

February 26, 2024

Colorado House of Representatives
State, Civic, Military & Veteran Affairs Committee
Legislative Services Building A
200 E. 14th Avenue
Denver, CO

via electronic mail

RE: Verified Voting Urges Passage of H.B. 1147

Dear Chair Woodrow and Members of the Committee:

On behalf of Verified Voting, I write in support of House Bill 1147, which will help protect voters by creating a regulatory framework for the use of deepfakes in political campaign advertising. Verified Voting's mission is to strengthen democracy for all voters by promoting the responsible use of technology in elections. As the country enters its first election cycle with generative AI tools at the fingertips of anyone with internet access, the potential for further degradation of the election information ecosystem looms large. H.B. 1147 installs important guardrails on the use of generative AI in campaigning by requiring greater transparency that puts voters first and protects candidates from being misrepresented by deceptive deepfakes.

Specifically, the bill would:

1. Prohibit the distribution of images, audio, video, and multimedia that includes an undisclosed deepfake in a communication related to a candidate for public office.
2. Require clear and conspicuous disclosure, in the communication itself and its metadata, of AI-generated content altered to misrepresent candidates for public office doing or saying something they did not.
3. Provide injunctive relief for candidates whose likeness is used in AI-generated content without disclosure.

Voters use information disseminated by elected officials to make informed decisions about how to cast their ballots. To do this most effectively, voters must know the provenance of the information they receive. Imagine a fake video of a local clerk "caught on tape" saying that voting machines are not secure, or audio of the secretary of state "throwing out ballots." H.B. 1147 inoculates against misinformation through the disclosure of deepfakes in political campaigning, thereby increasing information transparency for Colorado voters and candidates, alike.

Verified Voting applauds Colorado for its commitment to increasing transparency and accountability in elections and urges swift passage of H.B. 1147.

Respectfully submitted,

Saige Draeger
Senior Policy Associate

House State, Civic, Military, & Veterans Affairs

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HB24-1147 Candidate Election Deepfake Disclosures

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Craig Holman For Public Citizen</p>	<p>Dear Members of the Committee:</p> <p>On behalf of our 16,713 supporters in Colorado, Public Citizen submits this testimony in strong support of H.B. 1147 – “Concerning the Use of a Deepfake in a Communication Related to a Candidate.”</p> <p>The 2024 election is shaping up to become the “first serious deepfake election” in the United States, in which many campaign advertisements will be entirely fabricated by advanced computer technology depicting candidates saying and doing things in seemingly real-life voices and images that never really happened.</p> <p>There are almost no disclosure requirements at the state or federal levels that would give voters a reasonable chance to discern the accuracy of these deceptive campaign communications.</p> <p>H.B. 1147 would change that for voters in Colorado. The legislative proposal would address head-on the dangers of deceptive and fraudulent AI-generated deepfakes in campaign communications by imposing disclosure requirements. With that information, voters are left to decide on their own the merits of the messages. This is transparency legislation.</p> <p>The legislation provides exemptions from liability for news media and other broadcasters that note the use of AI-generated content in manipulating the communication, including social media news outlets, as well as exemptions for satire or parody.</p> <p>Altogether, the stakes of an unregulated and undisclosed Wild West of AI-generated campaign communications are far more than the</p>

	<p>impact on candidates; it will further erode the public’s confidence in the integrity of the electoral process itself. If voters cannot discern fact from fiction in campaign messages, they will increasingly doubt the value of casting a ballot – or the value of ballots cast by others.</p> <p>Only five states – California, Minnesota, Michigan, Texas and Washington – have laws on the books designed to mitigate the damage of deceptive and fraudulent deepfakes in campaign communications. However, 34 other states, including Colorado, are considering similar legislation.</p> <p>Public Citizen strongly urges the Colorado Assembly State, Civic, Military & Veterans Affairs Committee to move H.B. 1147 forward for final passage in order to put in place much-needed regulations to protect voters, our elections and our democracy from the harms of deepfakes.</p>
Avi McGrady For themselves	Ai can be a powerful tool, but we must ensure that it will be used responsibly, and not as a tool to harm others. As a high school student studying cybersecurity and ethics of AI, I feel like the restriction of deepfakes should be a required change to help protect against the abuse of artificial intelligence. This is a great first step in our journey to create a safer world around this new technology, however we have more changes that need to be made in the future.