

1 State of Arkansas As Engrossed: H1/16/25 H2/27/25 H3/19/25

2 95th General Assembly

# A Bill

3 Regular Session, 2025

HOUSE BILL 1041

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5 By: Representatives *R. Scott Richardson, A. Collins*

6 By: Senators *J. Bryant, C. Tucker*

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## For An Act To Be Entitled

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AN ACT TO PROHIBIT DECEPTIVE AND FRAUDULENT DEEPPAKES

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IN ELECTION COMMUNICATIONS; TO PROVIDE FOR A CAUSE OF

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ACTION AND CIVIL PENALTIES FOR THE USE OF DECEPTIVE

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AND FRAUDULENT DEEPPAKES; AND FOR OTHER PURPOSES.

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## Subtitle

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TO PROHIBIT DECEPTIVE AND FRAUDULENT

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DEEPPAKES IN ELECTION COMMUNICATIONS.

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

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SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 1, is amended

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to add an additional section to read as follows:

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

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Exceptions.

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(a) As used in this section:

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

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that:

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(A) Inaccurately alters or artificially generates the

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speech, conduct, image, or likeness of a candidate or political party with

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the intent to injure the reputation of the candidate or political party or

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otherwise deceive a voter; and

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(B)(i) Appears to a reasonable person to depict an

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individual saying or doing something that did not actually occur in reality;

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or

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(ii) Provides a reasonable person a fundamentally

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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/R. Scott Richardson  
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