

Honolulu, Hawaii
, 2024

MAR 20

RE: S.B. No. 2687
S.D. 1
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 S.B. No. 2687, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose of this measure is to prohibit a person from distributing, or entering into an agreement with another person to distribute, materially deceptive media to impact elections.

Your Committee received testimony in support of this measure from the Campaign Spending Commission; Hawaii State AFL-CIO; and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and numerous individuals. Your Committee received comments on this measure from the Department of the Attorney General and Charter Communications.

Your Committee finds that the use of deepfakes or generative artificial intelligence in elections can be a powerful tool used to spread misinformation, which can result in an increase in political tensions and electoral-related conflict and violence. This measure would add Hawaii to the growing list of states that regulate the use of deepfake and generative artificial intelligence technologies to impact elections, ensuring the



integrity of the election process and protecting voters from misinformation.

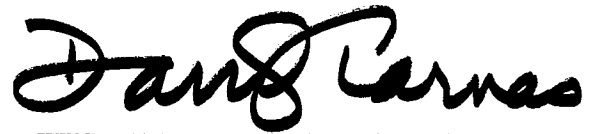
Your Committee has amended this measure by:

- (1) Amending the conduct that is prohibited under the offense of distribution of materially deceptive media;
- (2) Amending the exception for broadcasters to include broadcasters, cable operators, or streaming services that were not involved in the creation of the materially deceptive media;
- (3) Authorizes the Campaign Spending Commission to assess a fine or refer a violation for criminal prosecution;
- (4) Deleting the definition of "depicted individual" and clarifying the definition of "materially deceptive media";
- (5) Authorizing the Campaign Spending Commission, instead of a Commissioner of the Campaign Spending Commission, to bring a cause of action for injunctive or other equitable relief;
- (6) Clarifying that the court's authority to award reasonable attorney's fees and costs to plaintiffs that obtain permanent injunctive relief does not apply to the Campaign Spending Commission if it is represented by a state attorney;
- (7) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (8) 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 S.B. No. 2687, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2687, S.D. 1, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



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



DAVID A. TARNAS, Chair



