Election Misinformation in South and South-East Asia: The phenomenon and measures to counter it.

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Table of Contents

List of acronyms

AAP	Aam Aadmi Party (India)
AI	Artificial Intelligence
AIM	Association of Indian Magazines
Bawaslu	General Election Supervisory Agency (Indonesia)
BJP	Bharatiya Janata Party (India)
CIB	Coordinated Inauthentic Behaviour
CSDS	Center for Studying Developing Societies
DKPP	Election Organizer's Honour Council (Indonesia)
DPD	Regional Representative Council (Indonesia)
DPR	People's Representative Council (Indonesia)
DPRD	Regional People's Representative Council (Indonesia)
EC	Election Commission (Sri Lanka)
ECI	Election Commission of India
EIU	Economist Intelligence Unit
EM	Election misinformation
EMC	Election misinformation countering
EVM	Electronic Voting Machine
IAMAI	Internet and Mobile Association of India
IFCN	International Fact-Checking Network
INC	Indian National Congress party
ISP	Internet service provider
IT	Information Technology
Kawal Pemilu	Election Guard (Indonesia)
KI	Key Informant
KII	Key Informant Interview
KPJS	Kawal Pemilu Jaga Suara
Kominfo	Ministry of Communication and Informatics (Indonesia)
KPI	Indonesian Broadcasting Commission
KPPS	local polling station organizing group (Indonesia)
KPPSLN	committe respondible for Indonesia election in foreign countries
KPU	General Election Commission (Indonesia)
KPUD	District/City Election Committee (Indonesia)
LTTE	Liberation Tigers of Tamil Eelam
MA	Supreme Court (Indonesia)
Mafindo	Indonesian Anti-Defamation Society
MCC	Millennium Challenge Corporation
MEITY	Ministry of Electronics and Information Technology (India)
MIB	Ministry of Information Broadcasting (India)
MK	Constitutional Court (Indonesia)
MP	Member of Parliament
MPR	People's Consultative Assembly (Indonesia)
NAD	Network Against Disinformation
NBDSA	News Broadcasting & Digital Standards Authority (India)
NERPAP	National Electoral Roll Purification and Authentication Programme (India)
Netgrit	Network for Democracy and Electoral Integrity (Indonesia)
NRI	Non-Resident Indian
NU	Nahdlatul Ulama
OCR	Optical Character Recognition
PAFFREL	People's Action for Free and Fair Elections

PAN	Partai Amanat Nasional
PBB	Partai Bulan Bintang
PCI	Press Council of India
PDI	Indonesian Democratic Party
PDIP	Partai Demokrasi Indonesia Perjuangan
PDI-P	Indonesian Democratic Party of Struggle
PIM	Perceived influence of misinformation
PKB	Partai Kebangkitan Bangsa
PKI	Coomunisty Party (Indonesia)
PKS	Partai Keadilan Sejahtera
PNI	Partai Nasional Indonesia
PPK	sub district level election organization units. A city consits of several. (Indonesia)
PPLN	committe that conducts elections in foreign countries (by KPPSLN Indonesia)
PPP	United Development Party
PPS	Village Election Committee (Indonesia)
PPSLN	The entity that formed KPPSLN (Indonesia)
RPA	Representation of the People Act (India)
SLFP	Sri Lanka Freedom Party
SLPP	Sri Lanka People's Front (party) or Sri Lanka Podujana Peramuna
SP	Samajwadi Party (India)
TNA	Tamil National Alliance (Sri Lanka)
TNI AD	Indonesian National Army
TPS	Tempat Pemungutan Suara (Polling stations, Indonesia)
TRAI	Telecom Regulatory Authority of India
UNP	United National Party (Sri Lanka)
UU Pemilu	Election Law No. 7 of 2017 (Indonesia)
UU ITE	Indonesia's Electronic Information and Transactions Law

Table of Figures

List of Tables

Executive Summary

A powerful weapon in a time of global democratic backsliding, election misinformation may undermine democracy via a range of mechanisms. Election misinformation may influence an electorate to cast their ballots for candidates they otherwise might not have on the basis of incorrect information about a country's economy, the candidates, or some other phenomenon. Other false narratives may cast doubt on the credibility of the electoral process, potentially reducing future voter participation and confidence in democracy and its leaders as a whole – both among those who buy into election misinformation as well as those who are cognizant of the prevalence of the phenomenon and its hold over certain voters. Additionally, that election misinformation often leverages existing social cleavages (across party lines, race, religion etc.) makes consensus-building and compromise that are at the heart of democratic governance, that much harder.

This report explores the scope of election misinformation in Asia and operations to counter the phenomenon in the following two parts: first, a literature review covering the limited literature on election misinformation, both globally and in Asia; second, four country case studies (India, Indonesia, the Philippines, and Sri Lanka) that cover the extent of the problem, safeguards, and counter-election misinformation operations within each country.

The literature review finds that there is a dearth of scholarly work on election misinformation in Asia. There is ample study of *general* misinformation, but next to no peer-reviewed papers that recognize election misinformation as a phenomenon distinct from general misinformation. There is limited study of misinformation during elections, and most of these exist in developed world contexts outside of Asia. The papers covered explore how election misinformation is engineering and disseminated on platforms, the impacts on the electoral process and democracy (through behavioral changes in those who believe misinformation as well as those who are aware of the prevalence of election misinformation and others' susceptibility to believing it), and the demographics of those who are likely to be more susceptible to election misinformation. The review also finds that AI can be a deadly tool in creating election misinformation (e.g., generative AI) and disseminating it (e.g., the use of bots to amplify misinformation). Peer-reviewed scholarly research on counter-election misinformation initiatives in Asia is also sparse.

After establishing what the literature, the report then presents four country case studies on election misinformation in India, Indonesia, the Philippines, and Sri Lanka, summarized respectively in the next few paragraphs.

India

Election misinformation is rampant in India, taking various forms such as false claims, manipulated images, and deep-fake videos that target political parties, leaders, and key social issues. These narratives often revolve around highly emotive themes like religious tensions, national security, economic promises, and social welfare policies. There is some government involvement (IT cells favorable to the Modi government have engaged in misinformation operations as far back as 2014). The report also finds AI has become a prominent tool in swaying voters – for example, the creation of deepfakes and resurrections of eminent political personalities. Both social and traditional media are complicit in misinformation production and dissemination: the former (Whatsapp, Facebook, X) is a common vector of misinformation, and upon whose heavy reliance those in more rural areas are typically made more susceptible to misinformation; the latter sees strong corporate control that stifles alternate voices. There aren't any legal safeguards that explicitly refer to election misinformation, there are a couple that can apply to it, like the Section 79 of the information technology act, which directs that internet service provides may be responsible for content that resides on the websites that they host and must take down content when directed. In terms of

counter-election misinformation operations, there are both government and private fact-checking initiatives; the latter are largely dependent on tech giants like Meta.

Indonesia
Election misinformation has been found to reduce citizen confidence in Indonesia's political system. The report finds that election misinformation in Indonesia, naturally heightened during the election cycle, reaches its peak once the campaign period ends, with false content targeting political parties, election observers and organisers, with three common strategies—damaging reputation, manipulating photos and videos, and provoking emotions—being used to disseminate false information about the 2024 election. Attacks on Election Commission too. A lot of misinformation is disseminated over social media, and the government does engage with platforms, for example by ordering Facebook to ramp up counter-misinformation efforts. Indonesia has laws that explicitly refer to election misinformation, and other laws that don't refer to election misinformation but include clauses related to rules and sanctions regarding the dissemination of false information including election periods. While these laws provide legal mechanisms to address false information dissemination during elections, some have been used to suppress free speech. One example is the Electronic Information and Transactions Law that regulates the use of information technology and electronic transactions. In this landscape, the election commission of Indonesia and the election supervisory board have taken steps to maintain the integrity of elections by educating the public on the dangers of mis/dis information. There are other civil society groups on the ground attempting to address the same problem - Kawal Pemilu ("guard the election," in Indonesian) is one such. The report on Indonesia goes into the inner workings of the Kawal Pemilu website which allows citizens to compare official vote tallies with the original tabulations from polling stations.

Philippines
Election misinformation is common in Philippines and is used as a "battleground" during the run up for elections. Rodrigo Duterte manipulated the media through coordinated misinformation campaigns run by influencers when he entered politics in 2016. Similar tactics were used in 2022 to boost Marcos Jr.'s credibility. The election misinformation landscape in the Philippines includes gendered misinformation and false positive portrayals, with documented government involvement, such as troll farms linked to Duterte's social media operator in 2019. In the Philippines, Facebook is widely used, with influencer networks on the platform having an especially broad reach. Efforts to counter election misinformation are broadly insufficient, are often entangled with political interests, and are implemented ineffectively. The primary counter disinformation law was enacted during COVID-19 with penalties for spreading covid-19 related disinformation, hence limited in scope. The Cyber Crime Prevention Act of 2012 has been weaponized against journalists and has had "chilling effects" on free speech. Cases of cyber libel have also been used to silent dissent with politicians commonly filing these cases. The problem of crafting effective policies to counter election misinformation is further complicated by the governments that try to bring in such policies themselves being linked to misinformation campaigns. There are counter misinformation initiatives on the ground such as FactsFirstPH (an organization that adopts a multi-layered approach to tackling misinformation through fact checking, amplifying the fact checks, research into long term trends and supporting the layers from legal attacks) and Break the Fake movement (a youth led organization that mentor influencers to counter disinformation).

Sri Lanka
There is a thriving election misinformation industry in Sri Lanka, in which social media pages are created and grown, and then sold to parties and candidates to disseminate false narratives in their favor. This segment also finds that digital and media literacy, and critical thinking skills needed to determine the veracity of information are generally low. Both social media and traditional media are complicit in the spread of misinformation – in the case of the former, platforms do not take

adequate measures to tackle misinformation, and users enjoy anonymity, and easy dissemination and high viewership of false narratives; with the latter, sources sometimes align with and spread misinformation in favor of political parties. There is little recourse from the state, because existing legal safeguards are inadequate. The segment ends with a case study of Hashtag Generation, a non-profit civil society organisation that conducts fact-checking and ran media monitoring operations during the 2019 presidential and 2020 parliamentary elections that covered election misinformation, among a range of problematic content. While initiatives such as these are critical in the fight against election misinformation, there must also be complemented is a need for developing media literacy and critical thinking skills among voters.

The findings across the literature review and country report emphasize the need for developments both in academia and on-the-ground counter-misinformation operations. Developments in academia would involve building a body of peer-reviewed work on the impacts of election misinformation on factors like confidence in democracy, likelihood to vote, and social cohesion, in Asia. Scholarly work testing the efficacy of different types of countermeasures ought to also be quantitatively studied, which would help inform on-the-ground countermeasures by helping actors understand what does and doesn't work in the Asia context. Regarding on-the-ground countermeasures themselves, greater engagement between civil society organizations and government with social media platforms. Finally, further efforts to building democratic, critical thinking, and media literacy skills are imperative to help citizens determine the accuracy of the information they are exposed to.

1. Literature Review

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1.1. Overview

1.1.1. Introduction

The ideal democracy is a well-oiled machine that runs on an engaged and politically literate electorate, candidates with low barriers to entry who are willing to represent prospective constituents' interests, and open, unfettered discourse and deliberation among those two parties, to produce elected officials who will run the machine for the next few years. Fundamental to this process is an informed citizenry that is cognisant of what its own interests ought to be, the political and socioeconomic context in which it is exercising its franchise, and the candidates (who they are, past performance [if any], and respective campaign narratives and policies). Election-related misinformation/election influence operations (EM/EIOs) lob into the gears of this process a heavy wrench that is false/misleading information with the potential to influence voter behaviour – i.e., to cast a ballot for a contender they may otherwise have not considered, or for whom they might have reconsidered voting had they not been subject to EM.

This could have a number of inimical implications.

Voters may not exercise their franchise in a way that is conducive to their own wellbeing, potentially leading to less-than-optimal electoral outcomes that can have a drastic impact on a country's future (Centre for Monitoring Election Violence, 2020). Faith in democratic institutions and processes can drop, both among voters who perceive a rampant presence of misinformation, and those voters subject to EM that contests the validity of the electoral process (Nisbet et al., 2021; Lee & Jones-Jang, 2022). EM can deepen existing social cleavages and further marginalise minorities (Columbia Global Freedom of Expression, n.d.) and, sometimes, it can threaten social order and put lives at risk (Dzhanova, 2021). We do recognise that even voters who have not been subjected to EM operate with some degree of imperfect information, which can lead to suboptimal results. Sometimes, simply the absence of information and/or the inability to interpret good information entirely can produce some of the above outcomes. But one might appreciate how the propagation of information that is explicitly false – at times intentionally, and in bad faith – is another, far more worrisome, destructive beast entirely.

Therefore, tackling this beast ought to be of utmost importance; indeed, actors around the world work to deploy various interventions to counter EM – from fact checking in Nepal (Center for Media Research Nepal, n.d.) and educative interventions in India (Badrinathan, 2021) to legislation advocacy in the United States (Brennan Center, n.d.).

1.2. Summary of gaps in the literature

Before we present the detailed literature (Section 1.3 onwards), we need to situate the literature related to EIOs and present the high-level gaps and trends we encounter.

The information disorder has been studied reasonably well. For example, Ababakirov et al. (2022) examined the phenomena in the majority world through a comprehensive study that mapped the nature of the problem, nature of countermeasures, and the key actors involved on both sides. An even more recent systematic review by Murphy et al. (2023) examined populations, materials,

topics, methods, and outcomes that are common in misinformation research published during the period from 2016 to 2022. Both these studies cite the existing literature on the broader information disorder quite comprehensively.

While there does exist literature that discuss instances of EM – the behaviour of actors, the content of EM, how EM is spread – this review finds that EM doesn't appear to have its own body of work that distinguishes it from the information disorder more broadly. In other words, it is not common to find anything beyond a handful of instances where EM is treated as a distinct phenomenon with its own characteristics, and a clear idea of what sets it apart from the broader issue of misinformation (apart from that fact that it relates to elections). Much of the literature we've looked at discusses activities of misinformation during individual elections. There is some work on political misinformation (defined as "incorrect, but confidently held, political beliefs" (Kuklinski et al., 2000), as seen in a 2020 review of empirical literature about political misinformation in the United States (politics is one of the three most common topics of misinformation literature (Jerit & Zhao, 2020)), however, a) all political misinformation is not election misinformation, and vice versa; b) the authors conclude here that research on political misinformation has "developed unevenly". This is the first gap this review identifies.

The second gap pertains to the question of what constitutes election misinformation or election influence operations. While a definition would clearly encompass incorrect information about some aspect of an election (the candidates, voters, electoral process itself, perhaps a social sore point that vociferous public discourse indicates will likely be a focal point of said election), there is also a grey area here of information seemingly unrelated to an upcoming election, but which could be leveraged around election time to influence voter behaviour. This begs the question: at what point do we begin to consider something to be election misinformation? What is the threshold here? Might intent matter when defining EM (i.e., when misinformation is spread with the intent of influencing an electoral outcome)? Review of the literature indicates little discourse and no consensus on this.

The third gap the review highlights concerns election misinformation in Asia. Not vis-a-vis the presence and scope of the problem, but rather, about the measurement of the impact of interventions in the region to counter EM. While there exist many interventions in the region – for example, India holds a larger fact-checking market than the United States (Akbar et al., 2022) – there is no body of work that consolidates these interventions in Asia, categorises them, observes patterns, and compares effectiveness. Indeed, it is recognised that not much is known about how best to counter misinformation in contexts outside of the United States (Badrinathan, 2021). Additionally, the lack of a distinction between EM and the general information disorder related influence operations features here too. There exists no discussion of EM interventions as distinct from misinformation interventions. Even general political misinformation literature points to a lack of clarity on how to ascertain why a corrective message may have failed (Delli Carpini & Keeter, 1993). Even still, scholarship on the direct effects of general misinformation itself on political behaviour are mixed (impacts ranging from none, limited, to significant)[1] calling into question methods of measurement. It is also unclear as to "why or how corrections succeed or fail when one is attempting to challenge partisan-based claims" (Weeks, 2018). The main takeaway here is that, even at a global and general misinformation level, intervention research is incomplete.

Therefore, this literature review aims to lay some kind of groundwork for future study of EM by doing the following: It will first discuss literature on EM by discussing in detail a sample of those

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[1] Bail et al., 2020; Gunther et al., 2019; Zimmerman & Kohring, 2020

papers relevant to election misinformation. Second, the review will discuss limited literature on the measurement of Election Misinformation Countering (EMC) initiatives.

Finally, an important distinction between the types of misinformation (Anti-Defamation League, 2022). Misinformation is information that is false/misleading, spread not by ill-intent, but because those who spread it really believe it to be true. Disinformation involves the spread of information in bad faith, with the intention of misleading recipients. The third type, malinformation, involves the spread of truthful information with the intent of causing harm. This review will consider all three types, and refer to them collectively as misinformation or the information disorder, unless otherwise specified. When it comes to misinformation/disinformation/information disorder directly attributable or related to elections, it will refer to EIO or EM.

1.3. The Literature

1.3.1. Overview

Scope and relevance: Because there is no distinct body of literature on EM that identifies and provides a linked analysis of theories and cases, this section draws from papers from a range of sub-fields primarily under comparative politics – political behaviour; voters, elections, and political campaigns; democratic studies; and misinformation – that in the majority of cases do not explicitly refer to election misinformation as a field of study that their findings hope to contribute to, but do provide insights very relevant to EM that would help us in understanding what EM as a distinct field of study might look like. In other words, because the phenomena observed in the wide range of topics covered in these papers – the nature/content/topics of misinformation, the impacts of misinformation, the behaviour of actors (those who propagate, buy into, passively observe, and seek to counter misinformation) – relate in some way directly to EM (they happen around election time or the content of misinformation pertains to elections), we understand the findings of these papers to be, not exclusive to EM, but certainly characteristic of EM; not generalizable to every single election and instance of EM, but examples of what the content, impact, victims etc. of EM could be. Therefore, the following discussion of this deliberately chosen wide range of topics relevant to EM is intended to be a preliminary stab at a synthesis/review that may help lay the groundwork for building a body of EM literature.

Methods of investigation in literature: As stated above, the papers analysed in this review are all based around instances of misinformation during a particular election period (in one paper, two consecutive election periods). Their authors investigate the nature, content, and topics of misinformation; the behaviour of those who propagate, buy into, passively observe, and seek to counter misinformation; and the impacts of misinformation on democracy. Methodology-wise, the most common approach appears to be the use of social media data – usually databases of X (formerly known as Twitter) or Facebook posts that have been fact-checked – that they analyse to study the aforementioned phenomena. For example, Oehmichen et al. (2019) and Matatov et al. (2022) use X (formerly Twitter) data to examine the characteristics of the accounts that disseminate misinformation and the contents of misinformation. Another (Green et al., 2022) uses the X data to understand how misinformation might affect participation in a following election by linking voter records to X users (more on this methodology below). Mujani and Kuipers (2020) administered surveys to understand the demographic characteristics of those who bought into misinformation surrounding the 2019 Indonesian Election. Akbar et al. (2022) and Chang et al. (2021) provide descriptive accounts of election misinformation observed again via social media data: in the former, the content/topics and style of political misinformation during the 2019 general election; in the

latter, how the content of election misinformation varies across platforms like X (Twitter), PTT, and LINE.

We acknowledge that in the studies about to be discussed, there can be instances of misinformation within the data that the authors analysed that were spread during an election, but whose substance does not concern anything remotely relevant to said election, behind which there was zero intent to disrupt the electoral process, and which by any measure has had zero effect on the electoral process. This is a limitation of the material available to us: where authors are not specifically considering election misinformation, the data they analyse will invariably contain these kinds of pieces of misinformation. Therefore, some of the data behind the conclusions that we draw about election misinformation from these papers may contain non-election misinformation. It is reasonable to posit, however, that such pieces of misinformation form a very small proportion in the data these authors looked at.

1.3.2. The Papers

Oehmichen et al. (2019) address a knowledge gap of how political misinformation is engineered (generated and seeded via social media), by looking at X (Twitter) data during the 2016 US Presidential Election. The authors premise their case on a central assumption – "Deceivers strategically engineer their social media posts" (p.2) – and present evidence of differences in characteristics and behaviour between X (Twitter) accounts producing misinformation and accounts that don't, to support this assertion, concluding that the "engineering of tweets… geared to exploit human biases… bolstered the diffusion of political misinformation within the 2016 presidential election in the United States" (p.2). These differences are presented across three dimensions: the nature of the accounts, the textual content of the tweets, and features of the tweets, with the authors finding differences between the two types of accounts across all three. Our takeaway here for election misinformation is a sense of the characteristics of misinformation-propagating social media accounts that operate during an election, and the nature of the content they spread.[2]

On the three dimensions:

First, the nature of the accounts themselves. Findings indicate that, when compared to regular accounts, accounts that disseminate misinformation typically have a lower follower count, more recent account creation dates, less frequent status updates, and appear to favourite other accounts' content (p.4), which the authors contend demonstrates those accounts are leveraging altruistic reciprocity (a widely observed phenomenon on social media where creating directed links to other nodes drives the latter to correspond by creating a link to the former; i.e., reciprocity in terms of following an account and/or favouriting/liking its content) (p.7) for greater dissemination. Results also indicated that those accounts whose username contained a greater number of special characters and capitalised words and "weird characters… in their description" (p.7) were more likely to tweet out misinformation (p.4).

Second, in terms of the text of the tweets, the authors explored how both syntax and sentiment vary with misinformation vs. non-misinformation content, finding that tweets with a great quantity of capitalisation and use of digits and exclamation marks have a greater likelihood of containing misinformation, and misinformation-laden tweets typically display lower degrees of trust, joy, and other positive emotions, but exhibit greater surprise and emotional fluctuation (p.5), which the

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[2] Through discussion of the study's limitations, the authors acknowledge the generalizability of these conclusions; the findings taken in isolation, as a single case, are still valuable.

authors indicate produce textual fields with greater degrees of novelty and polarisation that exploit human's natural inclination for information that is both new and confirms pre-existing biases (p.7) (p.8).

Third, the features of the tweet (i.e., the "numbers of hashtags, mentions, URLs, media elements in the text of the tweet, retweets, and favourites achieved by the tweet"), and what these indicate about the account (p.6)). Results indicate the following characteristics about accounts producing misinformation: They are typically created recently (based on data on the number of days between creation of account and tweet), are slower to reach 1,000 favourites, and share no statistical difference between accounts that don't produce misinformation, in terms of the hashtags used (p.6). The first two points of which the authors argue demonstrates how misinformation-spreading accounts are ultimately removed, forcing their users to create new accounts (p.7).

In conclusion, the paper's findings demonstrate how political misinformation can be strategically engineered to great effect, allowing misinformation to "diffuse faster and broader than other types of information" (p.8).

The next four papers consider the impact of EM on democracy, via different mechanisms.

Green et al. (2022) address a gap in understanding of the effect of EM (as worded by the authors: "conspiracy theories regarding the validity of an electoral outcome") on participation in the electoral process. Using two datasets that link X (Twitter) accounts to certain indicators of their users' behaviours and political inclinations, the authors investigate the possible relationship between attitude towards conspiracy theories about the 2020 US General Election, and participation in the US Senate runoff elections in Georgia, concluding that liking or sharing content aligned with election fraud-related conspiracy theories were associated with "higher turnout than expected." They also concluded that users liking or sharing tweets supporting conspiracy theories about 2020 election fraud were "slightly less likely to vote". Raphael Warnock, a Democrat, won the runoff election. The authors' caveat here is that the analysis is "observational in nature" (p.2), and that they have not controlled for other factors that might also influence turnout.

This is an important finding for our understanding of EIOs, because it suggests that EM does not always strengthen the voter base of the candidate(s) in whose favour the misinformation has been spread and produce positive electoral outcomes for those candidates, as is widely assumed in mainstream media discourse on EM. Where EM erodes trust in the electoral process on the part of voters who buy into its proposition, EM might have the potential to deter those voters from participating in the electoral process altogether, which could have a number of implications. On the one hand, if election misinformation inadvertently excludes some voters who are susceptible to being swayed by misinformation (insofar as we believe informed voting takes precedence in the electoral process, and the proportion of voters withdrawing from the process remains small), then perhaps it might not always be the wrench in the gears we make it out to be. However, EM could break the electoral process if that proportion rises and overall citizen participation in the process drops significantly. In a country like the United States that is effectively a two-party system and where EM belief vs. non-belief roughly mirrors party lines, mass withdrawal of voters (in this case, Republican voters) from electoral participation would leave the political system without a significant opposition. Regardless of how one might feel about Republican politics, a single-party system is dangerous for democracy. This raises another question of the trade-off between reducing misinformed voting and keeping citizen participation as high as possible, that we will not explore here. The main learning from this paper is that there are a multitude of ways in which EM can impact democracy.

Berlinski et al. (2021) also explore the relationship between EM and elections, except on shifts in attitudes towards the election process (as opposed to likelihood to vote in subsequent elections). Using a survey experiment conducted post-2018 US midterm elections, the authors examined the impact of a low dose of EM (four tweets arguing that voter fraud occurred during the elections), a high dose (eight tweets), and high dose + fact-check (the eight tweets in addition to fact-checks), concluding that 1) "exposure to the low-dose condition significantly reduced confidence in elections" (p.41); 2) "the effects of exposure to low versus high doses of tweets alleging voter fraud are not measurably different"; 3) that the treatment group receiving fact-checks exhibited no noticeable increase in election confidence when compared to the low dose treatment group. It is worth noting that the paper does not clarify whether this reduction in confidence translated to any tangible impact on democracy like a drop in voter turnout for subsequent elections, but because a democracy's health is determined in part by citizens' confidence in its institutions and processes (like voting), we consider this paper's findings to be important in our exploration of EM's impact on democracy.

Nisbet et al. (2021) provide insights into the indirect effects of EM on democracy through the perceived influence of misinformation (PIM) on others, arguing that PIM could be "just as pernicious, and widespread, as any direct influence that political misinformation may have on voters" (p.1). PIM is derived from the concept of perception of presumed influence – "how much people perceive media as influencing others' attitudes or actions, and how their reaction to this perceived influence affects their own attitudes or behaviours" (p.2). The authors find that, controlling for PIM on oneself and other factors, the likelihood of satisfaction with American democracy drops significantly with increased belief that misinformation is influencing others. The paper argues that because participation in elections is very much a function of satisfaction in the democratic process of one's country, a high degree of PIM on others can have a deleterious effect on democracy.

The paper presents the following mechanism: the authors observe an increase in misinformation reporting in the news. They contend that at times sensationalist reporting lacking context can help exaggerate worry above misinformation among citizens. Increased attention paid to news about the 2020 election and politics increases one's rating of the influence misinformation has on others (i.e., a rise in PIM). PIM on others was found to rise significantly among Democrats and Independents as they paid greater attention to news about politics and elections. For Republicans, no significant relationship between attention to news and PIM was found. This rise in PIM in turn "decreases satisfaction with American electoral democracy regardless of political party identification" (p. 4). The logic here is based on the concept of procedural justice – individuals commit to a process and its outcomes – even where those outcomes run counter to their interests – insofar as the decision process that led to those outcomes are deemed to be "free, fair, just, and in which they [participants] feel they have a voice" (p. 3). When the opposite holds true, commitment to the process and its rules is lost. Decreased confidence in democracy can in turn lead to "decreased voter engagement, placing greater impact on electoral outcomes rather than democratic processes, winning candidates enjoying less legitimacy, and increased political polarization". The authors contend that, while there is typically a positive relationship between consumption of political news and democratic satisfaction, political misinformation can reverse this process when it features significantly in American political discourse because it heightens PIM on others among Democrats and Independents.

The mechanism presented in this takeaway is important for our study of EM. Where we saw in the previous paper how EM can erode trust in democratic institutions by convincing voters to withdraw from the electoral process because their participation would be pointless, we also see through Nisbet et al.'s study (2021) that EM can harm democracy through those who are not swayed by EM,

through the perception of influence of EM in others that can also lead to decreased voter engagement.

Similarly, Jones-Jang et al. (2021) consider the impact of EM on democracy via disillusioned citizens who are cognizant of the prevalence of EM. The authors, based on a two-wave survey conducted before and after the 2018 US midterm elections, consider the impact of self-reported, perceived exposure to misinformation (measured from 1, none at all, to 5, a great deal) on political cynicism (a Likert scale measuring attitudes towards the country's politicians). The authors find that "perceptions of mis-/dis information exposure positively predict subsequent political cynicism" (p.3116). The paper doesn't consider direct consequences on democracy, but the finding here is important, because the more one perceives their leaders to be actors operating in self-interest at the expense of the country's development, the less one might feel the democratic system in which they participate works because that system fails to place good politicians in power.

In addition to text-based misinformation, visual imagery – given its powerful, persuasive nature – too can play a strong role in misinformation (Fazio, 2020; Lewis & Marwick, 2017). Matatov et al. (2022) conducted a case study of the Stop the Steal misinformation campaign that identifies a literature gap in the study of the practice around visual content (i.e., the nature of popular images) in a particular large-scale misinformation campaign – the type of images used, what they show, their role in the campaign, and how they are spread. Specifically, using Stop the Steal campaign data from X (Twitter) and the 40 most popular images of the campaign, the authors look to characterise three things: 1) "the types and roles of the top images that were shared in this campaign" (Matatov et al., 2022, p.2); 2) "the temporal patterns of the images' spread"; 3) "the role of different users with different network prominence in sharing and popularizing the images".

The findings based on analysis of the 40 popular images are as follows. Around 50% of the popular images analysed were photographs, with much of the images being text-based (graphic layouts/flyers, documents, other social media posts) (Matatov et al., 2022, p.16). While a small number of popular photos actually presented "direct evidence" (p.17) of fraud, those photos promoting "evidence" were quite successful in terms of reach (most were among the top 10 in terms of number of time shared). Other popular photographs simply aimed to convey "in tone or content, the "menace" of voter fraud, or simply provided an illustration of the content of the tweet in some way", likely to grab attention and encourage the audience to get involved. Interestingly, manipulated photographs and memes were underrepresented, with the photos claiming evidence – while clearing constituting misinformation – not found to have been manipulated (p.17); manipulation was perhaps not needed, because an out-of-context image can be equally powerful insofar as one can be duped into believing the fabricated context in which the image has been situated. The author's attribute the lack of memes potentially to the fact that the generally light-hearted nature of a meme could undermine the seriousness behind the Stop the Steal campaign (p.18). In terms of visual content sharing, the authors find that images were shared by all types of users ("spammy" or "bot" accounts with smaller followings, to larger accounts with higher follower counts) over the course of the images' lifetimes on X (Twitter) (p.18). Additionally, it was found that smaller accounts spread "evidence" images more than larger accounts, perhaps due to operators of larger accounts wanting to avoid the risk of a ban or a loss of reputation.

Therefore, given the advantages the authors cite from studies that online content using visual imagery can have over text-only content – content with visual imagery can better grab an audience's attention and makes the content more believable (Matatov et al., 2022, p.3), and given the powerful role it can play in political campaigns, it is important we have some grasp over the nature and spread of fake visual content during election time.

As the costs of creating content from text-to-image, text-to-video, and text-to-audio platforms (such as Midjourney and Sora), falls with improvements made in the generative Artificial Intelligence (AI) sector, concerns of AI 'supercharging' the spread and prevalence of EM/disinformation have escalated. In a world of increasingly sophisticated image and video modification tools like deep fakes (Wong, 2022) and increasingly powerful image generation (Tijani, 2023), we ought to give some consideration to the use of visual content as a tool when studying EM. Deepfakes can create a distorted reality for voters and sway their perceptions and choices. They are far reaching, able to target convincing false narratives that resonate with voter groups, polarise society further and undermine the credibility of legitimate information (Dack, 2019). The recent artificially generated Joe Biden voice call asking voters not to vote at the primary elections is an example of this, and also shows that audio content, in addition to text-based content and visual content, can act as a medium for disinformation spread (Seitz-Wald & Memoli, 2024).

As disinformation generation becomes more efficient, the quality or credibility of the outputs produced by AI can also determine a person's susceptibility to believe such content. Although studies on the credibility of image/video/audio-based content is scarce, a study by Kreps et al. (2022) investigated the perceived credibility of AI-generated news text by conducting three experiments. In experiment one, they found that the more advanced 774M and 1.5B parameter GPT-2 models could generate news stories that were statistically indistinguishable in terms of credibility from a human-written New York Times baseline story. However, the lower-powered 355M model produced less credible outputs. In experiment two, they found that the partisan slant of the AI-generated stories had a bigger effect on perceived credibility than disclaimers about text being AI-produced. Stories that aligned with respondents' political ideology were rated as more credible. Being told the partisan source of the AI-generated stories decreased their perceived credibility, especially for content that did not match the respondents' own political leaning. Exposure to AI-generated news, regardless of political congruence, did not change attitudes toward a highly politicised issue for either Republicans or Democrats. Additionally, the disclaimer had no effect on attitudes. In experiment three, they compared the three models against each other and found diminished marginal improvements to perceived credibility of text as model size increases. They concluded that advanced neural network models can already produce news content that people find very credible, with partisanship playing a bigger role than disclosures pertaining to text being AI generated. AI tools like neural networks and text prediction models can be used to generate fake news articles, social media posts, etc. that appear authentic and credible to readers. This allows malicious actors to produce misinformation at scale and with higher velocity.

Content creation and manipulation is not the only use of AI in this space. The use of bots has been used by the perpetrators as well as by those attempting to counter misinformation (Schippers, 2020). Kreps (2020) points out that the combination of personalisation and AI-enabled content generation creates vulnerabilities that malicious actors could potentially exploit to interfere in elections through misinformation dissemination strategies once content is created. Digital personalisation uses big data and machine learning to tailor messages and content to specific groups or individuals, making it more effective at manipulating opinion. The report points out that the Russian Internet Research Agency utilised these tactics in the 2016 US election. In discussing how computational propaganda and digital personalisation enabled Russian interference in 2016, the document notes, "social media bots (were used) to target individuals or demographics known to be susceptible to politically sensitive messaging" (p.1). The document reinforces that bots can amplify misinformation and propaganda and are seen as being an integral part of the computational propaganda ecosystem that includes targeted messaging and AI-enabled content generation. In this way, bots are a key mechanism for weaponizing AI to interfere in elections and public opinion.

Johnson et al. (2024) arrive at similar findings by using mathematical models and empirical data to analyse and predict the spread of misinformation by bad actors using AI tools. They find that bad actors can use basic AI tools like GPT-2 to automatically generate fake news, social media posts, etc. that mimic the community content style of "online communities with extreme views" (p.2), allowing for efficient mass production of misinformation. Their mapping of the online "battlefield" shows an ecosystem of interlinked bad-actor communities that could spread AI-generated misinformation widely. The model created by the authors predict escalation to daily bad actor AI attacks by mid-2024, ahead of elections in the US and many other parts of the world. They point out that containment policies like removal of bad actor communities may be evaded due to the decentralised nature of these enterprises and them being able to anticipate such responses. Overall, the combination of basic AI generating misinformation efficiently and the network structure of their dissemination strategy poses a significant threat of misinformation around elections that may be difficult to fully counter.

Thus far, we have looked at the engineering of EM, how it is spread, and its impacts on the electoral process and democracy. But what we're missing is commentary on the actual audience of EM. What are the characteristics of people who do and don't believe in EM? Mujani and Kuipers (2020) provide some insight into the demographics of those who may and may not buy into election misinformation. While the authors tell us that studies in Western Europe and North America – where much of the empirical evidence on misinformation comes from (p.1030) – find older, less-educated voters more likely to spread fake news than younger, more educated voters, which the authors cite in studies like Barbera (2018); Bovet and Makse (2019); Guess et al., Nagler, and Tucker, (2019), this paper finds that 1) "younger voters were more likely to believe misinformation than their older counterparts" (p.1032); 2) "better-educated voters (particularly those with college degrees), were more likely to believe misinformation than their less educated peers"; and 3) "richer and urban voters were also more likely to believe misinformation". While this obviously cannot be generalised to the rest of Asia/the non-Western world, it is nonetheless an important contribution to our understanding of EM because of the conventional wisdom it disputes.

In explaining their findings, the authors contend that those demographics more susceptible to believing misinformation were more likely than their counterparts at the other end of each spectrum to use social media (p.1,038); further analysis indicated a positive association between social media exposure and likelihood of belief in misinformation. However, controlling for social media use, the authors found a higher likelihood of susceptibility to misinformation belief among richer and better-educated (college education) respondents than their poorer and less-education counterparts. The authors raise a possible explanation: The "well-educated" demographic have received an education that has failed to "adequately [equip them] …with the skills required to critically evaluate the veracity of misinformation in practice", but are under the illusion that their education has given them these skills.

