

1 AN ACT relating to protection of information and declaring an emergency.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 42.722 is amended to read as follows:

4 As used in KRS 42.720 to 42.742:

- 5 (1) *"Artificial intelligence" means the use of machine learning and related*
6 *technologies that uses data to train statistical models for the purpose of enabling*
7 *computer systems to perform tasks normally associated with human intelligence*
8 *or perception;*
- 9 (2) *"Artificial intelligence system":*
- 10 (a) *Means any machine-based computing system that, for any explicit or*
11 *implicit objective, infers from the inputs such system receives how to*
12 *generate outputs, including but not limited to content, decisions,*
13 *predictions, or recommendations, that can influence physical or virtual*
14 *environments; and*
- 15 (b) *Does not include an artificial intelligence system that is used for*
16 *development, prototyping, and research activities before such artificial*
17 *intelligence system;*
- 18 (3) "Communications" or "telecommunications" means any transmission, emission, or
19 reception of signs, signals, writings, images, and sounds of intelligence of any
20 nature by wire, radio, optical, or other electromagnetic systems, and includes all
21 facilities and equipment performing these functions;
- 22 (4) *"Consequential decision" means any decision that has a material legal or*
23 *similarly significant effect on the provision or denial of services, cost, or terms to*
24 *any citizen or business;*
- 25 (5) *"Deployer" means any state department, state agency, or state administrative*
26 *body in the Commonwealth that puts into use a high-risk artificial intelligence*
27 *system;*

- 1 (6) "Developer" means any department, agency, or administrative body that develops
2 or intentionally and substantially modifies a high-risk artificial intelligence
3 system that is offered, purchased, sold, leased, given, or otherwise provided to
4 citizens and businesses in the Commonwealth;
- 5 (7) "Foundation model" means a machine learning model that is trained on broad
6 data at scale, designed for generality of output, and can be adapted to a wide
7 range of distinctive tasks;
- 8 (8) "General-purpose artificial intelligence model":
9 (a) Means a model used by any form of artificial intelligence system that
10 displays significant generality, is capable of performing a wide range of
11 distinct tasks, and can be integrated into a variety of subsequent
12 applications or systems; and
13 (b) Does not include any artificial intelligence model that is used for
14 development, prototyping, and research activities before such artificial
15 intelligence model is released on the market;
- 16 (9) "Generative artificial intelligence" means an artificial intelligence system that is
17 capable of producing and used to produce synthetic content, including audio,
18 images, text, and videos;
- 19 (10) "Generative artificial intelligence system" means any artificial intelligence
20 system or service that incorporates generative artificial intelligence;
- 21 (11)~~(2)~~ "Geographic information system" or "GIS" means a computerized database
22 management system for the capture, storage, retrieval, analysis, and display of
23 spatial or locationally defined data;
- 24 (12) "High-risk artificial intelligence system":
25 (a) Means any artificial intelligence system that is a substantial factor in the
26 decision-making process or specifically intended to autonomously make, or
27 be a substantial factor in making, a consequential decision; and

1 **(b) Does not include a system or service intended to perform a narrow**
2 **procedural task, improve the result of a completed human activity, or detect**
3 **decision-making patterns or deviations from previous decision-making**
4 **patterns and is not meant to replace or influence human assessment without**
5 **human review, or perform a preparatory task in an assessment relevant to a**
6 **consequential decision;**

7 ~~(13)~~~~(3)~~ "Information resources" means the procedures, equipment, and software that
8 are designed, built, operated, and maintained to collect, record, process, store,
9 retrieve, display, and transmit information, and associated personnel;

10 ~~(14)~~~~(4)~~ "Information technology" means data processing and telecommunications
11 hardware, software, services, supplies, facilities, maintenance, and training that are
12 used to support information processing and telecommunications systems to include
13 geographic information systems;

14 **(15) "Machine learning" means the development of algorithms to build data-derived**
15 **statistical models that are capable of drawing inferences from previously unseen**
16 **data without explicit human instruction;**

17 ~~(16)~~~~(5)~~ "Personal information" has the same meaning as in KRS 61.931;

