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Monitoring Online Political Advertising: A Toolkit

The Carter Center

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1 BACKGROUND

During an electoral process, electoral actors, whether contestants or noncontestants, have the right to advertise political ideas in accordance with the right of expression.¹ However, political advertising may be subject to reasonable limitations through regulations imposed by domestic law, including who can run political advertisements, when and where they may run advertisements, restrictions on advertising expenditure levels, and reporting and disclosure requirements to ensure transparency, accountability, and a level playing field. Increasingly, election contestants and noncontestants are using social media platforms to advertise political ideas.

Given challenges of novelty, opacity, and extraterritoriality, states are grappling with how to devise appropriate and enforceable regulations that specifically take into consideration the way social media advertising works. In accordance with the United Nations Guidelines and Principles on Business and Human Rights (UNGPs), the onus is on states to enforce laws requiring social media platforms to respect human rights and to periodically assess the adequacy of laws to address any gaps.² At the same time, the UNGPs oblige social media platforms to avoid, prevent, and address harms that result from their business practices³, comply with domestic regulations under which they operate, and honor principles enshrined in international human rights.⁴

Social media companies have adopted blanket self-regulatory measures that vary by platform. For example, Twitter has banned all political ads; Google, which owns YouTube, has limited targeting options for election ads and “expects” advertisers to self-police in accordance with domestic regulations⁵; and Facebook, which owns Instagram, similarly puts the onus on the advertiser to ensure compliance with domestic regulations.⁶

Some social media platforms maintain archives where political ads run by registered advertisers are stored in publicly searchable libraries with data on which demographic audiences have been targeted and how much money was spent on the advertisement. The existence of social media advertising archives enables a degree of scrutiny of political advertising as such advertising can be captured in a “third-party archive” to identify violations of domestic political advertising regulations.

¹ General Comment 25 para. 25 of International Covenant on Civil & Political Rights Article 25: “In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.”

² Guiding Principles on Business and Human Rights, Principle 3: “In meeting their duty to protect, States should a) enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address gaps.”

³ [Guiding Principles on Business and Human Rights](#), Principle 13: “The responsibility to respect human rights requires that business enterprises: 1. Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and 2. Seek to prevent or mitigate adverse human rights impacts that they are directly linked to by their operations, products, or services through their business relationships, even if they have not caused or contributed to those impacts.”

⁴ Guiding Principles on Business and Human Rights, Principle 23: “In all contexts, business enterprises should: (a) Comply with all applicable laws and respect internationally recognized human rights, wherever they operate; (b) Seek ways to honour the principles of internationally recognized human rights when faced with conflicting requirements; (c) Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.”

⁵ [Google Political and Election Ads Policy](#).

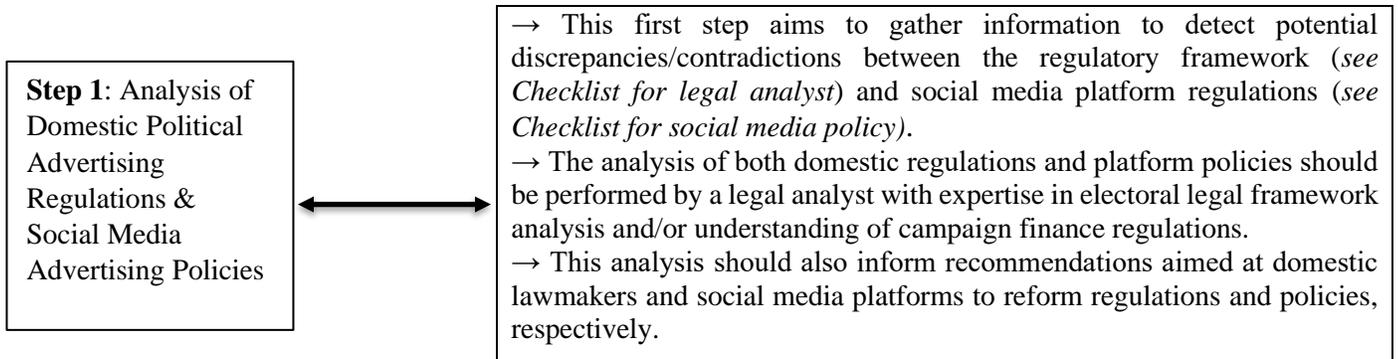
⁶ [Facebook Social Issues, Elections or Politics Ads Policy](#)

2 INTRODUCTION

This methodology is intended to guide election observation missions' analysis of social media political advertising. As a first step, an analysis of political advertising regulations must be conducted to identify the relevant legal parameters and regulations (*see Checklist for legal analyst*). Second, an analysis of social media platform advertising policies and self-regulation measures (*see Checklist for social media policy*) must be conducted to assess the degree to which the platform's policies and practices comply with domestic regulations. In addition, the analysis should assess the extent to which these policies and practices facilitate or inhibit an evaluation of compliance (*see Checklist for monitors*). Ultimately, reform advocacy efforts should be targeted at social media platforms to revise and adapt advertising policies and self-regulation measures to comply with domestic regulations. This methodology aims to guide:

- Analysis of domestic political advertising regulations applicable to social media advertising.
- Analysis of social media platform advertising policies that may conflict with, or inhibit evaluation of, compliance with domestic political advertising regulations.
- Identification of accounts that run political advertisements on social media platforms.
- Collection of political advertisements run on social media platforms.
- Monitoring and analysis of advertisements run on social media platforms.
- Development of findings and recommendations to reform domestic political advertising regulations and social media platform advertising policies.

