TASC Submission on Online Political Advertising in Ireland

Main Recommendations:

1. Make political advert registration lists mandatory for social media companies
2. Require that all adverts be purchased by entities with Irish addresses
3. Stipulate that funders be legibly identified on each ad
4. Require that popular political memes and misinformation be contextualised
5. Place limits on the hyper-targeting of political ads
6. Implement a 72-hour moratorium on advertising in advance of a vote

TASC's Relevant Research:

TASC is placing a renewed focus on strengthening Irish democracy in the digital age. For example, TASC conducted the first-ever Democratic Audit of Ireland in 2012, produced a Toolkit for OpenGovernment that civil society can use to engage with policy makers, and is currently writing an e-book on best practices for deliberative democratic forums by using the Irish Citizens Assembly as a case study.

Given our expertise in the field of democracy and citizen engagement, we believe that responsible regulation of online political advertising is crucial to securing Ireland's democratic future. Until now, Ireland has avoided many of the anti-immigrant, nationalist and anti-democratic movements roiling much of Europe, but it should not let its guard down. As professors David Farrell and Bryan Fanning recently wrote in an *Irish Times* opinion article, "We should not assume that Ireland will escape the rising tide of populism without pre-emptive action."[1] TASC believes

[1] Fanning, Bryan. Farrell, D. 'Ireland cannot e complacent about populism'. *Irish Times*.

that responsible regulation of online advertising is one such pre-emptive move, as it will limit the ability of foreign actors, misinformation and unfair advertising practices to influence Irish democracy.

I. Background

Online political advertising, or at least the type of online advertising that can substantially influence elections, is a relatively new phenomenon. The 2008 Obama campaign in the United States was the first major political movement to leverage the power of the internet to win a major election.[2] In the last ten years, the importance of online advertising spread to Europe and beyond. In fact, political advertising via social media has become synonymous with the disruption of the political status quo and with bringing political voice to marginalised groups, having been credited with giving rise to extreme political movements such as the Alternative for Germany, Britain First and the National Front.[3]

At face value, online advertising is a boon to democracy—a tool that can connect diverse political ideologies with like-minded citizens. And perhaps in a responsibly regulated communications environment, this could be true. However, the heretofore adopted 'self regulatory' regime for social media companies has already led to possibly irreparable damage in other democracies. A recent Pew Research study found that social media had been used to compromise elections in at least 18 countries in 2017.[4]

As of yet, Irish elections have not been notably compromised (as far as we know) by such political adverts. The most-studied campaign in this respect was the vote to Repeal the 8th. According to a 2018 *Foreign Policy* article titled, "How Ireland Beat the Dark Ads", foreign political ads (most from anti-abortion campaigners in the United States) had little to no effect on the vote outcome.[5] The authors attributed this resiliance to the overlapping efforts of special interest groups such as the Transparent Referendum Initiative (TRI), investigative reporters and the ad-blocking tool, Repeal Shield. While voters should be proud that the integrity of that referendum was not compromised, they should be less happy that a hodgepodge of actors was forced to fill the government policy vacuum. At a time in which the digital world increasingly shapes real-world events, Ireland's immunity to electoral

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[2] Smith, Aaron. 'The internet's role in campaign 2008'. *Pew Internet*. http://www.pewinternet.org/2009/04/15/the-internets-role-in-campaign-2008/

[3] Dixon-Kavanaugh, Shane. Europe's radical right is flourishing on social media. *Voactive*. https://www.vocativ.com/347806/europes-radical-right-is-flourishing-on-social-media/index.html.

[4] 'Last year social media was used to influence at least 18 elections'. *MIT Technology Review*. https://www.technologyreview.com/the-download/609478/last-year-social-media-was-used-to-influence-elections-in-at-least-18-countries/

[5] Lavin, Rachel, Adorjani R. 'How Ireland Beat the Dark Ads'. *Foreign Policy*. https://foreignpolicy.com/2018/06/01/abortion-referendum-how-ireland-resisted-bad-behaviour-online/

influence could very well run out. With both Irish Presidential and European Parliament elections in 2019, the time is now to devise a workable and fair regulatory regime that can strengthen democracy while ensuring freedom of political speech.

