



PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)
(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: January 18, 2024

TIME: 3:08 PM

WSR 24-03-102

Agency: Public Disclosure Commission

Subject of possible rule making: The Public Disclosure Commission (PDC) will consider rules regarding the use of synthetic media in electioneering communications and the implementation of SB 5152 (2023).

Statutes authorizing the agency to adopt rules on this subject: RCW 42.62.040 & RCW 42.17A.125.

Reasons why rules on this subject may be needed and what they might accomplish: In 2023, the Legislature enacted SB 5152, creating a civil cause of action for a candidate who is the subject of an electioneering communications using synthetic media, otherwise known as “deepfakes.” The new law did not create any additional regulatory jurisdiction for the PDC, but the legislature instructed the PDC to adopt rules in furtherance of the purpose of the new law.

Rulemaking can help to explore the issues related to the emergence of synthetic media technology and the increased use of synthetic media by political campaigns. Potential areas for rulemaking may include the methods for identifying synthetic media, the scope of disclaimer requirements in electioneering communications, and how the courts should apply the new law.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Federal Elections Commission, which regulates federal election campaigns, has received a petition for rulemaking regarding “deepfake” technology that is under consideration. The PDC will track what action the FEC proposes, as well as contact FEC staff to share information and research as relevant to rulemaking.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

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Additional comments:

Date: 01/18/24	Signature: 
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