

118TH CONGRESS
2D SESSION

H. R. 8858

To prohibit the use of artificial intelligence to deprive or defraud individuals of the right to vote in elections for public office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2024

Ms. BROWN (for herself, Mrs. HAYES, Ms. STANSBURY, Ms. LEE of Pennsylvania, Mr. SWALWELL, Mrs. FOUSHEE, Mr. EVANS, Mr. GOLDMAN of New York, Mr. GRIJALVA, Mr. MAGAZINER, Mrs. SYKES, Mr. CARSON, Ms. KELLY of Illinois, Ms. WILLIAMS of Georgia, Ms. MCCLELLAN, Ms. LEE of California, Ms. STRICKLAND, Ms. CROCKETT, Mr. MEEKS, Mr. LIEU, Mr. THOMPSON of Mississippi, Mr. ROBERT GARCIA of California, Mr. FROST, Ms. HOYLE of Oregon, Mrs. DINGELL, Mr. CARBAJAL, Ms. PLASKETT, Ms. BARRAGÁN, Mr. MCGARVEY, Mr. LANDSMAN, Mr. KRISHNAMOORTHY, Mr. RYAN, Ms. WILSON of Florida, Mrs. CHERFILUS-MCCORMICK, Mr. JACKSON of Illinois, Mrs. BEATTY, Mr. TORRES of New York, Mr. MFUME, Mr. ESPAILLAT, Ms. MCCOLLUM, Ms. ADAMS, Mr. HORSFORD, Ms. KUSTER, Ms. WATERS, Mr. CLYBURN, Ms. PRESSLEY, Ms. WASSERMAN SCHULTZ, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the use of artificial intelligence to deprive or defraud individuals of the right to vote in elections for public office, 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 “Securing Elections
3 From AI Deception Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act, the following definitions apply:

6 (1) **COMMISSION.**—The term “Commission”
7 means the Federal Trade Commission.

8 (2) **COVERED ALGORITHM.**—

9 (A) **IN GENERAL.**—The term “covered al-
10 gorithm” means a computational process de-
11 scribed in subparagraph (B) that—

12 (i) creates or facilitates the creation of
13 a product or information;

14 (ii) promotes, recommends, ranks, or
15 otherwise affects the display or delivery of
16 material information;

17 (iii) makes a decision; or

18 (iv) facilitates human decision mak-
19 ing.

20 (B) **COMPUTATIONAL PROCESS DE-**
21 **SCRIBED.**—In subparagraph (A), a computa-
22 tional process described in this subparagraph
23 is—

24 (i) a computational process that uses
25 machine learning, natural language proc-
26 essing, artificial intelligence techniques, or

1 other computational processing techniques
2 of similar or greater complexity; or
3 (ii) a deterministic computational
4 process derived from a process described in
5 clause (i).

6 (3) DEPLOYER.—The term “deployer” means
7 any person, other than an individual acting in a non-
8 commercial context, that uses a covered algorithm.
9 Nothing in this paragraph may be construed to pro-
10 hibit a person who is a deployer under this para-
11 graph from treatment as a developer under this Act.

12 (4) DEVELOPER.—The term “developer” means
13 any person that designs, codes, customizes, or pro-
14 duces a covered algorithm, or substantially modifies
15 a covered algorithm, whether for its own use or for
16 use by a third party. Nothing in this paragraph may
17 be construed to prohibit a person who is a developer
18 under this paragraph from treatment as a deployer
19 under this Act.

20 (5) ELECTION WORKER.—The term “election
21 worker” an individual who is an election official, poll
22 worker, or an election volunteer in connection with
23 the administration of an election for a Federal,
24 state, or local office.

1 **SEC. 3. PROHIBITING USE OF ARTIFICIAL INTELLIGENCE**
2 **TO DEPRIVE OR DEFRAUD INDIVIDUALS OF**
3 **THE RIGHT TO VOTE IN ELECTIONS FOR PUB-**
4 **LIC OFFICE.**

5 (a) PROHIBITION.—A developer or deployer shall not
6 use a covered algorithm in a manner that intentionally de-
7 prives or defrauds, or intentionally attempts to deprive or
8 defraud, an individual of the right to vote in an election
9 for Federal, State, or local office, including the following:

10 (1) Providing deceptive information regarding—

11 (A) the time, place, or method of voting or
12 registering to vote;

13 (B) the eligibility requirements to vote or
14 register to vote;

15 (C) the counting and canvassing of ballots;

16 (D) the adjudication of elections;

17 (E) endorsements by any person or can-
18 didate; or

19 (F) any other material information per-
20 taining to the procedures or requirements for
21 voting or registering to vote in an election for
22 Federal, State, or local office.

