

BILL NO. 36-0298

Thirty-Sixth Legislature of the Virgin Islands**May 28, 2026**

An act amending title 18 Virgin Islands Code protecting the integrity of elections by regulating materially deceptive artificial intelligence-generated political communications and requiring disclosure of certain artificial intelligence-generated content

PROPOSED BY: Senator Alma Francis Heyliger
Co-sponsor: Hubert L. Frederick

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 18 Virgin Islands Code is amended by adding the following chapter 22:

“§590. Short Title

This act may be cited as the “Election Integrity and Artificial Intelligence Disclosure Act.”

§591. Definitions

For purposes of this chapter:

(a) “Artificial Intelligence” or “AI” means a machine-based system capable of generating text, images, audio, video, or other media through machine learning, generative models, or similar computational processes.

(b) “AI-Generated Content” means any image, audio recording, video recording, or other digital media that has been substantially created or materially altered using artificial

intelligence technology. Content shall be considered substantially created or materially altered by AI if artificial intelligence was used to generate, fabricate, or alter the depiction of a real person's appearance, voice, speech, actions, or likeness in a manner that did not actually occur.

(c) "Deepfake" means fabricated video, audio, or image content generated by AI that makes it appear as if a person is saying or doing something they never did.

(d) "Distribute" means to publish, post, broadcast, transmit, circulate, share, send, pay to promote, or otherwise make content available to the public or to another person by any means, including paid boosting or algorithmic promotion on any platform.

(e) "Election" means any primary, general, special, or referendum election held in the Virgin Islands, including any election for federal, territorial, or local office or any ballot measure submitted to voters.

(f) "Materially Deceptive Content" means AI-generated content that would reasonably mislead a person regarding the authenticity of speech, conduct, actions, events, endorsements, or election-related matters portrayed in the content that did not actually occur.

(g) "News Reporting" means reporting or publishing by a newspaper, television station, radio station, digital news platform, or other established journalistic entity that adheres to recognized standards of editorial oversight and journalistic practice, for the primary purpose of informing the public regarding newsworthy events or matters of public concern.

(h) "Person" means any individual, corporation, partnership, association, organization, political committee, or other legal entity.

(i) "Political Communication" means any paid advertisement, campaign communication, electioneering communication, or public communication intended to influence the outcome of an election or public opinion regarding a candidate or ballot issue.

(j) “Satire or Parody” means content that a reasonable person would recognize as humorous, exaggerated, fictional, or comedic expression and that is not intended to deceive the public regarding factual information or events.

§592. Disclosure Requirement for AI-Generated Political Communications

(a) Any person, candidate, political committee, or organization that knowingly distributes AI-generated content in a political communication regarding an election in the Virgin Islands shall include a clear and conspicuous disclosure indicating that the content was generated or materially altered using artificial intelligence. This chapter applies to any person who distributes such content to voters or residents of the Virgin Islands regardless of where the person is located.

(b) Use of a platform-provided disclosure label, including labels such as “AI-generated,” “AI-created,” “Content labeled as AI-generated,” or similar platform disclosure tools shall satisfy the disclosure requirement under this section.

(c) Where content is redistributed from one platform to another, the person redistributing the content bears responsibility for ensuring that a disclosure required under this section is present and visible on the redistributed content.

(d) The disclosure required under this section must be reasonably visible, understandable, and accessible to an ordinary person viewing the content. For written or graphic content, the disclosure shall appear in a font size and color reasonably distinguishable from the background. For audio-only content, including telephone calls, robocalls, voice messages, or broadcast audio, the disclosure shall be clearly spoken at the beginning of the audio in a manner audible and understandable to an ordinary listener. For video content, the disclosure must remain visible for a duration sufficient for an ordinary viewer to read and understand it.

(e) Minor alterations, including ordinary graphic design, color correction, cropping, resizing, background enhancement, filters, captioning, meme-style formatting, or artistic editing that do not materially misrepresent a person's words, appearance, or actions shall not require disclosure under this section.

(f) Disclosure under this section shall not legalize or excuse the distribution of materially deceptive content prohibited under this chapter.

§593. Prohibited Conduct

(a) No person may knowingly distribute materially deceptive content with the intent to:

(1) mislead the public regarding the time, place, manner, or requirements for voting;

(2) falsely depict a candidate, election official, or public official as engaging in speech, conduct, actions, events, or endorsements that did not actually occur;

(3) suppress or discourage lawful voter participation;

(4) materially deceive the public regarding an election or ballot issue; or

(5) injure a candidate, influence an election, or interfere with the electoral process through fabricated AI-generated content.

(b) Materially deceptive content prohibited under this section shall remain prohibited regardless of whether the content contains an AI disclosure label.

(c) Nothing in this section shall prohibit conduct exempted under §594 of this chapter.

(d) Satire or parody utilizing AI-generated content shall include a clear and conspicuous disclaimer reasonably sufficient to inform viewers that the content is fictional, comedic, exaggerated, or not authentic.

§594. Exceptions

1 This chapter shall not apply to:

2 (a) Bona fide news reporting that does not include content published with actual
3 knowledge of its falsity or with reckless disregard for whether it was false or misleading;

4 (b) Lawful opinion, criticism, analysis, editorial content, or public discussion
5 expressed without the use of materially deceptive content;

6 (c) Satire or parody accompanied by a clear and conspicuous disclaimer that the
7 content is fictional, comedic, exaggerated, or not authentic;

8 (d) Insignificant or routine image editing that does not materially misrepresent a
9 person's actions, appearance, or statements; or

10 (e) Internet memes, graphics, flyers, or artistic renderings that a reasonable person
11 would clearly recognize as non-authentic, comedic, or creative expression and that do not
12 attribute fabricated statements, conduct, or actions to a real person through the use of that
13 person's name, likeness, voice, title, or any other identifier a reasonable person would associate
14 with that individual, in a manner intended to deceive or in a manner that would cause a
15 reasonable person to believe the depicted statements, conduct, or actions actually occurred.

16 **§595. Enforcement and Penalties**

17 (a) Any person who knowingly distributes materially deceptive content with intent to
18 influence an election, injure a candidate, mislead the public, or interfere with the electoral
19 process shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than
20 \$10,000, imprisoned not more than one year, or both.

21 (b) The Attorney General of the Virgin Islands may seek civil penalties of not more
22 than \$10,000 for a first violation and not more than \$25,000 for each subsequent violation
23 within the same election cycle.

24 (c) The Attorney General may also seek injunctive relief to prevent the continued
25 distribution of materially deceptive content in violation of this chapter.

(d) A candidate or public official whose likeness, voice, or actions are falsely depicted in violation of this chapter may bring a civil action for injunctive relief and damages.

(e) Civil actions by aggrieved candidates or public officials must be brought within two years of the date the violation was discovered or reasonably should have been discovered.”

SECTION 2. Effective Date

Notwithstanding title 18 Virgin Islands Code, section 6, this act is effective upon enactment.

BILL SUMMARY

This bill protects the integrity of Virgin Islands elections from materially deceptive artificial intelligence generated content. The bill requires clear disclosure of AI-generated content in political communications, prohibits the knowing distribution of materially deceptive AI-generated content intended to mislead voters, suppress participation, or falsely depict candidates and public officials, and provides for civil and criminal enforcement by the Attorney General of the Virgin Islands. The act includes protections for bona fide news reporting, lawful opinion and criticism, and clearly identified satire and parody. The act applies to any person distributing such content to Virgin Islands voters regardless of where that person is located.

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