The methodology contains three sections to guide social media political advertising analysis:



Step 2: Account Identification & Ad Data Collection



→ This second step is critical and should begin as early as possible in the analysis process.

→ The identification of both contestant and noncontestant (*when relevant*) accounts that may run advertisements should be performed by local staff or volunteers with an understanding of the electoral context and political issues at stake.

→ Data collection methods will vary depending on data accessibility:

- Where social media ad archives exist, application programming interfaces (APIs) provided by platforms can be used to access data, and data collection should be performed by a developer with experience using APIs.
- Where archives do not exist, data will need to be manually captured, and data collection may be performed by local staff or volunteers tasked with manually capturing data on an ongoing basis.

Step 3: Monitoring and Analysis of Ad Data



→ This third step should be conducted during the electoral process as advertising data is collected, or at the end of the process once all data is collected (*see Checklist for monitors*). However, where large volumes of ad data are collected, ads should be monitored on an ongoing basis to avoid information overload.

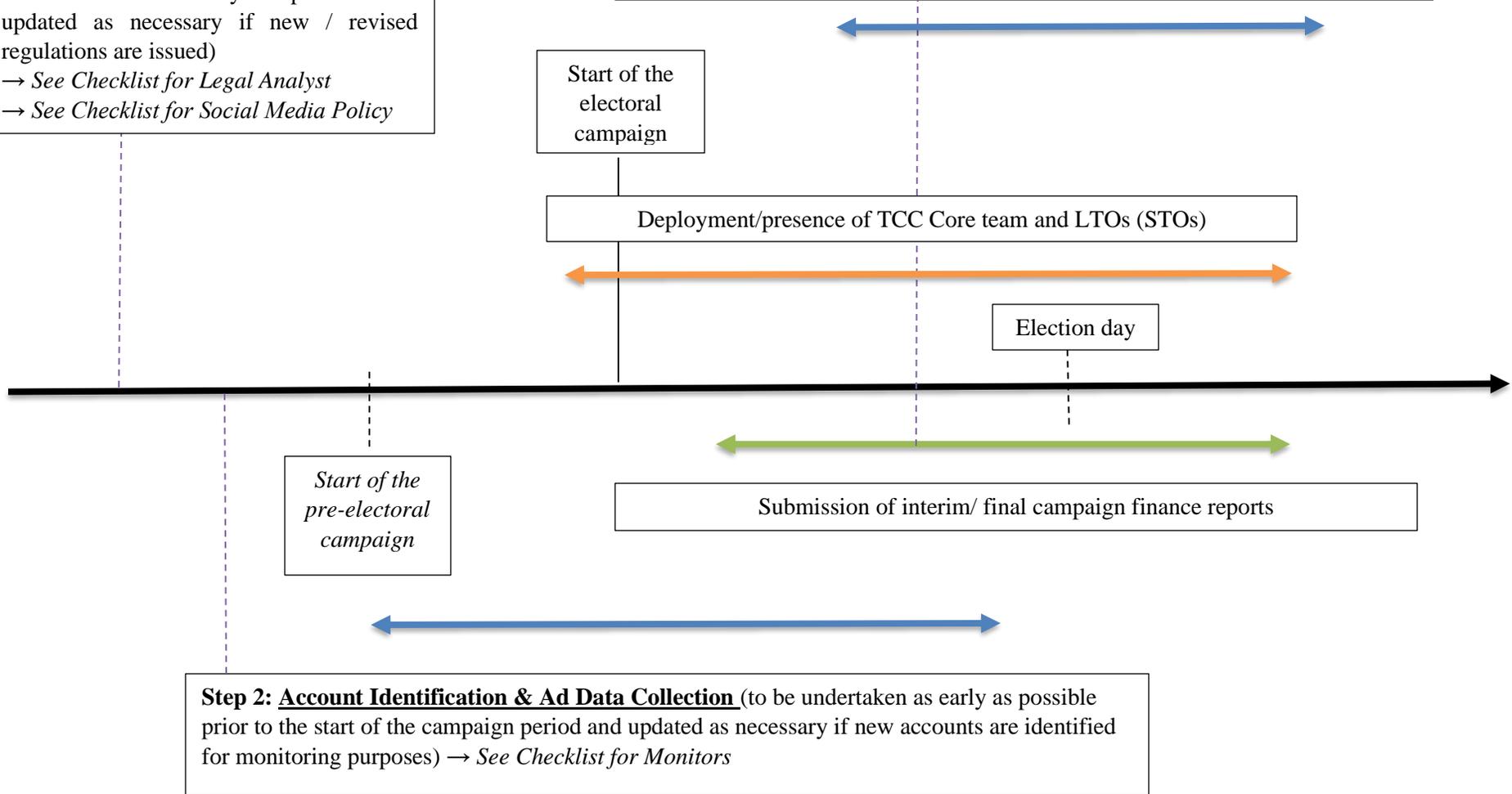
→ Monitoring should be performed by local staff or volunteers with an understanding of the electoral context.

