118TH CONGRESS
2D SESSION

S. _____

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.

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IN THE SENATE OF THE UNITED STATES

_____

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on _____

_____

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".

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

7   **MEDIA.**

8   (a) DEFINITIONS.—In this section:

1 (1) APPLICABLE FEDERAL ELECTION.—The

2 term "applicable Federal election" means any gen-

3 eral, primary, runoff, or special election held solely

4 or in part for the purpose of nominating or electing

5 a candidate for the office of President, Vice Presi-

6 dent, Presidential elector, Member of the Senate,

7 Member of the House of Representatives, or Dele-

8 gate or Commissioner from a Territory or posses-

9 sion.

10 (2) ELECTION OFFICIAL.—The term "election

11 official" means any individual legally authorized to

12 perform duties in connection with an applicable Fed-

13 eral election, including workers, volunteers, poll

14 workers, and authorized poll observers.

15 (3) FALSE AI-GENERATED ELECTION MEDIA.—

16 The term "false AI-generated election media" means

17 text. image, audio, or video that—

18 (A) is the product of a computational proc-

19 ess that uses machine learning, natural lan-

20 guage processing, artificial intelligence tech-

21 niques, or other computational processing tech-

22 niques of similar or greater complexity; and

23 (B) either—

24 (i) contains materially false informa-

25 tion relating to—

1   (I) the time, place, or manner of

2   holding any applicable Federal elec-

3   tion; or

4   (II) the qualifications for or re-

5   strictions on voter eligibility for any

6   such election; or

7   (ii) falsely depicts an election official.

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

9 (c), a person may not—

10   (1) knowingly distribute false AI-generated elec-

11 tion media described in subsection (a)(3)(B)(i) if

12 such person—

13   (A) knows such media contains materially

14   false information described in such subsection;

15   and

16   (B) has the purpose of impeding or pre-

17   venting another person from exercising the

18   right to vote in an applicable Federal election;

19   or

20   (2) knowingly distribute false AI-generated elec-

21 tion media described in subsection (a)(3)(B)(ii) if

22 such person—

23   (A) knows the depiction of the election of-

24   ficial in such media is materially false; and

25   (B) has the intent to—

4

1   (i) intimidate or harass an election of-

2   ficial; or

3   (ii) deter another person from exer-

4   cising the right to vote in an applicable

5   Federal election.

6   (c) INAPPLICABILITY TO CERTAIN ENTITIES.—This

7 section shall not apply to the following:

8   (1) A radio or television broadcasting station, a

9   cable or satellite television operator, programmer, or

10 producer, or a streaming service that broadcasts

11 false AI-generated election media prohibited by this

12 section as part of a bona fide newscast, news inter-

13 view, news documentary, or on-the-spot coverage of

14 bona fide news events, if the broadcast clearly ac-

15 knowledges through content or a disclosure, in a

16 manner that can be easily heard or read by the aver-

17 age listener or viewer, that the information con-

18 tained in the media and described in subsection

19 (a)(2)(B) is false.

20   (2) A regularly published newspaper, magazine,

21 or other periodical of general circulation, including

22 an internet or electronic publication, that routinely

23 carries news and commentary of general interest,

24 and that publishes false AI-generated election media

25 prohibited under this section, if the publication

1   clearly states that the information contained in the

2   media and described in subsection (a)(2)(B) is false.

3   (d) ENFORCEMENT.—The Attorney General may

4 bring a civil action against any person who violates sub-

5 section (b) in an appropriate United States District Court

6 for such declaratory and injunctive relief (including a tem-

7 porary restraining order, a permanent or temporary in-

8 junction, or other order).

9 **SEC. 3. PROHIBITION ON REMOVAL OF NAMES FROM VOT-**

10   **ING ROLLS USING UNVERIFIED VOTER CHAL-**

11   **LENGE DATABASES.**

12   (a) IN GENERAL.—The National Voter Registration

13 Act of 1993 (52 U.S.C. 20501 et seq.) is amended by in-

14 serting after section 8 the following new section:

15 **"SEC. 8A. RESTRICTIONS ON REMOVAL OF VOTERS FROM**

16   **OFFICIAL LISTS OF VOTERS.**

17   "(a) IN GENERAL.—A State may not remove the

18 name of any registrant from the official list of voters eligi-

19 ble to vote in elections for Federal office or take any action

20 with respect to a voter eligibility challenge unless the reg-

21 istrant or voter is determined to be ineligible to vote based

22 on—

23   "(1) source information received from govern-

24   mental entities and obtained by such entities in the

25   course of carrying out official actions or duties; and

6

1   ''(2) source information approved by the Attor-

2   ney General as sufficient to protect the integrity and

3   completeness of voter registration lists.

4   ''(b) APPROVAL OF VOTER INFORMATION DATA.—

5   ''(1) IN GENERAL.—The Attorney General, in

6   consultation with the Director of the National Insti-

7   tute of Standards and Technology and the members

8   of the Election Assistance Commission, may approve

9   source information under subsection (a)(3) if such

10   information meets the following requirements:

11   ''(A) The source information contains

12   qualifying data sets that allow the State match

13   the individual identified by the source informa-

14   tion with an individual on the official list of vot-

15   ers eligible to vote in elections for Federal of-

16   fice.

17   ''(B) The source information is updated

18   not less than a monthly.

19   ''(C) The source information was not ob-

20   tained in violation of section 1030 of title 18,

21   United States Code (commonly known as the

22   'Computer Fraud and Abuse Act').

23   ''(2) QUALIFYING DATA SETS.—For purposes of

24   paragraph (1)(A), the term 'qualifying data sets'

1   means the following sets of data with respect to an

2   individual:

3   "(A) Last name, first name, and full social

4   security number.

5   "(B) Last name, first name, and driver's

6   license or other unique identifying number as-

7   signed by the State.

8   "(C) Last name, first name, last four dig-

9   its of a social security number, and date of

10   birth.

11   "(D) Last name, full social security num-

12   ber, and date of birth.

13   "(c) COORDINATION WITH OTHER METHODS.—

14   Nothing in this section be construed to preclude—

15   "(1) the removal of names from official lists of

16   voters on a basis described in paragraph (3) (A) or

17   (B) or (4)(A) of section 8(a);

18   "(2) the removal of names from official lists of

19   voters on a basis described in section 8(c); or

20   "(3) correction of registration records pursuant

21   to this Act.".

22   (b) CONFORMING AMENDMENTS.—Section 8(a) of

23   such Act (52 U.S.C. 20507(a)) is amended—

24   (1) in paragraph (3), by striking "provide" and

25   inserting "subject to section 8A, provide"; and

1   (2) in paragraph (4), by striking ''conduct'' and

2   inserting ''subject to section 8A, conduct''.

3 **SEC. 4. SEVERABILITY.**

4   If any provision of this Act, or an amendment made

5 by this Act, or the application of such provision to any

6 person or circumstance, is held to be invalid, the remain-

7 der of this Act, or an amendment made by this Act, or

8 the application of such provision to other persons or cir-

9 cumstances, shall not be affected.