

Congress of the United States

Washington, DC 20515

August 26, 2024

Lisa J. Stevenson, Acting General Counsel
Federal Election Commission
1050 First Street, N.E.
Washington, D.C. 20463

Ms. Stevenson,

As Members of Congress, we are committed to the safety and integrity of our election and democracy. We are writing to offer our support for Public Citizen's Petition for Rulemaking to Clarify the Law Against Fraudulent Misrepresentation. Public Citizen is petitioning the Federal Election Commission (FEC) to clarify that 52 U.S.C. § 30124 includes deep fakes of an election candidate as a fraudulent misrepresentation.

As you know, 52 U.S.C. §30124 prohibits a candidate for federal office or an employee or agent of a candidate from fraudulently misrepresenting themselves, committee, or organization under their control.¹ This election cycle we have seen candidates use Artificial Intelligence (AI) in campaign ads to depict themselves or another candidate engaged in an action that did not happen or saying something the depicted candidate did not say.

On August 14, 2024, X (formerly Twitter) introduced their AI image generator Grok-2 with few rules to combat its misuse.² In fact, there are no policies that would allow the platform to restrict images of public figures that could be potentially misleading. Less than 24 hours after its debut, fake images of presidential candidates Kamala Harris and Donald Trump and former President Obama appeared on X. Candidate Trump has even gone as far as promoting false endorsements from celebrities like Taylor Swift on his social media platforms.³

The proliferation of deep-fake AI technology has the potential to severely misinform voters, causing confusion and disseminating dangerous falsehoods. It is critical for our democracy that this be promptly addressed, noting the degree to which Grok-2 has already been used to distribute fake content regarding the 2024 presidential election.

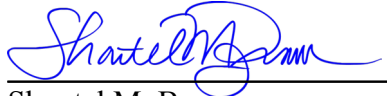
We respectfully request the Commission expeditiously consider these recommendations and initiate the necessary emergency rulemaking process. We look forward to your response and working together to protect the integrity of our electoral system.

¹ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title52-section30124&num=0&edition=prelim>

² <https://www.nbcnews.com/tech/tech-news/xs-ai-image-generator-debuts-guardrails-political-content-rcna166611>

³ <https://www.cnn.com/2024/08/19/politics/donald-trump-taylor-swift-ai/index.html>

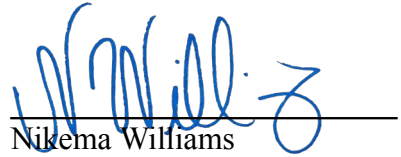
Sincerely,



Shontel M. Brown
Member of Congress



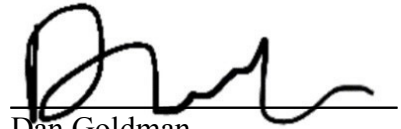
Seth Magaziner
Member of Congress



Nikema Williams
Member of Congress



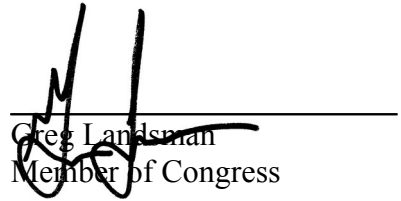
Eleanor Holmes Norton
Member of Congress



Dan Goldman
Member of Congress



Summer L. Lee
Member of Congress



Greg Landsman
Member of Congress