→ The analysis of the findings of social media political ad data monitoring should be integrated into a final report, together with an analysis of domestic regulations and platform policies as well as recommendations for reform aimed at different types of actors/ stakeholders.

Monitoring and Assessment timeline

Step 1: Analysis of Domestic Political Advertising Regulations & Social Media Advertising Policies (one to two weeks; to be undertaken as early as possible and updated as necessary if new / revised regulations are issued)
 → See Checklist for Legal Analyst
 → See Checklist for Social Media Policy

Step 3: Monitoring and Analysis of Ad Data (ongoing through Election Day; to be implemented as soon as ad data is collected)
 → See Checklist for Legal Analyst
 → See Checklist for Social Media Policy
 → See Checklist for Monitors



3 PART 1: AD REGULATION & POLICY ANALYSIS

3.1 Legal analysis of political advertising regulations

As a first step, teams should conduct a legal analysis of domestic political advertising regulations relevant and applicable to social media political advertising during an election process. Teams should use the legal analyst checklist in to this methodology toolkit (*see Annex 7.3*) as they do this.

The checklist guides analysis of key questions, including:

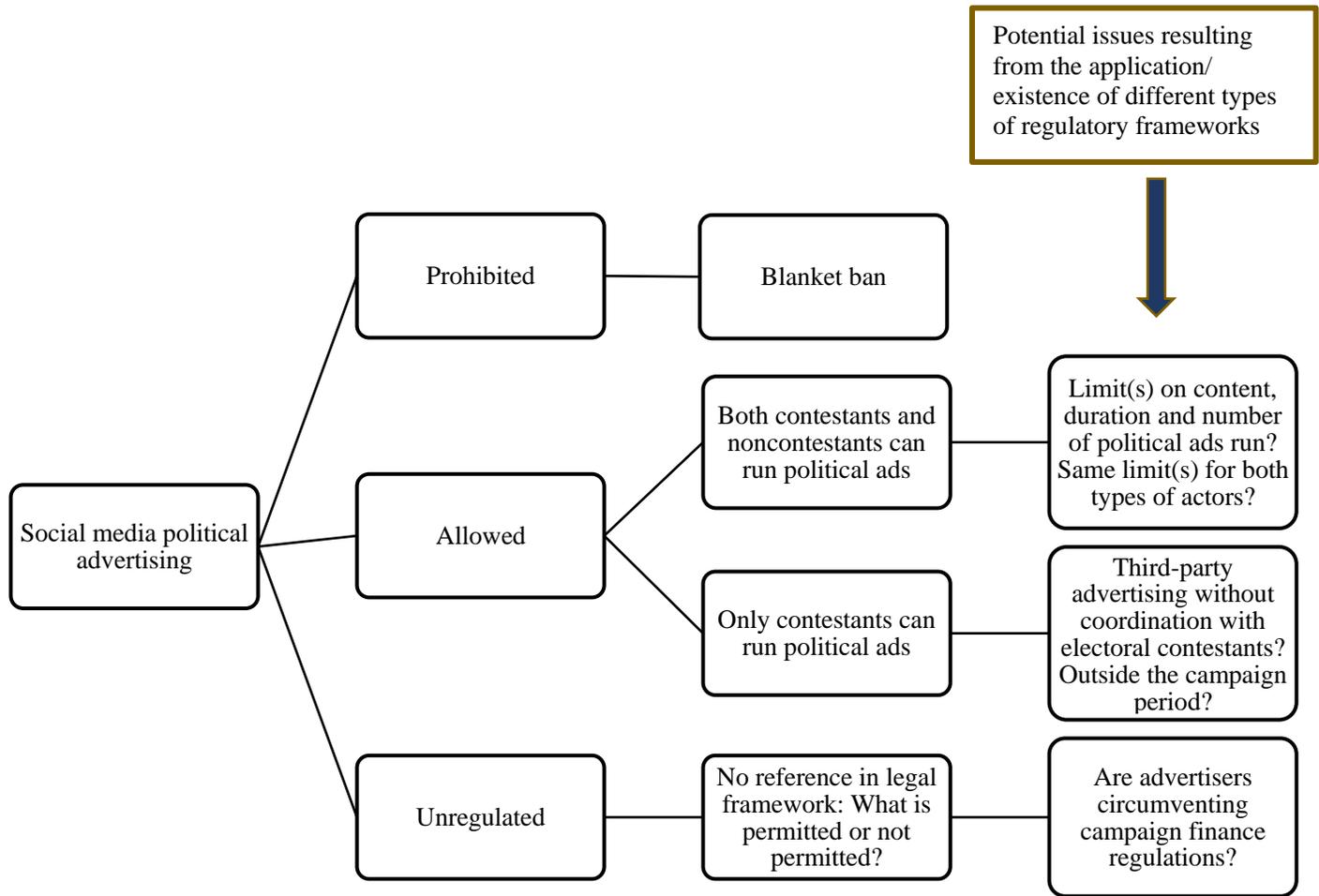
- How political advertising is defined.
- When political advertising is permitted.
- Which entities are permitted to run political advertisements.
- Limits on advertising expenditure (or campaign expenditure writ large).
- Requirements for expenditure reporting and disclosure.
- What constitutes violations of political advertising regulations.
- Which oversight body/ institution is endowed with political advertising monitoring.

