

Date of Hearing: August 28, 2026

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

AB 502 (Pellerin) – As Amended June 25, 2026

CONCURRENCE IN SENATE AMENDMENTS

SUBJECT: Elections: deceptive media in advertisements.

SUMMARY: 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.

The Senate amendments delete the Assembly-approved version of the bill, and instead:

- 1) Eliminate the ability of any recipient of a campaign advertisement or election communication that contains media that has been digitally altered in a deceptive way to seek relief in courts, and instead permit an individual who is falsely represented in the content to seek relief.
- 2) Provide that an advertisement or election communication containing materially deceptive content does not violate the law if a reasonable person would understand that the advertisement or communication was satire or parody.
- 3) Modify the standard for when deceptive content violates the law, so that it prohibits content that could materially affect a voter's electoral decisions or public confidence in an election's process or outcome, rather than content that is likely to harm a candidate's reputation or electoral prospects or falsely undermine confidence in an election outcome.
- 4) Provide that a candidate's portrayal of themselves doing or saying something that the candidate did not do or say is not prohibited if the content includes a specified disclaimer pursuant to existing law that the communication was generated or substantially altered using artificial intelligence (AI).
- 5) Establish rules for how disclosures must look, sound, and be displayed on campaign ads and election communications that use deceptively altered media to ensure that the disclosures are noticeable, similar to rules that apply to other disclosures that must appear on campaign advertisements.
- 6) Narrow the period during which the restrictions on deceptive communications apply as follows:
 - a) Shorten the period from the 120 day period before an election to the 30 day period before an election in the case of a communication that contains a deceptive portrayal of a candidate or elected official.
 - b) Shorten the period from the period beginning 120 days before an election and ending 60 days after the election, to the period beginning 30 days before an election and ending 38

days after the election in the case of a communication that contains a deceptive portrayal of an elections official or of a ballot, voting equipment, voting site, or other property related to an election.

- 7) Add an urgency clause, allowing this bill to take effect immediately upon enactment.
- 8) Make technical and clarifying changes.

EXISTING LAW:

- 1) 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.
 - a) Provides that this restriction applies to a depiction of any of the following:
 - i) A candidate doing or saying something the candidate did not do or say if the content is reasonably likely to harm the reputation or electoral prospects of the candidate.
 - ii) An elections official doing or saying something in connection with a California election the official did not do or say if the content is reasonably likely to falsely undermine confidence in the outcome of elections.
 - iii) An elected official doing or saying something in connection with a California election that the elected official did not do or say if the content is reasonably likely to harm the reputation or electoral prospects of a candidate or is reasonably likely to falsely undermine confidence in the outcome of elections.
 - iv) A voting machine, ballot, voting site, or other property or equipment related to an election in California portrayed in a materially false way if the content is reasonably likely to falsely undermine confidence in the outcome of elections.
 - b) Provides that this restriction does not apply to the following types of communications:
 - i) A candidate's portrayal of themselves doing or saying something the candidate did not do or say if the content includes a specified disclosure that it has been manipulated.
 - ii) A communication containing materially deceptive content that is satire or parody if the communication includes a disclosure that it has been manipulated for the purpose of satire or parody.
 - c) Provides that these restrictions apply only during the following time periods:
 - i) 120 days before any election in California.

- ii) In the case of content portraying elections officials, ballots, voting equipment, or voting sites, 120 days before any election in California through 60 days after the election.
 - d) Permits any recipient of materially deceptive content, a candidate or committee participating in the election, or elections official to seek injunctive or other equitable relief prohibiting the distribution of the materially deceptive content, and to seek general or special damages against the person or entity that distributed or republished the materially deceptive content, as specified. (Elections Code §20012)
- 2) 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)
 - 3) 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)
 - 4) Requires large online platforms, as defined, to remove materially deceptive and digitally modified or created content related to elections, or to label that content, during specified periods before and after an election, if the content is reported to the platform, as specified. (Elections Code §20510, et seq.)
 - 5) Requires a political advertisement that is published or distributed by a political committee to include a disclaimer if content in the ad was generated or substantially altered using AI, as specified. (Government Code §84514)

FISCAL EFFECT: None. This bill is keyed non-fiscal by the Legislative Counsel.

COMMENTS:

- 1) **Prior Assembly Consideration of This Bill:** As approved by the Assembly last year, this bill would have eliminated requirements that certain notices required by the Elections Code be sent by registered mail and instead would have required those notices to be sent either by electronic delivery or certified mail. 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 30-9 on August 25, 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:

AI-fueled disinformation can skew voter behavior by deceiving voters, impacting voter turnout, calling results into question, and generally undermining faith in our elections, their security, and democratic systems. Though a noteworthy example is the deepfake voice message of President Biden spread through New Hampshire to discourage voters from participating in the primary election in 2024, AI-generated disinformation is becoming more widespread in elections both in the United States and internationally. Although Governor Newsom signed AB 2839 in 2024 to prevent the distribution of digitally altered, materially deceptive campaign advertisements and other election communications during the time leading up to an election, several entities challenged the law alleging First Amendment violations, and a federal district court in Sacramento struck down the law. AB 502 seeks to narrow AB 2839 in several small but important ways to better withstand constitutional challenge and protect election integrity in the age of AI.

