



STATE OF CALIFORNIA  
FAIR POLITICAL PRACTICES COMMISSION  
1102 Q Street • Suite 3050 • Sacramento, CA 95811

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **August 20, 2026**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on August 18, 2026**.

### BACKGROUND/OVERVIEW:

To help provide greater transparency when artificial intelligence (“AI”) is used to create campaign advertisements, AB 2355, approved by the Governor on September 17, 2024, added Section 84514 to the Act. Section 84514 requires disclosure of the use of AI in campaign advertisements. It requires clear and conspicuous disclosure when an image, audio, or video in a political advertisement is generated or substantially altered using AI. It includes definitions of “artificial intelligence” and “qualified political advertisement,” which it defines as an advertisement that contains any image, audio, or video generated or substantially altered using artificial intelligence.

Section 84514 requires disclosure for content that is either: entirely created using AI and would falsely appear to a reasonable person to be authentic or materially altered by AI such that the alteration would cause a reasonable person to have a fundamentally different understanding of the altered media when comparing it to an unaltered version.

The Act requires candidates, treasurers, principal officers, and elected officers to maintain detailed accounts, records, bills, and receipts necessary to prepare campaign statements, to establish that campaign statements were properly filed, and to otherwise comply with the provisions of the Act. (Section 84104). Regulation 18401 specifies the types of records that candidates and committees must maintain to satisfy Section 84104. While a committee should maintain copies of all advertisements it produces in order to show it has complied with the Act’s advertising disclosure requirements, Regulation 18401 does not specify the record retention

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<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

requirements for committee advertisements. Staff proposes amending Regulation 18401 to provide specific guidance on the application of the Act's recordkeeping requirement to committee advertisements. The proposed amendments include provisions requiring committees to maintain copies of all advertisements it produced, as well as the original versions of materials used to create advertisements that have been modified using AI, to help ensure compliance with Section 84514.

#### REGULATORY ACTION:

The Commission may review and consider all aspects of the AI Disclosure and Required Recordkeeping regulations, including, but not limited to, the adoption of regulatory language to clarify circumstances where the use of AI in campaign advertising would require disclosure. The Commission may also consider all aspects of the new regulation that would specifically disclose requirements for advertisements that are created or modified using artificial intelligence. While the Commission may review and consider any aspect of Regulations 18401 and 18450.12, it is anticipated that the Commission will specifically consider each of the following proposals made by Commission staff:

##### Amend 2 Ca. Code Regs Section 18401

Amend Section 18401 subdivision (a)(11) to add language clarifying that, for each advertisement authorized and paid for by the candidate, treasurer, elected officer, or committee, original source documentation must consist of a full and accurate copy of each advertisement, and, to the extent an authentic image, audio, or video is used to generate a qualified political advertisement, as defined in Section 84514(d)(3), the original source documentation must consist of a copy of the authentic media used.

##### Adopt 2 Cal. Code Regs. Section 18450.12

It is anticipated the Commission will consider the following:

- Clarifying that a “generated or substantially altered” as defined in Section 84514(d)(2)(A) does not include advertisements generated with the assistance of artificial intelligence that is explicitly programmed with rules or tools solely designed to assist with grammar, spelling, or word suggestions without generating human likeness or voice
- Clarifying, for purposes of Section 84514(d)(2)(A)(i), the meaning of the term “authentic.”
- Clarifying that, for purposes of Section 84514(d)(2)(A)(ii), media materially altered by artificial intelligence will cause a reasonable person to have a fundamentally different understanding of the altered media when it depicts an individual saying or doing something the individual did not say or do, or contains a realistic depiction of something that did not occur.

#### SCOPE:

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

#### FISCAL IMPACT STATEMENT:

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

#### AUTHORITY:

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

#### REFERENCE:

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 84104 and 84514.

#### CONTACT:

Any inquiries should be made to Zachary Norton, Fair Political Practices Commission, 1102 Q St., Suite 3050, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.