

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas      *As Engrossed: H1/16/25 H2/27/25 H3/19/25*  
95th General Assembly      **A Bill**  
Regular Session, 2025

HOUSE BILL 1041

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

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

### For An Act To Be Entitled

AN ACT TO PROHIBIT DECEPTIVE AND FRAUDULENT DEEPPAKES  
IN ELECTION COMMUNICATIONS; TO PROVIDE FOR A CAUSE OF  
ACTION AND CIVIL PENALTIES FOR THE USE OF DECEPTIVE  
AND FRAUDULENT DEEPPAKES; AND FOR OTHER PURPOSES.

### Subtitle

TO PROHIBIT DECEPTIVE AND FRAUDULENT  
DEEPPAKES IN ELECTION COMMUNICATIONS.

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

SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 1, is amended  
to add an additional section to read as follows:

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

(a) As used in this section:

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

(A) Inaccurately alters or artificially generates the  
speech, conduct, image, or likeness of a candidate or political party with  
the intent to injure the reputation of the candidate or political party or  
otherwise deceive a voter; and

(B)(i) Appears to a reasonable person to depict an  
individual saying or doing something that did not actually occur in reality;  
or

(ii) Provides a reasonable person a fundamentally  
different understanding or impression of the speech, conduct, image, or



likeness of a candidate or a political party than a reasonable person would have from an unaltered, original version of the image, audio recording, or video recording;

(2) "Individual" means a natural person;

(3) "Person" means:

(A) An individual;

(B) A partnership, corporation, company, association, or any other business entity;

(C) A not-for-profit corporation or association;

(D) An educational or religious institution;

(E) A political party; or

(F) A community, civic, or other organization;

(4) "Radio or television broadcasting station" includes without limitation a cable or satellite radio or television operator, programmer, or producer; and

(5) "Synthetic media" means an image, audio recording, or a video recording of an individual's appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative adversarial network techniques or other digital technology, including without limitation artificial intelligence, in a manner to create a realistic but false image, audio, or video.

(b)(1) Except as provided in subdivision (b)(2) of this section, a person shall not, within ninety (90) days of an election in which a candidate for an elected office will appear on the ballot, distribute synthetic media that the person knows or should know is a deceptive and fraudulent deepfake of a candidate or party on the state or local ballot.

(2)(A) A person may, within ninety (90) days of an election in which a candidate for an elected office will appear on the ballot, distribute synthetic media that the person knows or should know is a deceptive and fraudulent deepfake of a candidate or party on the state or local ballot if the synthetic media includes a disclosure, including without limitation the following statement: "This content has been manipulated or artificially generated."

(B)(i) If the synthetic media is visual, the text of the disclosure in subdivision (b)(2)(A) of this section shall appear in a size that is:

(a) Easily readable by the average viewer; and  
(b) No smaller than the largest font size of other text appearing in the visual media.

(ii) If the synthetic media is visual and in a video or other format in which the synthetic media image changes, the disclosure shall appear for the duration of the video or image clip.

(C) If the synthetic media consists of audio only, the disclosure shall be:

(i) Read in a clearly spoken manner; and  
(ii) In a pitch that can be easily heard by the average listener at the:

(a) Beginning of the audio;  
(b) End of the audio; and  
(c) If the audio is more than two (2) minutes in length, interspersed within the audio at intervals of no fewer than two (2) minutes each.

(c)(1) A candidate or previous candidate whose appearance, action, or speech is depicted through the use of a deceptive and fraudulent deepfake in violation of subsection (b) of this section may seek injunctive or other equitable relief prohibiting the publication of the deceptive and fraudulent deepfake within two (2) years of the election date in the election in which the deceptive and fraudulent deepfake was first used.

(2) The State Board of Election Commissioners may find an individual liable for violating subsection (b) of this section and impose a civil penalty of:

(A) The payment of a fine of not more than ten thousand dollars (\$10,000), if the person committed the offense within five (5) years of one (1) or more previous convictions under this section;

(B) The payment of a fine of not more than five thousand dollars (\$5,000), if the person commits the violation with the intent to cause violence or bodily harm to any person; or

(C) In any other case, to payment of a fine of not more than one thousand dollars (\$1,000).

(d) This section does not apply to:

(1) An interactive computer service, internet service provider, cloud provider, cybersecurity provider, communication service provider, or

telecommunications network when acting as a venue for the distribution by another person of a deceptive and fraudulent deepfake;

(2) A radio or television broadcasting station, programmer, producer or streaming service, mobile application, or online platform when acting as a platform for the distribution by another person of a deceptive and fraudulent deepfake as a paid advertisement;

(3) A person engaged in his or her ordinary course of business as a contracted media buyer who contracts to facilitate the distribution by another person of a deceptive and fraudulent deepfake as a paid advertisement, including without limitation an advertising agency, media placement company, or third-party marketing firm, when acting as a contracted media buyer;

(4) A radio or television broadcasting station that broadcasts a deceptive and fraudulent deepfake as part of a bona fide newscast, news interview, news documentary, or on-the-spot coverage of bona fide news events if:

(A) The broadcast clearly acknowledges in a manner that can be easily heard or read by the average listener or viewer, through content or disclosure, that the authenticity of the deceptive and fraudulent deepfake cannot be confirmed; or

(B) Federal law requires a broadcaster to air an advertisement from a legally qualified candidate that includes the deceptive and fraudulent deepfake;

(5) A website or regularly published newspaper, magazine, or other periodical of general circulation, including without limitation an internet or electronic publication, that:

(A) Routinely carries news and commentary of general interest; and

(B) Publishes a deceptive and fraudulent deepfake, if the publication clearly states that the authenticity of the deceptive and fraudulent deepfake cannot be confirmed; and

(6) Synthetic media that constitutes satire or parody.

/s/R. Scott Richardson