

Testimony of Yosef Getachew**Media and Democracy Program Director, Common Cause****Hearing on “A Growing Threat: How Disinformation Damages American Democracy”****Committee on House Administration****Subcommittee on Elections****June 22, 2022****I. INTRODUCTION**

Chairman Butterfield, Ranking Member Steil, and distinguished Members of the Committee, thank you for the opportunity to testify today at this important hearing on *A Growing Threat: How Disinformation Damages American Democracy*. My name is Yosef Getachew, and I am the Media and Democracy Program Director at Common Cause, a national nonpartisan organization with more than 1.5 million supporters and 30 state chapters working for an open and accountable democracy. Our media and democracy program advocates for creating and sustaining a more accessible and diverse media and communications ecosystem that facilitates participation in our 21st century democracy.

One of the core values of our democracy we must uphold is the freedom to have a say in the people and policies that will determine the future of our nation and our communities – the freedom to participate fully in our country. This is shaped by the freedom to vote regardless of your race, ethnicity, gender, income level or other demographics. But in recent years, a small faction of individuals, both foreign and domestic, have grown increasingly skilled at spreading lies about our elections, lies that targeted and continue to target Black communities and other communities of color to suppress their votes, lies that fueled a deadly attack in January 2021 on the very Capitol grounds we sit in today to disrupt the peaceful transfer of power, and lies that undermine public confidence in future elections and our civic institutions. This intentional use of false information to affect the participation of voters in elections is known as “election disinformation,” and it is posing significant dangers to our democracy.

Our nation is at an alarming tipping point. Surveys show that more than 1 in 3 U.S. residents and nearly 80% of Republicans wrongly believe that President Joe Biden did not legitimately win

the 2020 election.¹ A majority of Americans say they “do not have confidence that elections reflect the will of the people.”² In the midst of the ongoing January 6 hearings, a new poll shows that almost half of all Americans believe it is likely that the nation will cease to be a democracy in the future.³

These survey results demonstrate how the spread of election disinformation has already had devastating consequences to our democracy. Harmful content designed to suppress votes, sow distrust in our institutions, incite violence or harass marginalized groups has been working and if left unaddressed will further erode our fragile democracy. If left unchecked, domestic actors, online trolls, and partisan activists will deploy online voter suppression campaigns through social media at even greater levels during the ongoing 2022 midterm election cycle and the upcoming 2024 presidential election. We must respond decisively to combat election disinformation and safeguard our democracy.

In October 2021, Common Cause released a comprehensive report titled *As a Matter of Fact: The Harms Caused by Election Disinformation*, which explained the problem of election disinformation in detail and proposed common sense legislative, regulatory, and corporate accountability solutions to reduce its negative impacts on our democracy.⁴ Congressman Pete Aguilar (D-CA) entered this report into the record at this Subcommittee’s April 2022 hearing on election disinformation.⁵

In the sections below, I outline the key takeaways from our report. First, I provide an overview of election disinformation, explaining what it is, how it’s spread, who is spreading it, and why. Second, I discuss the harmful impact election disinformation is having on our democracy including how it is weaponized to suppress the right to vote, sow distrust in our institutions, and incite violence and harassment. Finally, I identify critical reforms we must implement to reduce the spread of disinformation and protect our democracy.

II. ELECTION DISINFORMATION OVERVIEW

Broadly defined, election disinformation refers to intentional attempts to use false information to affect the participation of voters in elections. Despite the recent explosion in the spread and amplification of election disinformation, the concept is not new. There is a long history of bad

¹ Chris Cillizza, *The Big Lie Is (Unfortunately) Winning*, Washington Post, September 15, 2021, <https://www.cnn.com/2021/09/15/politics/big-lie-republican-belief-trump/index.html>.

² *Id.*

³ Jared Gans, *Almost half in new poll sees likelihood US will ‘cease to be a democracy in the future*, TheHill (June 15, 2022), <https://thehill.com/blogs/blog-briefing-room/3524708-almost-half-in-new-poll-sees-likelihood-us-will-cess-to-be-a-democracy-in-the-future/>.

⁴ Sylvia Albert, Yosef Getachew, Jesse Littlewood, Beth Rotman, Paul S. Ryan, Emma Steiner & Jonathan Walter, *As a Matter of Fact: The Harms Caused By Election Disinformation*, Common Cause (Oct. 2021), https://www.commoncause.org/wp-content/uploads/2021/10/CC_AsaMatterofFact_FINAL_10.27.21.pdf.

⁵ *A Growing Threat: The Impact Of Disinformation Targeted At Communities of Color*, 117th Cong., April 18, 2022, <https://cha.house.gov/committee-activity/hearings/growing-threat-impact-disinformation-targeted-communities-color>.

actors using deceptive tactics through flyers, billboards, and other offline schemes to confuse, mislead, and ultimately disenfranchise voters.⁶

Through Common Cause’s Stop Cyber Suppression project, our organization has been leading a social media monitoring effort to identify, track, and combat election disinformation online. During the 2016 and 2018 election cycles, we witnessed a steady rise of disinformation online, and then a veritable eruption of voting-related disinformation throughout the 2020 election cycle. During the 2020 election cycle, we led an Anti-Disinformation Working Group of the nonpartisan Election Protection coalition, hired experienced disinformation analysts, and trained dozens of partner organizations and thousands of volunteers in disinformation monitoring. We also co-chair the Online Voter Suppression Working Group, convened by the Leadership Conference on Civil and Human Rights, which develops policy recommendations to reduce the spread of election disinformation online. In collaboration with allies, we are currently engaged in efforts to monitor and combat election disinformation during the 2022 election cycle.

