



# Voter Empowerment Plan

## How to Fight Disinformation and Safeguard Elections

The crisis of online disinformation and deception has brought American democracy to a tipping point. Disinformation campaigns have sowed illegitimate mistrust in our elections while online efforts to undermine, suppress, and deceive voters threaten to disenfranchise significant portions of the electorate. At the moment, our democracy is failing to protect voters from the toxic impacts of rampant disinformation, with public confidence in our elections and democratic institutions suffering accordingly.

To protect voters against disinformation as the 2022 elections approach, lawmakers must take immediate action. Below, we outline a roadmap that combines new and existing proposals that would protect and empower voters, limit the corrosive impact of disinformation on American elections, and restore public confidence in election results. Specifically, lawmakers should begin by passing state and federal policies that:

- 1. Reduce the quantity, spread, and impact of electoral disinformation;**
- 2. Increase the transparency of online election information and ads; and**
- 3. Elevate authoritative sources of electoral information.**

With the midterm elections less than a year away and the destructive impacts of online disinformation as clear as ever, now is the time for action to empower voters and fight back against disinformation.

### Reduce the quantity, spread, and impact of electoral disinformation

- 1. Require platforms to report illegal activity, including voter intimidation and threats of violence**

*Source: Decode Democracy*

*The Problem:* Dangerous and illegal activity that harms our democracy frequently goes unreported to law enforcement. Speech that is not protected by the First Amendment, such as attempts to intimidate and suppress voters, plots to overthrow the government, and threats to kill or physically harm someone can reverberate on social media with platforms failing to report or remove the content.

In many cases, platforms even *amplify* harmful, incendiary content designed to maximize users' engagement and boost revenues. Separate and apart from the debate over potential reforms to Section 230 of the Communications Decency Act,

platforms should be held accountable for reporting users' potentially illegal activity to law enforcement.

*The Solution:* Lawmakers should require that when a platform suspects illegal activity like suppressing voting or threatening violence, the platform must report the activity to the Office of the Attorney General of the United States. Doing so will help the government more effectively enforce laws while incentivizing platforms to dedicate more resources to detect and remove illegal activity. Platforms should also be required to report, to the government, actions taken to mitigate potential damage from the illegal activity. Platforms should also be required to provide the public with aggregated statistics on how many violating pieces of content were reported. By requiring platforms to report illegal content, lawmakers can ensure law enforcement professionals can directly follow up on threats of violence and attacks on our democracy.

## **2. Implement criminal penalties for deceptive practices intended to intimidate voters**

*Source: Brennan Center, Leadership Conference on Civil and Human Rights*

*The Problem:* Federal law prohibits voter intimidation, fraud, and intentional efforts to deprive others of their right to vote, but no law specifically targets deceiving others about voting and elections. There's also no authority currently charged with investigating disinformation targeted at voters and providing corrected information.

*The Solution:* New legislation must clearly prohibit deceiving others about how and when to vote and enact criminal penalties — including fines and imprisonment — for engaging in deceptive practices or voter intimidation.

This proposal is part of the [Deceptive Practices and Voter Intimidation Act](#) and the [Freedom to Vote Act](#) introduced in Congress.

## **3. Prevent microtargeting of political ads**

*Source: Decode Democracy*

*The Problem:* Due to the large amount of personal and behavioral data digital platforms collect about their users, political campaigns can target specific messages to narrow audiences based on characteristics such as age, race, gender, religion, income, marital status, hobbies, political views, social media habits, and propensity to vote. The more data that's available, the more campaigns can personalize their messages.

Such narrow and specific targeting means campaigns can operate without accountability or transparency regarding what they are saying and to whom. It also opens the door to microtargeted messages that can more effectively disenfranchise voters, spread lies, and manipulate public opinion. Instead of promoting open and honest debates, microtargeting fractures political discussions into personalized,

private silos that ultimately harm voters' ability to evaluate candidates and jeopardizes the integrity of our elections.

