

REFERENCE TITLE: election communications; deep fakes; prohibition

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1359

Introduced by
Senators Carroll: Bolick, Gowan, Petersen, Shamp

AN ACT

AMENDING TITLE 16, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-1023; RELATING TO ELECTION COMMUNICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, chapter 7, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-1023, to read:

4 16-1023. Deep fakes; candidates; political parties;
5 exemptions; violation; classification; definitions

6 A. WITHIN NINETY DAYS BEFORE AN ELECTION AT WHICH A CANDIDATE FOR
7 ELECTED OFFICE WILL APPEAR ON THE BALLOT, A PERSON, CORPORATION, COMMITTEE
8 OR OTHER ENTITY SHALL NOT DISTRIBUTE A SYNTHETIC MEDIA MESSAGE THAT THE
9 PERSON, CORPORATION, COMMITTEE OR OTHER ENTITY KNOWS OR SHOULD KNOW IS A
10 DECEPTIVE AND FRAUDULENT DEEPPAKE OF THAT CANDIDATE OR OF A POLITICAL
11 PARTY THAT IS ON THAT BALLOT UNLESS THE SYNTHETIC MEDIA MESSAGE INCLUDES A
12 DISCLOSURE THAT STATES: "THIS _____ HAS BEEN MANIPULATED OR GENERATED BY
13 ARTIFICIAL INTELLIGENCE." THE BLANK IN THE DISCLOSURE REQUIRED BY THIS
14 SUBSECTION SHALL BE FILLED WITH THE ONE TERM FROM THE FOLLOWING THAT MOST
15 ACCURATELY DESCRIBES THE MEDIA:

- 16 1. IMAGE.
- 17 2. VIDEO.
- 18 3. AUDIO.

19 B. FOR VISUAL MEDIA, THE TEXT OF THE DISCLOSURE SHALL APPEAR IN A
20 SIZE THAT IS EASILY READABLE BY THE AVERAGE VIEWER AND THAT IS NO SMALLER
21 THAN THE LARGEST FONT SIZE OF OTHER TEXT APPEARING IN THE VISUAL MEDIA.
22 IF THE VISUAL MEDIA DOES NOT INCLUDE ANY OTHER TEXT, THE DISCLOSURE SHALL
23 APPEAR IN A SIZE THAT IS EASILY READABLE BY THE AVERAGE VIEWER. FOR
24 VISUAL MEDIA THAT IS VIDEO, THE DISCLOSURE SHALL APPEAR FOR THE DURATION
25 OF THE VIDEO.

26 C. IF THE MEDIA CONSISTS OF AUDIO ONLY, THE DISCLOSURE SHALL BE
27 READ IN A CLEARLY SPOKEN MANNER AND IN A PITCH THAT CAN BE EASILY HEARD BY
28 THE AVERAGE LISTENER, AT THE BEGINNING OF THE AUDIO, AT THE END OF THE
29 AUDIO AND, IF THE AUDIO IS LONGER THAN TWO MINUTES IN LENGTH, INTERSPERSED
30 WITHIN THE AUDIO AT INTERVALS OF NOT MORE THAN TWO MINUTES EACH.

31 D. A CANDIDATE WHOSE APPEARANCE, ACTION OR SPEECH IS DEPICTED
32 THROUGH THE USE OF A DECEPTIVE AND FRAUDULENT DEEPPAKE IN VIOLATION OF
33 THIS SECTION MAY SEEK INJUNCTIVE OR OTHER EQUITABLE RELIEF PROHIBITING THE
34 PUBLICATION OF THE DECEPTIVE AND FRAUDULENT DEEPPAKE.

35 E. THIS SECTION DOES NOT APPLY TO:

36 1. A RADIO OR TELEVISION BROADCASTING STATION, INCLUDING A CABLE OR
37 SATELLITE TELEVISION OPERATOR, PROGRAMMER OR PRODUCER:

38 (a) THAT BROADCASTS A DECEPTIVE AND FRAUDULENT DEEPPAKE THAT IS
39 PROHIBITED BY THIS SECTION AND THAT IS PART OF A BONA FIDE NEWSCAST, NEWS
40 INTERVIEW OR NEWS DOCUMENTARY OR ON-THE-SPOT COVERAGE OF BONA FIDE NEWS
41 EVENTS, IF THE BROADCAST CLEARLY ACKNOWLEDGES THROUGH ITS CONTENT OR A
42 DISCLOSURE IN A MANNER THAT CAN BE EASILY HEARD OR READ BY THE AVERAGE
43 LISTENER OR VIEWER THAT THERE ARE QUESTIONS ABOUT THE AUTHENTICITY OF THE
44 MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA.

