

**Taking Disclosure Seriously:
A Comparative Analysis of the Legal Framework About Online
Political Ads Between the U.S. and Taiwan in the Era of AI**

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Abstract

A lack of transparency for political advertising and campaign funds has been disputed in the U.S. and Taiwan for decades. In the era of AI, bots are software applications that complete tasks automatically. Bots may spread fake news or disinformation to create an illusion of mass consensus. The technological features, digital media capacity, and regulatory loopholes from *Citizens United v. FEC* (2010) and the FEC's disclaimer exemption for digital platforms contribute to the prevalent divisive and anonymous online issue campaigns in the U.S. In 2016, Americans experienced disinformation and its implications on the election. The threat of democracy boosted the demand for more regulation in online political advertisements. The U.S. Congress is debating the Honest Ads Act's bill to increase the transparency of online political advertisements.

The regulation about the content of political speech may raise concerns over the right to freedom of speech. However, the Taiwanese legislature could model from the bill of Political Ads Act in the U.S. and force transparency into the online public forum and the process of deliberation. In the era of AI, the legislature should require platforms to store and make information available about the ads run on their platforms and the audience at whom the ad was targeted. The regulation covers political advertising promoted via paid distribution on social media and search engines. Audience availability enables counter speech and

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facilitate the value of the marketplace of ideas. Besides, the Taiwanese legislature should close existing loopholes in transparency regulations related to campaign funds. The legislature should play an active role in preventing dark money. This article contends that sunlight is the best of disinfectants. The appropriate disclosure and disclaimer rules could increase political accountability and lay the bedrock of a democratic government in the era of AI.

Keywords: AI Era, Fake News, Disinformation, Misinformation, Campaign Finance Law, Campaign Finance Disclosure, Political Advertisement Disclaimer, Algorithmic Transparency, Freedom of Speech, Marketplace of Ideas