

Assembly Bill No. 502

CHAPTER 333

An act to amend Section 20012 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 19, 2026. Filed with
Secretary of State September 19, 2026.]

LEGISLATIVE COUNSEL’S DIGEST

AB 502, Pellerin. Elections: deceptive media in advertisements.

Existing law prohibits a person or entity from knowingly distributing an election communication containing materially deceptive content that portrays specified candidates and officials as doing or saying something that the candidate or 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 an election. Existing law applies this prohibition within 120 days of an election in California and, for content involving elections officials and voting machines and related equipment, up to 60 days after an election.

Existing law exempts an election communication from this prohibition if the content includes a disclosure stating that the communication has been manipulated. Existing law requires, for visual media, that the text of this disclosure appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media.

This bill would instead prohibit the distribution of materially deceptive content that is material to a voter’s electoral decisions or to public confidence in an election’s process or outcome, as specified. The bill would set forth additional requirements relating to the color and font size of the disclosure’s text. The bill would specify that the prohibition applies within the 30 days before an election in California with regard to candidates for any federal, state, or local elected office and elected officials and, with regard to elections officials and voting machines and related equipment, beginning 30 days before an election through 38 days after the election.

Under existing law, the prohibition does not apply to an advertisement or other election communication containing materially deceptive content that constitutes satire or parody if the communication includes a specified disclosure.

This bill would also exempt an advertisement or other election communication from these prohibitions if a reasonable person would understand that the content was satire or parody.

Existing law authorizes a recipient of materially deceptive content, among others, to seek an injunction or to bring an action for general or special

damages against the person, committee, or other entity that distributed or republished the materially deceptive content.

This bill would instead authorize the individual depicted in the materially deceptive content to seek the injunction or to bring the action for general or special damages.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 20012 of the Elections Code is amended to read: 20012. (a) The Legislature finds and declares as follows:

(1) California has now experienced its first-ever artificial intelligence (AI) election, in which disinformation powered by generative AI can pollute our information ecosystems like never before. Voters often do not know what images, audio, or video they can trust.

(2) In a few clicks, using current technology, bad actors now have the power to create a false image of a candidate accepting a bribe, or a fake video of an elections official “caught on tape” saying that voting machines are not secure, or generate an artificial robocall in the Governor’s voice telling millions of Californians their voting site has changed.

(3) In the 2024 presidential elections, candidates and parties created and distributed deepfake images and audio and video content. These fake images or files can skew election results, even if they use older methods of distribution, such as mail, television, telephone, and text, and undermine trust in the ballot counting process.

(4) Federal and state law prohibits the impersonation of candidates for public office and state and federal officials.

(5) California has a compelling interest in ensuring that its elections are free and fair and that its electorate is informed.

(6) Voters begin to concentrate on elections, and information about candidates, in the weeks immediately before elections are held. This is a short timeframe in which disinformation can influence voters’ decisions and may not be corrected before voters cast their votes.

(7) In order to ensure California elections are free and fair, California must, for a limited time before and after elections, prevent the use of deepfakes and disinformation meant to prevent voters from voting and deceive voters based on fraudulent content. The provisions of this section are narrowly tailored to advance California’s compelling interest in protecting free and fair elections.

(8) The labeling information required by this bill is narrowly tailored to provide voters with factual information about the inauthenticity of particular images, audio, video, or text content in order to prevent voter deception.

(9) A voter’s opinion of a candidate may be irreparably tainted by a fabricated representation of a candidate or elected official saying or doing something they did not say or do. These false, negative impressions may

exist indefinitely once posted on the internet and permanently damage a candidate or elected official's reputation and even put their safety at risk.

(b) (1) A person, committee, or other entity shall not, during the time period set forth in subdivision (c), with malice, knowingly distribute an advertisement or other election communication containing materially deceptive content of any of the following:

(A) (i) A candidate for any federal, state, or local elected office in California portrayed as doing or saying something that the candidate did not do or say if the content would be material to a voter's electoral decisions or to public confidence in an election's process or outcome.

(ii) For purposes of clause (i), "candidate for any federal, state, or local elected office" includes any person running for the office of President of the United States or Vice President of the United States who seeks to or will appear on a ballot issued in California.

