

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

January 29, 2024

TO: The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Kristin E. Izumi-Nitao, Executive Director
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 1766, Relating to Elections.**

Tuesday, January 30, 2024
2:00 p.m., Conference Room 325 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) offers the following comments on this bill.

This bill adds a new section to Chapter 11, Hawaii Revised Statutes (“HRS”), and prohibits the distribution of an electioneering communication within ninety days prior to a primary or general election that a person knows or should have known is a deceptive and fraudulent deepfake of a candidate or party unless the electioneering communications contains the following disclaimer: “This [image/audio/recording/video recording] has been manipulated or generated by artificial intelligence.” The bill allows a candidate who is the subject of a deceptive and fraudulent deepfake to seek equitable relief or legal damages, including attorney’s fees and costs, against the person that distributed the deepfake. The bill also allows the Commission to assess administrative fines.

The bill’s description of an electioneering communication being distributed within ninety days of a primary or general election conflicts with the current definition of electioneering communication. The definition of electioneering communication is contained in HRS §11-302, that provides,

“Electioneering communication”:

- (1) Means any advertisement that is broadcast from a cable, satellite, television, or radio broadcast station; published in any periodical or newspaper or by electronic means; or sent by mail, and that:

- (A) Refers to a clearly identifiable candidate;
 - (B) Is made, or scheduled to be made, either within thirty days before a primary or initial special election or within sixty days before a general or special election; and
 - (C) Is not susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate; and
- (2) Shall not include communications:
- (A) In a news story or editorial disseminated by any broadcast station, publisher of periodicals or newspapers, or by electronic means, unless the facilities are owned or controlled by a candidate, candidate committee, or noncandidate committee;
 - (B) In house bulletins; or
 - (C) That constitute a candidate debate or forum, or solely promote a debate or forum and are made by or on behalf of the person or organization sponsoring the debate or forum.

Thus, under current law, electioneering communications are certain advertisements that are made within thirty days of a primary election or sixty days of a general election, and not those made within ninety days of an election. Further, under current law, communications made in a news story or editorial published by any broadcast station or magazine or newspaper, or by electronic means, are not electioneering communications. This bill would exempt media communications only where the broadcast clearly discloses to the “average listener or viewer, that there are questions about the authenticity of the synthetic media,” or when a broadcaster is paid to broadcast a synthetic media, “the station has made a good faith effort to establish the depiction in the synthetic media is not a deceptive and fraudulent deepfake,” or if the publisher “that publishes deceptive and fraudulent deepfakes prohibited by this section, if the publication clearly states that the deceptive and fraudulent deepfake does not accurately represent the speech or conduct of the candidate.” H.B. No. 1766 at 4-5.

To avoid conflicts with the current definition of electioneering communication, the Commission suggest replacing electioneering communication with “advertisement.” Under HRS §11-302,

“**Advertisement**” means any communication, excluding sundry items such as bumper stickers, that:

- (1) Identifies a candidate directly or by implication, or identifies an issue or question that will appear on the ballot at the next applicable election; and
- (2) Advocates or supports the nomination, opposition, or election of the candidate, or advocates the passage or defeat of the issue or question on the ballot.

However, whether the bill use “advertisement” or “electioneering communication,” the prohibition on synthetic media message that is a deceptive and fraudulent deepfake should only

apply to those that depict a candidate and not those that depict a party (*see, e.g.*, H.B. No. 1766, page 2, line 7) since “party” is not contained in the definitions of either advertisement or electioneering communication.

A person spending more than \$500 in a two-year election period on a synthetic media message may have to register with the Commission as a noncandidate committee as required by HRS §11-321(g). The person will also have to comply with the disclaimer notices required by HRS §11-391 and may have to file a statement of information for electioneering communication required by HRS §11-341 if the message falls within the definition of electioneering communication and the threshold spending amount is reached, and comply with all other applicable provisions of the Campaign Finance Law.

The Commission requests that this Committee pass this bill with amendments or defer this bill for now so amendments can be made to the bill.



