Lisa J. Stevenson  
Office of General Counsel  
Federal Election Commission  
1050 First Street NE  
Washington, DC 20463

Dear Ms. Stevenson,

We write today in response to the Federal Election Commission’s (FEC) decision on June 22 regarding a Notice of Availability on a Petition for Rulemaking addressing the use of generative artificial intelligence (AI) in campaign advertisements.1 We are disappointed in the FEC’s decision not to use its existing authority to seek comment on the proposal from Public Citizen and strongly urge the Commission to reconsider its decision.

On May 16, Public Citizen submitted a petition for rulemaking to clarify that the law against ‘fraudulent misrepresentation’ applies to deceptive AI campaign ads.2 Quickly evolving AI technology makes it increasingly difficult for voters to accurately identify fraudulent video and audio material, which is increasingly troubling in the context of campaign advertisements.

As Public Citizen notes in their petition, 52 U.S.C. §30124 prohibits candidates from fraudulently misrepresenting themselves as speaking or acting for or on behalf of another candidate or political party on a matter damaging to the other candidate or party. Deceptive ads created by generative AI can similarly allow candidates to fraudulently misrepresent themselves, disrupting the democratic processes that serve our country.

The FEC plays a vital role in our democracy as an independent, nonpartisan regulatory agency created to promote confidence and participation in the democratic process. When operating effectively and impartially, the Commission’s sole responsibility of administering and enforcing federal campaign finance law has the potential to protect the integrity of our elections. The FEC’s failure to act can however reduce transparency in our elections and undermine faith in our political system.

As the 2024 Presidential election quickly approaches, it is imperative that the FEC allow comment on Public Citizen’s petition for rulemaking. It is well within the FEC’s authority to do so, given the Commission’s past issuance of enforcement actions on 52 U.S.C. §30124.

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1 https://www.fec.gov/updates/fec-discusses-petition-for-rulemaking/  
As Members of Congress concerned about the ability of generative AI to significantly disrupt the integrity of our elections, we respectfully request that the FEC reconsider its decision and seek comment on whether the Commission should initiate a full rulemaking on a proposal in the Petition for Rulemaking from Public Citizen. Should you decline this request, please provide a detailed summary and justification as to why you reached that decision.

Thank you for your attention to this important matter.

Sincerely,

Adam B. Schiff
Member of Congress

Ben Ray Luján
United States Senator

Amy Klobuchar
United States Senator

Greg Landsman
Member of Congress

Mike Thompson
Member of Congress

Paul D. Tonko
Member of Congress

Jerrold Nadler
Member of Congress

James P. McGovern
Member of Congress

Katie Porter
Member of Congress

Al Green
Member of Congress

Raúl M. Grijalva
Member of Congress

Julia Brownley
Member of Congress
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