Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Disclosure and Transparency of Artificial	)	MB Docket No. 24-211
Intelligence-Generated Content in	)	
Political Advertisements	)	
	)	
	)	

REPLY COMMENTS OF THE
MULTICULTURAL MEDIA, TELECOM & INTERNET COUNCIL

I.   INTRODUCTION AND SUMMARY

The Multicultural Media, Telecom and Internet Council (MMTC)[1] submits these reply

comments concerning the Commission's proposal to require broadcasters and certain other

communications providers to make disclosure announcements when political advertising uses

generative artificial intelligence.[2] MMTC agrees with the Commission and several commenters

that the public should have the most accurate information possible about elections, candidates

and political issues.

MMTC is concerned, however, that the proposed regulation will fail to improve the

quality of information available to the public. Rather, it will require disclosures for countless

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[1] MMTC is a national nonprofit and non-partisan membership organization dedicated to promoting and preserving equal opportunity and civil rights in the tech, media, and telecom (TMT) industries, and closing the digital divide on behalf of its members and constituents, including owners of radio and television broadcast stations, programmers, prospective station owners, and others involved in the TMT industries. MMTC is generally recognized as the nation's leading advocate for multicultural advancement in communications. We strongly believe that the breathtaking changes in communications technology and the new global forms of media partnerships must enhance diversity in the 21st century.

[2] *Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements*, Notice of Proposed Rulemaking, MB Docket No. 24-211, FCC No. 24-74 (rel. July 25, 2024) (NPRM).

political ads that are not misleading or deceptive, but merely use AI to enhance the quality of audio or video in ads or for other innocuous purposes. MMTC is concerned that the proposed regulations would be counterproductive and cause viewers to question harmless ads after seeing the disclosures. We also are concerned that the proposed regulation could deter the use of AI in political campaigns, reducing the innovations, efficiencies and cost-savings that AI can provide. Such benefits are critical in empowering candidates and campaigns with fewer resources and increasing the diversity of elected officials at all levels of government. Finally, MMTC is concerned that because the Commission's proposed regulations will not apply to online platforms, more advertising will flow to those platforms, which lack the sponsorship identification and political advertising requirements applicable to broadcast platforms. Creating incentives that drive more political content to these unregulated platforms is harmful to the public and creates competitive imbalances affecting all broadcasters, especially stations owned by people of color and other underrepresented groups.

MMTC understands the Commission's worthy objectives. But the potential harms outweigh the benefits of adopting this proposal. We urge the Commission to engage in further study on this issue through a series of roundtable discussions or other activities, such as creating an advisory committee, rather than adopting the proposed rule. The Commission can follow the same approach it took in addressing the use of AI in robocalls. There the Commission initiated a proceeding to address the issue while also tasking the Consumer Advisory Committee ("CAC") to come up with recommendations on how best to tackle the issue. As a member of the Twelfth CAC, MMTC saw first-hand how industry and public interest groups were able to come together to make robust recommendations on how best to address a novel use of AI. MMTC also believes

that the Commission could play an important role in educating the public about deepfakes across

all communications platforms.

II.   THE PROPOSED RULE WOULD RESULT IN FREQUENT DISCLOSURES ABOUT INNOCUOUS, BENEFICIAL USES OF AI

A.   The Proposed Disclosure Requirement Would Not Provide Helpful Information to Audiences

The Commission needs to clearly define "AI-generated content" in the political ads

space. The proposed regulation would define "AI-generated content" very broadly and would

not be confined to false or misleading content.[3] As several commenters have noted, the

definition is so broad that it could cover all or nearly all audio or video content because a wide

range of commonly used digital editing technologies adjust and improve color, lighting and

sound.[4] Given the sweeping nature of the definition, it is likely that all or nearly all political

advertisements aired on broadcast stations will be accompanied by a disclosure, thereby creating

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[3] The NPRM proposes to define AI-generated content as "an image, audio, or video that has been generated using computational technology or other machine-based system that depicts an individual's appearance, speech, or conduct, or an event, circumstance, or situation, including, in particular, AI-generated voices that sound like human voices, and AI-generated actors that appear to be human actors." NPRM at ¶ 11. Broadcasters must inquire of every political advertiser whether an ad contains AI, and ensure that, if the political advertiser says yes, that ad is accompanied by a disclosure informing the public that the ad "contains information generated in whole or in part by artificial intelligence." NPRM at ¶¶ 13-20. Although the proposal also will apply to cable and satellite platforms when they are engaged in "origination" programming, NPRM at ¶¶ 22-23, MMTC understands that this represents a small fraction of the programming on these platforms.

