



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2628		DATE: 2/13/2024
COMMITTEE: Special Committee on Innovation and Technology		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: CAROL A. SCHREIBER		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
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CITY:		STATE: ZIP:
EMAIL: carolschrei@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/12/2024 12:58 PM

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I believe fraudulent A.I. in elections is harmful to our democracy. By identifying deep fakes as A.I. untruths, this bill alerts the viewers not to be deceived. I support the provision to enforce this limit 90 days before an election. Several states have adopted protections for voters and Missouri should be one of those states. On the federal level this type of legislation has bipartisan support. Vote yes.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: CHERI CROCKETT		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: chericrockett@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/13/2024 10:41 PM
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I support HB 2628. Deepfakes pose very real and present threats to our democracy. New legislation like HB 2628, which regulates the use of deepfakes in election communications is critical.



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: CONNOR LUEBBERT		PHONE NUMBER: 573-291-2463
REPRESENTING: MISSOURI VOTER PROTECTION COALITION		TITLE: LOBBYIST
ADDRESS: 227 JEFFERSON ST.		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65101
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/13/2024 12:00 AM

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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: DENISE LIEBERMAN		PHONE NUMBER: 314-780-1833	
BUSINESS/ORGANIZATION NAME: MISSOURI VOTER PROTECTION COALITION		TITLE: DIRECTOR & GENERAL COUNSEL	
ADDRESS: 6047 WATERMAN BLVD			
CITY: SAINT LOUIS		STATE: MO	ZIP: 63112
EMAIL: denise@movpc.org	ATTENDANCE: Written	SUBMIT DATE: 2/13/2024 9:55 PM	

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The Missouri Voter Protection Coalition (MOVPC) submits this testimony in support of HB 2628, which would provide needed regulation of AI-generated deep fakes in elections communications. This legislation would help block dangerous disinformation leading up to an election without sacrificing free speech. Missouri Voter Protection Coalition is Missouri's statewide nonpartisan voter protection table that works to advance free fair and accessible elections for all Missourians. In collaboration with our approximately 70 partner organizations we anchor voting rights policy advocacy, strategic litigation, voter education and have run Missouri's non partisan election protection program since 2006. In recent years, our election protection hotline, polling place and online monitors have documented sharp rise in election related mis- and dis-information, alongside increased reports of worry, fear, harassment and intimidation from voters and poll workers in Missouri. Such a climate deters participation, diminishes confidence in elections and makes it difficult for election authorities to find poll workers. Advances in generative Artificial Intelligence technology have exploded the proliferation and accessibility of deep fakes - made-up content that AI can make appear to depict a person saying or doing something they have not actually done. The ongoing advances in technology make it nearly impossible for the average viewer to know that it is fake. We have already seen deeply concerning impacts in the elections context with the recent example of a deep fake robot call falsely purporting to be Joe Biden that urged voters not vote in their primary elections. As the technology further advance, disinformation proliferates and public trust in elections further erodes. This dangerous use of deepfake technology poses a serious threat to our elections in 2024 and beyond. HB 2628 could stop the perpetuation of AI-generated fraudulent content intended to harm a candidate or political party or to deceive voters during upcoming elections. It is limited to just the 90 day period before elections and includes exceptions for news and media reports, or content designed as parody to ensure that free speech rights are protected. HB 2628 would deter disinformation and protect voter confidence in our elections and accordingly, we offer our support of this important measure. Sincerely, Denise Lieberman, Director & General Counsel
MISSOURI VOTER PROTECTION COALITION
6047 Waterman Blvd., St. Louis, MO 63112
denise@movpc.org; (314) 780-1833
www.movpc.org



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ELIZABETH FRANKLIN		PHONE NUMBER:
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CITY:		STATE: ZIP:
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Strongly support this legislation and greatly appreciate the bill sponsor for bringing this forward. It's critical legislation! Thank you for the opportunity to submit testimony.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: JONAH MINKOFF-ZERN		PHONE NUMBER: 510-225-8491	
BUSINESS/ORGANIZATION NAME: PUBLIC CITIZEN		TITLE: CAMPAIGN CO-DIRECTOR	
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CITY: WASHINGTON		STATE: DC	ZIP: 20009
EMAIL: jzern@citizen.org	ATTENDANCE: Written	SUBMIT DATE: 2/9/2024 11:48 AM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

February 9, 2024 House of Representatives Missouri Special Committee on Innovation and Technology Chairman Chad Perkins Vice Chairman John Voss Dear Members of the Committee: Public Citizen submits this testimony in strong support of HB 2628. On behalf of our over 9100 members and activists in Missouri, Public Citizen encourages the Special Committee on Innovation and Technology to advance HB 2628, 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. We are already seeing the beginnings of just how 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 election. 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. 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. 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. 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 HB 2628, which regulates the use of deepfakes in election communications is critical. 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 country. This legislation has had broad bipartisan support - with Republicans and Democrats alike introducing these bills to regulate political deepfakes in states across the country. In order to be particularly protective of First Amendment rights, the transparency requirements of HB 2628 also:

- Focuses only on deceptive and fraudulent A.I. content intended to harm the reputation of a candidate or political party or otherwise deceive voters;
- Remains limited to only deepfakes that occur within 90 days of an election;
- Carves out appropriate exemptions for legitimate news media, including for internet or electronic news publications; and
- Specifically excludes A.I. content intended as satire or parody.

Public Citizen strongly urges the Special Committee on Innovation and Technology to move HB 2628 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 HB 2628. 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

References:

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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: MARGARET PHILLIPS		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
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With Artificial Intelligence recently becoming available for messaging to selective audiences, unscrupulous entities have begun spreading messages that are patently false but are intended to sway feelings and opinion, for instance having a candidate say things that are inaccurate and not what that candidate said or would have said, in an attempt to sway voters. Other states have made this illegal; Missouri should too.



