



April 4, 2024

The Honorable Gail Pellerin
Chair, Assembly Elections Committee
California State Capitol
Sacramento, CA 95814

RE: CLC Support for AB 2839 (Pellerin), Relating to Elections: deceptive media in advertisement

Dear Chair Pellerin and members of the Assembly Elections Committee:

Campaign Legal Center (“CLC”) respectfully submits this written testimony in support of AB 2839 (Pellerin), relating to deceptive media in political advertisements. This bill will provide important protections for California voters by helping to limit the spread of disinformation and deepfakes in political campaign ads and independent expenditures.

CLC is a nonpartisan, nonprofit organization dedicated to protecting and strengthening democracy across all levels of government. Since the organization’s founding in 2002, CLC has participated in every major campaign finance case before the U.S. Supreme Court, as well as in numerous other federal and state court cases. Our work promotes every American’s right to participate in an accountable, transparent democratic process.

2024 will be the first election year to feature the widespread influence of artificial intelligence (AI), including in the making and distribution of public messages about candidates and electoral processes. It is critical that states like California take action to reduce this threat and ensure transparency for voters when it comes to AI in election messages.

Publicly available generative AI tools have already been used in the US to create deceptively realistic false content, including “deepfakes” – manipulated media that depict people doing or saying things they didn’t say or do, or events that didn’t really occur — to mislead the public regarding candidate positions and spread disinformation about election processes and procedures. In New Hampshire, bad actors created an [AI-generated robocall simulated President Biden’s voice](#) and urged voters not to participate in the 2024 primary election.

This issue is not limited to the US. In [Slovakia](#), [Bangladesh](#), [Argentina](#), and [Pakistan](#), campaigns and external actors have used new tools to create deceptive media, influence voters and sow confusion in national elections since the advent of publicly available generative AI tools in November 2022.

AB 2839 is an important tool in the effort to address the role of AI in election advertising and disinformation. It would take several steps to prevent the use of deepfakes and disinformation in political communications, including communications targeting candidates, elected officials, and elections officials, and it provides a fast-track for injunctive relief to stop violations of the law. This approach is narrowly tailored and consistent with the First Amendment.

Specifically, the bill would:

1. Ban the distribution of political communications generated or manipulated by AI that portray a candidate, elected official, or elections official as doing or saying something that they did not do or say, or portray election equipment and voting sites in a materially false way, for 120 days before an election and, for AI content regarding election officials or voting systems, for 60 days after the election. This would apply to robocalls, political mailers, candidate TV ads, and so on.
2. Permit candidates to use AI to portray themselves, but require that such uses be labeled as manipulated.
3. Provide a fast track for injunctive relief to stop violations.

While the risks of election manipulation, voter suppression, and misinformation all predate AI-based tools, AI provides bad actors with easy access to new tools to harm our democracy more easily and effectively. AI-fueled disinformation has the power to skew election results and undermine faith in our elections; states must act now to address this challenge head-on.

CLC supports AB 2839 and the legislature's efforts to prevent AI-based election manipulation. We appreciate the opportunity to submit this statement, and we urge the Assembly Elections Committee to move this bill forward. We would be happy to provide additional information or answer any questions the Committee may have.

Respectfully submitted,

/s Elizabeth D. Shimek

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