The Challenges of Governing AI-Elections

Shared Principles and Collaboration for Latin American Democratic Processes

Policy brief

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INTRODUCTION

Governing AI is a commonplace concern among legislators and policymakers. Following the regulatory momentum of leading economies, Latin America (LATAM) is going through incipient but increasing regulatory debates on how best to regulate artificial intelligence (AI). While many LATAM governments are creating national strategies, UNESCO's *Santiago Declaration* shows a regional willingness to harmonize norms and foster collaboration. There has also been increasing pressure from civil society and academia for a human rights-based and participatory approach to AI governance, which resulted in the *Montevideo Declaration* in March 2023. The 2024 Brazilian presidency of the G20 offers an important opportunity to advance this agenda in the region.

While generative AI (GAI) has received much regulatory attention, the 2024 super-electoral cycle has raised the need for the responsible use of AI in democratic processes. Most electoral bodies and stakeholders will face the challenges of the first AI elections with no regulatory framework yet.

This work focuses on the intersection of AI–generated content and democratic processes. Based on analyzing potential threats to electoral integrity in the region and the current regulatory landscape regarding data governance, we outline a series of practical policy proposals to foster democratic representation, accountability, and trust in election processes. We seek to provide a LATAM-tailored strategy to address the region's systemic needs in ongoing global debates.

DISSECTING THE AI CHALLENGES TO ELECTION INTEGRITY IN THE LATAM REGION

In 2024, voters will go to the presidential polls in Mexico, El Salvador, Panama, and Uruguay. Local elections will also occur in Brazil, Chile, and the Dominican Republic. In 2025, several other LATAM countries will hold parliamentary or presidential elections. Are AI threats qualitatively different from what we knew before? How should governments and stakeholders prepare to face them?

Amidst the hype created by the massive adoption of large language models, such as ChatGPT, the use of AI-generated content during democratic elections has recently received special attention. For instance, just days before Argentina's 2023 runoff election, The New York Times wondered whether Argentina was the first AI election (Herrera & Nicas, 2023) highlighting the role GAI-generated videos and images played in the campaigns of both Argentine candidates.

AI's challenges to election integrity in LATAM cannot be analyzed in a vacuum. The region is witnessing a deterioration of electoral processes, characterized by rising political polarisation and social fragmentation (McCoy, 2023). Latin America is also experiencing growing social inequality and inefficient enforcement capacities to face challenges brought by the widespread adoption of emerging technologies (Berg et al., 2024). This context makes misuse of AI tools of utmost importance. The highest risks to electoral processes in the region posed by AI can be organized into three groups:

(1) Large-scale disinformation campaigns can be easily deployed with GAI

(e.g., deep fake videos, synthetic text, or audio cloning), posing serious threats to electoral integrity, especially if disinformation actions are conducted close to Election Day. These campaigns might be more effective than previous ones by enabling easier micro-targeting in political advertising online or offline (Colomina et al., 2021, The Guardian, 2024). Incipient empirical evidence (mostly experimental) suggests that mass manipulation of voters is unlikely, but the perception of manipulation and the potential deterioration of trust in elections are important concerns (Kleinfeld, 2023). Without clear principles and frameworks, campaign efforts to react in real-time to these threats and responses from electoral management bodies and big tech platforms will likely lack efficiency.

(2) Use of AI-generated biased or inaccurate electoral Information by administration authorities or other providers of electoral information, such as media outlets or NGOs. GAI allows easy access to election information from the citizenry (for example, about candidates' policy stances). Yet, its irresponsible use, especially by trusted institutions, can unintentionally help disseminate disinformation and compromise trust in elections. The poor accuracy of chatbots, as shown by the *AI Democracy Projects* (Angwin et al., 2024) in the context of the US 2024 presidential primary elections, confirms the need for further work to ensure the use of AI-generated strengthens electoral integrity.

(3) Hack-and-leak operations, cyberattacks, and attempts of electoral interference will likely grow in scale, exposing sensitive information about candidates and political leaders. Hackers may also probe or compromise election systems, such as the networks that hold voter registration data or vote tallies. The unregulated use of AI can compound this risk.

