

Warner, Klobuchar Urge Zuckerberg to Address Loopholes in Facebook's Ads Transparency Tool

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U.S. Senators Mark Warner (D-VA) and Amy Klobuchar (D-MN) authors of the *Honest Ads Act*, urged Facebook CEO Mark Zuckerberg to address significant apparent loopholes in Facebook's ads transparency tool. Earlier this week, Vice News [published a story](#) about their reporters' experiences in buying political ads on Facebook. The reporters found that while Facebook's transparency tool required them to verify their identification and U.S. addresses before they could buy ads, once they were verified, the reporters were able to post divisive ads and lie about who paid for them. ProPublica also issued a [report](#) detailing how corporations have been able to hide sponsorship of ads on Facebook. While Facebook committed to implementing transparency measures similar to those that the *Honest Ads Act* would require, they are currently failing to carry out the basic disclosure and disclaimer provisions of the legislation. The major gaps existing in Facebook's transparency tool could allow adversaries to exploit the platform with continued disinformation efforts.

“The fact that Facebook’s new security tools allow users to intentionally misidentify who placed political ads is unacceptable. That Facebook is unable to recognize ads connected to a well-established foreign interference operation is also deeply troubling. Both point to a central vulnerability that enable these kinds of ads: Facebook’s failure to utilize human reviewers of the political ads it sells,” the senators wrote. **“Free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements in order to make informed political choices and hold elected officials accountable. However, it is clear that there are significant loopholes with regard to how Facebook sells ads and the process by which disclaimers are applied to political ads.”**

“We strongly urge you to take every step necessary to close these loopholes in the transparency tool.”

Russia attempted to influence the 2016 presidential election by buying and placing political ads on platforms such as Facebook, Twitter, and Google. The content and purchaser(s) of those online advertisements are a mystery to the public because of outdated laws that have failed to keep up with evolving technology. The *Honest Ads Act*, which was also sponsored by the late Senator John McCain (R-AZ), would prevent foreign actors from influencing our elections by ensuring that political ads sold online are covered by the same rules as ads sold on TV, radio, and print.

The *Honest Ads Act* would enhance the integrity of our democracy by improving disclosure requirements for online political advertisements by:

- Amending the Bipartisan Campaign Reform Act of 2002's definition of electioneering communication to include paid Internet and digital advertisements and requiring proper disclaimers on both electioneering communications and issue ads.
- Requiring digital platforms with at least 50,000,000 monthly viewers to maintain a public file of all electioneering communications purchased by a person or group who spends more than \$500.00 total on ads published on their platform. The file would contain a digital copy of the advertisement, a description of the audience the advertisement targets, the number of views generated, the dates and times of publication, the rates charged, and the contact information of the purchaser.
- Requiring online platforms to make all reasonable efforts to ensure that foreign individuals and entities are not purchasing political advertisements in order to influence the American electorate.

The full text of the letter can be found below:

Dear Mr. Zuckerberg:

Reports indicate that Facebook's new security tools allow users to intentionally misidentify who purchases political ads on your platform. We write to express concern about significant apparent loopholes in Facebook's ads transparency tool and to urge you to promptly address this issue.

Americans have a right to know who is behind political ads that are designed to influence our democracy, and platforms like Facebook have a responsibility to ensure that the ads they sell have accurate disclaimers about who paid for them. In multiple appearances before Congress this year, you acknowledged that in the past Facebook did not take a broad enough view of its responsibility and that failure to do so was a mistake. You specifically said,

“Across the board, we have a responsibility to not just build tools, but to make sure that they're used for good.”

We appreciate the work that Facebook has done to implement the Honest Ads Act, our legislation to create transparency and accountability measures for paid online political ads. However, it is increasingly clear that major gaps exist in Facebook's efforts, potentially allowing adversaries to exploit your platform with continued disinformation efforts.

A number of recent news articles demonstrate the shortfalls in your company's existing systems. The New York Times pointed to the shortcomings of Facebook's political disclosure regime on October 17th, reporting that a Congressional candidate was being targeted with anonymous attack ads. In contrast to the terms of the Honest Ads Act, which requires disclosure of information related to the real party in interest associated with a political advertisement, these ads included a disclaimer that read: “Paid for by a freedom loving American Citizen exercising my natural law right, protected by the 1st Amendment and protected by the 2nd amendment.” Subsequently, on October 26th, Vice News published an article titled “Facebook's Ad Tool Lets Us Buy Ads “Paid For” By Mike Pence and ISIS”. The report details that while Facebook's ad tool initially required the reporters to verify their identities and addresses before purchasing ads, it subsequently allowed them to place inaccurate disclosures on the ads – falsely attributing the ad to 3rd parties. Additionally, VICE News employees were able to post verbatim replica copies of ads that have now been identified to be part of a widespread disinformation campaign on the part of Russian government agents during the 2016 election cycle.

On October 30th, Vice News released a second report describing how its employees applied to purchase ads on behalf of each United States Senator, including ads “paid for by” all of the signatories of this letter. Facebook approved the ads despite the fact that they were both fraudulent and in violation of the company's overall terms of service.

The fact Facebook's new security tools allow users to intentionally misidentify who placed political ads is unacceptable. That Facebook is unable to recognize ads connected to a well-established foreign interference operation is also deeply troubling. Both point to a central vulnerability that enable these kinds of ads: Facebook's failure to utilize human reviewers of the political ads it sells.

Free and fair elections require both transparency and accountability which give the public a right to know the true sources of funding for political advertisements in order to make informed political choices and hold elected officials accountable. However, it is clear that there are significant loopholes with regard to how Facebook sells ads and the process by which disclaimers are applied to political ads. You have committed to implementing transparency measures similar to those that the Honest Ads Act would require; however, your company is currently failing to carry out the basic disclosure and disclaimer provisions of the legislation.

We strongly urge you to take every step necessary to close these loopholes in the transparency tool. We appreciate your prompt attention and look forward to continuing to work with you to promote more transparent political advertising.

Sincerely,

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