(B) An elections official portrayed as doing or saying something in connection with an election in California that the elections official did not do or say if the content is material to public confidence in an election's process or outcome.

(C) An elected official portrayed as doing or saying something in connection with an election in California that the elected official did not do or say if the content would be material to a voter's electoral decisions or to public confidence in an election's process or outcome.

(D) 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 material to public confidence in an election's process or outcome.

(2) Notwithstanding subparagraph (A) of paragraph (1), this section does not apply to a candidate portraying themselves as doing or saying something that the candidate did not do or say if the content includes the disclosure required by Section 84514 of the Government Code or a disclosure stating, in every language used in the media, "This ____ has been manipulated." and complies with the following requirements:

(A) The blank in the disclosure shall be filled with whichever of the following terms most accurately describes the media:

(i) Image.

(ii) Audio.

(iii) Video.

(B) (i) For visual media, the text of the disclosure shall be in a color that contrasts with the background so as to be easily readable by the average viewer.

(ii) For visual media that is video, the disclosure shall appear for the duration of the video and shall be in standard Arial Regular type that is at least 4 percent of the height or width of the television or video display advertisement, whichever is less.

(iii) For visual print media that is designed to be individually distributed, including, but not limited to, mailers, flyers, and door hangers, the disclosure shall be in standard Arial Regular type that is at least 14 point.

(iv) For visual print media that is larger than those designed to be individually distributed, including, but not limited to, yard signs or billboards, the disclosure shall be in standard Arial Regular type with a total height of at least 5 percent of the height of the advertisement.

(v) For visual electronic media that is a graphic, image, animated graphic, or animated image, the disclosure shall be in standard Arial Regular type with a type size of at least 11 point.

(vi) For any other type of visual media, the disclosure shall be in standard Arial Regular type with a size that is easily readable by the average viewer.

(vii) The disclosure shall not have its type condensed or have the spacing between characters reduced to be narrower than a normal noncondensed standard Arial Regular type.

(C) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each.

(3) (A) A person, committee, or other entity shall not, during the time period set forth in subdivision (c), do either of the following:

(i) Remove any disclosure required by paragraph (2).

(ii) Knowingly republish any content subject to paragraph (2) without the required disclosure.

(B) A violation of subparagraph (A) is evidence of intent to knowingly distribute an advertisement or other election communication containing materially deceptive content, as prohibited by paragraph (1).

(c) The prohibition in subdivision (b) applies only during the following time periods:

(1) For individuals set forth in subparagraph (A) of paragraph (1) of subdivision (b), 30 days before any election in California in which the candidate is running.

(2) For individuals set forth in subparagraph (C) of paragraph (1) of subdivision (b), 30 days before any election in California.

(3) For people and items set forth in subparagraphs (B) and (D) of paragraph (1) of subdivision (b), 30 days before any election in California through 38 days after the election, inclusive.

(d) (1) A depicted individual, candidate or committee participating in the election, or elections official may seek injunctive or other equitable relief prohibiting the distribution of the materially deceptive content in violation of this section. The court shall also award a prevailing plaintiff reasonable attorney's fees and costs. An action under this paragraph shall be entitled to precedence in accordance with Section 35 of the Code of Civil Procedure.

(2) (A) A depicted individual, candidate or committee participating in the election, or elections official may bring an action for general or special damages against the person, committee, or other entity that distributed or republished the materially deceptive content in violation of this section. The court shall also award a prevailing party reasonable attorney's fees and

costs. This subdivision shall not be construed to limit or preclude a plaintiff from securing or recovering any other available remedy at law or equity.

(B) This paragraph does not apply to a broadcasting station or internet website that distributed the materially deceptive content if the broadcasting station or internet website did not create the content.

(3) In any civil action alleging a violation of this section, the plaintiff shall bear the burden of establishing the violation through clear and convincing evidence.

(e) (1) This section does not apply to a broadcasting station that broadcasts any materially deceptive content prohibited by this section as part of a bona fide newscast, news interview, news documentary, commentary of general interest, or on-the-spot coverage of bona fide news events, if the broadcast clearly acknowledges through content or a disclosure, in a manner that can be easily heard or read by the average listener or viewer, that the materially deceptive content does not accurately represent any actual event, occurrence, appearance, speech, or expressive conduct.

