

Online Campaigns and Campaign Finance Regional Trends Overview 2023

Regional MiP Conference

Nana Kalandadze
Programme Manager
International IDEA
n.kalandadze@idea.int



The Regional context

- **Reforms in PF only a decade or less old**
- **Digital challenge overlaid on previous, enduring problems of effective control and accountability, foreign-sponsored disinfo**
- **Acceptance of/societal tolerance of illicit electoral practices**
- **Lack of reform incentives due to absence of binding external commitments**

What is changing?

- ❖ **Rapid increase in digital and online tech for campaigns**
- ❖ **Growing realisation that the existing legislation will not be sufficient to cover the online sphere.**
- ❖ **New incremental legislative/regulatory developments**
- ❖ **Reporting is increasingly becoming digital and disclosure is improving; active civic sector helps shed the light**
- ❖ **The oversight institutional models are evolving and hopefully towards better models**

Finding the right model

- ✓ **As part of candidacy and membership processes, will be influenced by EU regulations**
- ✓ **Should invest in developing a truly modernised system instead of a patchwork**
- ✓ **Parties remain as the key gatekeepers**
- ✓ **Pro-active, substantive oversight will be essential**

Four contexts for regulation

Context I: Political advertising in general is (largely) unregulated

- Few to no provisions or limitations
- Self-regulatory solutions
- Limited or no oversight

Iceland, Luxemburg, Sweden

Context II: Political advertising regulation is limited to selected media, online advertising is not covered

- Rules on traditional media do not extend to online sphere
- Oversight does not extend to online sphere

Austria, Denmark, Greece, Norway...

Context III: Generic political advertising regulations also apply to online political advertising

- Same rules apply online and offline
- Traditional media rules translate poorly to the specifics, speed and scale of online advertising
- Low level of granularity in online advertising spendin

Belgium, Croatia, Czechia, Estonia, Portugal

Context IV: Online political advertising is explicitly regulated

- Definitions and scope,
- Identification and transparency, ad libraries
- Ad pricing published
- Platform responsibilities
- Purchaser responsibilities

Canada, Ireland, Latvia, UK



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Soft law options

- **Codes of Conduct, Practice and/or Ethics**
 - a commitment to different levels of behavioural standards
 - through open dialogue with all key stakeholders, can be mediated by neutral third party
- **Memorandums of Understanding between oversight agencies and platforms**
 - a process to which parties can conform where a formal legal arrangement is not possible
- **Guidance on best practices and standards released by oversight bodies**
 - how rules should be interpreted or applied for them to achieve their intended effect

Oversight structures

1. **No competent oversight authority:** While agencies may possess the mandate to receive financial reports and act on citizen complaints, there are no formal standards for agency monitoring and supervision of online political advertising.
2. **One body – the EMB:** Monitoring and supervision of online political advertising is the sole task of the EMB.
3. **One body – not the EMB:** Monitoring and supervision of political advertising is the sole task of an independent body that is not the EMB.
4. **More than one body:** Multiple bodies are vested with the monitoring and supervision of online political advertising, each with its own role and partial competency.

Oversight tasks and challenges

Range of tasks:

- Active monitoring
- Adjudication of complaints
- Providing guidance
- Sanctions
- Issue warnings
- Public statements
- Fines and penalties

Typical challenges:

- Preserving independence
- Diverse agencies and actors involved
- Massive scale of content
- High degree of technical capacity is required
- Cross-border nature of OPA



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