



Assemblymember Gail Pellerin, 28th Assembly District

## AB 2839: Protecting Democracy against Election Disinformation and Deepfakes

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Coauthored by Assemblymembers Berman, Jackson, Lackey, Weber, Wood, Ting, and Senators Becker and Dodd.

### BACKGROUND

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California is entering its first-ever generative artificial intelligence (AI) election, in which disinformation powered by generative AI will pollute our information ecosystems like never before. In a few clicks, using current technology, bad actors now have the power to create a false image of a candidate accepting a bribe, a fake video of an elections official “caught on tape” saying that voting machines are not secure, or generate an artificial robocall in the Governor's voice incorrectly telling millions of Californians their voting site has changed.

### PROBLEM

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Those trying to influence campaigns—conspiracy theorists, foreign states, online trolls, and even candidates themselves—are already creating and distributing deepfake images, audio, and video content, in the US and around the world.

This generative AI-fueled disinformation can affect voter behavior and undermine faith in our elections. With this expected onslaught already starting, voters in 2024 will not know what images, audio, or video they can trust, and their faith in election integrity and our democracy will be significantly diminished.

### SOLUTION

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AB 2839 will protect democracy by limiting the spread of disinformation and deepfakes in political campaign ads including mailers, television, robocalls, text, and radio.

In order to ensure California elections are free and fair, California must, for a limited time before and after elections, prevent the use of deepfakes and disinformation meant to prevent voters from voting or otherwise deceive voters based on fraudulent content. This must be done in a way that is narrowly tailored and consistent with the First Amendment.

Consistent with these principles, AB 2839:

1. Bans the distribution of specified AI-generated or manipulated political communications that portray misleading information about voting procedures, elections equipment, candidates. This would apply to robocalls, political mailers, TV ads, and other materials, within 120 days before an election and, for those regarding election officials or voting systems, within 60 days after the election.
2. Requires candidates using AI to portray themselves doing or saying something they did not do or say to label the image, audio, or video as manipulated.
3. Provides a fast track for injunctive relief to stop violations of the bill.

### SUPPORT

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California Initiative for Technology and Democracy (CITED), *Sponsor*

### CONTACT

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