



Public Comment Appendix for
2024-002-FB-UA-AND-2024-003-FB-UA
Case number

Case description

These two cases concern content decisions made by Meta, both on Facebook, which the Oversight Board intends to address together.

In October 2023, two Facebook users separately posted screenshots showing partial information shared by the Australian Electoral Commission (AEC) on X (formerly Twitter), ahead of the Indigenous Voice to Parliament Referendum. The [referendum](#), held on October 14, asked whether Australia’s Constitution should be amended to recognize the First Peoples of Australia “by establishing a body called the Aboriginal and Torres Strait Islander Voice.” The information shared by the AEC, which is Australia’s electoral body, appears to be part of a longer thread (series of interconnected posts) on X.

The screenshots from the AEC posted by the Facebook users included the following language: “If someone votes at two different polling places within their electorate, and places their formal vote in the ballot box at each polling place, their vote is counted.” They also show another comment from the same thread, which explains that the secrecy of the ballot prevents the AEC from “knowing which ballot paper belongs to which person,” while also reassuring people that “the number of double votes received is incredibly low.” However, the screenshots do not show all the information shared by the AEC, including that voting multiple times is an offence in Australia.

The Facebook user in the first case shared the screenshot in a Facebook group, of which they are the administrator. The accompanying caption in English said: “Vote early, vote often, and vote NO.” The user in the second case posted the same screenshot on their Facebook profile but with lots of text overlay, which included: “so you can vote multiple times ... they are setting us up for a ‘rigging’ ... smash the voting centres ... it’s a No, No, No, No, No.” The caption in the second case included a “stop” emoji followed by the words “Australian Electoral Commission.”

In both cases, Meta proactively identified the posts, which were automatically sent for human review. Following human review, they were both removed for

violating Meta’s Coordinating Harm and Promoting Crime policy. Both users then appealed Meta’s decisions to remove their posts. However, due to a technical error, Meta issued Oversight Board reference IDs to the users as soon as the appeals were submitted. This resulted in the users bringing the case to the Board before their appeals were reviewed by Meta. After the Board brought the cases to Meta’s attention, the company confirmed its original decisions to remove the posts were correct.

In their statements to the Board, both users claimed they were posting content from the AEC. The second user additionally asserted that their post served as a “warning to others” that the “election may be fraudulent” for allowing multiple voting.

The Board selected these cases to examine Meta’s content moderation policies and enforcement practices on false or misleading voting information and voter fraud, given the historic number of elections in 2024. These cases fall within [the Board’s strategic priority](#) of Elections and Civic Space.

The Board would appreciate public comments that address:

- The sociohistorical context of the 2023 Indigenous Voice to Parliament Referendum in Australia.
- Any relevant context or history of voter fraud in Australia.
- The spread of voter fraud-related content, and false or misleading information about voting, elections and constitutional referenda across social media platforms.
- Content moderation policies and enforcement practices, including fact-checking, on misleading, decontextualized and/or voter fraud-related content.

As part of its decisions, the Board can issue policy recommendations to Meta. While recommendations are not binding, Meta must respond to them within 60 days. As such, the Board welcomes public comments proposing recommendations that are relevant to these cases.



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The Oversight Board is committed to bringing diverse perspectives from third parties into the case review process. To that end, the Oversight Board has established a public comment process.

Public comments respond to case descriptions based on the information provided to the Board by users and Facebook as part of the appeals process. These case descriptions are posted before panels begin deliberation to provide time for public comment. As such, case descriptions reflect neither the Board's assessment of the case, nor the full array of policy issues that a panel might consider to be implicated by each case.

To protect the privacy and security of commenters, comments are only viewed by the Oversight Board and as detailed in the [Operational Privacy Notice](#). All commenters included in this appendix gave consent to the Oversight Board to publish their comments. For commenters who did not consent to attribute their comments publicly, names have been redacted. To withdraw your comment, please email contact@osbadmin.com.

To reflect the wide range of views on cases, the Oversight Board has included all comments received except those clearly irrelevant, abusive or disrespectful of the human and fundamental rights of any person or group of persons and therefore violating the [Terms for Public Comment](#). Inclusion of a comment in this appendix is not an endorsement by the Oversight Board of the views expressed in the comment. The Oversight Board is committed to transparency and this appendix is meant to accurately reflect the input we received.

