

February 2023

# AEC Submission to the Select Committee on Foreign Interference through Social Media

## Submission – Inquiry into foreign interference through social media

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The Australian Electoral Commission (AEC) welcomes the invitation to provide this submission to assist the Select Committee on Foreign Interference through Social Media in examining this area of democratic integrity which is so rapidly increasing in relevance.

Determining the success of any parliamentary election is ensuring that not only is every ballot counted, re-counted and results certified, but that Australians have confidence in the outcome. Ensuring the Australian public retains trust in election results is at the heart of the AEC's dedication to electoral integrity, and the commitment to deliver safe, sound, and secure federal electoral events.

Both domestically and internationally, the AEC is regarded as an exemplar electoral management body. Last year, the AEC conducted research on the public's opinion of electoral delivery and is pleased to say nine out of ten surveyed trusted the delivery of the 2022 federal election. While the AEC has countless operational procedures and strategies in place to help achieve operational excellence and high levels of public confidence, a vital new initiative in 2022 was the development of the AEC Reputation Management Strategy. This strategy was established as a key pillar in the AEC's approach to upholding electoral integrity, including by establishing a firm focus on the proactive management of disinformation.

Electoral integrity is a constantly evolving challenge, and a dynamic issue for electoral administrators both in Australia and internationally. Whilst fundamentals of electoral integrity have existed from Federation, new challenges and opportunities continue to rapidly emerge alongside development of technology.

Since our submission to the previous committee on this matter, the electoral integrity environment has continued to evolve. The 2022 federal election was the largest and most complex in Australia's history, and the first conducted during the COVID-19 pandemic – with the pandemic demonstrating the importance of social media and digital channels for public communication efforts.

Additionally, recent large scale data breaches have meant the public's expectations regarding cyber security and data protection are at an all-time high. The broad notion of 'electoral integrity' now firmly includes cyber security and prevention of disinformation, joining more traditional issues such as physical security.

As the AEC prepares for a proposed referendum this year, prevention of mis and disinformation on the referendum process is a key focus. More than two decades have passed since the previous federal referendum, with approximately 7.4 million people currently on the electoral roll being too young to have voted in that event in 1999. This lack of referendum voting experience, coupled with the ever-increasing digital consumption of information, means social media platforms will undoubtedly play a key role for electors seeking information.

Aware of this, the AEC will continue to implement our reputation management strategy to ensure the public understands the position of the AEC as the foremost expert on electoral events. However, while we take great pride in communicating accurate information on election and referendum processes, to understand the issue of electoral disinformation in Australia, it is important to understand the reach and scope of electoral legislation.

## Electoral and referendum legislation

A critical and sometimes misunderstood aspect of the *Commonwealth Electoral Act 1918* (the Electoral Act) is that, with one limited exception, it does not regulate truth in electoral communication. Furthermore, the High Court has found there is an implied freedom of political communication in the Commonwealth Constitution that limits the scope of the Parliament to make laws restricting political communications.

While electoral laws do not regulate the truth of electoral communications, the Electoral Act does require electoral matter to be properly authorised to inform voters of the source of communication. In 2018, authorisation requirements were extended to modern communication channels, including social media.

Moving towards a proposed 2023 Referendum, the same limitations in regulating referendum communications apply. The *Referendum (Machinery Provisions) Act 1984* acts in a similar way to the Electoral Act, in that while it does not regulate the truth in referendum communication, it does require referendum matter to be authorised.

## 2022 federal election

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With ever-increasing use of digital platforms for electors sourcing information, the AEC placed a strong, proactive focus on the role of digital platforms leading into, and throughout the federal election.

### Electoral Integrity Assurance Taskforce

The 2022 federal election was the second full general election with the Electoral Integrity Assurance Taskforce (the Taskforce). Comprised of a range of Commonwealth agencies - some co-located during the election period - taskforce agencies provided specialist support to the AEC on a range of electoral integrity issues, including cyber security and disinformation.

Since the 2019 federal election, the Taskforce has also come together to support various electoral events including federal by-elections and State and Territory elections, solidifying the inter-Departmental relationships of the Taskforce.

The AEC is pleased to advise that Taskforce agencies did not identify any foreign interference, or any other interference, that compromised the delivery of the 2022 federal election and would undermine the confidence of the Australian people in the results of the election.

