

To the Office of General Counsel:

I am writing to you to express the Asian and Pacific Islander American Votes (APIAVote) concern for maintaining the integrity of the election process. APIAVote appreciates the opportunity to comment on the Federal Election Commission (FEC) rulemaking regarding the applicability of fraudulent misrepresentation (11 C.F.R. §110.16) regarding the use of deceptive artificial intelligence (AI) in campaigns. AI-generated deepfake audio and video clips are troubling and growing trend in some campaigns.

APIAVote is the nations leading nonpartisan nonprofit dedicated to engaging, educating, and empowering Asian American, Native Hawaiian and Pacific Islander (AANHPI) communities to establish a pervasive culture of civic engagement. APIAVote and our network of community based partners have led national initiatives that have contributed to ever increasing AANHPI voter participation. During the lead up to the midterm elections last year, APIAVote with its community partners sent translated mailers to over 1 million AANHPI households, to inform and educate them in their preferred languages on the voting rules, dates and procedures specific to their states. Our investments in translations, trusted community messengers, and building a community-based infrastructure have created a culture of civic engagement among AANHPI communities. Notwithstanding our efforts, unscrupulous use of AI and deepfakes will undermine the trust that Americans, including AANHPIs, have in the electoral process.

Our understanding is that campaigns are already using deepfakes to as part of their campaign communications. It seems logical that at a minimum such use of AI in such a context be properly noticed to the public before it is consumed. The AANHPI is potentially more susceptible to deepfakes created by AI as many in our community are new American citizens and new to the US election process. The demographics of the AANHPI community make it clear that we are an extremely diverse and growing community and with that comes certain challenges especially in the areas of language and cultural differences. These challenges can be exacerbated by deepfakes.

APIAVote supports the current petition that requests the FEC clarify that the Misrepresentation Provision of 52 U.S.C. 30124(a)(1) applies to campaign ads that are created with AI deepfakes. There is an urgent need for clear regulations to limit the use of deepfake political advertising.

Comments provided by :
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