*The Solution:* Lawmakers should require platforms to allow ad targeting only by ZIP Code, age, and broad geographies like cities and congressional districts. This change would push campaigns away from promoting tailored messages to different audiences, and provide more accountability by requiring the campaign's messaging be more transparent.

Limiting microtargeting would also prevent political ads from using disinformation, conspiracies, or digital voter suppression tactics in order to restrict the political influence of traditionally marginalized groups. At the same time, since digital ads are a powerful and important tool for smaller campaigns, grassroots organizations, and social justice advocates, preserving some basic targeting features based on broader parameters is important to allow for increased civic participation.

This proposal is part of the [Banning Microtargeted Political Ads Act of 2021](#) introduced in Congress.

## Increase the transparency of online election information and ads

### 4. Apply the same transparency rules to online ads as are applied to TV and radio

*Source: Decode Democracy*

*The Problem:* Digital advertisements have become an increasingly important tool for political candidates and committees, yet existing federal laws governing advertisements focus primarily on traditional mediums of communication, such as television, print and radio. Currently, the Federal Election Commission (FEC) does not impose the same transparency requirements on online campaign advertising as are imposed on the same advertising on television and radio. As a result, voters often do not know that the political content they are seeing online is paid promotional material.

In addition, political ads in all media – both offline and offline – are missing key transparency requirements. This lack of transparency deprives journalists, watchdogs, and voters of crucial information about who is spending money to influence elections, as well as how much money and where it's being spent. That prevents voters from the necessary transparency to evaluate an ad based on who paid for it.

*The Solution:* Lawmakers should require online political ads to be subject to the same rules as off-line ads – a basic transparency principle. The same standard should apply to all political ads, whether they focus on a political or social issue or a candidate.

For all political ads – both offline and offline – funders should be disclosed both in

public filings and on the advertisements themselves, at all times. Currently “issue ads,” which don’t expressly advocate for or against a candidate but are designed to influence public opinion and elections, are not required to disclose funding sources except during certain limited time windows.

Political committees should also be required to disclose details of payments to sub-vendors so the public has a clearer idea of who is working to influence elections and where campaign spending goes. Currently, committees must report payments made to consultants and vendors, but aren’t required to disclose payments made by those consultants and vendors for purchases of ads, ad production, voter data, or other items—meaning much digital and other advertising activity goes unreported. California has a rule that requires political committees to report all payments of \$500 or more made by vendors and consultants on their behalf. Similar rules should be adopted by other states and at the federal level. Such transparency for spending will help provide accountability for campaigns spending money on targeted advertisement that they would rather keep hidden.

This proposal is part of the [Freedom to Vote Act](#) introduced in Congress. It is also part of the bipartisan [Honest Ads Act](#), which was introduced as a standalone bill in the 115th and 116th Congress and has now been folded into the Freedom to Vote Act.

## **5. Make clear when people are being paid to influence voters**

*Source: Decode Democracy*

*The Problem:* Some political content, opinions, or endorsements on social media are genuine expressions from the content creator, while others are sponsored and paid for by political campaigns. Currently, for the federal government and most states, there is no transparency requirement to ensure voters know whether the content they’re viewing is organic or has been sponsored, and who is funding it. Voters are being regularly exposed to deceptive ads that are meant to look like organic posts by another social media user, but are in actuality paid disinformation and other sponsored political content.

The current lack of transparency means voters can be deceived into believing a paid influence campaign is an organic opinion, or to become distrustful of all political content since it’s impossible to know what information has been paid for and what has not.

*The Solution:* Lawmakers should require that all paid political content online be labeled as advertising, and require disclosure of who is funding it. Campaigns and platforms should report when the candidate has paid a third party to post favorable or unfavorable content and when the candidate has paid for online amplification services. Platforms and users producing content from non-human sources like bots should be required to clearly label this content accordingly. Such labeling will reduce the negative impacts of deception, making voters more aware of content that’s being

paid for by campaigns and interest groups.

