

KRISTIN E. IZUMI-NITAO  
EXECUTIVE DIRECTOR



PHONE: (808) 586-0285  
FAX: (808) 586-0288  
WWW.HAWAII.GOV/CAMPAIGN

**STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300  
HONOLULU, HAWAII 96813

March 27, 2024

TO: The Honorable Mark M. Nakashima, Chair  
House Committee on Consumer Protection & Commerce

The Honorable Jackson D. Sayama, Vice Chair  
House Committee on Consumer Protection & Commerce

Members of the House Committee on Consumer Protection & Commerce

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

SUBJECT: **Testimony on S.B. No. 2687, SD1, HD1, Relating to Elections.**

Thursday, March 28, 2024

2:00 p.m., Conference Room 329 & Videoconference

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

This bill adds a new section to Chapter 11, Part XIII, Hawaii Revised Statutes (“HRS”), and prohibits a person from distributing, or entering an agreement to distribute, materially deceptive media, unless the media contains a disclaimer that the media has been manipulated by technical means and falsely depicts an individual. The bill also establishes civil remedies for persons injured by the distribution of materially deceptive media, as well as criminal penalties. HD1 makes clear that materially deceptive media are also advertisements as defined in HRS §11-302 and thus must provide the disclaimer required by HRS §11-391(a) identifying the person who paid for the media.

The Commission strongly supports transparency in campaign spending and requests that this Committee pass this bill.



Randy Perreira  
President

# HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441  
Fax: (808) 593-2149

The Thirty-Second Legislature  
House of Representatives  
Committee on Consumer Protection & Commerce

Testimony by  
Hawaii State AFL-CIO

March 28, 2024

## TESTIMONY ON SB2687 SD1 HD1 - RELATING TO ELECTIONS

Chair Nakashima, Vice Chair Sayama, and members of the committee:

The Hawaii State AFL-CIO is a federation of 74 affiliate labor organizations that represent over 68,000 union members in the State of Hawaii. The AFL-CIO serves its affiliates by advocating for workers and their families before the state legislature and other branches of state and county government.

The Hawaii State AFL-CIO **supports** SB2687 SD1 HD1, which prohibits a person from distributing or entering into an agreement with another person to distribute materially deceptive media unless the media contains a disclaimer. This bill also establishes remedies for parties injured by the distribution of materially deceptive media. Further, this bill establishes criminal penalties for distributing materially deceptive media and defines "materially deceptive media."

The potential for deceptive media to manipulate public opinion, spread misinformation, and undermine the very foundation of our democracy is a cause for grave concern. We firmly believe that preserving the authenticity of political discourse is essential to a fair and informed electorate. This bill takes a vital step toward ensuring that our elections remain free from the harmful influence of deceptive media.

The Hawaii State AFL-CIO commends the committee for addressing this issue and urges its members to support this bill to proactively protect the democratic values and principles that our great state holds dear.

Respectfully submitted,

Randy Perreira  
President



**TECHNET**  
THE VOICE OF THE  
INNOVATION ECONOMY

TechNet Southwest | Telephone 505.402.5738  
915 L Street, Suite 1270, Sacramento, CA 95814  
[www.technet.org](http://www.technet.org) | @TechNetSW

March 26, 2024

Representative Mark Nakashima  
Chair, Committee on Consumer Protection and Commerce  
Hawai'i State Capitol, Room 432  
Honolulu, HI 96813

Re: SB 2687 (Rhoads) –AI in political advertisements

Dear Chair Nakashima and Members of the Committee,

TechNet submits this letter in a support if amended position to SB 2687 (Rhoads) which would address materially deceptive campaign material made using artificial intelligence (AI).

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

AI has the potential to help us solve the greatest challenges of our time. It is being used to predict severe weather more accurately, protect critical infrastructure, defend against cyber threats, and accelerate the development of new medical treatments, including life-saving vaccines and ways to detect earlier signs of cancer. However, recognizing and addressing the genuine risks associated with AI is crucial for its responsible advancement. That includes preventing candidates and their agents from using AI to release deliberately misleading political advertisements.

We support the clear disclosure by the creators of political content that it is created in whole or in part by generative artificial intelligence tools. We suggest clarification to ensure that liability for dissemination of such media is limited to the person or campaign who creates and disseminates it, and not on intermediaries such as internet service providers, platforms, or tools that may be used in its creation or dissemination. We believe a campaign should be held liable for noncompliance and not the station, outlet, or website.

