

MICHIGAN CAMPAIGN FINANCE ACT (EXCERPT)
Act 388 of 1976

***** 169.259.added THIS ADDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

169.259.added Use of artificial intelligence; political advertisements; requirements; disclosure; violations; civil fines; exceptions; "qualified political advertisement" defined.

Sec. 59. (1) If a person, committee, or other entity creates, originally publishes, or originally distributes a qualified political advertisement, the qualified political advertisement must include, in a clear and conspicuous manner, a statement that meets all of the following requirements, as applicable:

(a) State that the qualified political advertisement was generated in whole or substantially by artificial intelligence.

(b) If the qualified political advertisement is a graphic communication, appear in letters at least as large as the majority of the text in the graphic communication and be in the same language as the language used in the graphic communication.

(c) If the qualified political advertisement is an audio communication, be spoken in a clearly audible and intelligible manner at the beginning or end of the communication, last at least 3 seconds, and be in the same language as the language used in the audio communication.

(d) If the qualified political advertisement is a video communication that also includes audio, do all of the following:

(i) Appear for at least 4 seconds in letters at least as large as the majority of any text communication, or if there is no other text communication, in a size that is easily readable by the average viewer.

(ii) Be spoken in a clearly audible and intelligible manner at the beginning or end of the communication and last at least 3 seconds.

(iii) Be in the same language as the language used in the video communication.

(2) A person that violates subsection (1) is subject to the following:

(a) For a first violation, the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$250.00.

(b) For a second or subsequent violation, the person is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$1,000.00 for each violation.

(3) Each qualified political advertisement that is distributed or aired to the public that violates this section is a separate violation under subsection (2).

(4) This section does not apply to any of the following:

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

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

(c) A distribution platform, including, but not limited to, a website or a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and that publishes qualified political advertisements prohibited under this section, if the distribution platform has a clearly stated written policy, provided to any person, committee, or other entity that creates, seeks to publish, or originally distributes a qualified political advertisement, that the qualified political advertisement must include a statement consistent with subsection (1).

(d) A qualified political advertisement that constitutes satire or parody.

(e) A business or its affiliate if the business or its affiliate is regulated by the Michigan public service commission or the Federal Communications Commission.

(5) A distribution platform, as described in subsection (4)(c), is not liable for the lack of disclosure content created in whole or substantially by artificial intelligence in a qualified political advertisement or prerecorded telephone message if the distribution platform can show that the distribution platform provided notice of its prohibitions related to a lack of disclosure of content created in whole or substantially by artificial intelligence in a qualified political advertisement or prerecorded telephone message.

(6) As used in this section, "qualified political advertisement" means any paid advertisement, including,

but not limited to, search engine marketing, display advertisements, video advertisements, native advertisements, issue advertisements, messaging service advertisements, mobile application advertisements, and sponsorships, relating to a candidate for federal, state, or local office in this state, any election to federal, state, or local office in this state, or a ballot question that contains any image, audio, or video that is generated in whole or substantially with the use of artificial intelligence.

History: Add. 2023, Act 263, Eff. Feb. 13, 2024.