

Democracy in the Dark: Digital Campaigning in the 2019 General Election and Beyond

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Democracy is about empowering citizens so they can actively take part in our political processes and make an informed decision at the ballot box.

Transparency, fairness and accountability in political campaigning are key to ensuring this is possible. But while technology offers huge opportunities for political engagement, the current system is an unregulated Wild West.

Nine months on from the general election, we still have little idea how much money was spent in the campaign. But even when the data is published by the Electoral Commission, huge gaps will remain in our understanding of how voters were targeted – and by whom.

The ERS' new report *Democracy in the Dark*, written by Dr Katharine Dommett and Dr Sam Power, revisits what we know about the 2019 general election to show why this action is insufficient, and why there is an urgent need to reform electoral law.

The authors ask five questions to highlight areas of concern: 1: What was being spent? 2: Who was campaigning? 3: Who was seeing what? 4: How was data being used? 5: What was being said?

Nearly a year on from the election, the failure to reform electoral law means we still cannot answer these questions. However, they estimate from their research and the limited publicly available data that the 2019 general election saw a surge in online campaign spend, and non-party campaign activity. In doing so, the report reveals:

- In the six weeks before polling day in 2019, the Conservative Party raised more money in donations than all other parties combined during the same pre-poll period in 2017. But little information is available about any of the main parties' spending online or offline, not least in terms of how they targeted voters.
- Political party spending on platforms is likely to have increased by over 50 percent in 2019 compared to 2017, with around £6 million spent on Facebook and just under £3 million on Google by the three main UK-wide parties.
- The rise of the 'outrider': adverts placed by national parties constituted only a fraction of the total campaign spend. Voters are too often kept unaware of who is behind these opaque outfits. Sixty-four of these organisations registered in 2019 as a whole and 46 were registered after the election was (officially) confirmed on 29 October.
- Social media giants' online ad archives – set up to provide a veneer of political transparency – are insufficient and often error-prone.
- In 2019, the Conservatives invested dramatically more in Google than other parties – almost triple Labour's spend.
- According to new analysis of Facebook data, 88 UK organisations were coded as non-party campaign groups during the 2019 election. These groups placed 13,197 adverts at a calculated cost of £2,711,452. It can be difficult for voters to work out who is behind campaign material from a non-party actor.
- As such, it is currently 'exceedingly difficult' if not impossible to uphold the principles of the UK's foundational electoral legislation.

Key recommendations

Dommett and Power review over 30 existing recommendations for change in relation to five key areas: money, non-party campaigns, targeting, data and misinformation, drawing out many points of consensus.

The government has already committed to legislating for digital imprints, yet has thus far not set out a clear timeline as to its implementation. Far more remains to be done beyond digital imprints.

The authors highlight 10 key recommendations:

- Require campaigners to provide the Electoral Commission with more detailed, meaningful and accessible invoices of what they have spent, and to subdivide spending returns to provide more precise information about online campaigning.
- Strengthen the powers of the Electoral Commission to obtain information outside of an investigation, to share information with other public agencies, to increase the maximum fine, to investigate and sanction candidates for breaking the rules. The Electoral Commission needs sufficient resources and powers to be an effective regulator in the digital age.
- Implement shorter reporting deadlines so that financial information from campaigns on their donations and spending is available to voters and the Commission more quickly after a campaign, or indeed, in ‘real time’. This would enhance transparency by ensuring voters can see who is spending and receiving money during the course of a campaign, not many months later.
- Regulate all donations by reducing ‘permissibility check’ requirements from £500 to 1p for all non-cash donations, and £500 to £20 for cash donations.
- Create a publicly accessible, clear and consistent archive of paid-for political advertising. This archive should include details of each advert’s source (name and address), who sponsored (paid) for it, and (for some) the country of origin.
- New controls created by social media companies to check that people or organisations who want to pay to place political adverts about elections and referendums in the UK are actually based in the UK or registered to vote here.
- New legislation clarifying that campaigning by foreign organisations or non-UK residents is not allowed, and that campaigners cannot accept money from companies that have not made enough money in the UK to fund the amount of their donation or loan.
- Legislate for a statutory code of practice for the use of personal information in campaigns.
- A public awareness and digital literacy campaign which will better allow citizens to identify misinformation.
- Rationalise electoral law under one consistent legislative framework. Current electoral law is piecemeal, complex and dates back to the Victorian age, with little having changed since then.

Calls for greater regulation of digital campaigning have been growing in recent years. With elections due to take place across the UK in May 2021, we cannot let the urgent task of ensuring our electoral integrity be kicked into the long grass once more.

The full report is available at: <https://www.electoral-reform.org.uk/democracy-in-the-dark-digital-campaigning-in-the-2019-general-election-and-beyond/>