

Date of Hearing: August 28, 2026

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
AB 686 (Berman) – As Amended August 13, 2026

CONCURRENCE IN SENATE AMENDMENTS

SUBJECT: Elections: deceptive audio or visual media.

SUMMARY: Extends the sunset date to January 1, 2031, on a law that prohibits the intentional dissemination of fake or manipulated audio or video of a political candidate to deceive voters or damage the candidate's reputation, unless the media includes a disclosure that it has been manipulated.

The Senate amendments delete the Assembly-approved version of the bill, and instead extend the sunset date – from January 1, 2027 to January 1, 2031 – on a law that prohibits the distribution of materially deceptive audio or visual media of a candidate's appearance, speech, or conduct with actual malice with the intent to injure a candidate's reputation or to deceive a voter into voting for or against a candidate, unless the media includes a disclosure that it has been manipulated.

EXISTING LAW:

- 1) Prohibits a person, committee, or other entity, until January 1, 2027, from distributing with actual malice, within 60 days of an election at which a candidate for elective office will appear on the ballot, materially deceptive audio or visual media of a candidate with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate. (Elections Code §20010, as amended by Section 3 of Chapter 745 of the Statutes of 2022)
- 2) Prohibits a person, firm, association, corporation, campaign committee, or organization, beginning January 1, 2027, with actual malice, from producing, distributing, publishing, or broadcasting campaign material, as defined, that contains either of the following types of pictures or photographs, as specified, unless the campaign material includes a disclosure that the picture is not an accurate representation of fact:
 - a) A picture or photograph of a person or persons into which the image of a candidate for public office is superimposed.
 - b) A picture or photograph of a candidate for public office into which the image of another person or persons is superimposed. (Elections Code §20010, as amended by Section 4 of Chapter 745 of the Statutes of 2022)
- 3) Prohibits a person, committee, or other entity from knowingly distributing an advertisement or communication related to an election, with malice, that contains materially deceptive content, as specified. (Elections Code §20012)

FISCAL EFFECT: This bill is keyed non-fiscal by the Legislative Counsel. Notwithstanding that fact, this bill was referred to the Senate Appropriations Committee. According to that Committee, by authorizing a claim by specified individuals and entities to enjoin distribution of a prohibited communication and seek damages, this bill may result in an increased number of civil actions that also receive precedence when filed in court. Consequently, the bill could result in potentially significant cost pressures to the courts; the magnitude is unknown (Trial Court Trust Fund (TCTF)). The specific number of new actions that could be filed under the bill also is unknown; however, it generally costs about \$10,500 per day to operate a courtroom. Courts are not funded on the basis of workload, and increased pressure on TCTF may create a need for increased funding for courts from the General Fund (GF). The enacted 2026-27 budget includes \$70 million in ongoing support from the GF to continue to backfill TCTF for revenue declines.

COMMENTS:

1) **Prior Assembly Consideration of This Bill:** As approved by the Assembly last year, this bill would have extended existing prohibitions against state cannabis officials having specified financial interests or relationships within the licensed cannabis industry to additional appointed officials within the Department of Cannabis Control. Subsequent to the Assembly's approval, this bill was amended in the Senate to delete the Assembly-approved provisions and to add the current provisions, which were approved by the Senate by a vote of 30-6 on August 24, 2026. Accordingly, this bill has been re-referred to this committee for further consideration pursuant to Assembly Rule 77.2.

2) **Purpose of the Bill:** According to the author:

The world has changed a lot since I first authored my original legislation to regulate election deepfakes in 2019. Not only is it easier than ever to create deepfakes due to the advancements of artificial intelligence, but we are seeing deepfakes used increasingly to blur the line between truth and fiction, misleading voters. That's why this law continues to be essential in protecting voters from being tricked and influenced by manipulated videos, audio recordings, or images. AB 686 would extend the sunset date of the law from January 1, 2027, to January 1, 2031, thereby ensuring that California law continues to dissuade the creation and distribution of nefarious election-related deepfakes and other manipulated content.

