

September 30, 2020

The Honorable Lindsey Graham  
United States Senate  
Chairman, Committee on the Judiciary  
290 Russell Senate Office Building  
Washington, DC 20510

The Honorable Dianne Feinstein  
United States Senate  
Ranking Member, Committee on the Judiciary  
331 Hart Senate Office Building  
Washington, D.C. 20510

Re: **Opposition to *The Online Content Policy Modernization Act, S.4632***

Dear Chairman Graham and Ranking Member Feinstein:

The undersigned organizations urge you to **OPPOSE S.4632, the “Online Content Policy Modernization Act.”** This bill would deter platforms from fact checking misleading information about voting and would interfere with social media services’ ability to combat the spread of mis- and disinformation on their sites. Online voter suppression is a serious threat to our democracy and disproportionately targets voters of color. In these weeks before the US General Election, we need social media companies and other online services to take more serious action against disinformation and voter suppression, not to have their hands tied by Congress.

S.4632 would narrow Section 230 so that online services would be exposed to liability if they remove content outside a limited set of categories. This narrowing would create a strong disincentive for companies to take action against a whole host of disinformation, including inaccurate information about where and how to vote, content that aims to intimidate or discourage people from casting a ballot, or misleading information about the integrity of our election systems. S.4632 would also create a new risk of liability for services that “editorialize” alongside user-generated content. In other words, sites that direct users to voter-registration pages, that label false information with fact-checks, or that provide accurate information about mail-in voting, would face lawsuits over the user-generated content they were intending to correct.

In short, S.4632 is designed to discourage social media services and other content hosts from taking down disinformation *and* from engaging in counter-speech to correct the record—two of the most important tools to fighting disinformation online. There are many important discussions

to be had about Section 230 and the role of online content hosts in shaping our information environment. But Congress should not make it more difficult for social media services to fight voter suppression and disinformation online.

Signed,

Access Now

Accountable Tech

ADL

Center for Democracy & Technology

Common Cause

Electronic Frontier Foundation

Free Press Action

Joint Center for Political and Economic Studies

Maplight

Multicultural Media, Telecom and Internet Council (MMTC)

National Coalition Against Censorship

National Hispanic Media Coalition

National Urban League

New American's Open Technology Institute

Open MIC (Open Media & Information Companies Initiative)

Protect Democracy

Public Knowledge

Texas Progressive Action Network

Woodhull Freedom Foundation

cc: Members of the Senate Committee on the Judiciary