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MEMORANDUM

To: Chairperson Thompson
Members of the Senate Committee on Federal and State Affairs

From: The Office of Revisor of Statutes

Date: February 8, 2024

Subject: SB 375 – Prohibiting the use of generative artificial intelligence to alter the appearance, action, or speech of a candidate or elected state official.

Senate Bill No. 375 (SB 375) would amend two statutes to prohibit the use of generative artificial intelligence (AI) to alter the appearance, action, or speech of a candidate or elected state official. The bill would add such prohibition to the list of actions considered to be corrupt political advertising.

First, SB 375 amends K.S.A. 25-2407, which is the general election crime of engaging in corrupt political advertising. The bill defines the use of generative AI in any image or audio or video recording as “synthetic media.” Corrupt political advertising, in general, would include the use of synthetic media to falsely depict the appearance, action, or speech of a candidate for office or an elected state official. The criminal penalty would remain the same at a class C misdemeanor.

The bill provides an affirmative defense if the synthetic media includes a disclosure that the media has been manipulated. This bill also specifies how the disclosure is to be presented as part of the synthetic media for both visual and audio media.

Second, SB 375 amends K.S.A. 25-4156, which prohibits corrupt political advertising under the Campaign Finance Act. The provisions are almost identical to the amendments to K.S.A. 25-2407. Since the Campaign Finance Act only pertains to elections and candidates, the prohibition on using synthetic media to falsely represent an elected state official is not included. Violations of K.S.A. 25-4156 would fall under the jurisdiction of the Governmental Ethics Commission.

If enacted, SB 375 would become effective on July 1, 2024.