

Honolulu, Hawaii

APR 02 , 2024

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

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2687, S.D. 1, H.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 the distribution of, or entering into an agreement with another person to distribute, materially deceptive media between the first working day of February in every even-numbered year through the next general election.

Your Committee received testimony in support of this measure from the Campaign Spending Commission; Hawaii State AFL-CIO; Public Citizen; and one individual. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from TechNet and Computer & Communications Industry Association.

Your Committee finds that deepfakes are videos, audio, or images that have been manipulated using artificial intelligence, often to create, replace, or alter faces or synthesize speech. Recent advances in the realm of artificial intelligence have made the tools needed to create deepfakes more widely accessible, while the quality of deepfake technology is improving rapidly, making it



harder for the average person to detect a deepfake. These rapid advances in deepfake technology have deeply concerning implications for the upcoming elections. This measure is a vital step in ensuring that elections remain safe from the harmful influence of deepfake technology by prohibiting the distribution of materially deceptive media and providing a mechanism to criminally and civilly enforce this prohibition.

Your Committee has amended this measure by:

- (1) Specifying that interactive computer services are exempt from the prohibitions under this measure; and
- (2) 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 Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2687, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2687, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: SB2687 SDI HDI	Committee Referral: JHA, CPC	Date: 03-28-24		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. SAYAMA, Jackson D. (VC)	/			
3. AMATO, Terez	/			
4. BELATTI, Della Au	/			
5. HASHEM, Mark J.	/			
6. HUSSEY-BURDICK, Natalia				/
7. GATES, Cedric Asuega				/
8. LOWEN, Nicole E.				/
9. ONISHI, Richard H.K.	/			
10. TAM, Adrian K.	/			
11. PIERICK, Elijah	/			
TOTAL (11)	8			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="margin-left: 150px;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				