

October 6, 2020

Mr. Sundar Pichai
Chief Executive Officer
Google LLC.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Dear Mr. Pichai,

I write today to again urge you to implement strong accountability and transparency standards in the context of our nation's election, including to fully implement the requirements of the bipartisan Honest Ads Act. While I applaud Google's decision to voluntarily adopt portions of the Honest Ads Act, I am disappointed and concerned that Google's efforts to promote stronger accountability and transparency for political advertising in many ways lag behind Facebook's and Twitter's. Google's dominant platforms continue to be major vectors for disinformation, viral misinformation, and voter suppression efforts – whether through search ads, YouTube videos, or programmatic advertisements on the wider web.

As you know, the Senate Select Committee on Intelligence's bipartisan, five-part report documented the ways in which Russia took advantage of our nation's openness, political polarization, and communications technologies, including exploiting American-bred social media platforms to spread disinformation, divide the public, and undermine our democracy. We know the Russian campaign to undermine this year's elections are well underway. But even beyond Russian activity, we must prepare for the efforts of a range of bad actors to weaponize the scale, opacity, and reach of social media via both paid advertising and organic content.

Unfortunately, our efforts to inhibit the rapid spread of disinformation is made more difficult by the proliferation of manipulated media created and disseminated by foreign and domestic bad actors. In September, Google announced that it would start identifying misleading and manipulated images in products like its image search tool, complementing existing policies around fact-checking false and misleading information (including a YouTube ban on manipulated media). Your company, to its credit, also announced a new policy to “penalize websites that distribute hacked materials and advertisers who take part in coordinated misinformation campaigns.”¹

Researchers have commended Google's political ad database for its accessibility and ease of use, with useful interactive features including a map of spending by state and congressional district,

¹ Mark Scott and Steven Overly, “Silicon Valley is losing the battle against election misinformation,” *Politico*, (August 4, 2020) available at <https://www.politico.com/news/2020/08/04/silicon-valley-election-misinformation-383092>

effective filtering parameters, and a fully searchable repository of political ads. Google also, to its credit, includes a political advertiser's Employer Identification Number or FEC-issued identification number – making tracking political ad buyers easier, though accountability advocates have still raised concerns with the ways in which dark money groups have successfully exploited Google's systems. However, Google continues to exclude issue ads from its online databases, choosing to include only ads that feature a current federal officeholder or candidate.

Concerns with the comprehensiveness of Google's archive extend beyond simply Google's under-inclusive policies. Prominent researchers have identified multiple glaring examples where qualifying political advertisers have been omitted from the ad archive.² Indeed, a report by the *Wall Street Journal* concluded that Google's archive is "fraught with errors and delays,"³ raising serious concerns that political advertisers are easily and widely circumventing Google's policies and accountability mechanisms, without any possibility for detection by researchers, good government groups, or rival campaigns even into the 2020 campaign. Moreover, a marketer recently demonstrated how easy it is to circumvent Google's verification systems for political ads – running a series of search ads, targeted to run alongside election-related search queries, that attacked Presidential candidates without being included in Google's ads database or being accompanied by a disclaimer.

Further, researchers found a particularly egregious example of election disinformation – spread via Google search ads – that ostensibly targeted to users looking for information about voter fraud.⁴ The ad would not appear in Google's ad archive, given its exclusion of issue ads; moreover, the ad clearly violated ad policies relating to "claims that are demonstrably false and could significantly undermine participation or trust in an electoral or democratic process." The same researchers have found similar ads promoting false information about the election⁵ – ostensibly indicating a systemic failure by Google in enforcing its advertising policies. Given the extensive evidence that users are unable to effectively distinguish search ads from organic results (due to Google's efforts to generate more advertising by making ads more visually similar to search results), this example is especially galling – as it seems designed to vindicate unfounded claims of voter fraud to sow confusion, division, and unrest ahead of and immediately after the Presidential election.

