

Senate Engrossed

election communications; deep fakes; 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. 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 WHO ACTS AS A CREATOR
8 SHALL NOT SPONSOR OR CREATE AND DISTRIBUTE A SYNTHETIC MEDIA MESSAGE THAT
9 THE PERSON KNOWS IS A DECEPTIVE AND FRAUDULENT DEEPPFAKE OF THAT CANDIDATE
10 OR OF A POLITICAL PARTY THAT IS ON THAT BALLOT UNLESS THE SYNTHETIC MEDIA
11 MESSAGE INCLUDES A CLEAR AND CONSPICUOUS DISCLOSURE THAT STATES THAT THE
12 MEDIA INCLUDES CONTENT GENERATED BY ARTIFICIAL INTELLIGENCE.

13 B. IF THE MEDIA CONSISTS OF AUDIO ONLY AND NO VISUAL DISCLOSURE IS
14 POSSIBLE, THE DISCLOSURE SHALL BE READ IN A CLEARLY SPOKEN MANNER AND IN A
15 PITCH THAT CAN BE EASILY HEARD BY THE AVERAGE LISTENER, AT THE BEGINNING
16 OF THE AUDIO, AT THE END OF THE AUDIO AND, IF THE AUDIO IS LONGER THAN TWO
17 MINUTES IN LENGTH, INTERSPERSED WITHIN THE AUDIO AT INTERVALS OF NOT MORE
18 THAN TWO MINUTES EACH.

19 C. A CANDIDATE WHOSE APPEARANCE, ACTION OR SPEECH IS DEPICTED
20 THROUGH THE USE OF A DECEPTIVE AND FRAUDULENT DEEPPFAKE IN VIOLATION OF
21 THIS SECTION MAY SEEK INJUNCTIVE OR OTHER EQUITABLE RELIEF FROM THE
22 SPONSOR OR THE CREATOR OF THE MEDIA PROHIBITING THE PUBLICATION OF THE
23 DECEPTIVE AND FRAUDULENT DEEPPFAKE.

24 D. THIS SECTION DOES NOT APPLY TO:

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

27 (a) THAT BROADCASTS A DECEPTIVE AND FRAUDULENT DEEPPFAKE THAT IS
28 PROHIBITED BY THIS SECTION AND THAT IS PART OF A BONA FIDE NEWSCAST, NEWS
29 INTERVIEW OR NEWS DOCUMENTARY OR ON-THE-SPOT COVERAGE OF BONA FIDE NEWS
30 EVENTS, IF THE BROADCAST CLEARLY ACKNOWLEDGES THROUGH ITS CONTENT OR A
31 DISCLOSURE IN A MANNER THAT CAN BE EASILY HEARD OR READ BY THE AVERAGE
32 LISTENER OR VIEWER THAT THERE ARE QUESTIONS ABOUT THE AUTHENTICITY OF THE
33 MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA.

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

37 2. AN INTERNET WEBSITE OR A REGULARLY PUBLISHED NEWSPAPER, MAGAZINE
38 OR OTHER PERIODICAL OF GENERAL CIRCULATION, INCLUDING AN INTERNET OR
39 ELECTRONIC PUBLICATION, THAT ROUTINELY CARRIES NEWS AND COMMENTARY OF
40 GENERAL INTEREST AND THAT PUBLISHES MATERIALLY DECEPTIVE AUDIO OR VISUAL
41 MEDIA THAT IS PROHIBITED BY THIS SECTION IF THE PUBLICATION CLEARLY STATES
42 THAT THE MATERIALLY DECEPTIVE AUDIO OR VISUAL MEDIA WAS GENERATED BY
43 ARTIFICIAL INTELLIGENCE.

44 3. MEDIA THAT CONSTITUTES SATIRE OR PARODY.

1 4. AN INTERACTIVE COMPUTER SERVICE AS DEFINED IN 47 UNITED STATES
2 CODE SECTION 230.

3 E. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION IS GUILTY OF
4 A CLASS 1 MISDEMEANOR, EXCEPT THAT:

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

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

9 F. FOR THE PURPOSES OF THIS SECTION:

10 1. "CREATOR":

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

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

15 2. "DECEPTIVE AND FRAUDULENT DEEPPAKE" MEANS SYNTHETIC MEDIA THAT
16 DEPICTS A CANDIDATE OR POLITICAL PARTY WITH THE INTENT TO INJURE THE
17 REPUTATION OF THE CANDIDATE OR POLITICAL PARTY OR OTHERWISE DECEIVE A
18 VOTER AND THAT EITHER:

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

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

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

30 Sec. 2. Severability

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