2024-002-FB-UA-
AND-2024-003-FB-
UA

Case number

PC-25005

Public comment number

Asia Pacific &
Oceania

Region

Andre

Commenter's first name

Oboler

Commenter's last name

English

Commenter's preferred language

Online Hate
Prevention
Institute

Organization

Yes

Response on behalf of
organization

Full Comment

21 February 2023

Re: Australian Electoral Commission's Voting Rules

To the Oversight Board,

This submission is from the Online Hate Prevention Institute, an Australian charity established in January 2012 with a focus on online hate and extremism. Our work has also extended to misinformation and disinformation given their intersection with our core work on hate speech.

Sociohistorical context of the 2023 Indigenous Voice to Parliament Referendum

Voting in Australia is compulsory and fines are issued to those that fail to vote and do not have a valid reason for this. This applies to a referendum as well and the electoral

commission ran large scale public awareness campaigns reminding people of the obligation to vote.

Any relevant context or history of voter fraud in Australia.

In Australia failing to enrol to vote, failing to vote, voting multiple times, and encouraging others to spoil their ballot are all unlawful. These concepts are well understood by the public.

Under the Referendum (Machinery Provisions) Act 1984 section 130(1A) voting multiple times is an offence, and it is one of strict liability, meaning an offence occurs even if it happens by accident. Intentionally voting multiple times is a separate offence in section 130(1B) with a higher penalty (potentially 12 months prison instead of 6, and/or 60 penalty units instead of 10).

In 2019 the Australian Electoral Commissioner answered questions about claims of voter fraud in the Australian Parliament. He noted that “Australian citizens can, and research shows they do, have great faith in the Australian electoral process.” He expressed doubt that there had ever been an election with no instances of error since the first elections in ancient Athens, but went on to explain such errors were low in Australian elections, the process was sound, and the results safe, meaning that the level of errors was sufficiently low to have no bearing on the outcome.

At the 2019 hearing the Commissioner provided some data on the 2017 elections, noting that with a turnout of 91.9% of the population, the level of apparent multiple voting was only 0.03%.” He went on to explain “One of the things we do at the end of every election is we examine multiple marks in every electorate to make sure that there's never a situation where if there was multiple voting, it was greater than the margin in the election itself.” He explained that the Commission is committed to taking an election to the High Court (which could declare it void and require a re-election) if the evidence of multiple votes were to be higher than the margin, but that this has never occurred. Described multiple voting as a very small problem and one usually linked to factors related to the voters, such as mental health issues.

Returning to the issue of public trust in elections, the Australian Public Service Commission carries out on-going evaluation of trust in government. Each month over 1,000 people are surveyed. The 2023 annual report shared data for the 2023 Australian financial year (July 2022 to June 2023). It examined trust in 17 public services, including the Australian Electoral Commission. While overall trust in the public service is at 61%, trust in the Australian Electoral Commission is the highest of all public services at 91% and the highest levels of public satisfaction in the public service at 87%.

The spread of voter fraud-related content, and false or misleading information about voting, elections and constitutional referenda across social media platforms.

During the referendum on The Voice we carried out research monitoring social media content. The work was funded by Meta. The Australian Human Rights Commission (the government's human rights agency) and Meta were partners on the project and as such were consulted on the experimental design, though the actual design and implementation was carried out by the Online Hate Prevention Institute.

In this work we examined 252 newspaper articles published about the referendum during the campaign period. 161 of these articles has a social media post that attracted 10 or more comments. Some articles had multiple posts (on the same or different platforms) that attracted at least 10 comments. In total we identified 528 posts linked to a media article and with 10 or more comments. We examined 37,785 comments made on these articles looking for disinformation and racism. A limitation of this sample is that it only reflects comments made on posts sharing news stories from the mainstream media. It may not reflect the wider discussion on social media between individuals either in posts, or in private messages. It does represent a good sample of discussion among those engaging with the mainstream media.

Examining the data for this submission, a total of 16 comments suggested the referendum voting would involve "fraud" or would be "rigged". This is a very low number, there were more comments accusing politicians, lawyers, or Indigenous Australians of being frauds. Some examples of these comments:

- Confident because it will be rigged anyway?
- The grub is confident because it's going to be rigged
- Why vote ?? it's all rigged ... and it's just putting bank owned corporate puppets in office with little interest in Australians. The money will put the ones they want where they want them to do exactly what they need.
- A poll on Facebook with 45,000 participants yielded a 90% NO vote . Cope harder. If YES wins its rigged and you commies will swing.Cry about it [URL redacted]
- One was rigged and the voice is going to be harder to rig Vote NO in pen!
- It will make no difference. Many are multiple voting as our system is antiquated. Plus the AEC is corrupt. Vote is already rigged 100%

We have completed a first stage of analysis on the data in which every comment was

independently reviewed by two reviewers and coded according to a number of categories, three of which related to misinformation or disinformation: (1) Misinformation /Disinformation about The Voice (i.e. what would happen if a “yes” vote won), (2) Misinformation /Disinformation about the process (i.e. how to vote, who can vote, where to vote, including disinformation about the validity of the process), and (3) Misinformation /Disinformation about the official campaigns, campaigners, media, etc.

