

Honolulu, Hawaii  
, 2024

**FEB 29**

RE: H.B. No. 1766  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1766 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to prohibit the distribution of synthetic media messages in electioneering communications before an election that a person knows or should have known are deceptive and fraudulent deepfakes of a candidate or party.

Your Committee received testimony in support of this measure from SAG-AFTRA; Motion Picture Association; Hawaii Young Republicans; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; IATSE Local 665; and numerous individuals. Your Committee received testimony in opposition to this measure from numerous individuals. Your Committee received comments on this measure from the Campaign Spending Commission; Hawai'i Federation of Republican Women; and one individual.

Your Committee finds that deepfakes, which are a form of altered and manipulated media, are being used to spread political misinformation and disrupt elections across the United States. This measure would add Hawaii to the growing list of states that punish the spread of misinformation through deepfakes.



Your Committee has amended this measure by:

- (1) Prohibiting the distribution of synthetic media messages in advertisements, rather than electioneering communications;
- (2) Deleting language that would have prohibited deceptive and fraudulent deepfakes of a political party;
- (3) Deleting references to artificial intelligence;
- (4) Clarifying when a person may seek injunctive or other equitable relief to prohibit or cease the publication of a deceptive and fraudulent deepfake;
- (5) Clarifying when a person may bring an action for general or special damages;
- (6) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1766, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1766, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



