



May 13, 2024

The Honorable Amy Klobuchar
Chairwoman
Committee on Rules & Administration
United States Senate
425 Dirksen Senate Office Building
Washington, DC, 20510

The Honorable Deb Fischer
Ranking Member
Committee on Rules & Administration
United States Senate
448 Russell Senate Office Building
Washington, DC, 20510

CC: Members of the U.S. Senate Committee on Rules & Administration

Dear Chairwoman Klobuchar, Ranking Member Fischer, and Members of the Rules Committee:

On behalf of Campaign Legal Center (CLC), I write in support of congressional action to address the impact of artificial intelligence (AI) on our elections and to encourage the Senate Rules Committee to advance legislation on this topic during its upcoming markup. **Specifically, I urge the Committee to vote in favor of three important bipartisan bills: S. 2770, the *Protect Elections from Deceptive AI Act*,¹ S. 3875, the *AI Transparency in Elections Act*,² and S. 3897, the *Preparing Election Administrators for AI Act*.³**

As a former chairman of the Federal Election Commission (FEC) and the founder of CLC, a nonpartisan organization that advocates for pro-democracy reforms, I have seen how new technologies can present difficult challenges for our political process. AI is a unique threat in this regard due to its unprecedented ability to create realistic false content, as well as the ease with which it could allow bad actors to produce fake media that intentionally distorts reality to mislead voters.

¹ *Protect Elections from Deceptive AI Act*, S. 2770, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/2770>.

² *AI Transparency in Elections Act of 2024*, S. 3875, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/senate-bill/3875>.

³ *Preparing Election Administrators for AI Act*, S. 3897, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/senate-bill/3897>.

2024 will be the first election cycle where AI is widely used from beginning to end. In recent months, we have already seen how AI-generated content can deceive the public about what candidates are saying or doing,⁴ depict events that never actually occurred,⁵ simulate trusted voices to discourage voter turnout,⁶ and create false admissions of election interference.⁷ State and local election officials are increasingly concerned that AI could be used to undermine nonpartisan election administration or to spread disinformation that exacerbates growing threats against election workers.⁸ Moreover, there is a real national security risk that AI provides foreign governments with new tools to sow division among American voters and undermine our process of self-governance.⁹

If left unaddressed, these abuses of AI could become widespread and violate voters' fundamental right to make informed decisions, as well as dangerously erode trust in our elections. Further, it is important to emphasize that these risks apply to candidates and voters on both sides of the aisle. That is why, when I testified before the Rules Committee last year on the subject of AI and elections, I urged Congress to safeguard our democracy without regard for partisanship or political gain.¹⁰

Thankfully, there are common-sense, bipartisan solutions on the agenda for the Committee's next markup, S. 2770, S. 3875, and S. 3897. CLC strongly endorses all three bills, and we urge every Member to vote to report them out of Committee for further consideration by the full Senate.

The *Protect Elections from Deceptive AI Act* (S. 2770) was introduced by Chairwoman Klobuchar (D-MN), Senator Hawley (R-MO), Senator Coons (D-DE), and Senator Collins (R-ME). This legislation would prohibit the knowing distribution of "materially deceptive" political ads that are generated by AI and intended to influence an election or raise money. If the bill is enacted, candidates harmed by deceptive AI could swiftly seek a court order to have fraudulent media taken down, as well as financial damages that would help deter future abuses. In

⁴ Shannon Bond, *DeSantis campaign shares apparent AI-generated fake images of Trump and Fauci*, NPR (June 8, 2023), <https://www.npr.org/2023/06/08/1181097435/desantis-campaign-shares-apparent-ai-generated-fake-images-of-trump-and-fauci>.

⁵ Pranshu Verma, *The rise of AI fake news is creating a 'misinformation superspreader'*, Wash. Post (December 17, 2023), <https://www.washingtonpost.com/technology/2023/12/17/ai-fake-news-misinformation>.

