



Digital Integrity in Democracy Act

Section-by-Section Summary

U.S. Senator Peter Welch

Background:

The *Digital Integrity in Democracy Act* carves out a narrow exception to Section 230 immunity for certain social media platforms that knowingly or intentionally host objectively false election administration information. Social media platforms will be afforded safe harbor if they become aware of false election administration information being hosted on their platform and remove the false content within the appropriate timeframe.

Section 1 – Short Title: *Digital Integrity in Democracy Act*

Section 2 – Exception to Section 230 Immunity for Social Media Platform Operators Hosting False Election Administration Information.

The *Digital Integrity in Democracy Act* narrowly defines “social media platforms” as both having 25,000,000+ unique monthly users in the United States and being a website or internet medium that primarily serves to allow more than one registered user or account to create, share, or view other user-generated content.¹

Currently, Section 230 provides social media platforms with broad immunity for the content they host. To ensure election integrity, this provision carves out a narrow exception to that immunity, holding social media platforms accountable for false election administration information that they *intentionally* or *knowingly* host on their platforms.

The scope of “false election administration information” is narrow. It is objectively incorrect, publicly accessible information that relates to the time, place, or manner of an election, or voter eligibility qualifications in a covered election. It applies only to demonstrably false information—it excludes political speech in favor of, or against, any candidate or federal official—and courts are directed to narrowly construe the term.

Covered elections are general, special, primary, or runoff federal elections, or conventions or caucuses for a political party with authority to nominate a candidate. This

¹ The term “social media platform” is defined in part by reference to the Trafficking Victims Prevention and Protection Reauthorization Act of 2022, 42 U.S.C. 1826 w(a)(2).

includes primary elections held to select delegates for a nominating convention or held to express a preference for the Presidential nomination.²

Section 3 – False Election Administration Information Removal Process.

Large social media platforms have been too slow in removing, or have entirely ignored, reports of false election administration information on their platforms. This provision encourages social media platforms (as defined by this *Act* as having 25,000,000+ unique monthly users in the United States) to respond to verifiable complaints. If a platform receives written notice, from an identified source, directing them to the location of false election administration information or if the platform becomes aware of false election administration information on their platform through other means, this provision provides the platform with the opportunity to remove the false content.

Once aware of the false content, platforms have 48 hours if outside of an election day, and within 24 hours on election day to remove the false content before being subject to potential civil liability. Election day is any day during the period beginning the day early voting begins, absentee ballots are distributed, or the day the election is held—whichever is earlier—and ending the day the election is held.

Social media platforms risk injunctive action and civil penalty damages of up to \$50,000 for each instance of failure to remove false election administration information within the allotted window after receiving notice or becoming aware of the false content. Actions may be brought in U.S. District Court by Federal or State Attorneys General, a State Secretary of State, or, after notifying the chief election official of an involved State, an aggrieved candidate.

Section 4 - Effective Date

This *Act* is effective upon enactment.

² The term “covered election” is defined by reference to the Federal Election Campaign Act of 1971, 52 U.S.C 30101(1)).