

PROPOSED AMENDMENT

HB 1133 # 11

DIGEST

Use of digitally altered media in elections. Moves the bill's provisions to a new chapter, making the bill applicable to elections for federal offices. (Under the current version of the bill, the bill's provisions are included in a section of existing law that is not applicable to elections for federal offices.) Amends the definition of "fabricated media" to provide that the term includes a depiction of the speech, appearance, or conduct of an artificially generated person, the appearance or speech of which is not a recognizable imitation of an identifiable individual. Makes conforming amendments.

- 1 Page 1, delete lines 1 through 4, begin a new paragraph and insert:
2 "SECTION 1. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS
3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
4 PASSAGE]:
- 5 **Chapter 8. Use of Digitally Altered Media in Elections**
6 **Sec. 1. (a) As used in this chapter, "campaign communication"**
7 **means a communication, regardless of the format of the**
8 **communication or the medium through which the communication**
9 **is disseminated, that:**
- 10 **(1) advocates for the election or defeat of a clearly identified**
11 **candidate; or**
12 **(2) solicits a contribution.**
- 13 **(b) For purposes of this section, a candidate is clearly identified**
14 **if any of the following apply:**
- 15 **(1) The communication includes one (1) or more of the**
16 **following:**
- 17 **(A) The name of the candidate.**
18 **(B) A video, photograph, or drawing of the candidate.**
19 **(C) Fabricated media depicting the candidate.**
- 20 **(2) The identity of the candidate is apparent by unambiguous**
21 **reference.**
- 22 **Sec. 2. (a) For purposes of this chapter, subject to subsection (b),**
23 **"candidate" has the meaning set forth in IC 3-5-2-6.**

1 **(b) For purposes of this chapter, "candidate" includes an**
 2 **individual who holds an elected office, including:**

3 **(1) a federal or state office, including a federal or state**
 4 **legislative office;**

5 **(2) a school board office; or**

6 **(3) a local office.**

7 **Sec. 3. As used in this chapter, "fabricated media" means any**
 8 **of the following:".**

9 Page 2, delete lines 4 through 5, begin a new line block indented
 10 and insert:

11 **"(3) Media depicting the speech, appearance, or conduct of an**
 12 **artificially generated person, the appearance or speech of**
 13 **which is not a recognizable imitation of an identifiable**
 14 **individual.".**

15 Page 2, line 6, delete "UPON PASSAGE]:".

16 Page 2, line 6, beginning with "Sec." begin a new paragraph.

17 Page 2, line 6, delete "0.5." and insert "4.".

18 Page 2, delete lines 11 through 42.

19 Delete pages 3 through 4.

20 Page 5, delete lines 1 through 11, begin a new paragraph and insert:

21 **"Sec. 5. If a campaign communication includes fabricated media**
 22 **depicting a candidate, the person that paid for the campaign**
 23 **communication must include a disclaimer, separate from the**
 24 **disclaimer required under IC 3-9-3-2.5(d), that meets the following**
 25 **requirements:".**

26 Page 5, line 12, delete ""Media depicting the candidate" and insert
 27 **""Elements of this media have been digitally altered or artificially**
 28 **generated.".**

29 Page 5, delete line 13.

30 Page 5, line 14, before "communication" insert "**campaign**".

31 Page 5, line 16, delete "subsection (e)." and insert "**IC**
 32 **3-9-3-2.5(e).**".

33 Page 5, line 17, before "communication is" insert "**campaign**".

34 Page 5, line 19, before "communication;" insert "**campaign**".

35 Page 5, line 23, before "communication;" insert "**campaign**".

36 Page 5, line 24, before "communication," insert "**campaign**".

37 Page 5, line 25, before "communication, and," insert "**campaign**".

38 Page 5, line 25, before "communication is" insert "**campaign**".

39 Page 5, line 27, before "communication." insert "**campaign**".

40 Page 5, line 28, before "communication is" insert "**campaign**".

- 1 Page 5, line 30, delete "subsection (e);" and insert "**IC**
- 2 **3-9-3-2.5(e);**".
- 3 Page 5, line 33, before "communication." insert "**campaign**".
- 4 Page 5, delete lines 34 through 38.
- 5 Page 5, line 39, delete "(b)" and insert "**Sec. 6. (a)**".
- 6 Page 5, line 40, before "communication" insert "**campaign**".
- 7 Page 5, line 41, delete "2.5(j)" and insert "**5**".
- 8 Page 5, line 42, before "communication;" insert "**campaign**".
- 9 Page 6, line 1, before "communication;" insert "**campaign**".
- 10 Page 6, line 2, before "communication," insert "**campaign**".
- 11 Page 6, line 3, before "communication" insert "**campaign**".
- 12 Page 6, line 7, before "communication." insert "**campaign**".
- 13 Page 6, line 8, delete "(c)" and insert "**(b)**".
- 14 Page 6, line 9, delete "(b)" and insert "**(a)**".
- 15 Page 6, line 14, delete "(d)" and insert "**(c)**".
- 16 Page 6, line 16, before "communication" insert "**campaign**".
- 17 Page 6, line 18, delete "(e)" and insert "**(d)**".
- 18 Renumber all SECTIONS consecutively.
(Reference is to HB 1133 as reprinted January 24, 2024.)