

118TH CONGRESS
2D SESSION

S. 4714

To prohibit the distribution of false AI-generated election media and to amend the National Voter Registration Act of 1993 to prohibit the removal of names from voting rolls using unverified voter challenge databases.

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. MERKLEY (for himself, Mr. PADILLA, Ms. HIRONO, Mr. WELCH, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To prohibit the distribution of false AI-generated election media and to amend the National Voter Registration Act of 1993 to prohibit the removal of names from voting rolls using unverified voter challenge databases.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fraudulent Artificial
5 Intelligence Regulations (FAIR) Elections Act of 2024”.

1 **SEC. 2. PROHIBITION ON FALSE AI-GENERATED ELECTION**

2 **MEDIA.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPLICABLE FEDERAL ELECTION.—The
5 term “applicable Federal election” means any gen-
6 eral, primary, runoff, or special election held solely
7 or in part for the purpose of nominating or electing
8 a candidate for the office of President, Vice Presi-
9 dent, Presidential elector, Member of the Senate,
10 Member of the House of Representatives, or Dele-
11 gate or Commissioner from a Territory or posses-
12 sion.

13 (2) ELECTION OFFICIAL.—The term “election
14 official” means any individual legally authorized to
15 perform duties in connection with an applicable Fed-
16 eral election, including workers, volunteers, poll
17 workers, and authorized poll observers.

18 (3) FALSE AI-GENERATED ELECTION MEDIA.—
19 The term “false AI-generated election media” means
20 text, image, audio, or video that—

21 (A) is the product of a computational proc-
22 ess that uses machine learning, natural lan-
23 guage processing, artificial intelligence tech-
24 niques, or other computational processing tech-
25 niques of similar or greater complexity; and

26 (B) either—

1 (i) contains materially false informa-
2 tion relating to—

3 (I) the time, place, or manner of
4 holding any applicable Federal elec-
5 tion; or

6 (II) the qualifications for or re-
7 strictions on voter eligibility for any
8 such election; or

9 (ii) falsely depicts an election official.

10 (b) PROHIBITION.—Except as provided in subsection

11 (c), a person may not—

12 (1) knowingly distribute false AI-generated elec-
13 tion media described in subsection (a)(3)(B)(i) if
14 such person—

15 (A) knows such media contains materially
16 false information described in such subsection;
17 and

18 (B) has the purpose of impeding or pre-
19 venting another person from exercising the
20 right to vote in an applicable Federal election;
21 or

22 (2) knowingly distribute false AI-generated elec-
23 tion media described in subsection (a)(3)(B)(ii) if
24 such person—

1 (A) knows the depiction of the election of-
2 ficial in such media is materially false; and

3 (B) has the intent to—

4 (i) intimidate or harass an election of-
5 ficial; or

6 (ii) deter another person from exer-
7 cising the right to vote in an applicable
8 Federal election.

9 (c) INAPPLICABILITY TO CERTAIN ENTITIES.—This
10 section shall not apply to the following:

11 (1) A radio or television broadcasting station, a
12 cable or satellite television operator, programmer, or
13 producer, or a streaming service that broadcasts
14 false AI-generated election media prohibited by this
15 section as part of a bona fide newscast, news inter-
16 view, news documentary, or on-the-spot coverage of
17 bona fide news events, if the broadcast clearly ac-
18 knowledges through content or a disclosure, in a
19 manner that can be easily heard or read by the aver-
20 age listener or viewer, that the information con-
21 tained in the media and described in subsection
22 (a)(2)(B) is false.

23 (2) A regularly published newspaper, magazine,
24 or other periodical of general circulation, including
25 an internet or electronic publication, that routinely

1 carries news and commentary of general interest,
 2 and that publishes false AI-generated election media
 3 prohibited under this section, if the publication
 4 clearly states that the information contained in the
 5 media and described in subsection (a)(2)(B) is false.

6 (d) ENFORCEMENT.—The Attorney General may
 7 bring a civil action against any person who violates sub-
 8 section (b) in an appropriate United States District Court
 9 for such declaratory and injunctive relief (including a tem-
 10 porary restraining order, a permanent or temporary in-
 11 junction, or other order).

12 **SEC. 3. PROHIBITION ON REMOVAL OF NAMES FROM VOT-**
 13 **ING ROLLS USING UNVERIFIED VOTER CHAL-**
 14 **LENCE DATABASES.**

15 (a) IN GENERAL.—The National Voter Registration
 16 Act of 1993 (52 U.S.C. 20501 et seq.) is amended by in-
 17 serting after section 8 the following new section:

18 **“SEC. 8A. RESTRICTIONS ON REMOVAL OF VOTERS FROM**
 19 **OFFICIAL LISTS OF VOTERS.**

20 “(a) IN GENERAL.—A State may not remove the
 21 name of any registrant from the official list of voters eligi-
 22 ble to vote in elections for Federal office or take any action
 23 with respect to a voter eligibility challenge unless the reg-
 24 istrant or voter is determined to be ineligible to vote based
 25 on—

1 “(1) source information received from govern-
2 mental entities and obtained by such entities in the
3 course of carrying out official actions or duties; and

4 “(2) source information approved by the Attor-
5 ney General as sufficient to protect the integrity and
6 completeness of voter registration lists.

7 “(b) APPROVAL OF VOTER INFORMATION DATA.—

8 “(1) IN GENERAL.—The Attorney General, in
9 consultation with the Director of the National Insti-
10 tute of Standards and Technology and the members
11 of the Election Assistance Commission, may approve
12 source information under subsection (a)(3) if such
13 information meets the following requirements:

14 “(A) The source information contains
15 qualifying data sets that allow the State match
16 the individual identified by the source informa-
17 tion with an individual on the official list of vot-
18 ers eligible to vote in elections for Federal of-
19 fice.

20 “(B) The source information is updated
21 not less than a monthly.

22 “(C) The source information was not ob-
23 tained in violation of section 1030 of title 18,
24 United States Code (commonly known as the
25 ‘Computer Fraud and Abuse Act’).

1 “(2) QUALIFYING DATA SETS.—For purposes of
2 paragraph (1)(A), the term ‘qualifying data sets’
3 means the following sets of data with respect to an
4 individual:

5 “(A) Last name, first name, and full social
6 security number.

7 “(B) Last name, first name, and driver’s
8 license or other unique identifying number as-
9 signed by the State.

10 “(C) Last name, first name, last four dig-
11 its of a social security number, and date of
12 birth.

13 “(D) Last name, full social security num-
14 ber, and date of birth.

15 “(e) COORDINATION WITH OTHER METHODS.—

16 Nothing in this section be construed to preclude—

17 “(1) the removal of names from official lists of
18 voters on a basis described in paragraph (3) (A) or
19 (B) or (4)(A) of section 8(a);

20 “(2) the removal of names from official lists of
21 voters on a basis described in section 8(c); or

22 “(3) correction of registration records pursuant
23 to this Act.”.

24 (b) CONFORMING AMENDMENTS.—Section 8(a) of
25 such Act (52 U.S.C. 20507(a)) is amended—

1 (1) in paragraph (3), by striking “provide” and
2 inserting “subject to section 8A, provide”; and

3 (2) in paragraph (4), by striking “conduct” and
4 inserting “subject to section 8A, conduct”.

5 **SEC. 4. SEVERABILITY.**

6 If any provision of this Act, or an amendment made
7 by this Act, or the application of such provision to any
8 person or circumstance, is held to be invalid, the remain-
9 der of this Act, or an amendment made by this Act, or
10 the application of such provision to other persons or cir-
11 cumstances, shall not be affected.

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