California has already paved the way for similar regulations in other states and at the federal level. For example, the so-called Blade Runner Law passed in 2018 made it unlawful for any person to use a bot to communicate or interact with another person in California online to influence a vote in an election unless the party behind the bot discloses that it is a bot.

We advocate for going beyond campaign reports to providing on-ad disclosure as well. Simply put, paid political content that's designed to look as though it wasn't paid for is an intentional deception of voters that harms our democracy.

This proposal is partially in effect in California as part of the [California Blade Runner Law](#) and [FPPC Regulation 18421.5](#), with other elements under consideration.

## **6. Require social media data access for researchers, journalists and the public**

*Source: Decode Democracy.*

*The Problem:* Online platforms are constantly collecting data on our every action online so they can profit by selling advertisers, including political campaigns, the ability to target us with ads. Currently, tech companies are not even required to keep track of the ads on their platforms. Some companies have created public libraries of ads, but those databases have proven incomplete and sometimes inaccurate or nonfunctional. Overall, the databases fail to provide the transparency the public needs to identify harmful ad campaigns and broad disinformation trends.

Academic researchers, journalists, and members of the public aiming to study and learn from online advertising data cannot reliably access the information they need – limiting our overall understanding of the influence of online ads and depriving the public from seeing what political campaigns are saying and to whom. By essentially barring academics and other researchers from accessing key information, internet platforms have made it even harder to understand the profound impact social media and technology platforms are having on voters and our elections, and hindered appropriate legislative and regulatory interventions.

*The Solution:* Congress should pass legislation establishing clear standards for how social media platforms share data with researchers, journalists and the public in a privacy-preserving fashion, and empower public authorities to take action in cases of suspected abuse. New legislation should advance scientific research and enable insights into platforms' potential harms. Ultimately, more transparency into social media data will help hold powerful companies to account while providing the public with the transparency to help protect voters from disinformation. By increasing public transparency, the databases would decrease incentives for campaigns to spread disinformation while providing a factual record for efforts to track and fight online deceptive content.

Specifically, lawmakers should require that social media companies publish a public database of ads accessible to researchers, journalists, and the public. The database should include the ads being run, the group funding each ad, the targeted audience, the audience that actually viewed the ad, and a way to view “ads running near me.” Ad databases should also include similar ads grouped together for analysis purposes and access to the underlying data through bulk downloads and an API.

This proposal is part of the [Social Media DATA Act](#) and the [Algorithmic Justice Online Transparency Act](#) introduced in Congress.

## Elevate authoritative sources of electoral information

### 7. Support local election officials in identifying and responding to election disinformation

*Source: Brennan Center*

*The Problem:* Local election officials often lack the resources and staff to appropriately respond to disinformation that can disrupt voting and democratic processes in the run-up to and on election day. Due to budget and staff constraints, few local election authorities have staff members dedicated to monitoring and controlling the spread of disinformation. Given the high risk of deceptive and manipulative online content to disrupt voting or confuse voters, it’s vital for local election officials to have the financial, technical and human resources support to adequately respond to disinformation threats.

*The Solution:* State governments should assign staff to smaller jurisdictions to assist them in identifying and responding to disinformation. State offices should also help local election officials build rumor control pages while pushing platforms to remove harmful, deceptive content.

At the same time, entities such as the Cybersecurity and Infrastructure Security Agency (CISA) should provide templates for rumor control pages modeled after the [CISA’s own page](#) that sought to “pre-bunk” mis- and disinformation before it spread widely ahead of the election. The executive branch should also create standards and mechanisms for consistent disclosures of mis- and disinformation from foreign and domestic sources, including via CISA’s Rumor Control. It should maintain a threat assessment of the current election disinformation state of play, informed by collaboration with social media platforms. That assessment should be continually updated during federal election cycles and released to local election officials, social media platforms, civil society, and journalists.

Federal and state agencies should also facilitate the creation of an authoritative directory of election officials. This directory would help platforms identify authoritative accounts and offer them options to prominently display

election-related content, like free ad credits, amplification services, and links in platforms' Voter Information Centers. These initiatives would boost the quantity and spread of authoritative information, making it more difficult for election disinformation to flourish.

