
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 686 (Berman) - Elections: deceptive audio or visual media

Version: June 9, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: E. & C.A. 4 - 1, JUD. 11 - 0

Mandate: No

Consultant: Robert Ingenito

Bill Summary: AB 686 would extend the sunset date, from January 1, 2027 to January 1, 2031, for the law prohibiting a person, committee, or other entity from distributing materially deceptive audio or visual deepfakes of a candidate for election with actual malice and the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate within 60 days of an election at which a candidate for elective office will appear on the ballot, as specified, and unless certain conditions are met.

Fiscal Impact: 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. The enacted 2026-27 budget includes \$70 million in ongoing support from the General Fund to continue to backfill TCTF for revenue declines.

Background: Deepfake technology refers to artificial intelligence-based tools capable of creating highly realistic audio, video, or visual content that falsely depicts an individual saying or doing something that did not occur. In response to concerns regarding the potential use of manipulated media to mislead voters and influence election outcomes, AB 730 (Berman, 2019) established restrictions on the distribution of materially deceptive audio or visual media in political campaigns. Specifically, the measure prohibits the distribution of manipulated media with actual malice and the intent to harm a candidate's reputation or deceive voters into supporting or opposing a candidate, unless the content contains a disclosure indicating that it has been altered.

The provisions of AB 730 apply broadly to intentionally manipulated audio and visual content, not solely to deepfake technology. The law covers any altered media that a reasonable person would believe to be authentic and that materially misrepresents a candidate's speech, actions, or conduct.

AB 730 amended and expanded California's existing "Truth in Political Advertising Act," originally enacted through AB 1233 (Leach, 1998). The original law addressed the use of digitally altered photographs in campaign materials by prohibiting deceptive images that superimposed a candidate's likeness onto another person or another person's likeness onto a candidate, unless accompanied by a specified disclaimer.

AB 730 replaced the photograph-focused framework of the Truth in Political Advertising Act with a broader standard addressing emerging forms of manipulated media, including altered photographs, audio recordings, and video content. The measure's provisions were initially scheduled to sunset on January 1, 2023, but were extended until January 1, 2027, pursuant to AB 972 (Berman, 2022).

Proposed Law: This bill would extend the sunset date—from January 1, 2027 to January 1, 2031—for the law prohibiting a person, committee, or other entity from distributing materially deceptive audio or visual deepfakes of a candidate for election with actual malice and the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate within 60 days of an election at which a candidate for elective office will appear on the ballot, as specified, and unless certain conditions are met.

Related Legislation:

- AB 2839 (Pellerin, Chapter 262, Statutes of 2024), prohibited the distribution of digitally altered, materially deceptive campaign advertisements and other election communications close to an election unless certain conditions are met.
- AB 972 (Berman, Chapter 745, Statutes of 2022) extended the sunset and operative dates prescribed by AB 730 from January 1, 2023, to January 1, 2027.
- AB 730 (Berman, Chapter 493, Statutes of 2019), prohibited 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 3075 (Berman, Chapter 241, Statutes of 2018) created the Office of Elections Cybersecurity and requires the office, among other provisions, to assess false or misleading information regarding the electoral process, mitigate the false or misleading information, and educate voters with valid information from election officials or the Secretary of State, as specified.
- AB 1233 (Leach, Chapter 718, Statutes of 1998) 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.

Staff Comments: The Office of the Legislative Counsel has keyed this bill "non-fiscal." However, the purview of this Committee, pursuant to Joint Rule 10.5, is to review and analyze bills that would, among other things, result in a substantial expenditure of state money. Thus, even though the bill was keyed "non-fiscal," the Committee requested the bill to examine the extent to which it might potentially increase costs to the State. As noted above, this bill would result in increased cost pressures to the courts.

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