

What You Need to Know About Use of Deceptive & Fraudulent Synthetic Media In Political Ads 90 Days Before An Election

A Guide to the New Vermont State Law Act 75/S23 prepared by the Vermont Association of Broadcasters

March 5, 2026, the Vermont legislature passed S23 and Governor Scott signed Act 75 into law. It basically says advertisements containing deceptive and fraudulent synthetic media that air 90 days before an election in Vermont must include this disclosure:

“This media has been manipulated or generated by digital technology and depicts speech or conduct that did not occur.”

“Deceptive and fraudulent synthetic media” is defined a synthetic media that appears to a reasonable person to be a realistic representation of (A) a political candidate that injures the reputation of a political candidate; or (B) an individual that attempts to unduly influence the outcome of an election, including a public question, by providing materially false information to voters.

“Synthetic media” is defined as an image, an audio recording, or a video recording of an individual’s appearance, speech, or conduct that has been created or intentionally manipulated with the use of digital technology, including artificial intelligence.

Images and Video Recordings:

The text of the disclosure shall appear in a size that is easily readable by the average viewer and inclusive to the greatest extent possible of individuals with disabilities. For video recordings, the disclosure shall appear for the full duration of the video recording.

Audio-only Recordings:

The disclosure shall be read in a clearly spoken manner and in a pitch and pace that can be easily heard by the average listener and inclusive to the greatest extent possible of individuals with disabilities, at the beginning of the audio recording, at the end of the audio recording, and, if the audio is greater than two minutes in length, interspersed within the audio recording at intervals of not greater than two minutes each.

Who Is Responsible/Liable?

It is the ad creator’s responsibility to include the mandatory disclosure if the ad contains “deceptive and fraudulent synthetic media” and airs 90 days before an election. If you are asked to create a political ad that contains “deceptive and fraudulent synthetic media” as defined above, you are responsible for adding the disclosure.

What If I’m Given an Ad That Has “Deceptive & Fraudulent Synthetic Media” with No Disclosure?

If you’re given an ad to air that contains this material but does not contain the disclosure, you should advise them they should add it, but if they refuse, you and your station will not be held liable or penalized for airing it. The VAB worked hard to ensure the new law included protections from liability and penalty for broadcasters who, because of FCC rules about equal time and censorship, have to air political ads they are given by the candidate making the ad buy. The law also has an exemption for broadcast news when they are reporting a story about a questionable political ad.

Questions? Contact Deputy Secretary of State Lauren Hibbert at lauren.hibbert@vermont.gov or 802-828-2124