

118TH CONGRESS
2D SESSION

S. 4977

To hold accountable operators of social media platforms that intentionally or knowingly host false election administration information.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

Mr. WELCH (for himself, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. LUJÁN, Mr. BENNET, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To hold accountable operators of social media platforms that intentionally or knowingly host false election administration information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Integrity in
5 Democracy Act”.

1 **SEC. 2. EXCEPTION TO SECTION 230 IMMUNITY FOR SOCIAL**
 2 **MEDIA PLATFORM OPERATORS HOSTING**
 3 **FALSE ELECTION ADMINISTRATION INFOR-**
 4 **MATION.**

5 Section 230 of the Communications Act of 1934 (47
 6 U.S.C. 230) is amended—

7 (1) in subsection (c)(1)—

8 (A) by striking “No provider” and insert-
 9 ing the following:

10 “(A) IN GENERAL.—Except as provided in
 11 subparagraph (B), no provider”; and

12 (B) by adding at the end the following:

13 “(B) EXCEPTION.—Subparagraph (A)
 14 shall not apply with respect to false election ad-
 15 ministration information that the operator of a
 16 social media platform intentionally or knowingly
 17 hosts on the social media platform.”; and

18 (2) in subsection (f), by adding at the end the
 19 following:

20 “(5) COVERED ELECTION.—The term ‘covered
 21 election’ has the meaning given the term ‘election’
 22 under section 301(1) of the Federal Election Cam-
 23 paign Act of 1971 (52 U.S.C. 30101(1)).

24 “(6) FALSE ELECTION ADMINISTRATION INFOR-
 25 MATION.—

“(A) IN GENERAL.—The term ‘false election administration information’, with respect to a social media platform, means objectively incorrect information that—

“(i) relates to—

“(I) the time, place, or manner of holding any covered election; or

“(II) the qualifications for or restrictions on voter eligibility for any covered election, including—

“(aa) any criminal, civil, or other legal penalties associated with voting in any covered election; or

“(bb) information regarding the registration status or eligibility of a voter; and

“(ii) is publicly accessible on the social media platform.

“(B) POLITICAL SPEECH EXCLUDED.—The term ‘false election administration information’ does not include any content that relates to political speech in favor of or against—

1 “(i) a candidate (as defined in section
 2 301(2) of the Federal Election Campaign
 3 Act of 1971 (52 U.S.C. 30101(2));

4 “(ii) an individual who holds a Fed-
 5 eral office (as defined in section 301(3) of
 6 the Federal Election Campaign Act of
 7 1971 (52 U.S.C. 30101(3)); or

8 “(iii) a political party.

9 “(7) SOCIAL MEDIA PLATFORM.—The term ‘so-
 10 cial media platform’ means a social media platform,
 11 as defined in section 124(a)(2) of the Trafficking
 12 Victims Prevention and Protection Reauthorization
 13 Act of 2022 (42 U.S.C. 1862w(a)(2)), that had not
 14 fewer than 25,000,000 unique monthly users in the
 15 United States for a majority of the months during
 16 the most recent 12-month period, except that such
 17 section 124(a)(2) shall be applied by substituting ‘an
 18 interactive computer service’ for ‘a website or inter-
 19 net medium’.”.

20 **SEC. 3. FALSE ELECTION ADMINISTRATION INFORMATION**
 21 **REMOVAL PROCESS.**

22 (a) DEFINITIONS.—In this section:

23 (1) ELECTION DAY.—The term “election day”
 24 means, with respect to any covered election (as de-

1 fined in section 230 of the Communications Act of
2 1934 (47 U.S.C. 230))—

3 (A) the date on which the covered election
4 is held; and

5 (B) any day during the period—

6 (i) beginning on the earlier of—

7 (I) the first day during which
8 early voting for such election is al-
9 lowed; or

10 (II) the first day on which the
11 State distributes absentee ballots for
12 such election; and

13 (ii) ending on the date of such elec-
14 tion.

15 (2) FALSE ELECTION ADMINISTRATION INFOR-
16 MATION.—The term “false election administration
17 information” has the meaning given the term in sec-
18 tion 230 of the Communications Act of 1934 (47
19 U.S.C. 230), as amended by section 2.

20 (3) SOCIAL MEDIA PLATFORM.—The term “so-
21 cial media platform” has the meaning given the
22 term in section 230 of the Communications Act of
23 1934 (47 U.S.C. 230), as amended by section 2.

1 (4) WRITTEN.—The term “written”, with re-
 2 spect to a communication, includes a written elec-
 3 tronic communication.