The first task of the legal analyst is to **complete the checklist** on political advertising regulations and **gather all pieces of legislation** and legal/regulatory provisions that set out political advertising rules.

This will allow the mission to have at hand information regarding the **number and content** of political advertisements that can be run, the regime of **reporting and disclosure** requirements electoral actors are subject to, and the structure of the **enforcement/oversight** system.

→ The mission will then be able to focus on regulations that govern **social media** (if any) in order to identify: (1) social media platform **policies** that may violate regulations; (2) **shortcomings** in platform reporting and disclosure requirements; and (3) **weaknesses in the regulatory framework** that need to be strengthened vis-à-vis social media.

Depending on the context, relevant regulations may be scattered across multiple instruments, and some regulatory instruments may be contradictory. How political advertising is defined, who may run advertisements, and what constitutes violations may be unclear in some cases. In addition, specific financial limits on political advertising expenditure may not exist but instead may be assumed as part of broader campaign finance expenditure regulations. Different combinations and scenarios can be envisaged depending on the applicable regulatory framework as shown below. Indeed, social media political advertising may be forbidden, allowed but regulated, or unregulated. Depending on the type of regulation in place, there may be concrete issues or potential problems to address. For instance, in cases where social media political advertising is allowed, one must consider who can run advertisements and therefore address third-party advertising issues.



Given the relative novelty of social media political advertising, social media-specific regulations may be lacking. Areas **where social media-specific regulations are weak, incomplete, or nonexistent should be noted in order to highlight inadequacies in the regulatory framework** that need to be addressed by lawmakers as part of broader electoral reform efforts.

3.2 Conduct analysis of social media policies

Once a legal analysis of (social media) political advertising regulations is conducted, an analysis of social media platforms' political advertising policies should be conducted, with a particular focus on identifying where social media policies are inconsistent with domestic regulations or inhibit compliance evaluation. Like domestic regulations, social media advertising policies are often scattered across multiple locations, e.g.

- Facebook [Policy on Ads About Social Issues, Elections or Politics](#)
- Facebook [Policy on Disclaimers for Ads About Social Issues, Elections or Politics](#)
- Facebook [Policy on Ad Pricing](#)
- Facebook [Country-Specific Policies](#)
- Facebook [Ad Library Information](#)

Moreover, social media platforms' policies are updated much more frequently than domestic regulations and may vary by country, which makes it impossible to establish a static regulatory framework against which to compare domestic regulations. Particular attention should be paid to where domestic regulations establish clear guidelines or restrictions that may conflict with social media platforms' policies (*see Checklist for social media policy*), e.g.:

- If domestic political advertising regulations permit specific entities to run advertisements, do social media platforms prohibit advertisements by nonpermitted entities (*see checklist Q2*)?
- If domestic political advertising regulations set specific campaign periods in which ads may be run, do social media platform policies also prohibit advertisements outside the fixed campaign period (*see checklist Q1*)?
- If domestic political regulations require private media outlets to provide equal rates for political advertisements, do social media platforms provide equal rates for advertisements (*see checklist Q5*)?
- If domestic political advertising regulations set ceilings for campaign/ advertising expenditure, do social media platforms publish expenditure data to enable evaluation of compliance with spending limits (*see checklist Q3*)?
- If domestic political advertising regulations require private media outlets to register to be eligible to run advertisements, do social media platforms register as media outlets to be eligible to run advertisements (*see checklist Q4*)?
- If regulations require political advertisements to be labeled with a disclaimer, do social media platforms ensure that advertisements include disclaimers (*see checklist Q6*)?



In cases where domestic political advertising regulations are contradictory or unclear, it may be difficult to perform a comparative analysis between the domestic regulations and social media platform policies. However, areas **where social media platform policies are contradictory or inhibit compliance should be noted to highlight inadequacies in platform policies** that need to be addressed.

4 PART 2: ACCOUNT IDENTIFICATION & AD DATA COLLECTION

Once the analysis of the applicable legal framework and social media platform policies is done, the dedicated core team member or monitor must identify the accounts used by electoral actors in order to collect advertisement data.

