TESTIMONY TO THE HOUSE WAYS AND MEANS COMMITTEE

HB 198 Election Law – Online Campaign Material – Use of Deepfakes

POSITION: Support

BY: Lois Hybl and Richard Willson – Co-Presidents

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The League of Women Voters supports campaign finance regulations that enhance political equality for all citizens, ensure transparency, protect representative democracy from distortion by undisclosed contributions and combat corruption. We have learned that advances in technology have enabled bad actors to create false images that can corrupt the political process. This legislation provides a mechanism to interrupt this deceitful and dangerous practice.

A "Deepfake" is defined as a photograph or audio or video recording that has been enhanced or altered using computer generated software that depicts something that **did not** actually occur and is campaign material that is available online to the public. The law would prohibit any candidate, campaign finance entity, or any agent of a candidate for campaign finance entity from attempting to influence a voter's decision about who to vote for, or their decision about whether to vote, by publishing, distributing or disseminating a Deepfake withing 90 days before an election. If the material is conspicuously labeled as being altered, the prohibition would not apply.

The legislation does not require the online service provider to enforce this provision. Rather, it is the responsibility of any candidate or campaign entity to report a Deepfake to the State Administrator of the Board of Elections so SBE can conduct an investigation including the issuance of subpoenas for a witness or witnesses, or the production of records. If, after due process, a preponderance of evidence indicates that a person is guilty of violating this law, they will be convicted of a misdemeanor and subject to a penalty, or jail time or both.

We urge a favorable report on HB 198.