# Texas House passes bill mandating AI disclaimers in political ads to tackle deception



In a significant legislative session held in Austin, the Texas House of Representatives debated and passed a bill addressing the use of artificial intelligence (AI) in political advertising. The measure, introduced as House Bill 366 by former House Speaker Dade Phelan, aims to mandate disclosures on deceptive political advertisements created using generative AI technology.

The chamber voted 102-40 to approve the bill and send it to the Senate for further consideration. The legislation specifically bans the use of AI in political advertisements designed to influence an election unless the ad explicitly states that the content portrayed did not take place in reality.

Dade Phelan, a Republican from Beaumont and a prominent figure in Texas politics, championed the bill, emphasising the importance of transparency in elections. “Voters deserve transparency in elections,” Phelan said during the session. He illustrated his point with a personal example, stating, “I’m not the best looking man, right? I’ve got a big forehead. I’d love for my forehead to be a little bit smaller, but that wouldn’t be reality. I’d like to be 6’2. That wouldn’t be reality, right?”

The legislation delegates authority to the Texas Ethics Commission (TEC) to establish the specific disclosure format, including font, size, and colour for such political advertisements. Violations of the bill’s provisions could be classified as a Class A misdemeanor, carrying penalties of up to $4,000 in fines, up to one year in jail, or both.

The proposal sparked debate among lawmakers regarding its potential implications. Some Republican members expressed concerns over the TEC being positioned as an “arbiter of truth” and questioned whether criminal penalties, including jail time, were appropriate for political speech. Representative Nate Schatzline from Fort Worth asked, “Is it your goal to put someone in jail for political speech? Because that‘s what this bill would do.”

Phelan responded by highlighting existing challenges with uncollected campaign violation fines, noting that the current fines were often ineffective, saying, “The state has more than $3.6 million in uncollected campaign violation fines... a $500 punishment in an expensive campaign is a rounding error.” He argued that the new law targets the use of fabricated media that misleads voters, asserting, “You cannot distinguish between reality and this new technology. You can’t tell the difference.”

Under House Bill 366, anyone spending $100 or more on political advertising during a reporting period, including officeholders, candidates, political committees, or their agents, must disclose the use of AI in any deceptive political material. Concerns were raised about whether grassroots political donors using AI-generated content like memes or satire might face penalties. Phelan clarified the bill was not intended to criminalise typical social media activities or satirical content.

The context for Phelan’s bill includes previous instances of deceptive campaign materials in his district. Parody videos and falsified images had targeted him, including a radio show video mocking him and other materials falsely depicting him with political figures such as former U.S. House Speaker Nancy Pelosi and Chinese President Xi Jinping. Phelan stressed that the seriousness of electoral integrity warrants the misdemeanour classification, “It is my goal to prevent someone from impacting or altering an election using fake media that never occurred in reality, be it AI or deepfakes.”

Other lawmakers voiced support for the bill’s emphasis on truthfulness in political discourse. Representative Giovanni Capriglione from Southlake noted, “All this bill is saying is, ‘Should you have to tell the truth?’ And for once, we have a bill that says that, ‘Yeah, we have to be honest.’” Similarly, Representative Christian Manuel of Port Arthur remarked, “All this bill says is if you’re going to lie and you’re going to be a liar, then tell the damn truth.”

The discussion also reflected a broader recognition of technological advancements changing the landscape of political campaigns. Phelan concluded, “This is the beginning, I think, of a new era in ethics where the voters need to know what is real and what is not.”

The bill now moves forward to the Texas Senate for additional legislative evaluation. The outcome will determine whether Texas enacts new legal frameworks to address AI’s role in political advertising and election integrity.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

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3. <https://www.axios.com/local/austin/2024/05/02/political-cyberattacks-campaign-security-texas> - This report highlights bipartisan efforts by Texas lawmakers to protect elections from deepfakes and AI manipulations, including discussions on legislative proposals that may require disclaimers on AI-produced campaign content and stricter penalties for election-related deepfakes.
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