

**Framework on Online Electoral Process Information, Political  
Advertising and Deceptive AI content  
24 April 2024**

**Introduction and Background**

Concerns over the potential for false and misleading information to compromise the integrity of and trust in electoral processes and democracy itself have grown in recent years.

As a recent OECD report ‘Facts not Fakes: Tackling Disinformation, Strengthening Information Integrity’ (2024) states, *‘the spread of false and misleading information, often deliberately disseminated by both foreign and domestic actors, creates confusion and polarises public debate, sowing mistrust and undermining democratic processes.’*

June 7<sup>th</sup> will see European Parliament and Local Authority Elections, as well as a Limerick Mayoral Election take place. There is no reason to assume these events will be immune from similar dissemination of false and misleading information regarding the electoral process.

While the Electoral Reform Act 2022 provides An Coimisiún Toghcháin with powers relating to the regulation of online political advertising and the monitoring and investigation of online disinformation during election campaign periods, these parts of the Act have not yet come into force.

Recognising the need to manage the potential risks in this area, and pending the commencement of these formal regulatory powers, An Coimisiún Toghcháin, the Electoral Commission, prepared this *Framework on Online Electoral Process Information, Political Advertising and Deceptive AI content*, considering that it might serve as a useful guide for relevant actors such as online platforms and search engines.

This Framework is also intended to apply to political parties and electoral candidates to enhance the electoral integrity and democratic process associated with the June electoral events.

It draws from existing international best practice including ‘the EU Code of Practice on Disinformation’, ‘the Dutch Code of Conduct -Transparency Online Political Advertisements’, ‘the AI Elections Accord’ and the EU Commission’s ‘Guidelines on the Mitigation of Systemic Risks for Electoral Processes.’

## **Part A**

### **General Principles**

In the development of the Framework in Part B, An Coimisiún Toghcháin, has been informed by the following General Principles:

1. This is a Voluntary Framework to provide guidance. It is not intended, nor does it have the legal basis to provide a foundation for statutory monitoring or enforcement by An Coimisiún Toghcháin. Rather it is intended to support online electoral integrity by providing guidance from An Coimisiún Toghcháin as to what it considers good practice in this area.
2. The Framework applies to online electoral process information, deceptive AI content and online advertisements pertaining to the European Parliament elections, Local Authority elections, and Limerick Mayoral election, scheduled for 7<sup>th</sup> June 2024.
3. This Framework is particularly relevant to:
  - (a) Very Large Online Platforms and Very Large Online Search Engines;
  - (b) registered political parties and their candidates as well as non-aligned independent candidates.
4. In preparing the Framework consideration has been given to the importance of ensuring a reasonable balance between:
  - (a) protection of fundamental rights, including freedom of expression and opinions, the right to participate in public affairs, freedom of information, and of privacy; and,
  - (b) taking appropriate steps to limit the spread and impact of information or content that is deceptive or false, as defined in Part B.

5. The content of this framework will be reviewed by An Coimisiún Toghcháin in collaboration with relevant stakeholders including Coimisiún na Meán and the National Cyber Security Centre in informing any future initiatives in this area.

## **Part B**

### **Framework on Online Electoral Process Information, Online Advertising and Deceptive AI content related to 7<sup>th</sup> June electoral events**

#### **Application**

The following Framework applies to online electoral process information and online political advertising as well as AI generated information and content (such as ‘deep fakes’) related to the 7<sup>th</sup> June 2024 electoral events.

Frameworks B.1, B.2, and B.3 are particularly relevant to:  
Very Large Online Platforms and Very Large Online Search Engines.

Frameworks B.1, B.2, B.3 and B.4 are particularly relevant to registered political parties and their candidates as well as non-aligned independent candidates.

#### **B.1 Online political advertising and integrity of the electoral processes.**

- (a) Paid online political advertisements<sup>1</sup> should be used in a manner consistent with principles of transparency and maintaining the integrity of the electoral processes.
- (b) Paid online political advertisements should be clearly labelled as such in an efficient and visible way to allow users to understand that the content displayed contains political advertising.

Candidates and parties should:

- (c) Adhere to online platforms’ transparency policies and mechanisms and provide accurate information for registration and verification purposes.

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<sup>1</sup> As per the Terms of Service of individual platforms

**B.2 False information and integrity of electoral process information.**

Relevant parties should, with regard to electoral process

Information, (online content of a factual nature including but not limited to the registration of voters and candidates, voting times and location and any other factual content related to the holding of an election or referendum):

- (a) work to protect the electoral process from false online electoral process information (namely, false information which could cause harm to the integrity of the electoral process concerned).
- (b) Any incident response mechanisms will be designed to facilitate timely responses to specific instances of false online electoral process information.

### **B.3 Deceptive Artificial Intelligence (“AI”) content, including “deepfakes”.**

Online platforms, search engines and other relevant actors should:

- (a) Provide tools to mitigate risks to electoral processes related to deceptive AI Election content (AI generated audio, video, and images that deceptively fake or alter the appearance, voice, or actions of political candidates, election officials, and other key electoral stakeholders, or that provide false electoral process information to voters).
- (b) Provide tools to allow synthetic or manipulated images, audio or video that appreciably resemble existing persons, objects, places, entities, events, or depict events as real that did not happen, to be clearly labelled or otherwise made distinguishable through prominent marking.

**Candidates and parties** should:

- (c) not knowingly produce or disseminate deceptive AI content with the potential to mislead voters or undermine the integrity of the electoral events.

### **B.4 Integrity and fair campaigning in electoral processes.**

Registered political parties, their candidates and non-aligned independent candidates should:

- (a) be committed to promoting integrity and fair campaigning in electoral processes;
- (b) not spread false online electoral process information (namely, false information which could cause harm to the integrity of the electoral process concerned).