



VICE CHAIR ELLEN L. WEINTRAUB
FEDERAL ELECTION COMMISSION

WASHINGTON, D.C.

June 6, 2024

The Honorable Jessica Rosenworcel
Chairwoman
Federal Communications Commission
Washington, D.C. 20554

Dear Chairwoman Rosenworcel,

I read with interest your proposal to launch a rulemaking to address the important issue of the use of artificial intelligence (“AI”) in political advertisements on TV and radio.¹ The public would benefit from greater transparency as to when AI-generated content is being used in political advertisements. As the Supreme Court has held, “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”²

AI tools have the potential to influence our elections in wide-ranging ways. No one agency currently has the jurisdiction or capacity to address every aspect of this large and complicated issue, which is why I think it would be beneficial for both the Federal Communications Commission (“FCC”), which you lead, and the Federal Election Commission, where I serve as Vice Chair, to conduct notice-and-comment rulemakings within our respective jurisdictions. These efforts could complement each other and provide greater transparency to the public.

The Bipartisan Campaign Reform Act, in addition to its changes to the Federal Election Campaign Act of 1971, as amended, specifically authorized the FCC to regulate certain kinds of disclaimers on certain political advertisements.³ I defer to you in construing the FCC’s jurisdiction under the Communications Act of 1934, as amended.

The FCC’s expertise in political advertising on TV and radio adds unique and valuable perspective to the ongoing policy discussion about AI’s effect on our elections. I look forward to reading the full Notice of Proposed Rulemaking when it is shared publicly. I know we both will benefit from what I anticipate will be robust comments filed by the public.

Sincerely,

A handwritten signature in blue ink that reads "Ellen L. Weintraub".

Ellen L. Weintraub
Vice Chair
Federal Election Commission

¹ Press Release, Chairwoman Rosenworcel Unveils First Step in New AI Transparency Effort to Disclose AI-Generated Content in Political Ads on TV and Radio, Fed. Communications Comm’n (May 22, 2024), <https://docs.fcc.gov/public/attachments/DOC-402740A1.pdf>.

² *Citizens United v. Fed. Election Comm’n*, 558 U.S. 310, 371 (2010).

³ See 47 U.S.C. § 315(b)(2) (Pub. L. 107–155, 116 Stat. 81 (Jan. 2002)).