October 16, 2023

Federal Election Commission
1050 First Street, NE
Washington, DC

Re: REG 2023–02

Chair Lindenbaum,

On behalf of our 500,000 members and supporters, the League of Women Voters of the United States (LWVUS) supports the *Petition for Rulemaking to Clarify that the Law Against "Fraudulent Misrepresentation" (52 U.S.C. §30124) Applies to Deceptive AI Campaign Communications*. We urge the Commission to heed the requests in the petition and issue explicit guidance that deceptive AI campaign communications meet the definition of "fraudulent misrepresentation" in 11 C.F.R. §110.16.

LWVUS was founded in 1920, working on the front lines of voter education to assist newly enfranchised women in casting their ballots following the ratification of the 19th Amendment. For over a century, LWVUS has remained committed to our mission to empower voters and defend democracy. The League focuses on advocacy, education, litigation, and organizing with our grassroots network of more than a half-million members and supporters across 750 Leagues in all 50 states and the District of Columbia. The League is nonpartisan — neither supporting nor opposing candidates or political parties at any level of government — and is committed to protecting the freedom to vote.

The League's voter education work reflects our commitment to open and honest elections. In the last two years, almost 6.5 million people used VOTE411, the League's online election tool, for personalized information about voter registration, candidate and ballot information, and more. As an organization dedicated to empowering voters, we work to simplify the voting process and to make voting accessible, which breaks down barriers to participation.

However, it should not fall solely to organizations such as the League to provide information and ensure transparency in our election process. The FEC should pursue this opportunity to similarly break down barriers to participation by reducing the influx of misinformation in elections and by promoting transparency to help voters understand who paid for specific political advertising.

The League derives our policy positions based on grassroots member support and consensus. As stated in our position on a citizen's right to know and citizen participation, *The League of Women Voters of the United States believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.*

Additionally, as stated in our position on campaign finance, *The League of Women Voters of the United States believes that the methods of financing political campaigns should provide voters sufficient information about candidates and campaign issues to make informed choices; [and] ensure transparency and the public's right to know who is using money to influence elections.*

These positions are applicable to the issue of deceptive AI campaign communications because voters deserve access to true, genuine, and complete information about elections and the candidates seeking their votes. The League is becoming increasingly concerned that deliberately false AI-generated content in campaign ads or other communications will undermine the role of voters and corrupt the election process by attempting to deceitfully garner support from misinformed voters, or suppress voter turnout through misinformation regarding the time, place, and manner of voting.

The distribution of disinformation, especially online, has been used in recent elections to sow polarization and distrust in election results in our country. It is crucial to address the many avenues of mis- and disinformation that circulate around an election, including emerging technologies like artificial intelligence and Deepfakes, which are rapidly growing in prevalence and resemblance to genuine audio and video content.

The importance of transparency is not a partisan issue, and it should be the minimum expectation of a healthy democracy to provide voters with complete and truthful information. Voters deserve transparency from their government – including candidates running for office, their campaigns, and the groups supporting or opposing them. Without transparency, candidates can fall into the trap of devaluing the needs of voters, which breeds distrust in our system of government and our leaders. There should be little question that this runs counter to the spirit of our democracy and a government of, by, and for the people.

The 2024 election is just over one year away, and it is imperative that the Federal Election Commission acts to ensure enforcement of federal campaign laws like 52 U.S.C. §30124, which we agree should be interpreted to include technological advancements like AI. The possible use of artificial intelligence by candidates, their campaigns, or the groups supporting or opposing them to fraudulently misrepresent themselves or act or speak on behalf of an opponent or opposing political party is a threat to voters everywhere. Voters deserve to know not only who pays for the advertisements seeking to sway their vote, but that the advertisements are free of potentially misleading information or fraudulent misrepresentation.

We must preserve the integrity of our electoral process by increasing transparency in our elections. The League hopes to be a resource and partner in this endeavor to ensure that voters have the resources they need to make informed voting decisions. If you have questions or would like to discuss this further, please contact me at JJones@lwv.org, or my staff via Kristen Kern, Federal Policy and Advocacy Manager, at KKern@lwv.org.

Sincerely,

Jessica Jones Capparell, Director of Government Affairs
League of Women Voters of the United States