

10 May 2024

Select Committee on Adopting Artificial Intelligence (AI)

AUSTRALIAN ELECTORAL COMMISSION (AEC) SUBMISSION

AEC Submission to the Select Committee on Adopting Artificial Intelligence (AI)

As the use of AI technologies continues to expand, public and private sector entities are grappling with its capabilities and its responsible and ethical use. In that vein, the Australian Electoral Commission (AEC) continues to monitor this rapidly evolving technology and its potential impacts on the integrity of federal elections.

The AEC, along with many electoral administrators globally, remains focussed on the potential impacts on electoral integrity and citizen trust in electoral outcomes from Generative AI that can produce various types of content—including text, imagery, and audio. For example, there have been several global electoral events in 2024 where there have been documented instances of AI-produced content that attempted to influence the integrity of the event.

Prior to the US New Hampshire presidential primary in January this year, a robocall, reported to have likely used AI voice cloning technology impersonating US President Joe Biden, urged voters to skip the primary election.¹ In Pakistan, jailed former Prime Minister Imran Khan claimed party election victory in a video created using AI.² In India, an AI-generated video of deceased former Tamil Nadu Chief Minister, and icon in Indian cinema M Karunanidhi, praised the leadership of his son and current Tamil Nadu Chief Minister ahead of elections in May.³ Prior to the February Indonesian election, a deepfake of deceased former President Suharto circulated, endorsing his former political party.⁴ Also in Indonesia, AI has been used by candidates in their speechwriting, artwork and campaign materials. Ahead of the South Korean election in April, it is reported that the National Election Commission detected 388 pieces of AI-generated media content,⁵ in violation of their newly revised election law, banning the use of political campaign videos using AI-generated deepfakes within 90 days prior to an election.⁶

The AEC notes the ‘Tech Accord to Combat Deceptive Use of AI in 2024 Elections’ which several technology companies signed at the Munich Security Conference to “*help prevent deceptive AI content from interfering with this year’s global elections*”.⁷ Despite such global initiatives as the Tech Accord and, more locally, parliamentary inquiries looking at the broad issue of AI, the AEC is concerned about the current lack of potential legislative tools and (AEC) internal technical capabilities to enable us to detect, evaluate and respond to information manipulation about the electoral process generated by that technology.

At this stage, if a person seeks to disrupt a federal electoral event by using AI, the AEC only has limited powers to investigate or take action. The primary legislative control on communications at federal elections is for the communication of electoral matter to be authorised as required by section 321D of the *Commonwealth Electoral Act 1918* (Electoral Act).

¹ ‘AI is changing how elections are fought, from deepfake endorsements to chatbot campaigners’, ABC News, 21 Feb 2024, online at: <https://www.abc.net.au/news/science/2024-02-21/ai-elections-deepfakes-generative-campaign-endorsement-democracy/103483710>

² ‘Pakistan’s jailed ex-PM Imran Khan claims election victory’, Reuters, 10 Feb 2024, online at: <https://www.reuters.com/world/asia-pacific/pakistans-jailed-ex-pm-imran-khan-claims-election-victory-2024-02-09/>

³ ‘How AI is resurrecting dead Indian politicians as election looms’, Al Jazeera, 12 Feb 2024, online at: <https://www.aljazeera.com/economy/2024/2/12/how-ai-is-used-to-resurrect-dead-indian-politicians-as-elections-loom>

⁴ ‘Deepfakes and disinformation swirl ahead of Indonesian election’, The Conversation, 12 Feb 2024, online at: <https://theconversation.com/deepfakes-and-disinformation-swirl-ahead-of-indonesian-election-podcast-223119>

⁵ ‘Security in numbers: 388 deepfakes appeared in South Korean elections’, The Readable, 18 April 2024, online at: <https://thereadable.co/security-in-numbers-388-deepfakes-appeared-in-south-korean-elections/>

⁶ ‘90-day ban on deepfake political ads passes parliamentary special committee’, Yonhap News Agency, 5 Dec 2023, online at: <https://en.yna.co.kr/view/AEN20231205006400315>

⁷ ‘Technology Industry to Combat Deceptive Use of AI in 2024 Elections’, AI Elections accord, 16 Feb 2024, online at: <https://www.aielectionaccord.com/uploads/2024/02/Press-Release-AI-Elections-Accord-16-Feb-2024.pdf>

AI-generated electoral matter could also be an offence under section 329 of the Electoral Act if that content is communicated during an election period and is likely to mislead or deceive an elector in relation to the casting of a vote. However, if there is no legislative requirement for AI-generated electoral matter to be labelled, then the AEC will depend on the support of others to identify this content.

The AEC notes that the terms of reference for the current Joint Standing Committee on Electoral Matters (JSCEM) inquiry into civics education, and engagement, also mention the impact of AI. Specifically, the JSCEM has been asked to consider:

the mechanisms available to assist voters in understanding the legitimacy of information about electoral matters; the impact of artificial intelligence, foreign interference, social media and mis- and disinformation; and how governments and the community can prevent or limit inaccurate or false information influencing electoral outcomes

The AEC also notes that the timing of the reports and any associated recommendations for both inquiries are unlikely to be in place before the next federal election.

The AEC is doing what we can to continue to monitor developments with this new and emerging threat including considering how the AEC's current legislative powers may potentially apply. In addition to examining our own internal understanding of contemporary developments, the AEC is seeking specific briefings from industry and government.

Additionally, the AEC has been working to further expand our pre- and debunking initiatives as part of our broader campaign to combat disinformation. The AEC's 'Stop and Consider' advertising campaign aims to increase public awareness of how to counter disinformation and encourages voters to check the source of electoral information, while reminding them to consider if the information they are consuming is current and reliable. The AEC also has a disinformation register that lists prominent pieces of disinformation regarding the election process for each federal electoral event.

The AEC works with relevant agencies across Federal Government as part of the Electoral Integrity Assurance Taskforce (EIAT) to protect the integrity of Australia's electoral processes and maintain public trust in democratic processes. In addition, the taskforce provides information and advice to the Electoral Commissioner on matters that may compromise the real or perceived integrity of federal electoral events. Further, the AEC works proactively with social media companies to support the integrity of federal elections in Australia.

The AEC would welcome the opportunity to discuss these matters with the Committee as its inquiry progresses.