Senator Amy Klobuchar, Chairwoman
Senate Committee on Rules and Administration
305 Russell Senate Office Building
Washington, D.C. 20510

Senator Deb Fischer, Ranking Member
Senate Committee on Rules and Administration
305 Russell Senate Office Building
Washington, D.C. 20510

May 15, 2024

Dear Chairwoman Klobuchar and Ranking Member Fischer,

Thank you for holding today's Committee meeting to consider three bipartisan bills that
seek to safeguard the integrity of our federal elections amidst rapid advances in artificial
intelligence (AI). Protect Democracy supports the bills before the Committee and
commends the sponsors for their bipartisan commitment to addressing the critical
intersection of artificial intelligence and elections, especially its potential for abuse by
malicious actors seeking to deceive voters. We urge senators to advance these bills, as well
as to continue to refine them, and to build broad support for balanced guardrails that address
abusive applications of this evolving technology while also recognizing its legitimate uses in
political campaigns and elections.

Protect Democracy is a non-partisan, non-profit organization committed to defending
elections, the rule of law, and fact-based political debate against authoritarian threats. We
and others have noted that recent advances in AI mean that the technology is likely to be
used to amplify long standing election threats, such as disinformation and voter suppression.
The 2024 election will not be the first election administered since the advent of AI, but the
AI landscape has changed significantly in recent years. The technology has become far more
sophisticated, so much so that today's generative AI models can produce media that is
indistinguishable to human eyes and ears from authentic content. In addition,
consumer-facing platforms like ChatGPT and Midjourney now provide broad access to
sophisticated generative AI. This means that any user can produce highly realistic synthetic
content cheaper, faster, and at a greater scale than during any previous election cycle.

We have already seen examples of political candidates, parties, and super PACs using generative AI in their campaign ads and voter outreach in the 2024 election cycle, as well as other actors maliciously deploying the technology in an effort to decrease voter turnout. It is safe to anticipate this practice will increase as the general election grows closer.

Voters need and deserve protections to ensure they are not defrauded out of making informed choices at the ballot box. The Supreme Court has long recognized compelling governmental interests in preventing voter confusion, protecting the integrity of elections, and protecting the integrity of government processes more broadly. It has accordingly upheld disclosure requirements designed to inform voters of the provenance of campaign ads, and it has specifically observed that statutes barring the impersonation of government officials do not offend the Constitution. At the same time, Congress must take care not to intrude on the First Amendment's core protections of political speech that are a hallmark of our democracy. Striking that balance is not an easy task, and we commend the efforts represented by the bills before the Committee today.

S. 3875, the AI Transparency in Elections Act of 2024, would mandate disclaimers on political ads related to federal campaigns that use audio, video or images that have been substantially altered by generative AI. Disclosures are particularly important for audio and video media because voters have historically assumed audio and video are authentic – even when they might have questioned whether written messages are truthful. Such mandatory disclosures are a crucial way to respond to the use of synthetic content by political campaigns without censoring or suppressing speech in violation of the First Amendment.

S. 2770, the Protect Elections from Deceptive AI Act, goes further by prohibiting the intentional distribution of certain categories of materially deceptive AI-generated audio or visual content that deceives audiences to influence an election or solicit campaign contributions. We especially welcome the effort to proscribe malicious impersonations of candidates aimed at deceiving voters. We would encourage the Committee to continue to tailor this bill to narrowly target the most harmful fraudulent activity while protecting legitimate political speech.

Finally, S. 3897, the Preparing Election Administrators for AI Act, seeks to help election administrators appreciate both the risks and potential of AI with respect to their work. It would direct the Election Assistance Commission, together with the National Institute of Standards and Technology, to develop voluntary guidelines for election administrators on

the risks and appropriate uses of these technologies, including assessing its impact on threats to election administration related to cybersecurity and disinformation.

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Again, we appreciate the Committee's work to advance these important pieces of bipartisan legislation and to safeguard our elections against malicious actors keen to exploit an emergent technology.

Sincerely,

Nicole Schneidman
Technology Policy Strategist, Protect Democracy

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Policy Strategist, Protect Democracy