January 30, 2024

Committee on Judiciary and Hawaiian Affairs The House of Representatives
Rep. Tarnas, Chair The Thirtieth-Second Legislature
Rep. Takayama, Vice Chair Regular Session of 2024

RE: HB 1766 - RELATING TO ELECTIONS.
DATE: Tuesday, January 30, 2024
TIME: 2:00 pm
PLACE: Conference Room 325
VIA Videoconference
State Capitol 415 South Beretania Street, Honolulu HI

Aloha Chair Tarnas, Vice Chair Takayama, and members of the committee,

Thank you for the opportunity to testify in **support of HB 1766** - RELATING TO ELECTIONS.

[SAG-AFTRA](#) represents over 1400 actors, recording artists, and media professionals in Hawaii. We are professional performers working in front of the camera and behind the microphone.

Protection of a person's voice and likeness is of utmost importance to SAG-AFTRA. The right to make full use of, derive benefit from, and manage an individual's name, voice, and likeness goes beyond just celebrities, actors, and public figures, it extends to everyone, including political candidates.

We are grateful for the legislature's passage and the governor's signing of [ACT 59](#) in 2021, making Hawaii one of the first states in the nation to make the creation and distribution of non-consensual deep fake pornography a class C felony. This current measure is another example of Hawaii leading the way as we navigate an ever-evolving media landscape.

Mericia Palma Elmore, Executive Director
SAG-AFTRA Hawaii Local
mericia.palmaelmore@sagaftra.org
201 Merchant St. Suite 2301
Honolulu, HI 96813
Ph: 808-596-0388 Fax: 808-593-2636

SCREEN ACTORS GUILD - AMERICAN FEDERATION
OF
TELEVISION AND RADIO ARTISTS
SAGAFTRA.org
Associated Actors & Artistes of America / AFL-CIO



To hinder the spread of misinformation in Hawaii, this proposed legislation amends HRS Chapter 11 to prohibit the distribution of fraudulent and deceptive deepfake electioneering material before an election. Specifically, if a person knows or should have known that certain electioneering communications are deceptive and fraudulent deepfakes, they are prohibited from distributing those communications.

The proposed legislation makes exceptions for satire parody, and other speech/expressions protected by the First Amendment.

We appreciate the willingness of the introducers to craft legislation to disrupt the spread of misinformation through the unauthorized creation and distribution of deceptive and fraudulent deepfake electioneering materials, and we urge this committee to pass and keep this bill moving.

Thank you again for your continued support. Please don't hesitate to contact the SAG-AFTRA Hawaii Local office for more information on AI, deepfakes, and other issues of importance to professional performers.

Respectfully,

Mericia Palma Elmore

Mericia Palma Elmore, Executive Director SAG-AFTRA Hawaii Local

Mericia Palma Elmore, Executive Director
SAG-AFTRA Hawaii Local
mericia.palmaelmore@sagaftra.org
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MOTION PICTURE ASSOCIATION

Statement on Hawaii House Bill 1766

I am Melissa Patack, Vice President of State Government Affairs for the Western States for the Motion Picture Association. MPA's members are the leading producers and distributors of filmed entertainment across all platforms, including motion picture theaters, cable, satellite, broadcast and internet exhibition. MPA's members include: The Walt Disney Studio Motion Pictures, Netflix Studios, Paramount Pictures, Sony Pictures Entertainment, Universal City Studios and Warner Bros.

MPA supports the intent of this bill to ensure the integrity of the election process and to protect voters from misinformation. We have several amendments to suggest that we believe will improve the bill. We appreciate that HB 1766 is modeled on California's election deepfakes law, which has been the law since 2021.

We recommend the references to and definition of "artificial intelligence" be deleted. It should not matter whether the deepfake was created by artificial intelligence or edited on a smart phone. Voters should know of any manipulation, by any means, of a candidate's image or voice to make it appear that they did or said something that they did not. Specifically including, "artificial intelligence" does not strengthen the bill and may create more confusion.