In total there were 75,570 reviews (37785 items, each reviewed twice). The following graph and data table show the % the reviews that were coded into each category. It highlights that misinformation / disinformation about process were very uncommon.

GRAPH: Shows

Anti-Indigenous racism 1004 (1.329%)

Other racism 568 (0.752%)

Cyberbullying 842 (1.114%)

Misogyny 133(0.176%)

Mis/dis: Voice 2249 (2.976%)

Mis/dis: Process 220 (0.291%)

Mis/dis: Campaigns 2554 (3.380%)

Content moderation policies and enforcement practices, including fact-checking, on misleading, decontextualized and/or voter fraud-related content.

Given the very high levels of trust and satisfaction in the Australian Electoral Commission, the use of decontextualized content from the Commission, or misrepresentation of Commission communications, is a very serious matter that can undermine public trust in government and indeed in democracy itself. Policies that remove such content rapidly are essential. Less restrictive policies that would seek to provide context, an explanation, or suppress reach, would not be sufficient to prevent significant public harm.

I would also like to highlight a difference between Australia and the United States. While the US has the First Amendment, placing free speech at the panicle of civil rights, in Australia we have a constitutionally implied freedom of political communications. This freedom, which prevents government restricting speech more than is necessary to

achieve a valid legislative objective, is derived from the following logic: The enshrined constitutional right is to elect members of parliament. To do so, the public must be able to vote effectively. To vote effectively the public must be able to be informed. An interference with speech that would prevent the public being properly informed, would prevent them being able to vote effectively, so would be unlawful. This logic means there is no protection for racist speech (that may interfere with other people's ability to participate in democracy), or for speech that would disrupt elections (such as telling people to spoil their vote). A free speech argument, in the Australian context, cannot protect speech that would undermine elections as it would undermine the very purpose for which any form of freedom of speech exists in Australia. Such speech essentially has only negative value. This speaks in favour of removal rather than a lower-level intervention.

Dr Andre Oboler

CEO, Online Hate Prevention Institute

Honorary Associate, La Trobe Law School

Link to Attachment

[PC-25005](#)

2024-002-FB-UA-
AND-2024-003-FB-
UA

Case number

PC-25006

Public comment number

Asia Pacific &
Oceania

Region

Matthew

Commenter's first name

Haigh

Commenter's last name

English

Commenter's preferred language

Australian
Electoral
Commission

Organization

Yes

Response on behalf of
organization

Full Comment

See uploaded file.

Link to Attachment

[PC-25006](#)

2024-002-FB-UA-
AND-2024-003-FB-
UA

Case number

PC-25007

Public comment number

Asia Pacific &
Oceania

Region

Anne

Commenter's first name

Twomey

Commenter's last name

English

Commenter's preferred language

DID NOT
PROVIDE

Organization

No

Response on behalf of
organization

Full Comment

DID NOT PROVIDE

Link to Attachment

[PC-25007](#)

2024-002-FB-UA-
AND-2024-003-FB-
UA

Case number

PC-25009

Public comment number

Europe

Region

Sarah

Commenter's first name

Fisher

Commenter's last name

English

Commenter's preferred language

UCL Digital
Speech Lab

Organization

Yes

Response on behalf of
organization

Full Comment

DID NOT PROVIDE

Link to Attachment

[PC-25009](#)

2024-002-FB-UA-
AND-2024-003-FB-
UA

PC-25011

United States &
Canada

Case number

Public comment number

Region

Alex

Paterson

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Media Matters for
America

Yes

Organization

Response on behalf of
organization

Full Comment

The Board has asked respondents for comments that address “the spread of voter fraud-related content” and “false or misleading information” about elections across social media platforms, as well as “content moderation policies and enforcement practices, including fact-checking,” on such content. Meta’s pattern of rolling back election-related content moderation policies and giving preferential treatment to right-wing media and politicians has set the stage for misinformation to proliferate on its platforms during the 2024 election cycle. It is crucial that Meta better enforce and bolster these policies to directly address false rhetoric and misinformation about voter fraud and elections.

The two cases being deliberated by the Board — involving content decisions made by Meta about posts on Facebook that misrepresented information from the Australian Electoral Commission ahead of a national referendum — speak to the responsibility Meta has to protect users from false information about voting. New Media Matters data demonstrates the continued prevalence of election misinformation on Facebook. Right-leaning Facebook pages that regularly post about U.S. news and politics posted using election fraud-related keywords at least 6,507 times between January 1, 2022, and

February 12, 2024, collectively earning at least 6,626,042 total interactions.

