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Social media power and election legitimacy

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Introduction: social media, platform dominance and electoral legitimacy

Debate about the internet and democracy has evolved from starry eyed hope (Rheingold 1995; Tambini 1998); through critical realism (Zittrain 2008; Howard 2006; Sunstein 2001) to despair (Barocas 2012; Morozov 2011; Kreiss 2012). Recent elections have called into question the promise of the internet to provide expanding resources for information and deliberation (Tambini 2000). Growing numbers of commentators argue that the internet agora has been displaced by the monopolised internet of 'surveillance capitalism' in which a small number of immensely powerful platform companies (Zuboff 2015) provide integrated services of targeted propaganda and misinformation undermining campaignfairness by rewarding richer campaigns and those that are increasingly able to bypass existing regulatory frameworks. In recent elections, data driven campaigns, supported by surveillance technologies that game privacy protection to profile voters and target their weaknesses have been widely criticised. (Barocas 2012; Kreiss 2012; Howard and Kreiss 2009; Tambini et al. 2017). Some, including Epstein (this volume) go so far as to claim that powerful intermediaries such as Google and Facebook can and do influence the outcome of elections.

At the same time, the shock results of votes in the UK Referendum and US elections led in 2016 to widespread questioning of the role of social media, which was seen as responsible for distributing fake news (Allcott and Gentzkow 2017; Tambini 2017); using manipulative psychometric profiling (Cadwalladr 2017); undermining authoritative journalism (Bell, this volume; Allcott and Gentzkow 2017, 211) and ultimately the fairness and transparency of elections.

This chapter examines the charge against the social media in recent elections, with a focus on the question of dominance: whether the dominance of a few platforms in political campaigning – and particularly Facebook – is undermining electoral legitimacy. The focus will be on the UK, which has particularly high levels of online and Facebook use, and the Referendum in 2016 and General Election in 2017 which offer useful contrasting examples of recent campaigns. This chapter draws on interviews conducted with campaigners on the state of the art in targeted campaigning during the RReferendum in 2016, and a study of online ads used in the 2017 election conducted in collaboration with the grassroots group *Who Targets Me*.

Media and electoral legitimacy: the framework

The Council of Europe, the UN and other international organisations with mandates to protect and promote human rights have underlined the fundamental importance of freedom of expression to democracy and free and fair elections. They nonetheless agree that some limited regulation of speech is necessary and justified in order to protect democracy (Council of Europe 2003; Parliamentary Assembly of the Council of Europe 2001). A number of national and international institutions exist to enforce rules to prevent media and communications institutions undermining the legitimacy and integrity of elections and referenda. On the

international level, inter-governmental organisations such as the OSCE, the Council of Europe, the European Union, and the UN operate election monitoring projects to ensure free and fair elections. The issue of media influence on elections, and government capture of media have become increasingly important for these monitoring missions.

OSCE member states must commit to secure free and fair elections, and in particular: “[e]nsure that political campaigning can be conducted in an open and fair atmosphere without administrative action, violence, intimidation or fear of retribution against candidates, parties or voters; (and) [e]nsure unimpeded media access on a non-discriminatory basis” (OSCE 2010, 18).

These and the other commitments contained in the OSCE election guidelines and similar documents such as the Venice Commission (2010) guidelines have led to the development of sophisticated tools for monitoring mass media during elections. According to the OSCE website,

> Election observation missions examine the coverage given to candidates in both state and privately owned media. Beyond parties and candidates themselves, the media are the most important source of election-related information for the public. Their ability to function freely and independently is essential to a democratic election. (…) An observation mission also assesses media laws, the performance of regulatory bodies, and whether media-related complaints are handled fairly and efficiently.

According to Rasto Kuzel, OSCE Election media analyst, "media-monitoring projects can provide the general public with benchmarks to judge the fairness of the entire election process. This function is vital even in those countries that have a long-term tradition of freedom of speech and freedom of the media" (cited in OSCE 2017a). There have been instances in the past where elections have been scathingly criticised because of the media environment. The

OSCE report on the 2015 Tajikistan elections for example, was critical of a lack of coverage of opposition parties in both state and private media (OSCE 2015, 18).

In 2017, the OSCE conducted a monitoring mission to cover UK elections, as they had done in 2015. But for the first time they added a specific media component to observe the role of key media companies in the election (OSCE 2017b).[1] A full election monitoring Mission of the OSCE according to the guidelines, now includes monitoring of national media to examine evidence of systematic bias or exclusion. A key component of this is ensuring that the media are free and there is proper protection for freedom of expression, but guidance is clear that liberty is not enough: it is also necessary to ensure that media are not captured by special interests, or systematically biased against groups or interests, and that international standards such as those of the UN and the ODIHR and the Council of Europe are respected.

Domestically, national election laws, media regulation and campaign finance rules have been adapted to protect elections from the potential threat that mass media propaganda may pose, and in particular to ensure that elections are fair, clean and transparent. Election laws establish limits to spending and/or donations to election campaigns, which are defined as printing, distribution and production of campaign messages, largely through the media. The UK meets its international obligations to hold free and fair elections by implementing the Representation of the People Act 1983.