Types of Information Disorder

“Information Disorder” is an emerging term of art used by researchers and media experts that encompasses three related terms: (1) “disinformation,” (2) “misinformation,” and (3) “malinformation.”⁷ “Disinformation” is content that is false (even if it contains some truth) and deliberately created to harm a person, social group, organization, or country.⁸ “Misinformation” is very similar to disinformation, except it lacks the intention to harm.⁹ “Malinformation” is content that is accurate, but is intentionally manipulated to cause harm - including voter suppression or voter confusion.¹⁰ Voting and elections are threatened by individual pieces of content and narratives that fit within each of these three categories of information disorder.

Election disinformation manifests itself in many different ways. Common examples of disinformation related to voting and elections include the following¹¹:

- Wrong election date, often specific to one group (e.g., “Democrats vote on Wednesday” when the election is on a Tuesday)
- Fraudulent election rules, often specific to one group (e.g., during the 2016 election numerous social media posts falsely claimed that you could “text your vote” for Hillary Clinton)
- Voter intimidation (e.g., claims that by voting you may put yourself in danger because of the presence of police, Immigration and Customs Enforcement, military, or vigilantes)
- Voter suppression narratives – untrue claims contributing to a more cohesive narrative like the “Stop the Steal” movement or untrue claims that generally serve to further the idea that vote by mail is not secure.

⁶ *Id.* at 17-21.

⁷ *Id.* at 13.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 15.

Social Media's Role in Spreading Disinformation

While disinformation is not a new concept, social media plays a significant role in spreading and amplifying harmful content. Platforms have become critical vectors for election disinformation as they have grown in size and are increasingly used by voters to access news and information.¹² Disinformation can spread on social media platforms in a variety of ways. Some social media platforms such as Twitter are “open” where a majority of users can see content that is published. In this instance, disinformation can be searched and found, and has the potential to find its way into the “feed” of any user. In contrast, in a “closed platform” like WhatsApp, users may only come across disinformation through online groups of users that are allowed to see the content. Some platforms, like Facebook, are hybrids and have both open and closed elements where disinformation can spread.

A core tenet of social media is that users can create content that is seen, immediately, by other users. This means that any social media platform or user-generated content platform is a potential vector for election disinformation. Disinformation from user-based content can spread organically through ‘feeds,’ ‘groups,’ ‘private messages’ or other channels. Throughout our Stopping Cyber Suppression project, our monitoring efforts found mis- and disinformation on mainstream platforms like Facebook and Twitter, and even on platforms with smaller user bases like NextDoor.

Social media platforms have also developed business models that amplify and incentivize the proliferation of disinformation. The core component of major social media platforms’ business models is to collect as much user data as possible, including characteristics such as age, gender, location, income, and political beliefs. Platforms then share relevant data points with advertisers for targeted advertising. Disinformation agents have exploited these data collection and targeted advertising practices to micro-target harmful content, particularly to marginalized communities.¹³

Algorithmic amplification further distinguishes how harmful content spreads on social media compared to other communications channels. Platforms use algorithms to determine what content users see and are typically deployed to track user-preferences through clicks, likes, shares and other forms of engagement. Platforms optimize their algorithms to maximize user engagement in order to prioritize their profit margins.¹⁴ As a result, algorithms can lead users

¹² *Social Media Fact Sheet*, Pew Research Center (April 7, 2021) <https://www.pewresearch.org/internet/fact-sheet/social-media/> (explaining that today around seven in ten Americans use social media).

¹³ Cristiano Lima, *Facebook knew ads, microtargeting could be exploited by politicians. It accepted the risk.*, Washington Post (Oct. 26, 2021), <https://www.washingtonpost.com/politics/2021/10/26/facebook-knew-ads-microtargeting-could-be-exploited-by-politicians-it-accepted-risk/>.

¹⁴ Sang Ah Kim, *Social Media Algorithms: Why You See What You See*, Georgetown Law Technology Review (Dec. 2017), <https://georgetownlawtechreview.org/social-media-algorithms-why-you-see-what-you-see/GLTR-12-2017/>.

down a rabbit hole of hate speech, disinformation and conspiracy theories.¹⁵ Algorithms can also amplify disinformation as conspiracy theorists used the “Stop the Steal” moniker across social media platforms to organize and mobilize offline violence.¹⁶

Social media offers several vectors for disinformation to spread. The scale and reach of social media combined with its amplification and targeting capabilities means that election disinformation can spread rapidly across multiple platforms.

Who Spreads Election Disinformation and Why

While both foreign and domestic actors spread disinformation, the vast majority of election disinformation that plagues our politics appears to originate with and is amplified by domestic sources. In an age of hyper-partisanship, the spread of election disinformation can both serve to attack your political opponents and show that a public figure or any other person with a social media account is aligned with other members of their political tribe. Voter suppression narratives can also create a negative feedback loop of distrust in government and elections.

A subset of these bad actors is known as “superspreaders,” and they’re responsible for spreading the bulk of disinformation on Facebook and Twitter. According to the Stanford Election Integrity Partnership’s report on mis- and disinformation, “Influential accounts on the political right rarely engaged in fact checking behavior and were responsible for the most widely spread incidents of false or misleading information in our dataset.”¹⁷ Similarly, an analysis by the advocacy group Avaaz concluded that Facebook missed an opportunity to dramatically limit election disinformation by acting early on a select few accounts and content.¹⁸

III. THE HARMFUL IMPACTS OF ELECTION DISINFORMATION TO OUR DEMOCRACY

Election disinformation poses significant threats to our democracy. It has been weaponized to suppress the right to vote particularly for voters of color, sow distrust in our institutions, and incite violence and harassment. These harms have had real-world consequences from the enactment of anti-voter laws in 19 states that erect barriers to the ballot box, to the deadly January 6 insurrection, to the ongoing threats and attacks election workers are facing and future threats of election sabotage and subversion. The sections below outline the significant damage disinformation has done to our democracy over the last few years.

