



State of California  
Office of the Attorney General

**ROB BONTA**

ATTORNEY GENERAL

September 11, 2024

Sundar Pichai  
Alphabet Inc.  
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Mountain View, CA 94043

Mark Zuckerberg  
Meta Platforms, Inc.  
1 Hacker Way  
Menlo Park, CA 94025

Satya Nadella  
Microsoft, Inc.  
1 Microsoft Way  
Redmond, WA 98052

Sam Altman  
OpenAI, Inc.  
3180 18th Street  
San Francisco, CA 94110

Steve Huffman  
Reddit, Inc.  
548 Market Street, Suite 16093  
San Francisco, CA 94104

Shou Zi Chew  
TikTok Inc.  
5800 Bristol Parkway  
Culver City, CA 90230

Linda Yaccarino  
X Corp.  
1355 Market Street, Suite 900  
San Francisco, CA 94103

Neal Mohan  
YouTube, Inc.  
901 Cherry Avenue  
San Bruno, CA 94066

Dear Ms. Yaccarino and Messrs. Altman, Chew, Huffman, Mohan, Nadella, Pichai, and Zuckerberg:

The California Department of Justice is charged with protecting the rights of our residents, including the right to vote. As the 2024 presidential election approaches, I write to remind your companies about California laws prohibiting voter intimidation, deception, and dissuasion, as may be carried out through election-related communications, advertisements, or broadcasts, such as mass mailings, automated calls, and text messages, as well as television, radio, and internet broadcasts. These laws cover, among other activities and communications, content posted on social media platforms and content generated by artificial intelligence.<sup>1</sup>

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<sup>1</sup> See, e.g., Georgia Wells, John West, Dustin Volz & Jack Gillum, *Foreign TikTok Networks Are Pushing Political Lies to Americans*, THE WALL STREET JOURNAL (Aug. 8, 2024), <https://www.wsj.com/tech/tiktok-political-misinformation-trump-election-2024-bd0019d8>.

Your companies are core to the information ecosystem where many Californians get their news and guidance about elections, including the fundamental information about when, where, and how to vote. Because your companies play such an important role in disseminating news and information, they are well-equipped to ensure that California voters that use your platforms, products, and services have access to accurate information about their right to vote. I urge your companies to train content-moderation experts to recognize suspected unlawful activities relating to voter deception, intimidation, and dissuasion, and to report these activities to law enforcement.

California's Elections Code prohibits interference with voting rights by intentionally misleading voters about their eligibility to vote or the time and place of voting. (Elec. Code, §§ 18543, subd. (a); 18302, subds. (a), (b).) It also prohibits using tactics of coercion or intimidation to induce or compel a person to vote or refrain from voting, or to vote or refrain from voting for any particular person or measure, at any election. (Elec. Code, § 18540, subd. (a).) Similarly, it is a felony to agree to vote in a certain way or induce others to vote in a certain way in exchange for money or something of value. (Elec. Code, §§ 18521, 18522.)

The Elections Code also generally prohibits the distribution, within 60 days of an election, and with actual malice, of materially deceptive audio or visual media of a candidate appearing on the ballot in the election with the intent to injure the candidate's reputation or to deceive a voter into voting for or against the candidate.<sup>2</sup> (Elec. Code, § 20010, subd. (a).) This statute gives a private right of action to candidates whose voice or likeness appears in the deceptive media. (Elec. Code, § 20010, subd. (c).)

The spread of false and misleading information about one's eligibility to vote, and when and how to do so, threatens the right to vote and undermines public confidence in the integrity of the electoral process. The 2020 general election saw a dramatic increase in the distribution of misinformation about voting on social media platforms, which provide a ready means to disseminate such content to a large audience. Yet even as this trend continues, many social media platforms have eased or eliminated their internal content-moderation policies, or reduced the resources dedicated to implementing those policies.<sup>3</sup> Meanwhile, improvements in generative artificial intelligence and other automation tools have enhanced users' capabilities to create deceptive content.<sup>4</sup> As just one example, on January 21, 2024, thousands of registered voters in New Hampshire received an automated voice message impersonating the voice of President

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<sup>2</sup> This statute contains exceptions for satire and parody, for media accompanied by a disclaimer stating that it has been manipulated or is inauthentic, and for paid broadcasts. (Elec. Code, § 20010, subds. (b), (d).)

<sup>3</sup> See, e.g., Tiffany Hsu, Stuart A. Thompson, & Steven Lee Myers, *Elections and Disinformation Are Colliding Like Never Before in 2024*, NEW YORK TIMES (Jan. 9, 2024), <https://www.nytimes.com/2024/01/09/business/media/election-disinformation-2024.html>; Shannon Bond, *What It Means for the Election That the Government Can Talk to Tech Companies*, NATIONAL PUBLIC RADIO (Jun. 26, 2024), <https://www.npr.org/2024/06/17/nx-s1-5009201/supreme-court-social-media-censorship-election-disinformation>; Wells et al., *supra* note 1.

<sup>4</sup> See, e.g., Hsu et al. *supra* note 3.

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Biden, telling them that their vote in the state’s first-in-the-nation primary election that week would not “make a difference.”<sup>5</sup>

Millions of Californians rely on social media and artificial intelligence services to obtain news and information about upcoming elections, and it is paramount that the platforms, products, and services offered by your companies not be misused to deceive voters about their constitutional right to vote.

I welcome the opportunity to work in partnership with you, using the tools at our disposal to detect, prevent, and report intentional interference with voting rights when users violate these state laws through their activity on social media platforms and using artificial intelligence. I acknowledge and applaud the voluntary efforts taken by many of your companies to work together to prevent the use of artificial intelligence to deceive voters in elections around the world.<sup>6</sup> Through our joint cooperation and vigilance, we can ensure that communications technologies are used in ways that promote, rather than undermine, the democratic values we cherish.

Sincerely,



ROB BONTA  
Attorney General

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<sup>5</sup> See, e.g., Holly Ramer and Ali Swenson, *Political Consultant Behind Fake Biden Robocalls Faces \$6 Million Fine and Criminal Charges*, ASSOCIATED PRESS (May 23, 2024), <https://apnews.com/article/biden-robocalls-ai-new-hampshire-charges-fines-9e9cc63a71eb9c78b9bb0d1ec2aa6e9c>.

<sup>6</sup> See, e.g., Ali Swenson & Kelvin Chan, *Election disinformation takes a big leap with AI being used to deceive worldwide*, ASSOCIATED PRESS (Mar. 14, 2024), <https://apnews.com/article/artificial-intelligence-elections-disinformation-chatgpt-bc283e7426402f0b4baa7df280a4c3fd>.