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Thank you Chairwoman Abrams, Vice-Chairman Williams, Ranking Member Brown, and members of the Criminal Justice Committee for allowing me to speak in support of House Bill 410 to regulate dissemination of deep fake media to influence an election.

Artificial Intelligence poses a unique and unprecedented threat to the sanctity of our elections. AI has the ability to facilitate the dissemination of disinformation about candidates through the creation of deep fakes. Deep fakes are media which digitally alter a recording of a person to make that person appear as if they are saying or doing something which never happened. Currently, the state of Ohio lacks any legislation which defines what deep fakes are under the law, and how deep fakes should be regulated in the context of elections.

In a recent survey conducted by an internet security company, 48% of voters claim that deep fakes they have seen online will have some influence over who they plan to vote for in the upcoming election¹. Deep fakes have been on the rise in the United States; from fake audio robocalls of President Biden urging citizens not to vote in the 2024 primary² to fake videos of Elon Musk urging social media users to buy scam cryptocurrency³. A properly informed and seldom deceived voting base is the most important element in ensuring that the strength of our democracy does not falter, this is why we should follow in the footsteps of states such as Texas, Mississippi, Michigan, New Hampshire, Wisconsin, and Utah and put restrictions on the distribution and publication of election-related audio and visual material created using AI.⁴

This bill will define “Deepfake” as a video, audio recording, or image created with the intent to deceive, that appears to depict a real person performing an action or audio that is not authentic that did not occur in reality, require disclosure on election-related audio and visual material created using AI, prohibit distribution and publication of election-related audio and visual material created using AI 90 days or less before an election, and allow individuals to seek civil damages for offenses if it is determined there was intent to injure a candidate or influence the result of an election by creating the material or causing the material to be published or distributed within 90 days of an election.

With public faith in democratic institutions fading in this current political atmosphere, constituents should be protected from misinformation and technological deception. A lot of our older or less technologically adept constituents already have trouble navigating the growing sprawl of news media on new technological frontiers, and the proliferation of deep fakes going unregulated will leave one of our most important voting blocs vulnerable.

Thank you all for allowing me to provide testimony today on House Bill 410. I would be happy to answer any questions.

Citations

²Bond, Shannon. “Ai Fakes Raise Election Risks as Lawmakers and Tech Companies Scramble to Catch Up.” *NPR*, NPR, 8 Feb. 2024, www.npr.org/2024/02/08/1229641751/ai-deepfakes-election-risks-lawmakers-tech-companies-artificial-intelligence.

¹Genovese, Daniella. “Nearly 50% of Voters Said Deepfakes Had Some Influence on Election Decision: Survey.” *Fox Business*, Fox Business, 30 Oct. 2024, www.foxbusiness.com/politics/nearly-50-voters-said-deepfakes-had-some-influence-election-decision.

³Thompson, Stuart A. “How ‘Deepfake Elon Musk’ Became the Internet’s Biggest Scammer.” *The New York Times*, The New York Times, 14 Aug. 2024, www.nytimes.com/interactive/2024/08/14/technology/elon-musk-ai-deepfake-scam.html.

⁴“Tracker: State Legislation on Deepfakes in Elections.” *Public Citizen*, 16 Oct. 2024, www.citizen.org/article/tracker-legislation-on-deepfakes-in-elections/.