23 (2) Using deception, threats, intimidation,
24 fraud, or coercion to prevent, interfere with, retaliate
25 against, or deter, or to attempt to prevent, interfere

1 with, retaliate against, or deter, an individual
2 from—

3 (A) registering to vote;

4 (B) voting;

5 (C) supporting or advocating for a can-
6 didate in the election; or

7 (D) serving as, executing the responsibil-
8 ities of, or assisting an election worker, includ-
9 ing processing or scanning ballots, or tab-
10 ulating, canvassing, or certifying voting results.

11 (b) PENALTY.—Whoever commits a violation of sub-
12 section (a) shall be fined under title 18, United States
13 Code, imprisoned for not more than 1 year, or both.

14 (c) EFFECTIVE DATE.—This section shall take effect
15 upon the expiration of the 60-day period which begins on
16 the date of the enactment of this Act.

17 **SEC. 4. REQUIRING DISCLAIMERS ON ELECTION-RELATED**
18 **CONTENT GENERATED BY ARTIFICIAL INTEL-**
19 **LIGENCE.**

20 (a) REQUIREMENT FOR PERSONS DEPLOYING CON-
21 TENT.—

22 (1) IN GENERAL.—A deployer who uses a cov-
23 ered algorithm to generate, in whole or in part, an
24 image, text, video, audio, or other media, and inten-

1 tionally publishes such content, shall include the dis-
2 claimer described in paragraph (2) if—

3 (A) the content includes a simulation, al-
4 teration, or distortion of an image or video of
5 a candidate for Federal, State, or local office;

6 (B) the content includes audio simulating,
7 altering, or distorting the voice of a candidate
8 for Federal, State, or local office; or

9 (C) the content depicts information about
10 the time, place, manner, or requirements for
11 voting or registering to vote in election for Fed-
12 eral, State, or local office.

13 (2) DISCLAIMER DESCRIBED.—The disclaimer
14 described in this paragraph is either of the following:

15 (A) The following statement: “AI Dis-
16 claimer: This output was generated by artificial
17 intelligence”.

18 (B) A symbol, similar in size and design to
19 the copyright symbol, consisting of the letters
20 “AI” in a circle.

21 (b) REQUIREMENTS FOR DEVELOPERS.—A developer
22 who offers the ability to use a covered algorithm to gen-
23 erate or publish any content described in subparagraphs
24 (A), (B), or (C) of subsection (a)(1) shall—

1 (1) provide deployers of the covered algorithm
2 a mechanism to comply with subsection (a); and

3 (2) to the extent technically feasible, make the
4 disclaimers required to be included by the deployer
5 under subsection (a) permanent or unable to be eas-
6 ily removed.

7 (c) ADMINISTRATION AND ENFORCEMENT BY FED-
8 ERAL TRADE COMMISSION.—

9 (1) REGULATIONS REQUIRED.—Not later than
10 2 years after the date of the enactment of this Act,
11 the Commission shall issue regulations under section
12 553 of title 5, United States Code, that detail the
13 time, place, manner, and other appropriate require-
14 ments for the use of the disclaimer required by sub-
15 section (a), including accessibility for persons with
16 disabilities and measures to ensure that the dis-
17 claimer is appropriate to the medium in which it is
18 published.

19 (2) ADDITIONAL AUTHORITY.—The Commission
20 may issue regulations under section 553 of title 5,
21 United States Code, that provide exceptions to sub-
22 section (a) in specific circumstances in which it
23 would be obvious to a reasonable person that the
24 media is a synthetic depiction of an actual item,
25 place, person, or event.