In our next paper, Akbar et. al (2022) look at the content/topics and style of political misinformation in the context of this particular election, and propagation of misinformation at the party level. The authors identify two types of political misinformation, which can apply to EM too: negative misinformation that is "intended to show an opponent in poor light" (p.400), and positive misinformation, that "makes false claims about a party or individual that are intended to show them in a positive light". Both types have the potential to spur, either "positively, such as reinforcing beliefs in echo chambers, or negatively, such as inciting disdain for a political or social 'other'". Over the main body of the paper, the authors, after perusing stories fact-checked with International Fact-Checking Network (IFCN)-certified Indian fact-checkers (p.402) and filtering for election-related stories, identify seven topics of political misinformation – "campaign, corruption, religion, celebrity, nationalism, gender and development" (p.400) and discuss how both the incumbent Bharatiya

Janata Party (BJP) and the Indian National Congress (INC) party cover these themes in misinformation posts.

Forty-one of the 51 posts were by either the BJP or INC, and targeted both individuals and groups (p.403). The BJP was the "largest source of party-to-party misinformation, putting out 28 stories, with 15 targeting the INC, seven promoting itself and six attacking other parties". For the INC, "six misinformation stories [were identified as posted by the party]…(three targeting the BJP, two about itself, and one attacking the AAP [Aam Aadmi Party]" (p.404). Overall, the authors found the BJP to be "both the largest source and target of misinformation".

As would be expected, the authors find that the main topics of political misinformation are "rooted in the Indian cultural context and reflect the major cultural, political and social identities of Indian society" (p.405), which is a fairly obvious takeaway for us on EM – the content of EM will typically be a reflection of a society's cultural/social/political context and identities. Misinformation on nationalism saw discourse on Indian defence and security, patriotic actions, and relations with Pakistan (pp.406–407). Development-related misinformation saw attempts by the BJP to paint its candidates as down-to-earth men of the people, and the INC to highlight the incumbent BJP's failure to fulfil promises (p.408). Gender-based misinformation saw the heavy targeting of women – who, in the 2019 general election, made up just 14.6% of the seats – on account of some perceived deviation from traditional patriarchal expectations. In some instances, male candidates were targeted via the degradation of women associated with them. Misinformation around celebrities saw influencers being engaged by politicians. The authors observe that the newsworthiness of a celebrity makes them effective subjects around which to anchor misinformation, as was seen with former actress-turned-candidate Hema Malini, where misinformation was used to mock the government's engagement with farmers (p.409). Finally, campaign-related misinformation: The authors found that the "largest category of misinformation was around the campaign itself" (p.409), with misinformation intended to "mobilize or entertain one's own existing base or to demobilize opponents' supporters".

As stated at the beginning of this section, the findings here on the topics of political misinformation are not generalisable to every single election and instance of EM, but provide a sense of what EM content might entail.

In Chang et. al (2021) explore how the content of misinformation varies across three social media platforms: Twitter, PTT, and LINE, and the role of traditional media in spreading misinformation.

Findings indicate greater discourse surrounding the election among international users (outside of Taiwan) that centre around Taiwanese self-determination and accountable representation (p.150). X (Twitter) data revealed greater original and quoted content from human accounts on X (Twitter), more retweets without comments from bot accounts. PTT, the "'Reddit' of Taiwan" (p.151) saw greater domestic public deliberation. Accounts from users with Chinese IP addresses were found to "disproportionately target posts about China, Hong Kong, Tsai, and the KMT, whereas they engage with Han [and COVID 19] at a much lower level" (p.153) (given President Tsai's strong support for Taiwanese self-determination and anti-CCP stance). The authors posit that these users appeared to avoid Han and COVID 19 indicate some degree of coordination. On LINE (the social media platform), President Tsai appeared to see the highest proportion of misinformation. Finally, the authors argue that traditional media is "often responsible for amplifying misinformation" (p.154), finding from their analysis a "high proportion of misinformation on dominant digital news platforms" (p.??) across platforms like United Daily, KK News, Apple Daily, and ET Today.

1.4. Countering Election Misinformation in Asia

As discussed in the first section, there exists a gap in the literature in measurement of the impacts of election misinformation in Asia, and the interventions deployed to counter it. There is inadequate research to tell us what makes EM interventions and their impacts different, and how measurement might differ. That they would is a valid supposition, given how the political and social landscape of a country, and in turn aspirations, priorities and behaviour of citizens and organisations, can be quite different during an election (for example Michelitch and Utych (2018) show how individuals demonstrate heightened attachment to political parties during elections, which would likely have a bearing on their responses to interventions aimed at countering EM that aligns with their interests). Additionally, because much of the research on general misinformation interventions focus on developed countries like the United States, where public platforms like Facebook and X (Twitter) facilitate misinformation spread, not much is known about interventions in developing country contexts where misinformation is also widely spread on encrypted platforms like WhatsApp (Badrinathan, 2021). Badrinathan (2021) argues that misinformation on these platforms requires a "proactive, bottom-up, user-driven learning and fact-checking" (p. 1325)-based treatment, as opposed to "reactive, top-down efforts after the fact, because, unlike with public platforms with Facebook, the platform & third-party entities cannot fact-check messages. There is therefore a need for further research of the impacts of different kinds of counter-EM interventions, upon which can be based studies exploring the relative efficacies of each intervention, under what conditions some might be more successful than others, and best practices for implementation.

While Hameleers (2020) puts forth a combination of fact-checking and media literacy as the most useful measure to combat general misinformation (not specifically EM), Flynn et al. (2017) posit that preconceived notions have a strong bearing on an individual's response to a corrective measure because, as Taber and Lodge (2006) argue, that individuals are likely to look for information that align with their worldviews and rebut information that run contrary to their beliefs. The takeaway here is that, in general misinformation literature, biases/pre-existing beliefs can impede corrective measures. This is observed in Badrinathan's 2021 field experiment that studies 1,224 respondents' abilities to correctly identify misinformation during India's 2019 General Election after being treated with a pedagogical intervention.[3] The author finds that the intervention was unable to induce a significant increase in the ability of respondents to spot misinformation, on average. Specifically, the intervention "improved misinformation identification skills for one set of respondents (non-BJP respondents) but not another (BJP partisans)" (p.1337). The intervention backfired for the latter group, who saw worsened misinformation identification. The takeaway here for EM is that interventions may fail where there exist strong political beliefs/ideological attachments to and

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[3] The intervention involved a 45–60-minute visit to a respondent's home, where the session consisted of four parts (pp.1329–1330). First, a pretreatment survey intended to measure among respondents "demographic and pretreatment covariates including digital literacy, political knowledge, media trust, and prior beliefs about misinformation" 1329. Second, the pedagogical intervention that consisted of a learning module, which also involved a discussion to encourage respondents to verify news/other information and equip them with the necessary tools (reverse image searches and using a fact-checking website). Third, application of the tools in fact-checking four false stories to the treatment group (the control group had a session on plastic pollution and received a flyer on plastic usage reduction. The treatment group's session entailed the following: "enumerators displayed a flyer to respondents, the front side of which had descriptions of four recent viral political false stories. For each story, enumerators systematically corrected the false story, explaining in each case why the story was untrue, what the correct version was, and what tools were used to determine veracity. The back side of the flyer contained six tips to reduce the spread of misinformation. The enumerator read and explained each tip to respondents, gave them a copy of the flyer, and exhorted them to make use of it" (p.1330). Fourth, a comprehension check run by enumerators to ascertain the efficacy of the treatment, short-term.

strong cult of personality around a candidate and/or party. While the takeaways from this could be used to base further intervention measurements, note that this addresses only one type of intervention.

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2. Election Misinformation in India

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Executive Summary

Misinformation and disinformation pose serious threats to the integrity and credibility of elections, especially in India, the most vulnerable country in the world to its dangers. As the next general election draws near, India faces the daunting task of ensuring a free and fair electoral process, while also battling the perils of misinformation that can undermine public trust and democracy.

This report aims to provide a comprehensive analysis of the phenomenon of Election Misinformation (EM) in India and offer practical recommendations to mitigate its impact. To contextualise the concept of misinformation within the Indian scenario, the report explores how it disseminates and identifies its main sources and channels in the country. This contextualised study was essential to understand the factors that influence the creation and consumption of misinformation in India, such as specific cognitive biases, confirmation biases, social identity, echo chambers, and information overload.

The study involved examining the legal framework and regulations that govern misinformation in India, including relevant laws, policies, and initiatives aimed at addressing and curbing its dissemination. A thorough review of the laws revealed myriad policy gaps and how to address them to curb misinformation.

The report identifies the recurring common themes and forms of election-related misinformation in India, which include Electronic Voting Machine (EVM) tampering, fake pre-poll and exit-poll surveys, and hate speech. It further highlights the role of fact-checkers in combating these forms of misinformation. It documents their experiences and efforts in verifying and debunking EM, as well as the challenges and limitations they face. These interviews provide valuable insights, perspectives, and strategies for identifying and countering misinformation effectively.

Finally, it provides actionable recommendations to mitigate election-related misinformation in India. It suggests various strategies for enhancing media literacy, promoting fact-checking initiatives, strengthening regulatory mechanisms, and fostering collaboration between stakeholders to combat misinformation effectively. The recommendations are based on the findings and analysis of the previous chapters, as well as the inputs and suggestions from the interviewees. The recommendations are categorised into four broad areas: education and awareness, verification and fact-checking, regulation and accountability, and coordination and cooperation.

The report concludes that EM is a complex and multifaceted problem that requires a holistic and collaborative approach to address. It emphasises the need to enhance the capacity and resilience of the Indian electorate, media, and institutions if the integrity and credibility of the electoral process are to be upheld.

2.1. The Indian Political Landscape

After gaining independence from British colonial rule in 1947, India adopted a parliamentary system of governance, with a federal structure where power is shared between a comparatively strong centre and states. The Parliament of India consists of two houses: the Lok Sabha (House of the People) and the Rajya Sabha (Council of States). Lok Sabha is composed of representatives directly

elected by the people on the basis of adult suffrage. While Rajya Sabha members are indirectly elected by the electoral college of the elected members of the State Assembly specially constituted for the purpose. The president is the head of state, while the prime minister is the head of government. The structure, so far, has ensured representation, checks and balances, and democratic decision-making.

2.1.1. Evolution of Political Parties and Ideologies

After independence, various political parties emerged, each with its own ideology and visions for development. However, the Indian National Congress (INC), a major force that dominated the Indian movement for independence, has been a cardinal figure in Indian politics post-independence, and led to an era of one-party rule (Roy & Li, 2022). The cracks in the dominance of INC began with the proclamation of emergency powers in 1975 which was a precursor to the decline of INC as the only dominant party. The Jan Sangh emerged as one of the major forces against the dominance of Congress. However, Congress kept its hold in the centre throughout the 1980s.

By the late 1990s, however, Congress started to face challenges from coalition politics and the springing up of regional parties during this period (Vaishnav, 2013). Over time, the party witnessed a loss in electoral strength and cadre base, with non-Congress governments coming to power. Congress tried to remain relevant by forming alliances and coalition governments, but its appeal had started to wane. Facing anti-incumbency and myriad allegations of corruption, it lost the 2014 general elections to the Bharatiya Janata Party (BJP) (Burke, 2014). In the period following the 2014 general elections, India witnessed a remarkable rise in Hindutva nationalism, an ideology that emphasises the fusion of Hindu identity with nationalistic fervour (Institute for Strategic Dialogue, 2023).

2.1.2. Rise of Hindutva Majoritarianism

The rise of Hindutva politics after 2014, undoubtedly resulted in a notable increase in communal polarisation and a divisive environment. The idea of Hindu supremacy resonated with certain segments, while many believe that it put pluralism, democratic values, and constitutional morals into peril. The re-election of Narendra Modi to the office of prime minister in 2019, with a landslide victory, further cemented the hold of Hindutva supremacy in the political realm. The second term has been marked by an aggravated form of electoral marginalisation of Muslims. Among its 303 members, BJP doesn't have a single Muslim Member of Parliament (MP), in a nation where the community accounts for 14.2% of the total population (Kuchay, 2022). The 2019 general election was the first national election which involved extensive use of digital media for campaigning and voter mobilisation (Bengani, 2019). These election results were as much a reflection of the BJP's rising popularity as it was of the misinformation crisis (Akbar et. al, 2022).

2.1.3. State of Opposition Parties

The opposition parties, chiefly represented by Congress, have been struggling to appeal to voters. Their endeavours are further impeded by targeted misinformation carried out by the organised Information Technology (IT) cell of the ruling party (Campbell & Bradshaw, n.d.). False narratives are strategically crafted to undermine the credibility of the opposition and democratic movements, curtailing their ability to present a counter-narrative. In 2023, the opposition is still facing an uphill battle to rejuvenate its political relevance. The orchestrated dissemination of misinformation and consolidation of media houses by corporates having close ties with the ruling party has had a direct

role in altering the public perception. The targeted misinformation campaign both on social media and television, has eroded public trust in opposition figures. As a result, the elections have become largely lopsided contestations, with the opposition battling on two fronts–presenting counter-narratives on policy debates and dispelling false narratives undermining its integrity.

2.2. Understanding Misinformation in the Indian Context

The American Psychological Association defines Misinformation as "Misinformation is false or inaccurate information—getting the facts wrong. Disinformation is false information which is deliberately intended to mislead—intentionally misstating the facts" (American Psychological Association, n.d.).

Misinformation is an old phenomenon. One of the oldest known cases of misinformation was by the Byzantine historian Procopius, who lived in the sixth century AD. He produced erroneous information—known as Anecdota—and kept it a secret until his passing in order to defame Emperor Justinian after praising him in his official histories. Pietro Aretino attempted to rig the 1522 election for the pope by penning depraved sonnets about all of the contenders (apart from the preference of his Medici backers) and posting them for public seeing on the bust of a person known as Pasquino, close to Rome's Piazza Navona. The "pasquinade" then evolved into a popular genre for disseminating unfavourable information about famous figures, most of which was false (Darnton, 2017).

Although propaganda has been used for centuries, never before has the technology existed to broadcast it so effectively, and rarely has the public mood been so agitated. Brexit and the US Presidential elections of 2020 are the two biggest examples of what misinformation does.

In India, misinformation has been credited with causing a number of lynchings. There is a Wikipedia page available today titled "Indian WhatsApp Lynchings", where it classifies types of lynchings as "Moral Panic, Mass Hysteria, Lynchings, Mob Violence" ("Indian WhatsApp lynchings," 2024). It further states the cause as "fake news spread across social media".

Fake news is said to be spreading faster and reaching wider audiences due to:

- Various internet platforms where the subject matters are published at low cost, much wider reach, and quicker dissemination.
- Social media websites such as WhatsApp, Facebook, and X (Twitter) allow wider circulation of content, and provides virtual spaces for discussions and interactions where content is simultaneously consumed, produced, and reposted.
- Through tools of Artificial Intelligence (AI), propagation gets faster. AI by itself has a disproportionate impact on different groups (AIContentfy, 2023).

The rapid advancement of AI technology has brought about a new era in electoral campaigning, by revolutionising and changing the way politicians interact with voters and shape public discourse (West, 2023). While AI offers unprecedented opportunities for political outreach, at the same time, it also presents significant challenges and risks to election integrity and democracy.

Even before the full-fledged roll out of AI technologies, one of the earliest instances of AI's impact on electoral campaigns took place in February 2020 when Manoj Tiwari, a member of the BJP, utilised deep-fake technology for campaigning ahead of Delhi's legislative assembly elections. In a series of videos, Tiwari addressed voters in Hindi, Haryanvi, and English, with only the Hindi version being

authentic. The other two videos were deep fakes, generated using AI to mimic Tiwari's voice, expressions, and lip movement (Sharma, 2024).

Similarly, the Dravida Munnetra Kazhagam (DMK) in Tamil Nadu leveraged AI to resurrect its founder and iconic leader, M. Karunanidhi, through lifelike videos for their campaigns (Ram, 2024). These instances indeed highlight the growing prominence of AI in shaping electoral narratives.

In India, startups like The Indian Deepfaker have emerged, which specialise in AI-driven campaign strategies. The startup offers personalised messaging services using cloned voices of political candidates. Despite concerns raised about the misuse of AI in elections, news reports indicate widespread adoption of deep-fake technology by political parties and consultants (Sharma, 2024). These deep fakes serve various purposes, from creating positive sentiments around endorsed candidates to spreading misinformation about opponents (Sherif, n.d.).
The rampant spread of fake news is often attributed to the emotional potency of its content, especially when it involves highly emotive topics such as child kidnappings (Chaudhuri, 2019b). The virality of such misinformation thrives on evoking strong emotional responses like fears, anxieties, and a sense of moral outrage.

Mass lynchings, mass hysteria, and panic are not the only things that misinformation is causing. It is also extremely dangerous for the political condition of the country. A number of international reports by TIME (Perrigo, 2019) and BBC allege how pro-BJP media accounts, and in some cases, the NaMO app spreads misinformation (Thaker, 2018). This phenomenon is not peculiar to India but can be felt across the world, the prime example being the 2016 US Presidential Elections.

While it is thought that for the past 20 years and possibly till this day, television has been a significant factor in shaping public opinion during elections in India, its dominance has been somewhat challenged by the rise of the internet, the arrival and development of various new digital technologies, and online social networks like Facebook, X (Twitter), WhatsApp, YouTube, and Instagram.

Additionally, the exponential growth in social media over the past ten years has altered the way elections are conducted not just in India but throughout the democratic world, with leaders, parties, and candidates going all out to use this rapidly expanding medium to gain access to voters directly and shape their opinions. It is without question that in the age of the internet with social media platforms, misinformation spreads like wildfire and can not only lead to massacres but topple democracies. Online social networks and messaging apps are becoming more and more accessible to Indians as internet use increases, especially among the underserved.

On the one hand, democratisation of the online space and speech can be attributed to reasonably priced cell phones, inexpensive internet data packs and attractiveness of social media content. It is to be encouraged. On the other hand, the enormous growth of social media seems to be a possibly less than positive development. According to a report published by the Telecom Regulatory Authority of India (TRAI), there were 1017.56 million active wireless subscribers in June 2022 (Telecom Regulatory Authority of India, 2022). As per the last reports, India has over 1.2 billion mobile phone users and 600 million smartphone users (Jebaraj, 2023). According to the website Similar Web, the most used applications in India are WhatsApp Messenger, YouTube, Facebook, Instagram and Google (SimilarWeb, n.d.). All of these apps are messaging platforms which can facilitate the spread of information at a very fast pace.

The prevalence of smartphones in India is also unequal; men are significantly more likely than women to own one, people in large cities are twice as likely to own one as those in rural areas, and

upper castes appear to carry smartphones much more frequently than Dalits (Lokniti - Centre for the Study of Developing Societies (CSDS), 2019). When it comes to social media usage, the Muslim population, a sizable portion of which is thought to be as educationally and economically backward as the Dalit and tribal community, does pretty well. The minority community was found to have the second-highest exposure to social media after the upper caste Hindus. It is observed that about one-fifth of the Hindu Other Backward Castes (OBCs) were found to be either strongly or moderately exposed to social media.

In a study by the Lokniti - Center for Studying Developing Societies (CSDS) on Social Media and Political Behaviour (2019), social media did play a significant role in spreading the word about political slogans, party platform proposals, and security force actions because users of these platforms were found to be much more aware of them than non-users. It might be that the actual impact of social media in all the discussions and disputes about its growing influence on the general population has been overstated.

Social media in the 2019 elections managed to expand its reach to a larger percentage of voters compared to 2014, and those who used it had far more stronger opinions than those who were not exposed to any of the platforms. But it must be noted that the growth in the number of users seems to have stalled since 2018. The lack of trust that users (and non-users) have in the information they receive on these platforms may be a major factor behind this. It would also be interesting to highlight that across all media, there was a discernible attitudinal difference between frequent users and occasional users.

An interesting case study to understand the magnitude of EM in India is the case of the suicide bombing, also known as the Pulwama attack, where dozens in the paramilitary force died in Kashmir (Safi & Farooq, 2019). Days after this attack, a message spread among the nation's WhatsApp groups that if the populace supported Congress in the next parliamentary elections, the party would be given a sizable amount of money to the attacker's family as well as release other "terrorists" and "stone pelters" from prison (Poonam & Bansal, 2019). However, the assertion was untrue. No member of Congress had made such a claim, either at the federal or state levels. However, given that it was communicated in the run-up to the election and that it travelled remarkably quickly, it provided a window into a growing issue in this country.

Many people feel that India's Balakot airstrikes, which were carried out in reaction to the Pulwama assault and targeted terrorist training sites in Pakistan, gave Narendra Modi the boost he needed right before the elections.

Lokniti at CSDS conducted their National Election Study where they questioned voters on the use of social media platforms during the 2019 elections (Lokniti - Centre for the Study of Developing Societies (CSDS), 2019). The pattern for the 2019 study unquestionably demonstrates that there was a correlation between voters' use of social media and their predisposition to support the current ruling party. However, the fact that the party also received a significant number of votes (36%) from people who had no interaction with social media at all suggests that it might have won the election even if social media was out of the picture (Lokniti - Centre for the Study of Developing Societies (CSDS), 2019).

Article 19 of the Indian Constitution gives its citizens the fundamental right to speech and expression. This right is not absolute but has safeguards enshrined under Article 19(2). The Government may enact laws that impose reasonable limitations on the exercise of this freedom for the reasons listed in Article 19(2) of the Constitution, namely for the sake of India's sovereignty and integrity, the security of the state, friendly relations with foreign states, public order, decency, or

morality, or in connection with judicial contempt, defamation, or the incitement of an offence. Laws or any proposed legislation to curb misinformation and restrict speech has to pass this test as well.

2.3. Laws Regulating Misinformation in India

There are a variety of laws, legislation, and policies in place to tackle misinformation in the country. They can be broadly classified into two categories: those removing/blocking access to content such as content blocking and internet shutdowns, and through regulatory mechanisms such as that of Fact Check Units and self-regulatory committees. There are also proposed laws such as the Digital India Act which seeks to comprehensively combat misinformation in the country.

2.3.1. Internet Shutdowns

In 2023, India earned the dubious distinction of being the country with the highest number of Internet Shutdowns globally (Access Now, 2023). Over the past seven years, there has been an alarming increase in the frequency of internet blockades and bandwidth throttling within the country. These shutdowns are often employed as a means to stifle dissent, hinder the organisations involved in protests, conceal human rights abuses, and for administrative convenience. India has witnessed a staggering total of 754 shutdowns since 2012. These shutdowns are imposed for various reasons, including quelling unrest, maintaining law and order, and preventing cheating during examinations. Many shutdowns occur in the midst of protests and mass movements. Notably, the government of India neither keeps a record of these Internet shutdowns nor has plans to introduce regulations for their proper governance.

Shutdowns in India are executed through the application of Section 144 of the CrPC (Code of Criminal Procedure) and the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, enacted by the Indian government under Section 7 of the Indian Telegraph Act, 1885. These rules outline the specific procedure for implementing an internet shutdown. The Temporary Suspension rules serve as the primary legislation governing internet shutdowns. According to these rules, the authority to impose internet shutdowns rests with the executive branch at both the union and state levels. Sub-rule 2(6) stipulates that an internet shutdown shall be imposed in accordance with Section 5(2) of the Indian Telegraph Act. Section 5(2) states that an Internet shutdown can only be imposed in the case of a "public emergency" or in the interest of "public safety."

However, these terms, "public emergency" and "public safety," have not been clearly defined anywhere in the legislation. As a result, very often, internet shutdowns are imposed in situations which do not satisfy the threshold of a public emergency or public safety as laid down by judicial precedents (Narrain, 2018).

In India, with the exception of Jammu and Kashmir, internet blackouts are a rare occurrence during or immediately before elections. This divergence from the global trend can be attributed to the concerns of elected officials who fear potential electoral backlash if they were to impose an internet shutdown. This contrasts with the common practice of implementing internet shutdowns around elections in various parts of the world. For instance, in Sub-Saharan Africa, half of the elections held during 2015-16 took place amidst internet outages. Similarly, on election days, Internet access was denied to voters in countries like Bangladesh (2018), the Democratic Republic of the Congo (2019), Benin (2019), and Uganda (2021).

Access Now data indicates that, from 2016 to 2019, Jammu and Kashmir was the sole Indian state (now a union territory) where internet outages occurred during elections. This trend continued in 2020 during the District Development Council Elections, reaffirming Jammu and Kashmir's dismal state of affairs (Mukeet, 2020).

The most plausible explanation for the observed decrease in the number of shutdowns around elections is likely the widespread unpopularity of shutdowns among the public. Incumbent governments may, therefore, be apprehensive about losing votes if they were to implement an internet shutdown in close proximity to an election (Ruijgrok, 2021).

2.3.2. Proposed Digital India Act

The Indian Ministry of Electronics and Information Technology has proposed the "Digital India Act", intended to replace the Information Technology Act, 2000. The consultations conducted so far have been preliminary, outlining the elements under consideration by the ministry for this legislation, with some ideas being rejected. While there have been reports of draft bills being developed at various stages, none have yet been made public. Several factors have contributed to the need for updating India's IT law, including the increasing number of IT users, the diversity of intermediaries, concerns regarding new and sophisticated forms of online criminality and illegality, the need for an adjudicatory process for civil and criminal offences, and the goal of aligning digital technology with the principles of Digital India. In the second round of pre-drafting public consultations, the government has emphasised on the need to create necessary guardrails within the Digital India Act to address 'high-risk and deep fake AI" amid the growing threat of AI-related misinformation (Business Standard, n.d.).

2.3.3. Grounds under the (former) Indian Penal Code dealing with Misinformation[4]

The Indian Penal Code, 1860, contains several provisions addressing misinformation in the country.

Section 124A of the Indian Penal Code
The sedition law in India often faces criticism due to its ambiguously worded provisions, which can be broadly interpreted and potentially misused. If found guilty, an accused may receive a sentence of either life imprisonment, along with the possibility of an additional fine, or a sentence of up to three years in jail. Over the years, courts have made efforts to interpret the sedition standard carefully to protect free speech. According to the Sedition database maintained by Article 14, more than 13,000 Indians have faced accusations under this law (Article 14, n.d.).

Section 499 and 500 of the Indian Penal Code (Defamation) (Government of India, 1860)
Defamation occurs when an individual, with the intent to harm another person's reputation, creates or publishes any imputation about that person through spoken or written words, signs, or visual gestures. The person making the imputation must know or have a reasonable belief that it will harm the person's reputation. However, this section contains several exceptions.

Section 153-A of the Indian Penal Code (Government of India, 1860)
It deals with promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and committing acts prejudicial to the maintenance of harmony. The

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[4] The Indian Criminal Code underwent a significant overhaul in December 2023, marking a significant departure from its British colonial-era roots. The report was prepared prior to that, and predates these reforms. As such, the provisions of the previous criminal law regime are discussed here.

Indian Penal Code includes provisions related to hate speech regulations aimed at preventing disruptions of public peace that may result from heightened hostilities among various groups. These provisions encompass IPC sections 153A, 153B, 295A, 298, and 505. In essence, these sections prohibit making derogatory statements against members of any caste, community, racial, linguistic, or regional group. Their scope covers various means of communication, including written or spoken words, signs, visible representations, or any other form. To establish an offence, there must always be a deliberate or malicious intention to disparage the group. The absence of malicious intent is a crucial consideration in determining whether the offence was committed.

2.3.4. The Representation of the People Act, 1950

The Election Commission of India (ECI) serves as the guardian of elections in India. The Representation of the People Act (RPA), 1950, and the Representation of the People Act, 1951, were enacted by the Parliament to regulate elections in India and ensure they are conducted in a free and fair manner. The RPA establishes guidelines for electoral integrity and prohibits certain behaviours that undermine the fairness of elections, ensuring that candidates with high ethical standards are chosen to represent India's citizens (Government of India, 1951).

Section 123 of the act addresses the issue of corrupt practices, while paragraph (3A) explicitly outlines that the promotion of enmity between various classes of Indian citizens, based on religion, race, caste, community, or language, can result in the disqualification of a candidate. Essentially, any attempt by a candidate to incite hatred on these grounds during an election or the deliberate spreading of false information about another candidate's character, conduct, candidacy, or withdrawal, with the potential to harm their chances of winning, can lead to disqualification. Section 125 of the RPA specifies the penalties associated with promoting such enmity during election-related activities.

An example of a recent conviction under Section 125 is that of political leader Azam Khan. He was a senior Samajwadi Party (SP) leader found guilty by a Rampur municipal court, resulting in his disqualification from serving in the Uttar Pradesh Assembly. Khan used insults to provoke the then Rampur District Magistrate Aunjaneya Kumar Singh, Chief Minister Yogi Adityanath, Prime Minister Narendra Modi, and Congress candidate Sanjay Kapoor during the 2019 Lok Sabha Election campaign (Kumar, 2022).

2.3.5. Model Code of Conduct

The ECI introduced a model code of conduct ahead of the 2019 Lok Sabha elections, intending to apply it to internet platforms in the country, although the code of conduct has been applicable to internet platforms since 2013. Several new measures were introduced by the ECI during the 2019 elections. The first category includes actions intended to promote campaign transparency, such as confirming the names and locations of all political sponsors and disclosing the use of social media by candidates. The second category consists of norms aimed at preventing candidates from spreading false information and inciting hatred, which includes the creation of dedicated grievance redressal channels and the pre-certification of political advertisements by the ECI's Media Certification and Monitoring Committee (Visvak, 2019).

ECI, in collaboration with the Internet and Mobile Association of India (IAMAI), Facebook, Google, X (Twitter), and other platforms, introduced a "Voluntary Code of Ethics for the General Election 2019"

in March 2019 to regulate the use of platforms for online political campaigning (Election Commission of India, 2019).

This Model Code of Ethics is based on the recommendations of the Sinha Committee, which suggested extending the election silence rule to cover print and social media, the internet, cable channels, and online versions of print media (Election Commission of India, 2019). The committee advised that ECI and the platforms collaborate to establish a system to enable the platforms to identify and remove content violating electoral laws. The objective is to ensure free and fair elections while curbing hate speech, fake news, and political propaganda.

To prevent violations of RPA, 1951 and other electoral rules, the Model Code advocates for the creation of a "notification mechanism" through which ECI can promptly alert relevant platforms about such infractions. Any content flagged by ECI will be disabled or removed promptly, within a maximum grace period of three hours, as per the Sinha committee's recommendations. These legitimate legal orders will be acknowledged and processed for infractions recorded under Section 126 within three hours, depending on the type of reported violation. Regarding the definition of the "election period," Section 126 of the RPA specifies a prohibition on certain activities, including campaigning and result predictions, during the forty-eight hours leading up to the conclusion of the poll (Government of India, 1951). However, it's essential to note that ECI's authority to act is not necessarily limited to this specific period laid down by section 126. ECI has broad powers to address violations of electoral rules and can take action against the delinquents at any time during the electoral process, including before and after polling days.

Platforms participating in this initiative are required by ECI to monitor and regulate the publication and distribution of political party content and advertisements, all while respecting the right to free speech. These platforms must also establish and implement policies and procedures to facilitate public access to information regarding electoral matters, party manifestos, and promises. They are also responsible for training the ECI nodal officer on these products and services, including the processes for submitting requests in compliance with legal procedures (Sagar & Sharma, 2019). The platforms must also establish a mechanism for relevant political advertisers to submit pre-certificates issued by ECI for election advertisements featuring the names of political parties or candidates. These details must be shared with both the platforms and ECI for verification. Any advertisements lacking certification must be promptly processed upon notification by ECI (Press Information Bureau, 2019b). The Media Certification and Monitoring Committees, established at various administrative levels spanning from district to state and national levels, are tasked with the pre-certification of political advertisements (Chief Electoral Officer, Delhi, n.d.). The code was in force for the duration of the 2019 Indian General Elections (Election Commission of India, n.d.). However, later, ECI extended the code to elections for several state legislative assemblies (Press Information Bureau, 2023a).

2.3.6. Intermediary Liability and Rules

An Intermediary is defined under section 2(1)(w) of the Information Technology Act, 2000. It essentially refers to a person who receives, stores, and transmits electronic messages or related services on behalf of others. Online intermediaries, such as Internet Service Providers (ISPs), play a crucial role in providing online access to people and serving as a link to the world wide web. They facilitate the transmission, distribution, and publication of content and enable an interactive online environment, including social media platforms. While these intermediaries aim to generate profits, users also exercise their freedom of speech and expression, as guaranteed by Article 19 of the Constitution of India.

Section 79 of the Information Technology Act, 2000, commonly referred to as the safe harbour provision, addresses the liability of ISPs regarding the content hosted on their platforms. This section stipulates that ISPs can potentially be held accountable for the content on the websites they host, even if they are only passively hosting the site. However, they can avoid liability by complying with the Notice and Takedown regime, which requires them to promptly remove objectionable material upon receiving notice.

Section 79(1) of the act provides some conditional immunity to ISPs. Under this section, ISPs will be immune if they can prove the following (Dara, 2011):

- They provided access to a communication system where information is available to third parties.
- The transmission was not initiated by the ISP, nor was it modified or selected by them.
- The ISP practised due diligence to prevent the commission of such an offence.

The predicament towards proving liability for intermediaries is a basic problem of understanding that a person who created the unlawful and prohibited content should be solely held responsible for his content rather than holding the ISP and intermediaries responsible for the same, whose system just happens to automatically transmit what is commanded to it by the creator of the content.

Prior to 2021, two major developments happened in response to this predicament in the Indian landscape. First, the IT amendment of 2008 established the Notice and Takedown regime for limiting liability. Second, Section 79 of the Information Technology Act, 2000 was watered down in Shreya Singhal V. Union of India. In this judgement, the requirement for actual knowledge for an intermediary to remove the content did not have to be any notice but would mean an intimation which was given by either the government or through way of a court order.

A major development which had a massive impact on the intermediary liability regime in India was when the Ministry of Electronics and Information Technology (MEITY) and Ministry of Information and Broadcasting (MIB) on February 25, 2021, announced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

The rules introduced several additional obligations on Intermediaries, including time limits for content takedown, the requirement for a mandatory grievance redressal officer, compliance reports, and traceability requirements for end-to-end encrypted platforms like WhatsApp. These rules also included provisions for automated content filtering and user verifications.

The second part of the rules is administered by MIB, which categorised its subjects into two: 1) Publishers of news and current affairs content and 2) Publishers of online curated content. Many of these rules have faced legal challenges in different High Courts in India on grounds of excessive delegated legislation, unconstitutionality, and violation of fundamental rights. They have collectively become known as the "Bhakta Tripathy V. Union of India" case.

2.3.7. Fact Checking Unit by Government of India

In April 2023, the Union MEITY introduced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023. Alongside the regulations for online gaming platforms, these rules provide a mandate to the Union government to establish a fact-checking unit

responsible for identifying "fake," "false," or "misleading" content related to "any business" of the Union government (Bakshi, 2023).

The due diligence requirements for intermediaries are outlined in Rule 3(1)(b)(v) of the IT Rules, 2021. The amendment now mandates that intermediaries must take "reasonable efforts" to ensure that their users do not upload or share any information about the government that has been labelled fake, false, or misleading by a fact-check unit solely appointed by the centre. Failure to comply with these due diligence obligations puts intermediaries at risk of losing their safe harbour status under Section 79 of the IT Act, 2000 (Malhotra & Singh, 2023).

The fact-checking team is expected to include a representative from the Union MIB, one from the Union Ministry of Statistics and Programme Implementation, a media specialist, and a legal expert. In a writ petition filed with the Bombay High Court, the Association of Indian Magazines (AIM) contends that the provision of the IT Rules Amendment, 2023, is unconstitutional as it violates the Information Technology Act, 2000 (IT Act, 2000), and the freedom of speech and expression (Kamra v. Union of India, 2024).

During a hearing held on July 21, 2023, the central government informed the Bombay High Court that the fact-checking rules would not be enforced until September 4. On July 14, the Bombay High Court had expressed concerns that the recent changes to the Information Technology (IT) Rules, 2021, aimed at addressing false information on social media, might be excessive (Jakhar, 2023).

