

DRAFT Considerations for Coordination Among Verifiers of Election Information

In October 2019, Hacks/Hackers and The Carter Center hosted a one day working meeting on “Verifying Election Information.”¹ Among the topics discussed was the need for greater cooperation between those who include the verification of election-related information among their core responsibilities during an electoral process: journalists, fact-checkers, human rights monitors and international and citizen election observers. The considerations for coordination among “verifiers of election information” outlined below are drawn from the discussions during that meeting and are now intended to serve as a starting point and first draft of considerations to be more fully developed through a process of consultation to take place through the autumn of 2020.²

Introduction

1. Genuine democratic elections that express the will of the people are the cornerstone of the legitimate authority of governments and are critical to the protection of human rights. Elections are part of the political practice in States around the world, and through the ratification of human rights treaties and customary law, they are obligated to uphold human rights and fundamental freedoms that are the foundation of the electoral process.³
2. Article 21 of the Universal Declaration of Human Rights establishes the right to participate in public affairs, including the right and opportunity to participate in elections.⁴ This is further elaborated in Article 25 of the International Covenant of Civil and Political Rights.⁵
However, a number of other rights and fundamental freedoms are also essential to ensuring

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² This draft document was prepared by The Carter Center.

³ The Carter Center and the United Nations Office of the High Commissioner for Human Rights, *Human Rights and Election Standards: A Plan of Action*, December 2017, https://www.ohchr.org/Documents/Issues/Democracy/Elections/POA_EN.pdf

⁴ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 12 September 2020]

⁵ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 12 September 2020]

the enjoyment of the right to participate in public affairs through genuine elections. These include, but are not limited to, freedom of expression, freedom of opinion and access to information all of which have also been recognized as bring “indispensable conditions for the full development of the person.”⁶

3. Elaborating on these rights and freedoms, the United Nations Human Rights Committee has highlighted the importance of accurate information in voter education campaigns to support the exercise of the right to participate in public affairs, as well as the role of free communication of information and ideas on public and political issues in facilitating Art. 25 rights. A free press and other media are central to informing public opinion during electoral process.⁷ In addition, access to a diversity of opinions, and information about social, economic and political issues is essential to free exercise of political rights.
4. Beyond voter information and vibrant political discourse, there is a wide variety of information that is needed throughout the electoral process. This includes information on the election calendar and timetable; political actors, political campaigns, and candidate platforms; electoral systems; registration procedures; fundamentals of where to vote, when, and how; special voting services (I.e. absentee ballots); and the documents required when voting; ballot security measures.
5. While not a new phenomenon, the potential effects of misinformation and disinformation on the electoral process and the right to participate in public affairs are the subject of increased attention globally.⁸ The internet and social media have increased the creation and

⁶ UN Human Rights Committee (HRC), *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote)*, *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, CCPR/C/21/Rev.1/Add.7, para. 12 available at: <https://www.refworld.org/docid/453883fc22.html> [accessed September 11 2020]; UNHRC, General Comment 25, para. 12; UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, para 1, available at: <https://www.refworld.org/docid/4ed34b562.html> [accessed September 11 2020]

⁷ UN Human Rights Committee (HRC), *CCPR General Comment No. 25*, para 25

⁸ For the purposes of this document we define disinformation as false information that is knowingly shared to cause harm or for profit. Disinformation can be differentiated from “misinformation,” which is defined as false information that is shared, with no harm intended.

consumption of content, including misinformation.⁹ Misinformation at the scale and speed the world is now experiencing may threaten the ability of voter to “form opinions independently, free of... manipulative interference of any kind.”¹⁰ As well manipulating opinion, misinformation may also negatively interfere in the practice of other rights such as the right and opportunity to vote and to be elected. Misinformation that may influence elections includes misleading content related to key aspects of the electoral process itself (e.g. the timing of voting opportunities, the location of polling stations, key deadlines to ensure one can vote); the campaign platforms of candidates and parties; the candidates themselves; and other political, social or economic issues that are particularly relevant or sensitive in the specific historical or political context of the country holding elections.

