

118TH CONGRESS  
1ST SESSION

# S. 1596

To amend the Federal Election Campaign Act of 1971 to provide further transparency and accountability for the use of content that is generated by artificial intelligence (generative AI) 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 or video footage in the advertisements, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 15, 2023

Ms. KLOBUCHAR (for herself, Mr. BOOKER, and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to provide further transparency and accountability for the use of content that is generated by artificial intelligence (generative AI) 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 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 “Require the Exposure  
3 of AI–Led Political Advertisements Act” or the “REAL  
4 Political Advertisements Act”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the revolutionary innovations in generative  
8 artificial intelligence (generative AI) and the poten-  
9 tial for their use in exacerbating and spreading mis-  
10 information and disinformation at scale and with un-  
11 precedented speed requires Congress and the Fed-  
12 eral Election Commission to take action to protect  
13 against the use of generative AI that harms our de-  
14 mocracy; and

15 (2) free and fair elections require transparency  
16 and accountability, which allow the public to make  
17 informed decisions and hold public officials account-  
18 able.

19 **SEC. 3. EXPANSION OF DEFINITION OF ELECTIONEERING**  
20 **COMMUNICATION.**

21 (a) **EXPANSION TO ONLINE COMMUNICATIONS.—**

22 (1) **APPLICATION TO QUALIFIED INTERNET AND**  
23 **DIGITAL COMMUNICATIONS.—**

24 (A) **IN GENERAL.—**Subparagraph (A) of  
25 section 304(f)(3) of the Federal Election Cam-  
26 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))

1 is amended by striking “or satellite communica-  
2 tion” each place it appears in clauses (i) and  
3 (ii) and inserting “satellite, or qualified internet  
4 or digital communication”.

5 (B) QUALIFIED INTERNET OR DIGITAL  
6 COMMUNICATION.—Paragraph (3) of section  
7 304(f) of the Federal Election Campaign Act of  
8 1971 (52 U.S.C. 30104(f)(3)) is amended by  
9 adding at the end the following new subpara-  
10 graph:

11 “(D) QUALIFIED INTERNET OR DIGITAL  
12 COMMUNICATION.—The term ‘qualified internet  
13 or digital communication’ means any commu-  
14 nication that is placed or promoted for a fee on  
15 an online platform.”.

16 (C) NONAPPLICATION OF RELEVANT ELEC-  
17 TORATE TO ONLINE COMMUNICATIONS.—Sec-  
18 tion 304(f)(3)(A)(i)(III) of the Federal Election  
19 Campaign Act of 1971 (52 U.S.C.  
20 30104(f)(3)(A)(i)(III)) is amended by striking  
21 “a communication” and inserting “any broad-  
22 cast, cable, or satellite communication”.

23 (2) NEWS EXEMPTION.—Section  
24 304(f)(3)(B)(i) of the Federal Election Campaign

1 Act of 1971 (52 U.S.C. 30104(f)(3)(B)(i)) is  
2 amended to read as follows:

3 “(i) a communication appearing in a  
4 news story, commentary, or editorial dis-  
5 tributed through the facilities of any  
6 broadcasting station or any online or dig-  
7 ital newspaper, magazine, publication, peri-  
8 odical, blog, or platform, unless such  
9 broadcasting, online, or digital facilities are  
10 owned or controlled by any political party,  
11 political committee, or candidate;”.

12 (b) DEFINITION OF ONLINE PLATFORM.—Section  
13 301 of the Federal Election Campaign Act of 1971 (52  
14 U.S.C. 30101) is amended by adding at the end the fol-  
15 lowing:

16 “(27) ONLINE PLATFORM.—

17 “(A) IN GENERAL.—The term ‘online plat-  
18 form’ means any public-facing website, web ap-  
19 plication, or digital application (including a so-  
20 cial network, ad network, or search engine)  
21 that—

22 “(i)(I) sells qualified political adver-  
23 tisements; and

24 “(II) has 50,000,000 or more unique  
25 monthly United States visitors or users for

1 a majority of months during the preceding  
2 12 months; or

3 “(ii) is a third-party advertising ven-  
4 dor that has 50,000,000 or more unique  
5 monthly United States visitors in the ag-  
6 gregate on any advertisement space that it  
7 has sold or bought for a majority of  
8 months during the preceding 12 months,  
9 as measured by an independent digital rat-  
10 ings service accredited by the Media Rat-  
11 ings Council (or its successor).

12 “(B) QUALIFIED POLITICAL ADVERTISE-  
13 MENT.—For purposes of this paragraph, the  
14 term ‘qualified political advertisement’ means  
15 any advertisement (including search engine  
16 marketing, display advertisements, video adver-  
17 tisements, native advertisements, and sponsor-  
18 ships) that—

19 “(i) is made by or on behalf of a can-  
20 didate; or

21 “(ii) communicates a message relating  
22 to any political matter of national impor-  
23 tance, including—

24 “(I) a candidate;

1 “(II) any election to Federal of-  
2 fice; or

3 “(III) a national legislative issue  
4 of public importance.