[4] *See, e.g.,* Comments of Public Citizen, MB Docket No. 24-211 (Sept. 19, 2024) at 5-7; Comments of the Brennan Center, MB Docket No. 24-211 (Sept. 19, 2024) at 5-6; Comments of Public Knowledge, MB Docket No. 24-211 (Sept. 19, 2024) at 3-5; Comments of the Foundation for Individual Rights and Expression (FIRE), MB Docket No. 24-211 (Sept. 19, 2024) at 27; Comments of American Civil Liberties Union (ACLU), MB Docket No. 24-211 (Sept. 19, 2024) at 2.

doubt about the trustworthiness of those ads. A disclosure mandate that treats a deepfake in the same manner as a completely forthright political ad that merely employs AI to reduce background noise during a campaign rally will not provide helpful information to the public.[5]

The definition also suffers from being potentially underinclusive as it could exclude less technologically advanced forms of deceptive advertising, sometimes known as "cheapfakes."[6] Audiences exposed to deceptive political ads that rely on technologies other than AI will receive no warnings, and may presume those ads are accurate. Overall, the proposed rule is likely to increase, rather than reduce, misinformation and confusion among audiences and potential voters.

B. The Proposal May Deter Important, Beneficial Uses of AI

Adoption of the rule may also discourage use of generative AI tools by well-qualified, but less-resourced political candidates and their campaigns. MMTC has spent years working to foster greater diversity in ownership of communications outlets, including promoting policies to address access to capital, which is the greatest barrier to entry. Similar challenges affect candidates from underrepresented groups attempting to run successful campaigns for elective

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[5] *See, e.g.,* FIRE Comments at 30 (proposed disclosure will lead audiences to assume every ad using AI is false and will cause audience confusion; since legitimate uses of AI are likely to far outstrip the nefarious ones, the disclosures themselves would be deceptive); ACLU Comments at 2 ("Over-labeling AI-generated content beyond advertisements that involve deceptive deepfakes risks rendering any disclosure requirement meaningless because it clouds the legitimacy of substantially accurate content.").

[6] *See, e.g.,* Brennan Center Comments at 6 (proposing changes to the definition to make it technology-neutral); Comments of the National Association of Broadcasters (NAB), MB Docket No. 24-211 (Sept. 19, 2024) at 24-26 (discussing how traditional editing techniques that do not rely on AI such as cropping, splicing, or altering playback speed can be at least as convincing as AI-driven audiovisual fabrication); ACLU Comments at 2 (expressing concerns that "the absence of a mandated disclaimer on political advertisements that do not use generative AI may be deceptively invoked as proof of accuracy, even if the advertisement is substantially misleading in other respects.").

office, where the ability to raise funds is critical.[7] Although there have been significant

improvements, elected officials are still more likely to be white and male than the populations

they represent.[8]

Several commenters discussed the potential benefits of AI for campaigns with fewer

resources, which highlights their potential impact on diversity, equity, and inclusion in political

races. Commenters observed that AI could enable the creation of relatively low-cost, high-

quality political ads for candidates who cannot afford professional ad production, lowering the

economic threshold required to seek office and further democratizing elections.[9] Commenters

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[7] *See, e.g.,* Shyamala Ramakrishna, *On Funding, Candidates of Color Face an Uphill Battle Before They Even Start*, Rewire News Group (May 17, 2018) (observing that money is "the critical impediment to a more diverse slate of viable candidates at the local, state, and national level;" and that because communities of color accumulate far less wealth than their white counterparts, "candidates of color often struggle to stay above water in the costly world of political campaigns."); Grace Haley, *et al., Which Women Can Run? The Fundraising Gap in the 2020 Elections' Competitive Primaries*, opensecrets.org (Jun. 9, 2021) (discussing fundraising gaps affecting women of color running as challengers or for open seats).

[8] For example, although the 118th Congress is the most diverse in history, 75 percent of members are white (vs. 59 percent of the U.S. population), and women constitute less than one-third of members (vs. approximately half the U.S. population). *See* Katherine Schaeffer, *U.S. Congress continues to grow in racial, ethnic diversity,* Pew Research Center (Jan. 9, 2023). In the House, the share of African American (13%) and Native American (1%) representatives is similar to their share of the U.S. population, although this is not the case for Hispanic (11% vs. 19%) or Asian (4% and 6%) representatives, whose shares are lower than their respective shares of the U.S. population. *Id.* Diversity gaps are greater in the Senate, which is 88 percent white, 6 percent Hispanic, 3 percent African American, 2 percent Asian American, and 1 percent Native American. *Id.*

