

By: Senator(s) Blackmon

To: Elections; Technology

SENATE BILL NO. 2642

1 AN ACT TO AMEND SECTION 23-15-897, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE QUALIFIED POLITICAL ADVERTISEMENTS THAT UTILIZE
 3 ARTIFICIAL INTELLIGENCE TO DISCLOSE THE USE OF ARTIFICIAL
 4 INTELLIGENCE TO THE PUBLIC; TO DEFINE WHAT IS CONSIDERED A
 5 QUALIFIED POLITICAL ADVERTISEMENT AND ARTIFICIAL INTELLIGENCE AS
 6 USED IN THIS SECTION; TO CLARIFY WHAT INFORMATION MUST BE PRESENT
 7 IN AN ADVERTISEMENT TO SATISFY THE DISCLOSURE REQUIREMENT; TO
 8 SPECIFY WHO IS NOT LIABLE FOR THE FAILURE OF DISCLOSURE OF THE USE
 9 OF ARTIFICIAL INTELLIGENCE; TO PROVIDE CIVIL PENALTIES FOR FAILING
 10 TO DISCLOSE THE USE OF ARTIFICIAL INTELLIGENCE IN A QUALIFIED
 11 POLITICAL ADVERTISEMENT; TO STATE WHERE AN AGGRIEVED PARTY OR THE
 12 ATTORNEY GENERAL MAY BRING SUIT AGAINST A CANDIDATE, COMMITTEE OR
 13 OTHER PERSON WHO FAILS TO DISCLOSE THE USE OF ARTIFICIAL
 14 INTELLIGENCE IN A QUALIFIED POLITICAL ADVERTISEMENT; AND FOR
 15 RELATED PURPOSES.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

17 **SECTION 1.** Section 23-15-897, Mississippi Code of 1972, is
 18 amended as follows:

19 23-15-897. (1) The following words and phrases shall have
 20 the meanings as defined in this section unless the context clearly
 21 indicates otherwise:

22 (a) "Campaign materials" include any materials designed
 23 to influence voters for or against any candidate, party or measure
 24 to be voted on at any election, or containing information about



25 any candidate, party or measure paid for by a candidate, political
26 committee or independent expenditure which requires disclosure
27 under campaign finance laws.

28 (b) "Publish" means the act or instance of making
29 campaign material available to the public, or to a list of
30 subscribers, by mail, telephone, electronic communications
31 platforms, internet, software applications, printed materials or
32 any other means of distribution.

33 (c) "Printed material" shall include, but not be
34 limited to, any notice, placard, bill, poster, dodger, pamphlet,
35 advertisement, sign or any other form of printed publication,
36 except notices, posters and the like, which simply announce a
37 speaking date and invite attendance thereon.

38 (d) "Qualified political advertisement" means any
39 advertisement, including, but not limited to, search engine
40 marketing, display advertisements, video advertisements, native
41 advertisements and sponsorships involving a candidate for federal,
42 state or local office in this state, any election to a federal
43 state or local office in this state or a ballot question that does
44 both of the following:

45 (i) Contains any image, audio or video that is
46 generated in whole or in part with the use of artificial
47 intelligence; and

48 (ii) Is made by or on behalf of a candidate,
49 committee or other person.



50 (e) "Artificial Intelligence" or "AI" means any
51 artificial system that performs tasks under varying and
52 unpredictable circumstances, without significant human oversight,
53 can learn from experience and improve performance, or can generate
54 images, audio or videos that mimic the likeness of individuals in
55 a near or totally indistinguishable way.

56 (2) No candidate, political committee or other person shall
57 publish, or knowingly cause to be published, any campaign
58 materials unless it contains the following information:

59 (a) The name of the candidate along with a statement
60 that the message is approved by the candidate; or

61 (b) If the message has not been approved by a specific
62 candidate, the name of the person, political committee or
63 organization paying for the publication of the message; or

64 (c) If the message has not been approved by the
65 candidate and no person, political committee or organization is
66 identified as having paid for the publication, the entity
67 producing the campaign materials must be identified.

68 (3) Publication of campaign materials through an electronic
69 platform shall be deemed to comply with the requirements of this
70 section if the home page of the candidate or political committee
71 provides the information required by subsection (2) of this
72 section, and each electronic publication provides a link to that
73 home page.



74 (4) A prerecorded telephone message that in express terms
75 advocates for the election or defeat of a clearly identified
76 candidate, or the qualification, passage or defeat of a ballot
77 question, must bear an identification that contains the name of
78 the candidate and a statement that the message is approved by the
79 candidate, or the identification of the person, political
80 committee or organization paying for the publication of the
81 message. Except as otherwise required by law, a prerecorded
82 telephone message subject to this subsection is not required to
83 contain a disclaimer. If the prerecorded telephone message is
84 generated in whole or substantially by artificial intelligence,
85 the prerecorded telephone message must contain the following
86 disclaimer: "This message was generated in whole or in part by
87 artificial intelligence."

