

Senate Bill 392

By: Senators Albers of the 56th, Burns of the 23rd, Robertson of the 29th, Williams of the 25th, Strickland of the 17th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to  
2 elections and primaries generally, so as to establish the criminal offense of election  
3 interference with a deep fake and solicitation of such; to provide for definitions; to provide  
4 for exceptions; to provide for punishment; to provide for the State Election Board to publish  
5 results of investigations into such offenses; to provide for legislative findings; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds:

10 (1) The significant and rapid increase in use and advancements of artificial intelligence  
11 and other sophisticated technologies poses a unique danger to the State of Georgia's free  
12 and fair system of elections;

13 (2) Artificial intelligence and other technologies now allow individuals, both in good  
14 faith and bad faith, to create deep fake materials that falsely depict conduct that appears  
15 to be real;

16 (3) The state and its citizens have the upmost rights to both free and fair elections and  
17 freedom of speech; and

18 (4) This Act is narrowly tailored for the purpose of protection against the use of deep  
19 fake materials in bad faith to significantly influence elections by reducing certain  
20 candidates' chances of being elected or by suppressing voter turnout through mass  
21 confusion.

22 **SECTION 2.**

23 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and  
24 primaries generally, is amended by adding a new Code section to read as follows:

25 "21-2-605.

26 (a) As used in this Code section, the term:

27 (1) 'Deep fake' means a video recording, video file, sound recording, sound file,  
28 electronic image, or photograph, that:

29 (A) Is created through technological means, rather than through the ability of another  
30 person to physically or verbally impersonate such person; and

31 (B) Appears to depict a real person's speech or conduct that did not occur in reality.

32 (2) 'Election' shall have the same meaning as provided in Code Section 21-5-3.

33 (b) A person commits the offense of election interference with a deep fake if he or she  
34 creates, publishes, broadcasts, streams, or uploads a deep fake within 90 days of an election  
35 with the intent to deceive one or more electors for the purpose of:

36 (A) Reducing a candidate's chance of being elected in an election; or

37 (B) Otherwise influencing the result of an election or referendum,

38 (c) A person commits the offense of solicitation of election interference with a deep fake  
39 when he or she, with the intent that a violation proscribed by subsection (b) of this Code  
40 section be committed, commands, encourages, or requests another to commit a violation  
41 proscribed by subsection (b) of this Code section.

42 (d) For purposes of subsections (b) and (c) of this Code section, a deep fake that is created  
43 by a candidate, or is created at a candidate's request, and that includes a depiction of that  
44 same candidate shall not constitute an illegal deep fake.

45 (e) A person who commits an offense under this Code section shall be guilty of a felony  
46 and be sentenced to a term of imprisonment of not less than one year nor more than five  
47 years and by a fine not to exceed \$50,000.00."

48 **SECTION 3.**

49 Said chapter is further amended in Code Section 21-2-33.1, relating to enforcement of  
50 chapter, suspension of election superintendents, and support and assistance from the  
51 Secretary of State, by adding a new subsection to read as follows:

52 "(a.1) In any investigation stemming from an alleged violation of Code Section 21-2-605,  
53 the State Election Board shall release to the public the findings of any completed  
54 investigation."

55 **SECTION 4.**

56 All laws and parts of laws in conflict with this Act are repealed.