



Help achieve an open and accountable government

September 5, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Cc: The Honorable Wendy Carrillo

RE: AB 2355 (Wendy Carrillo) — REQUEST FOR SIGNATURE

Dear Governor Newsom:

On behalf of California Clean Money Campaign, I write in strong support of AB 2355 (Wendy Carrillo) which will require disclosures on political advertisements when those advertisements were generated or substantially altered by artificial intelligence.

The California Clean Money Campaign was proud to sponsor several *California DISCLOSE Act* bills, starting with the original *California DISCLOSE Act* (AB 247, Mullin, 2017) and most recently the *Disclosure Clarity Act* (SB 1360, Umberg & Allen, 2022) that you signed into law to require ballot measure and independent expenditure advertisements to clearly disclose their top funders on the ads themselves. Before these laws, California voters rarely knew who was paying for the political ads they were subjected to.

Now, California faces a similar problem with political ads created or manipulated by generative artificial intelligence (AI). Generative AI can create fake (i.e. artificial) content that can deceive voters into believing someone said something they didn't say, was at a location they never were, or that things that never happened actually occurred. The media that generative AI creates can be convincing enough that voters would never know the difference between what is fake and what is real.

AB 2355 seeks to help voters by simply requiring artificial intelligence content in political ads be labeled as such on the ads themselves, so voters are made aware that what they are seeing was generated by AI rather than being a real video or other media. This provision is structured in the same manner as California's longstanding *DISCLOSE Act* requirements that political ads clearly disclose who paid for them.

It is important to note that AB 2355 is not a substitute for the two other artificial intelligence bills that we're also asking you to sign, AB 2655 (Berman & Pellerin) and AB 2839 (Pellerin & Berman), which impact elections and that the California Clean Money Campaign also support. AB 2355 is important to ensure voters know when paid political ads are generated by AI. But it is not enough in itself because deepfake political ads and other election communications that are materially deceptive about candidates, elected officials, and election officials are so dangerous that they should be banned close to elections, as AB 2655 and AB 2839 would do. Very importantly, those bills also cover election communications that aren't paid political advertisements of the sort that AB 2355 covers but that bad actors can make go viral online.

That said, AB 2355 is extremely important by itself, because for constitutional reasons, AB 2655 and AB 2839 only ban political advertisements and elections communications close to elections that materially deceptively portray candidates, elected officials, and elections officials. Voters need to know when other types of deepfake political ads are generated or substantially altered using artificial intelligence. If a political ad has a deepfake of a celebrity like Taylor Swift or a former elected official like Barack Obama falsely saying "Vote for Prop 99" or "Don't vote for Gavin Newsom", voters need a clear disclosure so they

know that was actually generated by artificial intelligence. AB 2355 will require that, therefore complementing AB 2839 and AB 2655.

For these reasons, we respectfully request that you sign AB 2355.

A handwritten signature in black ink, appearing to read "Trent Lange". The signature is written in a cursive, flowing style.

Trent Lange
President and Executive Director
California Clean Money Campaign