Submission to the Electoral Matters Committee of the Parliament of Victoria
Inquiry into the impact of social media on elections and electoral administration

How is social media changing elections?

Communications around elections are increasingly digital. Campaigning, advertising, voter education, news consumption, and political discourse take place more and more on online platforms. As of July 2020, there are an estimated four billion active social media users around the world, an increase of 10.5 percent from just a year before and accounting for 51 percent of the total global population (Datareportal, 2020). For many voters, social media has increasingly become their primary source of information, replacing television and other news mediums.

This has had many positive effects. For many candidates and parties, social media has helped level the playing field, allowing them to penetrate wider audiences, expand their target base, and showcase their messages, and at a significantly lower cost than traditional media tools. It provides exposure through innovative, creative formats and applications. Online fundraising has exploded, often enabled by big data and highly targeted. Further, citizens and voters, particularly younger ones, have greater access to political players and new avenues and forums to share their voices and participate. The ability to move campaigns and politicking online has been particularly critical during the COVID-19 pandemic, as social distancing protocols disrupt the traditional physical campaign strategies.

At the same time, social media and online advertising have been at the center of controversy. Along with useful information provided on candidates, platforms, or where to vote, social media has enabled disinformation, hate speech, and toxic polarization. Malign actors, both foreign and domestic, have exploited social media platforms to manipulate voters, foster harmful echo chambers, spread conspiracy theories, and even call for violence. Social media giants, like Facebook, have supported these actors through algorithms designed to exponentially enhance their reach and help them target effectively.

Social media is indeed undermining political and electoral integrity, particularly by eroding the key principle of informed choice. If citizens are unable to decipher accurate information in order to inform their opinions and vote, and are instead directed by disinformation and conspiracies, then leadership will be based on lies. This poses a threat to democratic stability and to the very notion of popular sovereignty.

What problems have we seen with social media and online advertising around elections?

Social media and online manipulation and disinformation represent a significant challenge for governments to align their actions and regulations within international human rights obligations under the International Covenant on Civil and Political Rights (ICCPR). The ICCPR upholds the right to opinions without interference, to freedom of expression, and to make informed and free decisions in elections. While there is some degree of self-regulation among online platforms, International IDEA has identified several potential problems with social media and online advertising through its global work in electoral assistance.

Echo-chambers and the rapid spread of disinformation. Information is increasingly accessed and provided via social media and online platforms, where carefully calibrated algorithms ensure that information is adapted to support, confirm and reinforce users' views and opinions. These echo-chambers, where polarized opinions are further amplified by like-minded peers but also electronic bots, help turn disinformation, conspiracy theories and fake news into the new truths. Disinformation is also found to spread further, faster and more broadly than the truth, in all categories of information. On Twitter, false news stories are 70% more likely to be retweeted and are six times faster at reaching 1500 people than true stories (MIT study 2018). Further, fact-checking efforts can often backfire, strengthening adherence to the original lie (Kolbert, 2017). In such a societal patch-work of echo-chambers, voters are left with no (objective) perspectives of political alternatives, societal developments or current events, thereby increasing polarization and the erosion of trust.

Ambiguous nature and impact of online advertising. In most countries, regulation is non-existent on the type of data a political party might harness online, the nature of messages to be used in a microtargeting campaign, or online activities in general. Many of International IDEA's partners, including regulatory bodies, express a need to better understand the actual impact of online advertising in order to address it. There is also uncertainty about the effectiveness of already existing online regulation: how powerful it is from a regulatory agency's perspective and what limitations and risks it creates from a campaigner's perspective.

Multiple platforms and actors. As the number of social media platforms grows, users of these platforms multiply. These users can campaign for a party or a candidate of their choice on any platform, from anywhere. This can take the shape of Facebook Pages or Groups, WhatsApp Groups or Twitter, TikTok, or Instagram profiles, to name a few. Each social media platform brings a different set of features and means of communication. Some social media platforms are encrypted while others are open; some are based on video, others on picture or text. Additionally, intermediaries such as digital marketing analysts and data brokers are important actors, influencing the nature of campaigning and funding mechanisms. While each of these social media activities has a cost, they are executed and paid for through different means and by different actors. As such, it is difficult, sometimes impossible, to trace such payments to one person or campaigner, which can further encourage clandestine online expenditures that bypass regulators and oversight agencies.