We suggest that, in the exemption section concerning a broadcaster paid to publish material that is a deepfake, the requirement that the broadcaster make a good faith effort to establish that the synthetic media is not a deepfake be deleted. Under FCC rules, a broadcaster is required to broadcast the advertisements as received. This section, as written, likely conflicts with a broadcaster's legal obligations as set forth by the FCC.

Thank you for your consideration, and I am happy to try and answer any questions.

MPA Requested Amendments to House Bill 1766

On page 2, line 4, insert “knowingly” between “election” and “distribute”

On page 2, beginning on line 11, strike, “or generated by artificial intelligence.”

On page 4, beginning on line 20, strike, “and has made a good faith effort to establish the depiction in the synthetic media is not a deceptive and fraudulent deepfake”

On page 5, beginning on line 20, strike, “Artificial intelligence means” and through page 6, line 18.

On page 7, beginning on line 13, strike, “with the use of generative adversarial network techniques or other digital technology” and substitute “by any means” after “manipulated” and on line 15, insert “or” before “in”

HB-1766

Submitted on: 1/28/2024 10:00:54 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Hawaii Young Republicans	Support	Written Testimony Only

Comments:

Aloha Representatives,

On behalf of Hawaii Young Republicans, we support this bill. Since 2016, the challenge of disinformation, misinformation, and malign influence attempts by foreign and domestic actors has been a significant challenge to our republican system of government. We *strongly* support this attempt for Hawaii to combat all types of election malign influence. We urge this committee to strongly support this bill and get it enacted for the upcoming election cycle.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Second Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

January 30, 2024

H.B. 1766 — RELATING TO ELECTIONS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 1766 which prohibits the distribution of electioneering communications before an election that a person knows or should have known are deceptive and fraudulent deepfakes of a candidate or party.

The use and practice of disinformation is prevalent within our society today. It has undermined public trust within credible institutions and government, and it has caused polarization and division amongst our communities. Now bad actors can easily use AI to produce 'Deep Fakes' of individuals, amplify the use and spread of disinformation through enhanced algorithms, and target and manipulate certain vulnerable groups. Therefore, it's important for our state to implement laws and policies against the use of deep fakes, particularly the use of it against candidates and political parties.

Thank you for the opportunity to provide testimony in strong support of H.B. 1766.

Respectfully submitted,

Randy Perreira
Executive Director

LATE

TESTIMONY
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

HB1766 RELATING TO ELECTIONS

Tuesday, January 30, 2024, at 2:00 pm

State Capitol Conference Room 325 via Videoconference

Comments by Mrs. Jamie Detwiler, President, Hawai'i Federation of Republican Women

Honorable Chair Tarnas, Vice-Chair Takayama, and Committee Members,

Comments:

1. Adjudicator of Misinformation. While I agree with the intent of HB1766, which is to hinder the spread of political misinformation in the State by prohibiting the distribution of electioneering communications before an election that a person knows or should have known are deceptive and fraudulent deepfakes of a candidate or party, I have questions:

Who will be the adjudicator of the "alleged" misinformation? The Campaign Spending Commission?

2. Waste of resources. If this bill passes, the office in charge of investigating alleged deep fakes will have to spend resources such as manpower and perhaps require additional funding for manpower and technical support to track and identify artificial intelligence misinformation.

Should this bill pass to the next level, I hope these questions and comments will be considered.

Thank you for the opportunity to testify.

Respectfully Submitted,
Jamie Detwiler

HB-1766

Submitted on: 1/26/2024 6:07:52 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I **oppose** this Bill.

HB-1766

Submitted on: 1/27/2024 8:29:55 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaiulani Bowers	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because its is subjective that may be selectively enforced

HB-1766

Submitted on: 1/27/2024 8:35:16 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Moylan	Individual	Oppose	Written Testimony Only

Comments:

I oppose Bill HB1766. This Bill prohibits "deepfakes", "misinformation", and other "synthetic media" for political purposes. This is a subjective Bill that may be selectively enforced.