Media regulation provides for regulation of impartiality/balance in broadcasting, and competition and pluralism in media systems as a whole. So for example, in addition to UK broadcasters' general requirements to broadcast news that is impartial "in matters of political and industrial controversy" they have specific duties during election periods: "Due weight must

[1] A list of election monitoring organisations can be found on the website of the Ace Project, a UN endorsed monitoring organisation (Ace Project 2017).

be given to the coverage of major parties during the election period. Broadcasters must also consider giving appropriate coverage to other parties and independent candidates with significant views and perspectives."[2] UK media regulator Ofcom bases its assessment of what is a major party on previous electoral performance, but is likely in the future to delegate some of these decisions to broadcasters who will remain bound by their general duties of impartiality.

Whilst the overall objectives of election law and monitoring are similar in mature democracies (to make sure elections are free, fair and transparent), means vary. Most countries control spending or donations, provide free but rationed political advertising on TV, and operate strict transparency and disclosure rules for parties and campaigns. And during the past 50 years in which broadcasting, most recently TV, has been the dominant medium, broadcasters have been subject to strict obligations to ensure that their potential to influence an election is controlled. Not only do most – at least in Europe – have balance and impartiality obligations, their role in political advertising is also regulated. For example, many democracies, including the UK, France Spain, Denmark and Ireland operate complete bans on political advertising on TV (see Tambini et al. 2017; Holz-Bacha and Kaid 2006; Falguera, Jones, and Ohman 2014; see also Piccio 2016).

The social construction of election legitimacy

Despite these national and international standards, 'electoral legitimacy' is not a legal concept. International organisations do not inspect elections to make sure they conform to the rules, and blacklist those that don't. Rather it is a social construct (Suchmann 1995). Election monitors generally write descriptive reports on elections rather than unequivocal endorsements or

[2] The UK Communications Regulator Ofcom operates a specific code that broadcast licensees must adhere to during election periods. See Ofcom (2017b).

condemnation. The absence of legitimacy is generally signalled not only by statements of international organisations and monitors, but by low turnout, protest, violence, system crisis and the withdrawal of consent (see also Mackinnon 2012, 12). However, it is also the case that non-democratic systems and authoritarian pseudo democracies can also be highly legitimate in the eyes of their populations, in part because of the lack of an independent media. In systems of 'competitive authoritarianism' open elections may be held, but a lack of real media independence undermines the process of open deliberation (Way and Levitsky 2002, 57-58). Therefore, the concept of legitimacy proposed for this chapter is as follows: for an election or Referendum to be legitimate results must be accepted both by international standards bodies *and* the overwhelming majority of citizens. And by contrast, where many or most citizens, *and/ or* the majority of standards bodies and election monitors say legitimacy is lacking, we can say an election is illegitimate. Fundamentally election legitimacy is about perceived fairness. Increasingly, governance of mass media and also social media is required to guarantee such fairness.

With the rising importance of media in elections, and what some would even term the 'mediatization of politics' (Garland, Couldry, and Tambini 2017; Esser 2013; Kunelius and Reunanen 2016; Hepp 2013) monitors are increasingly taking notice of media system requirements in their assessments. International standards bodies have outlined standards for the media. The obvious next point is whether those standards need to be updated for a period in which social media are increasingly displacing print and broadcasting.

Campaigns move online

A growing number of researchers and commentators are concerned about data driven political campaigning and message targeting on social media. The concerns include privacy (Howard

2006; Kreiss and Howard, 2010; Cohen 2012; Barocas 2012); transparency (Kreiss and Howard 2010); campaign finance (Butrymowicz 2009); and the (in-)ability of existing electoral laws to maintain a level playing field and thus election legitimacy (Pack 2015; Barocas 2012; Ewing and Rowbottom 2011; Tambini 2017). Researchers have also raised longer term concerns with the undermining of the quality of deliberation; 'political redlining' i.e. the ability to target messaging on a narrow segment of the electorate (Barocas 2012) and exclude others, because they are less likely to vote or do not belong to key swing demographics; and transparency (Ewing and Rowbottom 2011). One area of concern that links these various claims is the notion that effective targeting may undermine voter autonomy: those voters for whom social media is the dominant source of news and information could theoretically be inundated with a constant stream of politically interested messaging that would drown out opposing views and constitute a new form of targeted propaganda.

Following the shock results of the 2016 Brexit Referendum and the US election, a wide range of concerns were raised about social media campaigning by a wider range of public commentators. The influence of deliberately targeted 'fake news' messages, and the potential for foreign intervention in domestic campaigns, including spooky 'psychometric profiling' has been raised as an issue by journalists such as Carole Cadwalladr of the *Observer* newspaper (Cadwalladr 2017).

At the time of writing, two separate regulatory investigations into the use of targeting during the 2016 Referendum were ongoing: an investigation by the Information Commissioner's office (the UK regulator for freedom of information and data protection) into the use of data for campaign purposes (Denham 2017); and a separate investigation by the UK electoral supervisor the Electoral Commission into potential breaches of campaign funding reporting obligations relating to provision of database and targeting services by Leave.EU (Electoral Commission 2017). Whilst the international agencies such as the OSCE that are

responsible for electoral supervision and monitoring have been relatively slow to respond to the challenge of social media, the Council of Europe has carried out a feasibility study for a new recommendation on how democracies might regulate the new practices (Council of Europe 2017).

