

CONCURRENCE IN SENATE AMENDMENTS

AB 686 (Berman)

As Amended August 13, 2026

Majority vote

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.

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

COMMENTS

As approved by the Assembly, 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. The provisions added in the Senate have not been heard in a policy committee in the Assembly during this legislative session

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. Various tools that enable a user to make deepfake videos are now widely available.

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 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 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 of 2019 originally were scheduled to sunset on January 1, 2023. AB 972 (Berman), Chapter 745, Statutes of 2022, extended the sunset date 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.

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."

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."

Arguments in Opposition

None received.

FISCAL COMMENTS

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

VOTES:**ASM BUSINESS AND PROFESSIONS: 17-0-1**

YES: Berman, Flora, Ahrens, Alanis, Bains, Caloza, Chen, Elhawary, Hadwick, Haney, Irwin, Jackson, Krell, Lowenthal, Macedo, Nguyen, Pellerin

ABS, ABST OR NV: Bauer-Kahan

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bennett, Jeff Gonzalez, Nguyen

UPDATED

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CONSULTANT: Ethan Jones / ELECTIONS / (916) 319-2094

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