



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4644

Introduced 2/6/2024, by Rep. Abdelnasser Rashid - Maurice A. West, II

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 and the distribution is reasonably likely to cause that result; 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.

LRB103 36201 SPS 66293 b

1 AN ACT concerning elections.

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

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

6 (10 ILCS 5/29-21 new)

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

8 (a) As used in this Section:

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

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

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

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

1 individual did not engage.

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

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

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

9 (3) the person intends the distribution to harm the
10 reputation or electoral prospects of a candidate in an
11 election and the distribution is reasonably likely to
12 cause that result; and

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

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

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

26 "This (insert image, audio, or video) has been

1 manipulated by technical means and depicts speech or
2 conduct that did not occur."

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

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

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

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

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

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

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

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

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

1 (C) it is in the same language as the language used
2 in the image media.

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

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

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

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

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

21 (e) This Section does not apply to:

22 (1) a radio or television broadcasting station,
23 including a cable or satellite television operator,
24 programmer, or producer, that broadcasts a deceptive and
25 fraudulent deepfake prohibited by this Section as part of
26 a bona fide newscast, news interview, news documentary, or

1 on-the-spot coverage of bona fide news events, if the
2 broadcast clearly acknowledges through content or a
3 disclosure, in a manner that can be easily heard or read by
4 the average listener or viewer, that there are questions
5 about the authenticity of the materially deceptive audio
6 or visual media;

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.