



# Bill Text: CA AB2655 | 2023-2024 | Regular Session California Assembly Bill 2655

---

---

**Bill Title:** Defending Democracy from Deepfake Deception Act of 2024.

**Spectrum:** Partisan Bill (Democrat 4-0)

**Status:** (*Passed*) 2024-09-17 - Chaptered by Secretary of State - Chapter 261, Statutes of 2024. [AB26

**Download:** [California-2023-AB2655-Chaptered.html](#)

---

---

Assembly Bill No. 2655

CHAPTER 261

An act to amend Section 35 of the Code of Civil Procedure, and to add Chapter 7 (commencing with Section 205: Code, relating to elections.

[ Approved by Governor September 17, 2024. Filed with Secretary of State S

## LEGISLATIVE COUNSEL'S DIGEST

AB 2655, Berman. Defending Democracy from Deepfake Deception Act of 2024.

Existing law establishes requirements for the conduct of election campaigns, including requirements candidates, political corporations, campaign funds, fair campaign practices, and libel and slander. Existing law prohibits any person, committee, or other entity from distributing, with actual malice, materially deceptive content to a candidate for elective office with the intent to injure the candidate's reputation or to deceive a voter. Existing law requires specified actions pertaining to elections they are filed in court, including actions involving the registration of voters, the certification of candidate contests, and, until January 1, 2027, actions involving the foregoing prohibition against materially deceptive content.

This bill, to be known as the Defending Democracy from Deepfake Deception Act of 2024, would require a large online platform to block the posting of materially deceptive content related to elections in California, during specified periods before and after an election in California. The bill would require a large online platform to label certain additional content inauthentic, during specified periods before and after an election in California.

The bill would require a large online platform to develop procedures for California residents to report content that is labeled in compliance with the act. The bill would also authorize candidates for elected office, elected officials, the Attorney General, and a district attorney or city attorney to seek injunctive relief against a large online platform that violates the act, as specified, and would assign precedence to such actions when they are filed in court.

The bill would exempt from its provisions a broadcasting station and a regularly published online newspaper or periodical of general circulation that satisfy specified requirements. The bill would also exempt content that is published on a website of a broadcasting station or newspaper or periodical of general circulation that satisfy specified requirements.

The bill would incorporate additional changes to Section 35 of the Code of Civil Procedure proposed by this bill and AB 2839 are enacted and this bill is enacted last.

## Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

---

## Bill Text

### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 35 of the Code of Civil Procedure, as amended by Section 1 of Chapter 343 of the Statutes of 2017, is amended to read:

**35.** (a) Proceedings in cases involving the registration or denial of registration of voters, the certification of candidates, the certification or denial of certification of ballot measures, election contests, actions under the Code of Civil Procedure, actions under Chapter 7 (commencing with Section 20510) of Division 20 of the Elections Code (commencing with Section 21100) of Division 21 of the Elections Code shall be placed on the calendar in the order of their date of filing and shall be given precedence.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, effective before January 1, 2027, deletes or extends that date.

**SEC. 1.5.** Section 35 of the Code of Civil Procedure, as amended by Section 1 of Chapter 343 of the Statutes of 2017, is amended to read:

**35.** (a) Proceedings in cases involving the registration or denial of registration of voters, the certification of candidates, the certification or denial of certification of ballot measures, election contests, actions under the Code of Civil Procedure, actions under Chapter 7 (commencing with Section 20510) of Division 20 of the Elections Code, actions under Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code shall be placed on the calendar in the order of their date of filing and shall be given precedence.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, effective before January 1, 2027, deletes or extends that date.

**SEC. 2.** Section 35 of the Code of Civil Procedure, as amended by Section 2 of Chapter 343 of the Statutes of 2017, is amended to read:

**35.** (a) Proceedings in cases involving the registration or denial of registration of voters, the certification of candidates, the certification or denial of certification of ballot measures, election contests, actions under the Code of Civil Procedure, actions under Section 20510) of Division 20 of the Elections Code, and actions under Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code shall be placed on the calendar in the order of their date of filing and shall be given precedence.

(b) This section shall become operative January 1, 2027.

