

February 5, 2024

The Honorable Mike Thompson, Chairperson
Senate Committee on Federal and State Affairs
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Fiscal Note for SB 375 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 375 is respectfully submitted to your committee.

SB 375 would prohibit the use of generative artificial intelligence to create false representations of candidates in campaign media or of state officials. The bill would define “synthetic media” as an image, an audio recording or a video recording of an individual's appearance, speech or conduct that has been intentionally manipulated with the use of generative artificial intelligence techniques or other digital technology in a manner that creates a realistic but false or inaccurate media. This would include images, audio or video recordings that would produce a depiction, that to a reasonable individual, is of a real individual in appearance, action or speech but that did not actually occur in reality.

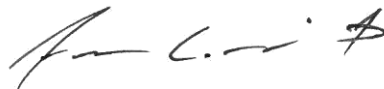
The bill would expand the definition of the crime of “corrupt political advertising” to include using synthetic media in any election campaign communication through any medium to alter the appearance, action or speech of a candidate or using synthetic media in any communication through any medium to alter the appearance, action, or speech of an elected or appointed state official or candidate. The bill would also allow an affirmative defense that the communication includes a disclosure stating, “This (image/video/audio) has been manipulated.” The bill would specify how the disclosure is to be expressed.

The Governmental Ethics Commission indicates enactment of SB 375 could result in additional investigatory and analytical expenses which would depend on the number of violations. However, the agency is unable to estimate the fiscal effect. The Secretary of State indicates SB 375 would not have a fiscal effect.

The Office of Judicial Administration indicates SB 375 could increase the number of cases filed in the district courts because the bill would expand the crime of corrupt political advertising. These provisions of the bill would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. Since this crime would carry a misdemeanor penalty, there could also be additional supervision of offenders by court services officers. The enactment of the bill could increase the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. The agency indicates that it is unable to estimate a fiscal effect. Any fiscal effect associated with SB 375 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates SB 375 would have a fiscal effect on the counties if there were widespread violations or alleged violations which would create a need for more court actions. However, the Association is unable to estimate the fiscal effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Mark Skoglund, Governmental Ethics Commission
Sandy Tompkins, Office of the Secretary of State
Jay Hall, Kansas Association of Counties
Trisha Morrow, Judiciary