ASSEMBLY BILL NO. 271–ASSEMBLYMEMBERS
GURR, DELONG, HIBBETTS; AND HANSEN

FEBRUARY 20, 2025
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Referred to Committee on Legislative Operations and Elections

SUMMARY—Revises provisions relating to elections.
(BDR 24-138)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to elections; prohibiting the use of artificial intelligence in equipment used for voting, ballot processing or ballot counting; requiring certain published material that is generated through the use of artificial intelligence or that includes a materially deceptive depiction of a candidate to include certain disclosures; prohibiting, with certain exceptions, the distribution of synthetic media that contains a deceptive and fraudulent deepfake of a candidate; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1     Existing law authorizes the use of mechanical voting systems that meet or
2 exceed certain federal and state standards. (NRS 293B.063-293B.103) **Section 5** of
3 this bill prohibits any equipment used for voting, ballot processing or ballot
4 counting from using artificial intelligence.
5     Existing law requires that certain statements and communications relating to an
6 election contain disclosures to provide the public with certain information relating
7 to the source or purpose of the statement or communication. (NRS 294A.347-
8 294A.3495) **Section 7** of this bill requires any published material that: (1) expressly
9 advocates the election or defeat of a candidate or the passage or defeat of a ballot
10 question to include a disclosure; and (2) is generated through the use of artificial
11 intelligence to include a disclosure. **Section 8** of this bill requires any published
12 material that: (1) expressly advocates the election or defeat of a candidate or the
13 passage or defeat of a ballot question to include a disclosure; and (2) includes a
14 materially deceptive depiction of a candidate to include a disclosure. **Section 9** of
15 this bill prohibits, under certain circumstances and with certain exceptions, a person

16  from distributing synthetic media that the person knows or should know contains a
17  deceptive and fraudulent deepfake of the candidate.
18      **Sections 2, 3 and 9** of this bill define certain terms used in this bill.
19      **Section 4** of this bill indicates the placement of **sections 2 and 3**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1      **Section 1.**  Chapter 293 of NRS is hereby amended by adding
2  thereto the provisions set forth as sections 2 and 3 of this act.
3      **Sec. 2.**  *"Artificial intelligence" means a machine-based*
4  *system that can, for a given set of human-defined objectives, make*
5  *predictions, recommendations or decisions influencing real or*
6  *virtual environments.*
7      **Sec. 3.**  *"Ballot marking device" means a device which allows*
8  *a registered voter to mark a paper ballot which is subsequently*
9  *counted on an electronic tabulator, counting device or computer.*
10      **Sec. 4.**  NRS 293.010 is hereby amended to read as follows:
11      293.010   As used in this title, unless the context otherwise
12  requires, the words and terms defined in NRS 293.016 to 293.121,
13  inclusive, *and sections 2 and 3 of this act* have the meanings
14  ascribed to them in those sections.
15      **Sec. 5.**  Chapter 293B of NRS is hereby amended by adding
16  thereto a new section to read as follows:
17      *Any equipment used for voting, ballot processing or ballot*
18  *counting, including, without limitation, automatic tabulating*
19  *equipment and programs, ballot marking devices, electronic*
20  *devices used pursuant to NRS 293.269927 or 293C.26327 to check*
21  *signatures on mail ballots, mechanical recording devices,*
22  *mechanical voting systems and voting machines must not use*
23  *artificial intelligence.*
24      **Sec. 6.**  Chapter 294A of NRS is hereby amended by adding
25  thereto the provisions set forth as sections 7, 8 and 9 of this act.
26      **Sec. 7.**  *1.   Any published material that expressly advocates*
27  *the election or defeat of a candidate for a state or local office or*
28  *the passage or defeat of a ballot question in an election and is*
29  *generated through the use of artificial intelligence must include*
30  *the following disclosure on the published material:*
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32      *This   communication   was   generated   using   artificial*
33      *intelligence.*
34
35      *2.   A person who willfully violates this section is guilty of a*
36  *misdemeanor.*