Despite this gathering storm of debate, there has been a lack of robust and disinterested information on how the campaigns actually work. Research into data driven campaigning has tended to rely on interviews (Moore 2016; Anstead 2017), ethnography (Nielsen 2012) or legal analysis (Butrymowicz 2009; Allcott and Gentzkow 2017). There is surprisingly little analysis of the messages themselves, or of the validity of some of the more worrying claims about new forms of propaganda. The key proposals of the theoretical literature, namely that the legitimacy of elections and referenda is undermined by these new campaigning tools have not effectively been tested, and there remains a rather large gap between hype (generally of the dystopian variety) and understanding of how targeted campaigning on social media has been deployed.

The Brexit Referendum 2016 and General Election 2017[3]

The UK Referendum of 2016, like the US election of the same year, led to a shock outcome. The discussion following the Referendum predictably focused on why there was such a contrast with previous votes, and a tendency to 'blame' unwelcome political changes on the internet. In particular, concerns were expressed about misinformation and 'fake news' being distributed online without the sceptical filter of journalism, and targeted messaging online (Allcott and Gentzkow 2017). Commentators, who themselves had been side-lined by new opinion leaders online looked for someone to blame, and Facebook was convenient.

[3] The author acknowledges the excellent research assistance of Sharif Labo for this section.

In May 2017, after a series of shorter stories, Carole Cadwalladr published a detailed ‘expose’ relating to opaque links, data sharing and cross-funding between the UK Referendum and the US Trump campaign. Cadwalladr closed the article arguing that “Britain in 2017 … increasingly looks like a ‘managed’ democracy. Paid for by a US billionaire. Using military-style technology. Delivered by Facebook. … the first step into a brave, new, increasingly undemocratic world” (Cadwalladr 2017).

In the article she alleged not only that both campaigns were using sophisticated data driven social media targeting campaigns, but that there was a degree of cross funding, coordination and learning between the two campaigns. For the politically displaced, the story was attractive, as it offered support to the claim that the result was illegitimate.

In comparison with other advanced democracies, the UK has a very active online population, and users are particularly engaged on social media. More than 82% of British adults used the internet daily or almost daily in 2016 according to the Office for National Statistics (ONS 2016), and 27% of online adults reported using Facebook on a daily basis. The internet was according to Ofcom the only news platform with a growing number of users since 2013: now 48% of UK adults say they use the internet to get their news (Ofcom 2017a). According to the same report, 27% of UK adults say they get news from Facebook.

Social media, according to the data from a 2017 report,are the fastest growing news source sector: “overall, 47% of those who use social media for news say they mostly get news stories through social media posts, compared to 30% in 2015.” This survey evidence is self-reported and different surveys vary to an extent. According to the Reuters Institute *Digital News Report 2017* (reported in this volume), 41% say they use social media for ‘news’ in the UK.

This shift online, and to social media, is reflected also in advertising spending, though estimates of spend vary. Between 2008 and 2016 the ‘digital’ (online) share of US political ad

spend rose from 0% in 2008 to an estimated 10% in 2016 (E-Marketer 2016). Given evidence from interviews with campaign leaders (Tambini 2016), and spending returns to the UK Electoral Commission[4] much more than 10% of election marketing budgets is now spent on digital. In 2015, the first year in which digital spending was reported separately by the Electoral Commission, around 23% of the total spend was digital, with the majority of this being spent on Facebook (Electoral Commission 2016). In the US, which remains dominated by TV spend, almost a billion dollars, or 10% of spend on political ads was forecast to be spent on online advertising in the 2016 election (E-Marketer 2016).

The reason for this rapid shift of campaign activity online is simple. Social media advertising works, and is much more cost effective than other less 'smart' forms of advertising. Of particular interest to political strategists and campaigners is the fact that data- driven campaigns offer superior targeting and audience segmentation capabilities. Campaigns can get the messages they want to the particular people, in the particular constituencies that might swing the election. What is attractive to advertisers is that they can target those key strategic voters with the messages that are most likely to swing those voters on the basis of demographic, political, and even potentially psychometric profiling. According to campaign leaders, strategists are following audiences online, and developing more sophisticated approaches to online advertising. This is generally combined with an attempt to develop shocking and resonant 'shareable' messages to harness the organic sharing of propaganda online. According to Andy Wigmore, the Campaign Director of Leave.EU:

[4] Researchers examined spending returns as they were published by the Electoral Commission and categorised the payees according to their basic function, in order to identify social media and other forms of spend.

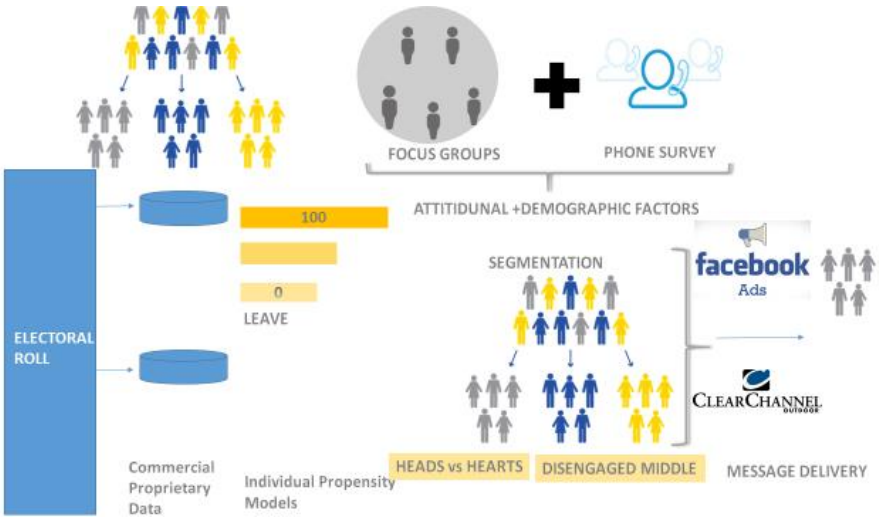
> It didn't matter what was said in the press. The more critical they were of us when we published these articles to our social media, the more numbers we got. So it occurred to us that actually Trump was onto something because the more outrageous he was the more air time he got, the more air time he got the more outrageous he was. …The more outrageous we were the more air time we got in the normal media and the more airtime which was always critical-, the more support we got. … The more outrageous we were, we knew that the press were going to attack us, which is what they did. We are now anti-establishment full throttle. The more outrageous we were the more attention we got. The more attention we got, the bigger the numbers (Andy Wigmore, interview, September 2016).