² Tyler Sonnemaker, "As Facebook Struggles to Fight Misinformation Ahead of the 2020 Elections, Google Is Escaping the Spotlight," *Business Insider* (September 19, 2020) available at

<https://www.businessinsider.com/google-escapes-scrutiny-on-2020-election-misinformation-political-ads-2020-9>

³ Emily Glazer and Patience Haggin, "Google's Tool to Tame Election Influence Has Flaws," *The Wall Street Journal* (July 17, 2019) available at <https://www.wsj.com/articles/google-archive-of-political-ads-is-fraught-with-missing-content-delays-11563355800>

⁴ Vanessa Molter and Daniel Bush, "A Floating Headline, A Misleading Claim: A Google Search Ad Targets Florida Election Officials," *Election Integrity Partnership* (September 21, 2020) available at <https://www.eipartnership.net/rapid-response/misleading-google-ads-florida>

⁵ Daniel Bush, "Misleading Ads Highlight Loopholes in Google's Policies," *Election Integrity Partnership* (September 10, 2020) available at <https://www.eipartnership.net/rapid-response/misleading-ads-highlight-loopholes-in-googles-policies>

Google’s role as a vector of election disinformation and misinformation is not limited to search ads, however. Researchers have identified pervasive disinformation and misinformation about voting spread by right-leaning YouTube channels.⁶ Moreover, Google’s efforts to combat harmful misinformation – such as false information about vaccines or voting procedures – through labeling continues to raise serious concerns. As I expressed to YouTube’s CEO in 2019, innocuous labels affixed at the bottom of videos (and made even more inconspicuous when viewed on mobile devices) do not seem like credible efforts to counter harmful misinformation.

Disinformation and misinformation on social media platforms like YouTube are a serious threat to the national security of the United States. As part of our continued commitment to ensuring our systems are less vulnerable to abuse, I request your answers to the following questions:

- 1) Will you commit to closing the gaping hole in Google’s ads transparency policies by including issue ads?
- 2) Will you commit to providing accurate spending information, rather than broad ranges, as required by the Honest Ads Act (which requires disclosure of the average rate charged for the ad)?
- 3) Will you commit to including contact information necessary to identify dark money groups – such as name, address, and phone number for the entity purchasing each ad – as required by the Honest Ads Act?
- 4) Why have researchers found so many instances of Google failing to include qualifying political ads in its advertising database and what steps have you taken to correct for these repeated failures?
- 5) Why is there any delay in the inclusion of a political ad in the archive?
- 6) Why have ads promoting false claims about voter fraud been able to run on Google’s search ads platform without detection? What steps has Google taken to ensure such ads will never be able to run again?
- 7) What actions has Google taken to ban the advertisers targeting false ads with false information on voting from using Google’s advertising services in the future?
- 8) I commend your efforts to prevent microtargeting of political ads, providing only broader targeting capabilities. Will you commit to expanding those restrictions to wider issue ads, which frequently contain even *more* divisive and inflammatory messages than ads from candidates?
- 9) Google has been accused of externalizing to researchers and investigative journalists the responsibility of policing misuse of its platform, even as it profits from such misuse in the context of fraudulent, false, and violating ads. Will Google adopt the equivalent of a bug bounty to remunerate researchers who identify violations of Google’s policies, particularly in the context of advertisements that violate Google’s terms of service and advertising policies?

⁶ Rhea Bhatnagar, “Study: Vote-by-Mail Misinformation Is All over YouTube Thanks to Right-Leaning Channels,” *Media Matters for America* (September 25, 2020) available at <https://www.mediamatters.org/google/study-vote-mail-misinformation-all-over-youtube-thanks-right-leaning-channels>

Russia's attacks on our democracy were amplified by social media and our failure to anticipate the misuse of American media – both traditional media and social – by foreign bad actors. But we've also increasingly seen domestic actors utilize – and iterate on – the media manipulation techniques utilized by Russia, spreading disinformation and misinformation, sowing and exacerbating social, political, and racial tensions, and undermining confidence in the upcoming election. Unfortunately, the failure of social media platforms to sufficiently address these threats – and the failure of Congress to respond effectively through passage of essential regulation like the Honest Ads Act – has meant that nearly three-quarters of Americans have little or no confidence in large platforms preventing misuse of their services in the upcoming election.⁷

Ahead of the next month's election, I urge you to take all possible steps to reinforce Google's efforts against abuse of both your paid political content and organic content policies. I also request that you more aggressively identify, more prominently label, or ideally remove manipulated or synthetic media ahead of the election to prevent the amplification of disinformation from Russia and those following their playbook.

Thank you for your attention to this matter and I look forward to your response.

Sincerely,



Mark R. Warner

United States Senator

⁷ Ted Van Green, "Few Americans Are Confident in Tech Companies to Prevent Misuse of Their Platforms in the 2020 Election," *Pew Research* (September 9, 2020) available at <https://www.pewresearch.org/fact-tank/2020/09/09/few-americans-are-confident-in-tech-companies-to-prevent-misuse-of-their-platforms-in-the-2020-election/>