HB-1766

Submitted on: 1/27/2024 9:22:38 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kelly morgan	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-1766

Submitted on: 1/27/2024 9:22:53 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
April Handog	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

HB-1766

Submitted on: 1/27/2024 10:03:31 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tatiana Maumausolo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill and so should you. This prohibits "deepfakes", "misinformation" and other "synthetic media" for political purposes. This is a selective Bill that may be selectively enforced.

Mahalo, Tatiana

HB-1766

Submitted on: 1/27/2024 12:34:27 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sharron VanDeusen	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

HB-1766

Submitted on: 1/27/2024 1:16:08 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leolani Mahuka iwaki	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill!

HB-1766

Submitted on: 1/27/2024 1:36:47 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
kamakani de dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. This falls into the realm of what is perceived by one is not perceived by all. Censoring all of one candidates information can benefit the democrats and not the other parties since you folks will be the ones calling misinformation on anything and everything, I vote NO!

HB-1766

Submitted on: 1/27/2024 2:10:03 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. This falls into the realm of what is perceived by one is not perceived by all. Censoring all of one candidates information can benefit the democrats and not the other parties since you folks will be the ones calling misinformation on anything and everything, I vote NO!

HB-1766

Submitted on: 1/27/2024 3:56:15 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Chun	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-1766

Submitted on: 1/27/2024 6:22:10 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn Morais Webster Ph.D.	Individual	Support	Written Testimony Only

Comments:

The threats to our democracy are real and growing. We cannot be compacent here in Hawaii. This bill will help purge deliberate misleading messages from campaigns and discourage their use. It is crucial to voter understanding and faith in our elections in the face of an all out right wing effort to undermine public confidence. Please move this bill forward. Mahalol

HB-1766

Submitted on: 1/27/2024 10:06:40 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

This bill is too subjective and stepping over the line. People have 1st amendment rights to free speech. We the people are capable of deciding for ourselves the truth.

HB-1766

Submitted on: 1/28/2024 8:48:51 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-1766

Submitted on: 1/28/2024 8:57:13 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoë Willis	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

HB-1766

Submitted on: 1/28/2024 10:16:42 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
THOMAS KENT	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE THIS BILL

HB-1766

Submitted on: 1/28/2024 10:41:44 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Daugherty	Individual	Oppose	Written Testimony Only

Comments:

With respect to HB2087.

Free speech, even lying or stretching truth, is a tradition in America.

Take for example the following statements:

Joe Biden won the 2020 election (Democrats)

The southern border is secure (Joe Biden)

If you like your doctor you can keep your doctor (Barrack Obama)

This is a pandemic of the unvaccinated (Joe Biden)

January 6 was an insurrection! (Adam Schiff, Liz Cheney)

Climate change is a national security threat (John Kerry, Lloyd Austin)

I never had sex with that woman (Bill Clinton)

Honolulu rail will only cost \$5 billion (Mufi Hannemann)

Many if not most people will see some or all of these as lies, some may not. Who judges truth versus lies matters, but the judgement can be subjective for many reasons.

HB2087 would require a determination of what is "deceptive, fraudulent, altered, manipulated and misrepresentative" from the bill description. According to who? It depends on who is judging.

Further, the bill apparently requires a determination on what the author or speaker knows or should know, which is not possible, and at best, arguementative.

Why this bill and why now? What is different or changed?

Are candidates or parties in greater fear of criticism and dissent?

Are candidates or parties in greater fear of political cartoons? Comedians? Twittter?

Or are things just not going well? This bill won't fix that.

In any event, HB2087 appears at odds with freedom of speech and free expression, freedoms enshrined in the First Amendment of these United States. Even speech and expression that may be perceived as lies by some are protected by our Constitution, and that alone should be sufficient for HB2087 to be killed.

-David R. Daugherty

Pearl City, Hawaii

HB-1766

Submitted on: 1/28/2024 10:48:09 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sierra Palpallatoc	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE THIS BILL

HB-1766

Submitted on: 1/28/2024 12:34:10 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Teresa Parmenter	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 1766

HB-1766

Submitted on: 1/28/2024 12:47:42 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB 1766.

