SHE PERSISTED

October 16, 2023

Federal Election Commission
1050 First Street, NE
Washington, DC

To whom it may concern:

We express our gratitude for this opportunity to provide commentary on the issue of fraudulent representation using deepfakes in campaign advertisements and communications, brought forward by Public Citizen's petition for rulemaking through the Federal Election Campaign Act.

First and foremost, in light of the rapid advancements made in the development of artificial intelligence deepfake technologies, we affirm the concerns raised by Public Citizen's petition to explicitly acknowledge the deployment of misleading and misrepresentative "fraudulent" AI depictions in campaign advertising and communications. We further maintain that it is imperative decisions made about the deployment of AI in campaign advertisements take into consideration the gendered dimensions of harm when the target of such fraudulent misrepresentations is a woman candidate. The risks deepfakes pose to women in politics are widely understood by experts as challenges to their participation in political processes, and their impacts will be amplified if deployment by candidates and party committees goes unchallenged by the Federal Election Commission.

At #ShePersisted, we have spent several years documenting the way women in politics experience relentless volumes of online abuse, threats, and gendered disinformation campaigns on social media platforms, during the period of campaigning and while serving in office. These campaigns are designed to discredit, devalue, and delegitimize women's political standing, with the goal of ultimately undermining their ability to participate in civic life. We have frequently documented instances of women candidates around the world who are targeted with deepfake videos and imagery, identifying that when weaponized by political opponents to mislead voters, this sows confusion amongst the electorate and unfairly impedes on their ability to make informed decisions. Furthermore, when deepfakes depict women targets in the form of gendered disinformation, they exploit misogynistic tropes and gender stereotypes, introducing a gendered element to fraudulent misrepresentations that have implications for women's participation in the public sphere and democracy at large.

Existing digital tools already pose a considerable threat to women in society and those participating in the political arena. To underscore the prevalence of pre-existing gendered AI-generated deepfakes, research has identified women are targeted by sexualized deepfakes almost exclusively, depicted in

nonconsensual, sexually explicit imagery and video content that exploit pre-existing gender dynamics present in society. Sensity AI estimates that between 90% and 95% of all current deepfakes generated concern image-based abuse. The vast majority of those deepfakes, about 90%, are targeted at women. AI technologies are rapidly improving and can now generate realistic visuals solely with text input, making it much easier for distortions to be utilized in campaign advertising as the means and cost for doing so has been considerably lowered.

Per the White House's Blueprint for an AI Bill of Rights, media generated with "AI-enabled 'nudification' technology" is becoming "increasingly realistic" and "difficult for both humans and AI to detect as inauthentic." Experts have similarly noted the development and applications of deepfake technologies in generating non-sexual, politically-motivated content shared with the purpose of discrediting the opposition, which is increasingly perceived as a threat to election integrity for their ability to depict targets making statements and acting in ways they never did so as to mislead voters and garner campaign support.

The spread of deceptive or inaccurate information and images to alter public understanding of women candidate's track records, to discourage them from seeking political careers, and to misrepresent their actions, beliefs, and character poses a serious threat to the integrity of future elections. The immediate objective of these campaigns is to discredit the target and to intimidate them using sexualized and character-based attacks. The distortion of women candidates in electoral ads risks reversing progress made towards gender equality, undermining democracy, and exerting power over women's ability to participate in the public sphere. Gendered disinformation is especially prevalent when targeting women from historically marginalized groups, as gender-based discrimination intersects with and compounds discrimination against characteristics such as race, religion, ethnicity, and/or sexuality. Deepfakes which perpetuate gendered disinformation may propagate expectations of women's physical appearances, their morality, and their political work, in addition to undermining their credibility and harming their reputations.

Within the context of the petition presented by Public Citizen, we assert deepfakes depicting women in politics in campaign advertising and communications represents an outgrowth of existing harms, underpinned by historic trend lines of women's predominant targeting by the malign use of these technologies as intersecting with the tactics of gendered disinformation as outlined above. Highly-visible women leaders have already faced misrepresentative depictions through the weaponization of deepfakes: Vice President Kamala Harris and Representative Nancy Pelosi have both been featured in manipulated videos falsely depicting them as drunk or making fabricated controversial statements, and former Secretary of State Hillary Clinton falsely depicted as endorsing a presidential candidate. If no framework exists for addressing such actions against targets with less visibility during election periods, combined with the rapid sophistication of these technologies, we caution these offenses will likely slip through the cracks, creating obstacles for women's participation in representative democracy and undermining the integrity of our elections.

The use of deepfakes to target women candidates may also serve the interests of foreign actors, who are increasingly deploying gendered disinformation as a tactic to exert influence in other countries' governments and political processes. The amplification of unsubstantiated and harmful narratives

through deepfakes may be exploited by these actors to achieve their malign aims of eroding trust in our public institutions, distorting public perceptions of candidates and key issues, and manipulating the outcomes of elections, posing risks to national security and our political processes.

We thus call upon the FEC to recognize the gendered dimensions of harm that are present when deepfakes target women candidates and fraudulently misrepresent them, and make this explicit in future efforts to address the use of AI-generated deepfake content in campaign advertising and communications. Doing so will be pivotal for the future of our democracy.

Best regards,

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