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# Principles for the inclusion of information on the Electoral Commission's Disinformation Register

## 1. Introduction

The Disinformation Register (the Register) was established in late 2022. It is a tool used by the Electoral Commission to publicly highlight the inaccuracy of particularly prominent, persistent, or harmful pieces of disinformation relating to the conduct of State and local government electoral events.

## 2. Context of the Register

The NSW Electoral Commission provides reliable information to the general public, electors and election participants about NSW electoral processes. The Electoral Commission can investigate the lawfulness of certain electoral communications and take enforcement action where breaches have occurred. It is the function of the Electoral Commission under section 10 of the NSW *Electoral Act 2017* to promote public awareness of electoral matters that are in the public interest by means of education and information programs.

The Electoral Commission has no role in enforcing truth in political advertising in NSW.

## 3. Scope of the Register

The Register is a web-based resource that assists in delivering information that supports the administration and delivery of electoral events with integrity. The Register will assist the NSW Electoral Commission, as the independent electoral management body in NSW, to promote ongoing public trust in NSW elections.

To maintain independence and trust in its integrity, the Register will be limited in its focus to content regarding electoral processes only. This boundary for potential entries on the Register ensures that the tool does not impinge on political debate or infringe the Electoral Commission's duty to conduct elections with impartiality.

## 4. Structure of the Register

Each entry to the Register will contain the following elements.

- **Disinformation:** A summary of the disinformation identified
- **Correct information:** A summary of the relevant correct information
- **NSW Electoral Commission action:** A summary of the action taken to counter the false claim, including relevant links.
- **Date detected:** The month and year in which the false claim was detected

- **Source:** Where the false claim was seen.

## 5. Threshold for inclusion of entries on the Register

In order for an entry to be created in the Register, the information must be assessed by the Electoral Commissioner or authorised officer as:

- concerning the administration or delivery of an electoral event or process that the Electoral Commission is responsible for under the *Constitution Act 1902*, *Electoral Act 2017*, *Electoral Regulation 2017*, *Electoral Funding Act 2018*, *Electoral Funding Regulation 2018*, *Local Government Act 1993*, *Local Government (General) Regulation 2021*, *Lobbying of Government Officials Act 2011* or *Lobbying of Government Official (Lobbyist Code of Conduct) Regulation 2014*
- objectively false or identified as a known tactic for spreading disinformation in a way that is deliberately leading to objectively false conclusions
- harmful to perceptions of electoral integrity for consumers of that information, and
- of significant enough reach or harm to potentially impact individuals outside of a small or closed communications community and their understanding of electoral processes.

## 6. Requirements for describing entries on the Register

To avoid amplifying the views of any specific individual or organisation during an election campaign period, or creating any perception of partiality by the Electoral Commission:

- the source of each piece of disinformation
- the summary of the issue; and
- the examples of the Electoral Commission actions taken

will all be expressed in generic (that is, non-identifying) terms only on the Register.

## 7. Responding to reports received about disinformation

Members of the public and election participants can bring items they consider to be disinformation and misinformation about electoral processes to the attention of the Electoral Commissioner from time to time, through the Commission's website. These notifications may be taken into account by the Electoral Commissioner, or other authorised officer, but only in their absolute discretion, in determining whether information should be included on the Register.

To maintain its independence, the Electoral Commission will not engage in correspondence with the person or organisation from whom it receives a report of disinformation, other than to acknowledge receipt of the report.

The Electoral Commission can only investigate and take enforcement action in relation to electoral material where there is a potential breach of a NSW electoral law. Requests to remove, hide or delete online information that is not in breach of NSW electoral laws should be made directly to the operator of the relevant social media platform.