

118TH CONGRESS
2D SESSION

S. _____

To amend the Federal Election Campaign Act of 1971 to provide further transparency for the use of content that is substantially generated by artificial intelligence in political advertisements by requiring such advertisements to include a statement within the contents of the advertisements if generative AI was used to generate any image, audio, or video footage in the advertisements, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. KLOBUCHAR (for herself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Federal Election Campaign Act of 1971 to provide further transparency for the use of content that is substantially generated by artificial intelligence in political advertisements by requiring such advertisements to include a statement within the contents of the advertisements if generative AI was used to generate any image, audio, or video footage in the advertisements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “AI Transparency in
3 Elections Act of 2024”.

4 **SEC. 2. REQUIRING DISCLAIMERS ON ADVERTISEMENTS**
5 **CONTAINING CONTENT SUBSTANTIALLY GEN-**
6 **ERATED BY ARTIFICIAL INTELLIGENCE.**

7 (a) REQUIREMENT.—Section 318 of the Federal
8 Election Campaign Act of 1971 (52 U.S.C. 30120) is
9 amended by adding at the end the following new sub-
10 section:

11 “(e) SPECIAL DISCLAIMER FOR COVERED COMMU-
12 NICATIONS CONTAINING CONTENT SUBSTANTIALLY GEN-
13 ERATED BY ARTIFICIAL INTELLIGENCE.—

14 “(1) DEFINITIONS.—For purposes of this sub-
15 section:

16 “(A) COVERED COMMUNICATION.—

17 “(i) IN GENERAL.—The term ‘covered
18 communication’ means a communication
19 through any broadcasting station, news-
20 paper, magazine, outdoor advertising facil-
21 ity, mailing, telephone bank, internet or
22 other digital medium, or any other type of
23 general public political advertising that—

24 “(I) expressly advocates for or
25 against the nomination or election of
26 a candidate;

1 “(II) refers to a candidate at any
2 time during the period beginning 120
3 days before the date of a primary
4 election or nominating caucus or con-
5 vention and ending on the date on
6 which a general election occurs; or

7 “(III) solicits a contribution for a
8 candidate or political committee or
9 any other person who makes disburse-
10 ments for communications described
11 in subclause (I) or (II).

12 “(ii) VOICE AND LIKENESS.—A com-
13 munication that invokes the likeness or
14 voice of a candidate shall be treated as a
15 communication that refers to such can-
16 didate.

17 “(B) GENERATIVE ARTIFICIAL INTEL-
18 LIGENCE.—The term ‘generative artificial intel-
19 ligence’ means artificial intelligence technology
20 that uses machine learning (including deep-
21 learning models, natural language processing,
22 or other computational processing techniques of
23 similar or greater complexity) to generate text,
24 images, audio, video, or other media.

1 “(C) SUBSTANTIALLY GENERATED BY AR-
2 TIFICIAL INTELLIGENCE.—

3 “(i) IN GENERAL.—The term ‘sub-
4 stantially generated by artificial intel-
5 ligence’ means an image, audio, or video
6 that was created or materially altered
7 using generative artificial intelligence.

8 “(ii) EXCEPTION.—Such term does
9 not include an image, audio, or video
10 that—

11 “(I) has only minor alterations
12 by generative artificial intelligence (in-
13 cluding cosmetic adjustments, color
14 editing, cropping, resizing, and other
15 immaterial uses); and

16 “(II) does not create a fun-
17 damentally different understanding
18 than a reasonable person would have
19 from an unaltered version of the
20 media.

21 “(2) REQUIREMENT.—If a covered communica-
22 tion contains an image, audio, or video that was sub-
23 stantially generated by artificial intelligence, the cov-
24 ered communication shall include, in a clear and
25 conspicuous manner, a statement that the covered

1 communication contains such an image, audio, or
2 video.

3 “(3) SAFE HARBOR FOR DETERMINING CLEAR
4 AND CONSPICUOUS MANNER.—A statement required
5 under this subsection shall be considered to be made
6 in a clear and conspicuous manner if the statement
7 meets the following requirements:

8 “(A) IMAGE COVERED COMMUNICA-
9 TIONS.—In the case of an image that is a cov-
10 ered communication, the statement—

11 “(i) appears in letters at least as large
12 as the majority of the text in the covered
13 communication or otherwise meets the re-
14 quirements under subsection (c)(1);

15 “(ii) meets the requirements of para-
16 graphs (2) and (3) of subsection (c);

17 “(iii) states that the covered commu-
18 nication was created or materially altered
19 by artificial intelligence; and

20 “(iv) is permanently affixed to the
21 covered communication.