If unaddressed, the challenges above might undermine the well-functioning of democratic systems. Therefore, it is essential to establish frameworks that ensure AI technologies are used ethically, transparently, and guided by democratic principles. Moreover, these challenges call for responses that tackle the underlying features of the digital economy that facilitate the misuse of AI. As we will show below, these efforts require collaboration from several actors, not only electoral management bodies.

DATA GOVERNANCE IN THE REGION

Data governance is critical to AI governance. LATAM is well behind leading economies in digital data regulation. AI challenges in the context of democratic elections can be traced to citizens' inability to control personal data (Snower & Twomey, 2022). This lack of control is an enabler for the well-known misuse of AI, including different forms of political targeting, disinformation, and misinformation campaigns. Giving citizens meaningful and collective control over personal data can lower the risks of misusing AI during election campaigns. If failing to do so, we anticipate that misuse of AI will grow in scale and impact, which can ultimately pose severe threats to LATAM's democratic systems.

The intersection between the use of AI and election integrity is data (King & Meinhardt, 2024). Political targeting uses personal data to tailor campaigns. Narrow AI tools, such as social media recommendation systems, use specific data for training, adaptation, and customization (Interaction Design, 2023) Foundation models require gigantic amounts of data for training purposes. AI-image and video generators, already used in Argentine and Mexican election processes, used hundreds of millions of pictures from the Internet to train their AI systems (Growcoot, 2022).

Existing governance frameworks struggle to keep pace with the many ways AI tools can be used during election cycles. Regulatory gaps are exploited by actors that prioritize their interests over public welfare or electoral stability.

In general, LATAM countries have enacted very little legislation protecting their citizens' personal data (Bryant, 2024). Most countries have initiated processes or recently passed legislation seeking to align their principles with those of the EU General Data Protection Regulation. Each effort suffers from the same systemic failures (Snower & Twomey, 2022). Such failures can be traced to citizens' lack of control over how data about them is used, stored, shared, sold, or bought. Two particular shortcomings stand out. First, regulatory systems are overly dependent on individualistic principles for data processing. Second, these regimes assume that service providers and consumers have similar knowledge and negotiation power. Empirical experience shows otherwise. Data aggregators do not have legal or economic incentives to change their practice, and consumers lack the necessary market power and technical skills to demand it.

Citizens can only agree to some requests to process data because it is simply impossible to know who processes information about them or how much their personal data circulates in the digital ecosystem. GAI systems pose further uncertainties, as it is difficult to know whether personal data provided as output has resulted from a hallucination, an inference, or information from the dataset (Breunig, 2023).

»Existing governance frameworks struggle to keep pace with the many ways AI tools can be used during election cycles.«

For example, by accepting the T&C and privacy policy of only one dating App, users see their data shared with more than 4,000 third parties (Forbrukerrådet, 2020). This lack of control can enable the well-known misuse of AI in democratic processes, including voter suppression and different levels of political targeting based on highly sensitive data such as gender, sexual preferences, or ethnic background. Citizens in LATAM countries also face regular data breaches from government bodies.

Therefore, we dispute the narrative that legislation is a mechanism that cannot keep pace with rapidly evolving technologies. Granted, LATAM's legal systems are generally slow to catch up with unregulated or novel threats. However, individualistic approaches to data protection would make *any* legislative efforts to protect citizens' personal data unfit. Citizens must be protected well before they enter digital interactions.

TOWARDS A REGIONAL GOVERNANCE FRAMEWORK TO PROTECT ELECTIONS IN LATAM: PRACTICAL RECOMMENDATIONS

We propose that shared principles and collaboration in the LATAM region can help countries address the challenges of AI misuse during election processes.

Although every technological innovation process poses its own features, lessons can be learned. Historical difficulties in regional coordination call for mechanisms that foster integration. LATAM countries must learn from the mistakes of the early days of the commercial Internet and make efforts to align incentives and ensure the digital ecosystem is driven by competition and works against the consolidation of monopolies. To that end, we suggest policymakers should be skeptical of over-relying on norms without enforcement mechanisms. Regional strategies should also be mindful of how the use of authoritarian countries in the region make use of AI (Singer, 2023). Also, since countries share values rooted in common historical challenges, a regional strategy should be tailored to reflect regional cultural values, challenges, and specific needs and avoid verbatim copy strategies from other regions. Chile has already taken such an approach to its AI strategy (*MinCiencia*, 2024).