18 ~~(17)~~~~(6)~~ "Project" means a program to provide information technologies support to
19 functions within an executive branch state agency, which should be characterized
20 by well-defined parameters, specific objectives, common benefits, planned
21 activities, expected outcomes and completion dates, and an established budget with
22 a specified source of funding;

23 ~~(18)~~~~(7)~~ "Security breach" has the same meaning as in KRS 61.931; and

24 ~~(19)~~~~(8)~~ "Technology infrastructure" means any computing equipment, servers,
25 networks, storage, desktop support, telephony, enterprise shared systems,
26 information technology security, disaster recovery, business continuity, database
27 administration, and software licensing.

1 ➔Section 2. KRS 42.726 is amended to read as follows:

- 2 (1) The Commonwealth Office of Technology shall be the lead organizational entity
3 within the executive branch regarding delivery of information technology services,
4 including application development and delivery, and shall serve as the single
5 information technology authority for the Commonwealth.
- 6 (2) The roles and duties of the Commonwealth Office of Technology shall include but
7 not be limited to:
- 8 (a) Providing technical support and services to all executive agencies of state
9 government in the application of information technology;
- 10 (b) Assuring compatibility and connectivity of Kentucky's information systems;
- 11 (c) Developing strategies and policies to support and promote the effective
12 applications of information technology within state government as a means of
13 saving money, increasing employee productivity, and improving state services
14 to the public, including electronic public access to information of the
15 Commonwealth;
- 16 (d) Developing, implementing, and managing strategic information technology
17 directions, standards, and enterprise architecture, including implementing
18 necessary management processes to ensure full compliance with those
19 directions, standards, and architecture;
- 20 (e) Promoting effective and efficient design and operation of all major
21 information resources management processes for executive branch agencies,
22 including improvements to work processes;
- 23 (f) Developing, implementing, and maintaining the technology infrastructure of
24 the Commonwealth and all related support staff, planning, administration,
25 asset management, and procurement for all executive branch cabinets and
26 agencies except:
- 27 1. Agencies led by a statewide elected official;

- 1 2. The nine (9) public institutions of postsecondary education;
- 2 3. The Department of Education's services provided to local school
- 3 districts;
- 4 4. The Kentucky Retirement Systems, the County Employees Retirement
- 5 System, the Kentucky Public Pensions Authority, and the Teachers'
- 6 Retirement System;
- 7 5. The Kentucky Housing Corporation;
- 8 6. The Kentucky Lottery Corporation;
- 9 7. The Kentucky Higher Education Student Loan Corporation; and
- 10 8. The Kentucky Higher Education Assistance Authority;
- 11 (g) Facilitating and fostering applied research in emerging technologies that offer
- 12 the Commonwealth innovative business solutions;
- 13 (h) Reviewing and overseeing large or complex information technology projects
- 14 and systems for compliance with statewide strategies, policies, and standards,
- 15 including alignment with the Commonwealth's business goals, investment,
- 16 and other risk management policies. The executive director is authorized to
- 17 grant or withhold approval to initiate these projects;
- 18 (i) Integrating information technology resources to provide effective and
- 19 supportable information technology applications in the Commonwealth;
- 20 (j) Establishing the central statewide geographic information clearinghouse to
- 21 maintain map inventories, information on current and planned geographic
- 22 information systems applications, information on grants available for the
- 23 acquisition or enhancement of geographic information resources, and a
- 24 directory of geographic information resources available within the state or
- 25 from the federal government;
- 26 (k) Coordinating multiagency information technology projects, including
- 27 overseeing the development and maintenance of statewide base maps and

