

January 31, 2024

The Honorable Pat Proctor, Chairperson
House Committee on Elections
300 SW 10th Avenue, Room 218-N
Topeka, Kansas 66612

Dear Representative Proctor:

SUBJECT: Fiscal Note for HB 2559 by Representatives Proctor and V. Miller

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2559 is respectfully submitted to your committee.

HB 2559 would prohibit the use of “synthetic media” 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 recording 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.

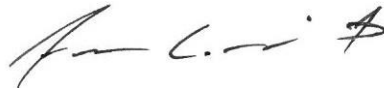
The Governmental Ethics Commission indicates enactment of HB 2559 could result in additional investigatory and analytical expenses which would depend on the number of violations. However, the agency is unable to estimate the fiscal effect. The Secretary of State indicates HB 2559 would not have a fiscal effect.

The Office of Judicial Administration indicates HB 2559 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 HB 2559 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates HB 2559 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
Jay Hall, Kansas Association of Counties
Sandy Tompkins, Office of the Secretary of State
Trisha Morrow, Judiciary