

Inquiry into the Impact of Social Media on Elections and Electoral Administration

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SUBMISSION

Are you interested in appearing before the committee in person to talk about your submission?

Yes

Do you have any additional comments or suggestions?

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Inquiry into the impact of social media on elections and electoral administration

Submission of Evidence from Dr Katharine Dommett, Senior Lecturer in the Public Understanding of Politics,
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This submission of evidence draws on my recent research on the use of digital technology in election campaigns. My expertise focuses largely on the UK case, but in making this submission I have highlighted insights applicable to multiple cases and jurisdictions. I also draw upon my recent experience of serving as Special Advisor to the Democracy and Digital Technology Committee in the House of Lords, which examined a number of issues that overlap with this inquiry.

How is social media changing elections?

Social media has changed elections, but it is important to recognise that it has not revolutionised electoral activity. Much pre-digital activity remains essential, and it is therefore most useful to see social media as supplementing electoral activity. Social media therefore marks the latest evolution in the continually changing nature of elections.

Social media's effect on elections is closely linked to the nature of this technology. Social media facilitates more direct access between campaigners and their audience. By utilising paid or organic forms of social media content, campaigners can direct messages towards, or issues calls for action and engagement without the need to use traditional intermediaries (such as the traditional media). This has potentially beneficial effects by allowing more direct engagement. However, it raises concerns around privacy and data-misuse. This is because, a distinctive feature of social media is the collection and utilisation of data. Most major social media companies collect and sell access to vast amounts of user data, providing a new resources for election campaigners. It is therefore theoretically possible for those active in an election to gather more data than ever before, and to target messages to a particular audience (although it should be noted that evidence of highly segmented microtargeted is limited, and the evidence of effects is also mixed). This has raised a number of urgent questions about electoral manipulation and transparency. What data is it acceptable for campaigners to use? What information do they need to disclose to users? And is it acceptable for data to be sold (and under what conditions)?

Social media also provides a low cost platform where campaigners can directly engage with their target audience. This makes it important to revisit principles of electoral finance and spending to determine if existing principles remain appropriate. In many jurisdictions thresholds for registration and disclosure apply, but social media makes it possible to design and execute a campaign for hundreds as opposed to thousands of pounds, meaning these groups often do not qualify for formal oversight.

Social media has changed the type of connections that can exist between electoral campaigners and citizens, making it easier than previously for connections to be made. It has also placed significant power in the hands of social media companies. These organisations, often based in the US, play a significant role in determining what kind of electoral activity is possible on social media, and what information is available for external scrutiny (to either the public, regulators or researchers).

Collectively, these changes make it vital to revisit established electoral norms around election campaigning activity, to ask whether existing principles of electoral regulation and oversight remain appropriate, whether sufficient means for enforcing these ideas exist, and whether social media companies require regulation.

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

The main problem with the use of online advertising in elections relates to transparency, with associated issues around accountability for problematic practices.

First, it is vital to recognise that the insights we have into online advertising at elections are severely limited. Until 2018, no publicly available advertising archives were provided by social media platforms. The insights we now possess are not available for every social media platform, meaning that there are many platforms we know nothing about. For those that do provide archives, these resources are inconsistent and hence do not provide a complete picture of what is happening on different platforms. For example, Google and Facebook have vastly different definitions of what constitutes a political advert, which means that Google's archive is far less extensive. It is also widely recognised that these archives contain inaccurate and incomplete information, making it exceptionally hard to ascertain what is happening online. My own research has involved interviews with journalists attempting to report on electoral campaigning activity, and showed universal frustration with the inadequacies of these resources.

This lack of data is problematic, but it is not only evident around advertising – there is almost no data available for analysis into unpaid electoral campaign material, or 'organic' campaigning. Social media companies provide very few resources for gathering and analysing this kind of data, meaning we have little insight into what is happening online. It is currently not possible, for example, to study WhatsApp, private messaging or forums unless the company in question grants access for research. This indicates the urgent need for greater data access for researchers, and suggests the need for policy makers to legislate to ensure that information is available.

Turning to the insights that are available through the limited data we have. A key and recurring issue is the lack of transparency. It is very difficult for users to recognise who an advert is from, or what the campaign material intends to achieve. This is because on social media, it is possible for a far wider range of actors to use this technology and create campaign material. Whereas historically such actions would have been the preserve of well resourced, recognisable and accountable actors, on social media new organisations can be created and issue material at the touch of a button. This has the potential for election campaigners to engage in dubious activities. In the UK case, we have seen examples of new, unidentifiable organisations being created by individuals with close links to political parties, and issuing controversial campaigning material (for example, 3rd Party Ltd). At present, citizens and researchers find it hard to identify who is behind these materials. The only insight that is provided is gathered through the information that different social media companies deem to be necessary as part of the registration/ advertising process.

Related to the above phenomena, the lack of transparency and low cost of social media makes it exceptionally hard to establish and enforce existing accountability mechanisms. When campaign accounts can be created and then abandoned after an election there are few disincentives for problematic practices. It is also challenging for regulators and policy makers to identify and hold those responsible to account. Established electoral principles are therefore exceedingly challenging to enforce online.

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

Internationally, governments have taken limited action on social media. Some countries have banned online microtargeting or advertising altogether, but most have permitted this activity. Whilst there have been calls for regulation, little action has been taken to date.

Most action so far has been initiated by the larger social media companies. Facebook now requires all advertisers to register and go through an approval process to create an account, and there is a requirements for disclosures on all advertising material. The company also upholds a code of practice for advertising content that has led to some adverts being prohibited. These examples demonstrate the considerable power of social media companies. These requirements have been developed largely without policy maker consultation, and are enforced unevenly in different jurisdictions. They are also not required for all platforms.

In regards to disclosures on adverts required on Facebook, this intervention has helped to improve transparency around who is advertising and who is paying for an advert. There have been calls in the UK for all campaign material online to carry this form of digital imprint. This policy is currently being implemented by the UK Government who are conducting a technical consultation. Whilst a positive step, there is a need to identify which form of information is required/ necessary in order to help citizens understand the identity/ intention of a piece of campaign material. There is need to determine which precise forms of information are most effective in securing desired outcomes.

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

First, there is a need for more transparency. This involves policy makers securing access for researchers and regulators to information about what is happening online at elections. This needs to be done across platforms, with a consistent set of disclosure criteria to ensure comparability.

Second, digital imprints need to be designed and applied to all online campaigning material to ensure that citizens can identify who is advertising online.

Third, increased attention needs to be given to the use and sale of data for electoral purposes. In the EU context, an exception in the GDPR allows the use of personal data without direct consent. It is important to test and discuss this principle to determine whether and how personal data can be used for electoral purposes, and under what conditions. This involves considering the value and regulation of data collected outside the election period, recognising data to be a resource that can be mobilised in elections.

Fourth, accountability measures need to be reassessed and tested. This involves looking at thresholds for requiring campaigners to register (are they too high for the digital era), at disclosures of campaigner identity, fines and reporting timelines. Currently there are few disincentives to problematic practices, so revising existing laws is essential for assessing problems.

Other reflections

One further question asked by the inquiry is whether truth should be required in political advertising. This is a highly problematic line of action. Politics is not a matter of true or false, it is a realm of competing ideas and claims. Legislating for truth and arbitrating between such claims is a highly political task that is unlikely to be seen as legitimate, and which any regulator would be unwilling to perform. It is instead essential to provide information for citizens to judge for themselves the validity and evidence for a claim. This involves increased transparency, public awareness campaigns and lifelong civic education programmes.