Senate Bill 1571

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

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

SECTION 1. (1) As used in this section:
(a) “Artificial intelligence” means digital technology used in a manner to create an image, audio recording or video recording of an individual’s appearance, speech or conduct to produce a depiction that a reasonable person would believe is of a real individual in appearance, speech or conduct but that did not actually occur in reality.
(b)(A) “Campaign communication” means a communication in support of or in opposition to a clearly identified candidate or measure, as defined in ORS 260.005 (10)(c).
(B) Notwithstanding ORS 260.005 (10)(c)(B)(i), a campaign communication may involve aggregate expenditures of any amount.
(2) A campaign communication that includes any form of artificial intelligence must state that the campaign communication uses artificial intelligence.
(3) The Secretary of State may institute proceedings to enjoin any violation of this section, except that in the case of a violation by the Secretary of State or a candidate for the office of the Secretary of State, the Attorney General may institute proceedings to enjoin any violation of this section. In any action brought under this section, the circuit court may at any time enter such injunctions, prohibitions or restraining orders, or take any other actions as the court may deem proper. A restraining order, prohibition or injunction may be issued under this section without proof of injury or damage to any person. The circuit court shall give priority to the hearing and determination under this section. The court shall award the prevailing party reasonable attorney fees at trial and on appeal.
(4) Upon proof of any violation of this section, the court shall impose a civil penalty of not more than $10,000. All penalties recovered under this section shall be paid into the State 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.

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

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

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

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

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

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

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

(a) In the case of a violation that is subject to a penalty under ORS 260.993, immediately shall report the findings to the Attorney General and request prosecution. If the violation involves the Attorney General, a candidate for that office or a political committee or person supporting or opposing the Attorney General or a candidate for that office, the Secretary of State shall appoint another prosecutor for that purpose;

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

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

(d) In the case of a violation under section 1 of this 2024 Act, may institute civil proceedings in the manner described in section 1 of this 2024 Act.

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

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

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

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

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