- 1 geographic information systems;
- 2 (l) Providing access to both consulting and technical assistance, and education
3 and training, on the application and use of information technologies to state
4 and local agencies;
- 5 (m) In cooperation with other agencies, evaluating, participating in pilot studies,
6 and making recommendations on information technology hardware and
7 software;
- 8 (n) Providing staff support and technical assistance to the Geographic
9 Information Advisory Council and the Kentucky Information Technology
10 Advisory Council;
- 11 (o) Overseeing the development of a statewide geographic information plan with
12 input from the Geographic Information Advisory Council;
- 13 (p) Developing for state executive branch agencies a coordinated security
14 framework and model governance structure relating to the privacy and
15 confidentiality of personal information collected and stored by state executive
16 branch agencies, including but not limited to:
- 17 1. Identification of key infrastructure components and how to secure them;
 - 18 2. Establishment of a common benchmark that measures the effectiveness
19 of security, including continuous monitoring and automation of
20 defenses;
 - 21 3. Implementation of vulnerability scanning and other security
22 assessments;
 - 23 4. Provision of training, orientation programs, and other communications
24 that increase awareness of the importance of security among agency
25 employees responsible for personal information; and
 - 26 5. Development of and making available a cyber security incident response
27 plan and procedure;~~and~~

- 1 (q) *Establishing, publishing, maintaining, and implementing comprehensive*
2 *policy standards and procedures for the responsible, ethical, and*
3 *transparent use of generative artificial intelligence systems and high-risk*
4 *artificial intelligence systems by departments, agencies, and administrative*
5 *bodies, including but not limited to policy standards and procedures that:*
6 *1. Govern their procurement, implementation, and ongoing assessment;*
7 *2. Address and provide resources for security of data and privacy; and*
8 *3. Create guidelines for acceptable use policies for integrating high-risk*
9 *artificial intelligence systems; and*
- 10 (r) Preparing proposed legislation and funding proposals for the General
11 Assembly that will further solidify coordination and expedite implementation
12 of information technology systems.
- 13 (3) The Commonwealth Office of Technology may:
- 14 (a) Provide general consulting services, technical training, and support for
15 generic software applications, upon request from a local government, if the
16 executive director finds that the requested services can be rendered within the
17 established terms of the federally approved cost allocation plan;
- 18 (b) Promulgate administrative regulations in accordance with KRS Chapter 13A
19 necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420,
20 186A.040, and 186A.285;
- 21 (c) Solicit, receive, and consider proposals from any state agency, federal agency,
22 local government, university, nonprofit organization, private person, or
23 corporation;
- 24 (d) Solicit and accept money by grant, gift, donation, bequest, legislative
25 appropriation, or other conveyance to be held, used, and applied in accordance
26 with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, and 186A.285;
- 27 (e) Make and enter into memoranda of agreement and contracts necessary or

1 incidental to the performance of duties and execution of its powers, including
2 but not limited to agreements or contracts with the United States, other state
3 agencies, and any governmental subdivision of the Commonwealth;

4 (f) Accept grants from the United States government and its agencies and
5 instrumentalities, and from any source, other than any person, firm, or
6 corporation, or any director, officer, or agent thereof that manufactures or
7 sells information resources technology equipment, goods, or services. To
8 these ends, the Commonwealth Office of Technology shall have the power to
9 comply with those conditions and execute those agreements that are
10 necessary, convenient, or desirable; and

11 (g) Purchase interest in contractual services, rentals of all types, supplies,
12 materials, equipment, and other services to be used in the research and
13 development of beneficial applications of information resources technologies.

14 Competitive bids may not be required for:

- 15 1. New and emerging technologies as approved by the executive director
16 or her or his designee; or
- 17 2. Related professional, technical, or scientific services, but contracts shall
18 be submitted in accordance with KRS 45A.690 to 45A.725.

19 (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS
20 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and
21 Records Commission and the Department for Libraries and Archives.

22 (5) The Commonwealth Office of Technology shall, on or before October 1 of each
23 year, submit to the Legislative Research Commission a report in accordance with
24 KRS 57.390 detailing:

25 (a) Any security breaches that occurred within organizational units of the
26 executive branch of state government during the prior fiscal year that required
27 notification to the Commonwealth Office of Technology under KRS 61.932;

- 1 (b) Actions taken to resolve the security breach, and to prevent additional security
2 breaches in the future;
- 3 (c) A general description of what actions are taken as a matter of course to protect
4 personal data from security breaches; and
- 5 (d) Any quantifiable financial impact to the agency reporting a security breach.