2.3.8. Content Blocking under the IT Act

Section 69A of the Information Technology Act, 2000, in conjunction with the Information Technology (Procedure and Safeguards for Blocking for Access of Information by the Public) Rules, 2009, also known as the Blocking Rules, 2009, serves as the primary legislation for content blocking in India. Additionally, content can be removed under Section 79 of the IT Act through a notice and takedown mechanism (refer to the section on IL) and under the Copyright Act for copyright violations. However, the entire content blocking regime faces issues such as opaque takedowns, lack of hearings, and excessive blocking. The government does not maintain a database containing statistics on website blocking in the country (SFLC.in, 2023).

2.3.9. Press Regulations

The Press Council of India Act, 1978 and the Norms of Journalistic Conduct
The Press Council of India (PCI) Act is the primary legislation regulating journalism and press-related activities in India. The Norms of Journalistic Conduct, also known as PCI Norms, are released and regularly updated by the PCI. They outline the professional standards that journalists must adhere to. These standards include operating professionally by ensuring accuracy and fairness.

Additionally, the body is authorised by the PCI Act to conduct inquiries into newspapers, news organisations, editors, or journalists, providing them with an opportunity to be heard, either on its own initiative or in response to a complaint. It's important to note that the PCI only possesses censure authority. In cases where the PCI journalistic norms are violated, it is not empowered to impose fines or other sanctions, and it does have any jurisdiction over matters that are the subject of ongoing legal proceedings.

The Cable Television Network Regulation Act, 1995

The primary legislation governing the operation of cable television networks in India is the Cable Television Network Regulation Act, 1995 (CTNR Act) (The Cable Television Networks (Regulation) Act, 1995). Sections 5 and 6 of the CTNR Act indirectly regulate broadcasting content by prohibiting the transmission or re-transmission of television programmes and advertisements that do not conform to the Program Code and Advertisement Code prescribed by the central government under the rules framed under the attack. The centre has the authority to issue orders to regulate or prohibit the transmission or re-transmission of programmes that do not adhere to the Program Code.

The regulation of cable television networks under this act involves a two-step process. Firstly, cable operators are required to register compulsorily to be monitored by the government, and secondly, provisions are laid down to regulate the content they broadcast.

In the interest of the public, the centre can instruct any cable operator to broadcast or replay a specific programme using a system. The government also has the authority to mandate that cable operators include certain free channels in their packages. Additionally, the government can set a maximum price beyond which an operator cannot charge for services.

News Broadcasting and Digital Standards Authority
The News Broadcasting & Digital Standards Authority (NBDSA) is a self-regulatory organisation established by Indian news and digital broadcasters. Founded on July 3, 2007, this private body plays a leading role in the Indian news landscape. Its primary mission is to address a wide range of concerns, including moral, practical, legal, regulatory, and technical issues that impact news and current affairs channels (Jha, 2021).

2.3.10. Linking Aadhaar and Voter ID

In 2021, the Election Laws (Amendment) Bill was passed, introducing significant changes to the RPA, 1950, and the RPA, 1951. These changes involve linking the voter IDs of both new and existing citizens with their Aadhaar numbers – which is a 12-digit unique identification number issued by the Unique Identification Authority of India (UIDAI) on behalf of the Government of India.

ECI initiated the process of linking Aadhaar and voter IDs back in 2015. The main objective was to eliminate the issue of duplicate registered voters. The commission launched the National Electoral Roll Purification and Authentication Programme (NERPAP) on April 1, 2015, with a completion date of August 31, 2015. However, the Supreme Court intervened by issuing an interim order on August 11, 2015, suspending the initiative while hearing on the constitutionality of Aadhaar.

Linking Aadhaar with various databases poses the risk of extensive profiling, potentially leading to commercial exploitation. This practice could influence individual behaviours, preferences, and interests, thereby impacting privacy and personal liberty. If Aadhaar becomes intertwined with every aspect of life, it could result in a loss of privacy. Profiling might also be used to predict individuals' future choices and preferences, with potential implications for electoral decision-making. It's worth noting that linking voter ID and Aadhaar is currently a voluntary exercise but has faced criticism from civil society activists in the country.

2.4. Decoding Election Misinformation in India: Concerns and Recurring Themes

In the interconnected realm of global politics, the phenomenon of online manipulation and disinformation has emerged as a pivotal player in shaping electoral outcomes. It transcends the boundaries of mere campaigns and voting, extending its influence deep into the fabric of political dynamics. Several nations, including even the United States, have borne witness to meticulously orchestrated and strategically executed misinformation campaigns, designed to manipulate narratives and steer the course of elections (Detrow, 2018).

Both state and non-state actors engage in deploying formidable cyber cells, leveraging digital platforms to advance their agendas and mould public opinions across social media landscapes. The surge of political misinformation tends to reach its zenith in the lead up to or during significant political events. There exists a symbiotic relationship between political systems and misinformation, each fuelling and amplifying the other. Weaker or emerging democracies, often entrenched in societal polarisation, frequently experience a remarkable upswing in misinformation during election periods. Meanwhile, even stable democracies are not immune to the corrosive effects of organised misinformation campaigns, which can precipitate the rise of populist or despotic regimes.

A notable case in point is the 2019 General Assembly Elections in India, where a staggering 900 million individuals exercised their voting rights over seven weeks (Goldman, 2019). Within this vast electorate, around 500 million people had access to the internet (Mathur, 2019). Another salient facet of this election was the extensive utilisation of social media by Narendra Modi, the current Prime Minister, whose ascendancy to power was underpinned by his skilful exploitation of digital platforms (Bansal, 2019). This electoral process stands out as a paradigmatic example of the profound impact of propaganda and misinformation campaigns, unprecedented in scale and influence. As a result, the Modi-led BJP secured a sweeping victory, securing 303 seats in the election (Kaushik, 2019). Even before the 2014 general elections began, the BJP formed cyber armies to bolster its social media tactics (Jacob, 2017). These groups, also called IT cells, are affiliated with governments or political parties. Initially, they were created to build a strong cult following for Modi. Later, to streamline coordination and the mass sharing of political literature among voters, these cells were tasked with the creation of tens of thousands of WhatsApp groups, from district to village levels (Perrigo, 2019). To achieve this, the BJP enlisted over 900,000 volunteers as "cell phone pramukhs" (Purohit, 2019).

2.4.1. The Media Landscape and Misinformation Challenges in Indian Elections

As elections near, political parties increasingly resort to disinformation campaigns as a means to influence voters. Political parties, equipped with granular voter data, exploit these vulnerabilities to launch disinformation campaigns in the lead up to elections. The looming spectre of AI-generated media in the 2024 elections threatens to intensify this pre-election disinformation avalanche (The Associated Press, 2023).

The scale of this disinformation challenge is massive, requiring dedicated fact-checking efforts. However, fact-checking at such a scale is no small feat. It demands a delicate balance between language and content, especially considering the diverse linguistic landscape of India.

One of the critical vulnerabilities lies in semi-urban and rural areas, where factors like low literacy rates, more affordable internet access, and heavy reliance on social media as the primary news source make communities susceptible to targeted disinformation (Newman et al., 2022). The proliferation of false information undermines citizens' capacity to make informed choices. Often intertwined with hate speech, this misinformation contributes to voter polarisation and the rise of majoritarian governments, subsequently fostering discrimination against marginalised groups.

The role of the press in countering misinformation is significant. The press plays a pivotal role in disseminating accurate information and enhancing the public sphere. However, consolidating corporate control over television and digital media has eroded trust in news sources (Bal, 2022). This trend has left limited space for alternative opinions and critical voices to thrive. The recent acquisition of NDTV, the last bastion of liberal media in India, by the Adani Group, epitomises this transformation (Muslim Mirror, 2022).

Corporate media entities have become the sole proprietors, holding a monopoly over information dissemination. Moreover, their employees are subject to stringent limitations when it comes to expressing political opinions on social media (Kumar, 2021). These restrictions extend to barring employees from making critical remarks about the government while endorsing government initiatives is permissible. This is enforced through restrictive social media policies that employees are mandated to adhere to. As a result, there exists minimal opportunity for even journalists to utilise their popularity to rectify or verify misinformation circulating on social media platforms, particularly those that challenge the actions or narratives of the ruling government.

As corporate-controlled media gained influence, concerns grew about the spread of misinformation and biased narratives. To counter this, independent fact-checking groups were established. These organisations focus on verifying information, debunking false claims, and providing accurate context. Their emergence signifies a pushback against the narrative control exercised by corporate media, aiming to ensure that accurate and unbiased information reaches the public.

2.4.2. Meta's Influence on India's Fact-Checking Ecosystem and Implications for Misinformation Control

The extent of misinformation in India becomes evident when considering the country's high number of fact-checking organisations (The Hindu Business Line, 2022). This fact-checking landscape spans across different platforms, including TV and digital news outlets. Prominent Indian fact-checkers such as BOOMLive, Quint's "Webqoof," and SMHoaxSlayer are integral parts of this landscape. Notably, all of them, except Alt News, are fact-checking partners with Meta. These organisations have received significant funding from Meta to support their operations (Meta, 2022).

This signifies that the operations of fact-checkers will be subject to Meta's guidelines. The selection of subjects for fact-checking and the decision on who gets immunity will align with Meta's directives. Consequently, Meta transcends its role as a platform for spreading widespread misinformation. By exerting control over significant fact-checking entities in India, it effectively also becomes the primary authority determining which content on its platform is amplified and which content undergoes fact-checking.

As per Meta's rules, fact-checkers aren't allowed to fact-check political speeches, or misinformation by legislators, or party spokespeople, and this immunity now extends to candidates as well. It doesn't matter if the video or audio is altered or clipped to mislead. Interestingly, this rule exists in the context of political parties being the largest amplifiers of misinformation and hate speech. While the policy is impartial in its application, the ruling BJP benefits disproportionately due to its extensive IT cell propagating misinformation on a massive scale. Most member fact-checkers, except for a few, avoid identifying the political sources behind the misinformation. In 2020, Alt News highlighted this biased approach by Facebook, revealing that its fact-checking partners in India haven't effectively countered BJP-related misinformation (Chaudhuri, 2019a).

Table 2.1: *Alt News found that, except Boomlive and The Quint, the majority of fact-checking partners have published either minimal or no reports identifying the five sources of misinformation.*

Reports published from Auguts 2019 to August 2020									
Facebook Partnered Independent Fact Checkers									
Misinformation source	**AFP**	**BoomLive**	**The Quint**	**India Today**	**Factly**	**Fact Crescendo**	**Newsmobile**	**VIshwas News**	**Alt News**
Amit Malviya, BJP IT Cell Head	0	7	9	1	0	1	1	0	16
Sambit Patra, BJP National Spokesperson	0	6	10	2	1	1	1	1	1412
Tarek Farah, Pakistani Canadian Writer	1	12	6	4	0	0	2	0	18
Sudarshan News or Suresh Chavhanke	1	5	3	1	1	1	3	0	11
OpIndia	0	5	14	1	0	0	0	0	35

Fact-checking organisations refrain from naming prominent political misinformation sources due to Meta's policy of not fact-checking political subjects and excluding them from its AI tool's ratings and warning labels on fact-checked content. Consequently, misinformation disseminated by political figures persists, spreading and getting reshared by others, perpetuating an ongoing cycle of fake news.

Before the Lok Sabha elections of 2019, social media platforms adopted a "Voluntary Code of Ethics" (Press Information Bureau, 2019b). This commitment entailed implementing effective policies and procedures to safeguard the electoral process's transparency and integrity. As part of this agreement, platforms established a dedicated reporting system for ECI. At that time, a major portion of the complaints that ECI had reported to the social media platforms were concerning EVMs (Kancharla, 2019).

2.4.3. Sourcing misinformation: A challenge

The challenge faced by fact-checkers is to proactively address disinformation campaigns at their source. This entails mowing the disinformation at the ground level before it can sway the electorate.

However, centralising fact-checking in a diverse country like India presents its own set of problems. Fact-checkers navigate with their perceptions and sensibilities when selecting stories to investigate. This leads to a gap between the stories fact-checkers focus on and the narratives that genuinely influence people in far-flung areas. Tools that highlight potential misinformation are valuable but are only as effective as their algorithms, leaving huge gaps between reported stories and on-the-ground realities that require immediate attention. Bridging this gap is vital to effectively combat disinformation and preserve the integrity of elections in India.

Facebook and X (Twitter)
Facebook is confronting a significant challenge with the proliferation of misinformation across its platform. To combat this issue, the company introduced an AI tool designed to identify and mitigate such content (TechCircle, 2022). However, the outcomes have proven to be less than satisfactory. Instead of effectively pinpointing misinformation, the tool often ends up targeting unrelated content like advertisements, clickbait, and irrelevant posts that manage to evade its grasp. Facebook is yet to incorporate nuanced advanced search options that could potentially help fact-checkers manually search for potential instances of misinformation.

X (Twitter)'s advanced search feature offers a valuable tool for fact-checkers in their quest to identify and counter misinformation (Cercos, 2022). This feature allows users to conduct more precise and targeted searches by applying filters such as keywords, hashtags, dates, and even specific accounts. Fact-checkers can leverage this functionality to search and analyse content related to trending topics or specific claims, making it easier to assess the accuracy of information.

On the other hand, Facebook lacks a comparable advanced search option that would enable similar granularity in information retrieval. This absence limits fact-checkers' ability to effectively search for and identify misinformation on the platform. Without such a tool, fact-checkers may struggle to locate specific posts, trends, or accounts that could potentially be sources of misinformation. As a result, Facebook's approach may inadvertently hinder the comprehensive efforts of fact-checkers to combat misinformation effectively.

WhatsApp
Nearly half of India's population, approximately 46 per cent, relies on WhatsApp for their daily news updates (Newslaundry, 2022). This vast number of users, however, is exposed to the risk of EM, as content shared on WhatsApp might be mistaken for authentic news. Nonetheless, WhatsApp employs end-to-end encryption, ensuring that shared content remain secure and accessible only to the sender and recipient. This encryption provides a considerably strong layer of privacy and protection for users' communications.

However, due to this encryption, the content exchanged on WhatsApp remains beyond the direct monitoring or access of external parties, including fact-checking organisations. In contrast to public platforms like X (Twitter) or Facebook, where content can be more readily examined by automated tools or human moderators, WhatsApp's encryption presents a challenge in identifying and addressing misinformation.

To address this limitation, many fact-checking organisations rely on users to flag suspicious or misleading content through dedicated tip lines or reporting mechanisms (Purnell, 2019). Users who come across potential misinformation can voluntarily report it to fact-checking organisations, allowing them to investigate and verify the accuracy of the information. This collaborative approach empowers users to play a pivotal role in identifying and addressing misinformation within WhatsApp's encrypted environment. At least, ten fact-checking organisations in India have a dedicated tip line to flag fake news (WhatsApp, n.d.).

2.4.4. Government's Plan to Register Fact-Checkers Raises Free Speech Concerns

Fake news is often used as a political weapon by governments and other actors to manipulate public opinion and achieve their desired outcomes. In India, the ruling party, BJP, has been accused of using fake news to its advantage. For example, in the run-up to the 2019 general election, the BJP was accused of spreading fake news about its opponents, including claims that the opposition leader, Rahul Gandhi, was a Muslim and that he had converted to Christianity (Gupta & Ranjan, 2023).

Instead of taking rightful measures to protect the rights of journalists and fact-checkers to do their work without fear of reprisal, the government of India is coming up with a legal noose to suffocate the Indian fact-checking ecosystem. The government has proposed the Digital India bill, a law that would give the Indian government more power to regulate the internet. The bill includes a provision that would require fact-checkers to register with the government (The Wire, 2023). This has raised concerns about freedom of speech, as critics fear that the government could use this provision to silence dissent and to crack down on fact-checkers who expose misinformation that could benefit it (The Siasat Daily, 2023).

The government has argued that the registration requirement is necessary to regulate the work of fact-checkers and to ensure that they are not spreading misinformation. However, critics have argued that the requirement is unnecessary and could be used to intimidate and harass fact-checkers.

The arrest of Mohammed Zubair, the face of the Indian fact-checking ecosystem and co-founder of Alt News, is an example of the government's selective targeting of fact-checkers. Zubair was arrested in June 2022 on charges of promoting enmity between different groups on grounds of religion and deliberately insulting religious beliefs. The government is determined to prosecute him on trivial charges, such as sharing a poster of a popular classic Indian film that "hurt religious sentiments", and for flagging hate speech on the internet (ANI, 2022). Different state governments ruled by the BJP have continued to file first information reports (FIRs) against him on various grounds (Rashid, 2023).

The government's action has been widely criticised by human rights groups and journalists, who argued that they are politically motivated and that Zubair was being targeted for his work as a fact-checker (Aafaq, 2023). Zubair has been vocal in his criticism of the government and has exposed countless fake news stories that have been spread by the ruling party.

Fact-checkers play an important role in combating misinformation, but they are often targeted by the government and by those who spread misinformation. It is important to protect the work of fact-checkers and to ensure that they can do their work without fear of reprisal.

The government's use of fake news, its proposed registration of fact-checkers, and the arrest of Mohammed Zubair are all worrying developments.

2.4.5. Themes of Election Misinformation in India: EVM Tampering, Pre-poll Surveys, and Communalism

Misinformation has become an alarming trend in Indian elections, posing a significant challenge to the integrity of the electoral process and undermining public trust. In recent years, several instances of EM have come to light, with a particular focus on eroding confidence in free and fair elections.

During the 2019 Lok Sabha elections, a range of misinformation tactics was witnessed. For instance, the head of the Congress IT cell tweeted a manipulated image drawing parallels between Prime Minister Modi and Hitler (Times Fact Check, 2019b), attempting to discredit the BJP. False images portraying popular Bollywood celebrities Ranveer Singh and Deepika Padukone campaigning for the BJP also circulated widely, exploiting the public's trust in these figures (Times Fact Check, 2019a).

Another concerning trend has been the dissemination of digitally generated images to exaggerate the support for Prime Minister Modi at his rallies (Puzhakkal, 2022). These images aimed to create a false perception of massive public endorsement. Additionally, misinformation campaigns included spreading false claims about pre-poll surveys, with one notably fake survey purportedly conducted by the BBC predicting an overwhelming victory for the BJP in the 2019 Lok Sabha elections (Sidharth & Alt News, 2019).

Misinformation also extends to misrepresenting facts through old videos. In one instance, videos were shared with false claims of bogus voting under burqas, fostering distrust in the electoral process (Hassan, 2019). There were even false claims about Pragya Thakur being acquitted of terror charges, further complicating the information landscape (The Quint, 2019).

Analysing the trend of EM in India, data from Alt News reveals a disconcerting picture. During the Uttar Pradesh assembly elections, both the BJP and Congress were actively involved in spreading false claims targeting each other. In 2022, Alt News compiled 124 fact-checks on false news spread by political amplifiers, demonstrating the extent of the problem (Parmar & Jha, 2023). The BJP and Congress accounted for the majority of misinformation, with the BJP sharing the highest proportion of false claims. Prominent political figures associated with these parties, such as Naveen Kumar Jindal, Prashant Patel Umrao, Amit Malviya, and Kapil Mishra, were frequent contributors to misinformation.

A comprehensive analysis of fact-checks conducted by Alt News reveals a wide range of misleading narratives and false claims that have circulated during various elections over the years. These narratives encompass both local and national elections, reflecting the complexity of the disinformation landscape.

Certainly, based on the information provided, it is evident that EM in India tends to mostly revolve around three key themes: EVM tampering, fake pre-poll and exit-poll surveys, and communalism.

The common thread among these instances of EM is their potential to undermine the integrity of the electoral process. By sowing seeds of doubt, spreading false information, and manipulating public opinion, those behind such misinformation aim to disrupt the democratic foundations of India's elections.

EVM Tampering
EVM tampering allegations often surface through fake letters or viral videos that falsely attribute claims of tampering to ECI officials. Misinformation about EVMs is not limited to one specific type of claim, but rather encompass a wide array of narratives, making it challenging to address comprehensively. The most common claims about EVMs include that they are easily hacked, that they can be tampered with to change the outcome of elections, and that they are biased against certain political parties (Salman, 2021). These claims have been repeatedly debunked by ECI, independent fact-checkers, and security experts. However, they continue to be shared on social media and other platforms, often by political parties and their supporters.

A keyword search on Google yielded a total of 19 fact-check stories about EVM misinformation done so far. Out of these, 10 were unique and others were done by many organisations. Notably, the number of fact-check stories on the subject has increased over the years, with two in 2019, three in 2020, four in 2022, and ten in 2023. This suggests that despite fact-checking efforts, false claims and rumours about EVMs continue to circulate, indicating the need for ongoing vigilance and correction of such misinformation.

Fake Surveys

The spread of fake pre-poll and exit-poll surveys contributes to the misinformation landscape. These fabricated surveys, such as the fake BBC opinion poll predicting a BJP win in Rajasthan, Karnataka, were shared widely on social media platforms (Sidharth & Alt News, 2019). The claims are designed to influence voters by presenting false data that favours specific political parties. This type of misinformation can distort public perceptions, potentially leading to misguided voting decisions.

Communalism and Identity-Politics

Another prevalent type of misinformation revolves around communal and identity-based narratives. Instances such as the false claim of a "Pakistan Zindabad" slogan being raised during gram panchayat polls in Gujarat or misleading stories about violence involving different religious communities contribute to a climate of social and political tension (Parmar, 2021). Misleading narratives around political alliances, like the fabricated announcement of a BSP-BJP alliance by Mayawati ahead of the Uttar Pradesh polls, aim to sway voter sentiment.

Other Forms of Election Misinformation

Misinformation about voting irregularities and corruption allegations is also a major problem in India's EM landscape. Several elections have seen the spread of fabricated videos and images. For example, a video related to the Chhattisgarh elections was shared with the false claim of BJP bribing voters in Delhi during the assembly elections (Alt News, 2023).

Inaccurate claims about rigging, booth capturing, and voter fraud have also been widely shared (Ghosh, 2022). Misinformation surrounding election processes, such as online voting for Non-Resident Indian (NRI) voters and ballot paper voting for constituencies with over 100 candidates, further complicates the electoral discourse (Patel, 2019).

2.5. Voices of Vigilance

2.5.1. The Fact-Checking Operations Perspective

During an interview with a head of a fact-checking operation of a leading organisation in India, several key insights pertaining to election misinformation in the country emerged. The fact-checker emphasised that misinformation has become a formidable adversary of democratic institutions, warranting dedicated attention. Notably, the source of funding for fact-checking organisations worldwide was discussed, revealing that Meta plays a substantial role, financially supporting approximately 45% of such organisations globally. The 2022 State of Fact Checkers Report by the International Fact-Checking Network (IFCN) corroborates this, indicating that 45.2% of fact-checking initiatives rely on Meta's third-party Fact Checking Program, while 29% receive grants, and the remaining funding comes from individual donations. To ensure sustainability, he underscored the necessity for fact-checking organisations to diversify their funding sources, reduce dependence on major tech grants, and promote community-driven support. Moreover, he recommended forging more collaborations with tech companies, platforms, stakeholders, academic institutions, and media organisations.

Additionally, it was revealed that TikTok, despite being banned in India, has been providing grants to fact-checking organisations. Meta's fact-checking program was highlighted as the most extensive worldwide, while the fact-checker noted that X (Twitter) had its own fact-checking partnerships with organisations before the consequential corporate transition took place. Regarding ECI's efforts to combat election-related misinformation, the fact-checker mentioned ECI's collaborations with various social media intermediaries to curb misinformation during election periods.

In the context of misinformation trends, the interviewee emphasised a high prevalence of fake news concerning candidates, political parties, and communities, often accompanied by manipulated audio-visual content and dehumanisation of specific groups. However, it was noted that there is insufficient evidence to conclusively assert that fake news significantly influences decision-making. He identified WhatsApp as the primary platform for misinformation dissemination in India and argued that its technical infrastructure poses challenges for effective debunking. The fact-checking ecosystem in India was described as relatively nascent.

Regarding strategies to strengthen the ecosystem, the interviewee proposed initiatives such as coalitions like the IFCN and the Misinformation Combat Alliance, which could provide support and protection for fact-checkers. Additionally, ECI's role was also acknowledged, with a suggestion that it should enforce stricter penalties to enhance the overall ecosystem's resilience.

2.5.2. Examining Election Misinformation and the Role of Social Media Platforms: Interview with Sophie Zhang

In an interview with Sophie Zhang, a former employee of Meta and a data scientist, several critical insights emerged regarding the role of social media platforms in the context of EM particularly in India. Zhang's revelations shed much needed light on Meta's acquiescence in allowing fake accounts to influence politics, not only in India but also in several other countries, including Honduras and Azerbaijan.

Of notable significance was Zhang's offer to provide documentation of her revelations to the Lok Sabha in India, coupled with her willingness to testify before Parliament, underscoring the gravity of the concerns she raised. The request, however, was apparently blocked by Lok Sabha Speaker Om Birla without providing any reason thereof. Among her major revelations was the impact of fake accounts on global politics, implicating these accounts in the dissemination of misinformation.

When questioned about Meta's plausible intention for amplifying right-wing content, Zhang expressed her belief that Facebook does not inherently favour the right wing. Instead, she highlighted the influence of political interference, particularly in countries like India, where political authorities wield substantial power and face relatively fewer consequences for exerting that power. Zhang noted that Facebook's primary incentive is to appease those in authority, which may inadvertently lead to the amplification of certain content. She also speculated that the emotionally charged nature of misinformation, a common aspect of right-wing content, often garners more engagement, irrespective of its veracity.

Regarding the prevalence of right-wing misinformation, Zhang explained that while there is a lack of knowledge about specific mechanisms, India holds a unique position for Meta due to its political significance. She clarified that Meta's alignment with political entities is a result of political interference rather than an intrinsic bias towards any particular ideology. Zhang further conjectured that misinformation exists across the political spectrum but is currently more common among right-

wing sources. She provided an illustrative example involving Rahul Gandhi, the leader of the opposition party, Congress. In her example, she highlighted that an article portraying Rahul Gandhi as an ordinary politician would likely not garner significant engagement. However, if the same article claimed that Rahul Gandhi was involved in a bribery case, it would pique the interest of many right-wing supporters due to its emotionally charged nature. This heightened engagement, she suggested, often occurs regardless of the article's factual accuracy or future clarifications, as the average person tends to struggle with fact-checking and assessing the quality of news stories. However, she emphasised that her assertion is merely speculative.

Addressing the prioritisation of engagement and profit over misinformation concerns, Zhang recounted instances where separation of verticals within Facebook created conflicts of interest. Her team's goal was to reduce inauthentic activity, while other teams aimed to boost product usage, creating a natural tension between the two objectives. The rationale behind halting her work on inauthentic accounts, including in India, was justified by the belief that due to the secretive and hence unnoticeable nature of the activity, its suspension would not result in negative media attention and hence would not impact Facebook's reputation and subsequently its profitability.

Zhang highlighted that misinformation and inauthentic behaviour are distinct issues. While sharing these insights, she acknowledged that she is not an expert in the field of misinformation, and her opinion is based on her own experience. She said that while they may intersect on occasion, they are not as closely intertwined as is commonly assumed. Zhang offered examples from her own experience, demonstrating that inauthentic behaviour does not always involve the propagation of misinformation. She explained that in some cases, such behaviour amplifies messages or content without necessarily distorting facts or disseminating misinformation. Most significantly, she challenged the popular narrative that misinformation is primarily propagated by fake accounts, noting that real accounts also play a significant role in disseminating misinformation. Zhang highlighted the need to address the distribution of misinformation, particularly in the modern era, where social media platforms have been incentivising the dissemination of information, making virality a central concern.

In conclusion, the interviewee's insights underscored the complex dynamics that are at play in the realm of EM, the role of social media platforms, and the need for nuanced approaches to address these multifaceted challenges.

2.6. Recommendations to Mitigate Election Misinformation

India lacks comprehensive legislation specifically tailored to combatting EM. While various laws, such as the Information Technology Act, 2000, and the Indian Penal Code, contain provisions to address aspects of misinformation, they fall short in providing a coherent framework for tackling the unique challenges posed by election-related falsehoods. Furthermore, the absence of a dedicated regulatory body to monitor and enforce compliance further aggravates the dangers of EM. A fundamental challenge in addressing EM lies in distinguishing it from general misinformation. The absence of clear guidelines or mechanisms for identifying and categorising EM complicates efforts to address it effectively and as a separate issue. As a result, misinformation targeting elections often goes unchecked, undermining the credibility of the electoral process and eroding public trust in democratic institutions.

In the face of the looming threat of EM in India, it is imperative to develop and implement comprehensive mitigation strategies. This section outlines a set of recommendations that involves a coordinated effort from government, civil society, and the private sector.

2.6.1. Independent Oversight Mechanism

In light of recent incidents concerning the independence and impartiality of ECI, it becomes increasingly evident that a separate oversight mechanism is needed for effectively dealing with EM. In recent years, concerns have been raised regarding the partisan stance of ECI towards the government, particularly in its responsiveness to complaints against ruling party leaders compared to opposition figures. This partiality has been further accentuated by recent changes in the process of appointing ECI members, wherein the nomination of its members is now directly controlled by the central government. In March 2023, the Supreme Court ordered the creation of a three-member panel comprising the prime minister, the leader of the opposition in the Lok Sabha or leader of the largest opposition party, and the chief justice of India to select the members of the commission. However, the court also specified that this norm would continue until Parliament enacts a law on the matter. The government brought in a new law that, contrary to the Supreme Court's order, replaced the chief justice with a Union Cabinet minister nominated by the prime minister as a member of the selection panel. As a result, the composition of the selection committee has been criticised for sidelining the leader of the opposition, thereby compromising the intended independence of the commission.

In this context, the need for a separate oversight mechanism to monitor and address instances of EM impartially, without succumbing to political pressures or biases, becomes more than apparent. This body could be tasked with overseeing social media platforms' compliance with EM, and should have the authority to conduct audits, investigate complaints, and impose sanctions as necessary.

2.6.2. Legislative Intervention for Algorithmic Accountability

Social media algorithms have contributed to the spread of disinformation given that platforms have optimised them for user engagement, which has led users down a rabbit hole of hate speech, conspiracy theories, and harmful content. Enacting legislation that holds social media platforms accountable for their algorithms has been discussed but would require addressing the practical implications of such legislation. Accountability for social media algorithms may entail proving damage or harm caused by algorithmic decisions. This could involve laying down criteria for demonstrating harm—such as the nature and extent of the harm, evidence of causation between algorithmic processes and harm, and the burden of proof required to establish liability. To this end, a legislative act is the need of the hour to prohibit discriminatory algorithms and ensure that these platforms prioritise fairness and equality in their algorithmic processes. Platforms should be required to provide clear and comprehensible explanations of how their algorithms operate, including how content is recommended and promoted. This transparency would empower users to make informed decisions about their online interactions. Moreover, it's crucial to extend transparency requirements beyond content recommendation and promotion. Fact-checkers and other stakeholders could benefit from insights into how to make a story go viral algorithmically. By understanding the factors that contribute to the virality of certain content, fact-checkers can better anticipate and counteract the spread of misinformation effectively.

2.6.3. Fact-Checking Units in Newsrooms

Established television media organisations in India should consider allocating resources to create dedicated fact-checking teams. The establishment of dedicated fact-checking units within established media organisations in India stands as a critical imperative for several compelling

reasons. Firstly, these units are indispensable for the meticulous verification of in-house information that is gathered and processed by these outlets. By having internal fact-checking teams, media organisations can fortify their commitment to delivering reliable and truthful information to the public.

Secondly, the role of these fact-checking units extends beyond in-house content scrutiny. In the age of social media and the rapid dissemination of information, media entities must take an active stance in addressing the plethora of unverified and potentially false information circulating on these platforms. This includes fact-checking claims and stories that surface on social media, often laced with misinformation or disinformation. While textual fact-check stories are indispensable, they may not possess the reach necessary to effectively disseminate verified information to the larger masses, especially in a country as diverse and populous as India. Dedicated fact-checking teams within media organisations can leverage various media formats, including video, graphics, and multimedia content, to ensure that fact-checked information reaches a broader audience through different channels.

2.6.4. Fact-Checking Advertisements

Social media organisations, so far, have hesitated to implement fact-checking mechanisms for political advertisements on their platforms, raising concerns about the unchecked spread of potentially false information during election campaigns. Internet platforms should be mandated to fact-check political advertisements, particularly during election seasons. Platforms can collaborate with independent fact-checkers to verify the accuracy of claims made in political ads and flag any false information. Platforms should mandate transparency in political advertising, disclosing information about the ads' sponsors and the reasons why a user sees a specific ad. This transparency can aid users in making informed decisions.

2.6.5. Expanding Fact-Checking Efforts to Local Languages

To combat the spread of EM across India, fact-checking efforts must encompass a wider range of languages. This can be achieved through local fact-checking networks, translation and localisation technologies, community engagement, fact-checking grants, collaboration with local media, fact-checking workshops, multilingual fact-checking tools, media literacy in regional languages, and recognition of regional language fact-checkers.

2.6.6. Countering Coordinated Inauthentic Behaviour

Coordinate Inauthentic Behavior (CIB) on digital platforms poses a multifaceted threat to the integrity of elections. While direct evidence linking CIB to the generation of EM may be elusive, its inherent capacity to amplify such disinformation is well-documented. CIB involves networks of fake or manipulated accounts, often controlled by a central entity, strategically disseminating content to target specific audiences or sow discord. During elections, these coordinated networks can exploit the charged political atmosphere to disseminate false narratives, manipulate public opinion, and influence voter behaviour. By leveraging multiple fake accounts, CIB can rapidly amplify misleading content, creating an illusion of widespread support for false claims. This can erode trust in electoral processes, undermine informed decision-making, and even incite real-world violence. Moreover, the covert nature of CIB makes it challenging to detect and counter effectively, necessitating a comprehensive approach that combines advanced monitoring technologies, public awareness campaigns, legal frameworks, and international cooperation.

2.6.7. Training a Network of Stringers

Training a network of stringers in fact-checking is a crucial step in the battle against EM, and this strategy can be universally applied. Stringers, often embedded within local communities, hold a unique position as both information conduits and filters. By providing them with training in spotting falsehoods, verifying viral content, and flagging misinformation, they can play a pivotal role in curbing the spread of fake news, particularly in semi-urban and rural areas where misinformation tends to proliferate.

Furthermore, emphasising a bottom-up approach that encourages critical thinking and media literacy within local communities can have a cascading effect. Stringers, armed with fact-checking skills, can empower individuals to question the veracity of the information they encounter, reducing their susceptibility to disinformation. This approach not only enhances the accuracy of information but also fosters a more informed and discerning electorate, which is essential for preserving the integrity of elections and promoting a healthier information ecosystem overall.

2.6.8. Prebunking Misinformation

Prebunking is a proactive approach which can effectively mitigate election-related falsehoods. By pre-emptively providing fact-based information, addressing predictable narratives, and leveraging trusted figures and institutions, prebunking acts as a shield against misinformation, empowering individuals to recognise and reject false claims.

Social media platforms should implement proactive dissemination of prebunked stories addressing potential false narratives and patterns to users through popup notifications or direct messages when elections are announced. This strategy will enhance users' critical thinking skills and awareness of EM, fostering a more informed electorate and a healthier information ecosystem.

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3. Election Misinformation in Indonesia

Ibrahim Kholilul Rohman
February 2024

Executive Summary

Indonesia's political landscape is defined by its presidential democratic system, where the president is elected through general elections held every five years. The government consists of executive, legislative, and judicial branches, with the president at the helm of the executive arm. Throughout history, Indonesia has undergone notable political transitions, from Soekarno's coalition-building era to Soeharto's authoritarian regime, and eventually to the reform era that commenced in 1998. Religion and ethnicity have played pivotal roles, with Islam exerting influence in politics and Javanese ethnicity wielding considerable power.

During the New Order era, Golkar (Golongan Karya) dominated the political scene, serving as Soeharto's political machinery to secure multiple re-elections. The reform period saw the emergence of numerous political parties, marking a significant shift. Indonesia's transition to direct presidential elections in 2004 marked a milestone, allowing citizens to directly elect their president. Nevertheless, conducting elections poses logistical challenges due to simultaneous polls held at various government levels, overseen by the General Election Commission (KPU) with supervision from the Election Supervisory Board (Bawaslu).

Despite Indonesia's moderate ranking on the Democracy Index, the proliferation of EM poses a significant threat to its democratic integrity. Misinformation pervades the electoral cycle, especially during election periods, fuelled by social media algorithms and confirmation bias. The association of candidates with religion or communist family backgrounds often exacerbates this issue.

The case study delves into Kawal Pemilu (Election Guard), an independent election monitoring initiative established in response to concerns about misinformation during the 2014 and 2019 Presidential Elections. Utilising crowdsourcing and technology, Kawal Pemilu aims to ensure transparency and accountability in the electoral process.

