



Help achieve an open and accountable government

April 11, 2024

The Honorable Assemblymember Rebecca Bauer-Kahan
Chair, Assembly Committee on Privacy and Consumer Protection
1020 N Street, Room 162
Sacramento, CA 95814

Cc: The Honorable Buffy Wicks and other members of the Assembly Committee on Privacy and Consumer Protection

RE: AB 3211 (Wicks) - Provenance Authenticity and Watermarking Standards (PAWS) Act — SUPPORT

Dear Chair Bauer-Kahan:

On behalf of California Clean Money Campaign, I write in support of AB 3211 (Wicks), which will help protect vulnerable parties, voters, and the public at large by requiring transparency about generative artificial intelligence (AI) content that, if used deceptively and maliciously, has the power to cause deep harm to individuals, to undermine our elections, and to challenge national security, among other grave problems.

Generative AI technologies are increasingly able to generate inauthentic images, audio, video, and text content—sometimes called “deepfakes”—that appear authentic even to experts. Fake content that is presented as real can include many things, including:

- Disinformation impacting free and fair elections, which we have already seen with deepfakes undermining or influencing national elections in Bangladesh, Slovakia, Pakistan, and Argentina, and elections around the United States;
- Fake digital media that undermine national security, such as fake photos of an attack on the Pentagon, which were disseminated by a twitter account of RT, a Russian-backed media company, and which caused a US stock market plunge;
- Non-consensual intimate imagery, demonstrated by the obscene sexual imagery of Taylor Swift that was published and circulated widely around the time of the Super Bowl; and
- Many other forms of problematic content, including scams and fraud, child sexual abuse material, and plagiarism.

While generative AI, like other AI technologies, have great positive potential, the possible harms can be costly and deeply damaging to our democracy and our society and can be devastating for specific targeted individuals, i.e. those portrayed in fake sexual imagery aka deepfake porn.

In light of the widespread adoption of these generative AI technologies, it is increasingly important that the provenance of AI-generated, fake content be clearly disclosed and labeled, so social media users know the truth about what they are seeing and so it is more difficult and costly for bad actors to cause harm.

AB 3211, the California Provenance, Authenticity and Watermarking Standards (PAWS) Act, attempts to solve these problems. The bill will require AI content generators to provide the public with tools to

distinguish between authentic and fake content across digital media. AI content generators will be required to embed maximally-indelible and privacy-protecting content provenance data into the content that they generate and all large online platforms will be required to display clearly understandable labels on content that alert users to its provenance. While these requirements alone will not fully eliminate the harms caused by fake online content, they can dramatically reduce those harms by making clear which content is fake and which is real.

As new technologies propel us into the future, we must move forward in a way that maximizes transparency, mitigates harm, and protects users. AB 3211, which borrows heavily from the guidance and leadership of the European Union's AI Act, accomplishes these goals.

For these reasons, we support AB 3211 and respectfully request your Aye vote.

A handwritten signature in black ink, appearing to read "Trent Lange". The signature is fluid and cursive, with the first name "Trent" being more prominent than the last name "Lange".

Trent Lange
President and Executive Director
California Clean Money Campaign