¹⁵ Fillippo Menczer, *How “engagement” makes you vulnerable to manipulation and misinformation on social media*, Salon (Sept. 18, 2021), https://www.salon.com/2021/09/18/how-engagement-makes-you-vulnerable-to-manipulation-and-misinformation-on-social-media_partner/.

¹⁶ Atlantic Council’s DFRLab, *#StopTheSteal: Timeline of Social Media and Extremist Activities Leading to 1/6 Insurrection*, JustSecurity (Feb. 10, 2021), <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>.

¹⁷ Center for an Informed Public, Digital Forensic Research Lab, Graphika, & Stanford Internet Observatory, *The Long Fuse: Misinformation and the 2020 Election*, Stanford Digital Repository: Election Integrity Partnership (2021), <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf>.

¹⁸ *Facebook: From Election to Insurrection*, Avaaz, (March 18, 2021), https://secure.avaaz.org/campaign/en/facebook_election_insurrection/.

Suppressing Our Right and Freedom to Vote

One of the greatest harms of election disinformation is the potential to deprive individuals of their right to vote. By disseminating content designed to confuse voters about the time, place, and manner of how to vote, intimidate or harass them from going to the polls or create false narratives about the integrity of our elections, bad actors are seeking to keep voters from casting their ballot. We have witnessed a significant increase each year in the variety and volume of voter suppression content online.

Election disinformation has particularly targeted Black voters and other voters of color seeking to disenfranchise these communities. For example, Douglass Mackey, who *The New York Times* describes as a “far-right Twitter troll” and “right-wing provocateur” with nearly 60,000 Twitter followers, is currently being prosecuted by the Department of Justice (DOJ) for spreading election disinformation in the weeks leading up to the 2016 presidential general election, which seems to have been driven by partisan and anti-Black racist motives. Mackey’s stated goal for his Twitter disinformation campaign was to “drive up turnout with non-college whites, and limit [B]lack turnout,” with memes intended to suppress the votes of Hillary Clinton supporters.¹⁹ Bad actors also targeted Black and Latino voters during the 2016 election with fake ads falsely claiming that you could ‘text your vote’ for Hillary Clinton.²⁰ Not to be outdone, former President Trump’s 2016 presidential campaign profiled 3.5 million Black Americans, which were categorized as ‘deterrence’ voters with the strategy of keeping them from the ballot box.²¹

The spread of election disinformation has also been used as justification for the enactment of new voter suppression laws in states throughout the nation. According to an analysis done by The Brennan Center for Justice, 19 states passed 34 anti-voter laws that make it more difficult for Americans to vote in 2021.²² This represents more than 55 million people living in states that enacted restrictive voting laws.²³ In 2022, at least 27 states have introduced, pre-filed, or carried over 250 bills with restrictive voting rights provisions.²⁴ Many of these laws disproportionately

¹⁹ Nicole Hong, *Twitter Troll Tricked 4,900 Democrats in Vote-by-Phone Scheme, U.S. Says*, New York Times, (Jan. 27, 2021), <https://www.nytimes.com/2021/01/27/nyregion/douglass-mackey-arrested-far-right-twitter.html>.

²⁰ Jeff John Roberts, “Sneaky Ads on Twitter Tell Voters to Text Votes for Hillary Clinton,” *Fortune* (Nov. 3, 2016), <https://fortune.com/2016/11/03/text-vote-hillary-clinton/>.

²¹ Dan Sabbagh, “Trump 2016 Campaign ‘Targeted 3.5m Black Americans to Deter Them From Voting,’” *The Guardian* (Sep. 28, 2020), <https://www.theguardian.com/us-news/2020/sep/28/trump-2016-campaign-targeted-35m-black-americans-to-deter-them-from-voting>.

²² *Voting Laws Roundup: December 2021*, The Brennan Center for Justice (Dec. 21, 2021), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-december-2021>.

²³ *December Update: A Tale of Two Democracies*, Voting Rights Lab (Dec. 6, 2021), <https://votingrightslab.org/a-tale-of-two-democracies-how-the-2021-wave-of-state-voting-laws-created-a-new-american-fault-line/>.

²⁴ *Voting Laws Roundup: February 9, 2022*, The Brennan Center for Justice (Feb. 9, 2022), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-february-2022>.

impact Black, Latino and Asian voters including stricter voter ID laws, longer lines at the polls, and language access barriers.

Sowing Distrust in Our Civic Institutions and Elections

The ‘Big Lie,’ the false narrative that the 2020 presidential election was stolen from former President Trump, has caused significant distrust in our civic institutions and elections. As stated previously, surveys show that more than 1 in 3 U.S. residents and nearly 80% of Republicans wrongly believe that President Joe Biden did not legitimately win the 2020 election. Further, the Big Lie has had several carryover effects ranging from election deniers running for election administration positions²⁵ to impacting the ongoing 2022 midterm elections. Today, candidates are using the Big Lie as a platform plank to preemptively declare voter fraud so they can later build on that narrative by disputing the results of the 2022 election.²⁶ The 2021 statewide elections and the 2022 primaries for the midterm elections so far have shown that candidates are recycling or are inspired by disinformation from the 2020 presidential election. Using the Big Lie as part of the playbook of preemptively declaring voter fraud is further undermining our civic institutions and elections.