6. While the impact of misinformation on voting patterns, political participation, and the enjoyment of rights is still not fully understood,¹¹ a few initial findings of researchers of the potential impacts include:
 - a. ***Impacting choice to vote at all:*** On the one hand, misinformation campaigns regarding polling place location, and essential voter information may impact voter-turnout.¹² On the other, a recent study also indicates that exposure to “dubious articles” may increase intent to vote regardless of whether the article favored the reader’s preferred party.¹³
 - b. ***Influencing the opinion of voters:*** While the extent to which misinformation changes voter opinion is the subject of continued research, some initial studies indicate that it

⁹ [Claire Wardle and Hossein Derakhshan, Information Disorder: Toward an Interdisciplinary Framework for Research and Policy Making, Council of Europe, DGI\(2017\)09, https://firstdraftnews.org/wp-content/uploads/2017/11/PREMS-162317-GBR-2018-Report-désinformation-1.pdf?x98737](https://firstdraftnews.org/wp-content/uploads/2017/11/PREMS-162317-GBR-2018-Report-désinformation-1.pdf?x98737) [accessed September 11, 2020]

¹⁰ UN Human Rights Committee (HRC), *CCPR General Comment No. 25*, para. 19

¹¹ Andrew Guess et al, “Fake News’ may have limited effects beyond increasing beliefs in false claims,” *Misinformation Review*, Harvard Kennedy School, Jan 14 2020, <https://misinforeview.hks.harvard.edu/article/fake-news-limited-effects-on-political-participation/> [Accessed September 11, 2020]

¹² Cornwall, Tom and Kessler, Anke S., Does Misinformation Demobilize the Electorate? Measuring the Impact of Alleged 'Robocalls' in the 2011 Canadian Election (April 2012). CEPR Discussion Paper No. DP8945, Available at SSRN: <https://ssrn.com/abstract=2066318>

¹³ Guess et al., *Fake News*

could impact voting behavior, potentially changing election outcomes.¹⁴ However, it may also be the case that access to other credible information helps mitigate the negative effects of exposure to misinformation.¹⁵

- c. ***Threatening democratic discourse:*** The 2019 Freedom House report on Digital Election Interference is one of several that highlights how internal/domestic and external actors are using various methods to manipulate content, influence opinions, and affect democratic discourse, including during elections, around the world.¹⁶ As Chris Tenove puts it, “disinformation may undermine a deliberative system not only by increasing the quantity of false claims in circulation but also by decreasing people’s interest and opportunity to engage in public discussions on terms of reason giving, respect and inclusivity.”¹⁷
- d. ***Impacting confidence in the electoral process and democratic institutions:*** There are widespread concerns that misinformation can undermine public confidence in the electoral process and democratic institutions. As an example, a recent survey experiment found that unsubstantiated claims of voter fraud reduced confidence in American electoral integrity.¹⁸ In addition, consumption of misinformation appears to undermine confidence in the media and increase political polarization.¹⁹

¹⁴ For example, Richard Gunther, Paul A. Beck and Erik C Nisbet, “*Fake News’ and the Defection of 2012 Obama Voters in the 2016 Presidential Election*,” *Electoral Studies* 61 (2019) 102030

¹⁵ Karen Weintraub, “*Fake News’ Web Sites May Not Have a Major Effect on Elections*,” *Scientific American*, March 2, 2020 <https://www.scientificamerican.com/article/fake-news-web-sites-may-not-have-a-major-effect-on-elections/> [Accessed on September 11, 2020]

¹⁶ Freedom House, *Digital Election Interference*, <https://freedomhouse.org/report/freedom-on-the-net/2019/the-crisis-of-social-media/digital-election-interference> [Accessed September 11, 2020]; See also Samantha Bradshaw and Philip N. Howard, “*Challenging Truth and Trust: A Global Inventory of Organized Social Media Manipulation*,” Computational Propaganda Research Project, Oxford Internet Institute, <https://comprop.oii.ox.ac.uk/wp-content/uploads/sites/93/2018/07/ct2018.pdf> [accessed September 11, 2020]

¹⁷ Chris Tenove, “*Protecting Democracy from Disinformation: Normative Threats and Policy Responses*,” *The International Journal of Press/Politics*, Vol. 25(3) 2020, 517-537

¹⁸ Berlinksi et al, *The Effects of Unsubstantiated Claims of Voter Fraud on Confidence in Elections*, <https://www.dartmouth.edu/~nyhan/voter-fraud.pdf> [Accessed September 11, 2020]

¹⁹ Guess et al., *Fake News*

7. While there is an emerging body of information and research on these problems, additional research on the impact of misinformation on the right to participation and elections is needed, particularly in electoral contexts beyond the United States and Europe. In a global information environment where misinformation and dubious content is increasingly and more easily shared, and its impacts on electoral processes requires additional research and understanding, the role of trusted “verifiers” of election information takes on greater importance as a means of infusing verified and credible information into the information ecosystem around elections.