This bill is a slippery slope on free speech impingement. Who will enforce the law? While the use of AI deepfakes is concerning, this bill, if it becomes law, can easily be abused to target only certain campaigns or individuals, while giving a free pass to others who may be committing the same violation.

I oppose HB 1766

Thank you,

Teri Savaiinaea

HB-1766

Submitted on: 1/28/2024 1:01:37 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

Strong Support

To make informed choices the electorate needs to trust the information they're receiving is true and accurate.

HB-1766

Submitted on: 1/28/2024 1:49:10 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Candace Vizcarra	Individual	Oppose	Written Testimony Only

Comments:

STOP MESSING WITH GOD'S JUSTICE SYSTEM!! I REBUKE ANY EVIL THAT GOES AGAINST ALMIGHTY GOD!!

CONCERNED RESIDENT

HB-1766

Submitted on: 1/28/2024 1:56:20 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bad bill.

HB-1766

Submitted on: 1/28/2024 1:58:08 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this.

HB-1766

Submitted on: 1/28/2024 2:55:26 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
tania victorine	Individual	Oppose	Written Testimony Only

Comments:

We want truth! Not false information!

HB-1766

Submitted on: 1/28/2024 3:53:37 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rita Wong	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1766. This is a subjective Bill that may be selectively enforced

HB-1766

Submitted on: 1/28/2024 4:56:20 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Robison	Individual	Support	Written Testimony Only

Comments:

Dear Rep. Tarnas and members of the House Committee on Judiciary & Hawaiian Affairs,

I strongly support HB 2087. Deceptive and fraudulent deepfakes have become a tool for political misinformation that further disrupts public trust in government. Hawaii needs to catch up with the bad actors by regulating the nefarious use of generative AI. Thank you.

HB-1766

Submitted on: 1/28/2024 6:23:36 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Heather R Lauro	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Language is too vague and subjective. Can be easily misinterpreted. Do better!

HB-1766

Submitted on: 1/28/2024 7:18:06 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiffany Salazar	Individual	Oppose	Written Testimony Only

Comments:

Prohibits "deepfakes", "misinformation" and other synthetic media for political purposes. This is a subjective Bill that may be selectively enforced.

HB-1766

Submitted on: 1/28/2024 7:36:59 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
CHESTER LUM	Individual	Oppose	Written Testimony Only

Comments:

Thank you for allowing me to submit testimony opposing this bill.

HB 1766, although its intentions are honorable, I believe is highly subjective and goes against the US Constitution 1st Amendment of free speech.

Once again, thank you for allowing me to submit testimony opposing this bill.

Chester Lum

HB-1766

Submitted on: 1/28/2024 9:07:15 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James R Cabodol Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because I believe that this bill will give any political opponent the force to influence the media for political gain

HB-1766

Submitted on: 1/28/2024 9:09:08 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronald "Ron" Reilly	Individual	Support	Written Testimony Only

Comments:

Dear Chair David A. Tarnas, and Members of the Committee On Judiciary & Hawaiian Affairs,

Thank you for hearing HB1766 Relating To Elections. Many thanks also to the introducers of this measure, which prohibits the distribution of electioneering communications before an election that a person knows or should have known are deceptive and fraudulent deepfakes of a candidate or party.

The importance of this issue was outlined in a December 20, 2023 article in Nature (<https://www.nature.com/articles/s41586-023-06883-y>) that stated,

“Concern over the impact of misinformation has continued to grow, as high levels of belief in misinformation have threatened democratic legitimacy in the United States (1) and global public health during the COVID-19 pandemic (2).”

I fully support efforts to give our legal system and the courts laws to help counter the unprecedented adverse impacts that AI, trolling, and deepfake news can inflict. We are faced with a modern day version of the long standing prohibition on falsely yelling “FIRE!” in a crowded theater.

I respectfully urge your support of this measure.

Sincerely, Ron Reilly
Volcano Village, Hawaii.

