

SB 1571 -3, -4 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 2/13, 2/15

WHAT THE MEASURE DOES:

The measure requires the disclosure of the use of artificial intelligence (AI) in campaign ads. It establishes an enforcement mechanism and civil penalties for violations. It declares an emergency and is effective on passage.

Detailed Summary

Establishes definitions for "artificial intelligence" and "campaign communication." Requires the disclosure of AI in any campaign communication. Allows the Secretary of State to institute proceedings for violations. If the candidate is for the office of Secretary of State, then the Attorney General may institute proceeds for violations. Allows a circuit court to enter injunctions, prohibitions, restraining orders, or other actions. Upon proof of violation, the court is required to impose a civil penalty of not more than \$10,000, which will go to the General Fund. Declares emergency; effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 The amendment removes the definition for "artificial intelligence," adds a definition for "synthetic media," and makes conforming changes. It exempts certain entities from being subject to civil penalties. It also adds language regarding the enforcement mechanism for civil penalties for violations.

Detailed Summary

Removes definition for "artificial intelligence," adds definition for "synthetic media," and makes conforming changes. Adds language extending the Attorney General's ability to institute proceeds for violations for failure to disclose the use of synthetic media in any campaign communication to any political committee or person supporting the Secretary of State or a candidate for the office of Secretary of State. Adds new language exempting certain interactive computer services and information services from being subject to violations. Adds new language exempting:

- radio and television stations that include synthetic media as part of a bona fide newscast, interview, documentary, or coverage of a bona fide news event from being subject to violations, as long as the media clearly indicates that there are questions about the authenticity in the communication;
- radio and television broadcasters, websites, and online platforms if they are paid to broadcast synthetic media;
- a regularly published newspaper or magazine that publishes synthetic media if they include a statement about the campaign communication not accurately representing a ballot issue or candidate; and
- content that is considered to be satire, parody, or an impersonation of a candidate without the use of technology.

-4 Gives the Secretary of State explicit rulemaking authority for instituting proceedings for violations.

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

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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 explains that for the 2024 election cycle, generative AI capabilities will likely not introduce new risks to election infrastructure, but may amplify the existing risks. This is because while these capabilities could enhance election security and administration, they could also be used for nefarious purposes. For example, this technology can be used to reduce the costs and increase the scale of cyber incidents and foreign influence operations, including to create malware that can evade cybersecurity defenses, and enabling more effective distributed denial of service attacks, which can take down election-related websites by flooding them with massive amounts of data.

CISA 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.