



The “*Digital Integrity in Democracy Act*”

U.S. Senator Peter Welch

Background:

False election administration information spreads rapidly on social media, interfering with American’s right to vote. In recent election cycles, false information has propagated about voting times, polling locations, and [voting eligibility](#), creating confusion among voters and undermining trust in our elections.

For example, during the 2020 election cycle, images spread across social media platforms that purported to be the Biden campaign with false information about the date for the Super Tuesday [primaries](#). Additionally, numerous false or misleading claims about voting by mail were hosted on Facebook but were not labeled as [misleading or inaccurate](#). These claims used language meant to discourage mail-in voting by mischaracterizing mail-in ballots as [unconstitutional](#), favoring one political party, or as a new concept resulting from the coronavirus [pandemic](#).

Today, [half](#) of U.S. adults get news from social media, and election-related content features prominently on platforms in the run-up to elections. An [analysis](#) conducted by ProPublica in 2020 found numerous false and misleading claims about voting being hosted on Facebook despite having community standards that ban misrepresentations about voting. Now that we have seen the influence these platforms have on our elections, common sense Section 230 updates are necessary.

Legislation:

As election misinformation and disinformation [continue to grow](#) ahead of the 2024 general election, the *Digital Integrity in Democracy Act* aims to hold accountable operators of social media platforms that are unwilling to intervene and remove objectively false election administration information after being notified.

This bill will ensure voters are not deceived or tricked into losing their right to vote by removing the liability shield for objectively false election administration content. This bill *does not* require social media platforms to moderate political speech, including about candidates, political parties, or elected officials.

Specifically, the *Digital Integrity in Democracy Act* would:

- Create an exception to Section 230 immunity for social media platform operators that *intentionally* or *knowingly* host false election administration information on their platforms.

- Limit actionable false election administration information to objectively incorrect information about the time, place, or manner of an election or the qualifications for or restrictions on voter eligibility. Actionable content must be publicly accessible on a large social media platform.
- Specify the definition of false election administration information does not include any content that relates to political speech in favor of or against a political candidate or an individual holding federal office.
- Afford social media platforms safe harbor if they become aware of false election administration information being hosted on their platform and remove the false content within the appropriate time frame.
 - Once becoming aware of the false content, social media platforms can decide to remove the false content no later than 48 hours on a day other than an election day or remove the false content no later than 24 hours on election days to avoid potential civil liability.
- Empower the Attorney General, State Secretaries of State, and candidates to bring civil actions in an appropriate district court of the United States against the operator of a social media platform company that continues to host false election administration content.

Endorsements:

The *Digital Integrity in Democracy Act* is endorsed by Common Cause and Stand Up America.