HB-1766

Submitted on: 1/28/2024 9:11:24 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynne Bautista	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1766

This bill is a slippery slope on free speech impingement. Who will enforce the law? While the use of AI deepfakes is concerning, this bill, if it becomes law, can easily be abused to target only certain campaigns or individuals, while giving a free pass to others who may be committing the same violation. Any law that can be selectively applied is unconstitutional. Laws should be clearly unbiased.

HB-1766

Submitted on: 1/28/2024 9:12:19 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vivek Pathela	Individual	Oppose	Written Testimony Only

Comments:

Subjective bill! Manipulation of what is fake. OPPOSE!

HB-1766

Submitted on: 1/28/2024 9:14:54 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin Gusich-Batara	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1766 because it is very subjective. What is misinformation depends on who you are asking. Who will ultimately decide what is true or not? Our first amendment right protects free speech whether someone likes what we say or not. That includes satire. We already have laws that can be enforced to punish those who slander. With AI becoming more popular, we need to be even more discerning as to what is real or not. It is impossible and unwise to shelter people from all falsehood. Let the voter beware.

Thank you

HB-1766

Submitted on: 1/28/2024 9:40:58 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
L M	Individual	Oppose	Written Testimony Only

Comments:

Opposed. While we want true and accurate information, this bill is subjective and may be selectively enforced, particularly to punish particular persons or parties. It also seems to violate the 1st Amendment right of free speech. Government should not be the only one to say what is "misinformation" or that the people should only listed to governmental sources.

Thank you.

HB-1766

Submitted on: 1/28/2024 10:11:45 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amanda Scardilli	Individual	Oppose	Written Testimony Only

Comments:

OPPOSING: Due to the subjective nature this opens up to the bill in which it would be selectively enforced.

All public officials are open to public opinion and may not squash the First Amendment Rights for any persons freedom of speech that includes using technology to get their opinions out on social media.

Regards,

Amanda Scardilli

HB-1766

Submitted on: 1/28/2024 10:58:55 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Comments	Written Testimony Only

Comments:

As important as first amendment rights are, it's NOT OK to yell fire in a crowded theater, or pedal an unverifiable lie. Trollers, public discourse arsonist, and provocateurs must be held accountable

While bills HB1766 and SB2396 identify a growing civic threat, yet there is no recourse, process or remedy proposed.

Needs work!

Keith Neal

Waimea

HB-1766

Submitted on: 1/29/2024 5:46:36 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Virginia Tincher	Individual	Support	Written Testimony Only

Comments:

Mahalo for hearing this important bill. I am in strong support

We need to start tacking the negative impacts of AI ensuring elections can't use deepfakes

We need legislattion that prohibits the distribution of electioneering communications before an election that a person knows or should have known are **deceptive and fraudulent deepfakes of a candidate or party.**

Virginia Tincher

HB-1766

Submitted on: 1/29/2024 6:01:23 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Abellanida	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

HB-1766

Submitted on: 1/29/2024 6:03:46 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathy Jenkins	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB1766.

HB-1766

Submitted on: 1/29/2024 7:31:45 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
noela von	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this bill. This is a subjective bill that may/could be selectively enforced. It promotes division amongst individuals who wish to exercise The First Amendment right to free speech, thinking, and opinion versus individuals who disagree with them. Not a good Bill at all. Squash it immediately. Thank you very much.

Noela von Wiegandt

HB-1766

Submitted on: 1/29/2024 7:44:32 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Kamau	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Mahalo.

HB-1766

Submitted on: 1/29/2024 8:07:50 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Caiazzo	Individual	Oppose	Written Testimony Only

Comments:

Aloha my name is Jessica “Priya” Caiazzo and I strongly oppose HB1766. We have had the lowest numbers in record history of voter turn out, and it’s because we must restore the faith in the voting process. Bills like this are a red flag, I’m going thru all these bills and I see so many errors. Wording is everything. Clarity is everything. Is this for the greater good of We The People? Is this how to execute a secure system? The goal should be to restore election integrity that becomes a reality.

