

Amend HSB 643 to Align with SF 2166

I support the goal of HSB 643: protecting Iowa voters from deceptive AI-generated synthetic media in campaigns.

However, the current House version is too broad, vague, and punitive, risking legal challenges and chilling protected speech.

The Senate version (SF 2166, introduced by Sen. Salmon) is stronger, more targeted, and better balanced—amending HSB 643 to match it will create a more effective, defensible law that truly safeguards election integrity.

1. Narrow the Scope to High-Risk Periods (90-Day Window)

HSB 643 applies anytime to all “published material” — too broad, could regulate year-round political speech.

SF 2166 limits to “electioneering communications” only within **90 days before an election** — focuses enforcement where deception matters most, reduces overreach, and strengthens election integrity by targeting peak campaign season risks.

2. Require Clear Intent to Deceive (Materially Deceptive + Intent Element)

HSB 643 lacks any intent requirement — could penalize innocent or minor uses of AI.

SF 2166 requires content to be “materially deceptive” **and** created with intent to deceive voters or harm a candidate’s prospects — this ensures the law punishes real election manipulation, not good-faith or humorous uses, directly protecting voter trust and election integrity.

3. Provide Specific, Practical Disclosure Formats

HSB 643 only says “prominently include” a phrase — vague, invites inconsistent enforcement and court challenges.

SF 2166 gives clear, media-specific rules:

- Video: readable text, high contrast, 4 seconds at start/end, ≥4% vertical height.
- Audio: spoken clearly.
- Social media: “AI generated” with link option.

These precise standards make compliance easy, enforcement consistent, and the law far less vulnerable to vagueness claims — all supporting fair and transparent elections.

4. Protect Free Speech with Explicit Exemptions

HSB 643 has no exemptions for satire, parody, or humor — risks chilling legitimate political expression.

SF 2166 explicitly exempts:

- Satirical, parodical, humorous, or editorial content not intended to deceive.
- Bona fide news reporting (if authenticity questioned).
- Platforms with user-labeling tools.

These carve-outs protect memes, parody videos, and commentary — vital to robust democratic debate and election integrity through open discourse.

5. Adopt Proportional, Tiered Penalties

HSB 643 jumps straight to serious misdemeanor (up to 1 year jail) for willful violations — overly harsh, likely to chill speech and invite lawsuits.

SF 2166 uses tiered civil fines first (\$1,000 initial, \$5,000 subsequent), criminal only for knowing fraud with intent to defraud, plus private right of action — deters bad actors without punishing minor errors, prioritizing compliance and education.

6. Strengthen Board Oversight & Adaptability

Both bills defer details to Board rules, but neither requires public input or ongoing review.

Add language (e.g., to the rule-making section):

“The board shall provide for a public comment period of at least 30 days prior to adopting or amending rules and shall conduct an annual review of such rules to account for advancements in artificial intelligence and related technologies.”

This ensures transparency, stakeholder feedback, and adaptability — critical for long-term election integrity as AI evolves.

Closing – Call to Action

Amending HSB 643 to incorporate SF 2166’s targeted scope, intent requirement, clear disclosures, speech protections, proportional penalties, and improved oversight will create a stronger, more defensible bill.

This balanced approach fights real deepfake threats, preserves free speech, builds voter confidence, and sets Iowa as a leader in ethical AI regulation.

I urge the subcommittee and the full House to adopt these amendments — let’s pass a law that protects our elections without compromising our rights.

Sincerely,

Thomas McInerney
Iowa City, Iowa