

Subject Prohibiting a person convicted of an offense involving a deep fake from holding elected office

Authors Stephenson and Bahner

Analyst Ben Johnson (ben.johnson@house.mn.gov)

Date February 26, 2024

Overview

In 2023, the legislature established a crime for the dissemination of a video, photograph, or sound recording that was altered through technological means and appears to authentically depict the speech or conduct of a person who did not engage in that speech or conduct if the dissemination occurs shortly before an election, takes place without the consent of the depicted person, and is disseminated with the intent to influence an election.

This bill establishes that an individual convicted of violating Minnesota's law prohibiting the use of deep fakes to influence elections forfeits the right to be a candidate for elected office, cannot be appointed to fill a vacancy in that office or any other office, and is not qualified to hold any elected office for which the legislature may establish qualifications. The bill also makes changes to the crime of using a deep fake to influence an election including amending the definition of a deep fake, adjusting the timeframe related to when the use of deep fakes is criminal, and providing that certain individuals can seek additional equitable relief, in addition to an injunction, when there is information that an individual or entity is going to use a deep fake.

Summary

Section	Description
---------	-------------

1	Forfeiture of nomination or office.
----------	--

	Establishes that a candidate convicted of violating Minnesota's law addressing the use of deep fakes in elections has forfeited a nomination to elected office or an elected office.
--	--

Section	Description
2	<p>Disqualified candidate not to hold various positions.</p> <p>Provides that a person convicted of violating Minnesota’s law addressing the use of deep fakes in elections must not be appointed to fill a vacant office and is not qualified to fill any vacant office for which the legislature may establish qualifications.</p>
3	<p>Definitions.</p> <p>Amends the definition of deep fake to include altered images, videos, or other recordings that would cause a reasonable person to have a fundamentally different understanding of the meaning of the speech or conduct than the meaning conveyed by the original version.</p>
4	<p>Use of deep fake to influence an election; violation.</p> <p>Amends the time frame in which a person can commit the offense of using a deep fake to influence an election to include 30 days before a political party nominating convention, presidential primary, state primary, local primary, special primary, or special election. Establishes that third parties including media organizations, broadcasters, social media platforms, and websites are not in violation of this section if the entity’s sole role is in distributing political advertisements that violate the section.</p>
5	<p>Use of deep fake to influence an election; penalty.</p> <p>Makes conforming changes related to sections 1 and 2 of the bill, stating that when a candidate is convicted of violating Minnesota’s law addressing the use of deep fakes in elections, a court must enter an order declaring that the candidate has forfeited the nomination for office. Further notes that any individual convicted of a violation is disqualified from being appointed to the vacated office or any other office for which the legislature may establish qualifications.</p>
6	<p>Injunctive relief.</p> <p>Establishes that the right to bring an action for injunctive relief to prevent the use of a deep fake in an election may also include the right to other equitable relief.</p>
7	<p>Severability.</p> <p>Creates a severability clause that is consistent with the general severability clause in section 645.20 that says any provision of a law that is found unconstitutional must be severed from the constitutional portions of the law and the constitutional provisions must remain in effect.</p>



Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.

www.house.mn.gov/hrd | 651-296-6753 | 155 State Office Building | St. Paul, MN 55155