4.1 Identification of accounts that may run advertisements

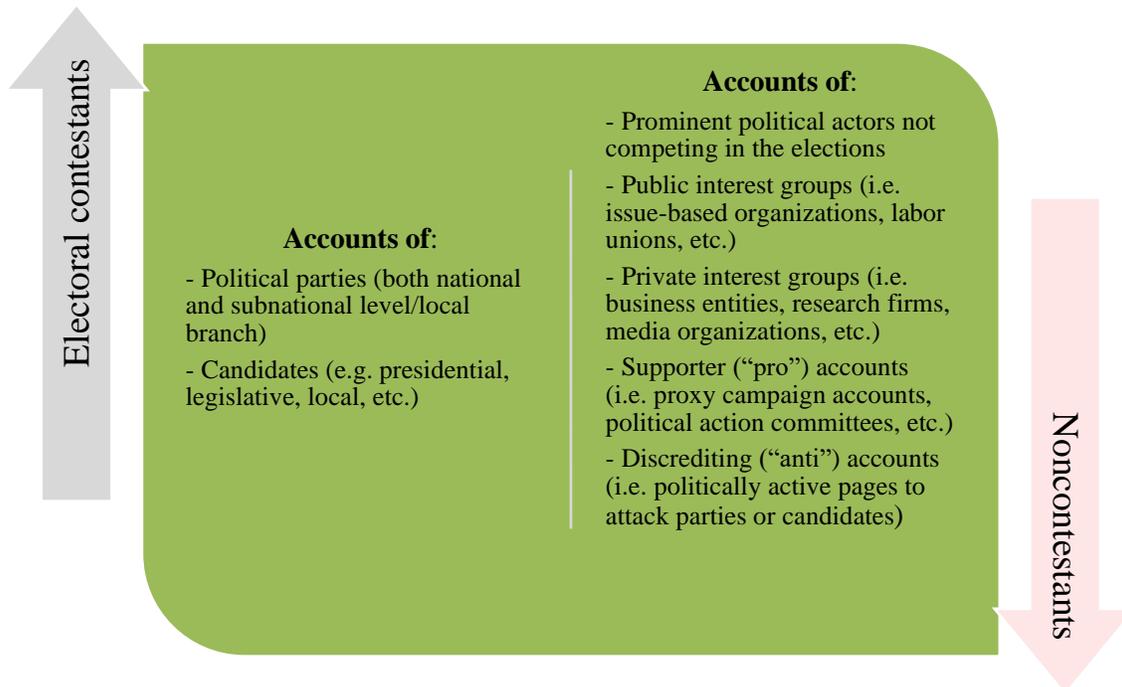
Before the monitor can collect social media advertising data, s/he needs to identify accounts that may run advertisements. At a minimum, s/he should identify the URLs of the following social media accounts:

- Accounts (i.e. social media pages) of electoral contestants (political parties and candidates) legally registered to compete in elections.
- Accounts of noncontestants who are allowed to run advertisements.

To do so, the dedicated monitor can then select the most popular or most-used social media platforms based on use during the electoral period (number of accounts, pages, frequency of posts, likes, shares, etc.) on which political ads can be run, including:

- Facebook
- Instagram
- Messenger
- Audience Network
- Google
- Other

Depending on the applicable domestic regulations, two groups of electoral actors may run political advertisements:



ATTENTION: The process of compiling a list of accounts for monitoring is a critical process and should start as early as possible.

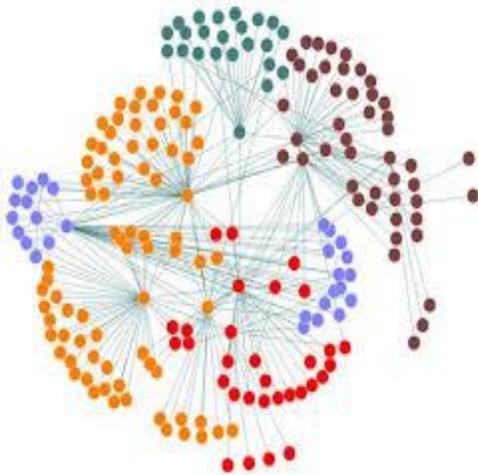
While it is not possible to know which **political parties or candidates** will contest an election until the candidate nomination process is finalized, compiling a list of likely contestants, taking into account different elements (candidates/parties listed in opinion polls, electoral contestants who have run in previous elections, pre-campaign activities), is advised so the monitor can start collecting advertising data as soon as possible. (This is important because some would-be contestants may run advertisements well ahead of the campaign period.)

Identifying accounts of **noncontestants** may prove challenging. It may be reasonably assumed that some prominent political figures and issue-based organizations (which, for instance, participated actively in previous campaigns) may be “likely” advertisers and run ads on behalf of a political contestant or to advance a political agenda.



The most rudimentary way to identify likely advertisers is to identify accounts that are actively running advertisements. If possible, efforts should be made to **crowdsource active political advertisements** so that these accounts can be added to the monitoring list.

There may also be a number of accounts created to support political parties or candidates (“**pro**” accounts) as well as accounts that are created to discredit one or more parties or candidates (“**anti**” accounts). While many of these accounts may not run political advertisements, some may run ads to advance a political agenda.



