Submission to Victoria EMC Inquiry into the Impact of Social Media on Elections and Electoral Administration

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*How is social media changing elections?

The effect of social media on politics, and by extension elections, is both direct and indirect. The tactical use of information to shift public perceptions, even if only a segment of the public, has been witnessed for some time now, most notably in 2016 in the US, but also Britain during the Brexit vote in the same year, elections in Brazil and Italy in 2018. The use of Facebook messaging to drive up fears for Labor voters in the 2019 Federal Election provides an example of a more targeted domestic political campaign (1). More recently, what appear to be fringe activists have promoted Twitter hashtags critical of the Victorian government's response to the coronavirus outbreak. What these campaigns have in common is the use of data to deceive or coerce voters in their perceptions and decision-making, rather than using data to make an open appeal on the basis of frank communication.

The indirect effects of social media on elections are just as troubling if not more for a democracy: the polarisation and in some cases, radicalisation of debate. Algorithms used by the platforms reward controversy, disagreement and spectacle. As Virginia Commonwealth University professor David Golumbia observes: "Social media incentivises users to engage with 'hot' and emotional topics…In many ways the whole point is to bypass the cooler, more rational parts of our minds."(2)

Speaking in extreme terms makes oneself more visible on many Silicon Valley-domiciled platforms. The ability for voters to apply reason to public issues, which is a driving force of democracy, is often drowned out by sensationalist noise on social media. So there is a structural boost to politics from the fringes, and away from the broad centre of consensus. This is a contributing factor to the derangement of US politics. Even in Australia's stable democratic system, this can mean that ephemeral controversies have a structural advantage compared to more dispassionate, more abstract, but more important policy discussions. We only need to look at politics in the US, UK, Brazil and Italy to see this effect.

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

One of the biggest issues with social media advertising is the political effect of hyper-personalisation. The technological possibilities of social media advertising outpace our ability to acquire a whole, useful picture of our political society. For example, if a campaign fields many separate discrete ads aimed at a voter's unique social media profile, it will tap as many different motivations for voting for a particular candidate or party. If the party or candidate wins, it may be hard to discern a set of coherent motivations of voters, making the future path of action for the winning political party muddled. Thomas Borwick, the chief technology officer for Vote Leave campaign during Brexit

estimated an election in a country of 20 million people required 70 to 80 types of targeted messages on social media. Such micro targeting, according to author Peter Pomerantsev "is not "a sign of 'the people' coming together in a great groundswell of unity, but a consequence of 'the people' being more fractured than ever"."(2) The personalisation of social media helping to further divide the electorate appears to be a defining trend. The aftermath of the Brexit referendums showed the motives for British voters electing to leave the EU remained obscured and unclear – and in fact divided the Conservative Party in the subsequent years. Since then, Facebook has blocked psychographic profiling apps (like those created by Cambridge Analytical). However, even with psychographic profiling apps blocked, the point of social media is for it to personalise experience and views of the world. So there is an inherent contradiction between the need for consensus in democracy, and the ability to personalise experience and information online. This is what we can see on Silicon Valley-based social media. China-linked social media has a broader effect of eliding global conversations. To date, analysis from ASPI, for example, suggests Chinese platforms WeChat and TikTok selectively censor or moderate terms that are found to be politically incorrect for the jurisdiction the company operates in. This could present a challenge for the integrity of information available at election time, slowly bifurcating the public's shared political reality.

* What actions have you seen governments take in relation to social media/online?

In 2018, Germany enacted a law that required platforms to remove any illegal material on sites within 24 hours. The law could also impose fines for individuals and companies who fail to adhere to the rule. To date, the law, known as the Network Enforcement Act has not created a wave of censorship, as was feared by critics. The EU has passed similar legislation aimed at terror related social media. The Federal government last year outlawed "abhorrent violent material" from platforms with fines for the companies and even jail for executives who fail to remove it rapidly from platforms. These efforts are aimed at the most extreme abuses of social media platforms but lacked a broader, more systematic guiding regulation on social media. Part of the reluctance of democratic governments to impose more stringent regulation is from a concern with unnecessarily restricting speech, inhibiting innovation, or being seen as taking a partisan action. Often misinformation is in the eye of the beholder. If political misinformation is taken down by Facebook, there is a perception among some politicians and pundits that their views are being "censored". The issue of enforcement becomes a political public relations issue for the company. The ubiquity of social media use and experience makes this inevitable. For government regulation, perhaps, the goal should not be specific enforcement of specific rules on content but, an outcome-based approach. As I argued in *The Age:* There is a fundamental confusion over the aims of news and social media. News, vetted, verified, and fact-checked before publication gives us an accounting of the world that orders our reality and appeals to our reasoning mind….Social media personalises our experience of the world, appealing to our emotions in the process." (3) If social media in general is toxic for a sensible political debate, maybe the regulatory goal should be a "conscious uncoupling" of the political information flows from social media. Perhaps, the goal should be for the state to ensure there is a centralised place for political discussion that allows an understandable, inclusive, non-coercive, non-deceptive debate and vote. While this may be more ambitious than the piecemeal approach we've seen to date, it would, for democratic government, establish a shared goal for which government, representing its citizens, can act.

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

Requiring transparency in online advertising would be helpful, giving the public the ability to make sense of messages linked to political campaigns. Advertising black outs ahead of elections could also be helpful. (Facebook recently announced they would ban election advertising 7 days ahead of the US election in November and could consider doing the same in Australia.)

The outcome of the ACCC's News Media Bargaining Code, currently being negotiated, could give an indication of further avenues for state and federal government with regard to regulation of social media companies around political matters.

Many of these companies occupy monopoly positions and have little incentive to cooperate with government. They grew so large and powerful so quickly, they are unfamiliar with an effective regulatory regime. Until recently, the regulation of these companies in their own country was so light, a culture of permissive experimentation developed that was oblivious to the requirements of democratic society. For cultural reasons, the US companies saw themselves as legitimately shaping the rules that they needed to live by. Moreover, many of the advocacy groups around them embraced a similar "hands-off" view of technological governance, which itself reflected the Silicon Valley ethos.

This appears to be evolving. The Federal Government has a role in this process. The outcome of the ACCC's News Media Bargaining Code is likely to be watched internationally, providing an example for other governments to learn from.

Companies such as Twitter and Google have taken steps to label political ads, clearly identify candidates' accounts and accounts linked to government. They are taking tentative steps to at least make democratic exchanges easier on the platform.

I urge the state government to set the goal for social media platforms that, in political matters, supports the broad goals of a democracy, and then to work backwards from that goal, toward specific reforms sought by the state. Politicians, too, must refrain from abusing the tools of social media to deceive, confuse or coerce voters, all of which clashes with the notion of freedom inherent in democracy.

1) https://www.theguardian.com/australia-news/2019/jun/08/it-felt-like-a-big-tide-how-the-death-tax-lie-infected-australias-election-campaign
2) https://www.theage.com.au/world/oceania/making-good-on-facebook-s-threat-to-australia-20200914-p55vb7.html
3) https://www.newstatesman.com/culture/books/2019/08/facebook-vote-leave-how-we-entered-war-against-reality
4) https://www.theage.com.au/world/oceania/making-good-on-facebook-s-threat-to-australia-20200914-p55vb7.html