6 ➔SECTION 3. A NEW SECTION OF KRS 42.720 TO 42.742 IS CREATED TO
7 READ AS FOLLOWS:

8 **(1) The Commonwealth Office of Technology shall create an Artificial Intelligence**
9 **Governance Committee to govern the use of artificial intelligence systems by state**
10 **departments, state agencies, and state administrative bodies by:**

11 **(a) Developing policy standards and guiding principles to mitigate risks and**
12 **protect data and privacy of Kentucky citizens and businesses that adhere to**
13 **the latest version of Standard ISO/IEC 42001 of the International**
14 **Organization for Standardization;**

15 **(b) Establishing technology standards to provide protocols and requirements**
16 **for the use of generative artificial intelligence and high-risk artificial**
17 **intelligence systems;**

18 **(c) Ensuring transparency in the use of artificial intelligence systems;**

19 **(d) Maintaining a centralized registry to include current inventory of generative**
20 **artificial intelligence systems and high-risk artificial intelligence systems;**
21 **and**

22 **(e) Developing an approval process to include a registry of application, use**
23 **case, and decision rationale aimed at mitigation of risks.**

24 **(2) The Artificial Intelligence Governance Committee shall develop policies and**
25 **procedures to ensure that any department, program, cabinet, agency, or**
26 **administrative body that utilizes and accesses the Commonwealth's information**
27 **technology and technology infrastructure shall:**

- 1 (a) Verify the use and development of generative artificial intelligence systems
2 and high-risk artificial intelligence systems; and
- 3 (b) Act in compliance with responsible, ethical, and transparent procedures to
4 implement the use of artificial intelligence technologies by:
- 5 1. Ensuring artificial intelligence models have comprehensive and
6 complete documentation that is available for review and inspection;
7 2. Requiring review and intervention by humans dependent on the use
8 case and potential risk for all outcomes from generative and high-risk
9 artificial intelligence systems; and
- 10 3. Ensuring the use of generative artificial intelligence and high-risk
11 artificial intelligence systems are resilient, accountable, and
12 explainable.
- 13 (3) The Commonwealth Office of Technology shall prioritize personal privacy and
14 the protection of the data of individuals and businesses as the state develops,
15 implements, employs, and procures artificial intelligence systems, generative
16 artificial intelligence systems, and high-risk artificial intelligence systems by
17 ensuring all departments, agencies, and administrative bodies:
- 18 (a) Allow only the use of necessary data in artificial intelligence systems;
19 (b) Do not allow unrestricted access to personal data controlled by the
20 Commonwealth; and
- 21 (c) Secure all data and implement a timeframe for data retention.
- 22 (4) To maintain and secure the technology infrastructure, information technology,
23 information resources, and personal information, all departments, agencies, and
24 administrative bodies shall be subject to review of generative artificial intelligence
25 systems or high-risk artificial intelligence systems.
- 26 (5) At a minimum, the executive director of the Commonwealth Office of Technology
27 shall consider and document:

- 1 (a) How the artificial intelligence system will not result in unlawful
2 discrimination against any individual or group of individuals;
- 3 (b) How the use of generative artificial intelligence or other artificial
4 intelligence capabilities will benefit the citizens of the Commonwealth and
5 serve the objectives of the department or agency;
- 6 (c) To what extent oversight and human interaction of the artificial intelligence
7 system should be required;
- 8 (d) The potential risks, including cybersecurity, data protection and privacy,
9 and health and safety of individuals and businesses, and a mitigation
10 strategy to any identified or potential risk; and
- 11 (e) The proper control and management for all data possessed by the
12 Commonwealth to maintain security and data quality.
- 13 (6) (a) A department, agency, or administrative body shall disclose to the public,
14 through a clear and conspicuous disclaimer, when generative artificial
15 intelligence, artificial intelligence systems, or other artificial intelligence-
16 related capabilities are used:
- 17 1. To render any decision regarding individual citizens or businesses
18 within the state;
- 19 2. In any process, or to produce materials used by the system or humans,
20 to inform a decision or create an output; or
- 21 3. To produce information or outputs accessible by citizens and
22 businesses.
- 23 (b) When an artificial intelligence system makes external decisions related to
24 citizens of the Commonwealth, a department, agency, or administrative
25 body shall:
- 26 1. Disclose how artificial intelligence is used in the decision-making
27 process;

1 2. Provide the extent of human involvement in validating and oversight
2 of any decision made; and

3 3. Make readily available options for individuals to appeal a
4 consequential decision that involves artificial intelligence.

