

Congress of the United States
Washington, DC 20515

July 13, 2023

Lisa J. Stevenson
Office of General Counsel
Federal Election Commission
1050 First Street NE
Washington, DC 20463

Dear Ms. Stevenson,

We write today in response to the Federal Election Commission's (FEC) decision on June 22 regarding a Notice of Availability on a Petition for Rulemaking addressing the use of generative artificial intelligence (AI) in campaign advertisements.¹ We are disappointed in the FEC's decision not to use its existing authority to seek comment on the proposal from Public Citizen and strongly urge the Commission to reconsider its decision.

On May 16, Public Citizen submitted a petition for rulemaking to clarify that the law against 'fraudulent misrepresentation' applies to deceptive AI campaign ads.² Quickly evolving AI technology makes it increasingly difficult for voters to accurately identify fraudulent video and audio material, which is increasingly troubling in the context of campaign advertisements.

As Public Citizen notes in their petition, 52 U.S.C. §30124 prohibits candidates from fraudulently misrepresenting themselves as speaking or acting for or on behalf of another candidate or political party on a matter damaging to the other candidate or party. Deceptive ads created by generative AI can similarly allow candidates to fraudulently misrepresent themselves, disrupting the democratic processes that serve our country.

The FEC plays a vital role in our democracy as an independent, nonpartisan regulatory agency created to promote confidence and participation in the democratic process. When operating effectively and impartially, the Commission's sole responsibility of administering and enforcing federal campaign finance law has the potential to protect the integrity of our elections. The FEC's failure to act can however *reduce* transparency in our elections and undermine faith in our political system.

As the 2024 Presidential election quickly approaches, it is imperative that the FEC allow comment on Public Citizen's petition for rulemaking. It is well within the FEC's authority to do so, given the Commission's past issuance of enforcement actions on 52 U.S.C. §30124.

¹ <https://www.fec.gov/updates/fec-discusses-petition-for-rulemaking/>

² <https://www.citizen.org/article/petition-for-rulemaking-to-clarify-that-the-law-against-fraudulent-misrepresentation-applies-to-deceptive-ai-campaign-ads/>

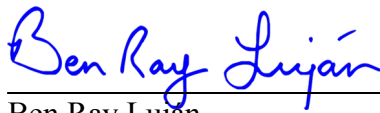
As Members of Congress concerned about the ability of generative AI to significantly disrupt the integrity of our elections, we respectfully request that the FEC reconsider its decision and seek comment on whether the Commission should initiate a full rulemaking on a proposal in the Petition for Rulemaking from Public Citizen. Should you decline this request, please provide a detailed summary and justification as to why you reached that decision.

Thank you for your attention to this important matter.

Sincerely,



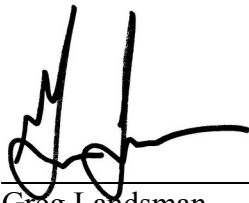
Adam B. Schiff
Member of Congress



Ben Ray Lujan
United States Senator



Amy Klobuchar
United States Senator



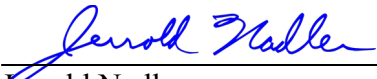
Greg Landsman
Member of Congress



Mike Thompson
Member of Congress



Paul D. Tonko
Member of Congress



Jerrold Nadler
Member of Congress



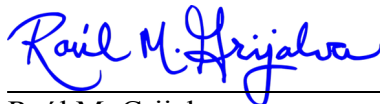
James P. McGovern
Member of Congress



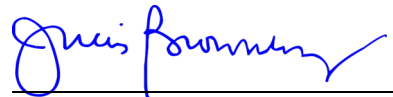
Katie Porter
Member of Congress



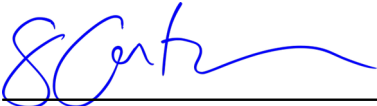
Al Green
Member of Congress



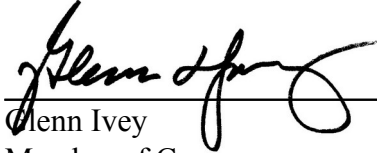
Raúl M. Grijalva
Member of Congress



Julia Brownley
Member of Congress



Sean Casten
Member of Congress



Glenn Ivey
Member of Congress



Dean Phillips
Member of Congress



Jason Crow
Member of Congress



Kevin Mullin
Member of Congress



Jan Schakowsky
Member of Congress



Jimmy Panetta
Member of Congress



Mark Pocan
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Eleanor Holmes Norton
Member of Congress



Chris Deluzio
Member of Congress



Earl Blumenauer
Member of Congress



Alex Padilla
United States Senator



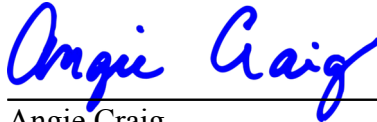
Ted W. Lieu
Member of Congress



Summer Lee
Member of Congress



Chris Van Hollen
United States Senator



Angie Craig
Member of Congress



Jake Auchincloss
Member of Congress



Colin Z. Allred
Member of Congress



Adriano Espaillat
Member of Congress



Jim Tokuda
Member of Congress



Tony Cárdenas
Member of Congress



Doris Matsui
Member of Congress



Jeffrey A. Merkley
United States Senator



Anna G. Eshoo
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John P. Sarbanes
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Bernard Sanders
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Seth Moulton
Member of Congress




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Sheldon Whitehouse
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Josh Gottheimer
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Derek Kilmer
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Robert C. "Bobby" Scott
Member of Congress



Jamie Raskin
Member of Congress



Jasmine Crockett
Member of Congress



Cory A. Booker
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Michael F. Bennet
United States Senator



Chrissy Houlahan
Member of Congress