As another consequence of election disinformation from the 2020 election, numerous states and counties are engaging in sham ballot reviews even in areas where Trump won decisively. Among fifteen Republican candidates currently running for secretary of state in five battleground states, ten have “either declared that the 2020 election was stolen or called for their state’s results to be invalidated or further investigated.”²⁷ Since the 2020 election cycle ended, calls for “forensic audits” of the 2020 election have gained steam as a means for Trump supporters to allegedly collect evidence of election fraud and for those in right-wing spaces to profit from these endeavors.²⁸ The most infamous of these is the recently concluded sham ballot review in Maricopa County, Arizona, which cost up to \$6 million and ended up affirming a Biden victory -- as expected.²⁹ The election results in Maricopa County had been accurately counted, certified, and audited by the county, using processes that exist all around the United States to ensure the accuracy and integrity of our elections before Arizona state Senate Republican leaders launched their own Trump-inspired partisan review. The end result of these sham ballot reviews isn’t renewed confidence in elections but a calcified and further-reinforced belief on the part of

²⁵ Amy Gardner, Tom Hamburger & Josh Dawsey, *Trump allies work to place supporters in key election posts across the country, spurring fears about future vote challenges*, Washington Post (Nov. 29, 2021), https://www.washingtonpost.com/politics/trump-allies-election-oversight/2021/11/28/3933b3ce-4227-11ec-9ea7-3eb2406a2e24_story.html.

²⁶ Amy Gardner and Isaac Arnsdorf, *More than 100 GOP primary winners back Trump’s false fraud claims*, Washington Post (June 14, 2022), <https://www.washingtonpost.com/politics/2022/06/14/more-than-100-gop-primary-winners-back-trumps-false-fraud-claims/>.

²⁷ Tim Reid, Nathan Layne & Jason Lange, *Special Report: Backers of Trump’s false fraud claims seek to control next elections*, Reuters (Sept. 22, 2021), <https://www.reuters.com/world/us/backers-trumps-false-fraud-claims-seek-control-next-us-elections-2021-09-22/>.

²⁸ Gowri Ramachandran, *A Year Later, Sham Election Reviews Continue to Undermine Democracy*, The Brennan Center for Justice (Jan. 7, 2022), <https://www.brennancenter.org/our-work/analysis-opinion/year-later-sham-election-reviews-continue-undermine-democracy>.

²⁹ *Id.*

Trump supporters that there is a “there” there, and to keep their attempts to undermine the election process going.

From Online Disinformation to Offline Harm: Inciting Violence, Threats, and Harassment

The most consequential impact of the spread of election disinformation has been the transition from inaccurate content online to offline harm. Disinformation campaigns have led to the incitement of violence, threats, and harassment. The January 6, 2021, deadly attack on the U.S. Capitol – and on the freedom to vote – by far-right extremists attempting to overturn the 2020 presidential election was a catastrophic reminder of the fragility of our democracy. The January 6 insurrection did not happen in a vacuum. It was fueled by the ‘Stop the Steal’ movement, including by the former president and his closest advisors, as the January 6th Select Committee’s hearings have made clear. The movement was primarily organized, mobilized, and amplified through major social media platforms. In fact, ‘Stop the Steal’ content received millions of views and significant engagement on platforms including Facebook, Twitter, and YouTube in the months leading up to the insurrection.³⁰

As stated, the lies that led up to the violence on January 6 have not vanished. Rather, they are being used today to attack, threaten, or otherwise harass election workers and fuel other subversive activities to question trust in elections. A recent survey showed that one in five election workers are likely to quit amid threats of violence and harassment fueled by the spread of election disinformation.³¹ Some election officials in Colorado now wear bulletproof vests due to threats,³² and election officials in other states have reported increased security presence and surveillance after “issues with stalking.”³³ Officials fear that the climate of intimidation will make it increasingly difficult to find poll workers. When elections workers and volunteers are attacked by these anti-democracy forces, it is more likely that experienced professionals could choose to step back from the role of administering our elections, which threatens the integrity of elections.

IV. A HOLISTIC APPROACH IS NEEDED TO COMBAT ELECTION DISINFORMATION AND HOLD SOCIAL MEDIA PLATFORMS ACCOUNTABLE FOR THEIR ROLE

There is no one solution to combat election disinformation. Rather, we need a comprehensive set of legislative, regulatory, and corporate accountability reforms to reduce the harmful impacts of disinformation. Many of these reforms involve mitigating the damaging business practices of

³⁰ Atlantic Council’s DFRLab, *#StopTheSteal: Timeline of Social Media and Extremist Activities Leading to 1/6 Insurrection*, JustSecurity (Feb. 10, 2021), <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>.

³¹ Miles Parks, *1 in 5 local election officials say they’re likely to quit before 2024*, NPR (March 10, 2022), <https://www.npr.org/2022/03/10/1085425464/1-in-5-local-election-officials-say-theyre-likely-to-quit-before-2024>.

³² Jon Skolnik, *Election officials in Colorado now wearing bulletproof vests following threats from pro-Trump groups*, Salon (May 11, 2022), <https://www.salon.com/2022/05/11/officials-in-colorado-now-wearing-bulletproof-vests-following-from-pro-groups/>.