**Sec. 8.** *1.* *Any published material that expressly advocates the election or defeat of a candidate or the passage or defeat of a ballot question in an election and includes a materially deceptive depiction of the candidate must include the following disclosure on the published material:*

> *This material has been manipulated to include a materially deceptive depiction of a candidate.*

*2.* *For the purposes of subsection 1, published material includes a materially deceptive depiction of a candidate if:*

*(a) The published material has been manipulated to change the physical appearance of a candidate or depict a candidate performing an act that did not occur; or*

*(b) The published material includes an image of the candidate that has been altered to change the saturation, brightness, contrast, color or other visible quality of an image of the candidate.*

*3.* *A person who willfully violates any provision of this section is guilty of a misdemeanor.*

**Sec. 9.** *1.* *Except as otherwise provided in this section, a person shall not, within 90 days of an election at which a candidate will appear on the ballot, distribute synthetic media that the person knows or should know contains a deceptive and fraudulent deepfake of the candidate.*

*2.* *The provisions of subsection 1 do not apply to any of the following:*

*(a) Any person who publishes synthetic media that includes a clear and conspicuous disclaimer that the synthetic media includes a deceptive and fraudulent deepfake of a candidate.*

*(b) A radio broadcasting station, a television broadcasting station or a cable or satellite television operator that:*

*(1) Broadcasts synthetic media as part of a bona fide newscast, interview, documentary or coverage of a bona fide news event; and*

*(2) Indicates during the newscast, interview, documentary or coverage of a bona fide news event that there are questions about the authenticity of the image, audio recording or video recording of the candidate in the synthetic media.*

*(c) Any Internet website that routinely carries news and commentary of general interest or any regularly published newspaper, magazine or other periodical of general circulation that includes a disclosure on synthetic media that the image, audio or visual recording of the candidate does not accurately represent the speech or conduct of the candidate.*

*(d) Any person who publishes synthetic media as part of entertainment as a satire or parody.*

*(e) Any interactive computer service provider, cloud service provider or Internet service provider.*

*3.   Any candidate who is depicted in synthetic media that contains a deceptive and fraudulent deepfake of the candidate may seek an injunction or other equitable relief in district court.*

*4.   Any person who violates a provision of this section is guilty of a misdemeanor.*

*5.   As used in this section:*

*(a) "Deceptive and fraudulent deepfake" means synthetic media that:*

*(1) Depicts a candidate with the intent to injure the reputation of the candidate or otherwise deceive a voter; and*

*(2) Does at least one of the following:*

*(I) Appears to a reasonable person to depict a real natural person saying or doing something that did not occur in reality; or*

*(II) Provides a reasonable person with a fundamentally different understanding or impression of an appearance, action or speech than a reasonable person would have from the unaltered, original version of the appearance, action or speech.*

*(b) "Generative adversarial network" means a framework for machine learning that uses adversarial training towards the development of generative artificial intelligence.*

*(c) "Generative artificial intelligence" means a technology of artificial intelligence that is capable of creating content such as text, audio, image or video based on patterns learned from large volumes of data rather than being explicitly programmed with rules.*

*(d) "Synthetic media" means an image, audio recording or video recording of the appearance, speech or conduct of a person that has been intentionally manipulated with the use of generative adversarial network techniques, artificial intelligence, generative artificial intelligence or any other digital technology to create a realistic but false image, audio recording or video recording that produces:*

*(1) A depiction that to a reasonable natural person is of a real natural person in appearance, action or speech but that did not actually occur in reality; and*

*(2) A fundamentally different understanding or impression of the appearance, action or speech of a person than what a reasonable natural person would have from viewing or listening to the unaltered original version of the image, audio recording or video recording.*

1     **Sec. 10.**   1.   This section becomes effective upon passage and
2 approval.
3     2.   Sections 1 to 9, inclusive, of this act become effective:
4     (a) Upon passage and approval for the purpose of adopting any
5 regulations and performing any preparatory administrative tasks that
6 are necessary to carry out the provisions of this act; and
7     (b) On January 1, 2026, for all other purposes.

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