

State of Arkansas As Engrossed: H1/16/25 H2/27/25

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1041

Representatives A. Collins, D. Garner, Springer

For An Act To Be Entitled

AN ACT TO PROHIBIT DECEPTIVE AND FRAUDULENT DEEPFAKES
IN ELECTION COMMUNICATIONS; TO PROVIDE FOR A CAUSE OF
ACTION AND CIVIL PENALTIES FOR THE USE OF DECEPTIVE
AND FRAUDULENT DEEPFAKES; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT DECEPTIVE AND FRAUDULENT
DEEPFAKES IN ELECTION COMMUNICATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 1, is amended
to add an additional section to read as follows:

7-6-106. Deceptive and fraudulent deepfakes – Definitions – Penalty –
Exceptions.

(a) As used in this section:

(1) "Deceptive and fraudulent deepfake" means synthetic media
that:

(A) Inaccurately alters or artificially generates the
speech, conduct, image, or likeness of a candidate or political party with
the intent to injure the reputation of the candidate or political party or
otherwise deceive a voter; and

(B)(i) Appears to a reasonable person to depict an
individual saying or doing something that did not actually occur in reality;
or

(ii) Provides a reasonable person a fundamentally
different understanding or impression of the speech, conduct, image, or



1 likeness of a candidate or a political party than a reasonable person would
2 have from an unaltered, original version of the image, audio recording, or
3 video recording;

4 (2) "Individual" means a natural person;

5 (3) "Person" means:

6 (A) An individual;

7 (B) A partnership, corporation, company, association, or
8 any other business entity;

9 (C) A not-for-profit corporation or association;

10 (D) An educational or religious institution;

11 (E) A political party; or

12 (F) A community, civic, or other organization;

13 (4) "Radio or television broadcasting station" includes without
14 limitation a cable or satellite radio or television operator, programmer, or
15 producer; and

16 (5) "Synthetic media" means an image, audio recording, or a
17 video recording of an individual's appearance, speech, or conduct that has
18 been created or intentionally manipulated with the use of generative
19 adversarial network techniques or other digital technology, including without
20 limitation artificial intelligence, in a manner to create a realistic but
21 false image, audio, or video.

22 (b)(1) Except as provided in subdivision (b)(2) of this section, a
23 person shall not, within ninety (90) days of an election in which a candidate
24 for an elected office will appear on the ballot, distribute synthetic media
25 that the person knows or should know is a deceptive and fraudulent deepfake
26 of a candidate or party on the state or local ballot.

27 (2)(A) A person may, within ninety (90) days of an election in
28 which a candidate for an elected office will appear on the ballot, distribute
29 synthetic media that the person knows or should know is a deceptive and
30 fraudulent deepfake of a candidate or party on the state or local ballot if
31 the synthetic media includes a disclosure, including without limitation the
32 following statement: "This content has been manipulated or artificially
33 generated."

34 (B)(i) If the synthetic media is visual, the text of the
35 disclosure in subdivision (b)(2)(A) of this section shall appear in a size
36 that is:

1 (a) Easily readable by the average viewer; and
2 (b) No smaller than the largest font size of
3 other text appearing in the visual media.

4 (ii) If the synthetic media is visual and in a video
5 or other format in which the synthetic media image changes, the disclosure
6 shall appear for the duration of the video or image clip.

7 (C) If the synthetic media consists of audio only, the
8 disclosure shall be:

9 (i) Read in a clearly spoken manner; and

10 (ii) In a pitch that can be easily heard by the
11 average listener at the:

12 (a) Beginning of the audio;

13 (b) End of the audio; and

14 (c) If the audio is more than two (2) minutes
15 in length, interspersed within the audio at intervals of no fewer than two
16 (2) minutes each.

17 (c)(1) A candidate or previous candidate whose appearance, action, or
18 speech is depicted through the use of a deceptive and fraudulent deepfake in
19 violation of subsection (b) of this section may seek injunctive or other
20 equitable relief prohibiting the publication of the deceptive and fraudulent
21 deepfake within two (2) years of the election date in the election in which
22 the deceptive and fraudulent deepfake was first used.

23 (2) The State Board of Election Commissioners may find an
24 individual liable for violating subsection (b) of this section and impose a
25 civil penalty of:

26 (A) The payment of a fine of not more than ten thousand
27 dollars (\$10,000), if the person committed the offense within five (5) years
28 of one (1) or more previous convictions under this section;

29 (B) The payment of a fine of not more than five thousand
30 dollars (\$5,000), if the person commits the violation with the intent to
31 cause violence or bodily harm to any person; or

32 (C) In any other case, to payment of a fine of not more
33 than one thousand dollars (\$1,000).

34 (d) This section does not apply to:

35 (1) An interactive computer service, internet service provider,
36 cloud provider, cybersecurity provider, communication service provider, or

1 telecommunications network when acting as a venue for the distribution by
2 another person of a deceptive and fraudulent deepfake;

3 (2) A radio or television broadcasting station, programmer,
4 producer or streaming service, mobile application, or online platform when
5 acting as a platform for the distribution by another person of a deceptive
6 and fraudulent deepfake as a paid advertisement;

7 (3) A person engaged in his or her ordinary course of business
8 as a contracted media buyer who contracts to facilitate the distribution by
9 another person of a deceptive and fraudulent deepfake as a paid
10 advertisement, including without limitation an advertising agency, media
11 placement company, or third-party marketing firm, when acting as a contracted
12 media buyer;

13 (4) A radio or television broadcasting station that broadcasts a
14 deceptive and fraudulent deepfake as part of a bona fide newscast, news
15 interview, news documentary, or on-the-spot coverage of bona fide news events
16 if:

17 (A) The broadcast clearly acknowledges in a manner that
18 can be easily heard or read by the average listener or viewer, through
19 content or disclosure, that the authenticity of the deceptive and fraudulent
20 deepfake cannot be confirmed; or

21 (B) Federal law requires a broadcaster to air an
22 advertisement from a legally qualified candidate that includes the deceptive
23 and fraudulent deepfake;

24 (5) A website or regularly published newspaper, magazine, or
25 other periodical of general circulation, including without limitation an
26 internet or electronic publication, that:

27 (A) Routinely carries news and commentary of general
28 interest; and

29 (B) Publishes a deceptive and fraudulent deepfake, if the
30 publication clearly states that the authenticity of the deceptive and
31 fraudulent deepfake cannot be confirmed; and

32 (6) Synthetic media that constitutes satire or parody.

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34 /s/A. Collins
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