Mahalo,

Jessica "Priya" Caiazzo

HB-1766

Submitted on: 1/29/2024 8:29:25 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Corinne Solomon	Individual	Oppose	Written Testimony Only

Comments:

Testimony HB1766

Aloha Chair Tarnas and JHA Committee Members,

I oppose HB1766.

While I agree that the proliferation of “deepfakes” is worrisome, this law could be used to target certain campaigns over others.

“Misinformation” is often subjective and not based on fact. Someone can claim something as “misinformation” when it is not, but the damage has already been done. In recent years, the political left and local and federal governments have hijacked the term “misinformation” to target conservative voices by labeling information they do not agree with as misinformation.

What is to stop anyone from claiming something as a deepfake or misinformation to target a political opponent?

What if a misinformation claim about a deepfake is later proven to not be misinformation, but actually true?

Who will be policing these claims?

Thank you for the opportunity to testify.

Respectfully submitted,

Corinne Solomon, HD20 resident

HB-1766

Submitted on: 1/29/2024 8:46:57 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura Cushnie	Individual	Oppose	Written Testimony Only

Comments:

This is subjective Bill that may be selectively enforced and infringe on constitutional rights. NO!

HB-1766

Submitted on: 1/29/2024 9:13:25 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruben Ongos	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose bill HB1766

HB-1766

Submitted on: 1/29/2024 10:05:34 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terry Murakami	Individual	Oppose	Written Testimony Only

Comments:

I oppose 1766

While the issue of deepfakes and manipulated media is a legitimate concern, this bill is very subjective and may be selectively enforced, which leads to legitimate criticisms and concerns about certain political/social issues to be silenced.

HB-1766

Submitted on: 1/29/2024 10:18:32 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chloe S	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB1766. The subjectivity of this bill could allow bad actors to enforce portions of it selectively.

HB-1766

Submitted on: 1/29/2024 10:30:15 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leanne Teves	Individual	Support	Written Testimony Only

Comments:

Aloha,

Thank you for allowing me to submit my "support" of this bill via this Legislative portal.

Mahalo 🌺

HB-1766

Submitted on: 1/29/2024 11:20:29 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vick Penn	Individual	Oppose	Written Testimony Only

Comments:

Good Morning,

I'm writing to OPPOSE Bill HB 1766.

This bill is a danger to our Democracy! It is highly subjective and most likely will be used as a way to target individuals and groups who have a right, protected by the First Amendment, to speak as they choose. This bill has the potential to be politically one-sided and should be squashed absolutely.

The use of the words "misinformation" and "deepfake" of late, have NO real definitions. Lately we've seen that based on who the speaker is, the mainstream media sources have labelled what they've spoken as "misinformation".

There has been NO accountability of the media as well when it comes to the misinformation that they speak and promote.

HB-1766

Submitted on: 1/29/2024 11:35:58 AM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
SCOTT SWARTZ	Individual	Support	Written Testimony Only

Comments:

My name is Scott Swartz. I am a resident of Oahu, and I support this BILL.

HB-1766

Submitted on: 1/29/2024 12:18:25 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Cordery	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

HB-1766

Submitted on: 1/29/2024 12:31:48 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gary cordery	Individual	Oppose	Written Testimony Only

Comments:

This is vague and misleading, it may create selective influence in our political system.

HB-1766

Submitted on: 1/29/2024 1:22:07 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Adriel Lam	Individual	Oppose	Written Testimony Only

Comments:

This matter is better left to civil legislation. Elections or not, AI, deepfakes, "misinformation" are a matter for civil litigation, not elections enforcement, and beyond the purview and capabilities of the Campaign Spending Commission.

HB-1766

Submitted on: 1/29/2024 1:43:52 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Anderson	Individual	Support	Written Testimony Only

Comments:

Please move HB1766 swiftly towards passage and enactment. This election year particularly, with generative AI enabling deepfakes, is in need of all state legislatures erecting barriers to deepfakes and the spread of misinformation. Your support of this bill shows your support of clean elections and a strong democracy.