5 (c) Any disclaimer under paragraph (a) of this subsection shall also provide
6 information regarding third-party artificial intelligence products or
7 programs, including but not limited to information as to how the high-risk
8 artificial intelligence system or generative artificial intelligence system
9 works, such as system cards or other documented information provided by
10 developers.

11 (7) The Commonwealth Office of Technology shall establish policies to encompass
12 legal and ethical frameworks to ensure that any artificial intelligence systems
13 shall align with existing laws, administrative regulations, and guidelines, which
14 shall be updated at least annually to maintain compliance as technology and
15 industry best practices evolve.

16 (8) (a) Operating standards for utilization of high-risk artificial intelligence
17 systems shall prohibit the use of a high-risk artificial intelligence system to
18 render a consequential decision without the design and implementation of a
19 risk management policy and program for high-risk artificial intelligence
20 systems. The risk management policy shall:

21 1. Specify principles, process, and personnel that shall be utilized to
22 maintain the risk management program; and

23 2. Identify, mitigate, and document any bias or potential bias that is a
24 potential consequence of use in making a consequential decision.

25 (b) Each risk management policy designed and implemented shall at a
26 minimum adhere to the latest version of Standard ISO/IEC 42001 of the
27 International Organization for Standardization, or another national or

1 internationally recognized risk management framework for artificial
2 intelligence systems, and consider the:

3 1. Size and complexity of the deployer;

4 2. Nature, scope, and intended use of the high-risk artificial intelligence
5 system and its deployer; and

6 3. Sensitivity and volume of data processed.

7 (9) Sections 1 to 3 of this Act shall not be construed to require the disclosure of trade
8 secrets, confidential or proprietary information about the design or use of an
9 artificial intelligence system, or any information which would create a security
10 risk.

11 (10) The Commonwealth Office of Technology shall provide education and training of
12 employees about the benefits and risks of artificial intelligence and allowable use
13 policies.

14 (11) (a) The Commonwealth Office of Technology shall transmit reports to the
15 Legislative Research Commission and the Interim Joint Committee on State
16 Government by December 1, 2025, and annually every year thereafter. The
17 reports shall include:

18 1. The artificial intelligence registry, which shall include the current
19 inventory and use case of artificial intelligence utilized in state
20 government;

21 2. Applications received for use of artificial intelligence, including the
22 decision and rationale in approving or disapproving a request in
23 compliance with subsection (5)(c) of this section; and

24 3. Third-party artificial intelligence developers, system administrators,
25 providers, and contractors submitted for review in compliance with
26 subsection (5) of this section.

27 (b) To facilitate the report in paragraph (a) of this subsection, the

1 Commonwealth Office of Technology shall receive from each department,
 2 agency, and administrative body a report examining and identifying
 3 potential use cases for the deployment of generative artificial intelligence
 4 systems and high-risk artificial intelligence systems, including a description
 5 of the benefits and risks to individuals, communities, government, and
 6 government employees.

7 (12) The Commonwealth Office of Technology shall promulgate administrative
 8 regulations in accordance with KRS Chapter 13A to implement this section and
 9 Section 2 of this Act by December 1, 2025.

10 ➔Section 4. KRS 117.001 is amended to read as follows:

11 As used in this chapter~~[, unless the context otherwise requires]:~~

- 12 (1) "Audit log" means a detailed record of all actions and events that have occurred on
 13 the voting system, including:
- 14 (a) Log-in attempts with username and time stamp;
 - 15 (b) Election definition and setup;
 - 16 (c) Ballot preparation and results processing;
 - 17 (d) Diagnostics of any type; and
 - 18 (e) Error and warning messages and operator response;
- 19 (2) "Automatic tabulating equipment" means apparatus necessary to automatically
 20 examine and count votes as designated on ballots and data processing machines
 21 which can be used for counting ballots and tabulating results;
- 22 (3) "Ballot" or "official ballot" means the official presentation of offices and candidates
 23 to be voted for, including write-in candidates, and all public questions submitted for
 24 determination, and shall include a voting machine ballot, a paper ballot, an absentee
 25 ballot, a federal provisional ballot, a federal provisional absentee ballot, or a
 26 supplemental paper ballot which has been authorized for the use of voters in any
 27 primary, regular election, or special election by the Secretary of State or the county

