

SB 1571 A -A6 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 2/29, 3/4

WHAT THE MEASURE DOES:

The measure requires the disclosure of the use of synthetic media in campaign communications. It establishes an enforcement mechanism and civil penalties for violations and gives the Secretary of State rulemaking authority. It declares an emergency and is effective on passage.

FISCAL: Indeterminate fiscal impact

REVENUE: No revenue impact

Senate Vote: Ayes, 23; Nays, 7 (Bonham, Boquist, Linthicum, Robinson, Smith DB, Thatcher, Weber)

Detailed Summary

Establishes definitions for "synthetic media" and "campaign communication." Requires a campaign communication that includes any form of synthetic media to disclose that the image, audio recording, or video recording has been manipulated. Allows the Secretary of State (SOS) to institute proceedings for violations, unless the violation is by the SOS, a candidate for the office of SOS, or any political committee or person supporting the SOS or SOS candidate, and then the Attorney General may institute proceedings for violations. Gives the SOS rulemaking authority. Allows a circuit court to issue injunctions, prohibitions, restraining orders, or other actions. Requires court, upon proof of violation, to impose a civil penalty of not more than \$10,000, which will go to the General Fund. Exempts certain entities from the disclosure requirement and civil penalties under specified circumstances. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Requiring disclosure and not banning the use
- Requirements for disclosure set through rulemaking and likely to mirror other disclosure requirements
- Definition of synthetic media and whether it includes photoshopped images

EFFECT OF AMENDMENT:

-A6 The amendment changes "fundamentally" to "materially" in the definition of synthetic media so that the use of synthetic media must produce a materially different understanding or impression than a reasonable person would have from the unaltered, original version of the image, audio recording, or video recording.

BACKGROUND:

The [U.S. Cybersecurity and Infrastructure Agency](#) (CISA) states that Artificial Intelligence (AI)-enabled capabilities is a type of software that uses statistical models that generalize the patterns and structures of existing data to either reorganize existing data or create new content. This content can range from writing computer code, to authoring new text, to developing synthetic media such as video, image, and audio files.

CISA's [Generative AI and the 2024 Election Cycle Fact Sheet](#) also states that malicious actors may also use generative AI to deploy phishing and social engineering techniques, generating lifelike audio in any individual's voice, creating highly realistic fake images, powering counterfeit social media profiles, and producing deepfakes to support influence operation narratives. While these types of attacks are not new, CISA states that generative AI allows malicious actors to employ them with greater speed and sophistication and for a much lower cost.

According to the National Conference of State Legislatures, as of January 3, 2024, only six states have enacted policies regulating generative AI's use in campaigns. Legislation may use "deepfake", "synthetic media," or "deceptive media" when referring to AI. One approach prohibits the use in elections and campaigns by restricting the publication of generative AI content within a certain period of time before the polls open. Another approach requires disclaimers on AI-generated content, similar to campaign finance disclosures.