

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

CHAPTER 199
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 DEEPPFAKE 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 DEEPPFAKE 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 DEEPPFAKE" 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.

APPROVED BY THE GOVERNOR MAY 29, 2024.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 29, 2024.