LFC Requester:	HILLA

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION
{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original   x   **Amendment** _____

Correction _____ **Substitute** _____

Date 1/24/2024

Bill No: HB 182

Sponsor: Little, Chasey & Duhigg

Agency Name and Code Number: Secretary of State, 370

ELECTION CHANGES

Person Writing Analysis: Lindsey Bachman

Short Title:

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	**FY25**		

(Parenthesis ( ) Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	**FY25**	**FY26**		

(Parenthesis ( ) Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 182 amends and enacts sections of the Campaign Reporting Act.

Section 1 provides definitions for "artificial intelligence," "depicted individual," "distribution platform," and "materially deceptive media."

Section 2 creates disclaimer requirements for campaign advertisements generated by using artificial intelligence. It further provides that each occurrence of a person creating, producing, or purchasing an advertisement generated in whole or in part by artificial intelligence that fails to meet those requirements is subject to civil penalties outlined later in the bill.

Section 3 creates disclaimer requirements related to the use of materially deceptive media and creates the crime of distributing or entering into an agreement with another person to distribute materially deceptive media. It further provides penalties for the first and then subsequent violations and defines who may seek enforcement of the provisions.

The bill declares an emergency and would take effect immediately.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Artificial intelligence (AI) tools allow users to synthesize realistic images, audio, and videos that may convincingly represent candidates as well as public and elected officials. What's more, the use of AI in the creation of campaign advertisements is on the rise and, with it, an increased inability for voters to discern if information contained within those ads is real.

In 2023, Gov. Ron DeSantis's presidential campaign released advertisements utilizing AI-generated images and audio. One included President Donald Trump reading social media posts in an AI-generated voice meant to sound like the former president, but it did not include any information that told viewers it was created using artificial intelligence.

In January 2024, a robocall went out to voters in New Hampshire that featured an AI-generated voice meant to realistically mimic President Joe Biden. The call's message discouraged participation in the state's presidential primary and promoted candidates of the Democratic Party in the November general election. The robocall did not indicate who created it or paid for it, nor did it include a disclaimer that let voters know it was created using artificial intelligence.

When considering the regulation of AI in its 2023 report "Regulating AI Deepfakes and Synthetic Media in the Political Arena," the Brennan Center for Justice found that that "instilling confidence in elections and preventing election-related violence are stalwart justifications for labeling and other transparency requirements at a minimum..." (Source link: [Regulating AI Deepfakes and Synthetic Media in the Political Arena | Brennan Center for Justice](#)).

Ultimately, the provisions of House Bill 182 would create needed transparency to help build essential trust among New Mexico's voters in the electoral process. They would make voters aware of the use of AI in the democratic process and increase an understanding of the existence of mis- and dis- information.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The provisions of House Bill 182 align with existing public education efforts within the Secretary of State's Office to combat the potential use of AI to spread mis- and dis- information in elections. Recognizing the significance of this issue, the office is planning on launching a comprehensive outreach campaign in 2024.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS