

September 13, 2024

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

RE: SB 942 (Becker) California AI Transparency Act. – Request for Signature

Dear Governor Newsom:

We, The California Initiative for Technology & Democracy (CITED), a project of California Common Cause, respectfully request your signature for SB 942 (Becker), the California AI Transparency Act. SB 942 represents an important first step to stemming the tide of AI-generated disinformation by increasing transparency about the source of AI-generated content.

Generative artificial intelligence (GenAI) technologies are powerful tools capable of creating all manner of images, audio, video, and text content from simple prompts. The breakneck speed at which these tools have evolved has meant human beings are increasingly unable to tell the difference between authentic, human-generated content, and synthetic content generated by AI.¹

The impact of the increasingly blurry line between authentic and synthetic digital media is already being felt by our society. From supercharging online scams,² to using child sexual abuse material to generate non-consensual intimate imagery,³ to the proliferation of public safety⁴ and political disinformation,⁵ GenAI tools have contributed to the steady erosion of trust in our information ecosystem. Without adequate tools to help differentiate between human-generated content and AI-generated content, the truth decay already happening in our society will only accelerate.

The detrimental impact of these AI tools represents a monumental challenge for our society that will require multi-faceted solutions that recognize and respond to the dynamic nature of evolving technology.

The EU's new AI Act leads the way, by requiring companies to develop content authentication and

¹ Nightingale & Farid, *AI-synthesized faces are indistinguishable from real faces and more trustworthy*, Proceedings of the National Academy of Sciences (Feb. 14, 2022),

<https://www.pnas.org/doi/full/10.1073/pnas.2120481119>

² Bob Violino, *AI tools such as ChatGPT are generating a mammoth increase in malicious phishing emails*, CNBC (Nov. 28, 2023),

<https://www.cnb.com/2023/11/28/ai-like-chatgpt-is-creating-huge-increase-in-malicious-phishing-email.html>

³ Thiel, David, *Identifying and Eliminating CSAM in Generative ML Training Data and Models*, Stanford Digital Repository (Dec. 20, 2023), <https://purl.stanford.edu/kh752sm9123>

⁴ Shannon Bond, *Fake viral images of an explosion at the Pentagon were probably created by AI*, NPR (May 22, 2023),

<https://www.npr.org/2023/05/22/1177590231/fake-viral-images-of-an-explosion-at-the-pentagon-were-probably-created-by-ai>

⁵ Alex Isenstadt, *Desantis PAC uses AI-generated Trump voice in ad attacking ex-president*, Politico (Jul. 17, 2023), <https://www.politico.com/news/2023/07/17/desantis-pac-ai-generated-trump-in-ad-00106695>

provenance mechanisms to tackle AI-generated disinformation.⁶ Domestic efforts have been weaker. Federal action has been limited to the Biden Administration’s executive order on AI, which tasks the Department of Commerce to develop guidance for content authentication.⁷ Industry efforts and voluntary commitments have also cropped up to tackle this problem.⁸

California has the opportunity to lead the U.S. response to these threats. As the home of Silicon Valley and the heartland of AI innovation, California can and must play an important role in shaping the solution.

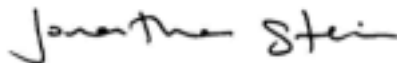
To that end, SB 942 represents an initial step to address this complex problem by allowing generative AI providers to incorporate disclosures into AI-generated content. First, GenAI providers must offer users the option to include a visible disclosure to indicate that content was created by generative AI. Second, the providers must also include a permanent or extraordinarily difficult to “latent” disclosure that identifies the name of the provider and the generative AI system that created the content. Finally, the bill requires providers to make available an AI detection tool that can assess whether any piece of image, video, or audio content was created or altered by that provider’s GenAI system.

To be clear, simply requiring provenance information to be attached to AI-generated content is not sufficient. There is also a critical need to allow creators and publishers of authentic content to apply provenance metadata and digital signatures to content produced by cameras and audio recording devices, so that provenance data can help people identify the origins of online content. Some technology companies have already made strides toward designing such tools, but they are unlikely to become deployed widely enough to be meaningful without being legally required.

Moreover, we must ensure that the provenance information mandated by SB 942 is actually useful to the public at the point of distribution. Without additional rules governing how large online platforms make the provenance information useful to the public, SB 942 may matter little in our effort to rebuild trust in our information ecosystem.

With the rapid proliferation of GenAI tools, the public must be equipped with the necessary tools to distinguish the content we see online in order to restore trust in our democracy and our society. For these reasons, we urge you to sign SB 942 into law.

Sincerely,



Jonathan Mehta Stein
Executive Director, California Common Cause

⁶ *Generative AI and Watermarking*, European Parliamentary Research Service (Dec. 2023), [https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/757583/EPRS_BRI\(2023\)757583_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/757583/EPRS_BRI(2023)757583_EN.pdf)

⁷ *FACT SHEET: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence*, WhiteHouse.gov (Oct. 30, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/>

⁸ Coalition for Content Provenance and Authenticity, <https://c2pa.org/about/resources/>; Data & Trust Alliance, <https://dataandtrustalliance.org/>