³³ Rusty Jacobs, *Partisan attacks are undermining the efforts of North Carolina’s election workers*, North Carolina Public Radio (May 11, 2022), <https://www.wunc.org/politics/2022-05-11/partisan-attacks-undermining-efforts-north-carolina-election-workers-2022>.

social media platforms that have undoubtedly contributed to the explosion of election disinformation in recent years.

Federal Legislative Reforms to Mitigate Platform Business Practices

Social media platforms are vectors for the spread of election disinformation. Their business models and practices incentivize the proliferation of harmful content that undermines our democracy.

Congress must pass reforms that mitigate the harmful business practices of social media platforms.³⁴ Comprehensive privacy legislation is key to combating the spread of election disinformation on social media. If bad actors cannot collect data on users' political beliefs, search history, and consumption habits, this data cannot be weaponized by voter suppression campaigns, which often target marginalized communities. Republicans and Democrats in the House and Senate have recently come together to introduce a discussion draft of American Data Privacy and Protection Act.³⁵ As it is currently drafted, the bill would establish a comprehensive national data privacy and data security framework. Among other provisions, the framework includes: (1) data minimization provisions that will prevent companies from collecting consumer data unnecessary to perform their service; (2) individual rights allowing consumers to access, correct, and delete their data; and (3) civil rights protections that prohibit discriminatory algorithms and data practices. This draft legislation represents a promising step in the right direction not only to give consumers control over their own data but also to prevent discriminatory data practices that often lead to the spread of harmful content online that interferes with our democracy.

Ensuring third-party researchers and watchdog journalists have sufficient access to social media data and protection from retaliation by the platforms is an important piece of the puzzle to holding platforms accountable for the spread of disinformation. Research and investigative reporting are both crucial to shining a light on how the practices of these platforms impact our democracy. Representative Lori Trahan (D-MA)'s Social Media Disclosure and Transparency of Advertisements Act takes important steps to safeguard researcher access to data.³⁶ The bill requires covered platforms to grant academic researchers and the FTC access to an ad library with select information about each ad.

One under-discussed solution to addressing election disinformation is providing more support to local news, which can build public trust and correct misinformation without legitimizing it. But

³⁴ Yosef Getachew and Jonathan Walter, *Meeting the Moment: Action Congress Can Take Now to Combat Election Disinformation*, Tech Policy Press (Jan. 22, 2022), <https://techpolicy.press/meeting-the-moment-action-congress-can-take-now-to-combat-election-disinformation/>.

³⁵ *House and Senate Leaders Release Bipartisan Discussion Draft of Comprehensive Data Privacy Bill*, House Committee on Energy & Commerce (June 3, 2022), <https://energycommerce.house.gov/newsroom/press-releases/house-and-senate-leaders-release-bipartisan-discussion-draft-of>.

³⁶ H.R. 3451, Social Media DATA Act, 117th Cong. (2021), <https://www.congress.gov/bill/117th-congress/house-bill/3451/%20text?r=1&s=1>.

local news has been in economic decline for years due in part to a reliance on the advertising market for revenue, which is now dominated by social media. As a result, many communities now live in “news deserts,” areas with little to no local news outlets. We need legislation that makes long-term investments in our local newsrooms in order to address the civic information needs of our communities.

In addition, Congress can use its investigatory and oversight authority to shine a light on the ways big tech companies have negatively impacted our democracy through their internal policies and practices. The House Select Committee on the January 6th attack has already issued subpoenas to Twitter, Reddit, Meta (Facebook), and Alphabet (YouTube) asking that the companies provide information on how their platforms contribute to the spread of the Big Lie and calls for action in the wake of the 2020 presidential election.³⁷

Additional Legislative Reforms

Congress can also pass laws to reduce the spread of election disinformation and set basic national standards for our elections. It has the Constitutional authority to do so in the Elections Clause. The Committee on House Administration has played a key role on this for the House of Representatives throughout this Congress and the last, including its leadership on the For the People Act, as well as the SHIELD Act (H.R. 4617, 116th Cong.) and the SAFE Act (H.R. 2722, 116th Cong.). Federal law should be modernized to explicitly outlaw false statements regarding federal elections, by making it illegal to knowingly disseminate materially false information within 60 days before a federal election regarding the time, place, or manner of holding any federal election or the qualifications or restrictions on voter eligibility—with the intent to impede or prevent another person from exercising the right to vote in an election. This Committee and this House has done its job by passing legislation that would do this as part of the For the People Act³⁸ as well as the Freedom to Vote: John R. Lewis Act (H.R. 5746, 117th Cong.).³⁹

Executive and Regulatory Reforms

In addition to legislative reforms, we need federal agencies of jurisdiction to use their existing authorities to combat election disinformation. Federal agencies have existing rulemaking, enforcement and investigatory capabilities that can be used to reduce the spread of election disinformation. For example, the Federal Trade Commission can initiate a rulemaking that prohibits the use of data to engage in discriminatory practices including the spread of disinformation. The FTC can also conduct workshops on how social media platforms can effectively combat disinformation and online voter suppression. The Federal Election Commission can promulgate clear and enforceable disclaimer rules for online political

³⁷ Lauren Feiner, *January 6 committee subpoenas Google, Facebook, Twitter, and Reddit in probe of Capitol attack*, CNBC (Jan. 13, 2022), <https://www.cnbc.com/2022/01/13/january-6-committee-subpoenas-google-facebook-twitter-and-reddit-in-probe-of-capitol-attack.html>.

³⁸ H.R. 1, For the People Act, Section 1302 <https://www.congress.gov/bill/117th-congress/house-bill/1/text>.

