



HOUSE BILL 1072: Require Disclaimer/Use of AI in Political Ads.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	June 27, 2024
Introduced by:	Reps. Cleveland, Riddell	Prepared by:	Jessica Sammons, Erika Churchill
Analysis of:	First Edition		Staff Attorneys

OVERVIEW: *House Bill 1072 would require a disclaimer in political advertising created in whole or in part by the use of artificial intelligence.*

CURRENT LAW: Part 1A of Article 22A of Chapter 163 of the General Statutes governs disclosure requirements for media advertisements. Advertisements include any message appearing in print media, on television, or on radio that constitutes a contribution or expenditure.

To sponsor a media advertisement in print media, radio, or television that constitutes a contribution, expenditure, or electioneering communication, the media advertisement must meet all of the following requirements:

- Contain a legend or statement with the name of who paid for the advertisement. If it is a television advertisement, the legend must be visual.
- Contain the name of who paid for the advertisement as it appears on the sponsor's statement of organization.
- In a print media advertisement supporting or opposing the nomination or election of candidates, contain information on whether it is authorized by a candidate in a visual legend. This does not apply if the sponsor of the advertisement is the candidate the advertisement supports or that candidate's campaign committee.
- In a print media advertisement identifying a candidate the sponsor is opposing, disclose the name of the candidate who is intended to benefit from the advertisement. This only applies when the sponsor coordinates or consults about the advertisement with the candidate who the advertisement is intended to benefit.

If the advertisement is jointly sponsored, any of the above disclosure statements must name all sponsors.

Any required disclosure statement for print media advertisements must comply with size requirements. Any required disclosure statement for television advertisements must comply with visual legend requirements. Any required disclosure statement for radio advertisements must comply with timing requirements.

Any sponsor who misrepresents the sponsorship or authorization of an advertisement that must comply with the disclosure requirements is guilty of a Class 1 misdemeanor.

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BILL ANALYSIS: The bill would require any political advertisement created in whole or in part by using artificial intelligence to comply with the disclosure requirements under G.S. 163 278.39 and bear in its legend or include the statement: "This advertisement was created using artificial intelligence." This requirement would apply to any political advertisement, including communications sent by email, text, automated calling, or appearing on a website or social media platform.

The bill would also require the following:

- For a political advertisement using artificial intelligence transmitted by a social media platform, the disclosure statement must comply with the size requirements discussed above.
- For a political advertisement using artificial intelligence transmitted through automated calling, the disclosure statement must last at least two seconds, provided the statement is spoken so that its contents may be easily understood.
- For robo calls, disclosures would be required.

For purposes of this requirement, "artificial intelligence" would mean the "capability of computer systems or algorithms to imitate intelligent human behavior," including generative artificial intelligence.

Violations of these requirements would be a Class 1 misdemeanor.

EFFECTIVE DATE: Effective when it becomes law and applies to political advertisements using artificial intelligence on or after that date.