While this bill attempts to address this issue, we believe further amendments are necessary. First, we believe the bill should clarify its application to any person that utilizes or deploys AI to generate synthetic media. Currently, the bill could be interpreted to include the provider or developer of the AI technology, which cannot control or prevent the misuse of their technology.

This can be accomplished with including "interactive computer service" in Section 11(A)(b):

"(b) Subsection (a) shall not apply to a broadcaster, cable operator, **interactive computer service**, or streaming service if it was not involved in the creation of the materially deceptive media."

With this change TechNet and our members would proudly support this bill. This is a quickly developing area of new policy and TechNet and our member companies hope to be a resource to lawmakers on this issue.

Thank you for your consideration. If you have any questions regarding TechNet's position, please contact Dylan Hoffman, Executive Director, at [dhoffman@technet.org](mailto:dhoffman@technet.org) or 505-402-5738.

Sincerely,

A handwritten signature in black ink, appearing to be "Dylan Hoffman", written over a horizontal line.

Dylan Hoffman  
Executive Director for California and the Southwest  
TechNet



March 28, 2024

**LATE**

Committee on Consumer Protection and Commerce  
Room 432, State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: SB 2687 – “Related to Elections” (Oppose Unless Amended)**

Dear Chair Nakashima and Members of the Committee on Consumer Protection and Commerce:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 2687 unless amended. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup>

CCIA understands Hawaii lawmakers’ and residents’ rightful concerns about how bad actors can misuse content, including media created with generative artificial intelligence, to spread mis- and dis-information about elections or otherwise influence election outcomes.

We appreciate that the bill exempts certain entities from liability if the service is “not involved in the creation of the materially deceptive media”. These exemptions appear to acknowledge that intermediaries are not well-suited to know whether any particular piece of content has been manipulated in a materially deceptive manner to influence elections. And, while many digital services employ tools to identify and detect these materials with some degree of certainty, it is an evolving and imperfect science. We would therefore request that intermediary liability also be limited for online services that host content generated, posted, and shared by other users.

To that end, CCIA suggests amendments to add the following language under section 11-A:

*(b) Subsection (a) shall not apply to a broadcaster, cable operator, interactive computer service, or streaming service if it was not involved in the creation of the materially deceptive media.*

We appreciate your consideration of these comments and stand ready to provide additional information.

Sincerely,

Khara Boender  
State Policy Director  
Computer & Communications Industry Association

<sup>1</sup> For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • [www.citizen.org](http://www.citizen.org)

**LATE**

March 28, 2024

House of Representatives  
Hawaii  
Committee on Consumer Protection & Commerce  
Chairman Mark Nakashima  
Vice Chairman Jackson Sayama

Dear Members of the Committee:

Public Citizen submits this testimony in strong support of SB 2687

On behalf of our more than 3200 members and activists in Hawaii, Public Citizen encourages the Committee on Consumer Protection & Commerce to advance SB 2687, a legislative proposal regulating deepfakes in election communications. Deepfakes are fabricated content (videos, images, or audio) created with the use of generative artificial intelligence (A.I.) that depict a person saying or doing things that they never actually said or did in real life. In an election context, a deceptive and fraudulent deepfake is synthetic media that depicts a candidate or political party with the intent to injure the reputation of the candidate or party or otherwise deceive a voter.

Recent advances in the realm of A.I. have made it such that tools needed to create deepfakes are now widely accessible. Meanwhile, the quality of deepfake technology is improving rapidly, making it harder for the average person to detect a deepfake. Audio deepfakes are already of extremely high quality and video deepfakes can easily convince a casual viewer. In the months ahead, this problem will grow much worse, with technologists expressing concern that soon they will also not be able to identify what is real content versus a deepfake.

The rapid advances in deepfake technology have deeply concerning implications for the upcoming elections in the United States. The 2024 election cycle is being called “the first AI election” in the United States<sup>1</sup>. We are already seeing the beginnings of just how dangerous this

---

<sup>1</sup> Druke, G. (2023, December 1). 2024 is the 1st ‘AI Election.’ What does that mean? Retrieved from ABC News: <https://abcnews.go.com/538/2024-1st-ai-election/story?id=105312571>

technology can be in an election context. Just two days before Slovakia's recent elections, a fraudulent audio deepfake was disseminated on social media of a party leader purportedly discussing ways to rig the election<sup>2</sup>. It is believed that this deepfake influenced the outcome of the Slovakian election. There was also rampant use of deepfakes in recent major elections in Argentina and Turkey<sup>3,4</sup>. Candidates from both sides created deepfakes of both themselves and their opponents in order to enrich their own reputations and harm those of their opponents.