## **8. Perform rigorous election audits**

*Source: Brennan Center, Leadership Conference on Civil and Human Rights, Verified Voting*

*The Problem:* Public confidence in election security has been shaken following revelations of foreign interference in the 2016 election and widespread efforts to discredit the 2020 election results. In 2020, confidence in the accuracy of the U.S. election matched a record low, [according to Gallup polling](#).

Lawmakers seeking to limit voting access have used unverified attacks on election security to help advance [voting restrictions](#) that disproportionately impact communities of color.

*The Solution:* One way to confirm whether votes are recorded and tallied accurately – and, in turn, help restore public confidence in elections – is to perform a statistically rigorous and risk-limiting post-election audit. A risk-limiting audit checks a random sample of voter-verifiable paper ballots, giving strong evidence to support the reported election results (or triggering a recount). Such audits would generate authoritative, documented sources of accurate information to help counter disinformation attacks on elections.

A risk-limiting audit can stop as soon as it finds strong evidence that the reported outcome was correct. Or, if the reported outcome may be incorrect because ballots were miscounted, a risk-limiting audit is likely to lead to a full recount that corrects the outcome before the election results are certified.

Risk-limiting audits are considered the gold standard of post-election audits and provide strong assurance that the final outcome matches the ballots cast. Contests with wide margins can be audited with few ballots, freeing up resources for auditing closer contests, which generally require checking more ballots. Such audits are typically conducted publicly and can provide voters with confidence that a counting error or malicious attack did not change the outcome.

Currently, [four states](#) – Colorado, Nevada, Rhode Island and Virginia – have a statutory requirement for a risk-limiting audit.

## **9. Provide funding for public investment in local journalism**

*Source: Free Press*

*The Problem:* Local media outlets provide essential information for voters to understand the issues and candidates that directly impact their communities. But



challenges posed by economic restraints and new technology have led to the near virtual collapse of local media companies and created a “news vacuum” where disinformation spreads more widely as voters seek out alternative sources of local information.

Over the last 15 years, the United States has lost more than 2,000 local newspapers, according to [research](#) from the Hussman School of Journalism and Media at the University of North Carolina. During the same time period, half of newspaper readers and journalists have vanished and many surviving newspapers are mere shells of their former selves, while coordinated sites falsely posing as local news have proliferated. The revenue sources that made newspapers profitable have dried up, with local advertising moving increasingly to digital platforms. At the same time, most of the news that receives widespread attention on large social media platforms like Facebook is sensationalized, polarizing, and focused on national politics rather than local communities. That makes it increasingly difficult to find reliable information about local elections and candidates.

*The Solution:* States and the federal government should pass laws providing funds to strengthen local media and meet the information needs of local communities. Such investment would push back against the encroachment of “news deserts” — providing a valuable resource to communities in need of reliable information about local policy decisions and elections while supporting journalism that aims to inform and empower citizens rather than simply turn a profit.

New Jersey pioneered such a program in 2018 with the passage of a law creating a [Civic Information Consortium](#), a nonprofit institution that awards grants to support media startups, local journalism, and other efforts aimed at civic education. The Consortium is eligible for both state and private funding and works in partnership with five public universities. In 2021, the Consortium issued 14 grants of approximately \$35,000 each. It does not own any of the projects it funds and cannot exercise editorial control.

As outlined by [Free Press](#), Congress should create an online advertising tax and direct revenue to support reliable journalism that meets the needs of local communities. A two percent tax aimed at the targeted-ad revenue of just the top ten online platforms would pave the way for an endowment of more than \$2 billion.

By helping to build stronger local media ecosystems, lawmakers can provide citizens with trustworthy information to boost civic engagement and empower voters. Other states and the federal government should follow New Jersey’s lead to invest in community-based journalism as an antidote to the sensational and polarizing content that dominates social media platforms.

The [Future of Local News Act](#) and the [Local Journalism Sustainability Act](#), which were introduced in Congress, would represent a first step in this direction.

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