

MINUTES  
**HOUSE STATE AFFAIRS COMMITTEE**

**DATE:** Thursday, January 25, 2024

**TIME:** 9:00 A.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Crane(13), Vice Chairman Young, Representatives Palmer, Barbieri, Holtzclaw, Scott, Andrus, Skaug, Alfieri, Allgood, Crane(12), Gannon, Nash (Coberly)

**ABSENT/  
EXCUSED:** None

**GUESTS:** The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

**Chairman Crane (13)** called the meeting to order at 9:00 AM.

**MOTION:** **Rep. Coberly** made a motion to approve the minutes from January 22 and 23, 2024. **Motion carried by voice vote.**

**H 407:** **Rep. Skaug** presented **H 407** explaining it is a bipartisan bill which addresses the use of deep fakes in electioneering communication which are believable to a reasonable person by requiring a notice which labels the image or video as manipulated. This legislation does not restrict, but rather expose synthetic media. The goal is to hold this bill in committee and present the new proposed legislation which features two small changes.

**Rep. Rubel** further explained it takes only two minutes of footage of someone speaking to create a deep fake video, and shared examples with the committee. She clarified this legislation will cover more than current defamation suits because it offers more protections not only for election candidates, but also voters and election system integrity.

In response to committee questions, **Rep. Rubel** explained this legislation provides immediate injunctive relief and if the creator of the synthetic media is unknown, a candidate can still file a doe suit and serve subpoenas. Additionally, by taking these cases to the courts instead of an agency, cases can move more quickly. The font disclosure must be reasonably readable, current code ensures there must be a list included of who has paid for the ad, and in the case of a PAC there are still names attached to those organizations whom could be charged. She clarified this legislation deals only with electioneering communications and AI, though many more pieces of legislation will likely need to be drafted to address this broader issue.

**Rep. Skaug** addressed further committee questions explaining penalties decided by the courts are best for this issue as there are cases in which any number will be either too high or too low given different circumstances. He further clarified special damages can be extremely severe, they can also include issuing corrections to any statement previously made in a piece of synthetic media. They clarified the uncapitalized use of the word candidate leaves the term intentionally open.

**Kendal Shaber**, League of Women Voters of Idaho, testified **in support of H 407** stating this legislation is timely and necessary to empower informed voters to participate. She further explained this legislations strikes the correct balance between first amendment rights and clear information for voters.

**Elinor Chehey**, League of Women Votes of Idaho, testified in support of H 407 sharing a story of someone creating an altered video from a debate aired on Idaho Public Television. All related lawsuits were dropped because of lack of budget.

**Kayla Dodson and Marsha Bravo** testified in support of H 407 explaining how easily anyone can be tricked by altered media, and how difficult it can be to tell if things are real. Social media is a real means through which people can learn about candidates and media needs to be authentic in order for citizens to trust the election process.

**Jason Crawforth** testified in support of H 407 highlighting the technical advances in recent years. Five years ago it took over 30 minutes of recorded video to generate a piece of fake media, now it takes only three seconds. This legislation is only the tip of the iceberg of the protections needed.

**MOTION:** **Rep. Scott** made a motion to **HOLD H 407** in committee. **Motion carried by voice vote.**

**RS 31033:** **Reps. Rubel and Skaug** presented **RS 31033** explaining it is the same legislation with two key changes the font size requirement is now simply reasonably readable to the average person, and the legislation now includes an emergency clause to go into effect before the next election. They stated both legislative attorneys are in agreement about this bill, asking not to let perfect get in the way of good.

**MOTION:** **Rep. Scott** made a motion to return **RS 31033** to the sponsor.

**Rep. Scott** spoke to her motion explaining the committee is in agreement this is a large problem, but would like to see changes in response to committee feedback covering as many people as possible from this issue. She said it would be up to the sponsors who to add and the sponsors are aware now the committee wants a stronger penalty added to the legislation. **Rep. Barbieri** spoke to the motion stating there must be a delicate balance struck between the necessity of being vague in the legislation and specificity.

**SUBSTITUTE MOTION:** **Rep. Gannon** made a substitute motion to introduce **RS 31033** and recommend it be sent directly to the second reading calendar.

**Rep. Gannon** spoke to the substitute motion explaining if synthetic media is created far enough in advance of an election there is time to issue corrective statements.

**Rep. Rubel** answered additional committee questions clarifying if a deep fake was created outside of the time frames defined in Idaho Code for candidacy, but circulated within the time frame this legislation could still cover it. She also explained the change in the time frame from 30 days before a primary election to 60 days before a primary election would involve the changing of a large amount of Idaho Code which is not the central focus of this legislation. In response to non-election year synthetic media questions, she explained this bill deals with election communications in an election cycle and further legislation can be brought at a later time to address separate synthetic media concerns.

**AMENDED SUBSTITUTE MOTION:** **Rep. Palmer** made an amended substitute motion to introduce **RS 31033** and recommend it be sent directly to the second reading calendar without recommendation. He explained by moving this bill forward there is pressure on this issue and if this legislation is stopped there is concern this effort will stop altogether.

**Rep. Scott** spoke in opposition to the amended substitute motion explaining it is irresponsible to simply pass this legislation. She voiced concern about it being citizens who will be dealing with these cases and need more clarity. **Rep. Young** spoke in support of the amended substitute motion stating she does not see one fix everyone agrees upon.

**ROLL CALL  
VOTE ON  
AMENDED  
SUBSTITUTE  
MOTION:**

**Amended substitute motion carried by a vote of 8 AYE and 5 NAY. Voting in favor of the motion: Reps. Young, Palmer, Barbieri, Holtzclaw, Skaug, Allgood, Gannon, and Coberly. Voting in opposition to the motion: Reps. Crane (13), Scott, Andrus, Alfieri, and Crane (12). Reps. Rubel and Skaug will sponsor the bill on the floor.**

**ADJOURN:**

There being no further business to come before the committee, the meeting adjourned at 10:23 AM.

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Representative Crane (13)  
Chair

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Kennedy Jones  
Secretary