

State Election Commission Meeting

March 28, 2024

9:30 Call to order – All SEC Members in attendance.

9:31 – Donald Kersey summarizes the Campaign Finance 2024 1st quarter report waiver. Mr. Springfield lets the committee know he does not have a computer or vehicle.

- Mr. Delligatti motions to grant the hardship waiver.
- Motion passed.

Mr. Chapman turns the floor over to Mr. Cook to give preliminary comments. Mr. Cook states the purpose of the meeting is to discuss how online platforms affect elections. Mr. Cook states that the West Virginia Secretary of State's Office has invited and subpoenaed various platforms that include Google, Meta, Snap, TikTok, and X, to the meeting. No representatives of those platforms appear for the meeting.

Mr. Chapman calls Brad McVay, the Deputy Secretary of State of Florida, to speak. Mr. McVay discusses how Facebook (Meta) has a whitelist that skips the algorithm and shields certain users from the Crosscheck program (a program wherein moderators monitor the posts of individual/groups). Mr. McVay states that the Florida Secretary of State reviewed public documents and claims from whistleblowers that worked for Meta. The review shows that the posts of certain individuals are amplified more than others. For example, two candidates can have the same message, but one account is Crosschecked while the other is not.

Mr. Chapman opens the floor for questions. Mr. David asks if the whitelist program favors incumbents over challengers. Mr. McVay says that it appears that incumbents are more prevalent on the whitelist. Mr. David asks if you can pay money to be on the whitelist. Mr. McVay says, "No." Mr. McVay states that many persons do not know they are on the whitelist. Mr. McVay says the concern is the lack of transparency. Meta will not disclose who is on the whitelist and how a person is included on the whitelist.

Mr. Chapman calls Robert Karnes, West Virginia State Senator, to speak. Mr. Cook offers prefatory comments that Senator Karnes has personal knowledge regarding content moderation by Facebook. Mr. Karnes states that his campaign account was blocked by Facebook. Mr. Karnes states that he reached out to Meta to determine why his account was blocked. Mr. Karnes states that no reason was provided. Mr. Karnes states that it took over one month to have his Facebook campaign account restored (with no explanation from Meta why the account was blocked in the first place). Mr. Karnes states that his campaign account on Instagram was recently blocked without reason.

Mr. Chapman opens the floor for questions. Mr. Chapman asks Mr. Karnes if he ran the same campaign advertisements on Facebook and Instagram. Mr. Karnes says he did and that the advertisements were approved by both platforms prior to being posted on the accounts. Mr. David asks about the general cost of sponsored advertising on Facebook. Mr. Karnes says he spent approximately \$4,000 on advertising.

Mr. Cook introduces Daniel Cochrane, Senior Research Associate at the Heritage Foundation, to speak. Mr. Cochrane proposes six ways to hold platforms accountable and limit their power over election speech and information: (1) call on platforms to create state-specific transparency portals that are accessible to the public; (2) require platforms to publicly disclose any restrictions on a political official/organization; (3) require each platform to report the number of election speech complaints and the timeline for addressing those complaints; (4) require platforms to disclose the number of users in defined geographic areas; (5) require platforms to disclose specifics regarding algorithms and blacklists; and (6) require platforms to disclose third-party data agreements.

Mr. Chapman opens the floor for questions. Mr. Chapman asks if any states have implemented any of the proposed methods. Mr. Cochrane says that Texas and Florida have implemented some of these methods. Mr. Cook asks what types of information Florida and Texas require platforms to disclose. Mr. Cochrane says that if content has been removed, Florida and Texas require that the platform inform the account holder that the content has been removed and explain why. Mr. David asks if any states have introduced legislation concerning whitelisting/blacklisting political candidate/organizations. Mr. Cochrane says he is not aware of any states that have enacted such legislation.

Mr. Cook introduces Dan Schnieder, Vice President of the Media Research Center, to speak. Mr. Schneider says that this is the first state commission to address concerns of “Big Tech” interfering with elections. Mr. Schneider provides specific examples of Google interference in elections including suppression of the “Hunter Biden Laptop” story and censorship of conservative candidates/platforms. Mr. Schneider provides examples of Facebook and Twitter (now X) suspended accounts of conservative candidates disproportionately to liberal candidates.

Mr. Chapman opens the floor for questions. Mr. David asks about search engine optimization and if certain terms affect Google search results. Mr. Schneider says Google’s algorithm is a mystery and that certain content is favored over other content. Mr. Delligatti asks if his opinions have been published or subject to peer review. Mr. Schneider says his opinions are based on Dr. Epstein’s research.

Mr. Cook introduces Ryan Hartwig, former Facebook employee, to speak. Mr. Hartwig says that he was formerly a content moderator for Facebook. Mr. Harwig says that Facebook determined what content is removed. Mr. Hartwig says that he has some evidence of whitelisting. Mr. Hartwig was told to remove certain political content.

Mr. Chapman opens the floor for questions. Mr. Chapman asks if content moderation changed as the political landscape changed. Mr. Hartwig says that Facebook provided broad policies to moderate election content. Mr. David asks if Mr. Hartwig was trained to promote or censor political content. Mr. Hartwig says he was asked to review President Trump’s State of the Union Address for “hate speech.” Mr. Hartwig says that organizations like “BLM” were not monitored or considered “hate groups.” Mr. Chapman asks if he has any experience regarding Facebook blocking campaign accounts. Mr. Hartwig says he has limited knowledge on how Facebook determines the suspension/blockage of campaign accounts. Mr. Cook asks if Mr. Hartwig has any videos/interviews that are for public view. Mr. Hartwig affirms that he has interviews and material for public disclosure.

Mr. Delligatti states that he must leave at 11:30.

Mr. Cook introduces Dr. Robert Epstein to speak. Dr. Epstein directs the SEC to www.Americasdigitalshield.com, a website that captures/tracks “ephemeral experiences.” Dr. Epstein says that the website includes a monitoring system that collects/tracks content that Google and other platforms send to users. Dr. Epstein says data shows that Google, Bing, and Yahoo shift votes through platform bias. Dr. Epstein says that additional funds are needed to monitor these “ephemeral experiences.”

Mr. Chapman opens the floor for questions. Mr. David asks what “ephemeral experiences” Dr. Epstein’s platform captures. Dr. Epstein says “ephemeral experiences” captured are fleeting messages that are not stored, based on influence. Mr. Kersey asks whether conservatives are not entering optimal searches when searching for presidential candidates. Dr. Epstein says that the platform itself is “taking sides.” Dr. Epstein says, therefore, there’s nothing you can do to counteract the Google’s “go vote” promos targeted to liberal voters. Mr. David asks how companies retrieve party affiliation lists. Dr. Epstein says Google is monitoring information from over 200 platforms, including Fitbit and Nest. Mr. David asks about the peer review process for Mr. Epstein’s research. Dr. Epstein says that the research is submitted to peer reviewed journals and that he has field agents across the county gathering data.

Mr. Cook thanks Mr. Epstein for his time.

Mr. Chapman asks if there’s any other business.

Mr. Cook confirms there is no other business.

Mr. David moves to adjourn.

- Mr. Chapman calls for adjournment at 12:25 pm