

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

PUBLISHED: 1/28/2026 9:48 AM

ORIGINAL

Bill Number: HB868

Patron: Cousins

Bill Title: Elections; political campaign advertisements; synthetic media; penalty.

Bill Summary: Prohibits electioneering communications containing synthetic media, as those terms are defined in the bill, from being published or broadcast without containing the following conspicuously displayed statement: "This message contains synthetic media that has been altered from its original source or artificially generated and may present conduct or speech that did not occur." The bill creates a civil penalty not to exceed \$25,000 for a violation of such prohibition and a Class 1 misdemeanor for a willful violation. The bill permits any registered voter who receives an electioneering communication in violation of this requirement to institute an action for preventative relief to prohibit the publication or dissemination of such electioneering communication, including an application for a permanent or temporary injunction.

Budget Amendment Necessary: No

Items Impacted: N/A

Explanation: N/A

Fiscal Summary: There is an indeterminate state fiscal impact as a result of this bill. The provisions of the bill establish a Class 1 misdemeanor. The Department of Elections does not expect a fiscal impact.

Fiscal Analysis: The bill prohibits electioneering communications containing synthetic media, as defined in the bill, from being published or broadcast. The bill creates a civil penalty not to exceed \$25,000 for a violation of such prohibition and a Class 1 misdemeanor for a willful violation. The bill permits any registered voter who receives an electioneering communication in violation of this requirement to institute an action for preventative relief to prohibit the publication or dissemination of such electioneering communication. As stand-alone legislation, the Department of Elections (ELECT) considers implementation of this bill as "routine," and does not require additional funding. However, if there is an excessive number per election cycle ELECT may require funding based on the complexity of complaints. For the past four years ELECT has average 169 "stand by your ad" complaints that require research and follow-up before presenting it to the state board. The research required to make a decision ranges from a singular hour to 8 hours over several days. Due to the nature of the ads in question and how they're created, it could be challenging and require access to technological resources currently inaccessible to ELECT. In addition to the limited technology, ELECT qualified personnel are limited.

Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays localities \$5.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a

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jail. It also funds a large portion of the jails' operating costs, e.g., correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2025), the estimated total state support for local jails averaged \$58.25 per inmate, per day in FY 2024.

Other: Similar legislation includes HB982.