



State of California
Office of the Attorney General

XAVIER BECERRA
ATTORNEY GENERAL

October 19, 2020

Mark Zuckerberg
Chairman and Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Jack Dorsey
Chief Executive Officer
Twitter, Inc.
1355 Market Street, #900
San Francisco, CA 94103

Susan Wojcicki
Chief Executive Officer
YouTube, Inc.
901 Cherry Avenue
San Bruno, CA 94066

RE: Election Interference via Social Media

Dear Messrs. Zuckerberg, Dorsey, and Ms. Wojcicki:

I write to express my concerns about the role of social media in spreading disinformation designed to harm our elections and democracy. All of your companies report to have undertaken efforts recently to address the use of your platforms to interfere with free and fair elections. I expect that you will see these efforts through and urge you to: (1) report illegal activity occurring on your platforms to appropriate law enforcement agencies, including my office; (2) continue to re-evaluate the need for revision to your policies as new threats arise, and most importantly; (3) consistently, transparently, and aggressively address violations of your policies with respect to disinformation and violations of state and federal law.

For years, your companies have operated multiple social media platforms, including Facebook, Instagram, YouTube, and Twitter. During this time, Americans have increasingly relied on social media as a primary source of news and political discourse. By 2016, nearly six in ten Americans relied on social media to get their news, and 44% of Americans got their news

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from Facebook.¹ Yet, while social media can facilitate access to information and political engagement, it also leaves us vulnerable to coordinated disinformation attacks against fundamental democratic institutions, such as elections.

In 2016, the Russian government used social media to launch a brazen attack against the United States' political system.² This attack exposed and exploited our nation's latent societal divisions, undermined Americans' trust in our democratic institutions, and was designed to influence our presidential election. These efforts succeeded in part by cynically targeting African Americans and other historically disenfranchised groups with advertising designed to deter them from voting.

As we approach the 2020 presidential election, it has been reported that social media platforms are again being utilized to spread disinformation designed to stoke social and political divisions; suppress voting among certain groups; and attack the integrity of electoral processes, including vote-by-mail, which has become even more critical in light of safety concerns surrounding COVID-19.³ As California's Attorney General, I am sworn to enforce all laws protecting the civil rights of our residents, including the right to vote. I urge you to employ your immense resources, tools, and familiarity with the operation of your social media platforms to prevent conduct that violates your policies and/or state and federal law.

¹ Jeffrey Gotfield & Elisa Shearer, *News Use Across Social Media Platforms 2016*, Pew Research Center (May 26, 2016), <https://www.journalism.org/2016/05/26/news-use-across-social-media-platforms-2016/>.

² See, generally, U.S. Senate, Report of the Select Committee on Intelligence on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume II: Russia's Use of Social Media, S. Rep. No. 116-XX (2019) (hereinafter "Senate Report Vol. II"), https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume2.pdf; see also Indictment, *United States v. Internet Research Agency, et al.*, Case 1:18-cr-00032-DLF (D.D.C. Feb. 16, 2018), <https://www.justice.gov/file/1035477/download>.

³ See Craig Timberg & Isaac Stanley-Becker, *Fake Twitter Accounts Posing as Black Trump Supporters Appear, Reach Thousands, Then Vanish*, Wash. Post (Oct. 13, 2020), <https://www.washingtonpost.com/technology/2020/10/13/black-fake-twitter-accounts-for-trump/>; Julian E. Barnes & Adam Goldman, *Russia Trying to Stoke U.S. Racial Tensions Before Election, Officials Say*, N.Y. Times (Mar. 10, 2020), <https://www.nytimes.com/2020/03/10/us/politics/russian-interference-race.html>; David E. Sanger & Zolan Kanno-Youngs, *The Russian Trolls Have a Simpler Job Today. Quote Trump.*, N.Y. Times (Sept. 22, 2020), <https://www.nytimes.com/2020/09/22/us/politics/russia-disinformation-election-trump.html>.