A creative way to identify accounts that may run advertisements is to conduct a social network analysis (SNA). An SNA can help to identify networks of accounts that form communities engaged in information sharing, either in a tight-knit or loose-knit manner. Some accounts that spread information generated by contestants are “pro” accounts that may run advertisements to support a candidate. An SNA should be conducted ahead of an election mission deployment in order to identify potential clusters of accounts and coordination patterns between different contestant and non-contestant accounts, as this may reveal attempts to circumvent campaign finance regulations and rules on independent expenditures.

4.2 Collecting advertising data for monitoring

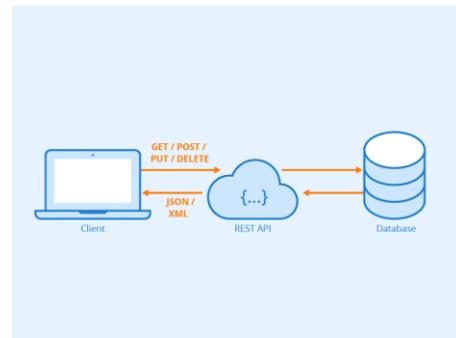
4.2.1 Access to social media platform data

Social media companies have adopted varying ad data access policies.

→ In countries **where advertisers register and social media platforms maintain ad archives**, advertising data can be accessed via application programming interface (API).⁷ To access data via API, the mission will need to hire a developer who has experience working with APIs. In the case of Facebook, the developer will need to register with the platform to obtain an API token that can be used to extract data from ad archives. Official documentation for developers on what data is made available and how to access data via API is provided directly by social media platforms:

- Facebook: <https://www.facebook.com/ads/library/api>
- Google: <https://developers.google.com/google-ads/api/docs/start>

Ad data contained in archives that is made accessible via API includes the text contained in the ad, start and end date for the ad, sponsorship, expenditure, views, and demographic and geographical distribution of the audience targeted. Archived data can be accessed at any point during (or even after) the electoral process.⁸



If the anticipated volume of data to be collected via API is large, advertising data may need to be stored in a **database**. In that case, the developer should also have experience designing and managing SQL or NoSQL databases. If the anticipated volume of data to be collected is small, it can be stored in CSV files that can be accessed via Microsoft Excel. Where Google maintains archives, the monitor can search for ad data by keyword or by individual advertiser and download it directly into CSV format.⁹

→ **Where advertisers have not registered and Facebook does not maintain archives**, the Facebook Ad Library displays copies of ads while they are actively running. Ad data can be accessed via the Facebook Ad Library interface and manually captured (scraped) and organized in a **spreadsheet**. Advertisements that are actively running can be viewed by searching directly by the name of the page running advertisements.¹⁰

Ad data displayed in the Facebook Ad Library where advertisers have not registered is limited to the text contained in the ad, image, or video, and the date when the ad started running. There is *no* data available on ad sponsorship (i.e. the individual or entity that is responsible for advertising expenditure), expenditure, views, and demographic and geographical distribution of the audience targeted. Once an advertisement is no longer actively running, it disappears from the Ad Library.

