

DIGITAL CAMPAIGN

In human rights and constitutional law, freedom of expression is fundamental, and political speech is the most protected form of speech. But political communication during election periods has long been subject to various forms of regulation. Most member states of the Council of Europe have rules on paid Political campaigning such as limits on electoral campaign spending, on the amount of airtime that can be purchased for campaigning, on contributions of individuals, corporations or foreign entities, etc. A number of member states maintain bans on paid Political campaigning on television and radio, which are mostly balanced by free airtime in which political parties can present their programmes. The aim of these rules is to maintain the integrity, fairness and legitimacy of the election process and its outcome, and guard against the possibility that private interests and powerful minorities can control outcomes through collusion between media and politicians, or the buying of influence over public opinion. These rules are contained in election law, broadcasting law and self-regulatory codes and are also reflected in international human rights standards that require that rules are necessary and proportionate.

Political campaigning on social media platforms, search engines and video portals is largely governed by rules made for TV and radio, by corporate rules or no rules at all. This has left the door open for political advertisers and digital ad platforms to not only adapt tried-and-true campaign strategies to the online sphere, but also to come up with novel data-driven approaches to voter communication. Online promotions allows campaigns to reach out to voters at a lower price and much more narrowly, yet also at a much larger scale, than offline. Large organizations and small campaigns, well-known incumbents and upstart candidates alike appreciate and rely on these advertising services provided by big tech companies. Ads are not only or even primarily used to persuade voters from other parties to switch allegiance, but to create visibility for causes, to mobilize voters, to gain new members, to gather people's personal information for campaign databases and to drive volunteering and donating.

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The internet is also a useful platform for political parties to present their agenda to the electorate and to mobilise a larger support base for their causes. The cost of communicating

with voters can be substantially lower via this medium than via broadcast media, given the availability of free blog and video sharing platforms and social media. Small political parties with limited resources and independent candidates in particular can benefit from this type of communication.

However, the changes in the production and consumption of election-related content also raise a number of concerns. In recent years, a growing number of researchers have raised questions about the potential impact of the internet, especially social media, on electoral choices. In the abovementioned poll social media platforms have been found, especially among the young population, to have a considerable impact. 34% of 18-34s thought that information they read on social media would influence their vote. The general population expressed less trust in social media; only one in five Britons (19%) was found to have more trust in political information available on social media platforms than that they read in newspapers.

This feasibility study sets out the principles and institutions of campaign regulation and discusses the implications of different ways in which the internet has changed political campaigning, be it with regard to paid advertising, the use of social media by the politicians to present and discuss their programmes, the weakened gatekeeping capacities of media and authorities with regard to electoral messages, the collection and processing of the voters' personal data for election purposes, etc.

While online campaigns can be helpful for political discussions and voter empowerment, certain risks also emerge: Parties and other advertisers can know much more about voters than before, without these voters realizing they are being profiled. They can segment the voting population much more narrowly, with the behavioural data collected by platforms and made available to the advertisers. The sheer number of ads alone allows wealthy campaigners to crowd out other voices and distort debates. At this volume, outside observers such as journalists and researchers find it hard to keep track and call out potentially discriminatory ad campaigns. It is relatively cheap and easy to engage in negative campaigning and to pay to spread disinformation at scale. While unpaid content on social media and messengers is likely the main driver for disinformation, paid content containing disinformation can still be shared and widely circulated long after the ad budget has been depleted.

Distinction between Social Media Political Campaign and Traditional Political Campaign

	Online platform advertising	Traditional offline advertising
Type of delivery	Algorithmic ad delivery carried out by platforms' artificial intelligence (AI) (advertisers have no influence over this) Advertisers often buy engagement-driven ad "outcomes" such as clicks or website visits	Ad delivery carried out by editors and/or automated systems Advertisers usually buy ad "space" like airtime or a page in a paper
Targeting options	Granular behavioural targeting: Ads are shown to users based on their (supposed) behaviour, gleaned from their browsing history, which is used to make assessments of their attitudes, likes, dislikes and, ultimately, identity traits	Contextual targeting: Ads are shown to users based on what they are looking at, for example, a campaign could place ads in a fashion magazine for young people to target potential first-time voters
Feedback options	Instantaneous interaction with/among voters possible	No immediate voter feedback possible

	Ad campaigns can be used as a sort of live polling opportunity to figure out what grabs people's attention (often without voters' knowledge)	
Scale and reach	Large audiences (for big platforms)	Large audiences (for TV)
	Cheap and fast	Expensive and slow
	Usually not part of an editorial offer	Often part of an editorial offer
Oversight	Mostly self-regulation	Clear regulation (for broadcasting)
		Self-regulation with ethics body (for print)

Cons of Digital Campaigning

Broadcasting Regulation: Previously, broadcasting regulation such as advertising restrictions and impartiality obligations could help ensure a level playing field for political debate. As political campaigns move online effectiveness of these regimes declines.

Spending: Campaign finance controls seek to limit the role of money in electoral outcomes. But existing regulations limiting this advertising spend are no longer effective due to a shift in balance between local and national spending, and because detailed quotas do not effectively record online spend. Rules vary by country and according to local market conditions, but it is clear that campaign spending limits will need recalibration.

Targeting: Targeting of key messages to key demographics raises new challenges for individual autonomy and deliberation. On one hand individual citizens' autonomy may be undermined by a lack of impartial information and on the other, entire demographic groups or regional interests may be excluded from political deliberation.

New Actors in the Electoral Process: Intermediaries adopt powerful new gatekeeper positions that enable them to influence the outcome of electoral processes. Search engines, seen as trustworthy by a majority, have the potential to influence the electorate's attention and voting preferences. Epstein and Robertson have highlighted the "search engine manipulation effect", showing that a biased search engine result ranking can shift undecided voters towards one candidate. It is argued that such an effect is particularly relevant for elections with a limited number of closely ranked candidates. Diakopoulos has demonstrated the potentially powerful implications of display of search results. This could lead to new forms of corruption and manipulation that are not captured by existing rules that focus mainly on broadcasting and that cross jurisdiction boundaries.

Truth and Misleading Statements: Disintermediation of political campaigning undermines traditional filters based on journalism values of truth, fact-checking and separation of opinion from fact. This has weakened the effectiveness of the traditional rules governing false and misleading claims.

Representation of Public Opinion (silence periods): Most democracies have rules governing publication of opinion polls, and campaigning on election day and in a specified period before. These have come under scrutiny because of the difficulty of enforcing them online.

Transparency: Public scrutiny of campaigns has been enabled by a number of rules obliging campaigners to be transparent about funding and origin of campaign communications: These include the obligation to note the printer and funder of leaflets. These are difficult to impose online.