3) **Deepfakes Background and Previous Legislation:** Deepfake technology refers to software capable of producing a realistic looking video of someone saying or doing something that they did not, in fact, say or do. This technology has advanced rapidly in recent years thanks to the use of artificial intelligence to help train the software. Software applications that enable a user to make deepfake videos are now available for easy download.

In response to concerns that deepfakes could be used to spread misinformation in campaigns, in 2019, the Legislature approved and Governor Newsom signed AB 730 (Berman), Chapter 493, Statutes of 2019. AB 730 prohibits the distribution of materially deceptive audio or visual media with actual malice with the intent to injure a candidate's reputation or to deceive a voter into voting for or against a candidate, unless the materially deceptive audio or visual media includes a disclosure that it has been manipulated. AB 730 does not apply

exclusively to deepfakes, but rather applies to any intentional manipulation of audio or visual images that results in a version that a reasonable observer would believe to be authentic. Nonetheless, the increasing availability and advancing capability of deepfake technology was the immediate impetus for that bill.

AB 730 was designed as an update to California's "Truth in Political Advertising Act," a law enacted in 1998 (through the passage of AB 1233 (Leach), Chapter 718, Statutes of 1998) that prohibited campaign material that contains a picture of a person into which a candidate's image is superimposed, or contains a picture of a candidate into which another person's image is superimposed, except if a specified disclaimer was included. The Truth in Political Advertising Act was introduced in response to the use of photoshopped pictures in campaign materials, and accordingly was designed to target the manipulation of photographs in campaign materials. In the 20 years following its passage, however, it was never amended to update the law to address more modern techniques of manipulating campaign materials in a manner that can mislead voters.

AB 730 replaced the Truth in Political Advertising Act with a law that regulates not only altered photographs in campaign materials, but also audio and video media that have been altered in a materially deceptive manner. The changes made through the passage of AB 730 originally were scheduled to sunset on January 1, 2023. AB 972 (Berman), Chapter 745, Statutes of 2022, extended the sunset to January 1, 2027. If that sunset date is not repealed or extended, the original Truth in Political Advertising Act as enacted by AB 1233 of 1998 would go back into effect.

In 2024, the Legislature attempted to go further in its fight against election deepfakes by enacting multiple bills targeting deceptive campaign advertisements and elections-related communications. One such bill – AB 2839 (Pellerin), Chapter 262, Statutes of 2024 – prohibits the distribution of campaign advertisements and other election communications that contain media that has been digitally altered in a deceptive way. While much of the content targeted by AB 730 (as extended by AB 972) likely would be prohibited under AB 2839, that bill has been challenged in court, and a federal district court permanently enjoined its enforcement as to the plaintiffs in that case. That decision has been appealed to the Ninth Circuit Court of Appeals, where the case remains pending. Extending the operation of AB 730 for another five years will ensure that this longstanding law against election deepfakes remains in effect while legal challenges over AB 2839 work their way through the court system.

- 4) **Arguments in Support:** In support of this bill, the California Association of Black Lawyers writes, "To ensure that the democratic process continues with integrity, voters must be properly and truthfully informed regarding candidates. Ads and other manipulative tactics to intentionally harm candidates serve no purpose but to embarrass, harass and destroy the reputation of candidates, when in fact, these candidates may be the individuals that can best serve in the applicable public office. Voters deserve to evaluate candidates based on truthful information, free from intentionally false or misleading materials. It is important that the community continue to have confidence in the integrity of the election process."

- 5) **Related Legislation:** AB 502 (Pellerin), which is also being heard in this committee today, makes various modifications to an existing law that prohibits the distribution of certain campaign advertisements and other election communications that contain media that has been digitally altered in a deceptive way.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Association of Black Lawyers

Opposition

None on file.

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