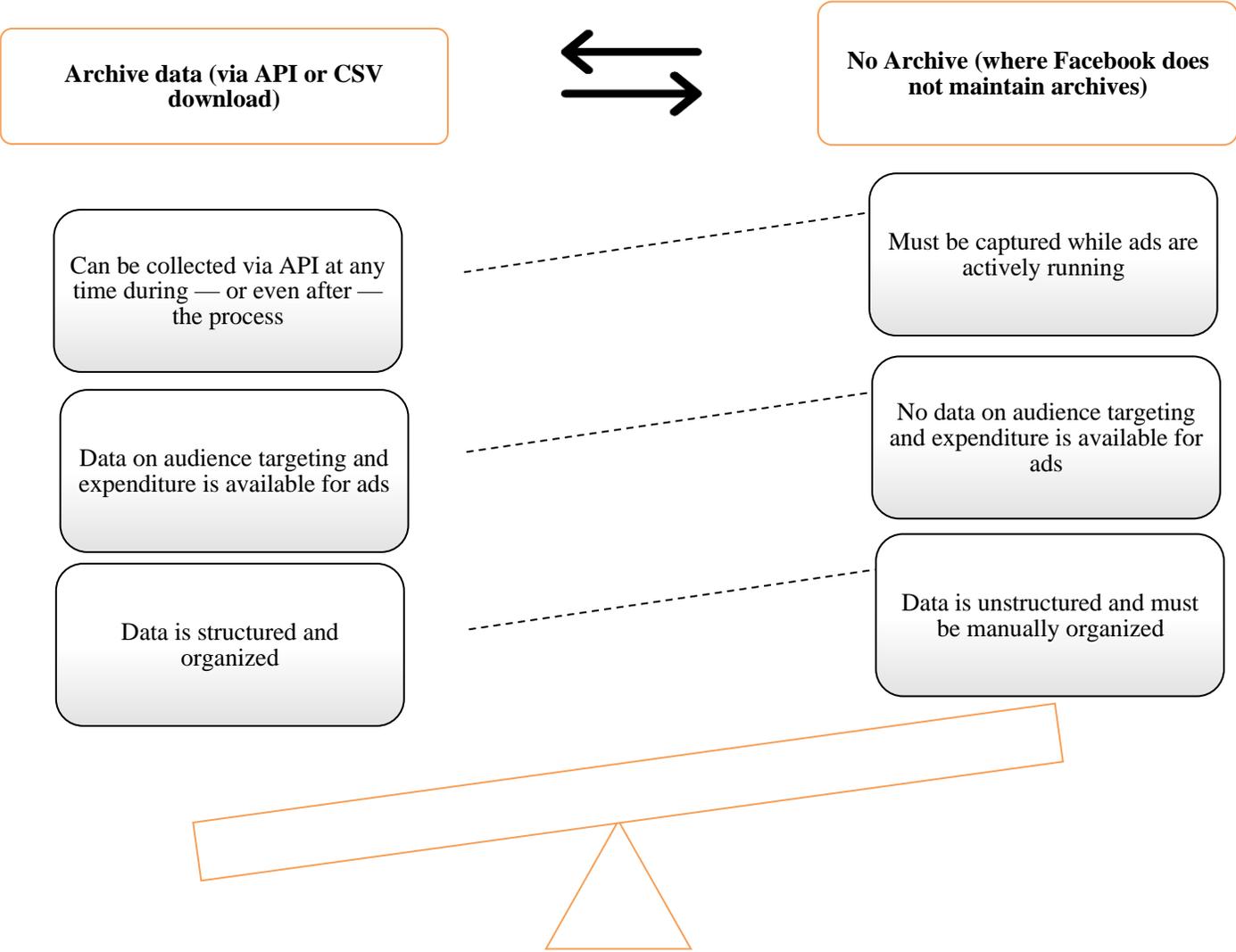
⁷ In most cases, the focus will likely be on Facebook and Instagram, given that Twitter has banned all political advertisements on its platform since November 2019 and Google only maintains archives in the US, EU, UK, India, and New Zealand.

⁸ Data may be accessed via API if a developer requests direct access from social media platforms. A problem encountered by a significant number of EMBs (and *a fortiori* domestic and international observers) is the delayed access to these APIs pending Facebook's approval of their request. This issue can become especially challenging in countries where the campaign period – and therefore the timespan to access, collect and analyze ad data – is short.

⁹ See: <https://transparencyreport.google.com/political-ads/region/US?hl=en>

¹⁰ See: <https://www.facebook.com/ads/library/>

Differences between social media ad data access policies



4.2.2 Access to (interim) campaign finance reports

Depending on the applicable legal framework, electoral contestants (and sometimes noncontestants) have to submit interim reports containing all income collected and all spending incurred for electoral purposes. Some campaign-finance regulations require electoral contestants to separately account for and report their social media political advertising costs. In this instance, the mission has the opportunity to compare whether the data collected and scraped from the different ad libraries roughly corresponds to the reported costs of social media political advertising in the electoral contestants' interim reports (and *a fortiori* the final campaign finance reports).

The format for submission and disclosure of financial reports in relation to social media political advertising spending (hardcopy, softcopy, published on website, searchable, and downloadable) is very important as soft copies that can be downloaded and searched will allow a swift comparison of price ranges.¹¹

5 PART 3: MONITORING AND ANALYSIS OF AD DATA

5.1 Monitoring political advertisements to identify violations

In countries where Facebook does not maintain advertising archives and/or where advertisements are run by unregistered advertisers without any expenditure data, it is challenging to monitor ads and impossible to assess total social media advertising expenditures. Thus, while Facebook's advertising self-regulatory measures may not necessarily conflict with domestic regulations, the lack of transparency in social media political advertising inhibits monitoring and independent evaluation of advertiser compliance with regulations.

Moreover, in select countries, Google and Facebook also require advertisers that seek to run political ads to register.¹² While failure to register does not prevent an advertiser from running an ad, Google and Facebook reserve the right to remove political ads run by unregistered advertisers, which can render the monitoring of those ads (and evaluation of the cost thereof) complicated. Monitoring of ad data is facilitated by a checklist that the Carter Center has developed to monitor and assess social media political advertisements (*see Checklist for monitors*). Monitoring should be conducted during the electoral process as advertising data is collected. Where large volumes of ad data are collected, ads should be monitored on an ongoing basis to avoid information overload.

5.2 Compiling analysis of social media political advertising monitoring

The compilation of monitoring findings is essential to enabling the monitor/mission to analyze social media political advertising activity that will be included in the final report. To do so, the monitor should include both quantitative and qualitative data to substantiate the findings of the social media political advertising monitoring.

¹¹ See GONG's [report](#) on the monitoring of social media political advertising during the 2019/2020 presidential election.

¹² At the time of writing, Google requires advertisers to register in the EU, UK, U.S., India, and New Zealand, while Facebook currently [requires advertisers](#) to register in 60 countries.