³⁹ H.R. 5746, Freedom to Vote: John R. Lewis Act, Section 3202 <https://www.congress.gov/bill/117th-congress/house-bill/5746/text>.

advertising. The Department of Justice could be more aggressive in its criminal prosecution and civil litigation against those who use disinformation to intimidate voters and interfere with their voting rights.

Corporate Accountability Reforms

While self-regulation on its own has proven ineffective in curbing the spread of disinformation, social media platforms must take additional steps to strengthen their policies on combating content designed to undermine our democracy. Research and investigative reporting revealed that many social media platforms backed away from enforcing their own policies to combat election disinformation soon after the 2020 election.⁴⁰ The surge of disinformation and violent content that spread across platforms after Election Day but before the inauguration of then-president elect Joe Biden helped fuel the January 6th insurrection.⁴¹

In May 2022, Common Cause and more than 120 civil rights, democracy, and public interest groups sent a letter to the CEOs of the major social media companies including Meta, Twitter, YouTube, Snap, Instagram, TikTok, and Alphabet, urging them to take a series of actions to combat election disinformation ahead of midterm elections.⁴² The letter has been submitted for the record alongside this testimony. The recommendations in our letter are listed below:

- Introduce friction to reduce the distribution of content containing election disinformation
- Focus on preventing disinformation targeting non-English speaking communities
- Consistently enforce civic integrity policies during both election and non-election cycles
- Prioritize enforcement to combat the 'Big Lie'
- Consistently apply civic integrity policies to all live content as a means of combating election disinformation
- Prioritize fact-checking of electoral content, including political advertisements and posts from public officials
- Provide real-time access of social media data to external researchers and watchdogs
- Provide greater transparency of political advertisements, enforcement practices and algorithmic models

⁴⁰ Jesse Littlewood & Emma Steiner, *Trending in the Wrong Direction: Social Media Platforms' Declining Enforcement of Voting Disinformation*, Common Cause (Sept. 2021), https://www.commoncause.org/wp-content/uploads/2021/09/Disinfo_WhitePaperV3.pdf; Daniel Dale, *Twitter says it has quit taking action against lies about the 2020 election*, CNN (Jan. 28, 2022), <https://www.cnn.com/2022/01/28/politics/twitter-lies-2020-election/index.html>.

⁴¹ Atlantic Council's DFRLab, *#StopTheSteal: Timeline of Social Media and Extremist Activities Leading to 1/6 Insurrection*, JustSecurity (Feb. 10, 2021), <https://www.justsecurity.org/74622/stopthesteal-timeline-of-social-media-and-extremist-activities-leading-to-1-6-insurrection/>.

⁴² *More than 120 Civil Rights & Democracy Groups Call on Social Media Giants to Take Significant Actions to Combat Election Disinformation Ahead of Midterm Elections*, Common Cause (May 12, 2022), <https://www.commoncause.org/press-release/more-than-120-civil-rights-democracy-groups-call-on-social-media-giants-to-take-significant-actions-to-combat-election-disinformation-ahead-of-midterm-elections/>.

V. CONCLUSION

Trust in our democratic process is at a tipping point as disinformation agents continue to target communities with harmful content. The time to act is now. We cannot afford to wait any longer to put critical reforms in place to safeguard our democracy. Thank you again for the opportunity to testify before you today, and I look forward to answering your questions.

Attachments:

Letter from Common Cause, The Leadership Conference on Civil and Human Rights, Free Press, Center for American Progress, Lawyers' Committee for Civil Rights Under Law *et al*, to Meta, Alphabet, Twitter, Youtube, TikTok, Instagram & Snap, (May 12, 2022), <https://www.commoncause.org/wp-content/uploads/2022/05/Coalition-letter-for-2022-mid-terms-1.pdf>.



May 12, 2022

Mark Zuckerberg
Chief Executive Officer
Meta Platforms, Inc.
1 Hacker Way
Menlo Park, California 94025

Sundar Pichai
Chief Executive Officer
Alphabet Inc.
1600 Amphitheatre Parkway
Mountain View, California 94043

Shou Zi Chew
Chief Executive Officer
TikTok
5800 Bristol Parkway, Suite 100
Culver City, California 90230

Evan Spiegel
Chief Executive Officer
Snap, Inc.
2772 Donald Douglas Loop N
Santa Monica, California 90405

Susan Wojcicki
Chief Executive Officer
YouTube, LLC
901 Cherry Avenue
San Bruno, California 94066

Parag Agrawal
Chief Executive Officer
Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, California 94103

Adam Mosseri
Chief Executive Officer
Instagram, LLC
1 Hacker Way
Menlo Park, California 94025

Dear Mr. Zuckerberg, Mr. Pichai, Ms. Wojcicki, Mr. Agrawal, Mr. Chew, Mr. Spiegel, and Mr. Mosseri:

With the 2022 midterm elections fast approaching, online disinformation continues to confuse, intimidate, and harass voters, suppress the right to vote or otherwise disrupt our democracy. As discussed in greater detail below, we call on your platforms to take several affirmative actions well in advance of the midterm elections to combat election disinformation. These actions must include introducing friction to reduce the spread and amplification of disinformation, consistent enforcement of robust civic integrity policies; and greater transparency into business models that allow disinformation to spread.

The January 6, 2021, deadly attack on the U.S. Capitol by far-right extremists attempting to overturn the free, fair, and secure 2020 presidential election was a catastrophic reminder of the fragility of our democracy. This violent insurrection did not happen in a vacuum. It was paired with numerous hurdles that voters faced during the 2020 election cycle amid a pandemic and exacerbated by relentless efforts by former President Trump and his allies to spread disinformation on social media platforms to threaten civil rights, escalate hate speech, undermine election integrity, impose barriers to the ballot box, and discount the votes of communities of color.