How a data driven social media campaign works

In practice, it is impossible to separate the mass media campaign from the social media campaign, and it is impossible to separate the 'organic' social media campaign driven by 'voluntary' sharing and liking and the use by campaigns of the commercial advertising services offered by social media. Effective campaigns use those three elements together. But in what follows The focus here is on the paid element, which has particular implications for election legitimacy, and which often fuels and primes the organic social media campaign which in turn feeds mass media with stories.

[insert Tambini-Figure 1 here]

Figure 1: Data Driven Profiling in Online Political Advertising: Interview Findings



'On the basis of the literature review and expert interviews carried out following the 2015 general election and the 2016 Brexit Referendum, it is possible to outline the following generic stages in building a social media campaign (Figure 1).'.

1. Building the audience: using a wide range of database building techniques; campaigners build databases of potential supporters, link these to various forms of purchased and freely available data, such as the electoral register, existing party membership and canvassing lists, cold-calling records, and 'opt in' data harvesting techniques such as surveys, competitions and petitions, which are increasingly carried out online.
2. Audience segmentation. There are various approaches to audience segmentation, which combine the following types of criteria: (i) marginality: Is the voter situated in a constituency that is possible to win: i.e. a target constituency? Is the voter undecided?; (ii) the basic demographic information attached to this voter (e.g. gender, age, income education); (iii) previous voting record (including likelihood of actually voting); (iv) evidence of current opinions and 'hot-button' issues; and (v) social media activity, and degree of its influence. The different campaigns in 2016 each had a slightly different

approach to profiling, but each attached a score and a profile to each potential voter using data from the electoral role. In elections, parties are able to learn between elections, but in referenda regulation required them to "start from scratch" (Matthew Eliot, interview, September 2016) and destroy data on completion.

3. Message creation and testing. The process of finding messages that are effective, and resonate with potential voters has in recent years involved extensive 'focus group' testing, and repetition of a narrow range of messages that have been vetted and signed off by senior politicians. The social media campaign, by contrast tends to be more dynamic, with messages devised and tested online throughout each day of the campaign using processes of 'A/B' testing whereby messages are selected on the basis of their resonance rather than ideological or political selection.
4. Message targeting and delivery. Many campaigners report that they are focusing more of their advertising spend on digital, and they are doing this because they have a clear sense that social media platforms in particular are much more cost-effective than for example, press, display or direct mail marketing techniques. The question of whether specific messages are targeted on the basis of the segmentation and profiling techniques described at (2) is the black box of research on social media and campaign targeting. Campaigners frequently claim that they are able to target messages on an individual basis, and serve individually targeted messages that are designed to appeal to particular demographic, education level, psychological, or geographic groups.

The Referendum: voter profiling and segmentation is getting smarter

In order to gain a rich understanding of data driven campaigning on social media we interviewed campaign leaders.[5] This builds on the work of Anstead (2017) and others. Seven semi-structured interviews were conducted with a common template of questions designed to enable the campaigners to outline their approaches to data driven campaigning, voter profiling and social media messaging. The interviews were conducted in London August – November 2016 following the Referendum to Exit the EU. Three were conducted on the phone/Skype and the others were conducted in person.

[5] To gain an insight into the message targeting and communications strategy of a modern political campaign we interviewed the key participants from the two officially designated sides; Stronger In and Vote Leave. We were interested in speaking with people who had close operational detail of the Campaign strategy; how the key messages were decided on, message sign off, audience segmentation etc. We anticipated this would require authorisation from senior figures in the Campaign and so chose to approach these senior figures first and asked them to suggest people to speak with throughout the Campaign organisation. We emailed interview requests to the Heads, Deputy Heads and Campaign managers. We secured interviews with Jack Straw and Lucy Thomas, the Director and Deputy Director of Stronger In, and Matthew Elliott, the CEO of Vote Leave. These interviews provided the names of other individuals, consultancies and agencies involved in the Campaigns that we subsequently approached as well as providing useful operational detail of the Campaigns especially on the Stronger In side. We also interviewed Andy Wigmore of Leave.EU. All interviews were transcribed and analysed according to a meaning condensation process with a focus on ascertaining expert views on processes of segmentation and profiling. Respondents were asked to go on the record and did so.

