

118TH CONGRESS
1ST SESSION

H. R. 4611

To amend the Federal Election Campaign Act of 1971 to prohibit the distribution, with actual malice, of certain political communications that contain materially deceptive audio generated by artificial intelligence which impersonate a candidate's voice and are intended to injure the candidate's reputation or to deceive a voter into voting against the candidate, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2023

Mr. ESPAILLAT introduced the following bill; which was referred to the
Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to prohibit the distribution, with actual malice, of certain political communications that contain materially deceptive audio generated by artificial intelligence which impersonate a candidate's voice and are intended to injure the candidate's reputation or to deceive a voter into voting against the candidate, 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 “Candidate Voice Fraud
3 Prohibition Act”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that the prohibitions on
6 paid-for political communications contained within this
7 Act serve the purpose of furthering a compelling govern-
8 ment interest by serving the informational interest of vot-
9 ers by preventing voters from hearing materially deceptive
10 and intentionally falsified renderings of candidate voices
11 in political communications, as this type of malicious con-
12 tent in political communications is innately harmful to free
13 and fair elections.

14 **SEC. 3. PROHIBITION ON THE DISTRIBUTION OF CERTAIN**
15 **PAID-FOR POLITICAL COMMUNICATIONS**
16 **THAT CONTAIN MATERIALLY DECEPTIVE**
17 **AUDIO GENERATED BY ARTIFICIAL INTEL-**
18 **LIGENCE WHICH IMPERSONATE A CAN-**
19 **DIDATE’S VOICE.**

20 (a) IN GENERAL.—Title III of the Federal Election
21 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
22 amended by adding at the end the following new section:

1 **“SEC. 325. PROHIBITION ON THE DISTRIBUTION OF CER-**
2 **TAIN COMMUNICATIONS THAT CONTAIN MA-**
3 **TERIALLY DECEPTIVE AUDIO GENERATED BY**
4 **ARTIFICIAL INTELLIGENCE.**

5 “(a) IN GENERAL.—Except as provided in subsection
6 (b), with respect to a communication described in section
7 318(a) for which a disbursement is made, no person, polit-
8 ical committee, or other entity may distribute such a com-
9 munication if the communication—

10 “(1) contains materially deceptive audio gen-
11 erated by artificial intelligence which impersonates a
12 candidate’s voice;

13 “(2) is distributed with actual malice;

14 “(3) is intended to injure the candidate’s rep-
15 utation or to deceive a voter into voting against the
16 candidate; and

17 “(4) is distributed—

18 “(A) within 90 days of a general, special,
19 or runoff election of the office sought by the
20 candidate; or

21 “(B) within 60 days of a primary or pref-
22 erence election, or a convention or caucus of a
23 political party that has authority to nominate a
24 candidate for the office sought by the can-
25 didate.

1 “(b) INAPPLICABILITY TO CERTAIN ENTITIES.—This
2 section does not apply to the following:

3 “(1) A radio or television broadcasting station,
4 including a cable or satellite television operator, pro-
5 grammer, or producer, when it is paid to broadcast
6 materially deceptive audio.

7 “(2) A radio or television broadcasting station,
8 including a cable or satellite television operator, pro-
9 grammer, or producer, that broadcasts materially
10 deceptive audio as part of a bona fide newscast,
11 news interview, news documentary, or on-the-spot
12 coverage of bona fide news events.

13 “(3) Materially deceptive audio that clearly con-
14 stitutes satire or parody, as determined by the Com-
15 mission.

16 “(4) An internet website, or a regularly pub-
17 lished newspaper, magazine, or other periodical of
18 general circulation, including an internet or elec-
19 tronic publication, that routinely carries news and
20 commentary of general interest, and that publishes
21 materially deceptive audio.

22 “(5) An interactive computer service provider,
23 information content provider, or an access software
24 provider as described in section 230(f) of the Com-
25 munications Act of 1934 (47 U.S.C. 230(f)) who

1 publishes or permits the circulation of materially de-
2 ceptive audio.

3 “(c) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) MATERIALLY DECEPTIVE AUDIO.—The
6 term ‘materially deceptive audio’ means audio or
7 video audio that—

8 “(A) mimics the voice of a candidate for
9 election for Federal office in such a manner
10 that the audio would falsely appear to a reason-
11 able person to be the authentic voice of that
12 candidate and the use of that audio has not
13 been pre-approved by the candidate; and

14 “(B) does not contain in the communica-
15 tion containing the audio a clear, conspicuous,
16 and overt disclaimer indicating that the audio
17 used in the communication was not actually
18 spoken by the candidate in question, as deter-
19 mined by the Commission.

20 “(2) ACTUAL MALICE.—The term ‘actual mal-
21 ice’ means knowledge that certain audio or video
22 audio was created using artificial intelligence in
23 order to create a false representation, or a reckless
24 disregard of whether the audio or video audio was,
25 in fact, genuine.

1 “(3) GENERATED BY ARTIFICIAL INTEL-
2 LIGENCE.—The term ‘generated by artificial intel-
3 ligence’ means audio or video audio that is created,
4 in whole or in part, by a computer-based learning al-
5 gorithm that is able to successfully mimic the pitch,
6 pace, and tone, or any combination thereof, of an ac-
7 tual person’s voice.”.

8 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the
9 Federal Election Campaign Act of 1971 (52 U.S.C.
10 30109(d)(1)) is amended by adding at the end the fol-
11 lowing new subparagraph:

12 “(E) Any person who knowingly and willfully com-
13 mits a violation of section 325 shall be fined under title
14 18, United States Code, or imprisoned for not more than
15 2 years, or both.”.

16 (c) REGULATIONS.—Not later than 90 days after the
17 date of the enactment of this Act, the Commission shall
18 promulgate regulations to provide guidance with respect
19 to—

20 (1) how to determine if a materially deceptive
21 audio is clearly satire or parody for the purposes of
22 section 325(b) of the Federal Election Campaign
23 Act of 1971, as added by subsection (a); and

24 (2) what constitutes a clear, conspicuous, and
25 overt disclaimer for the purposes of section

1 325(c)(1) of the Federal Election Campaign Act of
2 1971, as added by subsection (a).

3 (d) REPORT REQUIREMENT.—Not later than 3 years
4 after the date of the enactment of this Act, and annually
5 thereafter, the Federal Election Commission shall submit
6 a report to the Committee on House Administration of the
7 House of Representatives and the Committee on Rules
8 and Administration of the Senate on—

9 (1) matters relating to compliance with and the
10 enforcement of the requirements of section 325 of
11 the Federal Election Campaign Act of 1971, as
12 added by subsection (a); and

13 (2) recommendations for any modifications to
14 such section to ensure compliance with such section.

15 (e) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall take effect 90 days after
17 the date of the enactment of this Act.

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