II. Issues to Address

a) Lack of Transparency

The provided paper rightly pointed out there is a crisis of transparency in online political advertising. The most critical problem is that most online platforms keep no records of who purchases political adverts and where those people or organisations are based. In a positive step, Facebook has begun to keep records of political adverts in the United States but has yet to expand this initiative worldwide. This record keeping is welcome and the Irish government should lobby to have this system implemented here well in advance of next year's elections.

We believe Facebook's new policy is a step in the right direction and that similar plans should be implemented for all social media platforms that sell advertising. Because every platform is unique, many elements can remain at the discretion of the company. However, any record-keeping framework should have three basic elements: Verified identity for each funder, a physical address in Ireland and a visible identification marker on the ad itself.

b) Funding

According to Irish law, political campaign donations that exceed 100 euros must be registered with the Standards in Public Office Commission (SIPO). According to a SIPO study, however, nearly 40 per cent of qualifying Facebook ads went unregistered during the Repeal the 8th referendum.[6] As part of the record-keeping process, social media companies should be required to keep running tallies of monies spent by each ad purchaser. Once a purchaser reaches the 100-euro threshold, their ability to publish ads should be withheld until they register with SIPO.

c) International Election Influencing

As the discussion paper pointed out, foreign influence in domestic elections is of increasing concern for democracies. As noted above, anti-abortion groups in the U.S heavily targeted the Repeal the 8th referendum. After journalist Gavin

[6] Ibid.

Sheridan wrote in *The Guardian* about Facebook's role in this phenomenon,[7] Facebook banned all foreign ads related to the referendum.[8] Facebook certainly made the right decision to block international ads, but it remains that they should not have been legal from the beginning. Therefore, we recommend that all social media companies be required to verify that political ad purchasers are located in Ireland.

d) Hyper-targeting of Ads

One way in which online advertising significantly differs from offline is through the use of audience targeting. It is now common knowledge that social media companies have amassed large amounts of demographic and behavioral data from their users. What is less understood is how this vast amount of data is being used to strategically target those users, especially through political messaging.

The recent Cambridge Analytica scandal brought widespread attention to the ability of hyper-targeting to influence elections.[9] According to Jurgen Habermas, the public sphere, an area in which societal issues can be debated and voters are exposed to diverse opinions and perspectives, is a crucial requirement for healthy democracy.[10] In a hyper-targeted environment where ad buyers can target users based on data points as diverse as income and AI-generated predictions of future behaviour[11], social media platforms become less public marketplace of ideas and more direct delivery service. TASC believes this hyper-targeting, while helpful for retailers, is damaging to democracy because it contributes to information silos and invites psychological manipulation of voters. Therefore, we recommend that the ability of political advertisers to target their audiences be limited to only a few general data points, such as geographical area and age.

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[7] Sheridan, Gavin. 'Ireland can agree on this: the abortion referendum is not up to Mark Zuckerberg'. *The Guardian*. https://www.theguardian.com/commentisfree/2018/may/13/ireland-abortion-mark-zuckerberg-referendum

[8] Facebook bans foreign ads in Ireland abortion referendum'. *AP.* https://www.apnews.com/2b06e2406b5c47ee996a1dbdaf5e1fa9

[9] Rutledge, Pamela. 'How Cambridge Analytica mined data for voter influence'. *Psychology Today*. https://www.psychologytoday.com/us/blog/positively-media/201803/how-cambridge-analytica-mined-data-voter-influence

[10] Habermas, Jurgen, Lennox, S., Lennox, F. (1964). 'The Public Sphere: An Encyclopedia Article'. *Duke University Press*. DOI: 10.2307/487737