Recruitment, profiling and segmentation

All the campaigns used a wide combination of techniques to build the audience and profile and segment it. This involved complex modelling of relationships among demographic characteristics, previous expressions of opinion, and stated voting intentions. Such profiling can involve hundreds of data points from dozens of sources. As Will Straw, CEO of Stronger explained:

> These were opinion groups with demographic characteristics. So for the segmentation--…they identified common traits based on how people answer specific questions. Such demographic characteristics as well, but mainly based on their answers to questions that have been asked. What that threw up was some really interesting characteristics of these different groups. So you could say that the average person in this segment would be better or worse off than average, would be overall younger than average, would get their media from the BBC versus newspapers versus online. Would have these attitudes to the EU. These other issues would be of interest to them. Whether they be a membership of particular groups and so on. So some quite good general information. Then throughout the campaign we used that sub-segmentation to drive our focus group work. So when we had focus groups, I think we had close to thirty focus groups over the course of the campaign, we would get-- You might have four to eight different tables up the focus group depending on the size, but it would be a male heads versus heart and a female strong sceptic group (…) Then we would have monthly depth polls which went back through the segmentation and we could see how the segments were shifting, both in their total numbers but also in their views of the Referendum. Then we

> would underneath that be able to track how people responded to different questions, certainly immigration question or the economy. How were we best able to get our messages across to those different groups.

Given that this process of segmentation and profiling is subsequently used in order to determine to whom messages are addressed and which messages are addressed to those voters the cumulative effect of this data driven profiling is of interest: it is likely for example that this profiling procedure may inadvertently result in different messages being targeted on the basis of protected characteristics, such as ethnic or religious grouping. Profiling and segmentation has always taken place to an extent on a geographical basis these new techniques merely offer a much cheaper and effective way of doing so and thus may raise new concerns (see Lynskey, this volume).

Message targeting and delivery

One of the striking things about all the major campaigns to leave the EU is that they both took the strategic decision to focus the majority of their resources and energy on Facebook. There was strong agreement that it was simply the most effective form of political advertising. All the leaders said that Facebook was crucial, and particularly the two Leave campaigns. Andy Wigmore claimed that his team made a strategic decision early in the campaign to put the entire ad budget into Facebook. And this was true also of his counterparts in the other (official) Leave campaign, such as Matthew Eliot.

Eliot: … almost nothing went in traditional advertising. Maybe one or two things which were more aimed at the press and getting coverage, but almost nothing went on traditional advertising.

DT: A lot on social media and-

Eliot: A load on social media, a lot of it geared towards the end of the campaign.

DT: So increasingly that social media spend is Facebook?

Eliot: Facebook yes.

EU Referendum campaign expenses for individuals with less than £250k spend

In order to further understand how the campaigns were approaching social media, and test some of the claims made by our interviewees, we also examined the Electoral Commission returns that pertained to the Referendum. Taking one illustrative example, the returns released in early 2017 show that social media now accounts for most of the spending of the major parties. Whilst the overall sums are relatively small, due to the Electoral Commission spending caps, Social media have become the largest recipient of advertising spending, with most of this going to Facebook.

The data covers those campaigners that reported spend of between £10,000 and £250,000 at the EU Referendum. Any individual or organisation that intended to spend more than £10,000 was required to register as a 'permitted participant' and submit expenses to the Electoral Commission earlier than groups spending more than £250,000. A few parties who spent in excess of £250,000 submitted their expenses earlier. The expenses analysed are in the

categories of marketing, media and market research. They make up 66% of the total expenses of £4.8 million reported. Expenses outside the campaign period are not included.

[insert Tambini-Table 1 here]

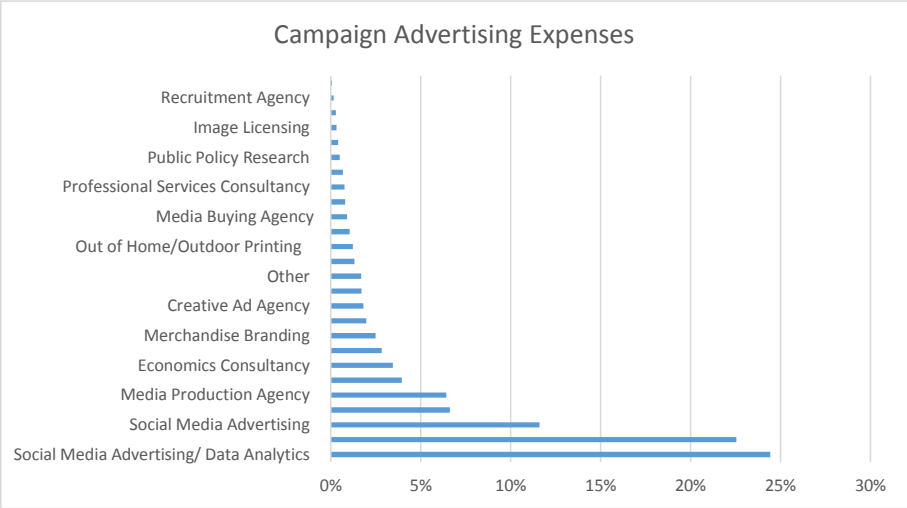
Table 1: Marketing, media and market research spending totals