As the 2024 presidential election heats up, we are seeing increased use of A.I. deepfakes in the United States as well. Recently, voters in New Hampshire received a robocall from an A.I.-generated audio deepfake of President Joe Biden<sup>5</sup>. The Deepfake had President Biden encouraging voters to not vote in the Presidential Primary Election. A few months ago, Governor Ron DeSantis's presidential campaign disseminated deepfake images of former President Donald Trump hugging Dr. Anthony Fauci, which never happened<sup>6</sup>.

Deepfake technology poses a major threat to our democracy and our elections. It is not hard to envision a nightmare scenario where a well-timed fraudulent deepfake swings the outcome of an election.

The rapid development of deepfake technology also threatens to weaken social trust. As deepfakes become more common, it will become more difficult for people to determine what is real and what is fabricated content. Additionally, it will become easier for bad actors to refute real visual or audio evidence of their bad behavior, by claiming it is a deepfake. All of this will serve to undermine public trust in news, information, and our elections.

Deepfakes pose very real and present threats to our democracy. New legislation like SB 2687, which regulates the use of deepfakes in election communications is critical.

[43 states](#) have introduced legislation to address this issue, and bills have already passed in Florida, Wisconsin, Idaho, Indiana, Michigan, New Mexico, California, Minnesota, Oregon,

---

<sup>2</sup> Meaker, M. (2023, March 10). Slovakia's Election Deepfakes Show AI Is a Danger to Democracy. Retrieved from Wired: <https://www.wired.co.uk/article/slovakia-election-deepfakes>

<sup>3</sup> Nicas, J., & Cholakian Herrera, L. (2023, November 15). Is Argentina the First A.I. Election? Retrieved from The New York Times: <https://www.nytimes.com/2023/11/15/world/americas/argentina-election-ai-milei-massa.html?smid=nytcore-ios-share&referringSource=articleShare>

<sup>4</sup> Wilks, A. (2023, May 25). Turkey Elections: Deepfakes, disinformation 'misdirect' voters ahead of runoff. Retrieved from Al-Monitor: <https://www.al-monitor.com/originals/2023/05/turkey-elections-deepfakes-disinformation-misdirect-voters-ahead-runoff>

<sup>5</sup> Seitz-Wald, A., & Memoli, M. (2024, January 22). Fake Joe Biden robocall tells New Hampshire Democrats not to vote Tuesday. Retrieved from NBC News: <https://www.nbcnews.com/politics/2024-election/fake-joe-biden-robocall-tells-new-hampshire-democrats-not-vote-tuesday-rcna134984>

<sup>6</sup> Nehamas, N. (2023, June 8). DeSantis Campaign Uses Apparently Fake Images to Attack Trump on Twitter. Retrieved from The New York Times: <https://www.nytimes.com/2023/06/08/us/politics/desantis-deepfakes-trump-fauci.html?auth=login-google1tap&login=google1tap>

Texas, Washington and Utah<sup>7</sup>. This legislation has had broad bipartisan support - with Republicans and Democrats alike introducing these bills to regulate political deepfakes in states across the country.

Public Citizen strongly urges the Committee on Consumer Protection & Commerce to move SB 2687 forward in order to put in place much needed regulations to protect the voters, our elections, and our democracy from the harms of deepfakes.

Thank you again for the opportunity to testify in support of SB 2687. I am happy to answer any questions.

Respectfully Submitted,  
Jonah Minkoff-Zern  
Campaign Co-Director  
Public Citizen  
1600 20th Street, NW  
Washington, DC 20009  
(510) 225-8491

---

<sup>7</sup> Public Citizen. (2023, November 20). Tracker: State Legislation on Deepfakes in Elections. Retrieved from Public Citizen: <https://www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/>



**SB-2687-HD-1**

Submitted on: 3/25/2024 5:20:48 PM

Testimony for CPC on 3/28/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I **oppose** this subjective Bill and urge all committee members to vote **NO**.

**SB-2687-HD-1**

Submitted on: 3/26/2024 12:03:39 PM

Testimony for CPC on 3/28/2024 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

HONEST, CLEAN ELECTIONS ARE IMPERATIVE. THERE SHOULD BE HARSH PUNISHMENTS.

MAHALO!