

FCC Chairwoman Circulates Proposed Rulemaking Requiring Disclosure of AI-Generated Content in Political Ads on TV and Radio

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This latest Federal Communications Commission (FCC) action addressing artificial intelligence (AI) would, if adopted, aim to protect voters against deceptive information, including “deep fakes,” in political ads.

Pursuant to the FCC’s authority granted under The Bipartisan Campaign Reform Act, Chairwoman Jessica Rosenworcel has circulated to the other FCC Commissioners a proposed “Notice of Proposed Rulemaking” (NPRM) addressing these critical issues. If the proposed NPRM is approved by a majority of the Commissioners, a rulemaking proceeding would be launched to examine the extent to which the FCC should require disclosure when there is AI-generated content in political ads on radio and TV.

Citing a “clear public interest obligation ... to protect the public from false, misleading, or deceptive programming and to promote an informed public,” the FCC [announced](#) the circulation of this proposal, which would aim to increase transparency by:

- Seeking comment on whether to require an on-air disclosure and written disclosure in broadcasters’ political files when there is AI-generated content in political ads.
- Proposing to apply the disclosure rules to both candidate and issue advertisements.
- Requesting comment on a specific definition of AI-generated content.
- Proposing to apply the disclosure requirements to broadcasters and entities that engage in origination programming, including cable operators, satellite TV and radio providers, and other entities.

Notably, the proposed FCC proceeding does *not* propose any prohibition of AI-generated *content itself*. Rather, the proposal would focus only on the *disclosure of any AI-generated content* within political ads. The text of this proposal has not yet been publicly released.

This action comes on the heels of other FCC [actions](#) addressing issues related to AI. These include (1) the rebooting of the agency's Consumer Advisory Committee (CAC) which will focus on consumer-related issues, specifically in the context of AI, and (2) an order holding that "robocalls" made using AI-generated voices will be deemed "artificial" under the Telephone Consumer Protection Act (TCPA) and will be subject to the strict requirements of the TCPA.

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