OHIO GENERAL ASSEMBLY

House Technology and Innovation Committee

**Written Testimony of Chad Budreau on behalf of the
Ohio Association of Broadcasters
Regarding House Bill 185**

June 10, 2025

Thank you for the opportunity to submit this testimony regarding House Bill 185. My name is Chad Budreau, and I serve as President of the Ohio Association of Broadcasters.[1] On behalf of the OAB and its members, which include more than 400 local radio and television stations, I thank Representatives Mathews and Mathews for sponsoring and the Committee for holding a hearing on House Bill 185, which addresses the very important issue of the use of malicious deepfake technology to harm or deceive others.

OAB's members—local television and radio stations licensed to serve the public interest for Ohio's communities—are the most trusted source of news and information here in Ohio and across the country; a role that our members take very seriously, and that is all the more important in light of the rampant increase in the use of generative artificial intelligence (AI) in spreading misinformation and disinformation. As is the case in newsrooms across America, OAB's television and radio stations are working diligently to protect against generative AI distorting the news reporting and informational content that they source, produce, and freely deliver to the public.

OAB supports House Bill 185 and the language, which addresses concerns regarding the consequences of the Bill's applicability to the broadcast industry. OAB's concerns are applicable more broadly, but are particularly pressing in the context of political advertising. Specifically:

- Under federal law (47 U.S.C. § 315(a)), broadcasters are prohibited from censoring (including editing by way of addition or removal) the content of an advertisement that is paid for by a legally qualified candidate for public office and/or such candidate's authorized campaign committee (unless such content is legally obscene). Moreover, broadcasters are required under federal law to provide federal candidates reasonable access to purchase time on their stations (47 U.S.C. § 312(a)(7)).

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[1] The Ohio Association of Broadcasters is a voluntary, non-profit trade association that advocates for the interests of its member radio and television stations and, more generally, the interests of broadcasting in Ohio.

- The same concerns apply to other forms of political advertising:

    - Broadcasters are not required to accept ads from candidates for state or local office, but if they do permit a state or local candidate to purchase airtime, they must offer equal opportunities for all other opposing candidates in that race to purchase advertising (47 U.S.C. § 315(a)). And again, ads paid for by legally qualified candidates are subject to the "no censorship" rule such that broadcast stations are prohibited by federal law from modifying or editing such ads.

    - Similarly, if broadcasters accept advertising from a third-party political action committee (i.e., a PAC) or other organization addressing one or more political issues, they generally permit advertising on all sides of those issues to ensure that diverging viewpoints are not denied an opportunity to be broadcast.

- In addition to these restrictions on a station's ability to modify the content of the political advertisements it airs, broadcasters are also subject to robust recordkeeping requirements, among which is the obligation to publicly post "as soon as possible" (generally, within one business day) any request from a political advertiser to buy advertising time, including indicating whether the station accepted or rejected such a request (see 47 C.F.R. § 73.1943; 47 U.S.C. § 315(e)).

In short, various federal laws, rules, and regulations limit broadcasters' ability to identify and reject advertisements from bad actors that may seek to mislead or deceive the American public, including by the use of AI-generated deepfakes. Add to this the fact that malicious deepfakes are intentionally designed to elude discovery, and it is unwarranted—and often unworkable—to subject broadcasters to liability for inadvertently accepting and airing advertisements that contain malicious deepfake recordings.

For these reasons, OAB supports HB 185 today. Multiple states have already enacted provisions substantially similar to HB 185; Ohio would not be alone in its treatment of broadcasters as set forth in the legislation. Specifically, similar provisions pertaining to broadcasters have been enacted in Wisconsin, Colorado, Mississippi, California, and Oregon, and more are being considered or have been approved in more than a dozen other states.

To reiterate, OAB supports HB 185's core purpose: to harness the power of generative AI and to reduce the spread of misinformation and disinformation, particularly in the context of free and fair elections. It is important, however, that such efforts do not inadvertently penalize broadcasters and other news media entities that are already subject to robust legal and regulatory frameworks bearing on these issues and who are working tirelessly to provide trusted local journalism and information—and to root out deceptive uses of AI. We look forward to working with the Committee on this important legislation.