Comment of NETWORK Lobby for Catholic Social Justice on Federal Election Commission REG 2023-02, Artificial Intelligence in Campaign Ads

For over 50 years, NETWORK Lobby for Catholic Social Justice has been guided by Catholic Social Teaching, which tells us that every human being is a person of dignity and worth, to advocate for economic and social justice and the common good. Because fair democratic systems are central to the common good, NETWORK believes that we all have an obligation to participate in our democracy. To fulfill that responsibility, each person must possess the right to the resources necessary to participate in democracy with conviction, integrity, and confidence. For these reasons, NETWORK urges the FEC to decisively regulate the use of artificial intelligence (AI) to prevent its fraudulent misuse in our nations democratic institutions.

Congress has entrusted the Federal Election Commission (FEC) with the duty to ensure that our democracy is protected against fraudulent misrepresentations in campaign ads and solicitation of campaign funds. Under Section 30124 of the Federal Election Campaign Act (FECA), the FECs authority necessarily includes broad statutory authority to regulate the ever-increasing use of AI in federal election campaigns to prevent such fraudulent misrepresentations. Specifically, those provisions bar any candidate, or their employees, agents, committees or other organizations under the candidates control from speaking or writing or otherwise acting for or on behalf of any other candidate or political party . . . on a matter which is damaging to such other candidate or political party. . . (52 U.S.C Section 30124(a)(1).

As we know all too well, the rapid advances in AI technology and its accessibility to public users have already created numerous examples of its real and potential misuse in federal political campaigning. When one candidate sanctions an AI deep fake that fraudulently puts words in the mouth of a political opponent and then allows dissemination of that deep fake in campaign advertising, it is hard to imagine a more obvious and damaging fraudulent misrepresentation of the targeted candidate. In the current regulatory void, however, there is no recourse for the candidate or party harmed by the deep fake, and no penalty for the candidate or their agents who perpetrate such serious fraudulent acts.

To meet its obligations to protect our democratic electoral institutions and processes, the FEC has established a complex and wide-reaching regulatory scheme that governs political campaign advertising and fund-raising. However, the unbridled intrusion of deep fake campaign advertising has the potential to fundamentally corrupt our nations elections for federal office, despite all of the FECs regulatory efforts to protect the integrity of those elections to date. Accordingly, NETWORK joins the wide range of individuals and organizations who value our democracy to urge the FEC to adopt regulations to reign in deep fake advertising just as it has for myriad other threats to our electoral processes. Moreover, with the 2024 federal election campaign season already upon us, we ask that the FEC move to propose and promulgated such regulations with great urgency.

NETWORK appreciates this opportunity to comment on the need for decisive regulations to constrain the use of deepfake political advertising as a critical

next step in the FECs commitment to protecting our nations electoral institutions.

Comments provided by :
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