To: The House Committee on Judiciary & Hawaiian Affairs
From: Brodie Lockard
Date: Tuesday, January 30, 2024, 2:00 pm

In support of HB1766

Dear Chair Tarnas, Vice Chair Takayama and Committee Members—

The law has sometimes lagged behind the rapid pace of technology. HB1766 gets ahead of a worrisome emerging technology, deepfakes.

These distortions of recordings are accomplished through ever more capable Artificial Intelligence and thus far have been used largely to humiliate and slander celebrities like Taylor Swift and Tom Cruise. But they are a tailor-made tool for political misinformation and disinformation that further plays havoc with public trust in government and our elections.

For example, a PAC could air an ad showing an opponent saying something incendiary or vulgar about an important issue. The average viewer would be unable to detect that the video was fake.

In this period of hyperpartisanship, and with election disinformation multiplying rapidly, protecting campaigns from fraudulent representations has become crucial and will continue to be so.

HB1766 would prohibit the distribution of deepfakes of candidates and parties before an election, and authorize the campaign spending commission to assess administrative fines.

This bill is timely, important and necessary. Please pass it.

Thank you for the opportunity to testify.

Brodie Lockard
Board Member, Common Cause Hawaii

LATE

HB-1766

Submitted on: 1/29/2024 7:12:55 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melvin Amaral	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

LATE

HB-1766

Submitted on: 1/29/2024 7:22:43 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Webster	Individual	Support	Written Testimony Only

Comments:

I am pleased to submit my unqualified support for HB1766. As the former national head Government Affairs for one of the largest accounting firms in America, I have seen first-hand the importance of avoiding false statements in the development of important policy objectives.

Today's technology provides the opportunity for unprincipled parties to unleash an avalanche of false statements - this legislation is timely and crucial.

Sincerely,

John Webster

Sincerely,

John Webster

LATE

HB-1766

Submitted on: 1/29/2024 7:23:45 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lucricia Amaral	Individual	Oppose	Written Testimony Only

Comments:

I oppose this Bill.

LATE

HB-1766

Submitted on: 1/29/2024 11:41:13 PM

Testimony for JHA on 1/30/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vernelle Oku	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because what might be considered "misinformation" or "deep fakes" is too subjective and may be used to violate a person's constitutional right to free speech (First Amendment)

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LATE

Thirty-Second Legislature, State of Hawai'i
Regular Session of 2024
House Committee on Judiciary and Hawaiian Affairs

Testimony by IATSE 665
January 30th, 2024

H.B. 1766 - RELATING TO ELECTIONS

Aloha Chair Tarnas, Vice Chair Takayama, and members of the House Committee,

My name is Tuia'ana Scanlan, president of IATSE Local 665, the union representing technicians in the entertainment industry in Hawai'i. **Local 665 supports HB 1766**, relating to elections.

Protection of a person's voice and likeness is of utmost importance to IATSE 665. The right to make full use of, derive benefit from, and manage an individual's name, voice, and likeness goes beyond just celebrities, actors, and public figures, it extends to everyone, including political candidates.

We are grateful for the legislature's passage and the governor's signing of [ACT 59](#) in 2021, making Hawaii one of the first states in the nation to make the creation and distribution of non-consensual deep fake pornography a class C felony. This current measure is another example of Hawaii leading the way as we navigate an ever-evolving media landscape.

To hinder the spread of misinformation in Hawaii, this proposed legislation amends HRS Chapter 11 to prohibit the distribution of fraudulent and deceptive deepfake electioneering material before an election. Specifically, if a person knows or should have known that certain electioneering communications are deceptive and fraudulent deepfakes, they are prohibited from distributing those communications.

The proposed legislation makes exceptions for satire parody, and other speech/expressions protected by the First Amendment. We appreciate the willingness of the introducers to craft legislation to disrupt the spread of misinformation through the unauthorized creation and distribution of deceptive and fraudulent deepfake electioneering materials, and we urge this committee to pass and keep this bill moving.

IATSE 665 asks for your committee's support of HB 1766. Thank you for the opportunity to testify.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Tuia'ana Scanlan', written in a cursive style.

Tuia'ana Scanlan
President, IATSE 665
he/him/his