I. The State of California Has a Mandate to Protect its Citizens' Voting Rights.

California has a significant interest in protecting its citizens' constitutional right to vote. State laws protect citizens by, for example, prohibiting interference with voting rights through violence, threats, intimidation, and other coercive conduct (*see, e.g.*, Civ. Code, § 52.1(b); Elec. Code, §§ 18502, 18540). State laws also prohibit knowingly distributing intentionally misleading information about the time, place, manner of voting, and voter eligibility (*see, e.g.*, Elec. Code, §§ 18302, 18543). To further protect voters, state law requires social media companies that sell political advertisements to disclose who funded certain political advertisements and maintain an online record of such advertisements for public inspection (*see, e.g.*, Gov. Code, § 84504.6).

The California Department of Justice will not hesitate to enforce these laws against any individual or group that violates them. However, given social media's prominence and influence in American political discourse, you share a responsibility to use the tools at your disposal to combat the dissemination of disinformation that interferes with our electoral system and to report any illegal activity detected on your respective social media platforms that interferes with Americans' right to vote.

II. The Use of Social Media to Undermine U.S. Democratic Institutions and Attack Civil Rights.

Social media manipulation was an integral component of Russia's effort to incite political division and discord, undermine Americans' confidence in U.S. electoral systems, and influence the outcome of the 2016 presidential election. According to the Senate Select Committee on Intelligence, the Kremlin-backed Internet Resource Agency (IRA), armed with false American identities:

used targeted advertisements, intentionally falsified news articles, self-generated content, and social media platform tools to interact with and attempt to deceive tens of millions of social media users in the United States. This campaign sought to polarize Americans on the basis of societal, ideological, and racial differences, provoked real world events, and was part of a foreign government's covert support of Russia's favored candidate in the U.S. presidential election.⁴

⁴ Senate Report Vol. II, *supra* n.2 at p. 3.

A key component of the IRA's interference effort involved deliberately targeting African Americans with posts and advertisements designed to minimize the African American vote.⁵ In fact, "no single group of Americans was targeted ... more than African Americans."⁶ Tactics to suppress African American voter participation included embedding overtly anti-Hillary Clinton ads among memes and content that appealed to African Americans who were angered over police violence, and targeting African American supporters of Clinton with false information about how and when they could vote.⁷

The reach of Russia's social media influence campaign was vast. In 2017, Facebook identified 470 IRA-controlled Facebook accounts that collectively made 80,000 posts between January 2015 and August 2017, and estimated that the IRA's Facebook content reached approximately 126 million users. Twitter identified 3,814 IRA-controlled accounts and notified approximately 1.4 million people who Twitter believed may have been in contact with an IRA-controlled account. Google similarly identified two accounts linked to the IRA that purchased advertisements and 18 YouTube channels associated with the IRA that posted 43 hours of content in 1108 videos.⁸

III. The Renewed Threat of Social Media Disinformation Campaigns in 2020.

We are now less than three weeks away from a presidential election that is proceeding against the extraordinary backdrop of a worldwide pandemic. As in 2016, social media is playing a significant role in election-related discourse in the United States, and remains a conduit for disinformation campaigns targeting U.S. electoral systems and voters, including but not

⁵ IRA operatives targeted African Americans using locational targeting "aimed at African Americans in key metropolitan areas with well-established black communities and flashpoints in the Black Lives Matter movement" and by establishing false group pages such as "Blacktivist" on Facebook and Instagram. (Senate Report Vol. II, *supra* n.2 at p. 38.)

⁶ Senate Report Vol. II, *supra* n.2 at p. 38 (noting that over 66% of IRA's advertising content contained a race-related terms, and most of its locational targeting was aimed at African Americans in metropolitan areas).

⁷ For example, IRA used the Instagram account "Woke Blacks" to post a message stating: "a particular hype and hatred for Trump is misleading the people and forcing Blacks to vote Killary." (Indictment, *supra* n.2 at ¶ 46(a)). *See also id.* at ¶ 46(b) (noting a November 3, 2016 post on the IRA controlled Instagram account "Blacktivist" stating: "Choose peace and vote for Jill Stein. Trust me, it's not a wasted vote."); *see also* Jane Mayer, *How Russia Helped Swing the Election for Trump*, *New Yorker* (Oct. 1, 2018), <https://www.newyorker.com/magazine/2018/10/01/how-russia-helped-to-swing-the-election-for-trump>.

