Dear Commissioners,

The FEC has the authority to regulate the use of Artificial Intelligence in campaign ads to address fraudulent misrepresentation.

It's vital that the FEC address this issue, especially considering the potential misuse of AI to spread misinformation in our elections.

As the fraudulent misrepresentation law reads, no person who is a candidate for Federal office (or an employee or agent of such a candidate) shall fraudulently misrepresent themself or any committee or organization under their control. This also includes anyone acting for or on behalf of any candidate or political party, which can be deemed as damaging to that candidate or political party.

In addition, no one is allowed to willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate this law, which includes the fraudulent solicitation of funds

The FEC has already recognized its authority to provide regulations of this law though existing regulations focused on fraudulent misrepresentation for fundraising purposes. The FEC needs to now clarify in its regulations that deepfakes and use of AI to engage in fraudulent misrepresentation are subject to these same constraints.

Commissioner Alan Dickerson has expressed reluctance to approve any such regulation, arguing that the law against fraudulent misrepresentation only applies to the candidate who is speaking and not to the candidate who is the target of the speech. We believe this is a narrow interpretation of the law and needs to be expanded to protect the targeted candidate.

When AI creates deepfakes, in which a target candidate is depicted saying or doing something the target candidate would never do, the technology is now being used to deliberately falsify a target candidate via images or their voice, and should be deemed a violation of the law against fraudulent misrepresentation.

The law and proposed regulation by the FEC against fraudulent misrepresentation is a useful step toward regulating "deep fakes," but it is not a complete solution or remedy.

The law also needs to include outside groups like super PACs, not just candidates and party committees, which makes further legislation necessary, but an FEC regulation on fraudulent misrepresentation would be an important start to rein in abuses of artificial intelligence in campaign ads.

Thank you,
Cindy Black
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Fix Democracy First

Comments provided by :

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