1 clerk;

2 (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or
3 otherwise rendered tamper-resistant, for receiving ballots;

4 (5) "Ballot marking device" means any approved device for marking a ballot which
5 will enable the ballot to be tabulated manually or by means of automatic tabulating
6 equipment;

7 (6) "Election" or "elections" means any primary, regular election, or special election;

8 (7) "Election officer" has the same meaning as in KRS 118.015;

9 (8) (a) "Electioneering communication" means any communication broadcast by
10 cable, internet, television, or radio, presented on an electronic billboard,
11 made in telephone calls to personal residences, or otherwise electronically
12 distributed that:

13 1. Unambiguously refers to any candidate for any state, county, city, or
14 district office, or to any ballot measure;

15 2. Is broadcast, printed, mailed, delivered, made, or distributed within
16 forty-five (45) days before a primary or regular election; and

17 3. Is broadcast to, distributed to, in telephone calls made to, or otherwise
18 distributed to an audience that includes members of the electorate for
19 such public office or the electorate associated with the ballot
20 containing the ballot measure.

21 (b) "Electioneering communication" does not include:

22 1. Any news articles, editorial endorsements, opinions or commentary,
23 writings, or letters to the editor printed in a newspaper, magazine, or
24 other periodical not owned or controlled by a candidate, committee, or
25 political party;

26 2. Any editorial endorsements or opinions aired by a broadcast facility
27 not owned or controlled by a candidate, committee, or political party;

- 1 3. Any communication by persons made in the regular course and scope
 2 of their business or any communication made by a membership
 3 organization solely to members of such an organization and their
 4 families;
- 5 4. Any communication that refers to any candidate only as part of the
 6 popular name of a bill or statute;
- 7 5. A communication that constitutes a contribution or independent
 8 expenditure as defined in KRS 121.015; or
- 9 6. A bona fide newscast, news interview, news documentary, or on-the-
 10 spot coverage of a bona fide news event broadcast on any radio or
 11 television broadcasting station, including a cable or satellite television
 12 operator, programmer, or producer, that is not owned or controlled by
 13 a candidate, committee, or political party, provided that the entity does
 14 not remove or modify any disclaimer provided by the sponsor of the
 15 communication;

16 (9) "E-poll book" means an electronic device capable of holding a file of voter data and
 17 related information for use in identifying registered voters prior to a voter's
 18 receiving or casting a ballot, and allowing a voter to electronically sign in on an
 19 electronic registered voter roster in lieu of signing a paper registered voter roster;

20 (10)~~(9)~~ "Federal provisional voter" means a person:

- 21 (a) Who does not appear to be registered to vote;
- 22 (b) Whose name does not appear on the precinct roster;
- 23 (c) Who has not provided proof of identification to the precinct election officer
 24 before voting in a federal election; and
- 25 (d) Who elects to proceed with voting a federal provisional ballot under KRS
 26 117.229;

27 (11)~~(10)~~ "Federal provisional ballot" or "federal provisional absentee ballot" means

1 ballots which have been authorized by the Secretary of State or the county clerk to
2 be used by federal provisional voters in any federal primary or election;

3 ~~(12)~~~~(11)~~ **"Information content provider" means any person or entity that is**
4 **responsible, in whole or in part, for the creation or development of information**
5 **provided through the internet or any other interactive computer service;**

6 **(13)** "Inner envelope" or "secrecy envelope" means the envelope provided to the voter
7 with a ballot into which the voter shall place his or her voted ballot;