**SEC. 2.5.** Section 35 of the Code of Civil Procedure, as amended by Section 2 of Chapter 343 of the Statutes of 2017, is amended to read:

**35.** (a) Proceedings in cases involving the registration or denial of registration of voters, the certification of candidates, the certification or denial of certification of ballot measures, election contests, actions under the Code of Civil Procedure, actions under Section 20510) of Division 20 of the Elections Code, and actions under Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code shall be placed on the calendar in the order of their date of filing and shall be given precedence.

Code, actions under Chapter 7 (commencing with Section 20510) of Division 20 of the Elections Code (commencing with Section 21100) of Division 21 of the Elections Code shall be placed on the calendar in and shall be given precedence.

(b) This section shall become operative January 1, 2027.

**SEC. 3.** Chapter 7 (commencing with Section 20510) is added to Division 20 of the Elections Code, to

## **CHAPTER 7. Defending Democracy from Deepfake Deception Act of 2024**

**20510.** This chapter shall be known and may be cited as the Defending Democracy from Deepfake Deception Act of 2024.

**20511.** The Legislature finds and declares all of the following:

(a) California is entering its first-ever generative artificial intelligence (AI) election, in which disinformation will pollute our information ecosystems like never before. Voters will not know what images, audio, or video is real.

(b) In a few clicks, using current technology, bad actors now have the power to create a false image of a candidate, a fake video of an election official "caught on tape" saying that voting machines are not secure, or to tell millions of Californians their voting site has changed.

(c) In the lead-up to the 2024 presidential elections, candidates and parties are already creating and disseminating audio and video content. These fake images or files can spread to millions of Californians in seconds and undermine trust in the ballot counting process.

(d) The labeling information required by this bill is narrowly tailored to provide consumers with information about the inauthenticity of particular images, audio, video, or text content in order to prevent consumer deception.

(e) In order to ensure California elections are free and fair, California must, for a limited time before a general election, use deepfakes and disinformation meant to prevent voters from voting and to deceive voters. Accordingly, the provisions of this chapter are narrowly tailored to support California's compelling interest in free and fair elections.

**20512.** For purposes of this chapter, the following terms have the following meanings:

(a) "Advertisement" means any general or public communication that a large online platform knows is for the purpose of supporting or opposing a candidate for elective office.

(b) "Broadcasting station" means a radio or television broadcasting station, including any of the following:

(1) Cable operator, programmer, or producer.

(2) Streaming service operator, programmer, or producer.

(3) Direct-to-home satellite television operator, programmer, or producer.

(c) "Candidate" means any person running for a voter-nominated office as defined in Section 359.5, any person running for the office of President or Vice President of the United States, and any person running for the office of Superintendent of Public Instruction.

(d) "Deepfake" means audio or visual media that is digitally created or modified such that it would lead a reasonable person to be an authentic record of the actual speech or conduct of the individual depicted in the media.

(e) "Election communication" means a general or public communication that is not an "advertisement" and is made in the following:

(1) A candidate for elective office.

(2) Voting or refraining from voting in an election in California.

(3) The canvass of the vote for an election in California, as defined in subdivision (f).

(4) Voting machines, ballots, voting sites, or other property or equipment related to an election in California.

(5) Proceedings or processes of the electoral college in California.

(f) "Election in California" means any election where a candidate, as defined in this section, is on the ballot for a statewide initiative or statewide referendum measure is on the ballot.

(g) "Elections official" means either of the following persons acting in their official capacity:

(1) An elections official as defined in Section 320.

(2) The Secretary of State.

(h) "Large online platform" means a public-facing internet website, web application, or digital application, video sharing platform, or search engine that had at least 1,000,000 California users during the preceding 12 months.

(i) (1) "Materially deceptive content" means audio or visual media that is digitally created or modified to significantly and intentionally change the perceived contents or meaning of the content, limited to, deepfakes and the output of chatbots, such that it would falsely appear to a reasonable person that the content depicted in the media.

(2) "Materially deceptive content" does not include any audio or visual media that contains only minor changes that do not significantly change the perceived contents or meaning of the content. Minor changes include change of images, removal of background noise in audio, and other minor changes that do not impact the overall appearance of the visual media.

**20513.** (a) Any large online platform shall develop and implement procedures for the use of state-of-the-art technology to identify and remove materially deceptive content if all of the following conditions are met:

(1) The content is reported pursuant to subdivision (a) of Section 20515.

(2) The materially deceptive content is any of the following:

(A) A candidate for elective office portrayed as doing or saying something that the candidate is reasonably likely to harm the reputation or electoral prospects of a candidate.

(B) An elections official portrayed as doing or saying something in connection with the performance of their duties that the elections official did not do or say and that is reasonably likely to falsely undermine one or more election contests.

(C) An elected official portrayed as doing or saying something that influences an election in California that the official did not do or say and that is reasonably likely to falsely undermine confidence in the outcome of one or more election contests.

(3) The content is posted during the applicable time period or periods set forth in subdivision (e).

(4) The large online platform knows or acts with reckless disregard for the fact that the content is materially deceptive content as defined in this section.

(b) If a post is determined to meet the requirements for removal pursuant to subdivision (a), any large online platform shall remove the post upon that determination, but no later than 72 hours after a report is made pursuant to subdivision (a) in order to be in compliance with this chapter.

(c) Any large online platform shall identify, using state-of-the-art techniques, and remove, upon discovery, any identical or substantially similar materially deceptive content that the platform has posted or reposted, pursuant to this chapter, provided that this removal occurs during the applicable time period or periods set forth in this section.

(d) (1) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (a), this section does not apply to a candidate for elective office who, during the time period set forth in subdivision (e), portrays themselves as doing or saying something that they did not do or say, if the digital content includes a disclosure stating the following: "This \_\_\_\_\_ has been manipulated and is not true." The disclosure shall be filled in with whichever of the following terms most accurately describes the media:

(A) Image.

(B) Audio.

(C) Video.

(2) (A) For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer. If the visual media does not include text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

(B) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and shall be heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is longer than two minutes, interspersed within the audio at intervals of not greater than two minutes each.

(e) (1) Except as provided in paragraph (2), any large online platform shall remove the content to the extent required by subdivisions (a) to (c), inclusive, and any candidate for elective office shall include the disclosure required by subdivision (a) beginning 120 days before an election in California and through the day of the election.

(2) If the content described in subdivision (a) depicts or pertains to elections officials, any large online platform shall remove the content to the extent required by subdivisions (a) to (c), inclusive during a period beginning 120 days before an election and ending on the 60th day after the election.

**20514.** (a) Any large online platform shall develop and implement procedures for the use of state-of-the-art technology to detect and remove materially deceptive content and for labeling such content as provided in subdivision (c) if all of the following conditions are met:

(1) The content is reported pursuant to subdivision (a) of Section 20515.

(2) The materially deceptive content is either of the following:

(A) Included within subdivision (a) of Section 20513, but is posted outside the applicable time period of Section 20513.

(B) Appears within an advertisement or election communication and is not subject to Section 20513.

(3) The large online platform knows or acts with reckless disregard for the fact that the materially deceptive content does not meet the requirements of this section.

(b) If a post is determined to meet the requirements for labeling pursuant to subdivision (a), any large online platform shall remove the content to the extent required by subdivisions (a) to (c), inclusive, upon that determination, but no later than 72 hours after a report is made pursuant to subdivision (a) to be in compliance with this chapter.

(c) The label required by subdivision (a) shall state: "This \_\_\_\_\_ has been manipulated and is not true." The disclosure shall be filled in with whichever of the following terms most accurately describes the media:

(1) Image.

(2) Audio.

(3) Video.

(d) The label required by subdivision (a) shall permit users to click or tap on it for additional explanation of the content in an easy-to-understand format.

(e) The labeling requirement set forth in subdivision (a) applies during any of the following time periods,

(1) The period beginning six months before an election in California and through the day of the election

(2) The period beginning six months before an election in California and ending on the 60th day after the election depicts or pertains to elections officials, the electoral college process, a voting machine, ballot, or vote related to an election, or the canvass of the vote.

**20515.** (a) A large online platform shall provide an easily accessible way for California residents to report content that should be removed pursuant to Section 20513 or labeled pursuant to Section 20514. The large online platform shall provide the person who made the report within 36 hours of the report, describing any action taken or not taken with respect to the content.