[11] Biddle, Sam. 'Facebook uses artificial intelligence to predict your future actions for advertisers, confidential document says'. *The Intercept*. https://theintercept.com/2018/04/13/facebook-advertising-data-artificial-intelligence-ai/

e) Memes and Misinformation

Memes and news stories that propagate falsehoods about political parties and candidates are, for all intents and purposes, free political advertising. When describing what the real concern over political misinformation should be placed, Alfred NG a journalist for *CNET,* put it bluntly "it's the memes, stupid".[12] Memes, which are often graphics embedded with catchy sayings in big block letters (see political meme example below), are much more likely to go viral than paid political advertising and thus to significantly influence on voter opinions.[13] Moreover, many memes are not simply extensions individual users' concerns but propaganda produced by organisations or networks with political aims. For example, a covert Iranian misinformation campaign recently targeted progressive voters in the United States. Speaking on the issue, Ben Nimmo of the Atlantic Council's Digital Forensic Research Lab highlighted the ease with which anyone can create such content (paid or unpaid): "All you need is an internet connection and the ability to speak English."[14]

Similarly, longer-form 'fake' news stories often perpetuate false claims about political candidates and election issues. False news sources are can be difficult to differentiate from factual reporting because creators go to great lengths to mimic traditional news websites. For example, fake news creators have re-created 'real' American news homepages almost pixel by pixel.[15] This is yet another example of how false news stories that are not disseminated through paid advertising can still influence voters' opinions.

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[12] NG, Alfred. 'Facebook's Real Problem: It's the Memes, Stupid'. *CNET*. https://www.cnet.com/news/mark-zuckerberg-facebook-and-fake-news-its-the-memes-stupid/

[13] Heiskanen, Benita. "Meme-ing Electoral Participation. *European Journal of American Studies*. https://journals.openedition.org/ejas/12158

[14] Guynn, Jessica. 'These are the liberal memes Iran used to target Americans on Facebook". *USA Today*. https://www.usatoday.com/story/tech/news/2018/08/24/how-iran-targeted-u-s-facebook-youtube-and-twitter-liberal-memes/1079882002/

[15] 'Don't get fooled by these fake news sites'. *CBS News*. https://www.cbsnews.com/pictures/dont-get-fooled-by-these-fake-news-sites/3/

We believe that registration of all unpaid political content is unworkable and could quickly lead to limits on free speech. Instead, we suggest that social media companies increase their fact-checking initiatives during elections.[16] Facebook recently launched a program in which it partners with fact-checking organisations to identify false news stories. Once independent checkers flag a story as false, the Facebook algorithm provides related factual stories to give the viewer with more context.[17] We argue that all political content, even memes, should be subject to this process. These fact-checking tools could be triggered, for example, after a meme receives 10,000 shares or by automatic searches for hot-button political terms. Once a meme or news item is flagged, its geographical origin should also be investigated, and it should removed if from an international source.

Conclusion

TASC welcomes the establishment of an Open Policy Forum on online political advertising. The threat to democracy from international actors, misinformation and hyper-targeting of voters is simply too high to ignore. TASC also commends recent proposals, such as TD James Lawless's 'Online Advertising and Social Media (Transparency) Bill (2017). Similar to our recommendations, this legislation calls for systematic registration of political ad buyers, however, it does not address more complicated issues such as non-paid content and hyper-targeting of voters. In many ways, the registration of political advertisers and the enforcement of campaign funding laws are low-hanging fruit. TASC believes that the most substantial threat to Irish democracy are issues (d) and (e) above. We certainly acknowledge that regulating un-paid political content will be complicated and could post a threat to freedom of speech. However, we believe that responsible regulation can address these more complicated problems while protecting Irish citizens' freedom and democracy.

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[16] Shu, Catherine. 'Facebook will ditch disputed flags on fake news and display links to trustworthy articles instead'. *Tech Crunch*. https://techcrunch.com/2017/12/20/facebook-will-ditch-disputed-flags-on-fake-news-and-display-links-to-trustworthy-articles-instead/

[17] Lyons, Tess. 'Hard questions: how is Facebook's fact-checking program working?'. *Facebook News*. https://newsroom.fb.com/news/2018/06/hard-questions-fact-checking/