1 (b) WHEN IT IS PAID TO BROADCAST A DECEPTIVE AND FRAUDULENT
2 DEEPPFAKE AND HAS MADE A GOOD FAITH EFFORT TO ESTABLISH THAT THE DEPICTION
3 IS NOT A DECEPTIVE AND FRAUDULENT DEEPPFAKE.

4 2. AN INTERNET WEBSITE OR A REGULARLY PUBLISHED NEWSPAPER, MAGAZINE
5 OR OTHER PERIODICAL OF GENERAL CIRCULATION, INCLUDING AN INTERNET OR
6 ELECTRONIC PUBLICATION, THAT ROUTINELY CARRIES NEWS AND COMMENTARY OF
7 GENERAL INTEREST AND THAT PUBLISHES MATERIALLY DECEPTIVE AUDIO OR VISUAL
8 MEDIA THAT IS PROHIBITED BY THIS SECTION IF THE PUBLICATION CLEARLY STATES
9 THAT THE MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA DOES NOT ACCURATELY
10 REPRESENT THE SPEECH OR CONDUCT OF THE CANDIDATE.

11 3. MEDIA THAT CONSTITUTES SATIRE OR PARODY.

12 F. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF
13 A CLASS 1 MISDEMEANOR, EXCEPT THAT:

14 1. A PERSON WHO COMMITS THE VIOLATION WITHIN FIVE YEARS OF ONE OR
15 MORE PRIOR CONVICTIONS UNDER THIS SECTION IS GUILTY OF A CLASS 4 FELONY.

16 2. A PERSON WHO COMMITS THE VIOLATION WITH THE INTENT TO CAUSE
17 VIOLENCE OR BODILY HARM IS GUILTY OF A CLASS 6 FELONY.

18 G. FOR THE PURPOSES OF THIS SECTION:

19 1. "DECEPTIVE AND FRAUDULENT DEEPPFAKE" MEANS SYNTHETIC MEDIA THAT
20 DEPICTS A CANDIDATE OR POLITICAL PARTY WITH THE INTENT TO INJURE THE
21 REPUTATION OF THE CANDIDATE OR POLITICAL PARTY OR OTHERWISE DECEIVE A
22 VOTER AND THAT EITHER:

23 (a) APPEARS TO A REASONABLE PERSON TO DEPICT A REAL INDIVIDUAL
24 SAYING OR DOING SOMETHING THAT DID NOT ACTUALLY OCCUR IN REALITY.

25 (b) PROVIDES TO A REASONABLE PERSON A FUNDAMENTALLY DIFFERENT
26 UNDERSTANDING OR IMPRESSION OF THE APPEARANCE, ACTION OR SPEECH IN AN
27 IMAGE, AUDIO RECORDING OR VIDEO RECORDING THAN A REASONABLE PERSON WOULD
28 HAVE FROM AN UNALTERED, ORIGINAL VERSION OF THE IMAGE, AUDIO RECORDING OR
29 VIDEO RECORDING.

30 2. "SYNTHETIC MEDIA" MEANS AN IMAGE, AUDIO RECORDING OR VIDEO
31 RECORDING OF AN INDIVIDUAL'S APPEARANCE, SPEECH OR CONDUCT THAT HAS BEEN
32 CREATED OR INTENTIONALLY MANIPULATED WITH THE USE OF GENERATIVE
33 ADVERSARIAL NETWORK TECHNIQUES OR OTHER DIGITAL TECHNOLOGY IN A MANNER TO
34 CREATE A REALISTIC BUT FALSE IMAGE, AUDIO OR VIDEO.

35 Sec. 2. Severability

36 If a provision of this act or its application to any person or
37 circumstance is held invalid, the invalidity does not affect other
38 provisions or applications of the act that can be given effect without the
39 invalid provision or application, and to this end the provisions of this
40 act are severable.