024 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
32 **on its passage.**

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