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Moreover, short-term solutions based on electoral legislation alone will be inefficient in addressing the challenges AI poses to electoral processes. A more extended approach is needed in which data protection is a prerequisite. Hence, we suggest five different policy proposals focused on short-term and mid-term goals.

SHORT-TERM GOALS

1. A Regional Commitment to Responsible use of AI in election processes is crucial to ensuring common policy principles across LATAM. International commitments of tech platforms, such as the Tech Accord to Combat Deceptive Use of AI in 2024 Elections, should inform local debates. Regional efforts, including *Santiago's Declaration*, are ideal venues to discuss this strategy and lead to a regional commitment to secure responsible AI use in elections. A regional declaration should set voting suppression as a clear standard for electoral integrity and shift focus beyond content moderation towards the transparency and audit of algorithms. This calls for the cooperation of big tech platforms and other relevant actors in elections, such as media journalism and civil society organizations.

2. Support and help catalyze the coordinated government efforts of the region already underway to address common challenges in AI governance. LATAM countries struggle to produce enough local data or technical expertise to mitigate biases from imported databases or algorithms. Coordinating efforts can help understand how to tackle such biases, including underrepresentation, gender divides, and misrepresentation of a country's status or needs. For example, it should follow closely the implementation of pioneering regulations enacted by the Brazilian Electoral Tribunal ahead of the 2024 local elections (Folha de S. Paulo, 2024).

MID-TERM GOALS

3. Promote revisions and improvements of data protection laws that are prerequisites for AI governance. Understanding that there are different levels of digital transformation and immediate challenges, we propose that each country draws lessons from short-term goals and drafts local legislation to deal with the misuse of AI in their territories. Such legislation should embed country-based values and challenges but should also seek to allow regional harmonization.

4. Promote the establishment of a multi-stakeholder community of practice for AI election integrity, bringing together experts and practitioners *as well as a* wide range of stakeholders, including electoral management bodies, political parties, tech platforms, and civil society. It is essential to create a collaborative environment where practitioners can collectively address the complexities of AI governance, contributing to the development of responsible AI practices and policies in the region. A multi-stakeholder community of practice would facilitate the systematic diffusion of policies among countries and institutions and amplify the LATAM voice in international discussions on AI governance. A practical outcome would be the creation of a regional data repository to collect and share relevant data for AI monitoring and analysis, further strengthening AI election integrity efforts in LATAM.

5. Work towards the harmonization of digital governance rules of LATAM countries aimed at fostering the creation of a regional digital ecosystem. This would entail promoting consistency and coherence in regulations to ensure that AI systems are held to similar standards across different jurisdictions. It also ensures citizens are protected similarly across the region. Endorse the creation of collective digital rights of association and representation, to help bridge the lack of knowledge or interaction between Individuals and *every* entity that holds information about them.

At the same time, a regional digital ecosystem should facilitate the interoperability of AI systems, enabling data and insights to be shared more easily between LATAM countries. It requires enhancing legal certainty for local developers and users of AI technologies, fostering trust, and encouraging innovation.

LATAM becoming a unified strong bloc in the digital economy is paramount for the advancement of ethical use of AI in the region. We envision an ecosystem that empowers citizens to collectively determine how data about them is processed, facilitates the collaboration of citizens across borders, enables the formation of cross-country data expert markets (BMZ Digital, 2023), and democratizes the use of data in the digital economy, while still fostering innovation and economic growth.

CONCLUSION

The exponential growth and adoption of AI tools call for systematic and rapid responses to protect democracies and promote innovation and social welfare. The urgent focus on AI threats should not prevent us from pursuing a long-term goal of devising how to use AI to make Latin American democracies better fit for the twenty-first century. To get on that task, stakeholders must ensure digital transformation within data governance frameworks that empower citizens. This article illustrates the need and the potential for human-centered frameworks that recognize digital users as consumers and citizens, with agency, solidarity, and trust as fundamental human needs.

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