88 (5) If a person, committee or other entity creates,
89 originally publishes or originally distributes a qualified
90 political advertisement, the qualified political advertisement
91 must include, when applicable, a clear and conspicuous statement
92 indicating the following:

93 (a) Whether the qualified political advertisement was
94 generated in whole or in part by artificial intelligence.

95 (b) If the qualified political advertisement is a text
96 or graphic communication that was generated in whole or in part by
97 artificial intelligence, include a disclaimer that:



98 (i) Indicates what information was produced by
99 artificial intelligence;

100 (ii) Appears in letters at least as large as the
101 majority of the text in the graphic communication; and

102 (iii) Is in the same language as the language used
103 in the graphic communication.

104 (c) If the qualified political advertisement is an
105 audio communication that has been generated in whole or in part by
106 artificial intelligence, include a disclaimer that:

107 (i) Is spoken in an audible, clear and
108 intelligible manner at the beginning or end of the communication;

109 (ii) Lasts at least three (3) seconds; and

110 (iii) Is stated in the same language as the
111 language used in the audio communication.

112 (d) If the qualified political advertisement is a video
113 communication that also includes audio, the advertisement must
114 include a disclaimer that includes all of the following:

115 (i) A message that appears for at least four (4)
116 seconds in letters at least as large as the majority of any text
117 communication, or if there is no other text communication, in a
118 size that is easily readable by the average and reasonable viewer;

119 (ii) A spoken message in an audible, clear and
120 intelligible manner at, the beginning or end of the communication,
121 that lasts for at least three (3) seconds; and



122 (iii) The disclaiming message must be in the same
123 language as the language used in the video communication.

124 (6) Subsections (4) and (5) of this section do not apply to
125 any of the following:

126 (a) A radio or television broadcasting station,
127 including a cable or satellite television operator, programmer
128 or producer that broadcasts a qualified political advertisement or
129 communication generated in whole or in part by artificial
130 intelligence as part of a bona fide newscast, news interview, news
131 documentary or on-the-spot coverage of bona fide news events, if
132 the broadcast clearly acknowledges through content or a
133 disclosure, in a manner that can be easily heard or read by the
134 average and reasonable listener or viewer, that the qualified
135 political advertisement or communication was generated in whole or
136 in part by artificial intelligence and does not accurately
137 represent the speech or conduct of the depicted individual.

138 (b) A radio or television broadcasting station,
139 including a cable or satellite television operator, programmer
140 or producer, when the station is paid to broadcast qualified
141 political advertisements.

142 (c) A distribution platform, including, but not limited
143 to, a website or a regularly published newspaper, magazine or
144 other periodical of general circulation, including an internet or
145 electronic publication, that routinely carries news and commentary
146 of general interest, and that publishes qualified political



147 advertisements prohibited under this section, if the distribution
148 platform has a clearly written and accessible policy that:

149 (i) Is provided to any person, committee or other
150 entity that creates, seeks to publish or originally distributes a
151 qualified political advertisement;

152 (ii) States the qualified political advertisement
153 must include a statement consistent with the disclaimers outlined
154 in subsection (5) of this section;

155 (d) A qualified political advertisement that
156 constitutes satire or parody; or

157 (e) A distribution platform, if the platform can show
158 that they provided notice of the platform's prohibitions related
159 to a lack of disclosure of content created in whole or in part by
160 artificial intelligence in a qualified political advertisement or
161 prerecorded telephone message, in compliance with subsections (4)
162 and (5) of this section.

163 (7) A person other than a committee who violates subsections
164 (4) and (5) of this section, is subject to the following
165 penalties:

166 (a) For a first violation, the person is responsible
167 for a state civil penalty and shall be ordered to pay a civil fine
168 of not more than Two-Hundred and Fifty Dollars (\$250.00).

169 (b) For a second or subsequent violation, the person is
170 responsible for a state civil penalty and shall be ordered to pay



171 a civil fine of not more than One Thousand Dollars (\$1,000.00) for
172 each violation.

173 (8) A committee that violates the provisions of subsections
174 (4) and (5) of this section shall be responsible for a civil
175 penalty and shall be ordered to pay a fine of not more than One
176 Thousand Dollars (\$1,000.00) for each violation.

177 (9) Each qualified political advertisement that is
178 distributed, published, printed or aired to the public that
179 violates any of the provisions of subsections (4) and (5) of this
180 section shall be considered a separate violation each time the
181 advertisement is shown or transmitted, and shall be subject to the
182 penalties as listed in subsections (7) and (8) of this section.

183 (10) The attorney general or a candidate for office who has
184 been injured or is likely to be injured by a violation of this
185 section may apply to any of the following courts for injunctive
186 relief against a candidate, committee or other person for
187 violations of subsections (4) and (5) of this section:

188 (a) The Seventh Circuit Court District of Hinds County;

189 (b) The circuit court for the county in which a party
190 to the alleged violation committed the act or where said person
191 resides; or

192 (c) The circuit court for the county in which the
193 violation of this section could deceive or influence voters in an
194 upcoming election.



195 **SECTION 2.** This act shall take effect and be in force from
196 and after July 1, 2025.