### Countering disinformation

Alongside the Taskforce, the AEC undertook both new and existing initiatives to counter disinformation, including:

- launching a purpose-built Command Centre for rapid and coordinated incident response, including a dedicated media hub to quickly respond to electoral disinformation,
- launching a Disinformation Register to list and debunk electoral process disinformation, and

- continuing to build on our effective relationships with social media organisations regarding potential actions against electoral disinformation on their platforms. This included a signed working arrangements agreement with several prominent social media organisations.

## ‘Stop and Consider’ campaign and the AEC’s social media approach

Alongside these new efforts, the AEC also ran an expanded ‘Stop and Consider’ campaign, building on the success of the 2019 federal election campaign. The focus of this campaign was to build on past campaign efforts in encouraging voters to stop, check and consider the source of electoral information they are consuming.

The AEC undertook a media placement across social media platforms, digital displays and search term advertising which achieved approximately 69 million impressions, up from 56 million in 2019, and 100,000 click-throughs to the AEC website. Advertising was also supported by information available in more than 20 languages.

Nineteen per cent of people surveyed recognised an AEC Stop and Consider advertisement in 2022 (up from eleven per cent in 2019) and 77 per cent of those who saw an advertisement understood the intended message.

In terms of need, 80 per cent of those surveyed by the AEC believed the Australian Government has a responsibility to educate people about disinformation on social media. In addition, 48 per cent of those surveyed reported seeing false or misleading content on social media (an increase from 38 per cent at benchmark) and 67 per cent agreed that groups/individuals deliberately spread false information online about voting.

For the 2022 federal election, the AEC established a digital presence widely recognised as one of the most forthright and informative from a government agency. Delivering on the reputation management principles, the AEC took an approach focusing on being human in tone, swift and regular in reply, and knowledgeable. This approach helped solidify our digital presence as the authoritative voice on electoral processes, providing a defence to Australian democracy from the threat of disinformation.

## Engagement with social media organisations

As the digital environment continues to evolve between elections, the AEC is conscious that relationships with online platforms must do the same. For the 2022 federal election, we engaged with both new and existing online platforms with a major presence to Australians, ensuring the content on these platforms complied with relevant provisions of the Electoral Act.

The AEC continued effective relationships with major social media organisations regarding potential actions against electoral disinformation on their platforms. This led to a signed public agreement with prominent social media organisations Meta, Twitter, Google, Microsoft and TikTok. Overall, the AEC was pleased with the engagement with social media organisations for the 2022 federal election and we look forward to continuing to strengthen these relationships for future electoral events, including the proposed referendum.

## Looking towards the future

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As demonstrated globally, there has never been a larger focus on protecting democracy. For the AEC, protecting democracy involves delivering safe, secure and trusted electoral events. Ever-increasingly, electors are consuming their information through changing, global platforms and electoral information is not exempt. As Australia's federal electoral management body, the AEC is cognisant of both the challenges and opportunities this presents to electoral administration.

Following successful operation in 2019 and 2022, the Electoral Integrity Assurance Taskforce will continue to evolve and mature as a critical capability that will continue to support the AEC to navigate the challenging environment in which elections are now delivered.

As the digital landscape evolves, the AEC will continue to develop and strengthen both new and existing relationships with social media organisations, which play an ever-increasing role in electoral information – including the prevention of disinformation, whether required legislatively or based on the platform policies. The AEC will continue to work collaboratively with other likeminded democracies' electoral management bodies to ensure the AEC's approach to managing and preventing electoral disinformation remains leading edge.

Unlike regular federal elections, Australians have not experienced a federal referendum this century, meaning many electors will be unfamiliar with the referendum process and wishing to learn more – with younger voters in particular using digital channels as their primary information source. For the AEC, monitoring and preventing disinformation on the referendum process is a key priority, and the AEC will continue to build on strong relationships with online platforms to do so.

In 2022, the AEC was proud to deliver another successful federal election trusted by the Australian community. A record number of electors were able to vote, and the integrity of the election result and process remains undisputed. As the AEC prepares for a proposed referendum this year, ensuring the Australian public retains this trust is at the heart of our dedication to electoral integrity and to delivering a safe and secure electoral event.