

Comment Report

HSB 599

A bill for an act relating to the conduct of elections, including the use of artificial intelligence and deceptive statements, and providing penalties.(See HF 2549.)

Subcommittee Members: Sorensen-CH, Scholten, Wood

Date: 02/06/2024

Time: 12:45 PM

Location: RM 304.1

Name: Terese Grant

Comment: We support this bill. It is extremely important to ensure that elections are conducted in a way that ensures that misinformation, especially from artificial intelligence, is not permitted.

Name: Jonah Minkoff-Zern

Comment: Please see attached document in support.



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

February 6, 2024

House of Representatives
Iowa
Committee of Economic Growth and Technology
Chairman Ray Sorensen
Vice Chairman David Siek

Dear Members of the Committee:

Public Citizen submits this testimony in strong support of HSB 599

On behalf of our over 5,200 members and activists in Iowa, Public Citizen encourages the Committee of Economic Growth and Technology to advance HSB 599, 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 States¹. We are already seeing the beginnings of just how

¹ 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>

dangerous this 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 election². 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^{3,4}. 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 Biden⁵. 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 happened⁶.

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 HSB 599 which regulates the use of deepfakes in election communications is critical.

² 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>

³ 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>

⁴ 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>

⁵ 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>

⁶ 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, Minnesota, California, Washington, and Michigan have already passed legislation regulating the use of deepfakes in elections, and 31 other states have introduced legislation on this issue across the country⁷. 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 of Economic Growth and Technology to move HSB 599 forward in order to put in place much needed regulations to protect the voters, our elections, and our democracy from the harms of deepfakes.

We would also add a recommendations to improve the bill:

1. Narrow the scope of the bill to focus on deepfakes because as of right now it would require labeling all AI generated campaign materials. We believe that most ads will use AI of some kind in the near future - so we want to make sure that specifically the ads using deepfakes for nefarious purposes of swaying the outcome of the election are labeled.
2. Provide more specific instruction as to what the disclosure should be.
3. Provide an opportunity for injunctive relief. It is essential that the party seeking remedy is able to have the deepfake taken down.

Thank you again for the opportunity to testify in support of HSB 599 I am happy to answer any questions.

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

⁷ 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/>