⁸ Senate Report Vol. II, *supra* n.2 at pp. 45-58; Sheera Frenkel & Katie Benner, *To Stir Discord in 2016, Russians Turned Most Often to Facebook*, *N.Y. Times* (Feb. 17, 2018), <https://www.nytimes.com/2018/02/17/technology/indictment-russian-tech-facebook.html>.

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limited to, efforts by foreign entities. Yet these tactics have become more sophisticated and harder to detect.

For example, according to multiple reports, Russia continues to recycle and refine the disinformation techniques it employed in 2016, including: (1) promoting President Trump's candidacy while disparaging former Vice President Joe Biden; and (2) building the capacity to target African American social media users with content aimed at suppressing their voting power.⁹ Russia has also improved the way it conceals its involvement in disinformation campaigns, in part, by using proxy voices to spread state media under the guise of fringe journalism, and by developing better methods of disguising its surreptitious social media presence.¹⁰

Most alarming is Russia's recent shift in focus to discrediting U.S. electoral processes, including vote-by-mail, which states have necessarily adopted or expanded during the COVID-19 pandemic to allow Americans to vote while still physically distancing. Specifically, Russian-controlled proxy sites and social media accounts have: (1) published and amplified unverified claims that vote-by-mail systems are associated with widespread voter fraud, ballot destruction, and unreliable ballot collection and delivery; and (2) falsely conjectured that vote-by-mail was developed to benefit "specific candidates and influence election outcomes."¹¹

Your companies have undertaken reforms to curb the dissemination of harmful disinformation through social media. Each of your companies is now equipped with robust policies that prohibit much of the disinformation, coordinated inauthentic behavior, and election interference exhibited in 2016, and you have taken action pursuant to those policies, including:

⁹ U.S. Dep't of Homeland Security, *Homeland Threat Assessment* (Oct. 2020), https://www.dhs.gov/sites/default/files/publications/2020_10_06_homeland-threat-assessment.pdf; Žilvinas Švedkauskas, *Russia's Disinformation Campaigns Are Targeting African Americans*, Wash. Post (July 24, 2020), <https://www.washingtonpost.com/politics/2020/07/24/russias-disinformation-campaigns-are-targeting-african-americans/>.

¹⁰ U.S. State Dep't, Global Engagement Center, *GEC Special Report: Pillars of Russia's Disinformation and Propaganda Ecosystem* (Aug. 2020), https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%E2%80%99s-Disinformation-and-Propaganda-Ecosystem_08-04-20.pdf; Young Mie Kim, *New Evidence Shows How Russia's Election Interference Has Gotten More Brazen*, Brennan Center for Justice (Mar. 5, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/new-evidence-shows-how-russias-election-interference-has-gotten-more>.

¹¹ U.S. Dep't Homeland Security, Office of Intelligence and Analysis, *Russia Likely to Continue Seeking to Undermine Faith in U.S. Electoral Process*, Intelligence in Focus (Sept. 3, 2020), <https://info.publicintelligence.net/DHS-RussiaUnderminingElection.pdf>.

- Twitter: eliminating political advertising,¹² banning fake media likely to cause harm,¹³ modifying its Civic Integrity Policy to prohibit manipulating or interfering in elections or other civic processes;¹⁴
- YouTube: removing content that (1) contains hacked material, “the disclosure of which may interfere with democratic processes,” like elections and censuses; or (2) encourages others to interfere with democratic processes, such as obstructing or interrupting voting procedures;¹⁵ and
- Facebook: (1) restricting political ads in the week before the election and on election day and night; (2) removing posts claiming that people will get COVID-19 if they take part in voting, and attaching a link to authoritative information about the coronavirus to posts that appear to use COVID-19 to discourage voting; (3) affixing informational labels to content that seeks to delegitimize the outcome of the election or discuss the legitimacy of voting methods; and (4) adding explanatory labels to candidate or campaign posts prematurely declaring victory before final election results come in.¹⁶