[9] *See,* FIRE Comments at 28-29, *quoting* Christina LaChapelle, *Generative AI in Political Advertising*, Brennan Center for Justice (Nov. 28, 2023) ("New AI software products are inexpensive, require almost no training to use, and can generate seemingly limitless content. These tools can support personalized advertising at scale, reducing the need for large digital teams and leveling the playing field for campaigns that lack substantial resources."). *See also* Comments of the National Hispanic Media Coalition (NHMC), WC [sic] Docket No. 24-211 (Sept. 4, 2024) at 2 (benefits of AI-generated content include empowering less resourced campaigns); Comments of Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), MB Docket No. 24-211 (Sept. 4, 2024) at 15-16 ("Generative AI could also be a cost-effective way for candidates to produce professional-grade campaign advertisements. This

also discussed AI's potential to enable campaigns to better communicate with potential voters in different languages, and to enable candidates and elected officials with disabilities to harness technology to facilitate their communication with audiences.[10]

AI has significant potential to help bridge several gaps affecting political campaigns including fundraising gaps, language barriers, and more. MMTC is concerned that mandating disclosures on political advertisements could discourage the use of AI in political advertising for entirely non-deceptive reasons and reduce the potential for these tools to be used to help level the playing field among political candidates.[11] We urge the Commission to carefully consider the impact of the disclosure mandate on these beneficial uses of AI.

III. THE RULE WOULD RESULT IN REGULATORY DISPARITIES THAT ARE HARMFUL TO THE PUBLIC AND TO COMPETITION

Further complicating matters is the Commission's lack of authority[12] over any internet platforms, including social media, even though that is where the overwhelming majority of political misinformation, including deepfakes, is found and circulated. This creates several

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could allow candidates from low-income communities to compete on a more equal footing with well-funded candidates."); NAB Comments at 23-24.

[10] NHMC Comments at 2 (AI-generated content can offer significant benefits in political advertising such as reaching specific audiences, including the Latino community, through targeted messaging in Spanish and other languages); Lawyers' Committee Comments at 15-16 (a candidate can use AI to translate their statements into languages they do not speak, which can engage more citizens in the democratic process and help their voices be heard); FIRE Comments at 29 (discussing how AI may enable candidates with speech-related impairments or disabilities to communicate directly with potential voters in campaign ads).

[11] *See, e.g.* FIRE Comments ("Requiring disclosures will discourage innovative and empowering uses of artificial intelligence, chilling campaigns and grassroots organizations from employing technological advances to their benefit.").

[12] Several commenters also have questioned the Commission's legal authority to adopt this proposal even with respect to broadcasting, *See, e.g.* ACLU Comments at 1-3; FIRE Comments at 4-27; Comments of the Motion Picture Association (MPA), MB Docket No. 24-211 (Sept. 19, 2024), at 1-6; NAB Comments at 45-66. MMTC shares these concerns.

significant problems. First, it creates incentives for legitimate political advertisers currently placing ads on broadcast stations to shift their advertising to less regulated platforms. There, they will not have to find time/visual space for the multiple disclosures mandated on broadcast platforms, such as sponsorship identification, "stand by your ad," disclosures that may be mandated by state law; and now a potential new AI disclosure that makes a legitimate ad appear as if it may be deceptive.[13] When political ads shift from broadcast platforms to social media, audiences have access to less information about who is influencing them. Disclosure of the identity of political ad sponsors depends upon whether that outlet has a voluntary policy, what the policy is, and the outlet's ability to monitor and enforce compliance. MMTC is concerned that creating incentives for political advertisers to leave broadcast platforms creates an environment where less information about political ads will be available to the public.

Moreover, requiring broadcasters to place confusing disclosures on many political ads furthers existing competitive imbalances between broadcasters and their largest competitors for advertising revenue, especially social media outlets. MMTC urges the Commission to consider carefully these competitive imbalances and how they will impact stations owned by people of color and underrepresented groups and the communities they serve.[14]

IV.   CONCLUSION

For the foregoing reasons, the Commission should decline to adopt the rule proposed in the Notice. MMTC urges the Commission to consider holding a series of roundtable discussions

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[13] *See, e.g.,* NAB Comments at 31-33 (discussing the multiple existing federal disclosure requirements affecting political advertising and the amount of time and space they require); *id.* at 39-41 (discussing current and proposed state laws affecting AI and political advertising).

[14] NPRM at ¶ 37. *See also* ACLU Comments at 3 ("the burdens imposed by the proposed regulation are likely to be felt most keenly by smaller licensees and cash-strapped candidates and causes, raising serious equity concerns").

or developing an advisory committee to examine the impact of AI on political activity and civic engagement. The Commission also can use its voice to help educate the public about deepfakes on all platforms, including online.

Respectfully submitted,

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