



February 7, 2025

Re: H.B.6846 – An Act Concerning Artificial Intelligence, Deceptive Synthetic Media and Elections

The [Center for Democracy & Technology](#) (CDT) respectfully submits the following testimony and urges modification of H.B.6846 to protect the First Amendment rights of Connecticut residents. CDT is a nonprofit 501(c)(3) organization working to advance civil rights and civil liberties in the digital age for all users. Among our priorities, CDT works to address the crisis of trust in American democracy and support fair, informed, and trustworthy elections, while also protecting people's right to freely participate in our democracy and working to keep new technologies free of government censorship and content gatekeepers.

The emergence of widely accessible generative AI has [raised concerns](#) that potential misuses of this technology may exacerbate existing election cybersecurity and information integrity challenges. Legislators at the state and federal levels have responded with a [variety of approaches](#), from tailored responses that would require labels on political advertisements to more sweeping mandates that would implicate the speech of regular people. In attempting to address these concerns, however, we should not lose sight of the ways this technology could be used to enhance political speech and discourse.

While laudable in its intention to address concerns about election information integrity, H.B.6846 sweeps too broadly and likely violates the First Amendment. To criminalize speech intended to influence the result of an election - when, indeed, influencing election results is the goal of most political speech within 90 days of an election - risks censoring and punishing all people's protected speech. While federal and state laws commonly place disclaimer requirements on the speech of candidates, committees, and other regulated political entities, it is unusual and alarming to require the same disclaimers, under threat of criminal charges, of regular people participating in the political process, many of whom would likely be unaware that such disclosures are required. H.B.6846 would subject anyone using AI and other kinds of technology, even innocently, to criminal penalties without adequate justification.

Parody, satire, and memes are powerful [tools of persuasion](#) and are protected by the First Amendment, yet the bill contains no exceptions for this speech. While requiring a label on speech is less of a threat to free expression than banning that speech entirely, it is nevertheless a burden and one that H.B.6846 would place not just on candidates and political committees but anyone participating in political discourse and using technology to do so. Consider, for example, a satirical depiction of a candidate with a well-known temper throwing a stapler at a member of their staff, distributed within 90 days of an election. A reasonable person may credulously believe that such a depiction is real, even if it is intended to be satirical. Should the distributor not label the depiction as required by the act, H.B.6846 would put that person - and any reposter or distributor who

knows or “reasonably should know” that the image contained synthetic media with the intent of influencing an election - at risk of a criminal record and civil penalties, simply for sharing a meme. Moreover, requiring a label on satire or parody materially changes its meaning and suggests that viewers cannot discern its expressive message.

More generally, content-based restrictions on speech are [presumptively unconstitutional](#), requiring that such restrictions be the [least restrictive means](#) of achieving a compelling government interest. H.B.6846’s content-based restriction on speech intended to influence the result of an election would likely be subject to the highest form of First Amendment scrutiny, without protections for important methods of criticism and commentary. Even if modified to protect parody and satire, H.B.6846 would still subject plainly constitutional and valuable speech to criminal penalties.

Consider two examples:

- An immigration rights advocate creates and distributes an AI-generated but unlabeled visualization of an Immigration and Customs Enforcement (ICE) raid that actually occurred but was not captured on video, distributed with the intent of rallying support for a candidate who supports increased protection of undocumented immigrants.
- A border control advocate creates and distributes an AI-generated but unlabeled visualization of the same ICE raid, with the intent of rallying support for a candidate who supports increased immigration enforcement.

Both of these advocates would be subject to criminal prosecution under H.B.6846, potentially including felony charges, because they participated in political discourse with a particular medium of speech. In both of these cases, a reasonable person could believe that the depiction was real - in part because it depicts actual events. Yet H.B.6846 could seemingly criminalize its distribution, merely because it depicted a “human being,” even if the individuals depicted were generated with AI, do not exist, or do not correspond to the actual participants in the event and, therefore, could not have actually appeared or consented to appear as depicted. In both cases, advocates would have used a powerful technology for First Amendment-protected speech. In neither of these cases would advocates have intended to or meaningfully deceived any viewers of the video. Nevertheless, H.B.6846 could criminalize their speech and subject these advocates to civil suit by any candidate or individual who thought they were injured by this expression. Criminal penalties are rarely the least restrictive means by which to address harmful speech and the broad suppression of satire, parody, and political speech is unlikely to be understood as compelling government interests. As such, H.B.6846 would likely struggle to survive judicial review and should be modified to better comport with the requirements of the First Amendment.

Synthetic media can degrade political discourse - but it can also enhance it and empower advocates with new ways to garner support for worthy candidates and causes. CDT respectfully urges the Committee to modify H.B.6846 to protect regular people’s First Amendment rights to freely participate in speech about public matters, in recognition that this expression occupies the [“highest rung](#) of the hierarchy of First Amendment values.”

Thank you for your consideration. For further information, please contact Becca Branum at bbranum@cdt.org.