5 “(C) THIRD-PARTY ADVERTISING VENDOR  
6 DEFINED.—For purposes of this paragraph, the  
7 term ‘third-party advertising vendor’ includes  
8 any third-party advertising vendor network, ad-  
9 vertising agency, advertiser, or third-party ad-  
10 vertisement serving company that buys and  
11 sells advertisement space on behalf of unaffili-  
12 ated third-party websites, search engines, dig-  
13 ital applications, or social media sites.”.

14 (c) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply with respect to any communication  
16 made on or after January 1, 2024, and shall take effect  
17 without regard to whether or not the Federal Election  
18 Commission has promulgated regulations to carry out  
19 such amendments.

20 **SEC. 4. REQUIRING DISCLAIMERS ON ADVERTISEMENTS**  
21 **CONTAINING CONTENT GENERATED BY ARTI-**  
22 **FICIAL INTELLIGENCE.**

23 (a) REQUIREMENT.—Section 318 of the Federal  
24 Election Campaign Act of 1971 (52 U.S.C. 30120) is

1 amended by adding at the end the following new sub-  
2 section:

3 “(e) SPECIAL DISCLAIMER FOR COMMUNICATIONS  
4 CONTAINING CONTENT GENERATED BY ARTIFICIAL IN-  
5 TELLIGENCE.—

6 “(1) REQUIREMENT.—If a communication de-  
7 scribed in subsection (a) contains an image or video  
8 footage that was generated in whole or in part with  
9 the use of artificial intelligence (generative AI), the  
10 communication shall include, in a clear and con-  
11 spicuous manner, a statement that the communica-  
12 tion contains such an image or footage.

13 “(2) SAFE HARBOR FOR DETERMINING CLEAR  
14 AND CONSPICUOUS MANNER.—A statement required  
15 under this subsection shall be considered to be made  
16 in a clear and conspicuous manner if the statement  
17 meets the following requirements:

18 “(A) TEXT OR GRAPHIC COMMUNICA-  
19 TIONS.—In the case of a text or graphic com-  
20 munication, the statement—

21 “(i) appears in letters at least as large  
22 as the majority of the text in the commu-  
23 nication; and

24 “(ii) meets the requirements of para-  
25 graphs (2) and (3) of subsection (c).

1           “(B) AUDIO COMMUNICATIONS.—In the  
2 case of an audio communication, the statement  
3 is spoken in a clearly audible and intelligible  
4 manner at the beginning or end of the commu-  
5 nication and lasts at least 3 seconds.

6           “(C) VIDEO COMMUNICATIONS.—In the  
7 case of a video communication that also in-  
8 cludes audio, the statement—

9                   “(i) is included at either the beginning  
10 or the end of the communication; and

11                   “(ii) is made both in—

12                           “(I) a written format that meets  
13 the requirements of subparagraph (A)  
14 and appears for at least 4 seconds;  
15 and

16                           “(II) an audible format that  
17 meets the requirements of subpara-  
18 graph (B).

19           “(D) OTHER COMMUNICATIONS.—In the  
20 case of any other type of communication, the  
21 statement is at least as clear and conspicuous  
22 as the statement specified in subparagraph (A),  
23 (B), or (C).

24           “(3) REGULATIONS.—Not later than 120 days  
25 after the date of enactment of the Require the Expo-



1 sure of AI-Led Political Advertisements Act, the  
2 Commission shall promulgate a regulation to carry  
3 out this subsection, including—

4 “(A) criteria for determining whether an  
5 advertisement contains an image or video foot-  
6 age created through generative artificial intel-  
7 ligence;

8 “(B) requirements for the contents of the  
9 statement required under paragraph (1); and

10 “(C) a definition of content generated by  
11 artificial intelligence that considers current and  
12 future uses of artificial intelligence and similar  
13 technologies that have a high risk for use in  
14 creating and spreading misinformation or  
15 disinformation about candidates, elections, and  
16 issues of national concern.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to any communication  
19 described in section 318(a) of the Federal Election Cam-  
20 paign Act of 1971 (52 U.S.C. 30120(a)) made on or after  
21 January 1, 2024, and shall take effect without regard to  
22 whether or not the Federal Election Commission has pro-  
23 mulgated regulations to carry out such amendments.

1 **SEC. 5. REPORTS.**

2 Not later than 2 years after the date of enactment  
3 of this Act, and biannually thereafter, the Federal Elec-  
4 tion Commission shall submit a report to Congress that  
5 includes—

6 (1) an assessment of the compliance with and  
7 the enforcement of the requirements of section  
8 318(e) of the Federal Election Campaign Act of  
9 1971, as added by this Act;

10 (2) recommendations for any modifications to  
11 such section to assist in carrying out its purposes;  
12 and

13 (3) the identification of ways to bring further  
14 transparency and accountability to political adver-  
15 tisements.

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