8 **(14) "Interactive computer service":**

9 **(a) Means any information service, system, or access software provider that**
10 **provides or enables computer access by multiple users to a computer server,**
11 **including specifically a service or system that provides access to the internet**
12 **and such services offered or systems operated by libraries or educational**
13 **institutions; and**

14 **(b) Does not include exemptions in the Communication Decency Act of 1996,**
15 **as amended, 47 U.S.C. sec. 230;**

16 ~~(15)~~~~(12)~~ "Political group" has the same meaning as in KRS 118.015;

17 ~~(16)~~~~(13)~~ "Political organization" has the same meaning as in KRS 118.015;

18 ~~(17)~~~~(14)~~ "Precinct ballot counter" means an automatic tabulating device used at the
19 precinct to tabulate and process ballots;

20 ~~(18)~~~~(15)~~ "Proof of identification" means a document that was issued by:

21 (a) The United States or the Commonwealth of Kentucky, and the document
22 contains:

- 23 1. The name of the individual to whom the document was issued; and
24 2. A photograph of the individual to whom the document was issued;

25 (b) The United States Department of Defense, a branch of the uniformed services,
26 the Merchant Marine, or the Kentucky National Guard, and the document
27 contains:

- 1 1. The name of the individual to whom the document was issued; and
2 2. A photograph of the individual to whom the document was issued;
- 3 (c) A public or private college, university, or postgraduate technical or
4 professional school located within the United States, and the document
5 contains:
6 1. The name of the individual to whom the document was issued; and
7 2. A photograph of the individual to whom the document was issued; or
- 8 (d) Any city government, county government, urban-county government, charter
9 county government, consolidated local government, or unified local
10 government, which is located within this state, and the document contains:
11 1. The name of the individual to whom the document was issued; and
12 2. A photograph of the individual to whom the document was issued;

13 **(19) "Sponsor" means the person or entity paying for the electioneering**
14 **communication. If a person or entity acts as an agent for another or is**
15 **reimbursed by another for the payment, the original source of the payment is the**
16 **sponsor;**

17 **(20) (a) 1. "Synthetic media" means an audio recording or video recording of an**
18 **identifiable natural individual's appearance, action, or speech that has**
19 **been intentionally manipulated with the use of generative adversarial**
20 **network techniques in a manner to create a realistic but false audio or**
21 **video that produces:**

22 **a. A depiction that, to a reasonable individual, is of an identifiable**
23 **natural individual in appearance, action, or speech that did not**
24 **actually occur in reality and that was created without the consent**
25 **of such individual; and**

26 **b. A fundamentally different understanding or impression of the**
27 **appearance, action, or speech than a reasonable person would**

1 have from the unaltered, original version of the audio recording
2 or video recording.

3 2. As used in this paragraph:

4 a. "Generative adversarial network" means a machine learning
5 model that uses neural networks to develop new data and make
6 more accurate predictions; and

7 b. "Neural network" means a machine learning algorithm modeled
8 on the human brain and nervous system.

9 (b) "Synthetic media" does not include content that contains a disclosure
10 under subsection (1) of Section 5 of this Act.

11 ~~(21)~~~~(16)~~ "Voting booth" or "ballot completion area" means an area in which a voter
12 casts his or her vote or completes his or her ballot which is designed to ensure the
13 secrecy of the vote;

14 ~~(22)~~~~(17)~~ "Vote center" means a consolidated precinct of the county;

15 ~~(23)~~~~(18)~~ "Voting equipment" means any physical component of a voting system and
16 includes voting machines where voting machines are in operation;

17 ~~(24)~~~~(19)~~ "Voting machine" or "machine":

18 (a) Means a part of a voting system that consists of one (1) or more electronic
19 devices that operate independently or as a combination of a ballot marking
20 device and an electronic or automatic vote tabulation device; and

21 (b) Does not include an e-poll book;

22 ~~(25)~~~~(20)~~ "Voting system":

23 (a) Means the total combination of physical, mechanical, electromechanical, or
24 electronic equipment, including the software, hardware, firmware, and
25 documentation required to program, control, and support that equipment, that
26 is used to:

27 1. Define ballots;