The roles of election information verifiers²⁰

7. While their specific mandates may differ, there are several groups or communities that include as part of their responsibilities, the collection of data and the publication of accurate information about the electoral process. These groups include human rights monitors, journalists, fact-checkers, and citizen and international election observers.

8. **Human Rights Monitors:** Human rights monitors may be deployed by international organizations such as the United Nations or regional organizations such as the Organization of American States or the African Union. National Human Rights Institutions (NHRIs) may also deploy human rights monitors during an electoral process. Human rights monitors have a critical role to play in supporting and fostering an environment conducive to inclusive and genuine elections. This includes monitoring the electoral process to collect information about potential human rights violations, and reporting on them throughout the electoral process, including regarding potential violations of Freedom of Expression and other rights and obligations directly relevant to the online electoral environment. In addition, human rights monitors may conduct fact-finding missions or investigations where the severity of the incident requires.²¹

²⁰ For the purposes of this document “verifiers” refers to human rights monitors, journalists, fact-checkers and citizen and international election observers.

²¹ United Nations Office of the High Commissioner on Human Rights, Human Rights Monitoring, Fact-Finding and Investigation by the United Nations, <https://www.ohchr.org/Documents/Publications/Chapter03-MHRM.pdf> [accessed September 11, 2020]

9. **Journalists:** The media have long played a critical role in providing information to the public about electoral processes. As the ACE Project points out, the media play a number of roles during the electoral process, from that of watchdog, to serving as a platform for campaign information or as a forum for debate, to a public education provider.²² As outlined in the Global Charter of Ethics for Journalists, “respect for the facts and for the right of the public to the truth is the first duty of the journalist.”²³ Verification of information regarding the electoral process and electoral actors is central to the work of credible media during the election. Journalists and media outlets may abide by a code of conduct or ethics that guide their approach to their work.
10. **Fact-checkers:** Fact checking organizations review content and “publish nonpartisan reports on the accuracy of statements by public figures, major institutions and other widely circulated claims of interest to society.”²⁴ The act of fact-checking may take place within media companies, in collaboration with social media platforms, or may be conducted by independent organizations. During an electoral process, particularly during the campaign, fact-checkers have an important role to play in verifying the accuracy of statements made by political contestants, correcting public understanding of issues tainted by misinformation, and in correcting false information regarding the electoral process. Fact-checkers may abide by a code of conduct or ethics that guide their approach to their work.
11. **Citizen election observers:** Nonpartisan citizen observation is a means for citizens to collectively participate in the public affairs of their country.²⁵ Through collection and analysis of election data, and public reporting of their findings and conclusions, nonpartisan citizen observers can provide credible information about all parts of the electoral process. In addition, citizen observers may verify the accuracy of statements made by key electoral

²² Media and Elections, The ACE Electoral Knowledge Network, <https://aceproject.org/ace-en/topics/me/mef/mef03/mef03a00> [accessed September 11, 2020]

²³ IFJ Global charter of Ethics for Journalists, <https://www.ifj.org/who/rules-and-policy/global-charter-of-ethics-for-journalists.html> [Accessed September 11, 2020]

²⁴ *International Fact-Checking Network fact-checkers’ code of principles*, Poynter Institute. <https://www.poynter.org/ifcn-fact-checkers-code-of-principles/> [Accessed August 3, 2020]

²⁵ Global Network of Domestic Election Monitors, *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations*, <https://gndem.org/declaration-of-global-principles/> [Accessed September 11, 2020]

actors regarding the electoral process. Increasingly, citizen observers are considering the online electoral environment as part of their observation work, evaluating the degree to which the online electoral environment is conducive to credible elections. At times citizen groups may take steps to mitigate any harms caused by inaccurate electoral information, e.g. proactively sharing accurate information regarding the process. Citizen observers may abide by a code of conduct that guides their approach to their work.²⁶

12. International election observers: Nonpartisan international election observation is conducted by intergovernmental organizations such as the Commonwealth Secretariat, the European Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the African Union, as well as international nongovernmental organizations such as the Electoral Institute for Sustainable Democracy in Africa, the National Democratic Institute for International Affairs, and The Carter Center. International observers systematically and comprehensively collect data on all aspects of the electoral process, make public reports of their findings and provide recommendations for the improvement of future elections. While international observers do not intervene in the electoral process, through their reports and public statements they can provide accurate information to the public about the electoral process.²⁷ International election observation organizations are increasingly considering the online campaign environment as part of their methods and approaches. International election observation organizations may endorse the Declaration of Principles for International Election Observation, with their work guided by the principles included therein.