Emerging after the 2014 elections, Kawal Pemilu was driven by disputes over election results. By the 2019 elections, it had been meticulously prepared, enabling independent, parallel calculations of results from polling stations. This bolstered the credibility of the electoral process, acting as a crucial check and balance alongside official government calculations, thus reducing misinformation and disinformation surrounding voting outcomes.

The methodology of Kawal Pemilu involves mobilising volunteers to digitise and verify election data, enhancing the credibility and transparency of election results. This process includes digitising scanned election forms, implementing stringent supervision mechanisms, and leveraging technologies such as Optical Character Recognition (OCR) and crowdsourcing platforms.

Furthermore, the study evaluates Kawal Pemilu's impact on Indonesian democracy, emphasising its role in alleviating political tensions and divisions by providing independent and verifiable election result reports. The initiative has significantly contributed to fostering public trust in the electoral process and state institutions, ultimately fostering a more stable and harmonious political environment in Indonesia. Kawal Pemilu has exemplified how technology and civic engagement can effectively address challenges in democratic governance, particularly in combating misinformation and ensuring transparency in elections. Its founding by a younger generation aiming to establish a

more democratic Indonesia through technological advancements and citizen inclusion makes it even more groundbreaking.

3.1. Political and Social Context

3.1.1. Democratic System

The democratic system in Indonesia operates under a presidential system, where the president holds the highest executive authority. The president is elected through a general election by the entire population, receiving a direct mandate from the people. In a single term, the president serves for five years, and can be re-elected for one additional term, with a maximum of two terms. Indonesia divides its government into three branches: executive, legislative, and judicial. The president leads the executive branch and serves as both the head of state and the head of government. In carrying out their duties, the president is assisted by a vice president and a cabinet of ministers selected at the president's discretion. Legislative power is held by the People's Consultative Assembly (MPR), which comprises two bodies: the People's Representative Council (DPR) and the Regional Representative Council (DPD). DPR has the authority to pass laws, while the DPD acts as a consultative body without legislative powers. In the judicial branch, the Supreme Court (MA) and the Constitutional Court (MK) jointly form the judicial institutions. MA is the highest judicial authority, while MK has jurisdiction over constitutional and political matters. This tripartite political system has been in existence since Indonesian independence in 1954 (Yani, 2018).

3.1.2. Political Culture

Throughout Indonesia's history, the development of democracy can be divided into three distinct phases, each with its unique characteristics (Purnamawati, 2020). The first phase encompasses the period from Indonesia's independence until the end of President Ir. Soekarno's rule (in 1965). During this phase, Soekarno skilfully balanced coalitions of religious, nationalist, and communist groups, despite their frequent conflicts. However, his strongly nationalist policies led to economic challenges. This phase ended with the September 1965 tragedy, which ushered in Soeharto as the next leader. The second phase is the era of Soeharto's leadership, characterised by his mistrust of political competition and openness, which he blamed for the chaos during Soekarno's era. This period was non-democratic, marked by Soeharto's strong authority. It ended with an economic crisis that triggered social unrest and paved the way for the reform movement. The third phase (which started in 1998) is the reform era, often referred to as the rebirth of democracy. Presidential elections are held directly with term limits (since 2004), and the competition for the majority's support remains a defining feature of Indonesian politics.

3.1.3. Religious and Ethnic Sentiments

Religious and ethnic sentiments play a significant role in Indonesian politics. The categorisation of the population based on religion and ethnicity becomes a tool for political gain in each election. Islam, as the majority religion, is frequently leveraged in politics, particularly through Islamic social organisations. Numerous studies have shown how religious sentiments influence voters' decisions. In 2018, approximately 52% of Indonesians objected to having a non-Muslim governor (Lembaga Survei Indonesia, 2018). Sumaktoyo et al. (2015) found that religious devotion increases voter support for a candidate, while other studies suggest that religious ideology shapes the policy

preferences of the Islamic community in Indonesia (Fossati, 2019). Similarly, ethnic groups, particularly the Javanese, who make up a significant portion of the population, wield significant political influence. This is evidenced by the close ties between Javanese culture and presidential leadership, with only one president in history not hailing from the Javanese ethnicity. Ethnic sentiments can also lead to discrimination, such as anti-Chinese sentiments and their political consequences, which have deep historical roots in Indonesia, dating back to the Dutch colonial period and events like the 1998 riots (Sumaktoyo, 2021). Among the many effects of religious influence in politics, one crucial aspect is how it shapes voting behaviour.

3.1.4. Political Parties

Political parties in Indonesia have their own principles, objectives, ideologies, and missions translated into their programmes. These parties are official political organisations aiming to advocate for their political ideals in the national sphere. They also aim to enhance political participation among their members and the public in the political and governance processes. The number of political parties in Indonesia has changed over the years, particularly in each election cycle (Purnamawati, 2020). During the era of liberal democracy (1950-1959), there was a total of 29 political parties. The proliferation of parties led to political turbulence and disrupted the country's stability. The prolonged political crisis at the centerer resulted in economic disparities between the central government and regional areas, contributing to regional uprisings. Soekarno then established a new governance system called "Guided Democracy." During this period, political parties played a passive role and lacked significant influence. Through a presidential decree in 1959, Soekarno reduced the number of political parties to ten, including NU (Nahdlatul Ulama) and PNI (Partai Nasional Indonesia), as well as the Communist Party (PKI). This decision was an attempt to blend three major powers in Indonesian politics: nationalism, communism, and religion. Soekarno consolidated power through the Indonesian National Army (TNI AD) and PKI. Other parties with religious ideologies were marginalized and only served to complement the political framework of Nationalist-Religion-Communist or Nasakom. The dominant role of PKI ended with the events of September 1965, leading to the New Order government.

New Order is a term for the era of President General Soeharto's rule in Indonesia. The New Order replaced the Old Order, which referred to the era of Soekarno's leadership. During the New Order era, the first election was held in 1971 and featured nine political parties and Golongan Karya (Golkar). Golkar was a new party that received government and military support. The number of political parties was subsequently reduced through the 1973 Law No. 3, leaving only three parties: Golkar, Indonesian Democratic Party (PDI), and The United Development Party (PPP). Golkar dominated the elections during this period due to Soeharto's authoritarian regime, which lasted until 1998. The reform movement paved the way for a return to liberal democracy and allowed political parties not to adhere to Pancasila as their sole ideology.

By the end of the new order era and beginning the Reform era, the number of political parties significantly increased to 141, with 48 meeting the requirements to participate in the election. In the 2004 election, the number of participating political parties decreased to 24. Subsequent elections in 2009, 2014, and 2019 saw 38, 12, and 14 political parties participating, respectively. The multi-party system, which remains in place, presents challenges in differentiating the ideologies of each party (Saptohutomo, 2022). The 2008 Law on Political Parties also emphasises that every party must adhere to the ideology of Pancasila as one of their ideologies. They can adopt other ideologies as long as they do not contradict Pancasila and the 1945 Constitution.

3.1.5. Elections in Indonesia

As of now, Indonesia has conducted a total of 12 general elections, with the upcoming 2024 election being the thirteenth. In its initial implementation, elections were carried out using a closed proportional representation system. This system was in place for the first eight elections, including the last one held in 1999. However, in the 2004 election, the system shifted to an open proportional representation system. During this election, participants had the opportunity to directly choose their preferred president and vice president for the first time. This change significantly reshaped Indonesia's political landscape.

In practice, there are three main types of elections: the DPR election, DPD election, and the Regional People's Representative Council (DPRD) election. The DPR and DPRD elections utilise an open proportional representation system, while the DPD election follows a district-based multi-representative system. On the other hand, the president and vice president are directly elected by the people through the presidential and vice-presidential election.

The concurrent organisation of legislative and presidential elections is commonly referred to as "simultaneous elections" or "five-box elections" based on this concept. This approach results in a colossal scale of election management, with the added complexity of dealing with diverse elected bodies. Notably, the logistical challenges are heightened due to Indonesia's archipelagic nature, resulting in high logistical costs. In 2024, the election will once again be conducted concurrently, with regional elections also taking place in the same year.

The responsibility for organising these elections falls under the jurisdiction of the KPU. This commission is further divided into smaller regional levels, including provincial, district/city, PPK, PPS, KPPS (local polling station organising group), PPLN, PPSLN, and KPPSLN. Its membership comprises representatives from the academic and community sectors. Oversight functions are carried out by Bawaslu, and ethical standards are enforced by the Election Organizer's Honour Council (DKPP).

3.2. Election Misinformation in Indonesia

3.2.1. Introduction

The 2021 Democracy Index released by The Economist Intelligence Unit (EIU) awarded Indonesia a score of 6.71 on a scale of zero to 10, putting the country in the moderate category. However, Election Misinformation remains a big challenge in Indonesia. Misinformation, disinformation, and malinformation play a major role in Indonesia's elections, thus posing a serious threat to the country's democracy and harmony as a nation. In trying to understand EM as a distinct phenomenon, the following research of its characteristics was conducted.

3.2.2. Characteristics of Election Misinformation

Period of Election Misinformation
We can think of three periods during which EM can occur: the pre-election period (building up to the announcement of the election date), the election period (starting from the announcement of the election date, until the election is held) and the post-election period (around 1-2 months afterwards). If we look at the 2019 election, the spread of hoaxes reached its peak in April 2019 when the campaign period ended, and the voting period approached. The number of hoaxes also

shows an increase from the pre-election period to during the election, which can be shown through the graph below:

Figure 3.1: Number of hoaxes during the election period

Hoax Issues During the Election Period (2018-2019)
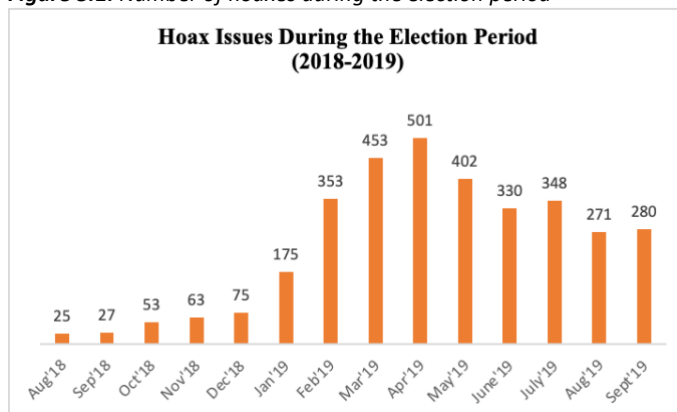
Source: Ministry of Communications and Information

The Presidential and Vice-Presidential Elections (Pilpres) together with the Legislative Elections (Pileg) will be held on February 14, 2024. In addition, regional head elections (Pilkada) for governors, regents and mayors will also be held in November of the same year. Therefore, Bawaslu estimates that the spread of hoaxes on social media related to the election will reach its peak during the election period, which is in February 2024.

The Extent of Misinformation Surrounding Elections

False information is believed for a variety of reasons. One of the internal factors is confirmation bias, which is defined by Watson (1960) as the tendency for people to search for or evaluate information in a way that affirms their prior assumptions and supports their way of thinking. This implies that the media and information that a person chooses to believe may depend on their prior beliefs. Social media algorithms can also amplify the propensity for confirmation bias. The majority of social media platforms are built with the intention of ranking content according to user engagement and relevance to their interests. Therefore, people are more likely to only encounter content or viewpoints from other users who share the same viewpoints.

The conventional opinion in democratic politics is that most voters are essentially unmotivated to spend time learning about candidates or policies. Voters typically rely on information based on a by-product, social interactions, and entertainment to make judgments, which means that much of the information they use is likely biased and insufficient to make an informed choice. Groups with a greater stake in the result of politics are more motivated to invest in information, but only to encourage the spread of data which favours them (Winer, 2002, p.112).

The 2021 Democracy Index launched by EIU in early February 2022, shows that Indonesia's average score on the index increased from 6.30 in 2020 to 6.71 in 2021. The index was assessed using five instruments, which are election process and pluralism, government functions, political participation, political culture, and civil liberties. A research study by Brookings Institution reveals that a contributing factor to the decline of trust in the political system has been the increasing amount of false information intended to disrupt the democratic process. Therefore, to maintain the quality of democracy in Indonesia, the challenge in the 2024 elections is to educate the public to be critical and not believe in disinformation and misinformation, regardless of their respective political preferences.

The Media's Effect on the Spread of Election Misinformation

In 2022, a survey found that over half, roughly 55.9 per cent of Indonesian respondents have come across hoaxes and fake news on Facebook. According to the other 16 per cent of Indonesian respondents, online news portals came in second as a media platform that disseminated hoaxes and fake news. Other social media platforms such as WhatsApp and YouTube are also being used to disseminate EM.

Table 3.2 *Media platforms that present hoaxes and fake news in Indonesia*

Media Platforms that Present Hoaxes and Fake News in Indonesia (in percentage)

Platform	Percentage
Facebook	55,9
Online news portal	16
WhatsApp	13,9
YouTube	13,1
TV	10,9
None/don't know	10,9
Instagram	7,45
Twtiter	2
Newspaper/magazine	1,4
LINE	0,5
Radio	0,5
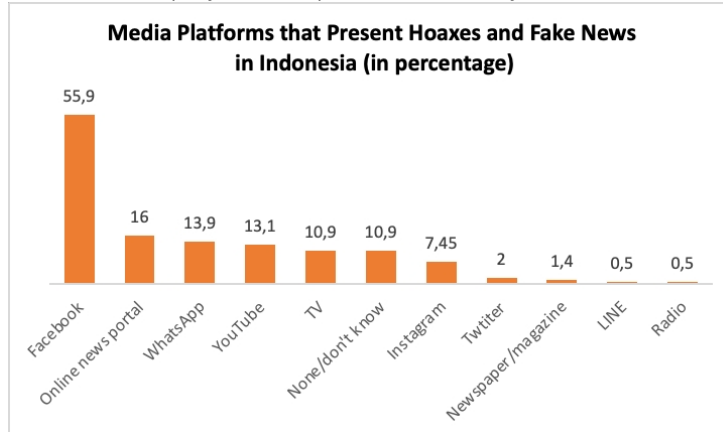
Source: Statista

Despite Facebook being the biggest social media network in Indonesia for the presentation of fake news and hoaxes, the Indonesian government has ordered Facebook to step up its efforts to combat false information. In 2019, the company terminated accounts connected to the Saracen organisation, a cyber group that maintains a network of fictitious accounts that trick users into believing they are someone else and demands payment in exchange for identifying victims online. Before delving into how the Indonesian government handled hoaxes and fake news that surfaced during the election, it is critical to comprehend the true reason behind the propagation of misleading information on social media.

Considering a case in the USA, an MIT study that carried out two rounds of internet polling with 3,157 Americans found that people's eagerness to spread news on social media has given rise to the spread of false information. The findings point to a fundamental conflict in the social media sphere, between distributing information and evaluating its accuracy, making it challenging for people to prioritise doing both simultaneously. Social media can connect numerous users anywhere, at any time. The ease of access to social media platforms makes it possible to utilise them for a wide range of objectives, including negative ones.

Indonesia's security forces have made efforts to counter misinformation after recognising this issue. One such measure is through the implementation of Indonesia's Information and Electronic Transactions Act (UU ITE). As technology advanced, the UU ITE was created to prevent misuse and guarantee safe use of information technology. The UU ITE, which was ratified in Law No. 19 of 2016 concerning information and electronic transactions, outlines the specific uses that are prohibited, including hate speech, propagating false information, and defamation. Penalties for breaking the law can vary from fines to imprisonment.

However, suppressing free expression is another major issue in Indonesia. Through a series of Twitter posts in 2017, celebrity Ahmad Dhani referred to then-Jakarta governor Basuki "Ahok" Tjahaja Purnama as a blasphemer. Even though Dhani did not specifically identify Ahok's race,

religion, or ethnicity in any of his tweets—as required by Article 28(2) of the UU ITE—he was nonetheless found guilty of creating hate speech. The Southeast Asia Freedom of Expression Network reports that the UU ITE has been used in the prosecution of 260 cases. Ahmad Dhani's case is only one of other UU ITE cases that give rise to public concerns about the potential for criminal laws to be utilised in Indonesia to suppress free speech and target political rivals.

Indonesia's Digital Literacy
In the digital age where people can easily access information and express their opinions through digital media, misinformation and disinformation emerge as significant challenges. According to Fadjroel Rachman, Indonesia's presidential spokesperson, misinformation poses serious problems because sometimes criticism is camouflaged as misinformation, making it difficult to distinguish between the two. Consequently, in order to address this issue, increasing the public's digital literacy becomes essential.

In a study conducted in USA, American social media users (N = 1,341) were given a set of genuine and fake news posts regarding politics or COVID-19 extracted from social media in late 2020. A significant finding of the Harvard Kennedy School study on misinformation review is that while digital literacy may be helpful (for legislators or social media companies, for example) in identifying users who are susceptible to believing false information, it does not appear to be very promising in identifying users who are likely to disseminate false information. However, the study has implications for the possible effects of initiatives that emphasise accuracy in order to lessen the spread of false information.

The sharing decisions of users with greater digital literacy are likely to be more receptive to accuracy prompts because their underlying accuracy judgments are more calibrated, even if digital literacy did not significantly predict baseline sharing discernment. According to a survey by Statista, Indonesia's digital literacy index score increased from 3.46 in 2020 to 3.54 in 2022. Thus, it becomes essential to raise public digital literacy in order to reduce the dissemination of misleading information.

Targeted Parties and Candidates
According to Google Indonesia's Head of Large Customer Marketing, Muriel Makariem, more than 60 per cent of the Indonesian population had received or been victims of the spread of hoaxes and misinformation. According to data from the Indonesian Anti-Defamation Society (Mafindo), political content predominated in the spread of hoaxes from January to June 2023. Mafindo reported that 541 of the 1,185 hoaxes, or 45.7 per cent of them, were related to politics. Hoaxes are used not only to attack political parties and elites, but also election observers and organisers.

According to the survey conducted by the Central Java General Election Commission, hoaxes in the 2019 Indonesian General Election were generally aimed at bringing down political opponents and attacking their supporters. Many hoaxes attacking 2019 election organisers were also aimed at the KPU. The existence of hoaxes not only disrupted the campaign process of the candidates contesting, but also disrupted election organisers and the implementation of election stages.

Three common strategies—damaging reputation, manipulating photos and videos, and provoking emotions—are being used to disseminate false information about the 2024 election. These strategies are applied not only to elites and political parties but also to election organisers and observers. Having learned the consequences of false information from past elections in Indonesia and other countries, the government along with digital platforms and civil society organisations are collaborating and fighting misinformation and disinformation. The Ministry of Communication and Information also provides support to KPU in maintaining a healthy digital space to ensure that the general election runs smoothly and healthily.

3.2.3. Types and Examples of Election Misinformation

Based on what happened in Indonesia, we divide misinformation into several forms:

Election misinformation aimed at damaging political parties, candidates, individuals, or groups affiliated with political parties and candidates.
In previous elections, misinformation has taken various forms, such as attacking personal lives, family conditions, character, personality, controversies, financial capabilities, issues related to race, religion, ethnicity (SARA), election promises, and even indications of foreign connections. For example, in the last two presidential elections, there were reports suggesting that Jokowi's (8th president) family had communist ties and was serving foreign interests (Nurita, 2018).

Other misinformation involves spreading images of candidates, parties, individuals, or groups affiliated with parties and candidates with the goal of gaining supporters and increasing electability, which can affect election results. For example, many disseminated news related to President Jokowi's partnership with Ma'ruf Amin, suggesting it was merely for gaining votes. Ma'ruf Amin, a politician and religious leader, was used as a political identity-based accusation to attract the support of Indonesia's Islamic community (CNN Indonesia, 2018).

False narratives about specific activities or phenomena have also proliferated. For instance, based on news reported by DetikFinance (2019), claims that Indonesia was sold to China through loans and major infrastructure projects, including the cooperation between countries such as KCIC. This project aimed to create a high-speed train system in Southeast Asia, with the goal of providing efficient public transportation to reduce traffic congestion and air pollution while fostering sustainable development. However, misinformation emerged suggesting that the government was handing over control of development to China, allowing Chinese workers to replace domestic labour (CNN Indonesia, 2021). This misinformation was fuelled by allegations that current policymakers were pro-China and agents of the Chinese government.

Election Misinformation Directed Against the Election Commission/Members
KPU and Bawaslu play central roles as higher state institutions responsible for conducting elections and overseeing the democratic process. Nevertheless, these institutions are not immune to accusations and false narratives. In this subsection, we will discuss some of the accusations made against these two institutions.

Narratives suggesting that the election results were predetermined by KPU
In the 2019 election, social media carried news claiming that KPU engaged in fraud, with seven containers of pre-filled ballots for the Joko Widodo - Ma'ruf Amin presidential ticket discovered in a warehouse in North Jakarta. The disseminators of this news alleged that KPU was rigged to ensure the re-election of incumbent president Jokowi. This news caused quite a stir, particularly given Jokowi's presidency at the time, leading to many people falling for the misinformation. Furthermore, not only did this pertain to the containers of pre-filled ballots, but there was also a video that purported to show a foreign server belonging to KPU, which was allegedly programmed to ensure Jokowi's victory in the 2019 presidential election. This hoax spread widely in the lead up to the presidential election in April 2019. The individuals behind the dissemination of this hoax were eventually arrested and charged under the UU ITE.

Narratives suggesting that KPU manipulated the election results

In the 2019 presidential election, Prabowo-Sandi's campaign team declared victory based on quick count results showing that they had defeated Jokowi-Ma'ruf. However, several days later, these quick count results turned out to be inaccurate. The official vote count conducted by KPU revealed that Jokowi-Ma'ruf had won the 2019 Presidential Election. This raised questions about irregularities within KPU. The announcement of the official vote count was made at 2 a.m., sparking diverse reactions from the public. While some accepted the results, others disseminated conspiracy theories regarding the late-night announcement. Some claimed that it was to facilitate illegal vote manipulation, while others suggested it was an attempt to limit media and public access during the counting process. Narratives also emerged suggesting that KPU refused to allow witnesses from certain candidate parties during the vote counting process.

Allegations were also made against the MK, which serves as the legislative institution responsible for examining laws and resolving election result disputes. During the 2019 presidential election, Prabowo-Sandi's campaign filed a lawsuit challenging the election results that favoured Jokowi-Ma'ruf. Following the court's decision, the Constitutional Court rejected Prabowo-Sandi's claim and upheld the KPU's results in favour of Jokowi-Ma'ruf. Subsequently, allegations of corruption emerged, claiming that MK judges received bribes from other candidates to rule in their favour. There were also narratives suggesting that MK was not impartial in its decision because it was considered close to other candidates.

As the 2024 presidential election approaches, narratives have emerged concerning the Constitutional Court's decisions. For example, when MK partially approved an appeal regarding the age requirements for presidential and vice-presidential candidates, stipulating that candidates must have experience as regional leaders. This decision led to narratives suggesting that President Jokowi intended to establish a new political dynasty, especially after Gibran Rakabuming, the current Mayor of Solo and the son of President Jokowi, was nominated by the Indonesian Democratic Party of Struggle (PDI-P) as a vice-presidential candidate alongside Prabowo. These narratives were further fuelled by the fact that the current chairman of the MK is related to President Jokowi by marriage.

3.3. Legal and Institutional Safeguards Against Election Misinformation

3.3.1. Existing Laws

Indonesia has several laws in place that are relevant to addressing disinformation during elections. Some of these laws explicitly refer to election disinformation as a phenomenon, while others include clauses related to rules and sanctions regarding the dissemination of false information during elections.

UU ITE No. 11 of 2008 regulates the use of information technology and electronic transactions, including the dissemination of false information. Article 27, paragraph (3) of UU ITE states that:

> *"Anyone who intentionally and without the right distributes and/or transmits and/or makes it accessible for Electronic Information and/or Electronic Documents that contain defamation and/or defamation of character shall be punished by imprisonment for a maximum of 4 years and/or a fine of up to IDR 750,000,000 (seven hundred fifty million Indonesian rupiahs)."*

This law allows individuals engaging in defamation and character assassination through electronic means to be subject to imprisonment and financial penalties.

The Election Law No. 7 of 2017 (UU Pemilu). UU Pemilu regulates the conduct of general elections in Indonesia, including preparations, implementation, and dispute resolution. Article 521 addresses the prohibition on spreading false and misleading information that can affect election results. The article reads:

> *"Anyone who intentionally and without the right spreads false and misleading information that can affect the results of the general election shall be punished by imprisonment for a maximum of 3 years and/or a fine of up to IDR 3,000,000,000 (three billion Indonesian rupiahs)."*

False and misleading information is defined as information that does not correspond to the facts and can harm voters.

KPU Regulation No. 20 of 2018 on Campaign Supervision for General Elections governs campaign supervision during general elections, including the handling of disinformation. Article 100, paragraph 2 of KPU Regulation No. 20 of 2018 states:

> *"The KPU may prohibit election participants from campaigning if the campaign contains elements of disinformation."*

This article grants KPU the authority to ban election participants from campaigning if their campaigns contain elements of disinformation. Disinformation, as defined in this article, is information that is false and misleading and can affect the results of the general election.

These regulations serve as tools for the government to monitor the conduct of elections and maintain democratic processes as they should be.

3.3.2. The Role of the Election Commission: Strategies and Limitations

While KPU and Bawaslu have some control over public media, this control does not extend to private news outlets and especially not to social media. The delay in the announcement of the 2019 Presidential Election results until the early hours was one strategy used by KPU to prevent potential unrest and demonstrations, particularly given the prevalence of social media. Excessive control could lead to the distortion of facts and the rapid spread of false information, potentially inciting further unrest. Another strategy involves implementing regulations that govern the use of disinformation as a campaign tool. Stricter regulations can reduce the spread of disinformation.

In response to the significant spread of disinformation and misinformation during the 2019 election, both KPU and Bawaslu have taken strategic steps to maintain the integrity of the election process. These steps include public education on the dangers of disinformation and misinformation. Bawaslu has also collaborated with social media platform TikTok to counter the spread of false information. The institutions have established specialised task forces that monitor all election-related information, collaborating with the Ministry of Communication and Informatics (Kominfo), the Indonesian Broadcasting Commission (KPI), and the Press Council.

3.3.3. Platform Engagement and Regulation

Based on previous election experiences, it is clear that comprehensive engagement with social media platforms is essential, as most disinformation and misinformation are disseminated through these channels. Collaborative efforts with the platforms themselves are necessary to prevent the circulation of false information. Careful steps are also required to ensure that excessive control does not lead to restrictions on freedom of expression. Therefore, integrated and comprehensive oversight is needed to address these challenges effectively.

3.4. Case Study: Kawal Pemilu

In this section, first, an overview of Kawal Pemiluwill be presented, and second, the process of Kawal Pemilu in overseeing general elections will be discussed, including its methodology and role in countering election-related misinformation during the Presidential Elections of 2014 and 2019.

3.4.1. Organization Overview

Overview
General elections are a fundamental pillar in a democratic country, allowing citizens to participate in the selection of leaders who will shape the direction and future of the nation for the next five years. However, Indonesia faces several serious challenges to maintaining the integrity of elections, particularly concerning the spread of information disruptions such as misinformation, disinformation, and malinformation.
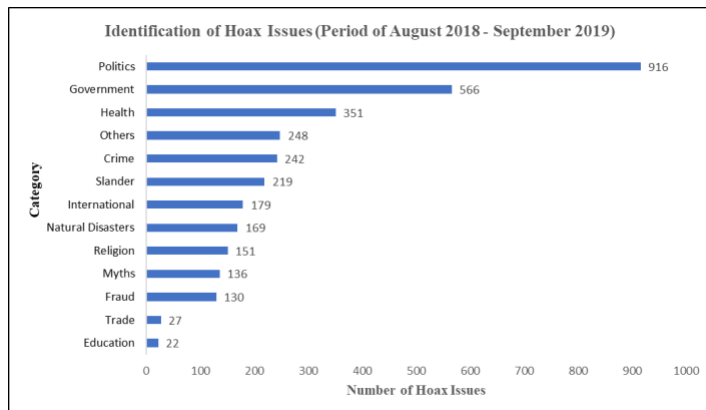
The term "misinformation" is used to describe false or misleading information disseminated by individuals who genuinely believe in the claims and are unaware that the information they are spreading is incorrect, with no intent to deceive. "Disinformation," on the other hand, involves the dissemination of false information by individuals who know that the information is false, and do so with the intent to deceive, manipulate, or create confusion. Meanwhile, "malinformation" refers to factually accurate information that is disseminated with the purpose of causing harm and negative impacts to others.

During the Presidential election of 2014, a significant degree of political polarization was observed. It became evident that Joko Widodo - Jusuf Kalla was supported by PDIP (Partai Demokrasi Indonesia Perjuangan), PKB (Partai Kebangkitan Bangsa) and Hanura while Prabowo Subianto - Hatta Rajasa was supported by Golkar, Gerindra, PAN (Partai Amanat Nasional), PKS (Partai Keadilan Sejahtera), PPP (Partai Persatuan Pembangunan) and PBB (Partai Bulan Bintang). During this period, both presidential candidates accused each other of election fraud. This triggered the spread of misinformation regarding election results and the credibility of the election process. Various false claims and rumours circulated on social media, questioning the transparency of the election.

A similar situation was repeated when Jokowi and Prabowo competed again as presidential candidates in 2019. What is interesting here is that, after the election was won by Jokowi, Prabowo and his vice-presidential candidate, Sandiaga Uno, joined Jokowi's government. Prabowo was appointed as Minister of Defence and Sandiaga Uno as Minister of Tourism and Creative Economy. This shows that there is potential to reduce the existing polarization among political elites. However, whether the appointments are successful in reducing polarization will depend on a number of factors, including how collaboration within government works and whether it influences the views and attitudes of the public in favour of either side.

During the 2014 and 2019 Presidential Elections, misinformation and disinformation circulated in society through several media such as social media, television, radio, and others. According to data from Kominfo, there was a significant increase in the spread of hoaxes which reached its peak in April 2019, just in time for the presidential election. Political issues are the issues most frequently encountered in various hoaxes circulating in society, followed by health, religion, the environment, and others.

Figure 3.3 *Identify hoax issues based on categories*

Identification of Hoax Issues (Period of August 2018 - September 2019)

Category	Number of Hoax Issues
Politics	916
Government	566
Health	351
Others	248
Crime	242
Slander	219
International	179
Natural Disasters	169
Religion	151
Myths	136
Fraud	130
Trade	27
Education	22

Source: (Kominfo, 2019), processed

Figure 3.4 *Identify hoax issues based on month*

Identification of Hoax Issues by Month

Month	Number of Hoax Issues
Aug-18	25
Sep-18	27
Oct-18	53
Nov-18	63
Dec-18	75
Jan-19	175
Feb-19	355
Mar-19	455
Apr-19	501*
May-19	402
Jun-19	330
Jul-19	348
Aug-19	271
Sep-19	280

*Presidential Election 2019
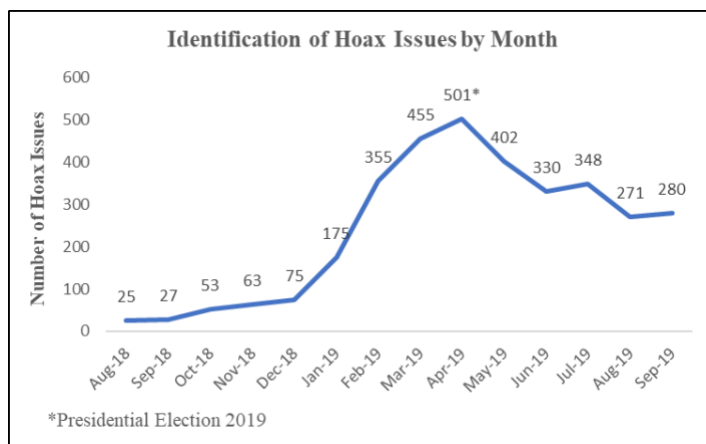
Source: (Kominfo, 2019), processed

Here are some hoaxes that circulated during the 2019 Elections, as reported by Kompas and the Ministry of Communication and Informatics, compiled by Litbang Kompas:

Table 3.1 *Hoaxes during the 2019 elections*

Issue	Hoax Material	Fact

Violence against Ratna Sarumpaet	Ratna Sarumpaet circulated her photo on social media, claiming to be a victim of state violence.	This claim was proven false after further investigation by the police, and Ratna was declared a suspect.
Ballot box containers	A voice recording circulating on WhatsApp claimed the preparation of ballot box containers for fraudulent votes to secure victory for a vice-presidential candidate.	The Indonesian National Police investigated the case and found it to be a hoax. Four suspects were arrested.
31 million phantom voters	A story circulated on social media that there were 31 million phantom voters, suggesting fraud in the 2019 Elections.	The Election Commission (KPU) clarified that the 31 million data had not yet been included in the Final Voter List (DPT) because the KPU needed to verify the data with the voter data information system and conduct field checks.
People with mental disorders voting	A photo circulated claiming that people with mental disorders participated in a simulated election, with discussions suggesting that some of them obtained electronic IDs for the purpose of general elections.	The KPU emphasized that they never registered individuals declared mentally ill as voters.
Cardboard ballot boxes	Information went viral that the KPU made ballot boxes from cardboard, implying election fraud related to the security of the ballot boxes.	The KPU explained that the type of ballot box mentioned was waterproof cardboard which was safe, and that this was not the first time this type had been used.

Seeing the rise in information disruption indicates the need for deep attention to the task of overcoming the spread of misinformation, disinformation and malinformation which influences people's decisions. Especially in the political sphere, it is necessary to ensure that elections and public discussions take place with greater integrity and transparency, which in turn will strengthen the basis of democracy in Indonesia.

Against this backdrop, Kawal Pemilu emerged as a symbol of transparency and accountability after Indonesia's 2014 presidential election. A group of technology experts, activists, and volunteers from various backgrounds came together to establish a website that allowed citizens to compare official vote counts with the original tabulations from the polling stations (Tempat Pemungutan Suara, or TPS). This initiative was based on the Election Commission's commitment to openness and transparency.

Although the KPU had already published these tabulations, Kawal Pemilu was instrumental in organizing over 700 volunteers to digitize handwritten forms, thereby enhancing the readability and accessibility of the data. Remarkably, the website was developed in just two days with a budget of only $54. (Graft, Verhulst, & Young, 2016). The overall impact was to facilitate public participation in election monitoring, enhance public trust in official vote counts, and facilitate a crucial democratic transition.

Selection of Kawal Pemilu as Case Study
Kawal Pemilu has emerged as a unique phenomenon in Indonesia's political landscape, showcasing the transformative power of open data projects and the importance of civic participation in ensuring transparent and accountable democratic processes. This initiative not only illustrates how a project with limited budget and a dispersed team can make a significant impact, but also how technology and crowdsourcing can be harnessed to address challenges in general elections. One of Kawal Pemilu's key strengths lies in its ability to mobilize communities to oversee and validate election results. This proves that, given the opportunity, communities have the willingness and capability to actively engage in the democratic process.

Furthermore, by providing a platform that allows citizens to compare official vote counts with grassroots-level data, Kawal Pemilu enhanced public trust in the 2014 election results, amid a climate of distrust and allegations of fraud. This initiative has served as a catalyst for broader movement toward open data and transparency in Indonesia. Kawal Pemilu has raised new awareness about the importance of citizen involvement in political processes and has set new standards for similar initiatives in the future. Thus, Kawal Pemilu offers valuable lessons on how technology, civic engagement, and a commitment to transparency can be combined to drive positive change in democratic governance.

3.4.2. Fact Checking: Process

First, we will provide a brief overview of the prevalence of EMin Indonesia due to its complex and multi-tiered electoral process, leading to the emergence of Kawal Pemilu as an independent election watchdog to counter election-related misinformation, particularly concerning vote manipulation during the Presidential Elections of 2014 and 2019. General elections in Indonesia are conducted manually, including the process of vote tabulation (Purwanto et al., 2018). Figure 2.5 illustrates the hierarchical structure of this tabulation process. In principle, the election results are calculated at the polling station level as follows. First, the ballots representing voters' choices are read by the chairperson of the KPPS. Then, KPPS members tally the results on an official form called C1 Plano.

