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

SENATE BILL 1359

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

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

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

A. Within ninety days before an election at which a candidate for elected office will appear on the ballot, a person who acts as a creator shall not sponsor or create and distribute a synthetic media message that the person knows is a deceptive and fraudulent deepfake of that candidate or of a political party that is on that ballot unless the synthetic media message includes a clear and conspicuous disclosure that states that the media includes content generated by artificial intelligence.

B. If the media consists of audio only and no visual disclosure is possible, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio and, if the audio is longer than two minutes in length, interspersed within the audio at intervals of not more than two minutes each.

C. A candidate whose appearance, action or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of this section may seek injunctive or other equitable relief from the sponsor or the creator of the media prohibiting the publication of the deceptive and fraudulent deepfake.

D. This section does not apply to:

1. A radio or television broadcasting station, including a cable or satellite television operator, programmer or producer:
   (a) That broadcasts a deceptive and fraudulent deepfake that is prohibited by this section and that is part of a bona fide newscast, news interview or news documentary or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through its content or a disclosure in a manner that can be easily heard or read by the average listener or viewer that there are questions about the authenticity of the materially deceptive audio or visual media.
   (b) When it is paid to broadcast a deceptive and fraudulent deepfake and has made a good faith effort to establish that the depiction is not a deceptive and fraudulent deepfake.

2. An internet website or a regularly published newspaper, magazine or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest and that publishes materially deceptive audio or visual media that is prohibited by this section if the publication clearly states that the materially deceptive audio or visual media was generated by artificial intelligence.

3. Media that constitutes satire or parody.
4. AN INTERACTIVE COMPUTER SERVICE AS DEFINED IN 47 UNITED STATES
CODE SECTION 230.

E. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF
A CLASS 1 MISDEMEANOR, EXCEPT THAT:
1. A PERSON WHO COMMITS THE VIOLATION WITHIN FIVE YEARS OF ONE OR
MORE PRIOR CONVICTIONS UNDER THIS SECTION IS GUILTY OF A CLASS 4 FELONY.
2. A PERSON WHO COMMITS THE VIOLATION WITH THE INTENT TO CAUSE
VIOLENCE OR BODILY HARM IS GUILTY OF A CLASS 6 FELONY.

F. FOR THE PURPOSES OF THIS SECTION:
1. "CREATOR":
   (a) MEANS ANY PERSON THAT USES ARTIFICIAL INTELLIGENCE OR OTHER
       DIGITAL TECHNOLOGY TO GENERATE SYNTHETIC MEDIA.
   (b) DOES NOT INCLUDE THE PROVIDER OF ANY TECHNOLOGY USED IN THE
       CREATION OF SYNTHETIC MEDIA.
2. "DECEPTIVE AND FRAUDULENT DEEPFAKE" MEANS SYNTHETIC MEDIA THAT
   DEPICTS A CANDIDATE OR POLITICAL PARTY WITH THE INTENT TO INJURE THE
   REPUTATION OF THE CANDIDATE OR POLITICAL PARTY OR OTHERWISE DECEIVE A
   VOTER AND THAT EITHER:
   (a) APPEARS TO A REASONABLE PERSON TO DEPICT A REAL INDIVIDUAL
       SAYING OR DOING SOMETHING THAT DID NOT ACTUALLY OCCUR IN REALITY.
   (b) PROVIDES TO A REASONABLE PERSON A FUNDAMENTALLY DIFFERENT
       UNDERSTANDING OR IMPRESSION OF THE APPEARANCE, ACTION OR SPEECH IN AN
       IMAGE, AUDIO RECORDING OR VIDEO RECORDING THAN A REASONABLE PERSON WOULD
       HAVE FROM AN UNALTERED, ORIGINAL VERSION OF THE IMAGE, AUDIO RECORDING OR
       VIDEO RECORDING.
3. "SYNTHETIC MEDIA" MEANS AN IMAGE, AUDIO RECORDING OR VIDEO
   RECORDING OF AN INDIVIDUAL'S APPEARANCE, SPEECH OR CONDUCT THAT HAS BEEN
   CREATED OR INTENTIONALLY MANIPULATED WITH THE USE OF DIGITAL TECHNOLOGY IN
   A MANNER TO CREATE A REALISTIC BUT FALSE IMAGE, AUDIO OR VIDEO.

Sec. 2. Severability
If a provision of this act or its application to any person or
circumstance is held invalid, the invalidity does not affect other
provisions or applications of the act that can be given effect without the
invalid provision or application, and to this end the provisions of this
act are severable.