Category	Spend	Percentage
GRAND TOTAL	**£3,172,565.83**	
Social Media Advertising/ Data Analytics	£775,315.18	24%
Advertising Agency	£715,059.35	23%
Social Media Advertising	£368,085.52	12%
Newspapers Advertising	£210,169.50	7%
Media Production Agency	£203,565.10	6%
Printing	£125,554.95	4%
Economics Consultancy	£109,594.80	3%
PR Agency	£90,006.22	3%
Merchandise Branding	£78,805.80	2%
Digital Agency	£62,371.99	2%
Creative Ad Agency	£57,792.58	2%
Communications Consultancy	£54,000.00	2%
Other	£53,318.45	2%
Political Consultancies	£41,730.00	1%
Out of Home/Outdoor Printing	£38,723.16	1%
Public Affairs Consultancy	£33,382.80	1%
Media Buying Agency	£28,583.80	1%
Polling/Market Research	£25,489.60	1%
Professional Services Consultancy	£24,000.00	1%
Search Advertising	£21,400.00	1%
Public Policy Research	£16,034.10	1%
Mailer Delivery	£13,034	0%
Image Licensing	£10,133.00	0%
Music	£9,000.00	0%
Recruitment Agency	£5,016.00	0%
SMS Marketing	£2,400.00	0%

Source: analysis of Electoral Commission spending returns

[insert Tambini-Figure 2 here]

Figure 2: Campaign ad spend: breakdown



Source: analysis of Electoral Commission spending returns

One difficulty we encountered analysing this data is that a great deal of the advertising spend is channelled through intermediaries such as advertising agencies. Advertising agencies tend to be active across different media. That said, the highest spend was in social media both through agencies and directly. By examining the spending returns we found that most social spend went to Facebook.

Is Facebook becoming a one stop shop for election campaigning? Some findings from the LSE/*Who Targets Me* project on GE17

The social enterprise *Who Targets Me* persuaded approximately 11,000 volunteers to download a browser plugin. The plugin scraped political advertising from their Facebook feeds and created a large database that contained the almost 4.5 million records of exposure to Facebook ads. Voters continued to volunteer during the election campaign, and this, together with obvious self-selection biases mean that the data is not a representative record of all the ad

exposures, but it is a valuable record of a large sample of advertisements that can provide some general indications of the kinds of activities of party political advertisers and of Facebook users.[6]

[insert Tambini-Figure 3 here]

Figure 3: Total impressions of political ad per day

Total number of ads served to our sample on Facebook during the election campaign. Note that the sample grew during the campaign so this should not be seen as an indication of numbers of ads viewed.

[insert Tambini-Figure 4 here]

Figure 4: Political posts containing the word 'join'.

Posts containing the word "join" or "joining" were more evenly spread throughout the campaign. The high volumes indicate that parties were active in using Facebook as a recruitment campaign – to build their databases.

[6] The dataset is a collection of 1,341,004 impressions of 162,064 unique Facebook advertisements. The data was gathered between 27 May 2017 and 18 June 2017 via a Chrome plugin installed by volunteers taking part in the *Who Targets Me* project (https://whotargets.me/). The project is intended to capture and save the content of political Facebook ads served to participating volunteers, and more information on the plugin and the team that developed it can be found at https://whotargets.me/about. Volunteers agreed that data could be scraped from their internet browser when they viewed Facebook. This enabled researchers to monitor the different types of messages that were viewed. Graphs presented here outline the basic content of messages during the GE2017. Future research will analyse targetting strategies, content and profiling.

[insert Tambini-Figure 5 here]

Figure 5: Ads containing the word *donat*

The relatively high volume of ads containing the words “donate” or “donation” confirms that FB was a significant fundraisign platform for parties throughout the campaign and even after it.

[insert Tambini-Figure 6 here]

Figure 6: Ads containing the word ‘vote’ or ‘voting’

Adverts from all parties containing the words “vote” or “voting”. These instructional posts cluster at the end of the campaign period.

These initial results from the LSE/*Who Targets Me* research collaboration offer significant evidence that Facebook is not only an important part of the message delivery machinery for targeted advertising services. The social media platform is emerging into a one-stop shop for fundraising, recruitment, profiling, segmentation, message targeting and delivery. This vertical integration of campaign services, and its operation by a company that in most of the globe is foreign, will have serious implications for future election legitimacy if it is to continue unchecked.

Some implications of social media campaigning

The shift to social media therefore poses some serious potential concerns for election legitimacy, and some of these have indeed arisen in public debate in the UK in 2016: in addition to what seems to be a process of consolidation and vertical integration of campaign activity in one platform, namely Facebook, we can see various forms of foreign involvement; biases in

distribution of key messages; bias against small parties; bias against new entrants; bias against parties with socially diverse supporters; bias against certain campaign messages/issues; bias against certain groups of voters – so-called 'redlining' (Kreiss 2012).

Such biases may be unintentional or deliberate. As a hypothetical example, if a party or campaign emerged that was standing on a platform of breaking up social media companies, there would be a strong incentive for social media companies to undermine the visibility of that party. This example may, or may not be far-fetched, but parties already exist that propose radical, sometimes statist solutions that would be hostile to the economic model of the platform companies. Electoral supervision exists to ensure that elections are fair and seen to be fair. They are increasingly powerless to do so in the face of opaque platforms.

In order for elections to be legitimate, voter choices should be demonstrably free and not constrained by propaganda or subject to any form of control or deceit. This is another reason why targeting has been an issue, and 'filter bubble' (Sunstein 2001; Pariser 2011) concerns have arisen. Whilst the 'jury is out' on the extent to which intermediaries narrow or broaden access to sources of information (see Newman and Fletcher this volume; Ofcom 2017a; Helberger this volume) the danger of social media targeting offers new opportunities in election campaigns for those wishing to shift opinion and votes with scant regard for the truth.

