

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1655

By: Rader

AS INTRODUCED

An Act relating to elections; defining terms; prohibiting distribution of certain media within certain time period; requiring certain disclosures; establishing requirements for certain disclosures; authorizing action for certain relief or award of damages; authorizing award for certain costs and fees; providing exceptions to applicability of provisions; providing for codification; and providing an effective date.

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

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

A. For purposes of this section:

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

- 1 a. appears to a reasonable person to depict a real
2 individual saying or doing something that did not
3 actually occur in reality, or
4 b. provides a reasonable person a fundamentally different
5 understanding or impression of the appearance, action,
6 or speech than a reasonable person would have from the
7 unaltered, original version of the image, audio
8 recording, or video recording; and

9 2. "Synthetic media" means an image, an audio recording, or a
10 video recording of an individual's appearance, speech, or conduct
11 that has been created or intentionally manipulated with the use of
12 generative adversarial network techniques or other digital
13 technology in a manner to create a realistic but false image, audio,
14 or video.

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

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

3 2. For visual media, the text of the disclosure shall appear in
4 a size that is easily readable by the average viewer and no smaller
5 than the largest font size of other text appearing in the visual
6 media. If the visual media does not include any other text, the
7 disclosure shall appear in a size that is easily readable by the
8 average viewer. For visual media that is video, the disclosure
9 shall appear for the duration of the video.

10 3. If the media consists of audio only, the disclosure shall be
11 read in a clearly spoken manner and in a pitch that can be easily
12 heard by the average listener, at the beginning of the audio, at the
13 end of the audio, and, if the audio is greater than two (2) minutes
14 in length, interspersed within the audio at intervals of not greater
15 than two (2) minutes each.

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

23 E. The requirements of this section shall not apply to:
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1 1. A radio or television broadcasting station, including a
2 cable or satellite television operator, programmer, or producer,
3 that broadcasts a deceptive and fraudulent deepfake prohibited by
4 this section as part of a bona fide newscast, news interview, news
5 documentary, or on-the-spot coverage of bona fide news events, if
6 the broadcast clearly acknowledges through content or a disclosure,
7 in a manner that can be easily heard or read by the average listener
8 or viewer, that there are questions about the authenticity of the
9 materially deceptive audio or visual media;

10 2. A radio or television broadcasting station, including a
11 cable or satellite television operator, programmer, or producer,
12 when it is paid to broadcast a deceptive and fraudulent deepfake and
13 has made a good faith effort to establish the depiction is not a
14 deceptive and fraudulent deepfake;

15 3. An internet website, or a regularly published newspaper,
16 magazine, or other periodical of general circulation, including an
17 internet or electronic publication, that routinely carries news and
18 commentary of general interest, and that publishes materially
19 deceptive audio or visual media prohibited by this section, if the
20 publication clearly states that the materially deceptive audio or
21 visual media does not accurately represent the speech or conduct of
22 the candidate; or

23 4. Materially deceptive audio or visual media that constitutes
24 satire or parody.

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

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