# accountabletech

**Before the**
**U.S. FEDERAL ELECTION COMMISSION**
**Washington, D.C. 20580**

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**Re. Solicitation for Public Comments Amending Regulation to Include Deliberately Deceptive Artificial Intelligence in Campaign Ads**

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Accountable Tech respectfully submits the following comment in response to the proposed rulemaking to clarify that the law against "fraudulent misrepresentation" (52 U.S.C. §30124) applies to deceptive AI campaign communications. Accountable Tech is a nonpartisan, nonprofit organization that advocates for structural reforms to repair our information ecosystem and foster a healthier and more equitable democracy.

We sincerely believe the commission must do everything in its power to thwart unlawful efforts to interfere with elections – including efforts to intimidate voters or mislead them on how to participate – and specifically to deceive voters about the intent or positions of candidates for office. Therefore, we are writing to support extending the Commission's statutory authority under the law against "fraudulent misrepresentation" to include regulation of deceptive campaign advertisements or other communications created with or manipulated by AI.

We have seen how malign actors weaponize social platforms to meddle in elections,[1] attack democracy,[2] and erode our shared reality.[3] Now their capacity for manipulation has been turbocharged by new technology, including powerful algorithms and generative AI tools tailormade for high-impact, low-cost influence operations.

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[1] Hawkins, D., & Remmel, T. (2023, August 5). *Trump's election lies and the Republicans who corrected him.* The Washington Post.
https://www.washingtonpost.com/politics/2023/08/02/trump-lies-2020-election-fraud-indictment/
[2] Robins-Early, N. (2023, July 19). *Disinformation reimagined: how AI could erode democracy in the 2024 US elections.* The Guardian.
https://www.theguardian.com/us-news/2023/jul/19/ai-generated-disinformation-us-elections
[3] Stanley Becker, I. & Nix, N. (2023, March 22). *Fake images of Trump arrest show 'giant step' for AI's disruptive power.* The Washington Post.
https://www.washingtonpost.com/politics/2023/03/22/trump-arrest-deepfakes/

The combination of hyper-personalized campaign ad targeting and generative AI technology poses a threat to our elections and democratic integrity. Accountable Tech recently published an election integrity framework for online platforms, [Democracy by Design](), in which we underscore the need to regulate campaign communications. Our concerns include the following:

1) **AI-generated hoaxes could falsely depict election irregularities**

In recent elections, we've seen users intentionally and unintentionally share images and videos, which have been made to depict supposed election irregularities (i.e. burning ballots), undermining faith in the legitimacy of the democratic process. Using tools like reverse-image search in previous election cycles, researchers were often able to trace the provenance of content relatively quickly, and often were able to neutralize false narratives, but if new AI-generated hoaxes of this nature flood the zone, without the same capacity to identify them and without clear provenance or authentication standards the harms to democracy could be severe. The possibilities of manipulation using rapidly evolving generative AI abound, and without clear rules around fraudulent representation, campaigns may be tempted to experiment with this new technology in an attempt to sway voters.

2) **Deepfakes could fraudulently misrepresent the speech or actions of public figures in video, audio, or images.**

AI technology has the potential to spread disinformation to a wide audience. The deepfake threat has loomed for years, but generative AI has drastically lowered the barrier to entry for anyone – be it political opponents or malign actors – to convincingly put words into public figures' mouths and fool voters or hijack the discourse. For example, in Toronto, Canada, a candidate in the 2023

mayoral election who vowed to clear homeless encampments released a set of campaign promises illustrated by artificial intelligence, including fake dystopian images of people camped out on a downtown street and a fabricated image of tents set up in a park.[4] While many platforms already have baseline policies addressing synthetic or manipulated media, they are often overly vague. It doesn't take much of a stretch of the imagination to see how similar tactics could quickly be deployed in American elections. Political parties and politicians have the burden of responsibility for content they publish online for campaign communications, particularly when it misrepresents an opponent – fraudulently deceiving voters.

3) **Political or issue ads microtarget voters with distinct content generated by using their personal data**

Even before the recent explosion in generative AI, concerns have been ballooning over the manipulative nature of hyper-targeted personalized advertising – particularly in the political sphere. The EU is currently debating strict new limitations on how political ads can be targeted. Google has similarly restricted political ad targeting categories to age, gender, and general location. The threats are even more harrowing when considering the potential for generative AI ad tools to serve bespoke ads, exploiting individual voters based on their behavior, identity, or even inferences about their mood. This year, for example, a viral video showed Chicago mayoral candidate Paul Vallas endorsing a laissez-faire approach to police brutality, which was later seen to be a creation of generative artificial intelligence that was viewed thousands of times.[5] The

[4] Hsu, T. & Lee Myers, S. (2023, June 25). *A.I.'s Use in Elections Sets Off a Scramble for Guardrails.* The New York Times.
https://www.nytimes.com/2023/06/25/technology/ai-elections-disinformation-guardrails.html
[5] Panditharatne, M. (2023, June 13). *How AI Puts Elections at Risk — And the Needed Safeguards.* Brennan Center.
https://www.brennancenter.org/our-work/analysis-opinion/how-ai-puts-elections-risk-and-needed-safeguards

combination of deepfakes such as this with hyper-targeting could lead to some voters seeing different deepfake campaign communications – and given the audience size, a lower likelihood that public researchers or journalists are able to inform the public about the deception.

AI's trajectory is being dictated by a toxic arms race amongst a handful of unaccountable Big Tech companies – surveillance giants who serve as the modern gatekeepers of information, communications, and commerce. The societal costs of this corporate battle for AI supremacy are already stacking up as companies rush unsafe systems to market – like chatbots prone to confidently spew falsehoods – recklessly integrating them into flagship products and services. This cannot also come at a cost to our elections. There is no one-size-fits-all approach to regulating new technology, which is why it's imperative that policymakers, regulators, and platforms work in tandem to address AI harms on elections and our democracy.