Speed of innovations. Updating a regulatory framework is time-consuming. To succeed, it requires broad political agreement among the main political stakeholders, data on reach and impact of online media, and a detailed understanding of good practices and the political context. Yet, innovative online platforms and campaigns are rapidly evolving. The means, vehicles, and modalities of online advertising will not only continuously change but also change faster than the capacity to develop new legislative frameworks and policy.

Lack of capacity of oversight agencies. Detection and analysis of coordinated attempts to inauthentically manipulate online discourse, including the ability to identify fake and deep-fake news, require very specific knowledge, skills, and access to data. Many oversight agencies currently lack such capacity.

Weak interagency coordination. The effective regulation and oversight of online advertising require an unprecedented degree of coordination and cooperation among different state agencies such as election management bodies (EMBs), anti-corruption units, and data protection agencies. They also require cooperation and engagement with private companies, which are not always physically located in the same country. In most cases, the regulatory framework does not include a clear interagency coordination mechanism even though many agencies are responsible for monitoring social media and online advertising.

What actions have we seen governments take in relation to social media/online advertising and elections? What results have been achieved by these actions?

The following are the developments and trends that International IDEA is seeing in its work with regulatory agencies around the world. Since many of these initiatives were recently adopted, conclusive results of these measures are yet to be determined.

Increasing transparency of online advertising. There has been a broad consensus among European watchdog and expert organizations that more regulation is needed to increase content and financial transparency of online platforms. Demands include a range of measures such as developing better "online advertising libraries" and "universal advertising transparency," which is not limited to political ads (as it is very difficult to define what that is). Other recommendations include "counter speech mechanisms," which allow the targeting of the same group by a range of parties to foster consumption of a diversity of viewpoints and messages. For microtargeting, some advocates demand limiting the complexity of targeting to "a human scale," by using fewer data points, setting minimum target sizes, and limiting the number of messages. Some groups have called for a complete ban of forms of online advertising, like micro-targeting, while others, especially those in more fragile contexts, are worried about extensive regulation being abused to curb political rights.

One example of increasing transparency in online advertising can be found In Canada, where the new Elections Modernization Act stipulates that online platforms, including social networking sites, must track and register partisan and election advertising messages posted on their respective platforms. As a result, Facebook created an advertisement library to capture details of all the political ads on its platform, during the pre-election as well as the campaign period. Twitter also created a registry of all online advertisements during the pre-election period.

Similarly, Argentina´s electoral authority, the Cámara Nacional Electoral, enacted reforms on online political advertisement, which led to the signing of the Digital Ethics Agreement with major social media platforms. As part of the commitment, the national authorities must publish how public campaign funds are spent, including on social media platforms. Additionally, all campaigns are required to register their official social media accounts with the electoral authorities, submit all the advertising materials used for online campaigning, and publish digitally their campaign finance records.

Setting spending limits on online advertising: Given political actors´ increasing spending on online advertising, updating political finance regulations may prove useful to increase accountability and transparency in the use of social media and online advertising. According to International IDEA's Political Finance Database, only five percent of countries around the world have some limitation on

online campaign expenditure. For example, in Romania, expenses for the production and distribution of online electoral campaign materials cannot exceed 30 percent of the campaign's total expenses.

Providing more guidance on data protection: Protection of data, especially with microtargeting, is a key element in the discussion around online regulation. It is another area where regulators, as well as parties, need to develop a better understanding of the efficacy of data protection regulation in limiting the negative effects of online targeting. Data protection regulation can also be problematic if political parties are uncertain about the parameters of what information they can and cannot use. Many European countries and data protection agencies have provided such guidance, for example Belgium, France, Greece, Ireland, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovenia, Spain, Switzerland, Romania, and the UK.

What are the most effective ways to address any problems with social media and online advertising around elections?

It is too early to assess what individual regulatory measures are most effective to combat the ills of social media in elections. However, a holistic approach is more effective than individual measures, for example combining incentives, sanctions, inter-agency cooperation, stakeholder engagement, and civic education ("digital literacy" in this case).

Transparency. Online advertisement registries should include as much information as possible, beyond who posted the ad. Information should include the owner of the ad (legal person/entity responsible), cost of production (including the cost of placement on social media, purchase of images, and other multimedia material), the links to other campaigns by the same agent, and time stamps for the ad (when it was first created, launched, maintained, relaunched, eliminated, etc.).