⁶ Kevin Collier & Scott Wong, *Fake Biden robocall telling Democrats not to vote is likely an AI-generated deepfake*, NBC News (Jan. 22, 2024), <https://www.nbcnews.com/tech/misinformation/joe-biden-new-hampshire-robocall-fake-voice-deep-ai-primary-rcna135120>.

⁷ Curt Devine, et al., *A fake recording of a candidate saying he'd rigged the election went viral. Experts say it's only the beginning*, CNN (Feb. 1, 2024), <https://www.cnn.com/2024/02/01/politics/election-deepfake-threats-invs/index.html>.

⁸ Zach Montellaro, *America's election chiefs are worried AI is coming for them*, Politico (March 11, 2024), <https://www.politico.com/news/2024/03/11/secretary-state-ai-election-misinformation-00146137>.

⁹ Clint Watts, *China tests US voter fault lines and ramps AI content to boost its geopolitical interests*, Microsoft Threat Analysis Ctr. (April 4, 2024), <https://blogs.microsoft.com/on-the-issues/2024/04/04/china-ai-influence-elections-mtac-cybersecurity>.

¹⁰ *Congressional Testimony of CLC's Trevor Potter on AI and the Future of Our Elections*, Campaign Legal Ctr. (Sept. 27, 2023), <https://campaignlegal.org/document/congressional-testimony-clcs-trevor-potter-ai-and-future-our-elections>.

addition, it should be emphasized that S. 2770 rests on firm constitutional footing because it is narrowly tailored to prohibit only the most pernicious uses of AI. The government has a clear, compelling interest in protecting the integrity of the electoral process and there is no countervailing right for bad actors to intentionally defraud voters or manipulate elections.

The *AI Transparency in Elections Act* (S. 3875) was introduced by Chairwoman Klobuchar and Senator Murkowski (R-AK). This legislation would require a disclaimer on public communications — including TV spots, telephone calls, digital ads, and more — that are “substantially generated” by AI. In other words, the new disclosure requirement would apply to political ads created or materially altered by AI, but not those using AI solely to make minor changes like image resizing or color editing. This added transparency would ensure that voters are informed when they are viewing AI-generated content that could meaningfully affect their electoral decisions, allowing them to evaluate it with appropriate skepticism. To ensure compliance, S. 3875 would also promote faster FEC enforcement and allow the agency to impose meaningful fines on violators.

The *Preparing Election Administrators for AI Act* (S. 3897) was introduced by Chairwoman Klobuchar and Senator Collins. This legislation would help address the specific concerns of state and local election officials by requiring the Election Assistance Commission (EAC) to develop voluntary guidelines on the use of AI in nonpartisan election administration. The EAC’s report would not only examine the risks and benefits of this technology but help election administrators respond to AI-generated disinformation that could undermine their vital work.

Overall, these three bipartisan bills provide a complementary response to the challenges AI creates for our democracy. The first two proposals would provide necessary transparency for the growing political uses of this technology while prohibiting its most dangerous applications in campaigns. The third bill would meanwhile help nonpartisan administrators continue to ensure our elections are run fairly and smoothly as AI rapidly develops and spreads.

Taken together, they would do an enormous amount to protect public trust in our elections and the rights of voters across the country. In addition, these policies are enormously popular: according to a recent survey, 83% of registered voters support clear labeling of AI deepfakes, while 84% believe they ought to be prohibited in political ads.¹¹

¹¹ Steven Kull, et al., *Regulating Artificial Intelligence A National Survey of Registered Voters*, Univ. of Md. (March 2024), https://vop.org/wp-content/uploads/2024/04/AI_Report_0324.pdf.

For these reasons, Campaign Legal Center strongly urges every Member of the Senate Rules Committee to vote in favor of S. 2770, S. 3875, and S. 3897. Congress must pass these bills before the next election, and the first step is advancing them to the Senate floor. A strong showing of bipartisan support in the Rules Committee will pave the way forward.

Thank you again for the opportunity to testify before the Committee last year, and for your continued attention to this important matter for our democracy.

Respectfully submitted,

/s/ Trevor Potter
Trevor Potter
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Campaign Legal Center