1 (3) ENFORCEMENT.—

2 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
3 TICES.—A violation of this section or a regula-
4 tion issued under this section shall be treated
5 as a violation of a regulation under section
6 18(a)(1)(B) of the Federal Trade Commission
7 Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair
8 or deceptive acts or practices.

9 (B) POWERS OF COMMISSION.—The Com-
10 mission shall enforce this section and any regu-
11 lation issued under this section in the same
12 manner, by the same means, and with the same
13 jurisdiction, powers, and duties as though all
14 applicable terms and provisions of the Federal
15 Trade Commission Act (15 U.S.C. 41 et seq.)
16 were incorporated into and made a part of this
17 section, and any person who violates this sec-
18 tion or a regulation issued under this section
19 shall be subject to the penalties and entitled to
20 the privileges and immunities provided in the
21 Federal Trade Commission Act.

22 (4) REPORTING REQUIREMENT.—

23 (A) PUBLIC EDUCATION.—During the 5-
24 year period which begins on the date of the en-
25 actment of this Act, the Commission shall un-

1 dertake reasonable efforts to educate the public
2 about the meaning and use of the disclaimer re-
3 quired by subsection (a).

4 (B) REPORT.—At the conclusion of the pe-
5 riod described in subparagraph (A), the Com-
6 mission shall submit a report to Congress on
7 the adoption and effectiveness of the disclaimer
8 required by subsection (a).

9 (d) EFFECTIVE DATE.—This section shall take effect
10 upon the expiration of the 60-day period which begins on
11 the date on which the Commission issues the regulations
12 required under subsection (c)(1).

13 **SEC. 5. DUTY OF CARE.**

14 (a) IN GENERAL.—A developer or deployer shall not
15 offer, license, or use a covered algorithm in a manner that
16 is not safe and effective.

17 (b) SAFE.—For purposes of subsection (a), a covered
18 algorithm is safe if—

19 (1) the developer or deployer has taken reason-
20 able measures to prevent or mitigate harms identi-
21 fied by a pre-deployment evaluation or impact as-
22 sessment;

23 (2) use of the covered algorithm as intended is
24 not likely to result in a violation of this Act; and

1 (3) the developer or deployer evaluates the pos-
2 sibility of not offering, licensing, or using the cov-
3 ered algorithm, or removing a covered algorithm
4 from use, and reasonably concludes that—

5 (A) use of the covered algorithm is not
6 likely to result in substantial harm to individ-
7 uals;

8 (B) the benefits to individuals affected by
9 the covered algorithm likely outweigh the costs
10 to such individuals;

11 (C) individuals can reasonably avoid being
12 affected by the covered algorithm; and

13 (D) use of the covered algorithm is not
14 likely to result in deceptive practices.

15 (c) EFFECTIVE.—For purposes of subsection (a), a
16 covered algorithm is effective if the developer or deployer
17 has taken reasonable steps to ensure that—

18 (1) the covered algorithm functions at a level
19 that would be considered reasonable performance by
20 a person with ordinary skill in the art;

21 (2) the covered algorithm functions in a manner
22 that is consistent with the expected performance and
23 publicly advertised performance of the covered algo-
24 rithm;

1 (3) the covered algorithm functions in a manner
2 that is consistent with any publicly advertised pur-
3 pose or use; and

4 (4) any data used in the design, development,
5 deployment, or use of the covered algorithm is rel-
6 evant and appropriate to the deployment context and
7 the publicly advertised purpose.

8 (d) ENFORCEMENT BY FEDERAL TRADE COMMIS-
9 SION.—

10 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
11 TICES.—A violation of this section shall be treated
12 as a violation of a regulation under section
13 18(a)(1)(B) of the Federal Trade Commission Act
14 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
15 tive acts or practices.

16 (2) POWERS OF COMMISSION.—The Commis-
17 sion shall enforce this section in the same manner,
18 by the same means, and with the same jurisdiction,
19 powers, and duties as though all applicable terms
20 and provisions of the Federal Trade Commission Act
21 (15 U.S.C. 41 et seq.) were incorporated into and
22 made a part of this section, and any person who vio-
23 lates this section shall be subject to the penalties

1 and entitled to the privileges and immunities pro-
2 vided in the Federal Trade Commission Act.

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