

1 **SENATE FLOOR VERSION**

2 February 22, 2024

3 **AS AMENDED**

4 SENATE BILL NO. 1655

5 By: Rader

6 **[elections - media - disclosures - action - award -**
7 **exceptions - codification - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 16-127 of Title 26, unless there
12 is created a duplication in numbering, reads as follows:

13 A. For purposes of this section:

14 1. "Deceptive and fraudulent deepfake" means synthetic media
15 that depicts a candidate for elective office or political party with
16 the intent to injure the reputation of the candidate or party or
17 otherwise deceive a voter that:

18 a. appears to a reasonable person to depict a real
19 individual saying or doing something that did not
20 actually occur in reality, or

21 b. provides a reasonable person a fundamentally different
22 understanding or impression of the appearance, action,
23 or speech than a reasonable person would have from the
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1 unaltered, original version of the image, audio
2 recording, or video recording; and

3 2. "Synthetic media" means an image, an audio recording, or a
4 video recording of an individual's appearance, speech, or conduct
5 that has been created or intentionally manipulated with the use of
6 generative adversarial network techniques or other digital
7 technology in a manner to create a realistic but false image, audio,
8 or video.

9 B. Except as provided in subsection C of this section, a
10 person, corporation, committee, or other entity shall not, within
11 ninety (90) days prior to an election at which a candidate for
12 elective office will appear on the ballot, distribute a synthetic
13 media message that the person, corporation, committee, or other
14 entity knows or should have known is a deceptive and fraudulent
15 deepfake of a candidate or party on the state or local ballot.

16 C. 1. The prohibition in subsection B of this section shall
17 not apply if the audio or visual media includes a disclosure
18 stating: "This _____ (image, audio, or video) has been
19 manipulated by technical means and depicts speech or conduct that
20 did not occur."

21 2. For visual media, the text of the disclosure shall appear in
22 a size that is easily readable by the average viewer and no smaller
23 than the largest font size of other text appearing in the visual
24 media. If the visual media does not include any other text, the

1 disclosure shall appear in a size that is easily readable by the
2 average viewer. For visual media that is video, the disclosure
3 shall appear for the duration of the video.

4 3. If the media consists of audio only, the disclosure shall be
5 read in a clearly spoken manner and in a pitch that can be easily
6 heard by the average listener, at the beginning of the audio, at the
7 end of the audio, and, if the audio is greater than two (2) minutes
8 in length, interspersed within the audio at intervals of not greater
9 than two (2) minutes each.

10 D. A candidate whose appearance, action, or speech is depicted
11 through the use of a deceptive and fraudulent deepfake may seek
12 injunctive or other equitable relief prohibiting the publication of
13 such deceptive and fraudulent deepfake or may bring an action for
14 general or special damages against the person or entity in violation
15 of subsection B of this section. The court may award a prevailing
16 party court costs and reasonable attorney fees.

17 E. The requirements of this section shall not apply to:

18 1. A radio or television broadcasting station, including a
19 cable or satellite television operator, programmer, or producer,
20 that broadcasts a deceptive and fraudulent deepfake prohibited by
21 this section as part of a bona fide newscast, news interview, news
22 documentary, or on-the-spot coverage of bona fide news events, if
23 the broadcast clearly acknowledges through content or a disclosure,
24 in a manner that can be easily heard or read by the average listener

1 or viewer, that there are questions about the authenticity of the
2 materially deceptive audio or visual media;

3 2. A radio or television broadcasting station, including a
4 cable or satellite television operator, programmer, or producer,
5 when it is paid to broadcast a deceptive and fraudulent deepfake and
6 has made a good faith effort to establish the depiction is not a
7 deceptive and fraudulent deepfake;

8 3. An internet website, or a regularly published newspaper,
9 magazine, or other periodical of general circulation, including an
10 internet or electronic publication, that routinely carries news and
11 commentary of general interest, and that publishes materially
12 deceptive audio or visual media prohibited by this section, if the
13 publication clearly states that the materially deceptive audio or
14 visual media does not accurately represent the speech or conduct of
15 the candidate; or

16 4. Materially deceptive audio or visual media that constitutes
17 satire or parody.

18 SECTION 2. This act shall become effective November 1, 2024.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
20 February 22, 2024 - DO PASS AS AMENDED

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