- 1 2. Cast and count votes;
- 2 3. Report or display election results; and
- 3 4. Maintain and produce any audit trail information;
- 4 (b) Includes the practices and associated documentation used to:
- 5 1. Identify system components and versions of those components;
- 6 2. Test the system during its development and maintenance;
- 7 3. Maintain records of system errors and defects;
- 8 4. Determine specific system changes to be made to a system after the
- 9 initial qualification of the system;
- 10 5. Make available any materials to the voter, such as notices, instructions,
- 11 forms, or paper ballots; and
- 12 (c) Does not include an e-poll book; and
- 13 ~~(26)~~~~(21)~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a
- 14 ballot printed for the voter to confirm his or her votes before the voter casts his or
- 15 her ballot that:
- 16 (a) Allows the voter to verify the voter's ballot choices before the casting of the
- 17 voter's ballot;
- 18 (b) Is not retained by the voter;
- 19 (c) Does not contain individual voter information;
- 20 (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- 21 (e) Is readable in a manner that makes the voter's ballot choices obvious to the
- 22 voter or any person without the use of computer or electronic code.

23 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO

24 READ AS FOLLOWS:

25 **(1) (a) Any candidate for any elected office whose appearance, action, or speech is**

26 **altered through the use of synthetic media in an electioneering**

27 **communication may seek injunctive or other equitable relief against the**

1 sponsor of the electioneering communication requiring that the
2 communication includes a disclosure that is clear and conspicuous and
3 included in, or alongside and associated with, the content in a manner that
4 is likely to be noticed by the user.

5 (b) The court may award a prevailing party reasonable attorney's fees and
6 costs. This paragraph does not limit or preclude a plaintiff from securing or
7 recovering any other available remedy.

8 (2) In any action brought under subsection (1) of this section:

9 (a) The plaintiff shall:

- 10 1. File in Circuit Court of the county in which he or she resides; and
11 2. Bear the burden of establishing the use of synthetic media by clear
12 and convincing evidence.

13 (b) The following shall not be liable except as provided in subsection (3) of this
14 section:

- 15 1. The medium disseminating the electioneering communication; and
16 2. An advertising sales representative of such medium.

17 (3) Failure to comply with an order of the court to include the required disclosure
18 herein shall be subject to the penalties set for KRS 121.990(3) for violation of
19 KRS 121.190(1).

20 (4) It is an affirmative defense for any action brought under subsection (1) of this
21 section that the electioneering communication containing synthetic media
22 includes a disclosure that is clear and conspicuous and included in, or alongside
23 and associated with, the content in a manner that is likely to be noticed by the
24 user.

25 (5) Except when a licensee, programmer, or operator of a federally licensed
26 broadcasting station transmits an electioneering communication that is subject to
27 47 U.S.C. sec. 315, a medium or its advertising sales representative may be held

1 liable in a cause of action brought under subsection (1) of this section if:

2 (a) The person intentionally removes any disclosure described in subsection (4)
3 of this section from the electioneering communication it disseminates and
4 does not remove the electioneering communication or replace the disclosure
5 when notified; or

6 (b) Subject to affirmative defenses described in subsection (4) of this section,
7 the person changes the content of an electioneering communication in a
8 manner that results in it qualifying as synthetic media.

9 (6) (a) A provider or user of an interactive computer service shall not be treated as
10 the publisher or speaker of any information provided by another
11 information content provider.

12 (b) An interactive computer service may be held liable in accordance with
13 subsection (3) of this section.

14 (c) An interactive computer service shall be exempt as provided by the
15 Communications and Decency Act of 1996, as amended, 47 U.S.C. sec. 230.

16 (7) Courts are encouraged to determine matters under this section expeditiously.

17 ➔Section 6. Whereas implementing governance to maximize the opportunities for
18 the responsible and ethical use of artificial intelligence is vitally important to combat the
19 critical impact artificial intelligence can have on the security of data and information in
20 the Commonwealth and it is critically important to protect candidates and election
21 officers from fraudulent misrepresentations of themselves and their issues, an emergency
22 is declared to exist, and this Act takes effect upon its passage and approval by the
23 Governor or upon its otherwise becoming a law.