3) **Manipulated Media in Campaign Communications and Previous Legislation:** The use of false and deceptive information in campaigns to influence election outcomes is not a new phenomenon. Laws aimed at curbing such practices and preserving the integrity of elections have a long history in California. In 1850, the First Session of the California State Legislature created penalties for election misconduct, including for “deceiving [an elector] and causing him to vote for a different person for any office than such elector desired or intended to vote for” (Chapter 38, Statutes of 1850).

California law today includes various provisions criminalizing deceptive tactics that undermine election integrity or interfere with voters’ ability to participate in elections. This includes laws that prohibit distribution of false and misleading information about qualifications to vote or about the days, dates, times, and places where voting may occur; prohibit the misleading use of government seals in campaign literature; and prohibit coercing or deceiving people into voting in a way that was inconsistent with the person’s intent.

Advances in technology have made it increasingly simple to produce false and misleading media that appears authentic. Moreover, platforms like social media have facilitated the rapid dissemination of deceptive media to large audiences at minimal cost. These developments may make manipulated media a greater threat to election integrity than in the past.

In response, California has enacted multiple bills in recent years targeting deceptive campaign advertisements and elections-related communications. Notably, last session, the Legislature approved AB 2355 (Wendy Carrillo), Chapter 260, Statutes of 2024, which requires a political advertisement to include a disclaimer if the ad’s content was generated or substantially altered using AI; AB 2655 (Berman), Chapter 261, Statutes of 2024, which requires large online platforms to remove or label materially deceptive and digitally modified

or created content related to elections during specified periods before and after an election; and AB 2839 (Pellerin), Chapter 262, Statutes of 2024, which prohibits the distribution of campaign advertisements and other election communications that contain media that has been digitally altered in a deceptive way.

AB 2839 was signed into law on September 17, 2024, and contained an urgency clause, so it took effect immediately. The same day it was signed, AB 2839 was challenged in federal court. About two weeks later, the court granted a preliminary injunction blocking most of AB 2839 from enforcement, and the court later permanently enjoined its enforcement as to the plaintiffs in that case. In blocking the law on First Amendment grounds, the court wrote, “AB 2839 suffers from ‘a compendium of traditional First Amendment infirmities,’ stifling too much speech while at the same time compelling it on a selective basis. While there are serious concerns about deepfakes and AI affecting elections, California’s AB 2839 represents a law that is well intentioned but constitutionally infirm. When it comes to political expression, the antidote is not prematurely stifling content creation and singling out specific speakers but encouraging counter speech, rigorous fact-checking, and the uninhibited flow of democratic discourse” (*Kohls v. Bonta* (2025) 797 F.Supp.3d 1177, internal citations omitted). That decision has been appealed to the Ninth Circuit Court of Appeals, where the case remains pending.

This bill makes various changes to AB 2839 intended to strengthen the law against constitutional challenges. Among other changes, the bill narrows the universe of individuals who have standing to challenge deceptive content; expressly provides that content a reasonable person would understand to be satire or parody is not covered by the bill; narrows the period surrounding elections during which restrictions on deceptive content apply; and modifies the standard for evaluating the harm that must be demonstrated for deceptive content to be subject to the law’s restrictions.

- 4) **Arguments in Support:** The sponsor of this bill, the California Initiative for Technology & Democracy, writes in support:

To limit election disinformation...the Legislature passed, and the Governor signed, AB 2839 (Pellerin), Chap. 262, Stats. 2024, which prohibited the distribution of digitally altered, materially deceptive campaign advertisements and other election communications close to an election. This bill seeks to strengthen AB [2839] in several small but important ways to better withstand constitutional challenge. First, it clarifies that the requirement to label satire does not apply if the content truly is satire – that is, if a reasonable person would recognize that it is satire. If a reasonable person would not and the content is materially deceptive, then it must be labeled as such. Second, the bill limits who can seek relief to only those depicted in the fraudulent material, as well as candidates and committees participating in the election. Finally, the bill makes the labeling provisions of the bill consistent with other laws, including...AB 2355 (Carrillo), Chap. 260, Stats. 2024. These cleanup changes will make it easier for a court to uphold key provisions of...AB 2839 and better protect election integrity in California.

- 5) **Arguments in Opposition:** In a joint letter of opposition, the Electronic Frontier Foundation and the First Amendment Coalition write:

We respectfully oppose A.B. 502...which seeks to address the constitutional deficiencies of A.B. 2839. Unfortunately, it fails to do so. Meanwhile, a federal district court has stayed enforcement of A.B. 2839, and the language to be amended by A.B. 502 is subject to active federal litigation. Moreover, A.B. 502 is unconstitutional on its own merits. A.B. 502 seeks to amend existing disclosure requirements and to narrow the scope of who can sue for violations of the statute. In doing so, A.B. 502 would still impose disclosure requirements to otherwise protected speech. A.B. 502 would reach some entities who did not create the content of concern and thus does not reflect the full First Amendment protection due republication of speech pertaining to matters of public interest by those not connected with the creation of the offending material. The First Amendment requires distinguishing between those who create synthetic media and those not directly involved in it...A.B. 502 does not pass constitutional muster on its own or as a revision to A.B. 2839, which is currently mired in active litigation.

- 6) **Related Legislation:** AB 686 (Berman), which is also being heard in this committee today, 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.

REGISTERED SUPPORT / OPPOSITION:

Support

California Initiative for Technology & Democracy, a Project of California Common Cause
(Sponsor)
Techequity Action

Opposition

Electronic Frontier Foundation
First Amendment Coalition

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