There have thus been important concerns about voter autonomy and new forms of manipulation and propaganda. According to UK election lawyer Gavin Millar,

> Section 115 of the 1983 Act creates an offence of 'undue influence'. Amongst other things this (…) prohibits impeding or preventing the free exercise of the franchise by duress or any fraudulent device or contrivance. In its long history it has been used against priests and imams preaching politics to the faithful, as well as those who circulated a bogus election leaflet pretending to be from another party (…) To me the most concerning is the impact of the targeted messaging on the mind of the

individual voter. A ‘persuadable’ voter is one thing. A vulnerable or deceived voter is quite another” (Millar 2017).

Foreign intervention has been a feature of much of the public debate, particularly links between the Trump campaign and individuals in the US and the Brexit campaign in the US, and involvement of Russia in various elections in France and Germany. In the UK this has led to the electoral commission enquiring about the funding of the various leave campaigns for example.

It will be pointed out that all of the above is speculation. It will be further pointed out that this is just a conspiracy theory and that there is no evidence that any of this is happening. But speculation and conspiracy theory is what undermines trust in democracy. One of the basic premises of free and fair elections is that the contest is free and fair, *and perceived as such.* This is why the simplicity and transparency are so important. Whilst media system capture and bias is inevitable in a mass media system, whether that is one dominated by private media, public media or some variant (Hallin and Mancini 2004), those biases are by their nature transparent and obvious for everyone to see.

Was it Facebook Wot Won it?[7]

If an election is swung by a private company it is more likely to lose legitimacy in the eyes of citizens and the international community. The evidence from the UK is mixed: on the one hand,

[7] This title is a reference to an infamous front page headline in the British tabloid the Sun which gleefully claimed the day after the 1997 election victory of Tony Blair that “it was the Sun Wot Won it”.

the mere fact that there has been a loud debate on these issues for the first time since the 2016 Referendum suggests that data driven campaigning has had some impact on election legitimacy. But others claim that this is simply sour grapes – losers questioning the process. There is something in both arguments and they are not mutually exclusive. Empirical data on the role of Facebook in the overall information ecology is ambivalent, in part because Facebook data is difficult to access.

Facebook is market-dominant as a social media company (particularly if we include Instagram and WhatsApp) but not as a media company. In terms of time spent, and survey reports on where people get their news, it is certainly not dominant. But in terms of deliberation and information gathering related to elections, it is becoming the crucial platform, which is reflected in the rather sudden shift of UK political advertising onto the platform over the past five years. Facebook in some countries, in particular is emerging as a vertically integrated one stop shop for fundraising, recruitment, database building, segmentation, targeting and message delivery. As a result, there is a paradox: the complex process of deliberation and debate during an election cycle, the flow of ideas, memes, reversals of public opinion, fluctuations of fortune of individual politicians is now more knowable than ever before. The problem, for most democracies, is that it is knowable by a company based in California which has no intention of sharing that knowledge with anyone, apart from those able to pay for it, without asking too many questions about what they will do with this data, or where they are based.

This is not Facebook's fault; but it is a fact and in the history of elections it is a novel one. There are multiple sensitivities about foreign involvement in media systems. Most countries have maintained rules preventing foreign ownership of media companies under pressure from trade liberalisation (this after all is why Rupert Murdoch had to take US citizenship) and the US, the UK and most other mature democracies have specific laws that

prohibit foreign involvement in campaign funding. So the mere fact of a private, foreign company having this position cuts across the spirit of these previously existing laws.

Why dominance matters

Until now, this chapter has focused on the implications for democratic legitimacy of data driven social media based election campaigns. The question that follows is to what extent this is a problem of dominance – or conversely whether increasing choice, plurality and switching between social media platforms could mitigate any of these concerns.

The short answer is that dominance matters. A good deal of the concerns we have discussed would be allayed, to an extent by more competition and pluralism in social media platforms.

1. Censorship effects

   If a non-dominant platform takes down a post; that could be described as editorial discretion. If a dominant platform takes down or blocks a post, a person or a topic, that is censorship. It is of little import whether the material is taken down by a human due to a rule violation, or by an algorithm for reasons that are not understood. Dominant platforms censor.

2. Prominence effects

   Platforms can also use their dominant position to promote messages. This has been most evident when Google and others took positions in relation to Intellectual Property and Net Neutrality discussions in the US Congress, and platforms have also lobbied on gay rights issues. This is of course what is traditionally done by newspapers, which is why they are subject to sector specific merger and competition rules that limit market concentration.

3. Propaganda bubbles

If one company holds data on you, and one profile is sold on to advertisers and fed into the relevance algorithm that determines what you are exposed to, there is the danger that this profile will determine that the 'filter bubble' (Pariser 2011) effect of that one company determines in turn what you are exposed to. These are complex processes, and as yet little understood (Helberger; Newman and Fletcher, this volume). In the context of elections, the 'propaganda bubble' effect could undermine legitimacy if there is a genuine lack of exposure pluralism (Helberger 2012) such that individual autonomy and free will is undermined, and deliberation undermined. In other words, each citizen might be better served by living within multiple 'filter bubbles' operated with separate data ecologies.