(b) A candidate for elective office, elected official, or elections official who has made a report to the large online platform and who either has not received a response within 36 hours or disagrees with the response of the large online platform to take action within 72 hours, may seek injunctive or other equitable relief to compel the removal of specific content as required by Section 20513, labeling of specific content as required by Section 20514, or compliance with the reporting process required by subdivision (a). The plaintiff shall bear the burden of establishing the violation through clear and convincing evidence. An action under this subdivision shall be entitled to precedence of the Code of Civil Procedure.

**20516.** The Attorney General or any district attorney or city attorney may seek injunctive or other equitable relief to compel the large online platform to compel the removal of specific content as required by Section 20513, labeling of specific content as required by Section 20514, or compliance with the reporting process required by subdivision (a) of Section 20515. The plaintiff shall bear the burden of establishing the violation through clear and convincing evidence. An action under this section shall be entitled to precedence in accordance with Section 35 of the Code of Civil Procedure.

**20517.** This chapter applies to materially deceptive content, regardless of the language used in the content, including but not limited to content not in English, the disclosure required by subdivision (d) of Section 20513 and the label required by Section 20514 in any language used as well as in English.

**20518.** (a) This chapter does not preclude a large online platform from blocking, removing, or labeling content outside of the time periods specified in Sections 20513 and 20514.

(b) This chapter does not preclude any online platform not subject to this chapter from blocking, removing, or labeling materially deceptive content.

**20519.** This chapter does not apply to any of the following:

(a) A regularly published online newspaper, magazine, or other periodical of general circulation that publishes commentary of general interest, and that publishes any materially deceptive content that an online platform is required to label based on this chapter, if the publication contains a clear disclosure that the materially deceptive content does not accurately represent any actual event, occurrence, appearance, speech, or expressive conduct.

(b) (1) A broadcasting station that broadcasts any materially deceptive content prohibited by this chapter in a newscast, news interview, news documentary, commentary of general interest, or on-the-spot coverage of a news event, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily understood by the listener or viewer, that the materially deceptive content does not accurately represent any actual event, occurrence, appearance, speech, or expressive conduct.

(2) A broadcasting station when it is paid to broadcast materially deceptive content and either of the following conditions are met:

(A) The broadcasting station can show that it has met the prohibition and disclaimer requirements in this chapter and that it has provided those prohibition and disclaimer requirements to the advertiser who purchased the advertisement.

(B) Federal law requires the broadcasting station to air advertisements from legally qualified broadcasting station from censoring or altering the message.

(c) Materially deceptive content that constitutes satire or parody.

**20520.** The provisions of this chapter are severable. If any provision of this chapter or its application shall not affect other provisions or applications that can be given effect without the invalid provision or a

**SEC. 4.** Section 1.5 of this bill incorporates amendments to Section 35 of the Code of Civil Procedure and Assembly Bill 2839. Section 1.5 of this bill shall only become operative if (1) both bills are enacted before January 1, 2025, (2) each bill amends Section 35 of the Code of Civil Procedure, as amended by Statutes of 2023, and (3) this bill is enacted after Assembly Bill 2839, in which case Section 1 of this bill. Additionally, if the above conditions are met and Assembly Bill 2839 becomes operative before January 1 of Civil Procedure, as amended by Assembly Bill 2839, shall remain operative only until January 1, 2025; this bill shall become operative, and Section 1 of this bill shall not become operative.

**SEC. 5.** Section 2.5 of this bill incorporates amendments to Section 35 of the Code of Civil Procedure and Assembly Bill 2839. Section 2.5 of this bill shall only become operative if (1) both bills are enacted before January 1, 2025, (2) each bill amends Section 35 of the Code of Civil Procedure, as amended by Statutes of 2023, and (3) this bill is enacted after Assembly Bill 2839, in which case Section 2 of this bill. Additionally, if the above conditions are met and Assembly Bill 2839 becomes operative before January 1 of Civil Procedure, as amended by Assembly Bill 2839, shall remain operative only until January 1, 2025; this bill shall become operative, and Section 2 of this bill shall not become operative.