

House Engrossed Senate Bill

~~election communications; deep fakes; prohibition~~  
(now: election communications; deepfakes; prohibition)

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)

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. Deepfakes; 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 WHO ACTS AS A CREATOR  
8 SHALL NOT CREATE AND DISTRIBUTE A SYNTHETIC MEDIA MESSAGE THAT THE PERSON  
9 KNOWS IS A DECEPTIVE AND FRAUDULENT DEEPFAKE OF THAT CANDIDATE THAT IS ON  
10 THAT BALLOT UNLESS THE SYNTHETIC MEDIA MESSAGE INCLUDES A CLEAR AND  
11 CONSPICUOUS DISCLOSURE THAT CONVEYS TO A REASONABLE PERSON THAT THE MEDIA  
12 INCLUDES CONTENT GENERATED BY ARTIFICIAL INTELLIGENCE.

13 B. THIS SECTION DOES NOT APPLY TO:

14 1. MEDIA THAT CONSTITUTES SATIRE OR PARODY.

15 2. AN INTERACTIVE COMPUTER SERVICE AS DEFINED IN 47 UNITED STATES  
16 CODE SECTION 230.

17 C. A PERSON WHO FAILS TO MAKE THE DISCLOSURE REQUIRED UNDER THIS  
18 SECTION IS LIABLE FOR THE CIVIL PENALTY PRESCRIBED BY SECTION 16-937,  
19 SUBSECTION B, FOR EACH DAY THAT THEY DISTRIBUTE THE DECEPTIVE AND  
20 FRAUDULENT DEEPFAKE WITHOUT SUCH DISCLOSURE.

21 D. FOR THE PURPOSES OF THIS SECTION:

22 1. "CREATOR":

23 (a) MEANS ANY PERSON THAT USES ARTIFICIAL INTELLIGENCE OR OTHER  
24 DIGITAL TECHNOLOGY TO GENERATE SYNTHETIC MEDIA.

25 (b) DOES NOT INCLUDE THE PROVIDER OF ANY TECHNOLOGY USED IN THE  
26 CREATION OF SYNTHETIC MEDIA.

27 2. "DECEPTIVE AND FRAUDULENT DEEPFAKE" MEANS SYNTHETIC MEDIA THAT  
28 DEPICTS A CANDIDATE WITH KNOWLEDGE OF ITS FALSITY AND THE INTENT TO INJURE  
29 THE REPUTATION OF THE CANDIDATE AND THAT IS INTENTIONALLY CALCULATED TO  
30 MISLEAD A REASONABLE PERSON INTO CONCLUDING THAT A REAL INDIVIDUAL SAID OR  
31 DID SOMETHING THAT THEY DID NOT SAY OR DO IN REALITY.

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

36 Sec. 2. Severability

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