

**OPENING STATEMENT OF SPENCER OVERTON**  
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**Before the**  
**Subcommittee on Elections**  
**House Administration Committee**  
**U.S. House of Representatives**

**Hearing on**  
**“Voting Rights and Election Administration:**  
**Combatting Misinformation in the 2020 Election”**

**October 6, 2020**

Chairwoman Fudge and Subcommittee Members—thank you for inviting me to testify.

My name is Spencer Overton. I am the president of the Joint Center, which is America’s Black Think Tank. I am also a tenured law professor at GW, where my research focuses on voter suppression.

Online disinformation is not simply dividing our nation. Foreign and domestic actors are using lies to specifically target and suppress Black votes. Just like wood and wind spread a wildfire, social media platforms are fueling the spread of lies that are undermining our democracy.

This crisis is not hypothetical. In 2016, an organization associated with Russian military intelligence directed 38 percent of their U.S. Facebook ad buys toward African Americans, even though Black folks are only 13 percent of the U.S. population. Also in 2016--the Trump campaign divided millions of Americans into several categories, including a category the campaign itself called “Deterrence.” The campaign microtargeted “Deterrence” voters with tailored social media ads discouraging them from voting. Black voters were disproportionately singled out. For example, although African Americans account for only 22% of North Carolina’s population, they were 46% of the North Carolina voters labelled as “Deterrence.” Overall, the Trump campaign labelled 3.5 million Black voters for “Deterrence.” The 2016 presidential election marked the most significant decline in Black voter turnout in modern history.

With that record, it is no surprise these efforts are continuing in 2020. During the Democratic presidential primary, the Russians targeted Black users with online disinformation about Senator Kamala Harris. In March 2020, Facebook and Twitter acknowledged that they removed a network of Russian-backed accounts originating in Ghana and Nigeria that targeted Black communities in the U.S. Just last month, the Department of Homeland Security revealed that Russia is attempting to promote false statements online that mail in ballots are riddled with fraud.

When some social media companies started to remove these lies, the Trump Administration retaliated by issuing an executive order attempting to amend Section 230 of the Communications Decency Act. You will remember that Section 230 gives a social media company the power to remove information that is obscene, excessively violent, or otherwise objectionable without risk of legal liability. The Trump Administration would *preserve* the power of platforms to remove “obscene” and “excessively violent” content but would *eliminate* their power to remove other “objectionable” content—like election disinformation.

If the Trump proposals were adopted, companies could risk legal liability for removing ads targeted at Black users telling them lies like “you cannot vote if someone in your household has committed a crime.”

Private companies removing lies about our elections do not stifle free speech—they elevate civil rights and our democracy. Many of these platforms are not simply unmoderated community billboards, but instead use carefully-crafted algorithms to grab the user’s attention and maximize ad revenue. Just as the companies remove adult pornography without violating speech, they should remove false voting information. Many of the world’s most valuable companies should not profit from discrimination against many of our most marginalized communities. Even though Mark Zuckerberg said, “Voting is voice and it is the single most powerful expression of democracy,” he and other tech companies must take bolder action to end voter suppression.

So, while the Russians and the Trump campaign buy misleading ads targeted at Black voters to persuade them not to vote, the Trump Administration pushes to rewrite federal law so that platforms cannot remove disinformation about elections. We need companies to unequivocally stand up and remove all disinformation to prevent a repeat of the attacks on Black voters in 2016.

I want to be clear—online platforms have made progress since 2016--but they need to do much more. Many companies need a more robust definition of voter suppression and need to enforce their standard content rules against all users—including politicians. Also, we need greater transparency from social media platforms about the enforcement and the effectiveness of their disinformation policies.

We have less than a month to work together to prevent the burning of our democracy. We need all hands on the bucket line.

Thank you, and I look forward to our discussion today.