Notably, Meta failed to stop election misinformation before, during, and after the 2020 election. It also failed to adequately enforce its ban on “Stop the Steal” content following the deadly insurrection on January 6, 2021, as the ban was narrow in scope. The company also failed to stop the spread of election-related misinformation during Brazil’s 2022 presidential election, which led to an attempted coup by far-right extremists. These failures fly in the face of Meta CEO Mark Zuckerberg’s claim that its “systems performed well” during the 2020 election cycle.

As the Board considers these cases specifically and the broader harms of election misinformation on Meta’s platforms, it should note that threats to democratic institutions and false information about the integrity of elections are growing international problems.

Facebook allowed users to spread election misinformation before, during, and after the 2020 U.S. presidential election

In an effort to prevent misinformation from spreading across Facebook during the 2020 election, Meta bolstered its content moderation policies around elections. According to a 2020 report from ABC News, the company’s election integrity efforts since 2016 fell “into three major categories: Taking down inauthentic accounts and networks, tightening policies on content moderation, and unveiling an ad database with the goal of increased transparency.” However, as many had warned, Facebook’s efforts were insufficient.

In the lead-up to the 2020 election, Media Matters reported on numerous examples of election misinformation spreading across the platform. For example, Facebook profited from numerous ads that contained hate speech and election misinformation, such as false claims of voter fraud and attacks on mail-in ballots. Facebook also approved ads run by the Trump campaign that contained misinformation, including ads that featured manipulated photos of then-Democratic candidate Joe Biden.

The company also allowed users to exploit Facebook’s “Groups” features to spread and organize around election misinformation and voter intimidation efforts. For example, although the platform removed one of the original “Stop the Steal” groups on Facebook in the days following the election, the company ultimately failed to take action against hundreds more similar groups that were trying to delegitimize the election. What’s more, a Media Matters analysis of Donald Trump’s Facebook posts between January 1, 2020, and January 6, 2021 found that Trump pushed election misinformation in 363 posts.

Meta allowed election misinformation to spread in Brazil during its 2022 presidential election, which led to violent riots from far-right extremists

In the lead up to Brazil's 2022 presidential election, Meta failed to stop the spread of election-related misinformation on its platforms, which social media experts have noted played a role in far-right extremists' violent attempt to overthrow the newly elected government.

Notably, Meta directed users searching for "basic election-related terms" toward content that agitated for a military coup or baselessly doubted the integrity of the election. Meta also approved ads from political candidates during an initial round of voting, despite Brazilian law prohibiting such advertising.

What's more, researchers found that "antidemocratic forces" organized on the Meta-owned messaging platform WhatsApp to spread disinformation "like wildfire" and ultimately grew "Brazil's own 'Stop the Steal' movement." Despite Meta's claims that it viewed Brazil as a priority region, its platforms were overrun with "conspiracy theories about the election, claims of electoral fraud, and calls for a military coup."

Meta responded to public outcry around election misinformation and violence by banning Trump and introducing new protocols

In response to "the shocking events" of January 6, 2021, CEO Mark Zuckerberg publicly admitted that Trump had used Facebook "to incite violent insurrection against a democratically elected government." On January 7, 2021, Facebook temporarily banned Trump from posting to its platforms and began to retroactively remove some "Stop the Steal" content. The Oversight Board later upheld the decision to suspend Trump but also ruled that the company needed to "decide the appropriate penalty" for the former president within the next six months.

Facebook subsequently announced that it would continue Trump's suspension for two years, introducing new "enforcement protocols" for applying "Heightened Penalties for Public Figures During Times of Civil Unrest and Ongoing Violence." The company said that Trump's two-year suspension represented "the highest penalty available under the new enforcement protocols," adding: "When the suspension is eventually lifted, there will be a strict set of rapidly escalating sanctions that will be triggered if Mr. Trump commits further violations in future, up to and including permanent removal of his pages and accounts."

Media Matters has documented that Facebook continued to allow and profit from advertisements from Trump's PAC and his joint fundraising committee while he was suspended, including running ads which implied that he is the "true president."

Right-wing media have earned millions of interactions on election fraud-related Facebook posts since 2020

In the year after the 2020 presidential election — between November 3, 2020, and November 2, 2021 — Media Matters found that right-leaning pages dominated the discussion around elections and voting on Facebook, earning over 2.7 billion interactions on more than 645,000 relevant posts — more total interactions than left-leaning and ideologically nonaligned pages combined. Trump’s posts about the election, nearly 75% of which were labeled by Facebook in an attempt to limit the spread of misinformation, accounted for 74 of the top 100 election-related posts to earn the most total interactions on the platform.

