

Congress of the United States
Washington, DC 20515

March 13, 2024

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr Avenue, S.E.
Washington, D.C. 20528

The Honorable Benjamin Hovland
Commissioner
U.S. Election Assistance Commission
Suite 200
633 Third Street, N.W.
Washington, D.C. 20001

Attorney General Garland, Secretary Mayorkas, and Commissioner Hovland;

We are writing today to inquire about your agencies' efforts to address the use of generative Artificial Intelligence (AI) to intimidate, threaten, or misinform voters during the 2024 election cycle. Despite our country's improved election security, the growing influence of AI software has raised concerns about the potential harm to our democratic process. We urge you to consider all its possible uses and ramifications in the electoral process, including its weaponization by adversaries of the United States.

During the 2020 election cycle, misinformation and disinformation helped sow doubts in the minds of many Americans as to the safety and security of our elections.¹ Experts warn that AI technologies will make it easier to spread disinformation, which can dissuade voters who may begin to question whether their vote matters.² AI-generated content can be designed to spread like wildfire across various social media platforms and has so far either been inadequately addressed by these platforms or action when taken has been too late to mitigate the harm.

Recently, political campaign advertisements have deployed AI deep-fake technology to depict public officials and election candidates articulating or engaging in activity that never occurred. The audio or images were not labeled as AI, leaving many to believe it as true. For example, a Super PAC released an advertisement promoting the candidacy of Governor Ron DeSantis which played audio of former President Donald Trump reading a message he had written. However, the audio was not real; it was created using generative AI. Additionally, a deep-fake, AI-generated audio robocall of President Biden was dispersed to New Hampshire Democrats discouraging them from casting a vote in the presidential primary.³

¹ Swenson, A., & Fernando, C. (2023, December 26). *As social media guardrails fade and AI deepfakes go mainstream, experts warn of impact on elections*. AP News. <https://apnews.com/article/election-2024-misinformation-ai-social-media-trump-6119ee6f498db10603b3664e9ad3e87e>

² *Ibid.*

³ Seitz-Wald, A., & Memoli, M. (2024, January 22). *Fake Joe Biden Robocall tells New Hampshire Democrats not to vote Tuesday*. NBCNews.com. <https://www.nbcnews.com/politics/2024-election/fake-joe-biden-robocall-tells->

Furthermore, we have particular concern about the concentrated deception targeted at Black and brown and other minority communities. The U.S. Senate Select Committee on Intelligence found that during the 2016 and 2020 presidential election cycles the Russian government created disinformation content on social media to support former President Trump which was aimed specifically at the Black community. As noted in the report, Russia's objective was to cause political instability in the United States.⁴

With some urgency we respectfully request information regarding the Departments of Justice and Homeland Security, and the Electoral Assistance Commission's plan(s) to address these and similar concerns.

Specifically:

- Does the Election Assistance Committee (EAC) have plans to update its AI tool-kit to include practical and usable instructions for responding to AI-generated disinformation, threats, and other forms of voter intimidation and suppression? If so, what additional information or clarification will be included?
- How do your agencies plan to collaborate to ensure generative AI does not intimidate, dissuade, or mislead voters in the 2024 presidential election cycle?

We look forward to your response and stand ready to work together to ensure public confidence in the 2024 electoral process.

Sincerely,



Shontel M. Brown
Member of Congress



Terri A. Sewell
Member of Congress



Michael V. Lawler
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Dan Goldman
Member of Congress



Eleanor Holmes Norton
Member of Congress



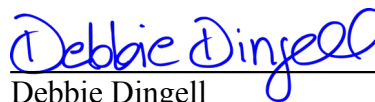
Chris Deluzio
Member of Congress



Andrea Salinas
Member of Congress



Joe Courtney
Member of Congress



Debbie Dingell
Member of Congress



Darren Soto
Member of Congress



Stacey E. Plaskett
Member of Congress



Raúl M. Grijalva
Member of Congress



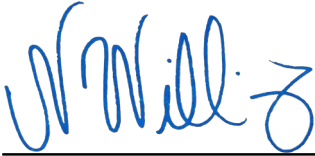
Ann McLane Kuster
Member of Congress



Betty McCollum
Member of Congress



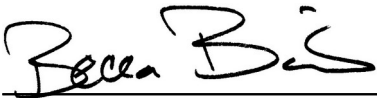
Jan Schakowsky
Member of Congress



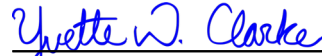
Nikema Williams
Member of Congress



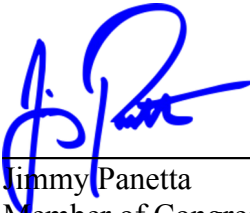
Donald S. Beyer Jr.
Member of Congress



Becca Balint
Member of Congress



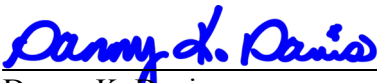
Yvette D. Clarke
Member of Congress



Jimmy Panetta
Member of Congress



Rick Larsen
Member of Congress



Danny K. Davis
Member of Congress



Ayanna Pressley
Member of Congress



Dwight Evans
Member of Congress



Adam B. Schiff
Member of Congress




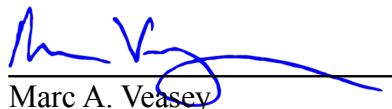
Bonnie Watson Coleman
Member of Congress

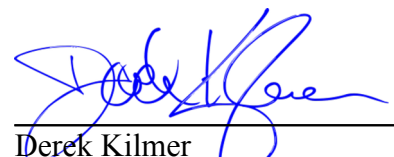



Seth Magaziner
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