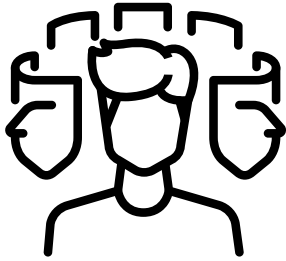


MINNESOTA LAW REGULATING ELECTION-RELATED DEEP FAKES



In 2023, a new law regulating the use of deep fake technology to influence an election took effect in Minnesota. ([Minnesota Statute 609.771](#)) “Deep fake” refers to videos, audio recordings, or photos that are created using tools powered by artificial intelligence to realistically impersonate someone without their consent or knowledge.



Under the new law, anyone who widely shares a deep fake within 90 days of an election is guilty of a crime if the person, both:

- Knows or should have known that the item was a deep fake made without the consent of the depicted individual; and,
- Acts with the intent to harm a candidate’s reputation or influence the result of an election.

The law also applies if an agreement has been made to widely share a deep fake, even if it has not been shared yet.

The Minnesota Attorney General, a county or city attorney, a depicted individual or candidate who is or is likely to be harmed by the deep fake’s distribution can ask a court to intervene.

REMEMBER:

- Deep fake technology can include video, audio, or still images.
- The deep fake can be of any person who has not consented.
- This law can be used to prevent deep fakes from being distributed.
- If you become aware of content that may violate this law – even if it has not been shared publicly – you should notify local law enforcement.

An investigation into the content will take time, potentially more time than is available before an election. If the content includes incorrect information about election administration, it is important to notify the public of accurate information. The Office of the Minnesota Secretary of State can support local election offices in removing content that violates this law from circulation and correcting the public record on election information.

NOTE: There are state and federal anti-voter suppression laws around misleading information. It is a crime to mislead voters about who can vote or how, when, and where they can vote with the intent to prevent them from voting. ([Minnesota Statute 204C.035](#))