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Chair Fahey, Vice-Chairs Helfrich and Kropf, and Members of the House Committee on Rules:

My name is Kathy Wai, Legislative Director for Oregon's 29th Secretary of State, Lavone Griffin-Valade. We urge you to support SB 1571-A. The Secretary's mission is to build trust between the people of Oregon and their state government so that public services can make a positive difference in people's everyday lives. We build trust in our democracy by ensuring secure, fair, and accessible elections at all levels. As Oregon's chief elections officer, one of the Secretary's top priorities is to successfully administer and oversee Oregon elections. We also build trust by providing accurate information around elections.

There has been a proliferation of user-friendly Artificial Intelligence (AI) tools released to the public in the recent years. Campaigns can easily create high-quality, convincing AI generated content in the form of images, voices, deepfakes and other forms of synthetic media. AI is an evolving threat in our highly charged mis, dis, and mal-information (MDM) environment. [Many states](#) have enacted legislation to address AI broadly and states such Washington have required disclosures on AI generated content to help voters better understand the content they consume. SB 1571-A is inspired by [legislation](#) spearheaded by the Washington Secretary of State's Office in 2023. California, Texas, and Minnesota have also worked on legislation in this area, as has the federal Election Assistance Commission.

SB 1571-A requires disclosures on political communications that are the product of synthetic media. The definition of synthetic media is described in the bill. The bill does not inhibit creativity or use of digital technologies; it ensures transparency for voters when the content they're viewing has been intentionally manipulated with AI technologies resulting in voters having a fundamentally different understanding or impression than they would have had from an unaltered or original version of the media at issue. The Elections Division will promulgate administrative rules to provide guidance about the specific types of communications requiring disclosure and the specific text required in the disclosures themselves. Rulemaking would allow the Division to address some of the concerns that have been raised to provide more clarification on defining synthetic media. For example, the Division could consider rules that interpret the definition of synthetic media to clearly distinguish the ordinary use of stock photos from a synthetic media use that recasts the stock photo in a misleading context and should be disclosed.

Point of Contact:

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SB 1571-A also directs the Secretary of State with investigating alleged violations of this law using a similar enforcement process established by ORS 260.537. We appreciate the Senate Committee on Rules for adopting the -5 amendments that gives the SoS more explicit rulemaking authority to implement Section 1 of the bill. This will allow us to provide more guidance to campaigns and to create rules around the disclosure requirements.

The enforcement process would mirror our current “false publication” statute, ORS 260.537. The Elections Division would open investigations into complaints that present enough evidence to show that a violation may have occurred. If a complaint doesn’t contain sufficient evidence, the complaint is dismissed without further action.

Each case presents different facts, patterns and evidence, but if an investigation were opened, the Elections Division would promptly reach out to subject of the complaint for information. If it appears that the subject made a false publication, the Division would then use this information to determine whether there was an intent to mislead. We have adopted criteria by administrative rule to help us make this determination.

If we believe a violation occurred (that a false publication with intent to mislead was disseminated) we would institute court proceedings to enjoin the violation. The courts would ultimately make the decision and issue penalties.

The enforcement for SB 1571-A would follow a similar investigation process. When a complaint is made, we would look at the synthetically generated media, ask how it was created, and then ask for the originals in our investigation, then compare the two. If there is doubt about whether the media is synthetic, we listen the evidence from the complaintment and the respondent and make credibility judgements, like our normal proceedings.

SB 1571-A is a proactive step forward at increasing transparency and accountability for campaign communications that use synthetic media. It helps safe-guard elections integrity if voters better understand the content of the information they are viewing. We hope to get your support on SB 1571-A.

Thank you,
Kathy Wai
Legislative Director

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