4. Lack of competitive discipline

Where there are high switching costs and consumer lock-in (Barwise and Watkins this volume) users may be less able to exert 'democratic discipline' on platforms – for example by demanding greater control over personal data, more transparency about relevance and prominence, and due process and 'put back' rights in relation to takedowns and blocking. There is increasing evidence that Facebook is becoming a 'one stop shop' for political campaigns that need to gather, profile, segment and target, and that consumer lock in due to a lack of data portability compounds the effects of this.

5. Separation of powers and checks and balances

Like branches of government, social media companies need countervailing power; which can be provided by other social media companies.

A dominant company like Facebook, particularly one that is offering a vertically integrated 'one stop shop' for election services to all comers, is in an historically unique position, and as a foreign company it is a position that will eventually be corrosive of trust and democratic legitimacy.

Some of this is speculation. Some of this, I will be told by Facebook and others, is wrong. But that is, at least in part, the point: because of a lack of transparency, speculation is necessary. Because of opacity and speculation, electoral legitimacy and democratic legitimacy more widely, suffers. Plurality of platforms would provide an important safeguard to democratic legitimacy.

Social media are not transparent, and the shift of campaigns online undermines the principle of transparency. To a certain extent this directly undermines existing regulation. The Political Parties, Elections and Referendums Act in the UK places a number of requirements on parties to be open about the funding and governance of campaigns. These exist so that citizens can be clear on who is behind any party of campaign. For example, campaigns are obliged to label their leaflets and other materials that. In 2016, the Electoral Commission admitted that these transparency requirements were not possible to enforce effectively online. (Electoral Commission 2016). In a world of leaflets, campaigns could simply provide 'imprint' information in small print on each leaflet which specified which campaign was behind the leaflet and voters (and journalists and other campaigns) could find detailed information about the funding of that campaign on the Electoral Commission website. Social media advertising, where ad messages take a simpler format and do not include imprint information was undermining that key tenet of transparency.

Undue influence: the crisis of electoral legitimacy

An election in the UK shares many of the features of a village fete. People gather in their local village hall or primary school and are met by volunteers puffed up with civic pride. Votes, like raffle tickets, are carried in battered steel boxes to bigger local secondary schools and counted

by more local volunteers. The politicians wear retro rosettes and tears are shed in the great climax of civic participation, when the teller, often in ceremonial garb, announces the count.

Part of the reason for the fusty process and archaic technology, in the era of big data and instant AI- driven feedback is ritual, and part of it is about trust. The two go together, and they are both important factors in the social construction of legitimacy.

But the crucial factor in the legitimacy of elections is fairness. Profound political change and party realignment always involves contestation of legitimacy, and the events of 2016 have been no exception. Both losers and winners have raised concerns about recent elections and referenda, but there have been some themes that link them, and also concern social media: foreign interference, message targeting, and database-driven campaigning that subverts existing election supervision law.

Whilst election designs can be complex, the principle and process of counting Xs on papers could not be more intuitive and widely understood. Transparency has extended to the process of information and to the campaigns itself. Whilst it is clearly the case that in free media systems private media exercise significant influence on the outcomes; the bias and selectivity of those media are there for everyone to see, and newspapers in particular have been freely selected by readers in part for the biases they represent.

According to the tests set out earlier in this chapter, electoral legitimacy in the UK is still intact: international organisations and British subjects still view electoral processes as legitimate. But particularly with regard to the UK Referendum, cracks are beginning to show. This chapter has examined how data driven campaigning – and Facebook dominance – can undermine legitimacy. The wider issue here may be that whilst social media still *in theory* offer new opportunities for democracy, the increasingly commercial and increasingly smart, data-driven social media may in the long term be on a collision course with the open, voluntary, equal public deliberation required by democracy. Some of the corrosive effects of social media

can be mitigated if citizens are provided with the appropriate information and the tools needed to switch platforms and exert some competitive pressure. Continuing dominance and monopoly positions, particularly by opaque foreign companies are likely to be particularly corrosive of trust, fairness and legitimacy.

Many of the issues raised in this chapter are features of social media *per se*, not any one platform or the fact of dominance. But, and here is the central point, dominance exacerbates the problem. Put in another way, an increased plurality of social platforms would go a long way to addressing many of them.

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Abstract

This chapter examines the implications of market dominance of social media companies, and their increasingly central role in election campaigns, for the legitimacy of elections. The chapter focuses on the case studies of the UK Brexit Referendum in 2016 and the UK General Election of 2017. Interviews with campaign leaders are described and a model of targeted, data driven segmentation and message targeting is introduced. The interviews, together with data from campaign spending returns confirm that an increasing proportion of campaign spending is being dedicated to social media, Facebook in particular. Data from a grassroots campaign, volunteer-driven study of advert targeting indicates that these campaigns use Facebook not only for message delivery but also for recruitment and profiling. These findings suggest that the legitimacy of elections may be compromised by recent developments in social media campaigning, particularly the concentration and integration of powerful platform players offering integrated election communication services but minimal transparency.

Keywords

elections, propaganda, Facebook, data, Internet.

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Table and Figure captions

[Tambini-Figure 1]: Data driven profiling in online political advertising: interview findings

[Tambini-Figure 2]: Campaign ad spend: breakdown

[Tambini-Table 1]: Marketing, media and market research spending totals