After the counting process is completed, other KPPS members manually record the results on an official form known as C1. Form C1 records the number of votes obtained by each candidate as well as the total votes, and must be signed by the chairperson and at least two members of KPPS. Afterward, KPPS members send one copy of the C1 form to the PPS and one copy to the district/city election committee (KPUD). The subsequent process comprises C1 recapitulation meetings, involving election actors starting from the village level and ending at the national level. Each meeting must be attended by committee members and candidate witnesses. Historically, voters could not access and monitor the calculation process after the C1 form was transferred to the PPS. In 2014, the Election Commission published the election results online, making them accessible to the public.

Figure 3.5 *Hierarchical levels in the vote counting process*
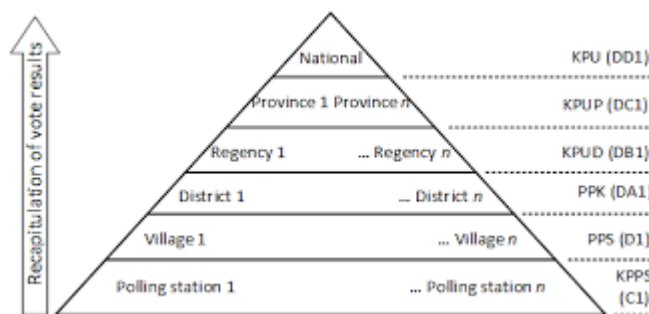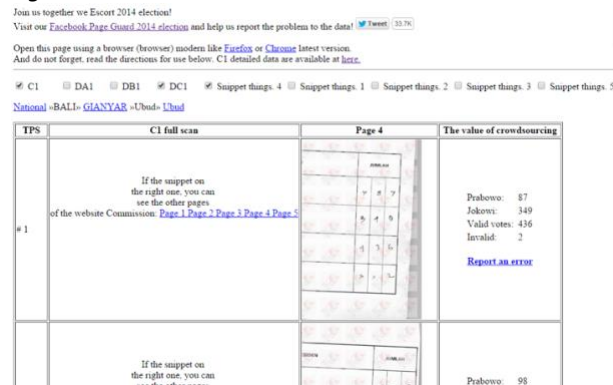

Source: (Purwanto et al., 2018)

Presidential Election 2014

The involvement of Kawal Pemilu in overseeing the general elections began with an initiative in 2014, during a fierce competition between two pairs of candidates that led to the spread of misinformation. Ainun Najib, Founder of Kawal Pemilu and his team designed a crowdsourcing platform, involving independent citizens to input election data. This process allowed more than 97% of the voting forms to be quickly and accurately digitized, enhancing the legitimacy of the general election results and demonstrating the importance of collaboration between citizens and technology in the democratic context. Kawal Pemilu aimed to address the gaps in machine-readable data from the Election Commission by digitizing the scanned C1 forms and using handwriting recognition to extract voting data through OCR methods. However, they faced time and efficiency constraints as OCR tools struggled to recognize handwriting effectively. Issues such as upside-down, slanted, and blurry scans also posed challenges, leading them to switch to crowdsourcing methods (Kawal Pemilu, 2014).

Kawal Pemilu operated through a straightforward process. All data was scanned from the KPU website using specialized software. This software extracted the necessary data, specifically, the voting results in the form of excerpts from the C1 forms. Kawal Pemilu comprised two main components. On the back end, there was closed internal website where volunteers and administrators could input data based on the scanned forms (Figure 2.6). Additionally, there was a public website that allowed citizens to view the data, organized by polling stations (Tempat Pemungutan Suara/TPS) and candidates (Figure 2.7). Visitors could choose to view results at various levels of the tabulation process.

Figure 3.6 *Kawal Pemilu's internal website*

Source: (odimpact.org, 2016)

Figure 3.7 *Kawal Pemilu's public website*

Source: (odimpact.org, 2016)

Recruitment of volunteers was conducted through closed and secretive Facebook groups (Kawal Pemilu, 2014). Recruitment followed a multi-level marketing-like method and was done carefully to maintain the integrity of the counting process. Kawal Pemilu had diverse volunteers, ranging from 14-year-old junior high school students to 59-year-old retirees, all of whom worked voluntarily, without payment. The recruitment process began with each founder selecting 10 trustworthy friends, who were then asked to recruit another 10 people, and so on. Within three days, more than 700 volunteers were successfully recruited using this method, to input data from 478,828 polling stations. The identities of the initial volunteers were kept secret to prevent bribery or intimidation. Each volunteer received a secret link to a non-public part of the website where scanned C1 forms were presented for data extraction, alongside companion forms to be filled out with the extracted data. These companion forms also allowed reporting of errors. The volunteers' work results were published every 10 minutes on a read-only public website. This data allowed the public not only to monitor the general election results almost in real-time but also to compare the vote counts on the website with the official figures released by the KPU.

Kawal Pemilu also had supervision mechanisms, making it easy to deactivate or blacklist anyone proven to falsify data and allowing other citizens to report data input errors (Kawal Pemilu, 2014). Kawal Pemilu used the same data as the KPU, so concerns about the accuracy of crowdsourcing methods did not apply to Kawal Pemilu. This was supported by the sophisticated software used and high supervision mechanisms, reducing the likelihood of errors or manipulation caused by humans. The data entry process for each C1 form took about five seconds per form. Therefore, the data from all polling stations could be inputted within three days. This was different from the KPU's

announcement of results, which not only took two weeks to count but also could not be traced back to verify the data. With different calculation methods, the results obtained by Kawal Pemilu and KPU differed by only 0.14%.

Figure 3.8 *Flow of the 2014 Kawal Pemilu mechanism*
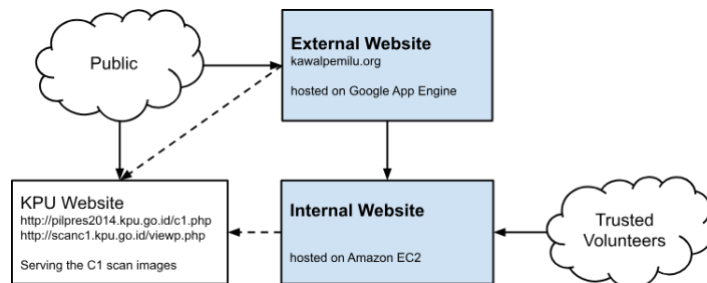
Source: (Kawal Pemilu, 2014)

Presidential Election 2019

Two organizations, Network for Democracy and Electoral Integrity (Netgrit) and Kawal Pemilu, along with five other NGOs, relaunched the Kawal Pemilu platform used in the 2014 Presidential Elections. In the Kawal Pemilu 2019 movement, volunteers monitored the vote counting at polling stations and uploaded photos of the vote results from C1 plano forms or copies of C1 forms. The goals were to monitor the counting results, maintain the integrity of the votes, enhance trust in the election process, enliven monitoring activities at TPS, promote electronic recapitulation, and report any anomalies or suspected data manipulation. Kawal Pemilu Jaga Suara (KPJS) 2019 digitized C1 forms from three different sources: direct photos from TPS, data from Bawaslu, and the KPU website. This crowdsourcing method allowed active participation from anyone in election monitoring (Kawal Pemilu, 2019).

The main challenge in monitoring the 2019 elections involved recruiting 800,000 volunteers across Indonesia to take photos of C1 forms at 809,500 polling stations, almost double the number compared to 2014 (Kawal Pemilu, 2019). Additionally, there was a fourfold increase in the number of C1 forms that needed to be digitized, including forms for legislative elections. Kawal Pemilu collaborated with Netgrit, involving 18,579 referral volunteers (Febriansyah et al., 2020). This monitoring program also engaged 95,254 non-referral volunteers who uploaded C1 forms and the official counting results from each polling station to the Kawal Pemilu website (Febriansyah et al., 2020). There were also 851 moderators selected from both referral and non-referral volunteers. All uploaded data was later verified and analysed by 67 administrators (Febriansyah et al., 2020). They ensured that the monitoring results could be accounted for through a strict verification system. Unlike previous elections, this time, volunteers could directly participate at their respective TPS by uploading photos of C1 plano forms to the website kawalpemilu.org. This step was taken to anticipate fraud before copies of the C1 forms were uploaded to the KPU website.

Figure 3.9 *Flow of monitoring mechanisms by volunteers*
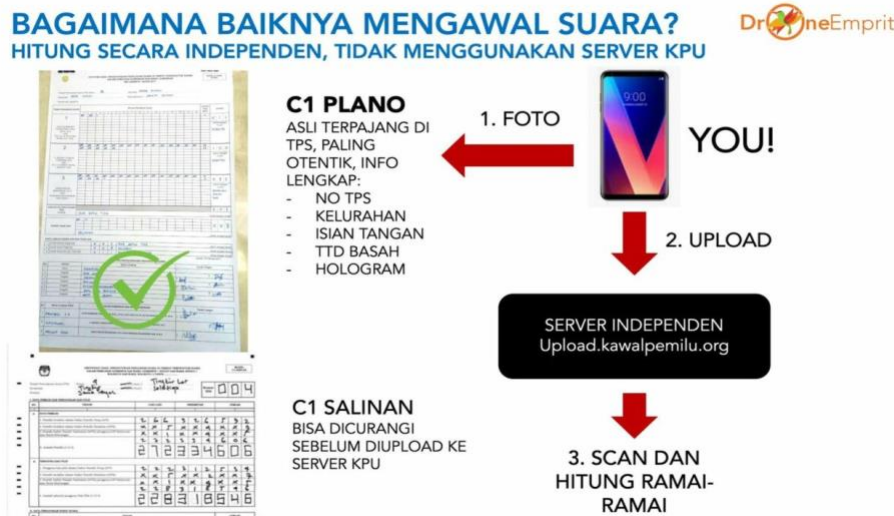
The website kawalpemilu.org was developed in two main stages. Initially, it was created to provide quick information, with a lightweight design for easy access by users without burdening their devices and networks. Later, its design was revamped to be more visually appealing and responsive across various user devices. The website was designed with two main sections. First, there was a public website accessible to everyone. This site displayed real-time election results and was accessed by numerous users, reaching a peak of 7,107 active users and 406,701 user views on April 20 (Kawal Pemilu, 2019). In addition to the public website, there was also an internal/data entry website for volunteers. This website was used by volunteers to manage and access election data, enabling them to gather information more efficiently.

Figure 3.10 *Flow of the 2019 Kawal Pemilu mechanism*
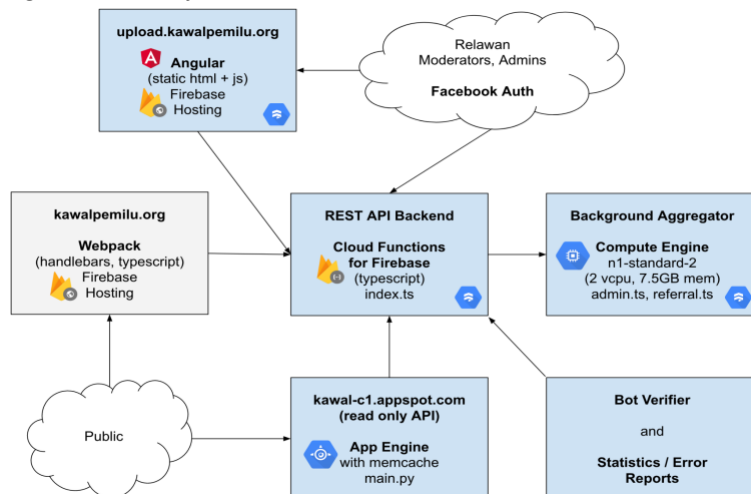
Users with authenticated Facebook accounts could log into the data entry website and assume one of the following three roles (Kawal Pemilu, 2019):

1. **Volunteers**: These users uploaded photos directly from their phones or computers. During the recruitment phase, each volunteer could generate a personal code to invite their friends to join as volunteers (referral volunteers). Volunteers could report issues with the uploaded photos and provide explanations about the problems.
2. **Moderators**: These users digitized photos and labelled them if the issues originated from the Election Commission. Moderators could only digitize new photos, meaning they couldn't edit existing numbers.
3. **Admins**: These users had the authority to change entries digitized by Moderators if errors were found. All actions were recorded alongside the user's Facebook ID.

Additionally, there was a Bot Verifier, a service that used image processing technology to automatically digitize numbers in C1 forms. The process involved aligning the C1 forms with reference forms, extracting digits, and utilizing neural networks to recognize these digits. The digitized numbers were cross verified using the sum of the total valid votes to enhance accuracy. Each uploaded photo or scan was hashed to detect duplicate images or incomplete data. With this approach, the Bot Verifier ensured accurate and efficient digitization of C1 forms.

Figure 3.11 *How Bot Verifier works*
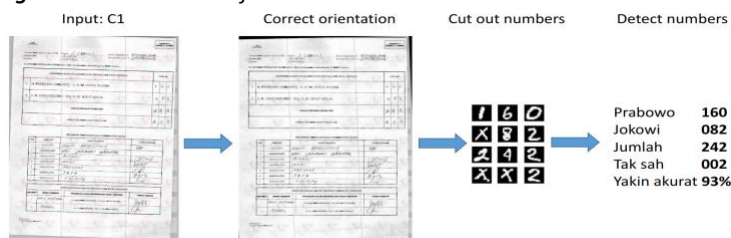
Source: (Kawal Pemilu, 2019)

Kawal Pemilu announced their final recapitulation results, indicating a victory for Jokowi-Ma'ruf with 55.21%, while Prabowo-Sandiaga received 44.79% of the votes. These results were slightly different from the official results published by the KPU's vote counting information system which showed a distribution of 55.39% votes and 44.61%.

3.4.3. Misinformation countering: findings and achievement of Kawal Pemilu

Presidential Election 2014
The 2014 Indonesian presidential election was a crucial and defining moment for the country, reflecting significant progress in conducting a free and fair electoral process. For the first time in Indonesia's history, there were only two candidates, Prabowo Subianto with a military background and ties to the Suharto regime, and Joko Widodo (Jokowi), a civilian candidate from a newer generation. This created polarization among voters, especially with the increased use of social media in Indonesia, where social media platforms became the battleground for opinions and were often filled with hoaxes and propaganda. In response, the KPU made a significant decision to share election data on its official website, a major step toward increasing transparency in Indonesia's electoral system.

However, the 2014 Indonesian presidential election was also one of the tightest and most controversial elections in its democratic history. After the voting, both candidates, Joko Widodo and Prabowo Subianto, claimed victory based on different quick count results from various survey institutions, leading to uncertainty and speculation in society. As a result, some TPS experienced delays in the voting process.

Figure 3.12 *2014 Presidential election quick count results*

No	Lembaga Survei	Persentase		TPS	Margin error (±) (%)	Selisih Suara (%)
		No 1	No 2			
1	Pusat Kajian Kebijakan dan Pembangunan Strategis (Puskaptis)	52,05	47,95	1.250	1	4,10
2	Jaringan Suara Independen (JSI)	50,14	49,86	2.000	1	0,28
3	Lembaga Survei Nasional (LSN)	50,56	49,44	-	-	1,12
4	Indonesia Reserach Center (IRC)	51,11	48,89	-	-	2,22
5	Litbang Kompas	47,66	52,34	2.000	1	4,68
6	RRI (Radio Republik Indonesia)	47,29	52,71	2.000	1	5,42
7	Saiful Mujani Research & Consulting*	47,09	52,91	4.000	0,68	5,82
8	CSIS-Cyrus Network	48,90	52,10	2.000	1	3,20
9	Lingkaran Survei Indonesia (LSI)	46,43	53,37	2.000	1	6,74
10	Indikator Politik Indonesia	47,20	52,47	2.000	1	5,27
11	Poltracking Institute	46,63	53,37	2.000	1	6,74
12	Populi Center	49,05	50,95	2.000	1	1,90

Source: (Bisnis.com, 2014)

Although KPU had confirmed Joko Widodo's victory, Prabowo Subianto's camp chose to file an appeal with the MK citing alleged violations in the election. Therefore, Kawal Pemilu tried to digitize the voter tabulation forms issued by KPU and compared the data collected by its volunteers with the official data provided by the KPU. This effort aimed to identify areas vulnerable to errors and manipulation. Kawal Pemilu played a crucial role in the trial by presenting what its volunteers had gathered alongside the statements made by KPU officials and other expert witnesses. This collective effort helped influence the court's decision. In this manner, the election results collected through crowdsourcing assisted in resolving the election, legitimizing the winner, and, more broadly, ensuring a peaceful transfer of power in Indonesia.

Figure 3.13 *Recapitulation of votes by Election Guard 22 July 2014*

Source: (UGM, 2014)

Figure 3.15 shows Alexa traffic estimates with kawalpemilu.org at no.171 in Indonesia, surpassing sites like groupon.co.id, path.com, kontan.co.id, bbc.co.uk, airasia.com, and rumah.com, among others. Kawal Pemilu also engages the public in the election monitoring process by encouraging them to verify election data, disseminate accurate information, and educate the public about the importance of accurate information in the democratic process.

Figure 3.14 *Number of views of the 2014 Election Guard site*
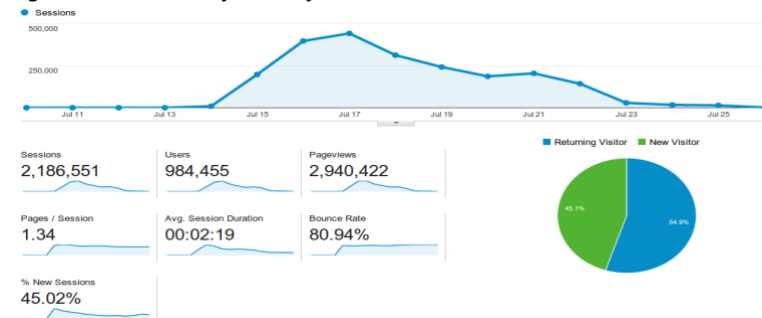
Source: (Kawal Pemilu, 2014)

Figure 3.15 *Public site viewing*
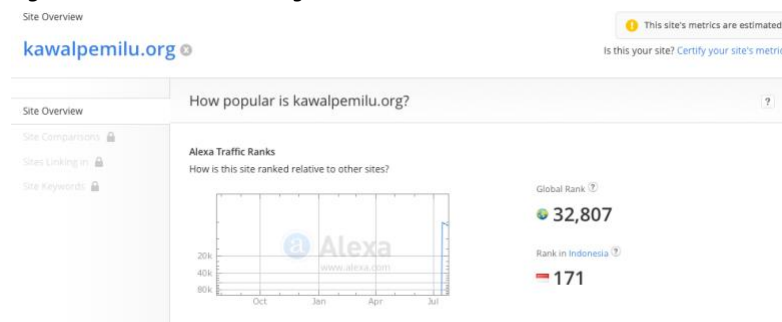
Source: (Kawal Pemilu, 2014)

Kawal Pemilu has had a significant impact on enhancing public trust and participation amid high political polarization in Indonesia. One of its most significant long-term impacts has been in reducing political tension and division. This was achieved by presenting independent, verifiable, and non-partisan election result reports, which, in turn, helped reduce distrust and suspicion among different political groups. These reports instilled greater confidence in the official results, even if they did not align with individual preferences. One reason for its effectiveness lies in its high accuracy in calculating results, which align closely with official data. Overall, this initiative has contributed to creating a more stable and civilized political environment in Indonesia. While political polarization still exists, the political atmosphere has become less negative, and people can now view issues from a more objective point of views.

Presidential Election 2019

The 2019 presidential and legislative elections in Indonesia marked a significant moment in the country's democratic history as it was the first simultaneous election of its kind. The technical and procedural complexity, coupled with deep polarization among supporters of the two main candidates – incumbent Joko Widodo/Ma'ruf Amin and Prabowo Subianto/Sandiaga Uno – made the presence of strong and credible election monitoring organizations increasingly crucial in Indonesia (Sustikarini, 2020). The reiteration of the nominations of Joko Widodo and Prabowo Subianto further intensified polarization among their loyal supporters. The 2019 election campaign stood out due to its higher levels of polarization compared to the 2014 presidential election. Although both candidates claimed to focus on economic and developmental issues, their supporters used religious, racial, and other divisive issues to influence voters. Incumbent President Jokowi was the primary target of misinformation campaigns, which, drawing on local cultural and historical contexts, included claims that he sympathized with China and the PKI and allegations that he was born to Christian parents and was therefore, anti-Islam.

One of the most circulated pieces of misinformation about Prabowo was the accusation that he had connections with forces involved in the abduction of democracy activists in the late 1990s. Given Prabowo's military background, he was more likely to be accepted among conservative groups, who tended to have high trust in the military and preferred leaders with more established and traditional backgrounds (Mietzner, 2013).

In the Indonesian context, the term 'buzzer' was commonly used to describe online supporters of presidential candidates leading up to the 2019 elections. Jokowi's supporters were called 'cebong,' which means 'tadpole' in Indonesia, while Prabowo's supporters were referred to as 'kampret', which means 'bat' in Indonesian. The use of these animal names was intended to portray them as disruptive and thoughtless groups (Kusman, 2019), disrupting the digital environment. Post-election, buzzers were often depicted as teams employed by the Jokowi administration (palace buzzers), some of whom are now more professionally known as influencers with significant followers.
The widespread misinformation and persistent identity politics made this election a test of Indonesia's democracy (Sustikarini, 2020). Furthermore, a day after polling day, both candidates claimed victory based on their trusted sources, causing turmoil and polarization in Indonesia. Building on its success in digitizing the 2014 election results, Kawal Pemilu once again consolidated the election result by manually tabulating the votes and publishing them online for the public to compare with the official count. Unlike in 2014, in the 2019 elections, Kawal Pemilu implemented a different mechanism to enhance data accountability and authenticity by requesting volunteers to take photos of the tabulation data or Form C1 from each individual polling station and upload them to the website.

Kawal Pemilu stands as an online activism movement in Indonesia that has had a significant impact on its society and the democratic process (Lee, 2018). Kawal Pemilu succeeded in organizing collective actions to monitor and recapitulate election results, with visibility to millions of people. This movement has set standards that can inspire similar movements in the future.

Figure 3.16 *Number of views of Kawal Pemilu's website in 2019*

Source: (Kawal Pemilu, 2019)

This movement has empowered citizens. Through their participation, volunteers feel that they are making a meaningful contribution, and they take pride in being part of the movement. It has built a sense of empowered identity among citizens and has given them a feeling of significance in the political process, motivating them to engage in other social and political movements.

Additionally, the movement has strengthened public trust in both state institutions and fellow citizens. Collaboration and networking within this movement have fostered trust among its members, creating an environment where cooperation can happen seamlessly. Transparency is a key value in this movement. Openly and transparently uploading election data has helped build public trust in this movement. Without transparency, this movement might not have succeeded. Public trust in state institutions and trust among fellow citizens have been the strong foundation of the success of this movement and have also provided legitimacy to the election results.

Kawal Pemilu also successfully countered misinformation about potential fraud in the 2019 Elections by revealing that there were errors in the recording and counting of Form C1 data. These errors included mistakes in tallying votes for candidate pairs number 01 and 02, as well as errors in copying valid and invalid votes and copying the vote counts from C1 plano forms. Though there were discrepancies, it is essential to note that these did not significantly impact the final election results.

Through careful monitoring, KPJS confirmed the credibility of the KPU as a reliable election organizer. The findings of KPJS aligned the vote count in the Vote Counting Information System (Situng) with the official election results determined by the KPU. Thus, KPJS not only helped counter misinformation about election fraud but also reinforced public confidence in the integrity of the KPU.

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4. Election misinformation in the Philippines

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Executive Summary

Election disinformation continues to be a major issue in the Philippines which has been identified as one of the first countries to experience how influence operations and disinformation industries can sway public sentiment and affect the results of national and local polls back. Since 2016, disinformation efforts have continued to evolve in scale and practice, complementing efforts to exploit loopholes in the 1987 Philippine Constitution and local election and information laws and policies.

Despite being a democratic country with a presidential form of government, recent developments in the Philippine political scene showed patterns of systemic abuse in the form of exploitation of legal and constitutional loopholes, political turncoat-ism, political dynasties, and the building of supermajorities across branches of government. This real-life political climate paves the way for a digital form of authoritarianism, with election disinformation being a primary weapon for those who want to control the Philippine elections and political narrative in both online and offline channels.

Recent elections showed growing trends in historical revisionism, gender-based disinformation, portrayal of public office performance as better than actual, and polarizing narratives that affected the country's election results. After the 2016 elections, Maria Leonor "Leni" Robredo became the face of the opposition while serving as the Vice-President to strongman Rodrigo Duterte, which also led her to become the main target of political and election disinformation not just from Duterte's camp but also from her rival in the vice-presidential race: son of the late dictator Ferdinand Marcos (popularly referred to as Bongbong Marcos Jr.).

Robredo's case serves as a perfect example of how negative disinformation can sway narratives and affect polling numbers: despite being arguably the most qualified candidate, on paper, for the presidency during the 2022 elections, disinformation efforts against her affected her standing in the surveys prior to the campaign period, and the actual election result. Meanwhile, Marcos Jr.'s case serves as a great example of how positive disinformation can impact public perception and voting: through spinning his performance as a senator in a good light and publicizing academic and professional achievements he did not have, he won the presidential race in 2022, despite not holding public office or doing public-interest work since losing the 2016 vice presidential race.

Civil society has been doing the work of monitoring and combatting disinformation by fact-checking, prebunking, enhancing media and information literacy, and conducting public information campaigns. Two of the most innovative and holistic counter-disinformation efforts are Rappler's FactsFirstPH and Break the Fake Movement's influencer engagement program.

FactsFirstPH engages fact checkers, academic institutions, legal and media support groups, and other members of civil society to counter disinformation in a manner that emphasizes reach, meaningful engagement, and protection of frontliners. Break the Fake Movement deputizes local online content creators and social media influencers to be thought-leaders in countering disinformation through capacity and knowledge development and by supporting content and campaigns that raise public awareness about disinformation and responsible social media use.

Despite efforts of civil society to come up with holistic and innovative ways to combat election and political disinformation, the quick-evolving operations and strategies of malignant actors and their network of disinformation movers make it difficult to fully address disinformation in the Philippines. Recent efforts like FactsFirstPH and Break the Fake's influencer engagement program have made great strides in expanding the base of information integrity advocates, keeping hope alive for truth to rule politics and elections in the Philippines.

4.1. The Philippines: Electoral, Political, and Social Context

The Philippines' political and electoral history is one full of rich context and landmark developments, especially after centuries of being ruled by Spanish, American, and Japanese colonizers that shaped the current electoral and government systems in the country. Despite being independent back in 1898, Western and foreign influence in the country's politics, elections, and culture is still evident, and thoroughly embedded in the grain of the Filipino life.

The Republic of the Philippines is a democratic country with a presidential form of government that abides by the 1987 version of its constitution. It has three main branches of government: the executive, led by the elected President; the legislative, which is composed of the Senate and the House of Representatives; and the judiciary, which covers the Supreme Court and other local courts (Official Gazette, n.d.-a). The elected President and the Vice-President hold a term of six years, while elected members of Senate also hold the same term of six years, but are elected in batches every three years (of the 24 sitting senators, 12 are elected during a presidential election while the other 12 are elected via a midterm election). Members of the House of Representatives and local government officials serve a term of three years, while members of the Supreme Court, who are appointed by the President and confirmed by Congress, serve until their preferred age of retirement or up to 70 years of age (Official Gazette, n.d.).

On paper, separation of mandate and power is clear for the three branches of government – the legislative makes the laws of the land, the executive oversees execution of laws, and the judiciary settles disputes and legal challenges. In reality, electoral supermajorities, political dynasties, and the overarching influence of the President have marred the supposed independence of the two other branches of government from the executive.

4.1.1. Nuances in Philippine Elections and Politics

Despite the clear intentions of the 1987 Philippine Constitution, loopholes were spotted and exploited by a few to their advantage, and supposed provisions that banked on good-spirited interpretations were weaponized for the ruling power while setting dangerous precedent for the following administrations.

Impeachments, for example, were meant to be a check-and-balance mechanism for those holding public office. In 2000, then-President Joseph Estrada was impeached due to graft and corruption charges related to tobacco taxes and illegal gambling (Fuller, 2000). He stepped down from office in January 2001 after a massive peaceful protest (popularly referred to as EDSA People Power 2[5]) in the capital's Epifanio Delos Santos Avenue (EDSA). The remainder of his term was served by Gloria

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[5] The first People Power being the one that removed former president and dictator Ferdinand Marcos from office in 1986.

Macapagal-Arroyo, who went on to run for and win another presidential term (a grey area in the 1987 Philippine Constitution). Estrada was later convicted of plunder (Mogato, 2007).

However, more recent impeachment cases tend to be more partisan than conduct related. During the term of former president Rodrigo Duterte, two presidential appointees to offices that are supposedly independent from the executive were impeached, thanks to Duterte's supermajority of allies in Congress and within the Supreme Court: then-Chairperson of the Commission on Elections, Andres Bautista, was impeached by Congress in 2017 (Cupin, 2017) but stepped down voluntarily shortly after, before proceedings commenced (Rappler.com, 2017), while then-Chief of the Supreme, Court Maria Lourdes Sereno, a staunch Duterte critic, was also impeached and removed from office by a vote of her peers in the Supreme Court (Al Jazeera, 2018). This enabled Duterte to appoint most of the current members of the Commission on Elections (Galvez, 2022) and the Supreme Court (Buan, 2018) by the time his term ended in 2022.

Political parties in the Philippines also serve as mere vehicles for campaign resources and connections rather than being organized based on values and principles. Compared to other countries, local political parties are more personality-based than ideological. Historically, the typical politician can and will switch political parties as often as administrations change.

In 2009, when then-Senator Benigno Aquino III was deemed the clear frontrunner of the upcoming 2010 presidential elections after the massive public support following the death of his mother, former president Corazon Aquino, local politicians shifted their political affiliations to the Liberal Party (Senate of the Philippines, 2009) to benefit from the political and financial machinery behind Aquino III's presidential run. The same trend was seen during the 2016 elections: after the inauguration, more than 100 members of the House of Representatives (Romero, 2016) belonged to Duterte's party Partido ng Demokratikong Pilipino-Laban, even though some of them came from the previous ruling party (Pasion, 2016).

In theory, while political turncoat-ism does not necessarily have an effect on actual governance, it does show political instability (as these parties are governed by convenience and benefit rather than values and ideologies), which makes national and local politics even more volatile and unstable. A good and very current example of this is the power tandem of President Ferdinand "Bongbong" Marcos Jr. and Sara Duterte-Carpio for the 2022 elections. With no clear policy and governance platform in sight for their coalition, the two ran under the "Uniteam" banner for the top two elected posts in the country. With massive grassroots support and the consolidation of two of the biggest election machineries in the country's recent history, the two won the President and Vice-President positions through an overwhelming majority vote (Cervantes, 2022).

However, less than two years into their terms, the Uniteam is no more. The Marcoses and the Dutertes are now clear opponents coming in to the 2025 midterm elections, with mudslinging on drug use by the current and previous presidents, front and centre (De Guzman, 2024). While the more public discourse centres on supposed drug abuse, the underlying and more powerful sentiment, really, is centred on the issue of consolidation of power coming into the 2025 and 2028 elections season, as well the proposed Charter Change and constitutional amendments. The Speaker of the House, who is also President Marcos Jr.'s cousin, is pushing for Charter Change (Porcalla, 2023), allegedly to amend economic provisions – but the opposition sounded the alarm on its political implications, which opens up control of public utilities to cronies, similar to the time of Marcos patriarch's dictatorship in the 1970s (Panti, 2024). President Marcos Jr.'s cousin and current Speaker of the House is poised to succeed him, while the Dutertes are gearing up for Vice-President Sara Duterte to run for President in 2028. The 2025 midterm elections will set the tone on how the lead-up to the 2028 presidential election will go, as Marcoses and Dutertes fight for dominance in

the Senate, the House of Representatives, and in local government seats through their allies and proxies.

The example of the Marcoses and the Dutertes is also a perfect lead-in to the topic of political dynasties in the Philippines. A political dynasty is defined as "the situation wherein members of the same family are occupying elected positions either in sequence for the same position, or simultaneously across different positions" (Mendoza, Beja Jr, Venida, & Yap, 2013). While the most powerful names transcend national and local elective positions and even appointive public offices, most of these political dynasties operate on the local government level, with the patriarch and the matriarch taking turns holding mayor and vice-mayor positions and their children and/or extended family run provincial positions in the city council, and even on the barangay level.

Political dynasties open national and local governance to nepotism and cronyism, which feeds in to the whole political and electoral flaw of personality-based politics and elections in the country. Political dynasties have both inherent and acquired machinery to buy patronage and support within their electorate, which in turn affects political turncoat-ism, and in the long run manifests into a hyper-partisan government. Historically, the only thing that has defeated the hold of political dynasties in elections is the star power of celebrities and actors, which is still in the realm of personality-based politics in the Philippines.

Political dynasties are supposedly prohibited under the 1987 Philippine Constitution, but with the country's Congress being comprised mostly of members of political dynasties, no enacting law has been passed to make the constitutional provision actionable. As a result, at least 188 government positions have been held by political dynasties for at least two decades (GMA News, 2022). The hold of political dynasties on provincial and local government positions has also significantly increased from 2004 to 2019, according to the Ateneo School of Governance (Mendoza, Jaminola, & Yap, From Fat to Obese: Political Dynasties after the 2019 Midterm Elections, 2019).

Political dynasties have even invaded the House of Representatives' party list seats, which are ideally meant for political parties that represent marginalized and underrepresented sectors and groups. During the national elections that happen every three years, party list representatives are also elected, and 20 percent of the seats in the House of Representatives are allotted to party lists that get the greatest number of votes. During the 2022 elections, at least six political dynasties won seats in the elections by forwarding members of their clans as nominees for the winning party lists (Abad, 2022). The 1987 Philippine Constitution's intention with the party list system is that it shall be filled "by selection or election from the labour, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector" (Official Gazette, n.d.).

4.1.2. Conduct of and Issues about Philippine Elections

While the context in and around Philippine politics and elections is rich and unpredictable, most of the national and local elections that happened after the first EDSA People Power have been scheduled as written in law: every second Monday of May every three years starting 1992 (Senate Electoral Tribunal, n.d.). The only regular elections that have been highly delayed and irregular would be the barangay (community unit) elections, though the postponements are backed by passing a law enabling the delay.

Automated voting has made it easier to ensure consistently high voter turnout and swift counting of ballots during the major elections in the Philippines starting 2010, though historically, voter turnout has been high in the country even when it was conducted using manual ballot voting.

Table 4.1 *Major Philippine elections: Schedule and turnout*

Year	Positions Covered	Registered Voters	Voter Turnout
1992	President, Vice-President, 12 Senators, Members of House of Representatives, Elected Local Government Officials	32,105,782	22,654,194 (70.56%)
1995	12 Senators, Members of House of Representatives, Elected Local Government Officials	36,415,144	25,736,505 (70.68%)
1998	President, Vice-President, 12 Senators, Members of House of Representatives, Elected Local Government Officials	34,117,056	29,474,309 (86.39%)
2001	12 Senators, Members of House of Representatives, Elected Local Government Officials	36,354,898	27,737,268 (76.3%)
2004	President, Vice-President, 12 Senators, Members of House of Representatives, Elected Local Government Officials	43,522,634	33,510,092 (76.99%)
2007	12 Senators, Members of House of Representatives, Elected Local Government Officials	44,881,118	32,808,958 (73.1%)
2010	President, Vice-President, 12 Senators, Members of House of Representatives, Elected Local Government Officials	50,653,828	38,169,380 (74.99%)
2013	12 Senators, Members of House of Representatives, Elected Local Government Officials	52,014,648	40,214,324 (77.31%)
2016	President, Vice-President, 12 Senators, Members of House of Representatives, Elected Local Government Officials	54,363,844	44,549,848 (81.95%)
2019	12 Senators, Members of House of Representatives, Elected Local Government Officials	63,643,263	47,296,442 (74.31%)
2022	President, Vice-President, 12 Senators, Members of House of Representatives, Elected Local Government Officials	65,745,526	55,290,821 (84.10%)

Sources: (Gavilan, 2016), (Commission on Elections, 2016), (Commission on Elections, 2019), and (Commission on Elections, 2022)

While the automated voting system made election results available much faster compared to manual voting, controversies, especially around election rigging, are brought up often post-elections.

In 2016, then-Senator Ferdinand "Bongbong" Marcos Jr. lost the vice-presidency to Liberal Party candidate Maria Leonor "Leni" Robredo, promptly launching election protest from the former due to alleged widespread cheating in several Mindanao provinces (Rappler Research Team, 2017). The Supreme Court junked Marcos Jr.'s election protest in 2021 after a manual recount of ballots (Venzon, 2021), barely a year before he launched his presidential campaign for the 2022 elections where he won the top executive seat in the country.

