HB1860

LRB104 10831 SPS 20912 b

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1860

Introduced 1/29/2025, by Rep. Abdelnasser Rashid

SYNOPSIS AS INTRODUCED:

10 ILCS 5/29-21 new

Amends the Election Code. Provides that a person shall not distribute, or enter into an agreement with another person to distribute, materially deceptive media if: (1) the person knows the media falsely represents a depicted individual; (2) the distribution occurs within 90 days before an election; (3) the person intends the distribution to harm the reputation or electoral prospects of a candidate in an election or otherwise deceive voters; and (4) the person intends the distribution to change the voting behavior of electors in an election by deceiving the electors into incorrectly believing that the depicted individual in fact engaged in the speech or conduct depicted, and the distribution is reasonably likely to cause that result. Sets forth exceptions to the provision and penalties for violations of the provision. Effective immediately.

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A BILL FOR

AN ACT concerning elections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Election Code is amended by adding Section 29-21 as follows:

(10 ILCS 5/29-21 new)

Sec. 29-21. Disclosure of digitally altered content.

(a) As used in this Section:

"Deepfake" means any video recording, motion-picture film, sound recording, electronic image, or photograph, or any technological representation of speech or conduct substantially derivative of any one or more of those forms of media:

(1) that is so realistic that a reasonable person would believe it depicts speech or conduct of an individual who did not in fact engage in such speech or conduct; and

(2) the production of which was substantially dependent upon technical means rather than the ability of another individual to physically or verbally impersonate the depicted individual.

"Depicted individual" means an individual in a deepfake who appears to be engaging in speech or conduct in which the

individual did not engage.

(b) Except as provided in subsection (b), a person shall not distribute, or enter into an agreement with another person to distribute, materially deceptive media if:

(1) the person knows the media falsely represents a depicted individual;

(2) the distribution occurs within 90 days before an election;

(3) the person intends the distribution to harm the reputation or electoral prospects of a candidate in an election or otherwise deceive voters; and

(4) the person intends the distribution to change the voting behavior of electors in an election by deceiving the electors into incorrectly believing that the depicted individual in fact engaged in the speech or conduct depicted, and the distribution is reasonably likely to cause that result.

(c) The prohibition described in subsection (b) does not apply:

(1) If the media includes a disclaimer informing the viewer that the media has been manipulated by technical means and depicts speech or conduct that did not occur. The following disclaimer is sufficient, but not necessary, to satisfy the requirement of this subsection:

"This (insert image, audio, or video) has been manipulated by technical means and depicts speech or

conduct that did not occur."

(2) If the media is a video, the disclaimer satisfies all of the following requirements:

(A) it appears throughout the entirety of the video;

(B) it is clearly visible to and readable by an observer;

(C) it is in letters at least as large as the majority of any text communication, or if there is no other text communication, in a size that is easily readable by the average viewer; and

(D) it is in the same language as the language used in the video media.

(3) If the media consists only of audio and contains no image or video, the disclaimer is read at the beginning and end of the media in a clearly spoken manner, in a pitch that can be easily heard by the average listener, and in the same language as the audio media.

(4) If the media is an image, the disclaimer meets all of the following requirements:

(A) it is clearly visible to and readable by the average viewer;

(B) it is in letters at least as large as the majority of the other text, if the media contains other text; and

(C) it is in the same language as the language used

in the image media.

(5) If the media includes a citation directing the viewer or listener to the original source from which the unedited version of the existing image, audio, or video was obtained, if the media was generated by editing an existing image, audio, or video.

(d) A candidate whose appearance, action, or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of subsection (b) may seek injunctive or other equitable relief prohibiting the publication of such deceptive and fraudulent deepfake.

(d) Except as otherwise provided in this subsection, a person who violates subsection (b) commits a Class C misdemeanor.

A person who violates subsection (b) with the intent to cause violence or bodily harm commits a Class A misdemeanor.

A person who violates subsection (b) a second or subsequent time within 5 years after a prior conviction for violating subsection (b) commits a Class 3 felony.

(e) This Section does not apply to:

(1) a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, that broadcasts a deceptive and fraudulent deepfake prohibited by this Section as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events, if the

broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that there are questions about the authenticity of the materially deceptive audio or visual media;

(2) a radio or television broadcasting station, including a cable or satellite television operator, programmer, or producer, when it is paid to broadcast a deceptive and fraudulent deepfake and has made a good faith effort to establish the depiction is not a deceptive and fraudulent deepfake;

(3) a website, or a regularly published newspaper, magazine, or other periodical of general circulation, including an Internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes materially deceptive audio or visual media prohibited by this Section, if the publication clearly states that the materially deceptive audio or visual media does not accurately represent the speech or conduct of the candidate; or

(4) materially deceptive audio or visual media that constitutes satire or parody.

(f) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law.