

Honolulu, Hawaii

APR 25 2024

RE: S.B. No. 2687  
S.D. 1  
H.D. 2  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2687, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Prohibit a person from distributing, or entering into an agreement with another person to distribute, materially deceptive media during certain months of election years, with exceptions;
- (2) Establish criminal penalties for distributing materially deceptive media; and
- (3) Establish remedies for parties injured by the distribution of materially deceptive media.



Your Committee on Conference finds that the potential for deceptive media to be used during election years to manipulate public opinion, spread misinformation, and undermine the foundation of the State's democracy is cause for grave concern. Your Committee on Conference believes that preserving the authenticity of political discourse is essential to a fair and informed electorate. This measure will ensure that the State's elections remain free from the harmful influence of deceptive media.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that, subject to certain exceptions, a person is prohibited from recklessly distributing, or entering into an agreement with another person to distribute, materially deceptive media;
- (2) Clarifying that the exceptions to the prohibition against the distribution of, or entering into an agreement with another person to distribute, materially deceptive media apply to:
  - (A) A broadcaster, cable operator, or direct-to-home satellite provider unless it was involved in the creation of the materially deceptive media; or
  - (B) An interactive computer service, cloud service provider, or streaming service for content provided by another person or a developer or provider of any technology used in the creation of materially deceptive media, unless the interactive computer service, cloud service provider, or streaming service has knowledge that the content is deceptive and intends to deceive a resident of the State;
- (3) Defining the terms "cloud service provider", "direct-to-home satellite provider", and "interactive computer service";
- (4) Amending section 1 to reflect its amended purpose;
- (5) Making it effective upon its approval; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2687, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2687, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



DAVID A. TARNAS  
Co-Chair



KARL RHOADS  
Chair



RICHARD H.K. ONISHI  
Co-Chair



Record of Votes of a  
Conference Committee

5

Bill / Concurrent Resolution No.: <b>SB 2687, SD 1, HD 2</b>	Date/Time: <del>4/27/24</del> <del>4/19/24 1:55 PM</del> 2:01 PM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

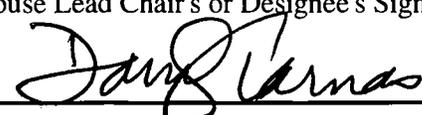
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				TARNAS, David A., Co-Chr.	✓			
ELEFANTE, Brandon J.C.	✓				ONISHI, Richard H.K., Co-Chr.	✓			
FEVELLA, Kurt	✓				LA CHICA, Trish	✓			
					MIYAKE, Tyson K.	✓			
					SOUZA, Kanani	✓			
<b>TOTAL</b>	3	0	0	0	<b>TOTAL</b>	5	0	0	0

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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**Distribution:**      **Original**      **Yellow**      **Pink**      **Goldenrod**  
 File with Conference Committee Report      House Clerk's Office      Senate Clerk's Office      Drafting Agency