In 2019, several parties questioned the accuracy and usability of the vote counting machines procured from Smartmatic, the Commission on Elections' chosen contractor for the automated elections (Cudis, 2019). Technical glitches with the vote counting machines have also been cited as a source of frustration during election day and during the vote canvassing period.

In 2022, after the landslide win of President "Bongbong" Marcos and Vice-President Sara Duterte, suspicions about the speed at which the votes were transmitted to the servers despite the estimated time required to print election returns, as well as doubts regarding the pattern of constant vote ratio between some prominent candidates, were raised early on, casting doubt on the accuracy of the election results (De Leon, 2023). Lack of transparency and media blackouts during crucial steps of the automated voting preparation, on the part of the Commission of Elections, were also apparent before the 2022 elections.

4.2. Election Misinformation in the Philippines

While misinformation and political influence operations predate social media and the Internet, the Philippines is one of the first countries in the world to experience industrial-scale political and election-related disinformation efforts. The 2016 presidential election was the first case study on how massive disinformation and influence operations can perturb the outcome of elections and change the path of supposedly democratic countries.

A full year prior to the 2016 Philippine elections, then-Davao City Mayor, Rodrigo Duterte, was not identified by independent survey firms as the top candidate. At that point, it was still a close race between Senator Grace Poe and then outgoing Vice-President Jejomar Binay (Go, 2015). But through silent yet relentless grassroots campaigning and media cycle manipulation, Duterte started to emerge as a newcomer in the race, presenting a viable alternative for those tired of the traditional and messy national politics, freeing himself from the pretentions and formalities of his opponents and packaging himself as a man of the people, and as an approachable candidate for president, despite his lack of credentials and cohesive governance policy, other than a war against illegal drugs.

After winning the presidency, however, the tactics employed by Duterte and his allies through Facebook, one of the main social media platforms used by Filipinos, became much more apparent. Social media influencers who seemed to organically support Duterte during the campaign season were revealed to be well-allied with him, with some being appointed to government posts. The online support base they were able to amass for Duterte was later used to sway public sentiment against major Duterte critics, including a sitting Senator and the Supreme Court Chief (Etter, 2017).

Troll farms and armies were exposed years later. Meta in 2019, for example, took down 200 pages, groups, and accounts linked to Duterte's social media operator Nic Gabunada (Gleicher, 2019). Meta's reasoning behind the takedown of the network of accounts and pages was coordinated inauthentic behaviour, and not the content of their influence operations. It still exposed more than USD49,000 worth of ads that ran starting 2014, providing a glimpse of how massive the scope of

operations behind Duterte's win really was. Gabunada, despite being exposed, was hired by the Duterte administration to do public relations and communications consultancies during its term (Rivas, 2021).

Duterte's allied social media influencers continued the work during his term, engaging with the followers and supporters they were able to get during the 2016 campaign season. Some of them experienced temporary or permanent banning on Facebook; Mocha Uson Blog, operated by Duterte appointee Mocha Uson, experienced temporary takedown of the Facebook page in 2020, but was restored soon after (The Philippine Star, 2020). Uson's Facebook page had also been frequently flagged as a peddler of online disinformation prior to the temporary takedown.

Another Duterte-allied social media influencer also experienced temporary take down, this time in 2024; Sass Sasot's Facebook page "For the Motherland" was taken down for days (Baizas, 2024), with Sasot later claiming that her personal Facebook account was permanently deleted from the platform.

Despite the risk of losing their pages with thousands, if not millions, of followers, some social media influencers continued the work of spreading political disinformation with the goal of conditioning the minds of voters about Duterte and his cronies. The disinformation campaigns succeeded in the 2019 midterm elections, as two of Duterte's most identifiable aides were elected to the Philippine Senate despite lack of a track record or clear governance platform other than supporting Duterte's policies.

The road to the 2022 presidential elections, however, had already started even before the 2019 midterm elections. Losing vice-presidential bet "Bongbong" Marcos was already using social media to sway public sentiment to prepare the battleground for his run for the presidency in 2022. Both Duterte and Marcos Jr. saw a common enemy that would be the subject of online attacks from their allied social media influencers and digital armies – then-Vice President Maria Leonor Robredo, who served both the face of Duterte's opposition and Marcos Jr.'s main opponent for the 2022 elections.

While election-related disinformation leading up to the 2022 elections was both complex and diverse, common themes can be observed based on trends and studies available.

4.2.1. Historical Revisionism

Marcos Jr. came from a family that ruled the country for decades – the patriarch, Ferdinand E. Marcos, declared Martial Law in the Philippines from 1972 until he was overthrown during the EDSA People Power in 1986 that placed Corazon Aquino as president and kickstarted the creation of the 1987 Philippine Constitution (Official Gazette, n.d.-b). During the Martial Law of the Marcos patriarch, human rights abuses, economic downfall, and massive corruption were reported and documented by both local and foreign entities. The Marcoses were then exiled but started to make their way back to Philippine politics after the death of the patriarch in the late 1980s.

Ever since, the Marcoses have been determined to sway public opinion about the presidency of the father to benefit the political future of the whole family. The online whitewashing of the Marcos dictatorship dates back to the early 2000s during the era of Friendster and Flickr – with the main sentiments being that the Marcos family was the victim and that the Marcos presidency was the golden age of Philippine society, in terms of infrastructure and economy (Cabato & Mahtani, 2022).

This kind of historical revisionism was front and centre in Marcos Jr.'s strategy for the 2022 Philippine elections and was applied not just to the narrative of his father's term as president and dictator (Elemia, 2022), but also to the narrative of his personal accomplishments and track record. For example, Marcos Jr. claimed that he graduated college with a Bachelor's Degree from the University of Oxford, but official university records showed that while he attended the university, he was not able to finish his studies to earn the degree (Quinn, 2022). Instead, he received only a Special Diploma in Social Studies in 1978 for attending some courses (Buan, Oxford: Bongbong Marcos' special diploma 'not a full graduate diploma', 2021).

The Marcos family wealth has also been a subject of historical revisionism. While it is publicly known through official records that the family amassed ill-gotten wealth while in office, disinformation efforts claimed that the Marcos family has large reserves of gold that can be used to save the Philippines and the world from poverty, and that this is one of the sources of the wealth of the family (Macaraeg, 2022). Additional disinformation efforts claimed that Marcos Jr. would use the gold to fund his economic program and priority projects if he won the presidency in 2022 (VERA Files, 2022).

4.2.2. Gendered Political Disinformation

As the leading figure of the opposition, Maria Leonor "Leni" Robredo was the subject of gendered political disinformation while serving as Vice-President to Duterte (starting 2016 up to her time as a presidential candidate during the 2022 elections). Being made the subject of unrelenting disinformation efforts affected the perception of the public towards her work as vice-president and the narrative around her campaign as president. Disinformation efforts directed to her were of a nature that no other candidate suffered during the presidential cycle.

Political disinformation used against Robredo early on centred on her love life and her body. Robredo is the widow of a prominent good governance figure, and one intention around disinformation against her was to remove that link by affiliating her with other men, including other political figures. In 2016, rumours also spread that she was pregnant and was dating a councillor from a Metro Manila city (Dizon, 2016). During her run for president, another disinformation effort spread, this time falsely claiming that she was first married to a rebel from the Marcos era before marrying the Robredo patriarch (VERA Files, 2022).

Disinformation about Robredo's performance as vice-president also circulated, banking on misogynistic notions that women are less able in politics than their male counterparts. For example: fake quote cards were circulated, attributing stupid and nonsensical public statements to her (Rappler.com, 2021), and her outreach and community visits were spun in a negative light, with one post claiming that she handed out "anaemic spaghetti" during one of her grassroots events (GMA News, 2021).

It is worth noting that despite her extensive experience in politics and good governance at the local level, this kind of performance-based political disinformation was effective because it was consistent and relentless. Robredo has been reported as the top subject of political disinformation during the 2022 elections season (Gonzales, 2022), but that claim alone does not do justice to the disinformation efforts she experienced since she took office in 2016. The moniker "Leni Lugaw" (Leni porridge), one that was introduced through political disinformation efforts in 2016, haunts her even today as a critique of her substance and mental capacity – that like porridge, she is watery, has no value, and is cheap. Robredo was a lawyer prior to working in government, and her male

counterparts do not experience similar types of comments despite having far less educational, professional, and governance experience than her.

It is worth noting at this point, that Sara Duterte, another prominent woman in Philippine politics, did not experience any of the gendered disinformation and critiques that Robredo experienced. She was instead portrayed as more masculine and a younger replica of her father. News about her punching a court sheriff was spun in a heroic light, as was her passion to protect the poor (Tupas, 2011). She was even portrayed as capable of holding the defence and education secretary roles (Atienza, 2022) despite having zero experience in both sectors.

4.2.3. Improving Portrayal of Public Office Performance

Not all election disinformation is negative. Some were meant to put a positive spin on a politician's performance, so that the public perception around their track record while holding public office remains impressive to those not looking close enough. This is done despite availability of official data and realities on the ground that can easily counter these positive disinformation efforts.

During the 2022 elections, both Bongbong Marcos and Sara Duterte benefited from such positive disinformation efforts, with a report highlighting that while their main opponents experienced almost purely negative disinformation, both the Uniteam candidates benefited from positive disinformation around their track records and personal portrayals (Chua, Labiste, & Gonzales, 2022).

Before the elections, Duterte's team employed the same scheme by putting a good spin on the administration's performance during the COVID-19 pandemic to preserve the highly favourable public survey ratings on Duterte, setting a great playing field for his daughter's run for national office.

Duterte's allies did this both in their official capacity and through their social media allies. For example, Duterte's spokesperson continuously claimed that Duterte's administration was winning the war against COVID-19, despite reporting record number of cases at the height of the pandemic (Colcol, 2021) and despite the slow procurement of vaccines and low inoculation rates due to government inefficiencies. This kind of spins was being employed while allied social media influencers drowned out genuine and organic COVID-19 response criticisms online, by echoing erroneous sentiments to their followers (Coda Story, 2020).

Meanwhile, Marcos Jr. also used the same tactic by exaggerating his contributions and the impact of his work as senator. This was done by tying his name closely to beneficial laws and implying that these good laws were passed because of his hard work. For example, a disinformation item highlighted that Marcos Jr. authored the law that enabled the creation of the National Youth Commission, when the truth was that he took credit for a bill that had already been proposed (PressOnePH, 2022).

4.3. Anti-Disinformation Laws and Efforts

Despite online disinformation being a major issue in the information and media landscape in the Philippines, the country is having a tough time advocating for counter-disinformation measures, especially when prominent government officials are intertwined with disinformation and influence operations.

The only official counter-disinformation provision was enacted during the time of the COVID-19 pandemic. The emergency policy "Bayanihan to Heal as One Law," aimed mainly at diverting government funds towards pandemic response and grassroots relief efforts, included a provision stipulating penalties for spreading COVID-19 disinformation. Spreading "fake and alarming information" related to COVID-19 carries a penalty of two months' imprisonment or PHP1 million (roughly USD18,000) or both (Buan, 2020).

In 2019, an "anti-fake news" law was proposed, penalizing the spreading of disinformation, creating fake accounts, working on disinformation efforts, and financing disinformation, with executive agencies overseeing the implementation if passed (Senate of the Philippines, 2019). After the change in Congress, a counter-disinformation law was refiled and proposed again, but this time within the existing cybercrime law (Fernandez, 2022). The cybercrime law has been weaponized against journalists and has had a chilling effect on journalists and those speaking truth to power online, since it was passed in 2012. This new counter-disinformation law proposal is still pending in Congress at the time of writing.

In the past, however, the Cybercrime Prevention Act of 2012, specifically the cyber-libel provision, has been weaponized against journalists in the guise of fighting disinformation but with the real intention of silencing dissent and creating a chilling effect among media workers. In fact, cyber-libel has been used against Rappler's Maria Ressa (Amnesty International, 2022) and other journalists in the country, with local politicians among the leading filers of these cases (Corrales, 2023). Cyber-libel cases in the Philippines can be both criminal and civil – compared to the traditional libel charges under the country's penal code. Those who use these cases to silence journalists also file in faraway courts to force journalists to take leaves from work and travel far to attend court hearings.

Summons from the country's National Bureau of Investigation have also been used to investigate alleged cases of disinformation – some of which are from supposed whistleblowers of government corruption and irregularities (Bautista, 2023). Such summons were also used heavily during the COVID-19 pandemic against those pointing out failures in the government's pandemic response (Torres-Tupas, 2020).

Both Duterte and Marcos Jr. have also launched counter-disinformation initiatives under their offices, despite being identified as key political and election disinformation beneficiaries and peddlers. In 2018, Duterte's presidential communications secretary launched a war against disinformation in front of more than a thousand government public information officers (Musico, 2018). The event also marked the launch of the "Du30 app" that will supposedly help fight disinformation.

Meanwhile, Marcos Jr.'s presidential communications team launched a similar counter-disinformation initiative in 2023, but this time focusing on building media and information literacy in collaboration with other government agencies (Presidential Communications Office, 2023). The presidential communications office also highlighted that countering disinformation is a major priority for them, along with communicating the president's development agenda (Presidential Communications Office, 2023).

As for election disinformation, the Commission on Elections launched some efforts during the 2022 elections, though some claim it to be too little, too late given how significant an issue it has been during previous elections.

In November 2022, when most disinformation machines had already been running full steam ahead of the campaign period, Meta and the Commission on Elections partnered for an election-related

digital literacy campaign, encouraging voters to employ critical thinking as they consume and before sharing election-related content on social media (Mateo, 2021).

In April 2023, just a month before voting day, the Commission on Elections launched a task force to counter disinformation – not about the elections or the candidates, but disinformation about the commission itself (Mendoza J. E., 2022). No task force guidelines were prepared in line with the launch and no document detailing the mandate and the work of the task force was made available to the public after.

The most that the Commission on Elections did, was to warn the public from disinformation, and promise to come after disinformation peddlers (Kabagani, 2022), but no progress has been reported on this front since.

4.4. Civil Society's Election Counter-Disinformation Efforts: Case Studies

Given the immensity of the problem of disinformation around politics and elections, civil society has launched multi-sector initiatives that aim to combat disinformation and influence operations. These efforts consider how disinformation peddlers operate, the information and media landscape in the Philippines, nuances in disinformation dissemination strategies by troll armies and disinformation actors, and grassroots perceptions of disinformation content and previous counter-disinformation efforts.

Two case studies will be highlighted in this report: FactsFirstPH, a multi-sector initiative led by Rappler on fact-checking, and social media influencer engagement efforts made by Break the Fake Movement, a youth organization in the Philippines that aimed to counter local disinformation efforts.

4.4.1. FactsFirstPH: Multi-Sector Fact-checking Effort

This initiative, launched prior to the 2022 elections, was led by Rappler, a local news organization in the Philippines founded by Nobel Peace Prize awardee Maria Ressa, and supported by the Google News Initiative and Meedan. Rappler was a young news startup at the start of the Duterte administration. In fact, Rappler and Duterte both got their respective breaks that propelled them to national attention at one national event hosted by Rappler where Duterte was the only presidential candidate present (Rappler.com, 2016). It was a friendlier time for the politician and the news organization, as Duterte went on to continuously attack Ressa and Rappler during his time as president.

FactsFirstPH as an initiative, however, is much more than just Rappler. It is a consortium-type initiative that brings together more than 100 organizations from across sectors and industries – news organizations, factchecking initiatives, lawyering groups, academic institutions, civil society organizations, social enterprises, youth organizations, and other counter-disinformation advocates (#FactsFirstPH, n.d.-a).

The initiative seems to respond to two main problems of previous factchecking efforts: (1) the failure of factcheck and counter-disinformation content to break silos and penetrate social media circles that are directly affected by disinformation and influence operations, (2) the lack of a cohesive, multi-sectoral coordinated approach to fighting election disinformation in the Philippines.

FactsFirstPH operates through four major layers of work (Rappler, 2022):

- **Base layer**: Factchecking. Through the efforts of at least 14 news organizations and factchecking groups, this layer is responsible for social media monitoring of disinformation content and efforts, producing fact-check stories and counter-disinformation pieces, and rolling out localization and engagement efforts.
- **Second layer**: Mesh. This layer is composed of at least 60 grassroots organizations, civil society groups, youth formations, and other counter-disinformation advocates. The main role of this layer is to amplify the content produced by the base layer, ensuring that the pieces break through the usual factchecking silos and into the circles where disinformation actors operate. This layer is also mandated to help with translation efforts, and launch counter-disinformation campaigns rooted in disinformation trends, analysis, and content produced by the base layer. This group of organizations are centred on citizen engagement and reaching bigger audiences for factchecking initiatives.
- **Third layer**: Research. This layer is composed of academic institutions and research teams of Rappler and other firms. The goal of this layer is to make sense of the bigger picture by looking at disinformation trends in the longer term rather than the day-to-day election disinformation trends. This group is expected to produce reports that can be disseminated to the factchecking and mesh layers to help inform their strategies on producing content and engaging the public.
- **Top layer**: Accountability. This layer is composed of lawyering groups, media support organizations, and other broad alliances. The main objective of this layer is to protect the other layers from physical, digital, and legal attacks as they do the work to counter disinformation. Attack forensics and documentation are included in the work of this layer. This layer also ensures that the other layers feel supported as they fulfil their roles within the initiative, and that external forces trying to undermine the effort are appropriately countered.

All participating organizations in the FactsFirstPH initiative agree to stand by the following principles (#FactsFirstPH, n.d.-b):

- Debunk lies,
- Amplify facts,
- Expose disinformation actors and narratives,
- Hold perpetrators and enablers accountable,
- Protect truth-tellers,
- Increase awareness, and
- Protect democratic institutions by fighting disinformation.

The initiative was publicly launched in January 2022 but had started organizing and preparatory work prior to the launch. News organizations producing factchecks and counter-disinformation content under FactsFirstPH were given support in the form of story grants, training, and briefings with other members of the initiative. It was truly a nationwide effort as it included a wide variety of national, provincial, and community-level news organizations and civil society groups.

As for impact, data analytics firms involved in the initiative reported that news organizations were struggling to break through the silos when the initiative launched. However, weeks before the May 2022 elections, internal briefings showed that counter-disinformation content and factchecks produced under the FactsFirstPH initiative were able to reach new audiences, including those who had not been exposed mainly to counter-disinformation content in the past. There were cases

where the factchecking content was able to almost capture the audience of the disinformation item it was addressing.

One glaring question, however, is whether reaching those new audiences changed minds and contributed significantly to their decision-making as they headed to the voting booth. Interviewed members of the initiative said that this is one thing that they were not able to measure comprehensively. The varying long-term effects of mind conditioning and prolonged exposure to disinformation content makes it harder to predict the final impact of the initiative.

The results of the 2022 elections, however, seemed to signal that the work is far from over, given that the top two candidates who benefited from disinformation won the top two elective positions in the Philippine government.

4.4.2. Break The Fake Movement: Engaging Social Media Influencers

Break the Fake Movement is a youth-led organization aiming to contribute to the fight against disinformation through youth engagement, public campaigns, and multi-sector initiatives (Break The Fake Movement, n.d.). The organization also aims to leverage technology to solve information disorder in the Philippines. Originally an idea germinated during an incubation hackathon, it has since been involved in media and information literacy efforts, voter education initiatives, and sectoral engagements about responsible digital citizenship.

The organization's counter-disinformation initiative, during the 2022 elections and in preparation for the upcoming 2025 elections, centre on a tactic from the books of the disinformation operators: deputizing social media influencers to reach bigger audiences. This time, however, beyond just serving as amplifiers of the same message, Break the Fake also equips them with skills that can help them operate independently as counter-disinformation advocates.

The influencer engagement initiative of Break the Fake Movement aims to do two things: engage nano-, micro-, and macro-social media influencers to be deputies and even thought-leaders in fighting disinformation in social media; and support these social media influencers in producing counter-disinformation content.

The work of the initiative can be divided into two main phases:

- **Training Phase**: Social media influencers are invited to a multi-day bootcamp where they engaged on topics of responsible digital citizenship, media and information literacy, countering disinformation, fact-checking, and ethical digital content production. During these training activities, the social media influencers are also given the space to appreciate the intersection of their work and the counter-disinformation efforts: that social media influencers benefit from an online information and media landscape that is facts-based and is observant of digital rights and internet freedom.
- **Content Production and Mentoring Phase**: After the training phase, engaged social media influencers who are interested in producing content that contributes to counter-disinformation efforts are provided with mentoring and support over a few months. This also means connecting them with subject-matter experts and factchecking organizations that can provide insights and guidance on how to go about content production, while the social media influencers take on the responsibility of shaping the form, tone, and the messaging of the content. As these efforts take time and resources, the organization provides financial support to those who needed it.

While the initiative shows potential and scalability as it enters the 2025 elections season, one challenge for the organization is sustaining the interest of social media influencers during and after the training phase. The reality that social media influencers do the work they do as livelihood means that incentivization is key. With the limited resources that the organization has for this initiative, they are not able to sustain engagement with all the participating social media influencers.

Another challenge that can be perceived in this case study is inculcating learnings from the training and mentoring phases into the longer-term practices of social media influencers. Without a multi-year funding stream to support engagement with these influencers, it is uncertain whether the effect on how social media influencers contribute to counter-disinformation efforts will last. Longer-term programming that includes habits building will be integral for any follow-up activity of this initiative.

And while sustainability is a big question for this initiative, its impact on grassroots audiences cannot be denied – given that audiences in the Philippines have a high distrust in the media and higher trust and confidence in micro- and nano- influencers, influencer engagement is a potent strategy to counter disinformation efforts, election-related or otherwise.

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5. Election Misinformation in Sri Lanka

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Executive Summary

Election misinformation poses a credible threat to Sri Lanka's democracy. While it is expected that any electorate hardly operates with perfect information, this report finds that the presence of an election misinformation industry producing and disseminating viral false assertions has the potential to distort constituents' information diets and sway their electoral choices. That many citizens are ill-equipped to manage the oftentimes cognitively burdensome task of determining the veracity of political information in an information-heavy environment exacerbates this issue. This, in turn, may jeopardize social cohesion and undermine what is otherwise, generally, a robust electoral process.

The report seeks to expand the limited discourse on this phenomenon ahead of the 2024 Presidential Elections by providing the following: an overview of Sri Lanka's socioeconomic and political landscape and electoral system, a discussion of the characteristics of Sri Lankan election misinformation and safeguards against misinformation in the country, and a case study of Hashtag Generation, a non-profit civil society organisation that conducted counter-misinformation operations during the 2019 presidential and 2020 parliamentary elections,.

This report finds the following:
- Election misinformation is spread through targeted, at times well-funded operations involving political parties/candidates, the mainstream media, and bad faith 'gun for hire' actors. Social media – free of the operational constraints of traditional news media on account of the anonymity and wide content viewership it affords creators – is a hotbed for election misinformation production and dissemination.
- Election misinformation can take five forms: election misinformation aimed at harming a political party, a candidate, or an individual or group affiliated with a party or candidate; misinformation that bolsters the image of a candidate or party; false assertions levelled against government institutions; misinformation concerning an entity unaffiliated with a party, candidate, government institution; and misinformation about a particular event or phenomenon. Substance-wise, election misinformation covers a range of topics, typically leveraging existing social cleavages and woes of citizens.
- Existing legal and institutional safeguards are inadequate to counter election misinformation and its impacts.
- Actors like Hashtag Generation who engage in initiatives like fact-checking serve as limited bulwarks against election misinformation, and are alone insufficient to tackle a problem that requires a more coordinated effort among the stakeholders best equipped to tackle this phenomenon: platforms, news media organizations, government, and other civil society organisations. Efforts to improve media literacy and critical thinking skills among voters to reduce their susceptibility to election misinformation-induced attitudinal and/or belief shifts might serve as more sustainable, less draconian, democratically compatible means to address the issue.

5.1. Introduction

A key informant for this report mused that Sri Lanka has "two national sports: cricket and elections". Some rumination on this revealed that these two seemingly disparate things are not unlike. Both see high degrees of interest, participation, and investments of time and money; cults of personality exist around players and politicians alike; victory in either is oftentimes a ticket to personal wealth and fame; and, sometimes, those with skin in the game can do ugly things to engineer a favorable outcome.

If match-fixing is cricket's ugly thing, election misinformation[6] is (one of) the electoral process' ugly thing(s). In any democratic state, the electoral process plays a central role in determining that state's future. Attempts to mislead and manipulate voters who play a central role in deciding the outcome of that process via misinformation have the potential to cause considerable harm to individual citizens and the country as a whole.

In Sri Lanka, there are many actors willing to propagate misinformation, and who buy into its claims. This report finds that political parties and candidates, mainstream media organizations, and individual social media users can be producers, disseminators, and targets of misinformation. Despite the best efforts of civil society organizations that engage in counter-misinformation operations like fact-checking and media literacy campaigns, Sri Lanka appears to be poorly equipped to deal with the problem. This report aims to – based on desk research and key informant interviews (KIIs) conducted in August 2023, and September 2024 – provide a broad overview of election misinformation in Sri Lanka, existing safeguards against election misinformation, as well as discuss a case study of an actor with experience in working to counter misinformation; Hashtag Generation, a civil society organization that has engaged in election monitoring. Readers who wish to gain a broad understanding of Sri Lanka's electoral process and the socioeconomic, political and historical contexts in which election misinformation and the case study are situated, may consult Annex II. It is important to note that this report does not quantitatively access the deleterious impacts of election misinformation, and is entirely a descriptive account of the election misinformation landscape in the country. I.e., while the report highlights the prevalence of the issue, it is unclear to what degree election misinformation has a bearing on voter choices.

Finally, a clarification about definitions. As clarified in the literature review section of this broader report, the term "misinformation" is used to describe incorrect information that is unknowingly propagated by those who buy into its claims. "Disinformation" is information that propagators spread with 1) full cognizance of the falsity of the information; 2) the intent of causing some harm. "Malinformation" is factually correct information that is spread to cause harm. This report will refer to both misinformation and disinformation as misinformation. Insights from KIIs in later sections will provide a sense of how election misinformation could be defined, as there exists no generally accepted definition of election misinformation.

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[6] Refer to literature review section of broader report for definition and scope of election misinformation

5.2. PART I: What does Election Misinformation in Sri Lanka look like?

5.2.1. Introduction

Election misinformation is a serious issue in Sri Lanka, and it is likely to get much, much worse. As was gathered from multiple KIIs, misinformation, disinformation, and malinformation play a major role in Sri Lankan elections, posing a serious threat to Asia's oldest democracy. From the Election Commission and political candidates to interest groups and individual citizens, the electoral process sees a number of actors being targeted with the intent of influencing electoral outcomes and furthering individual agendas (e.g., marginalizing ethnic minorities).

Part I of this report covers insights gleaned from KIIs and desk research regarding the characteristics and types of election misinformation in Sri Lanka.

5.2.2. Characteristics of Election Misinformation

Periods of Election Misinformation

Experienced observers of election misinformation spoke of the issue occurring across three periods: the pre-election period (the buildup to the announcement of the election date), the election period (from the announcement of the election date, to when the election is held), and the post-election period (around 1-2 months after its conclusion). KIs observed that misinformation is typically heightened during elections. However, as Prihesh Ratnayake, formerly from Hashtag Generation put it, ultimately "everything is about elections", and those in power are typically thinking about the next election cycle. Thus, as observed by KIs, false, harmful narratives are often created and spread long before elections through targeted, sometimes well-funded operations involving political parties/candidates, the mainstream media, and bad faith "gun for hire" actors.

The Sri Lankan Election Misinformation "Industry"

The past few years have seen a growing industry of bad faith actors willing to spread election misinformation in exchange for money or political positions. Civil society organizations have observed an alarmingly large number of actors – likely individual citizens – who create and cultivate pages on social media platforms like Facebook, increase follower numbers and reach of the page, and then either sell those pages to political parties and/or candidates, or, in exchange for some benefit, post false information on those pages in favor of a political party or candidate. These bad faith content creators are fairly skilled in reading the pulse of the population and will often create posts around sensitive topics such as ethnicity, religion, national security, to influence viewers in a manner that would indirectly support a party or candidate (for example, falsely attributing comments supporting the LTTE to Tamil candidates, so as to increase support for parties that run on Sinhala nationalist platforms).

One party attempting to discredit another via content on its personal sources (e.g., official party social media pages) can at times be dismissed as nothing more than a partisan smear campaign. KIs observed that some parties would therefore plant false stories in pages that either have been purchased by the party or are loyal to their party (i.e., where there is no direct political affiliation to the false story). Once that story gains traction (amplified by a network of actors loyal to the party), the party/candidate will then share the story on their personal page. It was also noted that this tactic is nothing new or exclusive to social media: past elections have seen the publication of misinformation in multiple fringe news sources in order to make them gain traction and then be picked up by mainstream sources.

Where there is demand, there will usually be ample supply, particularly in an instance like this where the suppliers can remain anonymous and unaccountable, the work (content creation) is relatively low-effort, and the payoff can be handsome. There currently exists no mechanism to combat this growing industry, and no shortage of actors willing to sacrifice the truth, social stability, and democracy for profit. Therefore, it is likely that, as digital and platform usage in the country rises, Sri Lanka may see further proliferation of such actors.

Social Media vs. Mainstream Media

KIs widely acknowledged social media platforms as being increasingly dangerous tools in spreading misinformation and influencing electoral outcomes, possibly more so than mainstream (TV, print, radio) media. There are three reasons for this. First, there are almost no barriers to entry to narrative propagation on social media; anyone with an internet connection can create and spread content fast, around the country, with ease. Second, traditional media contains multiple chokepoints in the process of content creation and dissemination (e.g., reviews by editors, spelling and grammar check, formatting) that social media users are not bound by, which reduces the time taken to disseminate misinformation. Resharing on social media is instantaneous, while it takes longer for content to be picked up and rehashed on traditional media. It is also much harder to track and order takedowns of misinformation that has been shared across large numbers of social media accounts, compared to newspapers and radio and TV stations whose owners and journalists are typically known and contactable. Third, despite mainstream media too being culpable in spreading misinformation and partisanship, there is some degree of organizational responsibility and accountability in these organizations; they have physical presence, with real, identifiable individuals who work in the organization. Competition between mainstream organizations forces them to build brands with some degree of credibility, and at least some of the time, source their news stories. There is some degree of accountability to their viewers.

Social media users, however, are bound by no such obligation, nor by any of the above technical restrictions. A social media user has a much broader license and enjoys a degree of anonymity that a traditional news organization does not. One might argue that traditional media's higher reach could make it the more effective misinformation spreader. However, as Kasun Kumaratunga from Sri Lanka Press Institute indicated, even in rural areas where access to the internet is low, those few individuals with access to platforms will be able to disseminate information within their communities, creating the impression that this is privileged information that mainstream media is keeping from the public. The inability of those without access to social media to assess this information for themselves could actually help strengthen false narratives.

This isn't to say that mainstream media cannot also be a problematic source. News organizations enjoy wide viewership. Many also have affiliations with political parties, because of which they will either spread blatantly false information in support of their preferred party, or withhold positive information about their party's competitors, from the public. Ultimately, mainstream and social media work closely in misinformation campaigns at times directed by parties and candidates themselves, and, as existing laws and codes of conduct stand, not much can be done about it.

Digital Illiteracy

Bad actors willing to spread and/or fund the spread of false narratives are abound in Sri Lanka, but election misinformation only works insofar as you have an audience that will buy into its at times ludicrous propositions. KIs noted a general lack of awareness of misinformation as a concept among the general public, as well as how it might influence a constituency to vote against its interests and ultimately harm democratic institutions. Additionally, a great many citizens are unable to discern between fact and fiction, making them highly susceptible to being swayed by misinformation.

KIs also noted that – even in instances where individuals in the general public are aware of and want to take action against online misinformation – there is a lack of awareness of the channels to submit complaints and report. For example, some concerned netizens will often share the post on social media platforms and tag the Chairman of the Election Commission, presumably with the expectation that the Chairman will personally take down the post and reprimand those behind the post's creation and spread (the office of the Chairman, however, has no such power).

Parties and Candidates

One more observation made by a KI: election misinformation in Sri Lanka is both an inter- *and* intra-party phenomenon. In Parliamentary and Provincial Council elections, as per the preferential voting system, one must first vote for a party and then for one of three candidates within that party. Therefore, opponents would first aggressively target main candidates being fielded by each party with misinformation, so as to make a vote for the broader party less desirable for voters. Additionally, in-fighting among the three candidates may vying for power also takes place, with candidates targeting one another with misinformation.

Topics

Key informant interviews revealed that which topics false information typically centres around is largely a function of which issues are salient in the minds of voters. We know from literature on political behaviour that people engage with information that is most relevant to the context in which they exist (citation); therefore, it is in the interest of misinformation creators intent on swaying voter choice to generate misinformation that leverages the woes and dreams of voters, because this would increase the likelihood that it gains traction. Subsequent sections in this report will show that false narratives during the 2019 President Election – held shortly after the East Sunday bombings that saw a rise in anti-Muslim sentiment and discourse on national security – centered around national security and ethnonationalism. A KII with Hashtag Generation (Darshatha Gamage, Specialist – Elections and Information Integrity and Maneshka Borham, Fact Check Lead) in early September 2024 revealed that Hashtag Generation's general fact-checking operations observe less misinformation concerning ethnonationalism during the current 2024 presidential race than was observed during the 2019 Presidential Election. Misinformation relating to the economy is currently more prevalent, which makes sense, given the current economic crisis. That matters of the economy can be quite technical poses a unique challenge to fact-checkers who might lack subject-specific knowledge here to a) identify a false narrative concerning the economy; b) then generate a rebuttal in lay terms.

An important caveat here: the contention that election misinformation in Sri Lanka varies with saliency of topics is not based on a quantitative analysis of an exhaustive list of every piece of misinformation that has existed in the last 5 years or so. Ultimately, the observations that a fact-checker makes about misinformation is a function of how wide a net their fact-checking process casts, and misinformation it manages to catch. It is also unclear as to whether the above trend is on account of a drop/rise in the creation or sharing of ethnonationalism-based/economy-based misinformation.

Generative AI

Despite considerable developments in generative AI, discourse among experts on its potential to disrupt electoral democracy, observations of its use in election misinformation operations in elections across the globe this year (citation), and speculations of widespread use during Sri Lanka's 2024 presidential elections, it apperas that Sri Lanka's misinformation industry has yet to adopt the tool as a means to create media communicating a false narrative.

As of early September, at the time of this report's finalisation, Hashtag Generation and Sri Lanka Press Institute's (SLPI) respective fact-checking arms have noted no widespread misinformation that use generative AI, although this may change in the coming weeks. Both organizations have noted widespread use of media editing in this current election cycle: for example, Hashtag Generation observed a number of instances where videos of politicians were edited to change the contexts in which their comments were originally made (for example, by removing a few seconds of video, perhaps with the addition of a misleading headline), which poses a challenge to fact-checkers who must comb through sometimes lenghty speeches or interviews to spot these edits. However, this kind of media manipulation does not employ generative AI. The other common type of edits Hashtag Generation observed – like the superimposition of a candidate's face on a woman's body – don't really constitute misinformation; rather, they appear to be created with the intent of simply mocking the subject of the media.

5.2.3. Types of Election Misinformation

Based on KIIs and desk research, this report gathers that election misinformation can typically be one of five things:

First, election misinformation can be aimed at harming a political party, a candidate, or an individual or group affiliated with a party or candidate. Misinformation in this category may concern subjects such as past behaviour, corruption, personal life (e.g., illness, family matters), financial matters/assets, ethnicity/religion, campaign promises, and engagements with foreign entities/countries. For example, a forged document was used in 2015 to falsely accuse current President Ranil Wickremasinghe of entering into a secret agreement with the Tamil National Alliance (the implication here being that Wickremasinghe was in partnership with Tamil politicians, thus potentially compromising the interests of the Sinhalese community). Kumar Lopez of SLPI cautioned that it is also possible that candidates and parties may disseminate negative misinformation about themselves and then subsequently debunk it to push a false narrative of the presence of some broader conspiracy aimed at discrediting that entity.

Second, misinformation can also be spread to enhance the image of a candidate, party, or individual or group affiliated with a party or candidate, so as to garner support for the particular entity and engineer a positive electoral outcome for that entity (i.e., either the entity wins the election, or a candidate whose election win would benefit that entity, wins).