(2) This section does not apply to a broadcasting station when it is paid to broadcast materially deceptive content and either of the following circumstances exist:

(A) The broadcasting station can show that it has prohibition and disclaimer requirements that are consistent with the requirements in this section and that it has provided those prohibition and disclaimer requirements to each person or entity that purchased the advertisement.

(B) Federal law requires the broadcasting station to air advertisements from legally qualified candidates or prohibits the broadcasting station from censoring or altering the message.

(3) This section does not apply to a regularly published newspaper, magazine, or other periodical of general circulation, including an internet or electronic publication, that routinely carries news and commentary of general interest, and that publishes any materially deceptive content prohibited by this section, if the publication clearly states that the materially deceptive content does not accurately represent any actual event, occurrence, appearance, speech, or expressive conduct.

(4) This section does not apply to an advertisement or other election communication containing materially deceptive content if either of the following criteria is satisfied:

(A) A reasonable person would understand that the content was satire or parody.

(B) The materially deceptive content includes a disclosure stating “This _____ has been manipulated for purposes of satire or parody,” or substantially similar language, and the disclosure complies with the requirements set forth in paragraph (2) of subdivision (b).

(5) This section does not impose liability on an interactive computer service, as defined in Section 230(f)(2) of Title 47 of the United States Code.

(f) For purposes of this section, the following definitions apply:

(1) “Advertisement” means any general or public communication that is authorized or paid for the purpose of supporting or opposing a candidate

for elective office in California or a ballot measure that appears on a ballot issued in California and that is broadcast by or through television, radio, telephone, or text, distributed through the internet, or disseminated by print media, including billboards, video billboards or screens, and other similar types of advertising.

(2) “Broadcasting station” means a radio or television broadcasting station, including any of the following:

- (i) Cable operator, programmer, or producer.
- (ii) Streaming service operator, programmer, or producer.
- (iii) Direct-to-home satellite television operator, programmer, or producer.

(3) “Committee” means a committee as defined in Section 82013 of the Government Code.

(4) “Deepfake” means audio or visual media that is digitally created or modified such that it would falsely appear to a reasonable person to be an authentic record of the actual speech or conduct of the individual depicted in the media.

(5) “Depicted individual” means an individual who is falsely represented in materially deceptive content.

(6) “Election communication” means any general or public communication not covered under “advertisement” that is broadcast by or through television, radio, telephone, or text, distributed through the internet, or disseminated by print media, including billboards, video billboards or screens, and other similar types of communications, that concerns any of the following:

- (A) A candidate for office or ballot measure.
- (B) Voting or refraining from voting in an election.
- (C) The canvass of the vote.

(7) “Elections official” means any of the following persons, but only in their capacity as a person charged with holding or conducting an election, conducting a canvass, assisting with the holding or conducting of an election or a canvass, or performing another duty related to administering the provisions of the Elections Code:

- (i) An elections official as defined in Section 320.
- (ii) The Secretary of State and their staff.
- (iii) A temporary worker, poll worker, or member of a precinct board.
- (iv) Any other person charged with holding or conducting an election, conducting a canvass, assisting with the holding or conducting of an election or a canvass, or performing another duty related to administering the provisions of the Elections Code.

(8) “Malice” means the person, committee, or other entity distributed the audio or visual media knowing the materially deceptive content was false or with a reckless disregard for the truth.

(9) (A) “Materially deceptive content” means audio or visual media that is intentionally digitally created or modified, which includes, but is not limited to, deepfakes, such that the content would falsely appear to a reasonable person to be an authentic record of the content depicted in the media.

(B) “Materially deceptive content” does not include any audio or visual media that contains only minor modifications that do not significantly change the perceived contents or meaning of the content. Minor changes include changes to brightness or contrast of images, removal of background noise in audio, and other minor changes that do not impact the content of the audio or visual media.

(10) “Recipient” includes a person who views, hears, or otherwise perceives an image or audio or video file that was initially distributed in violation of this section.

(g) The provisions of this section apply regardless of the language used in the advertisement or solicitation. If the language used is not English, the disclosure required by paragraph (2) of subdivision (b) shall appear in the language used in the advertisement or solicitation.

(h) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for this act to apply to the November 3, 2026, statewide general election, it is necessary that this act take effect immediately.