



**March 28, 2024**

Committee on Consumer Protection and Commerce  
Room 432, State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**RE: SB 2687 – “Related to Elections” (Oppose Unless Amended)**

Dear Chair Nakashima and Members of the Committee on Consumer Protection and Commerce:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully oppose SB 2687 unless amended. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.<sup>1</sup>

CCIA understands Hawaii lawmakers’ and residents’ rightful concerns about how bad actors can misuse content, including media created with generative artificial intelligence, to spread mis- and dis-information about elections or otherwise influence election outcomes.

We appreciate that the bill exempts certain entities from liability if the service is “not involved in the creation of the materially deceptive media”. These exemptions appear to acknowledge that intermediaries are not well-suited to know whether any particular piece of content has been manipulated in a materially deceptive manner to influence elections. And, while many digital services employ tools to identify and detect these materials with some degree of certainty, it is an evolving and imperfect science. We would therefore request that intermediary liability also be limited for online services that host content generated, posted, and shared by other users.

To that end, CCIA suggests amendments to add the following language under section 11-A:

*(b) Subsection (a) shall not apply to a broadcaster, cable operator, interactive computer service, or streaming service if it was not involved in the creation of the materially deceptive media.*

We appreciate your consideration of these comments and stand ready to provide additional information.

Sincerely,

Khara Boender  
State Policy Director  
Computer & Communications Industry Association

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<sup>1</sup> For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.