Third, false claims levelled at a government institution like the Election Commission – the body in charge of administering elections – either directly (specific allegations about the Commission and/or its members) or indirectly (false, general claims about the electoral process, like miscounting). A KII with a former Chairman of the Election Commission revealed election misinformation levelled against both the Commission and its Chairman. There exist two problematic misperceptions about the Election Commission and Chairman (not the individual; rather, the office): one, that the Chairman is a monolithic, omnipotent entity who wields absolute power during election period (thus, infractions by anyone during an election are entirely the fault of the Chairman, and they have the power to reprimand and rectify); two, that the Election Commission serves the government in power, and during elections will work to ensure a result that is favorable to those in power. For example, when the 2017 Provincial Council and 2018 Local Government Elections were postponed, it was falsely claimed that the Election Commission had a direct hand in the postponement, so as to move the elections to dates that would help bring about an outcome favorable to the governing party.

Consequently, various court cases have been filed contesting the Election Commission's processes and election results. Of the around 1000 such cases about election results in the history of the Election Commission, less than 50 saw an order by the Courts for recounts; in every single recount, not once were the results changed. There is therefore some disparity between the general perception of the Election Commission's mandate/powers and function, and what it is that the Commission actually can and cannot do.

Fourth, misinformation can centre on an individual or group not affiliated with a party, candidate, government institution, or any other part of the electoral process in any way other than that of of being a voter (for example, misinformation about the misdeeds of a citizen from an ethnic minority, so as to mobilize support for ethnonationalist parties). One notable example would be the conspiracy surrounding Dr. Shafi Shihabdeen, a Muslim doctor at the Kurunegala Teaching Hospital. Misinformation about Dr. Shafi and other Muslim citizens attempting to unconsensually sterilize women was spread during the 2019 Presidential and 2020 Parliamentary elections; one widely shared post even falsely announced Dr. Shafi's SLPP candidacy for the Kurunegala District (Hashtag Generation, 2020).

Finally, false narratives about a particular event or phenomenon. Conspiracy theories surrounding the Millennium Challenge Corporation (MCC) Grant during the 2019 Presidential Election are a good example of these kinds of narratives. The MCC is a US bilateral foreign aid organization that in April 2019 approved a USD 480 million compact with the Sri Lankan government, for five years (Collins, 2019). The compact was "designed to reduce poverty through economic growth. It would have reduced traffic congestion and air pollution in Colombo and improved public transportation for millions of Sri Lankans who travel by bus. It would have upgraded provincial roads to help farmers get their goods to market and provided secure land titles to smallholder farmers and other Sri Lankan landholders (Millennium Challenge Corporation, n.d.)". Misinformation online asserted that the Sri Lankan government had sold territory to the United States (a corridor of land stretching from the East side of the island to the West) and that US armed forces would occupy this area (Hashtag Generation, 2019).

5.3. PART II: Combating Election Misinformation

Having established the prevalence of election misinformation in Sri Lanka, this report now shifts to an exploration of means to counter this increasingly disruptive phenomenon. What state-based safeguards exist, and are they adequate? Is it even the responsibility of the state to police misinformation? If not, what are the alternative avenues for tackling ? Part II of this report reviews and critiques the existing legal and institutional safeguards against election misinformation, counter-misinformation intiatives by civil society organizations in Sri Lanka, and ends with a discussion on an alternative method: voter capacity-building.

5.3.1. Legal and Institutional Safeguards Against Election Misinformation

Both our desk research and interviews with key informants indicated that existing measures are inadequate in curtailing election misinformation. No laws and guidelines refer explicitly to *election misinformation* as a phenomenon, and existing measures can be categorized in the following way: 1) laws and guidelines that specifically pertain to the election and contain points regarding rules and penalties around the spread of false information during elections; 2) general laws that can be used and abused in the context of election misinformation. This first subsection discusses both, respectively, followed by a discussion of possible recourse in light of their apparent inadequacies.

Election-specific laws and guidelines

First, the Presidential Elections Parliamentary Elections Act, Local Authorities Elections Act, Provincial Council Elections Act, and Parliament Elections Act (all as at August 2024) all contain the following two subsections on *Punishment and incapacities for corrupt practice* and *False reports in newspapers*, quoted verbatim:

Presidential Elections Act (as at August 2024)

> *Punishment and incapacities for corrupt practice [6, 21 of 2023]*
> ***Section 80.***
> *(1) Every person who*
>> *(c) makes or publishes, before or during an election, for the purpose of affecting the result of that election, any false statement of fact in relation to the personal character or conduct of any candidate; or*
>> *(d) makes or publishes, before or during an election, for the purpose of affecting the result of that election, any false statement of the withdrawal of any candidate at such election, shall be guilty of a corrupt practice, and*
>
> *shall on conviction by the High Court be liable, in the case referred to in paragraph (a) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.*
>
> *False reports in newspapers.*
> ***Section 83.***
> *(1) Where there is published in any newspaper any false statement concerning, or relating to*
>> *(a) the utterances or activities at an election of any candidate who is contesting such election, or*
>> *(b) the conduct or management of such election by such candidate, and such statement is capable of influencing the result of such election, then, every person who at the time of such publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper or was purporting to act in such capacity*
>
> *shall each be guilty of an illegal practice unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his function in such capacity and in all the circumstances.*
> *(2) In this section, the term " newspaper " includes any journal, magazine, pamphlet or other publication.*

Local Authorities Elections Act (as at August 2024)

> *Punishment and incapacities for corrupt practice [6,1 of 2002] [2, 21 of 2023]*
> ***Section 82E***
> *(1) Every person who-*
>> *(c) makes or publishes, before or during an election under this Ordinance, for the Purpose of affecting the result of that election any lake statement of fact in relation to the personal character or conduct of any candidate or*
>> *(d) makes or publishes, before or during an election under this ordinance, for the purpose of affecting the result of that election, any false statement of the withdrawal of any candidate at such election,*
>
> *shall be guilty of a corrupt practice, and shall on conviction by a Magistrate be liable, in the case refined to in paragraph (a) of this subsection, to noxious imprisonment for a term not exceeding twelve months, and, in any other case, to a line not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.*
>
> *False reports newspaper electronic media [6,1 of 2002]*
> ***Section 82H***

(1) Where there is published in any newspaper any false statement concerning, or relating to

> *(a) the utterances or activities at an election under this Ordinance of any candidate, or any recognized political party or independent group which is contesting such election; or*
> *(b) the conduct or management of such election by such candidate, or any such recognised political party, or independent group,*
> *and such statement is capable of influencing the result of such election, then, every person who at the time of such publication or broadcast was the Proprietor, the Manager, the Editor, the Publisher or other similar officer of that newspaper publishing such statement or the Corporation or licensed radio or television station broadcasting such false statement or who was purporting to act in such capacity, shall each be guilty of an illegal practice unless such person proves that such publication or broadcast was made without his consent or connivance, and that he exercised all such diligence to prevent such publication or broadcast as he ought to have exercised, having regard to the nature of his function in such capacity and in all the circumstances.*

(2) In this section, the term "newspaper" includes any journal, magazine, pamphlet or other publication.

Provincial Council Elections Act (as at August 2024)

Punishment and incapacities for corrupt practice. [8, 21 of 2023]

***Section 82.** [8, 21 of 2023]*

(1) Every person who-

> *(c) makes or publishes, before or during an election under this Act, for the purpose of affecting the result of that election, any false statement of fact in relation to the personal character or conduct of any candidate; or*
> *(d) makes or publishes, before or during an election under this Act, for the purpose of affecting the result of that election, any false statement of the withdrawal of any candidate at such election,*

shall be guilty of a corrupt practice, and shall on conviction by a Magistrate be liable, in the case referred to in paragraph (a) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment

False reports in newspapers

Section 85.

(1) Where there is published in any newspaper any statement concerning, or relating to,"

> *(a) the Utterances or activities at an election under this Act, of any candidate, or any recognized political party or independent group which is contesting such election : or*
> *(b) the conduct or management of such election by such candidate, or any such recognised political party, or independent group,*
> *and such statement is capable of influencing the result of such election, then, every person who at the time of such Publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper or was purporting to act in such capacity, shall each be guilty of an illegal practice unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his function in such capacity and in all the circumstances.*

(2) In this section, the term "newspaper" includes any Journal magazine, pamphlet or other publication

Parliament Elections Act (as at August 2024)

Punishment and incapacities for corrupt practice. [4, 21 of 2023]

Section 81.

(1) Every person who

(c) makes or publishes, before or during an election, for the purpose of affecting the result of that election, any false statement of fact in relation to the personal character or conduct of any candidate; or
[4, 21 of 2023] (d) makes or publishes, before or during an election, for the purpose of affecting the result of that election, any false statement of the withdrawal of any candidate at such election, shall be guilty of a corrupt practice, and shall on conviction by the High Court be liable, in the case referred to in paragraph (a) of this subsection, to rigorous imprisonment for a term not exceeding twelve months, and, in any other case, to a fine not exceeding two hundred thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

False reports in newspapers.
Section 84.
(1) Where there is published in any newspaper any false statement concerning, or relating to,
> *(a) the utterances or activities at an election of any candidate, or any recognized political party or independent group which is contesting such election, of*
> *(b) the conduct or management of such election by such candidate, or any such recognized political party, or independent group,*
and such statement is capable of influencing the result of such election, then, every person who at the time of such publication was the proprietor, the manager, the editor, the publisher or other similar officer of that newspaper or was purporting to act in such capacity, shall each be guilty of an illegal practice unless such person proves that such publication was made without his consent or connivance, and that he exercised all such diligence to prevent such publication as he ought to have exercised having regard to the nature of his function in such capacity and in all the circumstances.
(2) In this section, the term "newspaper" includes any journal, magazine, pamphlet or other publication.

The sections above indicate that there is a widely worded corrupt practice offence that is linked to *personal character or conduct of any candidate or withdrawal of the candidate.*
Ashwini Natesan, Research Fellow at LIRNEasia specialising in Technology Law, stated in a KII that the sections pertaining to "Punishment and incapacities for corrupt practice" are widely worded and would certainly cover a broad range of media (i.e., newspapers, radio, online content), and the former Election Commission Chairman stated during a July 2023 KII that these sections were widely interpreted as referring to newspapers and other print media due to the reference to "publish". Interestingly, only the Local Authorities Election Act has a specific Section on "*False reports newspaper electronic media".* The section on "false statement on newspaper" takes to task only "the proprietor, the manager, the editor, the publisher or other similar officer" of the newspaper, i.e., not those individuals who may have initially created and spread misinformation that a newspaper would have then caught on. There is no equivalent law for TV or social media, and the former Chairman stated at the time that the relevant authorities have not even begun to think about regulation of electronic media vis-à-vis false news during elections.

This section now turns to guidelines, first discussing provisions in the Constitution regarding the enforcement and applicability of guidelines (Articles 104B(5)(a) and 104G(1) in CHAPTER XIVA ELECTION COMMISSION of the constitution, below); second, the guidelines themselves.

Article 104B(5)(a):

> *(a) The Commission shall have the power to issue, from time to time, in respect of the holding of any election or the conduct of a Referendum, such guidelines as the Commission may consider appropriate, to any broadcasting or telecasting operator or any proprietor or any publisher of a newspaper, as the case may be, as the Commission may consider necessary to ensure a free and fair election.]*

(b) It shall be the duty of any broadcasting or telecasting operator or any proprietor or publisher of a newspaper, as the case may be, to take all necessary steps to ensure compliance with any guidelines as are issued to them under paragraph (a).]

Article 104G. (1)

Any public officer, any employee of any public corporation, business or other undertaking vested in the Government under any other written law and any company registered or deemed to be registered under the Companies Act, No. 7 of 2007, in which the Government or any public corporation or local authority holds fifty per centum or more of the shares of that company, who –

> *(a) refuses or fails without a reasonable cause to co-operate with the Commission, to secure the enforcement of any law relating to the holding of an election or the conduct of a Referendum; or*
> *(b) fails without a reasonable cause to comply with any directions or guidelines issued by the Commission under sub-paragraph (a) of paragraph (4) or sub-paragraph (a) of paragraph (5), respectively, of Article 104B,*

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand rupees or to imprisonment for a term not exceeding three years or to both such fine and imprisonment.

The Media Guidelines made by the Election Commission under Article 104 B(5)(A) of the Constitution, as at July 2024, contain clauses that may pertain to election misinformation. The full list of relevant guidelines can be found in Annex A.III.

The following clauses, quoted verbatim, more directly pertain to election misinformation:

> *2.26. A media institution shall not give coverage to anonymous notices or material and to notices or material under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institutions.*

> *2.32. The administrators of internet and social media websites must ensure that artificial intelligence - based computer programs do not spread false news, misinformation, or intentionally altered or distorted information about parties, candidates, or elections.*

> *2.34. The administrators of internet websites and social media platforms must not propagate without consent or forcefully disseminate distorted photos, false news, or personal information of candidates or their family members causing disturbance.*

> *2.35. The administrators of internet websites and social media platforms should not prejudice parties or candidates by establishing fake social media accounts in other individuals' names.*

> *2.36. The administrators of internet websites and social media platforms must not employ social media users to disseminate false news, misinformation, or interntionally altered or distorted information about parties, candidates, or elections, nor should they generate false public opinion through fake social media accounts.*

> *2.37 If a complaint is lodged with the Election Commission regarding the dissemination of false news, misinformation, or intentionally altered information about a party or candidate, internet website and social media platform administrators should promptly address the inquiries, respond to the reported news or information, and take necessary steps to remove it from their social media accounts or websites.*

2.7. A media institution shall not utilize air time redundant to make allegations against any candidate contesting at an election if the allegations cannot be substantiated. If any political party, independent group or candidate claims that another political party, independent group or candidate or supporter thereof has made any false and prejudicial statement against a political party, independent group or candidate that party, group or candidate shall be given an opportunity to counter the same.

Overall, these directives are vague and poorly thought through. The next few paragraphs address some of these issues. 2.32 unfairly puts the onus on the platforms to pre-emptively detect misinformation and prevent its posting on platforms. While Facebook does have safeguards to prevent the posting of certain problematic content (for example, nudity), it is difficult to devise an automated means of ascertaining the veracity of a piece of misinformation. Manual review and takedowns would be a more feasible option here. Additionally, 2.32 appears to presume that AI-based computer programs have the ability to, of their own volition, spread fake news. AI is typically used to *generate* the specified problematic content upon receipt of a prompt by a human, while the dissemination, as we've established, is typically done by people. We do see automated bots on platforms like Twitter, but even these are partially programmed by people to achieve a certain objective. Much of the concern described previously around the use of AI in election misinformation concerns humans generating media with the intent of influencing voters, and this clause does not cover this.

It is unclear what "distorted photos, false news, or personal information" mentioned in guideline 2.34 specifically look like. This is likely a reference to content that has been intentionally and noticeably altered the media in its entirety or a part of it such that it elicits in its audience a reaction different to what that reaction had been, had the media not been altered. However, that the guideline does not explicitly state this is problematic, because in its current form it would also include, for example, a highly pixelated, low-quality photo that looks reasonably distorted. 2.34 must also clarify what is meant by a "disturbance": distress felt on the part of a victim, or some broader social consequence of the dissemination of the abovementioned type of content. Additionally, the guideline ought to specify a threshold of severity of disturbance beyond which the propagation without consent or forceful dissemination of said content is not acceptable. Additionally, there is no elaboration upon who an administrator of an internet website or social media platform is. Is it 1) the company that owns the website or platform; 2) the organization/platform that hosts the website; or 3) the owner or moderator of a social media page?

Guideline 2.37 provides no recourse to authors of information subject to complaints falsely arguing that said piece of information is false, because the guideline directs internet website and social media platform administrators to "take necessary steps to remove it from their social media accounts or websites". More specifically, it isn't stated that removal is contingent on some deliberation on the part of the Commission during the "address the inquiries, respond to the reported news or information" part of the process; i.e., the guideline as it is currently worded implies that removal would always necessarily follow a complaint.

However, these are guidelines, not laws. Key Informant Ashwini Natesan noted that these guidelines are sanctioned under Article 104B (5) (a), which states that the Election Commission has powers to issue these guidelines. She added that, under Article 104B (5) (c) (iii), there is a safeguard for these subsidiary regulations in that they must be presented before the Parliament for approval within 3 months from the date of their publication in a gazette.

There is no clarity on how these guidelines may be enforced. Key Informant Ashwini Natesan stated that there is a requirement regarding compliance under Article 104G(1) that is applicable to "*public corporation, business or other undertaking vested in the Government or a Company in which the Government or any public corporation or local authority holds fifty per centum or more of the shares*

of that company". Does this mean that only state-owned enterprises (e.g., ITN and Rupavahini), or enterprises where the Government owns half or the majority of the shares, can be legally punished for breach of these guidelines, while privately owned media enterprises, platforms and content, and webpages cannot be legally held to adhere to these guidelines? On this, KII Ashwini Natesan added that there is a general requirement of compliance and this can be found under Article 104B(5)(b) of the Constitution where it is expressly mentioned that "It shall be the duty of any broadcasting or telecasting operator or any proprietor or publisher of a newspaper, as the case may be, to take all necessary steps to ensure compliance with any guidelines as are issued to them". She agreed that there was no liability for non-government entities as was specified for government owned or co-owned entities; nevertheless, the constitutional requirement that is applicable to all entities including private entities should not be overlooked.

Additionally, under Schedule 01, clause 1.1, a Permanent Representative Committee is tasked by the Election Commission to 1) ensure guideline adherence and 2) "make observations and recommendations on compliance with the guidelines". The Elections Commission shall "take necessary decisions upon the recommendations" of the Committee. Further information on whether this committee was formed, or functioning is not available.

Also, because the "necessary decisions" that the Elections Commission would take "upon the recommendations" of the committee are not elaborated upon, it is also unclear as to what corrective action would be employed in the event of a guideline violation, if the offending entity is not a public one. The guidelines also do not clarify the basis upon which members are appointed to the Permanent Representative Committee.

The Code of Conduct for Contesting Political Parties/ Independent Groups and Candidates of the Elections January 04, 2023 lays out clauses that pertain to election misinformation.

> **B. General Conduct**
> *02. Limit criticisms of other political parties or independent groups to their policies, programmes and their past activities and refrain from criticizing the private life of candidates or making statements or allegations that are not prove and unsubstantiated against candidates of the same party or other parties.*
>
> *10. Refrain from making use of the print or electronic media during the period of the election to make false and unsubstantiated allegations about rival parties and their activities and denying the aggrieved parties of the right to reply.*

General Laws
The Penal Code, under CHAPTER IXA OF OFFENCES RELATING TO ELECTIONS

> *False statement in connection with an election.*
> **169G**. *Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, shall be guilty of an offence and shall be punished with fine.*

It can be difficult to prove the intent behind the utterance or publication of a statement, and the subsection fails to clarify how this would be established.

Section 98 of the Police Ordinance could also cover election misinformation, insofar as it creates "a panic":
> *False reports to alarm people and create a panic.* **98**.

Any person who shall spread false reports with the view to alarm the inhabitants of any place within Sri Lanka and create a panic shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for any period not exceeding twelve months ; and if he shall be convicted a second time, or shall persist in the offence after warning to desist, he shall be liable to corporal punishment not exceeding twenty lashes.

However, "panic" can range from individual mental distress to bedlam in the streets, and it is unclear what range of this spectrum is intended to be covered here.

Section 6 of Sri Lanka's Computer Crimes Act contains the following clause:

6. Offences committed against national security

(1) Any person who intentionally causes a computer to perform any function, knowing or having reason to believe that such function will result in danger or imminent danger to −

        (a) national security
        (b) the national economy; or
        (c) public order,

shall be guilty of an offence and shall on conviction be punishable with imprisonment of either description for a term not exceeding five year

Dr Gehan Gunatilleke argues that it is "conceivable for law enforcement authorities to interpret this provision in bad faith and argue that dissemination of false content poses a danger to public order" (Kotelawala 2021).

Finally, the Online Safety Act, No. 9 OF 2024 (1st February 2024), which defines false statements as "a statement that is known or believed by its maker to be incorrect or untrue and is made especially with intent to deceive or mislead but does not include a caution, an opinion or imputation made in good faith" (50). Widely acknowledge as draconian, the Act has currently been tabled for amendments, thus this report will not go beyond highlighting the clauses that could pertain to election misinformation.

PART III PROHIBITION OF ONLINE COMMUNICATION OF FALSE STATEMENTS

Prohibition of communication of false statements in Sri Lanka

12. Any person, whether in or outside Sri Lanka, who poses a threat to national security, public health or public order or promotes feelings of ill-will and hostility between different classes of people, by communicating a false statement, commits an offence and shall on conviction be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand rupees or to both such imprisonment and fine.

Communication of false statement amounting to contempt

13. Any person, whether in or outside Sri Lanka who communicates a false statement by way of an online account or through an online location which amounts to contempt of court, in the opinion of any court which exercises the special jurisdiction to punish the offence of contempt of court, in terms of paragraph (3) of Article 105 of the Constitution or any other relevant written law, commits an offence and the provisions of that Article and relevant written law shall, mutatis mutandis, apply in sentencing such person

Wantonly giving provocation by false statement to cause riot

14. Any person, whether in or outside Sri Lanka who maliciously or wantonly, by way of an online account or through an online location, by communicating a false statement, gives provocation to any person or incites any person intending or knowing it to be likely that such provocation or incitement, will cause the offence of rioting to be committed, shall- (a) if the offence of rioting be committed in consequence of such provocation, be liable to imprisonment of either description for a term not exceeding five years, or to a fine not exceeding five hundred thousand rupees or to both such imprisonment and fine; and (b) if the offence of rioting be not committed, be liable to imprisonment of

either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees, or to both such imprisonment and fine.

Disturbing a religious assembly by a false statement
15. Any person, whether in or outside Sri Lanka who by communicating a false statement, voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees, or to both such imprisonment and fine.

Deliberate and malicious communication of false statement to outrage religious feelings
16. Any person, whether in or outside Sri Lanka who with the deliberate and malicious intention of outraging the religious feelings of any class of persons by way of an online account or through an online location by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class by communicating a false statement, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding three years, or to a fine not exceeding three hundred thousand rupees or to both such imprisonment and fine

Circulating false report with intent to cause mutiny or an offence against the State, & c.
19. Any person, whether in or outside Sri Lanka who communicates any false statement, with intent to cause any officer, sailor, soldier, or airman in the navy, army or air force of Sri Lanka to mutiny, or with intent to cause fear or alarm to the public, induces any other person to commit an offence against the State or against the public tranquillity, commits an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding seven years, or to a fine not exceeding seven hundred thousand rupees, or to both such imprisonment and fine.

Does anti-misinsformation legislation really safeguard democracy?

The more obvious solution here may be a revision and expansion of the above laws and guidelines to adequately cover as many instances of election misinformation as possible and those actors responsible for its creation and dissemination. This report considers a case by Key Informant Attorney-at-Law Dr Gehan Gunatilleke for why this may do more harm than good. Dr Gunatilleke specifically considers *dis*information here, where there is a "deliberate attempt to mislead potential voters through a propaganda campaign that can be harmful" (it is the "harm element...[that] ultimately distinguishes misinformation from disinformation"). Dr Gunatilleke cautions against the use of an excessive legal regime to regulate disinformation, positing that we "cannot approach disinformation as a purely legal problem that needs legal solutions". He argues that mature democracies ought not to be in the business of protecting people from the choices they make – even when those choices are ill-informed (as they can be when made on the basis of incorrect information). As was also acknowledged at the beginning of this report, it is expected that voters navigate with imperfect information, and Dr. Gunatilleke contends that – because the agency that a democratic system affords its citizens must also entail the freedom to make mistakes and cast a vote for a candidate whose victory is not in one's own interests – an overly paternalistic arrangement between the state and its citizenry that criminalises speech and polices the information to which voters are exposed, ultimately does more harm than good.

There is of course a broader conceptual debate to be had about what constitutes operating with agency. One might contend that a citizen holds less agency the more they are susceptible to being manipulated into doing things they would otherwise not have done, and that democracy becomes less *of* the people the less cognizant the people are of the things they need to know when making electoral choices (the current political context, candidate positions, general news etc). Still, Dr. Gunatilleke argues that the state should not resort to criminal law as a means to regulate disinformation in any democracy, particularly in the Sri Lankan context owing to its "legacy of bad

faith applications of laws". The anti- disinformation regime in its current form is excessive, and it may have a "chilling effect", can limit political discourse, and hurt candidates.

Given the above line of reasoning, Dr. Gunatilleke contends that, if the state must resort to criminal law to counter disinformation, then the threshold beyond which we ought to consider disinformation harmful enough that it warrants a *legal* response, is when that disinformation may result in very deleterious consequences like physical harm or the forced withdrawal of a candidate and subsequent change to the electoral result. It would also be prudent to consider the standing and network of a disinformation disseminator when considering legal action, the rationale being that disinformation from an eminent person may be more likely to sway voter behavior than that from an anonymous social media user with a low follower count. Therefore, he asserts that we "shouldn't be looking to criminalise every type of false statement"and that if criminal law is to be used in this context, it should at least "stay away from lower-level harm" like minor reputational damages.

Dr. Gunatilleke argues that guidelines, on the other hand, are a good frame of reference for how citizens should conduct themselves, and to engage with platforms and encourage them to take down problematic content. However, guidelines are only meaningful in this way insofar as people adhere to them, and small markets like Sri Lanka may lack the bargaining power needed to sufficiently nudge platforms with guidelines alone to take steps to curb disinformation. Additionally, as discussed above, the guidelines in their current form are inadequate.

Ultimately the problem as Dr. Gunatileke sees it is to some degree a consequence of political culture, and that efforts to build voter literacy and resilience to false narratives might prove more fruitful here. More on this in subsection 3.

5.3.2. Counter-election misinformation operations

We have established thus far in this section that existing legal and institutional safeguards are insufficient to combat election misinformation. Another bulwark, one example of which this report explores in detail in Part III, concerns counter election misinformation operations like fact-checking and media monitoring. Given the in-depth exploration of Hashtag Generation's fact-checking and media monitoring processes in Part III, this section doesn't go beyond defining these operations and noting their deployment in Sri Lanka.

Chan et al. define a fact check as a "corrective message that establishes that the prior message was misinformation" (2017, p. 1532); Walter et al. describe fact-checking as a process of "systematically publishing assessments of the validity of claims made by public officials and institutions with an explicit attempt to identify whether a claim is factual" (2020, p. 351). The idea behind a fact check is to reverse any belief and attitudinal shifts on the part of a piece of misinformation's audience by providing either a simple assertion that the narrative is false, or a detailed rebuttal dissecting the misinformation and providing an alternative narrative. As will become apparent in Part 3 of this report, the process behind media monitoring is similar that of fact checking in that both typically involve the identification of topics around which misinformation may centre and/or sources that may disseminate misinformation, and then proceed to label misinformation under those topics/from those sources. Where the two processes diverge is in media monitoring's outsourcing of the response to false information, to a third party (e.g., government institutions like the Elections Commission or social media platforms) for further review and corrective actions (e.g., content takedowns, provision of corrective message, or action against the misinformation disseminator). Local actors who conduct fact-checking operations include Hashtag Generation, Sri Lanka Press Institute, and Verité Research.

How effective is fact-checking? The literature on this is inconclusive, and there is a dearth of systematic study of the impact of fact-checking on belief and attitudes in the Sri Lankan context. The efficacy of media monitoring is a function of how well responses to misinformation like takedowns help mitigate any shifts in audience behavior on account of the misinformation. Sri Lanka Press Institute CEO Kumar Lopez, while acknowledging the utility of fact-checking, stressed that fact-checking cannot be a be-all-end-all solution to misinformation on account of its many limitations. First, fact-checking in its current form is unable to keep up with the sheer volume of information available to citizens, which may leave many false narratives uncountered. Second, fact-checkers may be unable to keep up with a piece of misinformation's rapid progression through its life cycle. The time it takes for a fact-checker to flag a piece of misinformation, and then generate and disseminate a corrective message, a piece of misinformation may have achieved wide viewership and induced some shift in voter attitudes and/or behavior. Third, fact-checking typically reaches only a fraction of a piece of misinformation's initial audience, because not everyone is aware of fact-checking entities and follows or seeks out those entities outputs, and ultimately what a social media user sees is largely a function of their interests and the content they interact with (so they may not be exposed to counter-attitudinal fact checks). Fourth, fact-checkers may have their own agendas, and there currently exists no form of oversight to fact check fact-checkers. Additionally, the literature on fact-checking tells us that people seek out and are more likely to believe in pro-attitudinal information, which poses a challenge for fact checks that provide counter-attitudinal information.

In light of these limitations, what, then, is the point of fact-checking? Kumar Lopez asserts that 1) some fact-checking is better than no fact-checking; 2) dissemination of and citizen exposure to fact-checks can at a minimum help fuel discourse on misinformation and encourage audiences to probe the veracity of the information they consume. Darshatha Gamage from Hashtag Generation stated that the organization has observed a "growing culture of verification" among social media users in the last few years since Hashtag Generation commenced fact-checking operations, with an increased tendency among people to do some verification on their own. While we have no way to establish a causal relationship – while there may be other factors contributing to this – that exposure to the concept of fact-checking and disseminated findings can make one more aware that they have the option of verifying information is a plausible supposition.

5.3.3. The Election Commission

In addition to formulating election guidelines and codes of coduct, what may a government institution like the Election Commission do? One strategy that the former Election Commission Chairman told us that the Commission has adopted in response to private media organizations deemed to be disruptive during an election period is to temporarily withhold the final election result from those channels, thus preventing them from being able to announce results immediately to viewers. Another strategy against election misinformation that the former Election Commission Chairman adopted was to respond publicly to misinformation deemed to be more damaging. The former Chairman also emphasized the need for spreading awareness of misinformation and how to better identify it, particularly among those under the age of 25 (i.e., in schools and universities). KIIs with Hashtag Generation and SLPI revealed that the Election Commission has been in talks with platforms like Meta to seek support in tackling and taking down misinformation during the current 2024 presidential election cycle. However, Kumar Lopez noted that in the time taken for a piece of misinformation to be removed – as discussed previously – the damage may already be done.

One KI indicated that election misinformation, particularly from social media, is a low-priority matter for the Election Commission; indeed, there is a sense from civil society organizations that the

Commission's work in this area is inadequate. However, KIs also noted the scope of the Election Commission's work – administering an election is intense work, and the Commission may experience resource constraints when attempting to deal with misinformation. It is also important to note that the Commission does not have a protocol/set of guidelines on how to respond to election misinformation; indeed, the former Chairman said that the Commission's response depends largely on the Chairman.

5.3.4. Voter capacity building

We have established the inadequacies of the existing legal framework and need for a minimal anti-election misinformation legal regime, as well as the limitations of fact checking. In light of this, we turn to what many key informants have positioned as a more viable tool: voter capacity building, specifically, strengthening media literacy and critical thinking skills.

To better compare these methods, let's situate them in the life cycle of misinformation, which involves the following stages: production, dissemination, exposure, determination of veracity (which may involve either unquestioning acceptance or some degree of rumination), and resharing. The existing safeguards we've discussed target stages 1, 2, and 5 by attempting to quash misinformation production and dissemination with the law, while fact checking typically comes in after stage 4 (unless an audience sees the fact-check first, which is unlikely, given that we know that fact checks often reach a mere fraction of the original piece of misinformation's audience). Both these methods go after the misinformation itself. Voter capacity building targets stage 4 by helping an audience better determine the veracity of misinformation.

What might this capacity building look like? Kumar Lopez advocated for revisions to Sri Lanka's school curriculum to build media literacy and critical thinking skills in all students, regardless of the subjects or streams they select. In a report submitted to the National Institute of Education, SLPI put forth the following recommednations: 1) students from around the 7th and 8th grades onwards must be taught the importance of not unquestioningly accepting the information they receive, how to verifty information, and how to identify sources of accurate information. Media studies must therefore be a compulsory component of the curriculum; 2) teach students about how platforms and the algorithms they employ work to create echo chambers that, by virtue of bombarding users with content that aligns with their interests and partisan inclinations, may limit access to a range of sources that can help identify information accuracy. SLPI currently trains around 2000 children in media literacy and identifying misinformation, and around 250 teachers in tackling misinformation. The former Election Commission Chairman also told us that the Commission is involved in public education campaigns with an emphasis on building capacity among younger generations to identify misinformation.

The extensive literature on media literacy interventions tells us that these kinds of initaitives discussed above – the sort of capacity building measures that Dr Gunatilake and the former Election Commission Chairman alluded to – do work. These initatves are an example of "bottom-up intervention[s]" (Badrinathan, 1327) in which – in contrast to top-down interventions like fact-checks and warnings in which the misinformation itself is typically directly corrected – the aim is to build voters' capacities to identify misinformation; specifically, the "skills and competencies that promote critical engagement with messages produced by the media, needed to successfully navigate a complex information ecosystem" (1329)). Jones-Jang et al. (2019) find that media literacy "significantly increases the likelihood of identifying fake news stories" (1). Kahne and Bowyer (2019) find that media literacy can make people more skeptical about misinformation, making MLIs a reasonably good tool to counter EM. A study by Cook et al. found that "inoculating messages that 1)

explain the flawed argumentation technique used in the [piece of] misinformation or that 2) highlight the scientific consensus on climate change were effective in neutralizing those adverse effects of misinformation" (1). Badrinathan argues that nudges like advising people to be "more critical consumers or providing tips asking them to be more aware" (1329) may be inadequate to help people discern between fact and fiction if they do not possess the tools ("a set of instructions or concrete steps that can be used to spot or correct misinformation") to apply to political information.

Given the above, it would be prudent for the state and civil society organizations whose mandates include counter misinformation, to complement the efforts of fact-checkers by aggressively pursuing media literacy campaigns that inculacate in the electorate the skills discussed above.

5.4. PART III: Case Study: Hashtag Generation

This section will, first, present an overview of Hashtag Generation; second, discuss their misinformation-countering process, in which we'll discuss methodology and Hashtag Generation's work in countering election misinformation during the 2019 Presidential and 2020 Parliamentary Elections.

5.4.1. Organization overview

Overview
Founded in 2015, Hashtag Generation is a non-profit civil society organization that works and promotes youth participation in areas such as: "decision-making, strengthening women's civic and political engagement, advocacy for the rights of ethnic, religious and sexual minorities and raising awareness on the importance of cyber security and countering misinformation and online hate speech" (Hashtag Generation, n.d.). Hashtag Generation operates under the following three pillars: "promoting civic consciousness" (i.e., a citizenry that is aware and plays some role in decision-making processes that impact them), "advocating for an inclusive society" (a society that is open irrespective of gender, ethnicity, religion, age, class, disability), and "driving accountability" (a citizenry that is equipped to hold decision-makers accountable).

Selection of Hashtag Generation as a case study
While Hashtag Generation does not commit solely to regular *election* misinformation countering –
 none of the more prominent fact-checkers in Sri Lanka do – the organization conducted misinformation-countering operations specifically for the 2019 Presidential and 2020 Parliamentary elections. It was also important to choose an organization with experience engaging with a variety of stakeholders: during election operations, Hashtag Generation worked/interacted with PAFFREL, an election-monitoring organization, the Election Commission, and Facebook. Hashtag Generation will also collaborate with the Election Commission

5.4.2. Fact-checking

Hashtag Generation's fact-checks focus primarily on content published on online (social media) platforms, and the fact-checking process is based on procedures and international standards of organizations like the International Fact-Checking Network and Agence France-Presse (Hashtag Generation, n.d.). The team will typically identify the "most trending and publicly important matters

and issues that are discussed" from which they can identify fact-checkable claims. Once a claim has been identified, the team's verification process considers primary and secondary sources, and consults with the relevant experts and authorities – an oftentimes difficult process, according to one KII, because government officials are more often than not difficult to reach and, even when reached, can be reluctant to provide information needed to validate Hashtag Generation's claims. Which sources are consulted is based on the type of claim being fact-checked; for example, claims about statements or actions by particularly high-profile individuals like politicians or government officials often require reaching out to those individuals. Hashtag Generation grades its fact-checks on the following scale: "1. True; 2. Clarifications; 3. False; 4. Misleading" (Hashtag Generation, n.d.). The final output is usually a mini writeup on Hashtag Generation's website – reviewed at least twice – that contains explanations, visual content, and a conclusion.

Hashtag Generation addresses topics with "significant attention on social media that can create a harmful impact on society" (Hashtag Generation, n.d.), with priority assigned "based on their effect on relations between those from different religious and ethnic groups," and some attention given to areas such as education, healthcare, and technology. All fact-checking is done in accordance with ethics in journalism and ethical guidelines laid out by the International Fact-Checking Network. Hashtag Generation follows a non-partisan policy and adheres to the following principles: "Systematic selection of news/events/content for review and ensuring impartiality and fairness of the process; Transparency of sources; Transparency in the overall process and funding; Transparency in the fact-checking process; Honesty and openness for corrections."