22 “(B) AUDIO COVERED COMMUNICA-
23 TIONS.—In the case of an audio covered com-
24 munication, the statement—

1 “(i) is spoken in a clearly audible and
2 intelligible manner at the beginning or end
3 of the covered communication and lasts not
4 fewer than 4 seconds; and

5 “(ii) includes the following audio
6 statement in a clearly spoken manner: ‘
7 _____ used artificial in-
8 telligence to generate the contents of this
9 communication.’ (with the blank filled in
10 with the name of person who made the dis-
11 bursement to pay for such covered commu-
12 nication).

13 “(C) VIDEO COVERED COMMUNICA-
14 TIONS.—In the case of a video covered commu-
15 nication that also includes audio, the statement
16 is made both in—

17 “(i) a written format that meets the
18 requirements of subparagraph (A) and ap-
19 pears throughout the length of the video
20 covered communication; and

21 “(ii) an audible format that meets the
22 requirements of subparagraph (B).”.

23 (b) ENFORCEMENT.—

1 existence of previous violations by the
2 person and how broadly the commu-
3 nication is distributed and such other
4 factors as the Commission considers
5 appropriate, provided that any such
6 civil penalty shall not exceed \$50,000
7 per covered communication.”.

8 (2) FAILURE TO RESPOND.—Section
9 309(a)(4)(C)(ii) of such Act (52 U.S.C.
10 30109(a)(4)(C)(ii)) is amended by striking the pe-
11 riod at the end and inserting “, except that in the
12 case of a violation of a qualified disclaimer require-
13 ment, failure to timely respond after the Commission
14 has notified the person of an alleged violation under
15 subsection (a)(1) shall constitute the person’s admis-
16 sion of the factual allegations of the complaint.”.

17 (3) QUALIFIED DISCLAIMER REQUIREMENT DE-
18 FINED.—Section 309(a)(4)(C) of such Act (52
19 U.S.C. 30109(a)(4)(C)) is amended by redesignating
20 clause (v) as clause (vi) and by inserting after clause
21 (iv) the following new clause:

22 “(v) In this subparagraph, the term ‘quali-
23 fied disclaimer requirement’ means the require-
24 ment of section 318(e)(2).”.

1 (4) APPLICATION.—Clause (vi) of section
2 309(a)(4)(C) of such Act (52 U.S.C.
3 30109(a)(4)(C)), as redesignated by paragraph (3),
4 is amended—

5 (A) by striking “shall apply with respect to
6 violations” and inserting “shall apply—

7 “(I) with respect to violations of
8 qualified disclosure requirements”;

9 (B) by striking the period at the end and
10 inserting “; and”; and

11 (C) by adding at the end the following new
12 subclause:

13 “(II) with respect to violations of
14 qualified disclaimer requirements oc-
15 curring on or after the date of the en-
16 actment of the AI Transparency in
17 Elections Act of 2024.”.

18 (5) TIME OF JUDICIAL REVIEW.—Section
19 309(a)(8)(A) of the Federal Election Campaign Act
20 of 1971 (52 U.S.C. 30109(a)(8)(A)) is amended by
21 inserting “(45-day period in the case of any com-
22 plaint alleging a violation of section 318(e)(2))”
23 after “120-day period”.

24 (c) REGULATIONS.—Not later than 90 days after the
25 date of enactment of the AI Transparency in Elections

1 Act of 2024, the Federal Election Commission shall, in
2 consultation with the Director of the National Institute
3 of Standards and Technology, promulgate a regulation to
4 carry out the amendments made by subsections (a) and
5 (b), including—

6 (1) criteria for determining whether a covered
7 communication (as defined in section 318(e) of the
8 Federal Election Campaign Act of 1971, as added
9 by subsection (a)) contains an image, audio, or video
10 substantially generated by artificial intelligence (as
11 defined in such section); and

12 (2) requirements for the contents of the state-
13 ment required under section 318(e)(2) of the Fed-
14 eral Election Campaign Act of 1971, as added by
15 subsection (a).

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall—

18 (1) apply with respect to any communication
19 made after the date of enactment of this Act; and

20 (2) take effect without regard to whether the
21 Federal Election Commission has promulgated regu-
22 lations to carry out such amendments.

23 **SEC. 3. REPORTS.**

24 Not later than 2 years after the date of enactment
25 of this Act, and biannually thereafter, the Federal Elec-

1 tion Commission shall submit a report to the Committee
2 on Rules and Administration of the Senate and the Com-
3 mittee on House Administration of the House of Rep-
4 resentatives that includes—

5 (1) an assessment of the compliance with and
6 the enforcement of the requirements of subsection
7 (e) of section 318 of the Federal Election Campaign
8 Act of 1971, as added by this Act; and

9 (2) recommendations for any modifications to
10 that subsection to assist in carrying out the pur-
11 poses of that subsection.

12 **SEC. 4. SEVERABILITY.**

13 If any provision of this Act or any amendment made
14 by this Act, or the application of any such provision or
15 amendment to any person or circumstance, is held to be
16 unconstitutional, the remainder of this Act, and the appli-
17 cation of such provision or amendment to any other person
18 or circumstance, shall not be affected by the holding.