To assess the prevalence of election misinformation-related on Facebook since this prior study, Media Matters compiled and analyzed over 21,200 election misinformation-related posts from January 1, 2022, through February 12, 2024, and found that right-leaning Facebook pages that regularly post about U.S. news and politics used election fraud-related keywords in at least 6,507 posts, collectively earning at least 6,626,042 total interactions.

The post from right-leaning pages to earn the most total interactions was from The Daily Wire Editor Emeritus Ben Shapiro. In the post, Shapiro promoted election denier Dinesh D’Souza’s debunked election fraud “documentary” 2000 Mules. The post earned at least 124,000 likes and 10,000 comments, and it was shared at least 17,000 times. Facebook labeled the post as containing “partly false information.”

Meta claims it is prepared going into the 2024 U.S. presidential elections but has backtracked in its efforts to limit the spread of election misinformation

In a November 2023 blog post, Meta President of Global Affairs Nick Clegg claimed that Meta has “developed a comprehensive approach for elections” on its platforms and that “no tech company does more or invests more to protect elections online.” But much as was the case in the lead-up to the 2020 elections, concerns remain in 2024 as to whether Meta is doing nearly enough — especially since the company has actually backtracked in some of its efforts to limit the spread of election misinformation.

On February 9, 2023, Meta reinstated the Facebook and Instagram accounts of former President Trump, citing its “Crisis Policy Protocol” — an internal framework that the company reveals little about — to claim that “the risk to public safety” had “sufficiently receded” and that there were no “extraordinary circumstances” that would justify “extending the suspension beyond the original two-year period.” In reality, the risk to public safety posed by allowing Trump back on Meta’s platforms remains, as he has

continued to spread election misinformation and used extreme rhetoric to attack journalists and his political opponents. What's more, his supporters have fearmongered about the potential for insurrection, civil war, and violence.

Choosing to prioritize profit over the safety of its users, Meta made a decision that was, as NYU professor Scott Galloway said, "all about what drives shareholder value." Further, it demonstrates Meta's established pattern of bending its rules and giving preferential treatment to right-wing media and politicians, partially out of fear of relentless yet false claims from conservatives that they're being censored. This preferential treatment has resulted in loopholes, exemptions, and enforcement failures that right-wing accounts on Meta's platforms have exploited to push election misinformation.

Politicians, for example, are exempt from Meta's fact-checking program, a loophole which enables them to spread harmful misinformation with no recourse.

Further, Meta has given users on its platforms the ability to opt out of its fact-checking program altogether, aiming to "give people in the US the ability to choose whether they want to increase, lower or maintain the default level of demotions on fact-checked content in their Feed." For those who don't entirely opt out, internal and external data still shows that Meta's use of labeling — one of the primary tools to combat misinformation on its platforms through its fact-checking program — has been ineffective and inconsistent.

For example, a statement from Trump that contained a debunked claim that an election database was deleted in Maricopa County, Arizona, circulated on Facebook in May 2021. Although Facebook labeled some posts that contained the debunked statement as "false information," Media Matters identified dozens of posts that had no such label. A June 2021 Media Matters report demonstrated the inadequacy of labels — showing that on average, posts from Trump that received labels earned over two times more interactions per post than his overall posts.

A crucial factor that makes the spread of online misinformation so dangerous is the "continued influence effect," which is the well-documented phenomenon of misinformation continuing to influence people even after it has been corrected. Meta's labeling system does not account for this effect, allowing users to be exposed to misinformation with a label applied to it instead of removing posts that contain harmful misinformation altogether.

Experts and former employees have also expressed varying concerns about Meta's decision to allow "political advertisements featuring false claims of a rigged election in 2020" on its platforms, as well as about the company's extensive layoffs in 2022 and

2023. Per The Washington Post, “At least a half-dozen current and former Meta employees who have worked on trust and safety issues say severe cuts in those divisions could hamper the company’s ability to respond to viral political misinformation, foreign influence campaigns and regulatory challenges.”

As the Board considers Meta’s content moderation policies and enforcement practices on misleading voting information, it should take into account the company’s repeated patterns of prioritizing profits over user safety — laying off trust and safety staff, bending its rules to avoid public pressure from partisan actors, and failing to adequately enforce its limited policies. Meta must meaningfully heed the concerns expressed by the Oversight Board, its own former employees, and other experts and act to bolster and better enforce its policies.

Link to Attachment

[PC-25011](#)