Finally, Hashtag Generation employs the following information verification tools listed on their website, similar to those used by journalists when fact-checking content on social media:
1. Expertise – We reach out to experts and professionals (e.g., For Covid-19 related mis/disinformation, experts in the health sector – such as doctors, medical professors and researchers)
2. Google Reverse Image Search – to verify the authenticity and the origin of an image
3. TinEye – also to conduct reverse image searches
4. Yandex Image – to search images
5. Invid Toolkit – a toolkit developed for the use of journalists
6. Amnesty YouTube Data Viewer – A tool developed to verify the content on videos by Amnesty International and YouTube
7. AFP Fact Checker starter toolkit
8. Visual Cues
9. Google Maps
10. Google Street View

5.4.3. Election Monitoring

2019 and 2020 Election Monitoring: The Process
The following explanation of Hashtag Generation's election misinformation-countering process is based on the methodologies described in their reports on 2019 and 2020 election monitoring. These operations weren't exclusively election misinformation-based, and also covered areas like hate speech, harassment, contravention of election laws, and human rights issues.

Over the course of the 2019 and 2020 elections, Hashtag Generation ran trilingual social media newsrooms (Hashtag Generation, 2019, p. 2) (Hashtag Generation, 2020, p. 4) in (Sinhala, Tamil, and English) that observed platforms (particularly Facebook, owing to its large based of around 6 million

Sri Lankan users) during the election period (17 October – 29 November for the 2019 Parliamentary Election; 15 June – 2 August for the 2020 Presidential Election) from 9AM to 9PM, seven days a week (Hashtag Generation, 2019, p.2) (Hashtag Generation, 2020, p.4). The aim was to "monitor, archive and report" social media platform content deemed to constitute "dangerous speech," which included hate speech and misinformation (Hashtag Generation, 2020, p.5).

Hashtag Generation's team used a multitude of tools. During the 2019 election-monitoring operation, Hashtag Generation's partner Watchdog developed a real-time dashboard that displayed the "most trending Facebook posts" of a dataset containing more than 11,000 pages and groups on Facebook. During the 2020 election, Hashtag Generation used a dataset that included "over 500 pages that were identified by Hashtag Generation in the pre-election stage as well as a further 700 pages belonging to candidates from different political parties and independent groups" (Hashtag Generation, 2020, p.4). Tamil- and Sinhalese-language pages in the dataset included those of "political parties, politicians (including Presidential Election candidates), news outlets, ethnonationalist pages, 'gossip' pages, key 'influencers' and 'opinion leaders', meme pages, and related institutional pages (e.g., trade unions)." The team used Crowdtangle to track how Facebook pages amplify content (Hashtag Generation, 2020, p.3), and the Facebook Ad library database to track paid advertisements; particularly over the election "cooling period" during which candidates are barred from campaigning on any platform. Finally, searches were also conducted on a daily basis using certain keywords, and certain pages and groups (including those of candidates and ethnonationalist groups) were monitored.

Of the many issues Hashtag Generation looked for (as stated earlier, these were broad election monitoring operations that covered a range of problematic content) the two relevant to this report are "false news" and "false news with potential to cause harm" (Hashtag Generation, 2019, p.4), the definitions of which, according to Hashtag Generation, were developed in line with community standards laid out by Facebook. [7]

Finally, Hashtag Generation shared reports with the election monitoring body, People's Action for Free and Fair Elections (PAFFREL), "weekly, daily (in the pre-/post-election period) and hourly (during the 'cooling period' and on Election Day)." PAFFREL conducted further investigations and forwarded the reports where necessary to the Election Commission of Sri Lanka. The Election Commission then forwarded these to the relevant platforms. Hashtag Generation reported harmful content around elections that violated Facebook community standards. During 2020 election monitoring, Hashtag Generation worked with the 'Network Against Disinformation' (NAD), a coalition that works to combat election misinformation (Hashtag Generation, 2020, p.6). Hashtag Generation sent weekly updates regarding election misinformation narratives observed online to the NAD, which reviewed the updates and submitted reports weekly to the Election Commission.

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[7] As stated earlier, these were broad election monitoring operations which also included areas like hate speech, harassment, contravention of election laws, and human rights issues.

Figure 5.1: *2019 Presidential election monitoring process, Hashtag Generation*
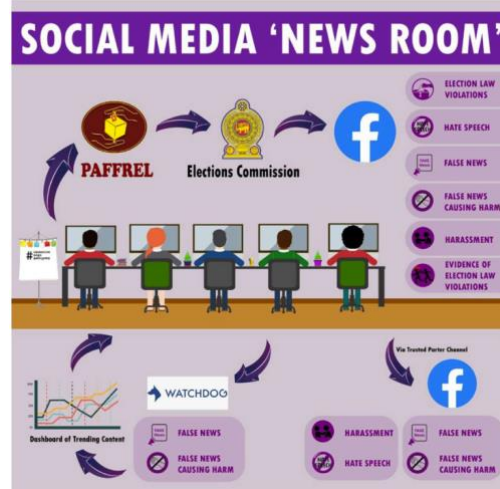
Source: (Hashtag Generation, 2019, p.3)

Figure 5.2: *2020 Presidential election monitoring process, Hashtag Generation*
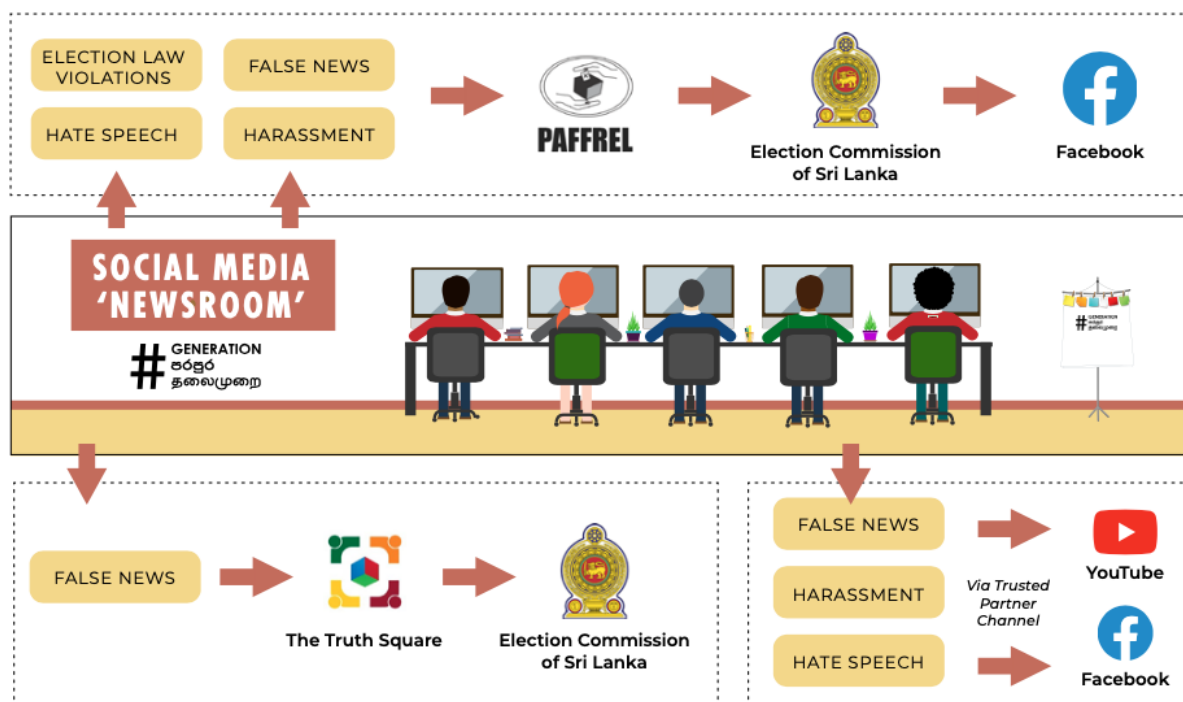
Source: (Hashtag Generation, 2020, p.5)

It is important to note some limitations with this methodology that Hashtag Generation acknowledges. During both election operations Hashtag Generation did not consult an exhaustive list of all pieces of misinformation on social media. Additionally, because not all parties have the same social media presence, findings may show parties with higher social media presence engaging in more misinformation propagation. Finally, not all candidate social media pages were captured.

The following sub-sections summarize some of the findings on election misinformation observed during both 2019 and 2020 election operations, as reported by Hashtag Generation.

2019 and 2020 Election Monitoring: Findings

2019 Presidential Election

Hashtag Generation's monitoring process found a considerable number of pieces of misinformation with the potential to further racial tensions. The 2019 Presidential Election took place shortly after the Easter Sunday Attacks by an Islamic extremist organization, which led to a rise in Islamophobic rhetoric and misinformation spread against Sri Lanka's Muslim community, as well as a rise in general nationalist sentiment. The nature of election misinformation analyzed by Hashtag Generation reflects this chain of events; propagators of misinformation attempted to leverage existing nationalist and anti-Muslim sentiments in a bid to sway voters, by generating content that falsely attributed inflammatory statements to minority candidates, creating the impression that the country was under some kind of foreign pressure. The two figures below provide a sense of when in the election cycle misinformation was spread, and against which political parties (Hashtag Generation, 2019, p.10).

Figure 5.3: False news disaggregated bysStage of the campaign process, 2019 election monitoring, Hashtag Generation
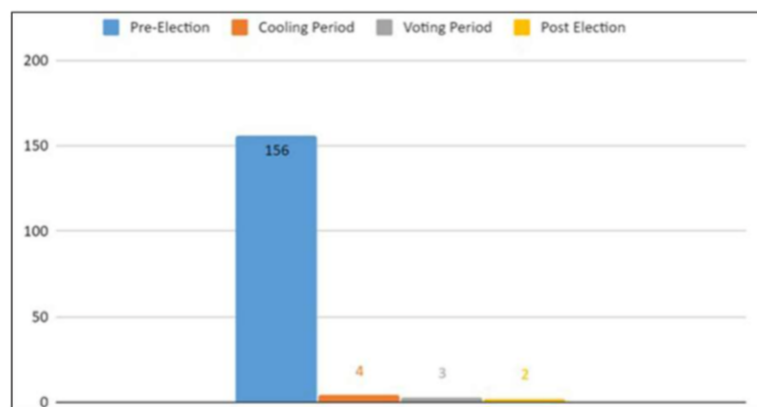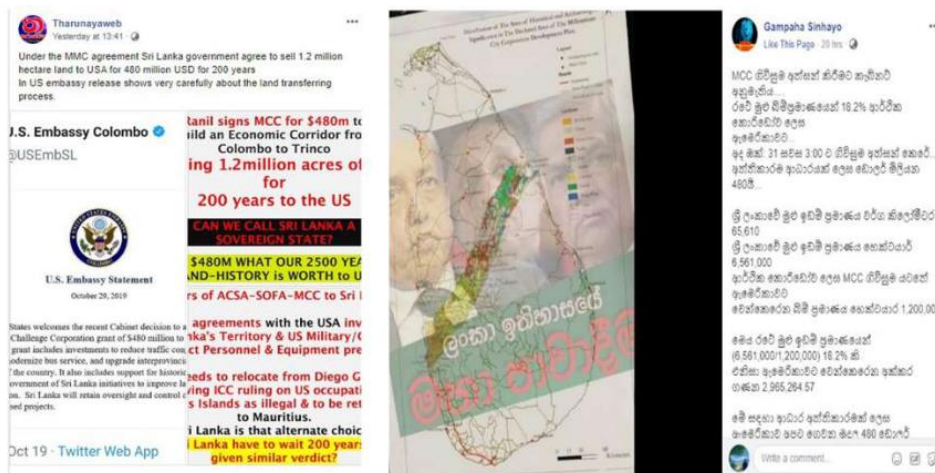

Source: (Hashtag Generation, 2019, p.10)

Figure 5.4: False news mobilized to mislead voter perceptions on candidates disaggregated by target, 2019 election monitoring, Hashtag Generation
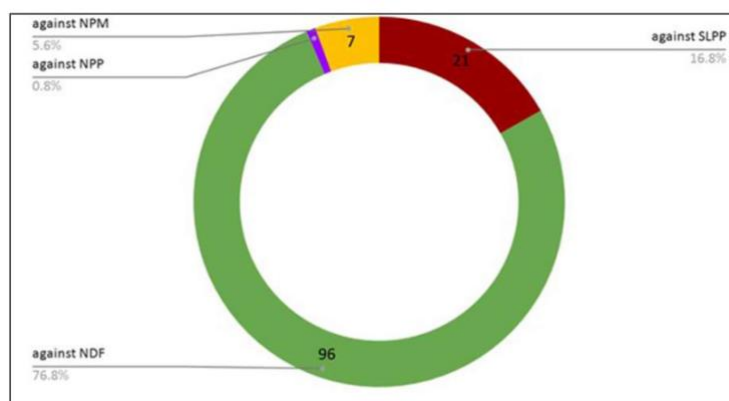
Source: (Hashtag Generation, 2019, p.10)

Hashtag Generation found a number of false narratives regarding the Millennium Challenge Corporation Grant discussed previously, with much of these contending that, within the conditions of the grant, the United States would be taking control of a portion of Sri Lankan territory (Hashtag Generation, 2019, p.11). Hashtag Generation noted that this narrative appeared to be part of a coordinated campaign in which certain actors used paid advertising on Facebook to amplify misinformation about the grant. For example, Fact Crescendo, a fact-checking organization recognized by Facebook, confirmed that a video by Tissa Jananayake contained false assertions on the Millennium Challenge Corporation Grant. While the video was removed from Jananayake's Facebook page, it remained on other groups, and most of the other false stories about the MCC were not removed.

Figure 5.5: Screenshots of MCC misinformation, Hashtag Generation

Source: (Hashtag Generation, 2019, p.11)

Another narrative Hashtag Generation found to be widely circulated is a post with the following quote by SLPP MP Wimal Weerawansa: "the use of contraceptives by Muslim Women following their first childbirth should be made compulsory" (Hashtag Generation, 2019, p.12). Weerawansa was a likely choice because of the SLPP's strong Sinhalese-nationalist stance (although it is anyone's guess as to whether the post was shared to embolden anti-Muslim SLPP supporters, or by SLPP's adversaries looking to paint the party in a negative light). During an SLPP media briefing, Sanjeewani Weerasinghe, a popular singer and actress, falsely claimed that a "certain brand of sanitary napkins for which she was once in an advertisement had sterilization pills deposited in them." This assertion was made in connection with another false narrative circulating about Dr. Shafi Shihabdeen in the wake of the Easter Sunday Attacks, described in a previous section. The narrative claimed that Dr. Shafi had sterilized a number of Sinhalese women (which was in turn linked to a broader erroneous belief held by certain Sinhala-Buddhist nationalists that Sri Lankan Muslims intend to surpass the Sinhalese population in size and establish a Muslim majority).

Hashtag Generation also observed misinformation targeted at Tamil individuals and parties. After the Tamil National Alliance (TNA) announced their support for presidential hopeful Sajith Premadasa (a National Democratic Front candidate), Hashtag Generation observed the proliferation of posts falsely claiming that Premadasa had "agreed to the 13 'separatist' demands made by Tamil political parties." The allegation was declared untrue by the TNA, who in a media briefing affirmed that Premadasa was their candidate of choice, purely on the merits of his manifesto. In another instance, TNA Parliamentarian M. A. Sumanthiran was targeted after two newspapers, Mawbima and Ceylon Today, quoted him on their front pages as having declared that "the Sinhalese can be defeated only

by voting for Sajith" (Hashtag Generation, 2019, p.13). Extracts were shared online and amplified through sponsored Facebook advertisements. In yet another instance of race-related misinformation, a post falsely claimed that candidate Sajith Premadasa had promised to appoint UNP Jaffna District MP Vjayakala Maheswaran as the Minister of Higher Education, and that, a vote for Premadasa would "result in an eventual Tamil Eelam".

*Figure **5.6:** Post with false claims about candidate Sajith Premadasa, Hashtag Generation*
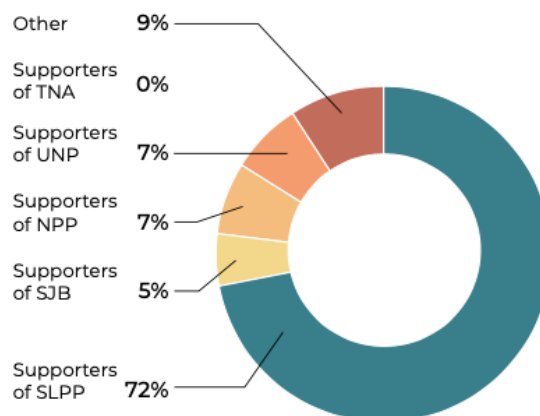

Source: (Hashtag Generation, 2019, p.13)

2020 Parliamentary Election
Hashtag Generation's 2020 election operations recorded 60 instances of "false news" (Hashtag Generation, 2020, p.12) – about the same volume as recorded during the 2019 election. However, Hashtag Generation noted greater diversity in the content of false narratives observed in the 2020 election: while the 2019 election saw a focus on the MCC and ethnonationalist/racial issues, during the 2020 election operations, Hashtag Generation observed an additional focus on content that "discredited the NEC (National Election Commission), demeaned opposing parties and candidates, and even featured prominent religious leaders." The two figures below provide a sense of the relative volume of misinformation propagated by key political parties, and the extent to which key parties were targets.

Figure 5.7: False news disaggregated by instigator group, 2020 election monitoring, Hashtag Generation

Source: (Hashtag Generation, 2019, p.13)

Figure **5.8:** *False news disaggregated by targeted political party/group, 2020 election monitoring, Hashtag Generation*
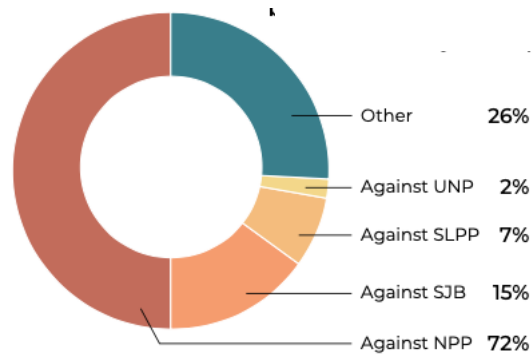
Source: (Hashtag Generation, 2019, p.13)

The Election Commission was targeted by a number of Facebook pages as well as through paid advertising on the platform (Hashtag Generation, 2020, p.13). Professor Ratnajeevan Hoole was targeted by a false claim that he had publicly called for voters to refrain from voting for the SLPP (Prof. Hoole had only requested that voters do "not vote for bad people"). Former Election Commission Chairman Mahinda Deshapriya was also targeted, in this case by a fake photo which appeared to depict the former Chairman holding a placard with the text "if you love the country then vote for this party" next to the symbol of a political party (the SJB). Hashtag Generation also noted race-based misinformation levelled against the Commission when a Buddhist monk claimed on a prominent journalist's YouTube channel that the "so called independent election commission" is "not really independent," and falsely accused Assistant Commissioner M. Mohamed of "supporting extremist Islamist forces" in the formation of a political party. Former Minister Wimal Weerawansa falsely claimed that the Election Commission was intent on limiting voter turnout. The Commission also came under fire for false allegations regarding the miscount of votes. In one instance, TNA contestant Sasikala Raviraj's daughter claimed that former MP M. A. Sumanthiran had influenced the result of the Jaffna electoral district preferential vote, allowing Sumanthiran to have "suddenly made it to the 2nd position" over Raviraj (Hashtag Generation, 2020, p.14). Similarly, Amith Weerasinghe in the Kandy electoral district claimed fraud in the counting process, specifically that votes received by his independent group were marked "invalid."

Figure **5.9:** *Doctored image of former Election Commission Chairman Mahinda Deshapriya holding a placard in support of the SJB, 2020 election monitoring, Hashtag Generation*

Source: (Hashtag Generation, 2020, p.13)

Race was once again a theme of misinformation observed during this election. NPP candidate Nalin Hewage was shown in a video shared online to be saying that LTTE leader Velupillai Prabhakaran was "not a terrorist as he has not been convicted by any court in Sri Lanka" (Hashtag Generation, 2020, p.14). This was however only a segment of a statement by Hewage in which he said, "if someone says that Mahinda Rajapaksa is not corrupt because he has not been convicted of misappropriating funds by a court, then the same could apply to Prabhakaran, as he has not been convicted of terrorism in any court" (Hashtag Generation, 2020, p.15). Another example: the thumbnail and title of a YouTube video by Chamuditha Samarawickrama, a well-known journalist, in which he interviewed Jaffna District candidate Arun Siddharth, contained the text "Prabhakaran is like my big brother, we will take arms to our hands" (Hashtag Generation, 2020, p.15). This was not relevant to anything Siddharth had stated in the interview. Cardinal Malcolm Ranjith was accused in a post with a link to an article in a gossip site, of asking voters "not to vote for any politician associated with the Easter Sunday Attacks." The page had, earlier that year, falsely reported that the Cardinal had requested voters "not to vote for any Muslim politicians." The post was later removed.

2024 Election Monitoring

Hashtag Generation will collaborate again with the Election Comission and PAFFREL in the upcoming presidential elections in September, 2024. We have yet to see what these media monitoring efforts will yield.

5.5. Conclusion

While this report may present a somewhat bleak picture, it is important to note that Sri Lanka's democracy has demonstrated a remarkable durability, despite two insurgencies and a 30-year-long civil war, and in spite of attempts by various governments to stay in power through un-democratic, if not illegal, means: such as extending terms of the parliament without an electoral mandate (1975-1977), replacing a general election with a referendum (1982), sacking a sitting government by an executive president (2004), and colluding with the LTTE to prevent voters in northern and eastern provinces from casting their votes in a presidential election (2005). Although faced with numerous challenges, democratic norms and institutions have proven resilient. This is evidenced by regular national elections, high voter turnout, and frequent and unimpeded changes and transitions in government through elections. The incidence and intensity of physical electoral violence, mass ballot box stuffing, property destruction, widespread abuses and disenfranchisement through voter intimidation and other malpractices have decreased significantly.

Election misinformation, however, persists, and there is good reason to posit that – given increasing digitization and popularity of social media platforms, and advancements in areas like artificial

intelligence and media generation and modification – it will continue to plague Sri Lankan democracy well into the future. When citizens vote against their interests due to asymmetric information, they run the risk of producing governments that are *of* and *by* less suitable people, and less likely to be *for* the people.[8]

Therefore, counter-misinformation initiatives like the case study in this report and efforts to improve media literacy and critical thinking skills among the population are imperative. As this report find, there exist actors in both civil society and government institutions who are cognizant of the issue and are willing to address it. Cooperation between civil society organizations engaged in counter-misinformation initiatives, platforms, and government institutions will be imperative to tackle the many challenges election misinformation will continue to pose in the years to come.

Annexes

Annex A.I: List of Interviewees
1. Mahinda Deshapriya – Former Election Commission Chairman
2. M. Mohamed – Former Member of Election Commission
3. Rohana Hettiarachie – CEO, PAFFREL
4. Kumar Lopez – CEO, Sri Lanka Press Institute
5. Kasun Kumaratunga – Project Lead, Sri Lanka Press Institute
6. Dr Gehan Gunatilleke – Attorney-at-Law and Partner, LexAG
7. Darshatha Gamage – Specialist – Elections and Information Integrity, Hashtag Generation
8. Maneshka Borham – Fact Check Lead, Hashtag Generation
9. Prihesh Ratnayake – Former Head of Social Media Analysis, Hashtag Generation
10. Harshana Silva – Former Lead Fact Checker, Hashtag Generation
11. Ashwini Natesan – Research Fellow, LIRNEasia
12. Rohan Samarajiva – Chairman, LIRNEasia

Annex A.II: Sri Lanka's Political and Social Context
Before delving into election misinformation in Sri Lanka or the case study, To better inform a discussion of election misinformation, it may be helpful to understand Sri Lanka's electoral system and the political, social and cultural contexts in which misinformation exists. This section briefly discusses Sri Lanka's democratic system (its infrastructure and history), political culture, and electoral system.

Sri Lanka's Democratic System
The Democratic Socialist Republic of Sri Lanka is a unitary state governed by a semi-Presidential system, i.e., a hybrid Parliamentary Democracy and Executive Presidency with a popularly elected president, and a Prime Minister and Cabinet answerable to the legislature (The Economist Intelligence Unit, n.d.).[9]

Much like many democracies, the Government consists of three branches: the Executive, Legislature, and Judiciary. The President sits at the head of the Executive branch, and serves as both Head of State and Government, and Commander-in-Chief of Sri Lanka's armed forces. The President holds office for a five-year term and appoints a Cabinet from among elected Members of Parliament. The

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[8] Imperfect information and sub-optimal electoral outcomes are a natural part of any democratic process, but electoral misinformation intensifies these issues, with potentially severe ramifications.
[9] In a purely Parliamentary system, the head of state isn't elected by popular vote, while in a purely Presidential system, the cabinet isn't accountable to the legislature.

Legislative branch consists of the Parliament, a unicameral legislature that comprises of 225 popularly elected Members: 196 riding-based seats through proportional representation and 29 seats through the National List. MPs, too, hold office for a five-year term. The Judicial branch comprises the Supreme Court, Court of Appeal, High Courts, and subordinate Courts. Supreme Court, Court of Appeal, and High Court judge appointments fall under the President's jurisdiction, while a Judicial Service Commission is tasked with appointing lower court judges. Sri Lanka's legal system draws from a variety of influences: British Law for criminal law; Roman and Dutch Law for basic civil law (Keerthisinghe, 2022).

Political Culture
A grasp of a state's political culture is as important as understanding its institutions, because the former determines how a citizenry choose to operate within – and at times undermine – the latter. This section discusses a few key themes, based on desk research and KIIs.

Ethnic divisions and identity politics
While Sri Lanka is a multi-ethnic nation of Sinhalese, Tamils, Muslims and Burghers, its society and political landscape are characterized by a strong element of communal politics, with political parties and politicians operating largely within the confines of their community's interests. Sinhala-Buddhist nationalism runs strong in the country, and majoritarian politics, especially surrounding the preservation of the Sinhala-Buddhist identity, have at times resulted in denial of minorities rights and/or identities. This was largely responsible for the 30-year civil war between government forces and the Liberation Tigers of Tamil Eelam (LTTE).

Misogyny
Sri Lankan society, and by extension, the political culture/class, is rife with misogyny. While men and women won the right to vote at the same time in 1931, and women today play some role in political campaigning and mobilization, political parties are heavily male-dominated, and women consequently are deprived of fair representation (Kamdar, 2020). Those women that do brave the toxic political environment and run for office are subject to gendered slander and misinformation (Patabendige, 2023).

Feudal hangover
One KI described Sri Lanka, a feudal state in its pre-democracy days, as more a clientelist state than a democratic state, with overtones of feudalism in it (i.e., a tributary relationship with a central leader at the top, from which you have multiple layers of subordinates, each showing allegiance to the one above). Prior to colonization and the installation of a democratic system, the king would hand out positions to various feudals. In return for the positions and some degree of autonomy over those regions, the feudals would provide the kings with resources to support/maintain the king's hold over power (for example, troops during war). Regular citizens who supported the feudals received benefits.

Sri Lankan politics today operates in a similar manner. District MPs will typically expect allegiance and resources to run election campaigns from members at the lower-level provincial council (e.g., buses to transport supporters to rallies, posters etc.), who also demand the same from local government officials, in exchange for similar support. Ordinary citizens too play a role in this tributary relationship, receiving in exchange for their vote and support certain perks (like access to a Minister, state positions, lucrative contracts etc.).

National security

National security was a particularly salient topic during the 2019 presidential election, with a need expressed by candidates to elect leaders who can protect the country from threats both internal and external. For example, Gotabaya Rajapakse's Presidential Election campaign focused on the Easter Sunday Attacks that took place a few months prior to the election, and the supposed vacuum in defense leadership (Handunnetti, 2022). In 2005, Gotabaya's brother Mahinda campaigned on the claim that the ceasefire at the time (between the LTTE and government) was a farce that would only serve to strengthen the LTTE in the long-run, and compromise Sri Lanka's territorial integrity.

Superstition and tradition
Superstition and traditional practices play a significant role in Sri Lanka's political culture. Politicians often rely on astrology to determine auspicious times for their activities and partake in occult and astrological rituals at religious sites in the hope of divine intervention to secure electoral wins.

Violence
Despite having a democratic system, Sri Lanka's political history is marked by electoral violence and suppression of political dissent. The coalitions led by the two main political parties, the United National Party (UNP) and the Sri Lanka Freedom Party (SLFP), have alternated in power for much of post-independence Sri Lanka, with elections often marked with some degree of violence (The Asia Foundation, 2017, pp. 160-161). An escalation of electoral violence since the mid-1960s and the 30-year civil war, as well as two Marxist insurgencies, have marred the democratic process. While the violence has decreased significantly in the recent past, it is nonetheless worth noting.

Suppression of freedoms
Governments in power have often resorted to the suppression of media and political dissent, and misuse of state-owned media, to protect the personal interests of leaders/political parties. Rights infringements and suppression have ranged from murder, kidnapping, and torture, to threats and expropriation of private property. Certain legal provisions have also been abused by those in power; for example, the Prevention of Terrorism Act, originally intended to grant the state powers to combat terrorism, has been used to silence critics and target minorities (United Nations Human Rights Office of the High Commissioner, 2022).

Elections in Sri Lanka

Overview
This section provides a brief overview of Sri Lanka's electoral process.

Across Presidential, Parliamentary, Provincial Council and Local Government elections, candidates are elected via proportional representation. Voting is open to any Sri Lankan citizen 1) aged 18 or above, 2) registered in the electoral register, 3) who holds an identification document, and resides in the address where the individual applies for registration (Election Commission of Sri Lanka, n.d.). As of June 2023, there are 86 political parties recognized by the Election Commission.

Sri Lanka was a monarchy for the better part of two millennia, prior to colonization by the British in the early 1800s. Universal adult franchise (citizens over 21) and a semi-autonomous parliamentary system were introduced in 1931 under British rule. Sri Lanka adopted the Westminster system when it gained independence in 1947, yet many significant changes did not come into effect until the first Republic constitutional reform in 1972. A constitutional change in 1978 saw a shift in powers from the Parliament to the Executive, which remains the case today.

Table 5.1: Sri Lankan elections: summary (Parliament of Sri Lanka, n.d.)

Total number of national elections	25
General Election: Total number of parliamentary/state council elections	18
Total number of Presidential elections	7

Table 5.2: Sri Lankan elections: in detail (Parliament of Sri Lanka, n.d.)

Year	Type of election	Subject
1931	General election	1st State Council
1936	General election	2nd State Council
1947	General Election/ House of Representatives	1st Parliament
1952	General Election/ House of Representatives	2nd Parliament
1956	General Election/ House of Representatives	3rd Parliament
1960	General Election/ House of Representatives	4th Parliament
1960	General Election/ House of Representatives	5th Parliament
1965	General Election/ House of Representatives	6th Parliament
1970	General Election/ House of Representatives	7th Parliament
1977	General Election/ House of Representatives	8th Parliament
1982	1st Presidential election	1st President
1982	Referendum to extend the term of the 8th Parliament	
1988	2nd Presidential election	2nd President
1989	General Election/ House of Representatives	9th Parliament
1994	3rd Presidential election	3rd President
1994	General Election/ House of Representatives	10th Parliament
1999	4th Presidential election	4th President
2000	General election	11th Parliament
2001	General Election/ House of Representatives	12th Parliament
2004	General Election/ House of Representatives	13th Parliament
2005	5th Presidential Election	5th President
2010	6th Presidential Election	6th President
2010	General Election/ House of Representatives	14th Parliament
2015	7th Presidential Election	7th President
2015	General Election/ House of Representatives	15th Parliament
2019	8th Presidential Election	8th President
2020	General Election/ House of Representatives	16th Parliament

Election Commission of Sri Lanka

Sri Lanka's Election Commission (EC) administers all Presidential, Parliamentary, Provincial Council, and Local Government elections. The Commission's mandate is to conduct "free and fair elections and referendums" (Election Commission of Sri Lanka, n.d.) as per Article 103 (2) of the Thirteenth Amendment to the Constitution, and to "perform the duties and functions of conducting elections and preparing annual voter registers according to the relevant laws" as per Article 104 B (1) of the Constitution.

The Commission consists of five members (three members, prior to 2020) who are appointed by the President, on the recommendation of the Constitutional Council, for a fixed term. A Director General, appointed under these five members, heads the Elections Secretariat, which consist of

multiple regional offices and hundreds of employees. During an election period, the institution expands considerably.

Schedule 01: Committee of (Permanent) Representatives for enforcing and recommending media guidelines and general matters

1.1 Every media institution shall provide accurate, balanced and impartial information in broadcasting or televising or publishing its news bulletins and any other programme related to political affairs. In this regard, the Election Commission shall appoint a Permanent Representative Committee to monitor and ensure that the following media guidelines issued by the Commission are properly adhered to and to make observations and recommendations on compliance with the guidelines. The Committee shall act in accordance with the directions and instructions of the Election Commission which shall take necessary decisions upon the recommendations of such Committee. The composition and members of the Committee will be announced by the Commission after the announcement of the dates for the presidential election.

Schedule 02: Guidelines for Electronic Media Institutions and Administrators of Websites and Social Media Websites

2.1 All telecasting, and broadcasting must maintain neutrality and impartiality in their coverage of election - related matters. They should refrain from discriminatory actions against any participating political party, independent group, or candidate, and should not provide preferential treatment to any party, group, or candidate when allocating airtime on radio or television.

2.7. A media institution shall not utilize air time redundant to make allegations against any candidate contesting at an election if the allegations cannot be substantiated. If any political party, independent group or candidate claims that another political party, independent group or candidate or supporter thereof has made any false and prejudicial statement against a political party, independent group or candidate that party, group or candidate shall be given an opportunity to counter the same.

2.26. A media institution shall not give coverage to anonymous notices or material and to notices or material under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institutions.

2.27. A media institution and the person making any statement or reading the news, as the case may be, shall be equally accountable with regard to the publishing, broadcasting or telecasting of incorrect statements or news and shall be subject to legal proceedings that may arise in this regard.

2.30 The proprietors of all electronic media shall adhere to these guidelines and ensure that the respective institutions owned by them observe such guidelines.

2.31 It shall also be the responsibility of the administrators of social media sites and owners of Cable Television channels to follow these guidelines as applicable to them, during the period of an election/a poll.

2.32. The administrators of internet and social media websites must ensure that artificial intelligence - based computer programs do not spread false news, misinformation, or intentionally altered or distorted information about parties, candidates, or elections.

2.34. The administrators of internet websites and social media platforms must not propagate without consent or forcefully disseminate distorted photos, false news, or personal information of candidates or their family members causing disturbance.

2.35. The administrators of internet websites and social media platforms should not prejudice parties or candidates by establishing fake social media accounts in other individuals' names.

2.36. The administrators of internet websites and social media platforms must not employ social media users to disseminate false news, misinformation, or interntionally altered or distorted information about parties, candidates, or elections, nor should they generate false public opinion through fake social media accounts.

2.37 If a complaint is lodged with the Election Commission regarding the dissemination of false news, misinformation, or intentionally altered information about a party or candidate, internet website and social media platform administrators should promptly address the inquiries, respond to the reported news or information, and take necessary steps to remove it from their social media accounts or websites.

2.38. It shall be the responsibility of the proprietors and administrators of all television and radio stations which carry out their telecasting/broadcasting within Sri Lanka via satellite technology to adhere to the media guidelines issued by the Election Commission during the period of an election/a poll.

2.39. It is not only the duty but also the responsibility of the proprietors of electronic media institutions and administrators and users of social media to adhere to these guidelines, as the observance of these guidelines is essential to ensure a free and fair election.

2.41. It shall be the responsibility of every electronic media institution to adhere to and abide by the ethics pertaining to media.

Schedule 03: Guidelines for Electronic Media Institutions
3.18 A print media institution shall not give coverage to anonymous notices or material and to notices or material under the names of fake organizations or persons. The responsibility in this regard shall lie with the respective media institutions.

3.20 A print media institution and the person publishing or making any statement as the case may be, shall be equally accountable with regard to the publishing, of incorrect statements or news and shall be subject to legal proceedings that may arise in this regard.

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