4 (b) REMOVAL PROCESS.—

5 (1) REMOVAL REQUIRED.—If an operator of a
 6 social media platform receives a complete notifica-
 7 tion, in accordance with paragraph (2), that false
 8 election administration information is being hosted
 9 on the social media platform, the operator shall—

10 (A) determine whether the alleged false
 11 election administration information is objec-
 12 tively incorrect;

13 (B) if the determination under subpara-
 14 graph (A) is that the alleged false election ad-
 15 ministration information is objectively incorrect,
 16 remove the false election administration infor-
 17 mation—

18 (i) not later than 48 hours after re-
 19 ceiving the complete notification, if re-
 20 ceived on a day other than an election day;
 21 or

22 (ii) not later than 24 hours after re-
 23 ceiving the complete notification, if re-
 24 ceived on an election day; and

1 (C) not later than 12 hours after removing
 2 false election administration information, pro-
 3 vide a written response to the complainant stat-
 4 ing that the operator removed the false election
 5 administration information.

6 (2) NOTIFICATION REQUIREMENTS.—A notifi-
 7 cation described in paragraph (1) shall—

8 (A) be a written notification submitted to
 9 the operator of the social media platform;

10 (B) contain a description of the false elec-
 11 tion administration information being hosted on
 12 the social media platform that is reasonably
 13 sufficient for the operator to locate the false
 14 election administration information; and

15 (C) contain the name and contact informa-
 16 tion of the complainant, including mailing ad-
 17 dress, telephone number, and email address.

18 (c) ENFORCEMENT.—

19 (1) ATTORNEY GENERAL CIVIL ACTION.—The
 20 Attorney General may bring a civil action in an ap-
 21 propriate district court of the United States against
 22 an operator of a social media platform that violates
 23 subsection (b)(1)(A) for—

24 (A) damages of \$50,000 for each item of
 25 false election administration information that

1 was not removed by the operator in accordance
 2 with that paragraph; and

3 (B) injunctive relief relating to the removal
 4 of false election administration information that
 5 is the subject of the civil action.

6 (2) STATE CIVIL ACTION.—The attorney gen-
 7 eral or secretary of state of a State may bring a civil
 8 action in an appropriate district court of the United
 9 States against an operator of a social media plat-
 10 form that violates subsection (b)(1)(A) with respect
 11 to a covered election being held in that State for—

12 (A) damages of \$50,000 for each item of
 13 false election administration information that
 14 was not removed by the operator in accordance
 15 with that paragraph; and

16 (B) injunctive relief relating to the removal
 17 of false election administration information that
 18 is the subject of the civil action.

19 (3) PRIVATE RIGHT OF ACTION.—A candidate,
 20 as defined in section 301 of the Federal Election
 21 Campaign Act of 1971 (52 U.S.C. 30101) aggrieved
 22 by a violation of subsection (b)(1)(A) may, after no-
 23 tifying the chief election official of the State in-
 24 volved, bring a civil action in an appropriate district
 25 court of the United States against the operator of a

1 social media platform that committed the violation
2 for—

3 (A) damages of \$50,000 for each item of
4 false election administration information that
5 was not removed by the operator in accordance
6 with that paragraph; and

7 (B) injunctive relief relating to the removal
8 of false election administration information that
9 is the subject of the civil action.

10 (d) SAFE HARBOR RELATING TO SECTION 230 IM-
11 MUNITY EXCEPTION.—Subparagraph (B) of section
12 230(c)(1) of the Communications Act of 1934 (47 U.S.C.
13 230(c)(1)), as added by section 2, shall not apply with
14 respect to false election administration information hosted
15 on a social media platform if the operator of the social
16 media platform—

17 (1) becomes aware of the information due to a
18 notification described in subsection (b)(1) of this
19 section and removes the information in accordance
20 with subparagraph (A) of that subsection; or

21 (2) becomes aware of the information through
22 means other than a notification described in sub-
23 section (b)(1) of this section and removes the infor-
24 mation—

1 (A) not later than 48 hours after becoming
2 aware of the information, if it becomes so aware
3 on a day other than an election day; or

4 (B) not later than 24 hours after becoming
5 aware of the information, if it becomes so aware
6 on an election day.

7 **SEC. 4. EFFECTIVE DATE.**

8 This Act, and the amendments made by this Act,
9 shall apply with respect to any false election administra-
10 tion information alleged to be hosted on a social media
11 platform on or after the date of enactment of this Act.

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