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WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: MARILYN MCLEOD		PHONE NUMBER: 573-239-3708
BUSINESS/ORGANIZATION NAME: LEAGUE OF WOMEN VOTERS OF MISSOURI		TITLE: PRESIDENT
ADDRESS: 8706 MANCHESTER RD., SUITE 104		
CITY: ST. LOUIS	STATE: MO	ZIP: 63144
EMAIL: marilyn_mcleod@yahoo.com	ATTENDANCE: In-Person	SUBMIT DATE: 2/13/2024 6:53 PM

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One of the cornerstones of the work of the League of Women Voters is having accurate and impartial election information so that citizens are able to make informed decisions when they vote. Deepfake technology poses a major threat to our democracy and our elections. The rapid development of deepfake technology also threatens to weaken social trust. 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 country. This bill will help solve some of the issues of deep fakes in elections advertising. Focuses only on deceptive and fraudulent A.I. content intended to harm the reputation of a candidate or political party or otherwise deceive voters. Remains limited to only deepfakes that occur within 90 days of an election. (Suggest that time period could be extended.) Carves out appropriate exemptions for legitimate news media, including for internet or electronic news publications; and Specifically excludes A.I. content intended as satire or parody. The League of Women Voters of Missouri is in support of this legislation.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: PATRICIA MARIE O'ROARK		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
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CITY:		STATE: ZIP:
EMAIL: poroark@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/12/2024 2:35 PM

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My name is Patricia O’Roark. I cannot attend the hearing on HB 2628 personally, so I am submitting my testimony online. I like the bill because it strives to protect the electoral process of candidates during the campaigning process. The fact is that many voters rely on television and all forms of social media to evaluate candidates. It is important that voters who are considering candidates’ qualifications and statements have access to what those candidates actually say and think, rather than what people who put together these ‘deepfakes’ want people to think the candidate said or think. We need to protect the campaign process. We need to protect the playing field of candidates and the only way we can do that is to ban deceptive and fraudulent artificial intelligence (AI) intended to deceive voters. Deepfake technology poses a major threat to our democracy and our elections. We need to get on top of this quickly and decisively. I do support HB 2628, but I would urge the committee to go farther and amend it to permanently ban these deepfakes. Limiting it to 90 days before the election conveys the impression that it is okay to use deepfakes and AI to spread lies and deception about people, just not right before the election. It is not right to use deepfake and AI technology to spread lies and deception about candidates, or anyone, for that matter, at any time and the state of Missouri should go on record that we won’t tolerate it at any time. Thank you for your time and attention, Patricia O’Roark
 Carl Junction



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SARAH FELTS		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: sarah.felts@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/12/2024 12:26 PM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SARAH YOO		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: sarah.k.yoo@wustl.edu	ATTENDANCE: Written	SUBMIT DATE: 2/12/2024 3:30 PM

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My name is Sarah Yoo, from St. Louis, Missouri. I am writing to voice my support of HB 2628. I am deeply concerned about AI and deep fakes and its potential to cause harm to our election processes. It is already a difficult task for the average person to wade through the overwhelming amount of disinformation presented to us on a daily basis. Now, with the advent of AI and deep fakes, the issue is exponentially worse and more dangerous. It is essential that we protect the integrity of our elections, and for that reason, I respectfully ask that you support HB 2628.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: VANESSA WELLBERY		PHONE NUMBER: 314-531-7526	
REPRESENTING: ADVOCATES OF PLANNED PARENTHOOD OF THE ST. LOUIS REGION AND SOUTHWEST MISSOURI		TITLE: VICE PRESIDENT OF POLICY AND ADVOCACY	
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CITY: ST. LOUIS		STATE: MO	ZIP: 63108
EMAIL: vanessa.wellbery@ppslr.org	ATTENDANCE: Written	SUBMIT DATE: 2/13/2024 3:57 PM	
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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: VANESSA WELLBERY		PHONE NUMBER: 314-531-7526	
REPRESENTING: ADVOCATES OF PLANNED PARENTHOOD OF THE ST. LOUIS REGION & SOUTHWEST MISSOURI		TITLE: VICE PRESIDENT OF POLICY & ADVOCACY	
ADDRESS: 4251 FOREST PARK AVE			
CITY: ST. LOUIS		STATE: MO	ZIP: 63108
EMAIL: vanessa.wellbery@ppslr.org	ATTENDANCE: Written	SUBMIT DATE: 2/12/2024 11:44 AM	
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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: LISA PANNETT		PHONE NUMBER:
REPRESENTING: ARMORVINE		TITLE:
ADDRESS:		
CITY: JEFFERSON CITY		STATE: MO
		ZIP:
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/13/2024 12:00 AM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: MICHAEL		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: MichaelWesten.3up@protonmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/13/2024 2:44 PM
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I OPPOSE HB 2628 as originally drafted. This bill appears to be a violation of the 1st Amendment right to freedom of speech. Additionally, there doesn't seem to be any language distinguishing the creator of deepfake content from those who might share deepfake content after the creator has released it on the internet. How do you determine who the original creator of deepfake content is? How do you determine if someone (other than the creator of the deepfake content) knows or should that the content they shared was deepfake. This will stifle free speech because everybody will be so scared of accidentally sharing a deepfake, that they won't share anything at all.



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SUSAN GIBSON		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
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EMAIL: Onesuegibson@protonmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/10/2024 12:59 PM

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There should not be exceptions as described in 6 and 8.