

Dr. Alice Vo Edwards

March 2025

To: Assembly Committee on Legislative Operations and Elections

Re: Witness Testimony on Assembly Bill 73

Dear Members of the Assembly Committee on Legislative Operations and Elections,

I am one of the authors of IEEE 7010-2020 - *IEEE Recommended Practice for Assessing the Impact of Autonomous and Intelligent Systems on Human Well-Being*. I am deeply passionate about helping avert harm caused by the misuse of AI and AS, particularly in contexts where such technologies can be weaponized to manipulate public perception and undermine democratic processes. My expertise in ethical AI evaluation informs my perspective on AB 73 and the potential risks associated with election-related misinformation, particularly in the use of synthetic and manipulated media.

While I commend the bill's efforts to increase transparency in campaign communications and protect voters from misleading synthetic media, I would like to highlight areas where the legislation could be strengthened to close potential loopholes that may be exploited to circumvent its intent.

Addressing Loopholes in AB 73

The bill rightly imposes disclosure requirements on synthetic media used in campaign-related communications; however, it does not fully address the broader issue of political misinformation. As a study conducted by the Knight First Amendment Institute at Columbia University found, the use of synthetic media in political misinformation is not merely an issue of AI-generated content but rather a broader problem of false information being weaponized to influence elections. Their analysis of 78 election deepfakes revealed that much of the misinformation spread during campaigns relied on *non-AI-generated* deceptive content, which would not necessarily be covered by AB 73 as written.

For example, in January 2024, a political consultant used AI to clone President Joe Biden's voice in robocalls that discouraged New Hampshire voters from participating in the state's Democratic primary. This deepfake was designed to manipulate voter behavior and undermine trust in the electoral process. The Federal Communications Commission (FCC) finalized a \$6 million fine against the consultant for transmitting these fake robocalls. However, AB 73 sets the penalty for violations at a maximum of \$10,000, which is not a sufficient deterrent. Unless the fine is applied per individual who views or is exposed to the false content, bad actors may consider this penalty a minor cost of doing business rather than a serious consequence.

Ensuring Accountability and Sufficient Penalties

A major concern with AB 73 is that it does not clearly define how individuals or entities responsible for disseminating deceptive content will be held liable. The bill imposes a maximum penalty of \$10,000 for violations; however, this amount is negligible when compared to the irreparable damage that viral misinformation can inflict on a candidate's reputation. Misinformation spreads rapidly, and by the time a violation is identified and penalized, an election may already be decided. This reality underscores the need for **stronger and more immediate consequences** to deter bad actors from engaging in deceptive practices.

Furthermore, the bill does not outline a clear process for those harmed by adversarial media to seek assistance from the government. Many candidates in Nevada's elections operate with modest budgets and may not have the resources to pursue civil litigation against those responsible for deceptive content. The bill should establish a mechanism for state agencies to investigate and take action on behalf of victims, ensuring that justice is accessible to all candidates, not just those with the financial means to sue.

Recommendations for Strengthening AB 73

To address these concerns, I recommend the following amendments to AB 73:

1. **Expand the Scope of the Bill** – Ensure that AB 73 covers *all* deceptive or manipulated media, whether AI-generated or not, when used for election influence.
2. **Increase Penalties for Violators** – The penalties should be severe enough to serve as a deterrent. A \$10,000 fine is insufficient given the potential impact of viral misinformation. Consider implementing escalating penalties based on the severity and reach of the deceptive content. For instance, the FCC imposed a \$6 million fine on the consultant responsible for the AI-generated Biden robocalls, recognizing the gravity of the offense.
3. **Create a Governmental Redress Mechanism** – The bill should include provisions for state agencies to assist individuals who have been harmed by false or deceptive media, rather than forcing them to pursue expensive and time-consuming litigation.
4. **Liability for Content Creators and Distributors** – Any individual who creates and publishes deceptive media, regardless of whether they are formally affiliated with a political campaign, should be held liable for obstructing fair election processes. Even if an individual is not officially connected to a candidate or party, the intentional creation and distribution of false election-related content should be treated as an offense.
5. **Ensure Swift Legal and Regulatory Action** – Given the short time frame of election cycles, legal recourse must be expedited. Waiting for litigation to conclude long after an election has passed is ineffective. Consider provisions for immediate takedown requests, emergency injunctions, and public retractions of false content.

Conclusion

Assembly Bill 73 is an essential step toward protecting election integrity in Nevada, but it requires further refinements to fully address the evolving threats of political misinformation. If left unaddressed, individuals seeking to manipulate public perception could easily exploit the current gaps in the bill. Strengthening AB 73's provisions will ensure it serves as a comprehensive safeguard against deceptive campaign practices.

I urge the committee to consider these recommendations to close loopholes and strengthen enforcement mechanisms. Thank you for your time and consideration.

Sincerely,
Dr. Alice Vo Edwards

References:

Knight First Amendment Institute at Columbia University. *We Looked at 78 Election Deepfakes: Political Misinformation Is Not an AI Problem*. Retrieved from: <https://knightcolumbia.org/blog/we-looked-at-78-election-deepfakes-political-misinformation-is-not-an-ai-problem>

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Reuters. *Consultant fined \$6 million for using AI to fake Biden's voice in robocalls*. Retrieved from: <https://www.reuters.com/world/us/fcc-finalizes-6-million-fine-over-ai-generated-biden-robocalls-2024-09-26/>