Currently, in countries where regulations on online political advertisement are put in place, they are limited to paid political ads. However, regulations should also include content from other sources on social media platforms or free websites like Youtube and bots for retweets, shares, likes, and upvote content to promote a candidate or a party. Some draft legislation, for example in Ireland, tries to address this by creating joint liability for complying with transparency requirements for both seller and buyer of online advertising.

Regulations. At the moment, the material posted on social media platforms is considered proprietary to the company and not the user. As such, the onus is on the ´content provider´ (social media company) to police their own platforms. Given the huge amount of data funneled through social media platforms daily, such policing is often limited and reactionary. A regulatory framework that treats social media companies as ´content producers,´ as is already done for broadcast television and radio, and not ´content providers´ could be an important step towards holding social media platforms legally accountable. Additionally, uniform transparency rules for social medial platforms can be useful – at least for political ads – including disclosing detailed data about the targeting criteria, audience reach, and spending. Current self-regulation mechanisms rely on each platform´s goodwill as to how detailed the reports are and also leave room for improving the reliability, consistency, and uniformity of such reports.

Nearly two years of General Data Protection Regulation (GDPR) implementation has drawn some lessons from diverse elections in Europe. In general, it is recommended that targeting is disclosed, lawful, fair, and transparent, and "avoids all types of negative impacts on democracy." For that, all costs and ownership associated with the ad should be known to the viewer. A person seeing an ad should know why s/he is seeing it. Further, the complexity involved in microtargeting should be reduced, for example by limiting the number of different ads and messages that can be run or the criteria that can be used for targeting ads.

Increasing the capacity of oversight agencies and watchdogs to harness data, monitor online activities, and develop better controlling mechanisms is paramount. Data analysis capacity should be prioritized either through interagency cooperation or strengthening in-house units. As online advertising often involves operations and payments from abroad, cross-border coordination with other countries will be important to develop possible measures and create standards of reporting and disclosure.

Election observation organizations, both international and domestic, have an important role to play. While the methodologies for such observation have not been perfected, monitoring organizations have been working to incorporate social media and online campaigning and advertising into their efforts. For example, organizations like the International Society for Free and Fair Elections (ISFED) in Georgia has created an online monitoring tool that tracks hate speech and online attacks against candidates during the campaign period. Further, they have monitored online advertisements and messaging in favor of a candidate or party and reported this to the state auditor body. Beyond elections, watchdog groups also have an important role to play in tracking disinformation narratives, their sources, and target audiences in order to inform counter-efforts.

More research is needed to identify regulatory loopholes. Many of International IDEA's interlocutors have spoken of the importance of an evidence base to better understand the impact of social media on elections, as well as the impact of various regulatory mechanisms, to inform reforms.

Education and resilience. While there are no 'magic bullet' answers or easy solutions, efforts to address the effects of social media on elections and politics must tackle the demand side of the equation as well as the supply. The damaging impact of disinformation and manipulation in elections involves public consumption and belief. Poor civic education and media literacy, limited understanding of journalist due diligence, and lack of personal interest in fact-checking or research have enabled the harmful outcomes of social media. For governments to truly succeed at limiting the damaging effects on democracy, there must be efforts to help inoculate the public against disinformation, build community durability and trust, encourage transparent public debates and foster sound skepticism to misleading narratives and conspiracy theories. This includes the involvement of educational institutions, starting at a young age, and practice of public debate and discourse throughout society. Successful experience from other countries is difficult to grasp and quantify, but evidence indicates that strong, resilient communities with social cohesiveness and activities (girl scouts, libraries, recreation centers), effective safety nets, low corruption, and trusted leadership builds strong antibodies to manipulation (Shaul, Kimhi, 2017).

For Further Reading

Cybersecurity in Elections: Models of Inter-Agency Collaboration

DIGITAL 2020: JULY GLOBAL STATSHOT

Event Overview: Digital Microtargeting – Challenges for European Regulators

Event report: Artificial Intelligence: Mapping priority areas for EU assistance to democratic development

Event Report: Online Political Advertising and Microtargeting: The latest legal, ethical, political and technological evolutions

Political Finance Database: Limits on Online Media Advertising

Political Party Innovation Primer: Digital Microtargeting

Protecting Political Campaigns from Digital Threats

https://www.newyorker.com/magazine/2017/02/27/why-facts-dont-change-our-minds

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