Less than two years ago, the large social media and technology companies you run implemented several measures to attempt to limit the spread of disinformation related to the 2020 election, including enhanced content moderation, labeling of disputed or inaccurate information, and highlighting authoritative information and news sources. Platforms' follow-through on these commitments was inconsistent and insufficient to counter the deluge of disinformation. While those steps were far from perfect, they nevertheless had some material effect on slowing the spread of dangerous lies, conspiracy theories, and attempts to deceive voters. Even incomplete measures can have a substantial impact.

Although your platforms have long struggled to combat election disinformation, [research](#) and [investigative reporting](#) revealed that your platforms subsequently backed away from enforcement of your own policies and practices soon after the 2020 election. In fact, [the surge of disinformation](#) and violent content that spread across platforms [after election day](#) but before the inauguration of Joe Biden helped fuel the January 6th insurrection.

Disinformation related to the 2020 election has not gone away but has only continued to proliferate. In fact, according to recent polls, [more than 40 percent](#) of Americans still do not believe President Biden legitimately won the 2020 presidential election. Further, fewer Americans have confidence in elections [today](#) than they did in the immediate aftermath of the January 6th insurrection.

High-profile disinformation spreaders and other bad actors are continuing to use social media platforms to disseminate messages that undermine trust in elections. We have already seen attacks spreading disinformation around voter accessibility measures and pre-emptive claims of voter fraud, putting local election officials at risk and making it much tougher for localities to recruit people to help run their elections.

The upcoming November 8th midterm election will be the first national election day since the January 6th insurrection, making it extremely important that your platforms take appropriate action to combat disinformation. To protect the integrity of the 2022 midterm elections and the public's confidence in American democracy, we ask that you implement the following measures immediately, such that they are firmly in place for the lead-up to the midterm elections:

- **Introduce friction to reduce the distribution of content containing electoral disinformation.** While misleading claims should be appropriately labeled to provide context, a growing body of research shows that information-only labels are largely ineffective to halt the spread of disinformation. To reduce the distribution of electoral disinformation, platforms should focus on implementing front and back end friction in user interfaces, algorithms, and product design to proactively reduce mis/disinformation. This may include modifications to demote or downrank this content and limit users' ability to engage with it. For example, viral circuit breakers can be utilized to limit the spread of potential disinformation. Platforms should also conduct and make public regular impact assessments and independent audits of algorithmic tools that lead to the spread of online voter suppression.
- **Focus on preventing disinformation targeting non-English speaking communities.** Non-English language disinformation has continued to spread beyond the 2020 election. The language gap between content moderators and content has created enforcement disparities leaving non-English speaking communities vulnerable to false claims and disinformation. Platforms must provide adequate resources to enforce non-English content moderation in order to prevent the further spread of disinformation. Platforms should also disclose metrics that quantify the level of resources invested in combating non-English disinformation.
- **Consistently enforce civic integrity policies during both election and non-election cycles.** Platforms have several civic integrity policies in place to combat the spread of election disinformation, but they are not consistently enforced and contain massive loopholes like Facebook's Cross Check program, enabling a small number of individuals and organizations with significant reach to repeatedly spread huge amounts of disinformation. Enforcement has become lax during non-election cycles. Platforms must

commit to upholding their own civic integrity policies and enforce them in a manner that is consistent and even handed against politicians and nonpoliticians alike throughout elections as well as non-election cycles. This includes establishing civic integrity teams that enforce policies 365 days a year. These policies must address content that calls for political violence, content that could inspire violence such as doxing and attacks on election workers, and content that attempts to delegitimize any past and future U.S. election. There should be a particular focus on enforcement of policies on users with large followings who often produce election disinformation that results in wide dissemination of this content throughout the platforms. Finally, platforms should increase enforcement, staffing, and resources between the period following election day and the day that new members of Congress take office in 2023 to ensure a peaceful transition and that any conspiracy theories or calls for violence following the results of the election can be shut down.

- **Prioritize enforcement to combat the ‘Big Lie.’** Today, candidates are using the Big Lie as a platform plank to preemptively declare voter fraud in order to dispute the results of the 2022 election. This is damaging American democracy by undermining faith in the integrity of our elections. Last year’s statewide elections and this year’s primaries so far have shown that bad actors are recycling or are inspired by disinformation from the 2020 presidential election. Platforms must remove disinformation that spreads and amplifies the Big Lie. This includes content that glorifies the January 6th insurrection, particularly from political candidates and in fundraising advertisements.
- **Consistently apply civic integrity policies to all live content as a means of combating election disinformation.** During the 2020 election cycle, platforms changed or modified their civic integrity policies on an almost weekly basis but failed to apply those policies to live content that was posted days or months before new policies went into effect. This allowed disinformation to spread and continue receiving high engagement, making the new policies ineffective. Platforms must apply any new policies to combat disinformation that was spreading prior to those policies taking effect. For example, advertisements that violate new policies should be prevented from running again. If violative content is live and receiving engagement on the platform it should be taken down, regardless of when the content was first posted.
- **Prioritize fact-checking of electoral content, including political advertisements and posts from public officials.** Platforms should intensify their efforts to address voter interference and fraud and rapidly fact-check content relating to the 2022 midterm elections, especially when that information comes from people wielding power or influence. No one should get a free pass to spread disinformation; you should not profit from enabling it. In the case of electoral content from high-reach accounts with a history

of violating platform policies, platforms should implement ‘holding areas’ where human reviewers can evaluate content against platform policies before making it public. Platforms should also apply third-party fact checkers to political advertisements and remove exemptions that allow public officials to spread disinformation with impunity. Fact-checking of electoral content without closing loopholes will allow disinformation to spread at scale and diminish the ability of the platforms to reduce harm at a meaningful level.