Despite these efforts, a recent study conducted by the German Marshall Fund concluded that user engagement with false and misleading information on social media has increased since 2016.¹⁷ More troubling is the prevalence of disinformation about vote-by-mail systems on social

¹² Avie Schneider & Shannon Bond, *Twitter To Halt Political Ads, In Contrast To Facebook*, NPR (Oct. 30, 2019), <https://www.npr.org/2019/10/30/774865522/twitter-to-halt-political-ads-in-contrast-to-facebook>; Jack Dorsey Twitter Account (Oct. 30, 2019), <https://twitter.com/jack/status/1189634360472829952>.

¹³ Twitter, *Building rules in public: Our approach to synthetic & manipulated media* (Feb. 4, 2020), https://blog.twitter.com/en_us/topics/company/2020/new-approach-to-synthetic-and-manipulated-media.html; Twitter, *Synthetic and manipulated media policy*, <https://help.twitter.com/en/rules-and-policies/manipulated-media>.

¹⁴ Twitter, *Civic integrity policy* (Sept. 2020) <https://help.twitter.com/en/rules-and-policies/election-integrity-policy>; Twitter, *Expanding our policies to further protect the civic conversation* (Sept. 10, 2020), https://blog.twitter.com/en_us/topics/company/2020/civic-integrity-policy-update.html.

¹⁵ YouTube, *An update on how youtube supports elections* (Aug. 13, 2020), <https://blog.youtube/news-and-events/an-update-on-how-youtube-supports-elections/>.

¹⁶ Facebook, *New Steps to Protect the US Elections* (Sept. 3, 2020), <https://about.fb.com/news/2020/09/additional-steps-to-protect-the-us-elections/>; Facebook, *Preparing for Election Day* (Oct. 7, 2020), <https://about.fb.com/news/2020/10/preparing-for-election-day/>.

¹⁷ Karen Kornbluh et al., *New Study by Digital New Deal Finds Engagement with Deceptive Outlets Higher on Facebook Today Than Run-up to 2016 Election*, German Marshall Fund (October 12, 2020), <https://www.gmfus.org/blog/2020/10/12/new-study-digital-new-deal-finds-engagement-deceptive-outlets-higher-facebook-today>.

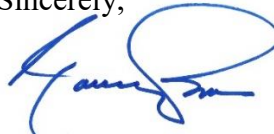
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media.¹⁸ For example, between April 1, 2020 and July 1, 2020, nearly half of the top-50 performing Facebook posts that mentioned vote-by-mail were false or misleading.¹⁹

We appreciate that you must work to find a delicate balance in fostering the free exchange of ideas and opinions while ensuring that your platforms are not used to spread harmful disinformation. However, as urged in Facebook’s Internal Civil Rights Audit, social media platforms must implement a “stronger interpretation of [their] voter suppression policies” to help mitigate the real world threat that the spread of election-related disinformation on social media poses to our elections.²⁰

The real world threat to our upcoming election is significant. We urge you to enforce your policies against disinformation, voter suppression, and coordinated inauthentic behavior aggressively, consistently and transparently, and to preserve these efforts for review and evaluation after the 2020 election concludes. To the extent that you discover activities that violate the law, my office stands ready to offer assistance.

Sincerely,



XAVIER BECERRA
Attorney General

¹⁸ Davey Alba, *How Voting by Mail Tops Election Misinformation*, N.Y. Times (Sept. 30, 2020), <https://www.nytimes.com/2020/09/30/technology/how-voting-by-mail-tops-election-misinformation.html>.

¹⁹ Ryan McCarthy, “*Outright Lies*”: *Voting Misinformation Flourishes on Facebook*, ProPublica (July 16, 2020), <https://www.propublica.org/article/outright-lies-voting-misinformation-flourishes-on-facebook>.

²⁰ Laura W. Murphy, et al., *Facebook’s Civil Rights Audit – Final Report* at p. 22 (July 8, 2020) <https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf>.