The Honorable Jessica Rosenworcel                                      September 16, 2024
Chairwoman
Federal Communications Commission
45 L Street, Northeast
Washington, D.C. 2055

Dear Chairwoman Rosenworcel:

As the Ranking Member of the United States House Committee on House Administration, I write to you in strong support of the proposed rule related to disclosure and transparency of artificial intelligence (AI)-generated content in political advertising ("Proposed Rule"). If adopted, the Proposed Rule would require disclosures for the use of AI in political advertisements on radio and television,[1] reducing the threat that AI-generated content poses to the security of our elections. I commend the Federal Communications Commission (FCC) for taking this necessary step towards regulating the use of AI in political communications, as the absence of effective guardrails presents a clear and present danger to the information ecosystem in the upcoming election.

The current lack of regulation that specifically addresses political advertisements could easily be exploited by candidates for office and dark money groups attempting to confuse and manipulate voters. The use of these technologies has the potential to cloud truth about a candidate's or party's policy priorities, qualifications, and endorsements. It has the potential to provide voters with inaccurate voter-related information for the purpose of discouraging participation. It is crucial that our federal agencies use their existing statutory authority to protect voters from these attacks on truth to ensure that our elections remain free and fair.

This is not a speculative fear. Political candidates have already attempted to manipulate voters by using AI. A Republican candidate for Congress in Michigan used a deepfake audio of Martin Luther King Jr.'s voice purportedly endorsing the candidate in a campaign advertisement, saying "I have another dream that Anthony Hudson will be Michigan's 8th District's next congressman."[2] As we rapidly approach November, AI use in campaign advertisements will only increase.

The advent of generative AI comes at a time when spending on political advertising is at an all-time high and most political advertisements are aired on broadcast and cable television, which the FCC has exclusive authority to regulate. This presidential election year, spending on political advertising is expected to rise by an estimated 30 percent from 2020 to over $12 billion.[3] Broadcast television remains the largest medium for political advertising in the United States and

[1] Federal Communications Commission, *Chairwoman Rosenworcel Unveils First Step In New AI Transparency Efford To Disclose AI-Generated Content In Political Ads On TV And Radio,* Press Release (May 22, 2024) https://docs.fcc.gov/public/attachments/DOC-402740A1.pdf.
[2] David Sackrider, *MI Republican candidate stands by post using AI-generated voice of MLK*, ABC 12 (Jun. 17, 2024), https://www.abc12.com/news/politics/mi-republican-candidate-stands-by-post-using-ai-generated-voice-of-mlk/article_39b8c4ba-2cf3-11ef-a48b-53ae11e0f9ca.html.
[3] Chavi Mehta, *US political ad spending to soar in 2024 with TV media the biggest winner – report*, Reuters (Jan. 11, 2024), https://www.reuters.com/world/us/us-political-ad-spending-soar-2024-with-tv-media-biggest-winner-report-2024-01-11/.
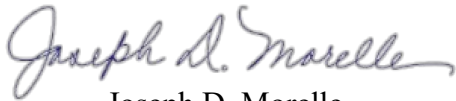
is expected to account for over 70 percent of all spending.[4] Political advertisements on television, due to their reach and the significant spending levels, are one of the most pressing areas in need of regulation.

The American public deserves to know whether the political advertisements they see on television or hear on the radio have been manipulated by generative AI. Campaign-related disclosures, like those in the Proposed Rule, are critical to ensuring that voters are "fully informed about the person or group who is speaking,"[5] and promote the "First Amendment interests of individual citizens seeking to make informed choices in the political marketplace."[6] The public benefits from this type of information.

Deterring the untoward use of AI by bad actors for political gain during this and future election cycles requires a whole-of-government approach, and I hope that other agencies will soon follow.[7] As the top Democrat of the Committee responsible for overseeing federal election law, I am deeply concerned with the ways in which AI will exacerbate already widespread disinformation designed to deceive and confuse voters, and I therefore strongly support the FCC's Proposed Rule and future rulemaking to regulate this technology in political communications.

Once again, I thank you and the FCC for introducing the Proposed Rule and taking initiative to regulate the use of AI in political advertisements. Should you have questions or comments, please reach out to Sean Wright (sean.wright@mail.house.gov) with the House Administration Committee's Minority Staff.

Sincerely,

Joseph D. Morelle
Ranking Member
Committee on House Administration

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[4] *Id.*

[5] *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 368 (2010) (citations omitted).

[6] *McConnell* v. *Fed. Election Comm'n*, 540 U.S. 93, 197 (2003).

[7] *Cf.* Letter from Sean Cooksey, Chair of the Fed. Election Comm'n, to Jessica Rosenworcel, Chairwoman of the Fed. Communications Comm'm (June 3, 2024), *available at* https://www.fec.gov/resources/cms-content/documents/FEC_Chairman_Cooksey_Letter_to_FCC_Chairwoman_Rosenworcel_June_3_2024.pdf. The Federal Election Commission and Federal Communications Commission have complementary authorities related to political advertising. *See* Letter from Ellen L. Weintraub, Vice Chair of the Fed. Election Comm'n to Jessica Rosenworcel, Chairwoman of the Fed. Communications Comm'm (June 6, 2024), *available at* https://www.fec.gov/resources/cms-content/documents/Weintraub-Letter-to-Chairwoman-Rosenworcel-June-6-2024.pdf ("No one agency currently has the jurisdiction or capacity to address every aspect of this large and complicated issue, which is why I think it would be beneficial for both the Federal Communications Commission, which you lead, and the Federal Election Commission, where I serve as Vice Chair, to conduct notice-andcomment rulemakings within our respective jurisdictions. These efforts could complement each other and provide greater transparency to the public.").