13. Each group has a unique role to play in the verification of information regarding electoral processes. This role may depend on their specific mandate, their relationship with government institutions and other actors, and public expectations regarding how they work.

²⁶ Global Network of Domestic Election Monitors, *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, Code of Conduct*, <https://gndem.org/declaration-of-global-principles/#code-of-conduct-for-non-partisan-citizen-election-observers-and-monitors> [Accessed September 11, 2020]

²⁷ Declaration of Principles for International Election Observation Code of Conduct for International Election Observers, <https://electionstandards.cartercenter.org/wp-content/uploads/2013/10/Declaration-and-Code-English-revised.pdf> [Accessed September 11, 2020]

In the past there has not always been a great deal of cooperation between these different communities. However greater threats posed by internet-facilitated misinformation requires exploration of how these groups can coordinate or even cooperate with one another.

14. Despite their differences, credible representatives of these “verifier” communities share a commitment to accuracy of information about electoral processes, and recognize the importance of that information to the enjoyment of rights and fundamental freedoms, including during elections.

Practical Steps towards Coordination

15. Acknowledging this this shared commitment and given that verifier communities may be working in or around the same electoral processes, participants in the October 2019 meeting offered the following suggestions of practical steps for coordination that will be built upon through further consultation in autumn 2020.²⁸ While additional efforts could be taken at the global level to increase coordination, many of these steps may have to occur in the context of a specific country or election.

Increase understanding of each community’s role

16. Critical to increased cooperation is better understanding among and between the verifier groups of each other’s role and mandate. This can be addressed, in part, through increased information exchange.
17. Practical steps to achieve this include meetings with journalists and established national citizen observation and fact-checking organizations when international verifiers (human rights monitors and international election observers) begin their monitoring efforts. In addition, mapping out the roles and competencies of the verifiers could help identify potential areas of collaboration. It may also be helpful to define the core principles for cooperation between the communities during the course of the electoral process, both generally, and in specific country contexts.

²⁸ The initial recommendations draw upon the discussions and outcomes of the October 2019 meeting.

Seek clarity on terms and actors

18. While the different verifier communities may be operating around the same electoral process, they may not use the same terms, or the same definitions of terms. Having clear and consistent terminology used across the communities would help increase public understanding of the issues, promote comparability of findings, and facilitate communication and cooperation among the communities. Verifiers could consider developing a glossary of key terms that are relevant to the electoral process.
19. Similarly, the communities may have different understandings and expectations regarding the key actors in an electoral process. Identifying these differences of approach and determining whether there is a benefit to implementing shared frameworks for understanding the electoral actors, and the different aspects of the electoral process may be helpful.

Regular Information Exchange

20. Ongoing meetings as a means of facilitating information exchange, off the record, throughout the course of the electoral process could be regularly implemented.
21. Each of the verifier communities regularly releases public reports. Verifiers should make every effort to share information proactively with one another during the electoral process. International verifiers should review the reports of their national counterparts as part of any briefing or assessment process.

Coordination and Amplification of Work

22. As appropriate, verifiers could cite and amplify the work of other organizations in their public statements and reports to highlight the consistency of approach and any key findings.
23. In the pre-election period, verifiers could coordinate their efforts to identify potential areas of collaboration or, as appropriate, ensure non-duplication of effort to maximize the impact of their collective work.

24. Postelection, different “verifiers” could identify a small set of key recommendations for how to address the challenges of misinformation in the election environment that could form the basis of advocacy, reform or follow-up efforts going forward. Each verifier group could then work, within their mandates, to advance those recommendations in a specific country or electoral context.

Recognizing Risks to Verifiers

25. Verifiers may become the targets of misinformation campaigns themselves. Where possible other verifiers should voice solidarity with the those who are targeted, and seek to correct inaccurate information about other verifiers. Recognizing that citizen observers, fact-checkers and journalists may also face elevated physical risk, international actors should be prepared direct national counterparts to appropriate resources that may offer some assistance or protection.²⁹

Collective advocacy for the health of the internet during election periods

26. At the global level, verifier groups should to continue to advocate for a healthy online environment that is conducive to the enjoyment of rights and fundamental freedoms, including during the electoral cycle.

²⁹ As examples, organizations such as the Committee to Protect Journalists (<https://cpj.org>) and Protect Defenders.EU (<https://www.protectdefenders.eu/en/index.html>) could be useful resources.