- **Provide real-time access of social media data to external researchers and watchdogs.** Researchers and watchdogs can play a key role in preventing, identifying, and addressing the harms of electoral mis- and disinformation. But to do that, they need reliable access to the data platforms have been reluctant to provide. Platforms should provide free third-party access to tools such as CrowdTangle and Firehose that contain important data for researchers studying and tracking the spread of disinformation. Additionally, platforms should not take retaliatory action against good-faith research and journalistic efforts seeking to provide greater transparency to the public. By allowing greater access to social media data, platforms can improve overall transparency while increasing the safety of elections.
- **Provide greater transparency of political advertisements, enforcement practices and algorithmic models.** Those seeking to undermine our elections often operate in the shadows by bankrolling disinformation through online political ads, and take advantage of lax enforcement practices while utilizing algorithms that boost divisive content. Platforms must provide greater transparency in political advertising by creating a publicly available online database of all ads in categories related to elections and social and political issues run on the platform. The database should be machine readable, include targeting parameters used and what categories of users received the ad. Platforms should also publish quarterly transparency reports on the efficacy of enforcement practices, and provide insight into the algorithms that drive their business.

With the proper oversight and protections, your platforms can be helpful tools to promote a strong democracy. At the same time, if you allow disinformation about elections to spread largely unchecked, your platforms will become known as the dominant threat to a thriving democratic process. As the 2022 midterm elections approach, we urge you to take this opportunity to demonstrate that your companies are committed to playing a productive role in the democratic process.

Sincerely,

Center for American Progress

Common Cause

Free Press

Lawyers' Committee for Civil Rights Under Law

The Leadership Conference on Civil and Human Rights

Access Now

Accountable Tech

ADAPT Montana

ADL, the Anti-Defamation League

Advancement Project

Alliance of Families for Justice

American Atheists

Arab American Institute

Asian Americans Advancing Justice - AAJC

Asian American Disinformation Table

Asian Pacific American Labor Alliance, AFL-CIO

Asian and Pacific Islander American Vote (APIAVote)

Black Voters Matter Fund

Blue Future

Broward for Progress

California Common Cause

Campaign Legal Center

Cause Communications

Center for Common Ground

Center for Democracy and Technology

Center for Disability Rights

Center for Pan Asian Community Services, Inc.

Center for Popular Democracy

CHANGE Illinois/CHANGE Illinois Action Fund

Citizens Project

Civic Nebraska

Clean Elections Texas

Clearinghouse on Women's Issues

CLLARO, Colorado Latino Leadership, Advocacy and Research Organization

Climate Hawks Vote

Cobalt

Colorado Civic Engagement Roundtable

Colorado Common Cause

Common Cause Georgia
Common Cause Hawaii
Common Cause Illinois
Common Cause Maryland
Common Cause Minnesota
Common Cause New Mexico
Common Cause New York
Common Cause Texas
Conservation Voters New Mexico
Demos
Democracy 21
Democracy North Carolina
Downstate New York ADAPT
Dutchess County Progressive Action Alliance
El Pueblo
End Citizens United/Let America Vote Action Fund
Empowerment Congress of DAC
Equality Labs
Face the Music Collective
Fair Elections Center
Faith in Public Life
Feminist Majority Foundation
Friends of the Earth
GALEO & GALEO Impact Fund
Georgia Coalition for the Peoples' Agenda
Georgia Equality
Georgia Muslim Voters Project
Georgia Stand-UP
GLAAD
Global Project Against Hate and Extremism
Greenpeace USA
Interfaith Power & Light
In Every Generation
Japanese American Citizens League
League of United Latin American Citizens (LULAC)
League of Women Voters
League of Women Voters North Carolina
Main Street Alliance
MediaJustice
Media Matters for America

Millions for Prisoners New Mexico
Missouri Voter Protection Coalition
Muslim Advocates
NAACP
NAACP Legal Defense and Education Fund, Inc. (LDF)
National Action Network
National Council of Asian Pacific Americans (NCAPA)
National Hispanic Media Coalition
National Organization for Women
National Urban League
Natural Resources Defense Council
NC Counts Coalition
Nevada Conservation League
New American Leaders Action Fund
New America's Open Technology Institute
New Era Colorado
New Mexico Black Voters Collaborative
North Carolina Asian Americans Together
North Carolina Justice Center
North Carolina Voters for Clean Elections
One Colorado
Open MIC (Open Media and Information Companies Initiative)
Our Vote Texas
Planned Parenthood Votes New Mexico
Planned Parenthood Votes! South Atlantic
Progressive Leadership Alliance of Nevada
ProgressNow New Mexico
Public Citizen
Public Knowledge
Ranking Digital Rights
Reform for Illinois
Rep GA Institute Inc
Rock the Vote
The Sikh Coalition
The Sparrow Project
Step Up Savannah, Inc.
St. Louis Area Voter Protection Coalition
Stop Online Violence Against Women Inc.
StoptheDrugWar.org
Sojourners

Soul 2 Soul Sisters
Southern Poverty Law Center
UltraViolet
Union of Concerned Scientists
United Church of Christ Media Justice Ministry
Un-PAC
Verified Voting
Vote Early New York
Wisconsin Faith Voices for Justice
Women Creating Change
Women Engaged
Women Watch Afrika