1/ **Quantitative data analysis** should include *inter alia* :

- Number of political ads found on the observed social media platforms
- Number of political ads monitored on the observed social media platforms
- Number of political ads run by contestants and noncontestants
- Number of political ads run by permitted advertisers
- Number of political ads run by **prohibited advertisers***
- Number of political ads run **outside the designated campaign period***
- Number of political ads run by verified advertisers
- Number of political ads run by **unverified advertisers***
- If available, amount of political advertising expenditure by advertiser (estimate based on the price ranges provided by the social media platforms)



Quantitative data analysis of the number of ads run that constitute potential violations of domestic political advertising regulations (**marked with an asterisk**) will help the mission draw conclusions regarding the type, the extent/magnitude, and the recurrence of the irregularities observed.

Once the first stage of the analysis has been finalized, the monitor should resort to qualitative data analysis to dig into the identified violations and address specific concerns, such as:

- Whether and how noncontestants or prohibited advertisers may be running advertisements to advance false, misleading, or divisive narratives to targeted audiences.
- Whether and how noncontestants or prohibited advertisers can be used as proxies or vehicles to advance the interests of particular contestants to circumvent political advertising and campaign-finance regulations (donation and spending limits and bans, such as the prohibition of foreign influence or interference through donations and/or expenses incurred to oppose or support a specific candidate or political party).
- Whether external actors of unknown or unclear affiliations may be running advertisements to either advance the interests of contestants or sow general discord.

2/ **Qualitative data analysis** should include *inter alia*:

- Trends or examples of political ads run by contestants and noncontestants.
- Trends or examples of political ads run by prohibited advertisers.
- Trends or examples of political ads run by advertisers whose administrators are abroad.
- Trends or examples of political ads run by advertisers whose pages are not verified.
- Trends or examples of political ads containing false or misleading information.
- Trends or examples of political ads containing hate speech.



Qualitative data analysis may allow election observation missions to demonstrate how the affordances of **social media platform advertising tools may be abused and highlight weaknesses in political advertising regulations and social media platform policies** that may need to be addressed. Such activity is of particular concern where social media platforms do not maintain archives and thus where there is a lack of transparency and accountability that can be exploited.

The table below aims to help the monitor identify violations with a view to formulating recommendations. It must be used and completed in conjunction with the Checklist for monitors to facilitate the documentation of the nature and amount of political advertising as well as the type and magnitude of potential violations of domestic regulations.

Potential Violations	Violation Observed	Legal Sanction	Notes
Type of advertiser: <i>When possible, specify who the advertiser is: a registered candidate; a party leader/prominent member/activist; a member of the government (ministers, prime minister); the president; a CSO activist; a media outlet/journalist, a labor union, etc.</i>			
<i>Instances of political ads run by non-contestants on behalf of a political party or candidate when third-party spending is unregulated to circumvent campaign finance regulation (i.e. campaign spending limit)</i>			
<i>Instances of political ads run by non-contestants on behalf of a political party or candidate when third-party spending is prohibited (but permitted for contestants)</i>			
<i>Instances of political ads run by non-contestants to promote or oppose a specific political party or candidate when there is a blanket ban on social media political ads</i>			
<i>Account administrator located abroad when campaign finance rules prohibit foreign donations/interference</i>			
<i>Other</i>			
Type of advertisement			
<i>Instances where only political ads (and not issue-based ads) are subject to campaign finance regulations (campaign spending limit or in terms of content, length, etc.)</i>			
<i>Use of issue-related ads that do not fall under the definition of political ads and are not subject to political advertising regulations:</i> <ul style="list-style-type: none"> ○ <i>False or misleading information? (Y/N)</i> ○ <i>Hate Speech? (Y/N)</i> 			
<i>Absence of a disclaimer that acknowledges who paid for the advertisement</i>			
<i>Absence of the blue/gray badge – page not verified</i>			
<i>Target audience: question of microtargeting</i>			
<i>Other</i>			
Timeframe of Violations			
<i>Instances of political ads run before the start of the (official) electoral campaign period</i>			
<i>Instances of political ads (re)run during the silence period</i>			
<i>Instances of political ads run without any information about the number of days they were run</i>			
<i>Other</i>			
Cost			
<i>Instances where expenditure data is provided but figures do not add up while cross-checking the different sources of information</i> <ul style="list-style-type: none"> ○ <i>Electoral actors' financial reports;</i> ○ <i>Contracts between social media providers and advertisers;</i> ○ <i>Ad libraries</i> 			
<i>Instances where expenditure data is provided but only one source of information is available (impossible to cross-check information) among:</i> <ul style="list-style-type: none"> ○ <i>Electoral actors' financial reports;</i> ○ <i>Contracts between social media providers and advertisers;</i> ○ <i>Ad libraries</i> 			
<i>Other</i>			

5.3 Reporting on Social Media Political Advertising Monitoring

While social media platforms expect advertisers to comply with domestic regulations, social media platform advertising policies may conflict with domestic regulations. For example, Facebook advertising rates are based on “auction” pricing, which means base rate fees will vary for individual advertisers and advertisements.¹³ In countries where regulations require that advertising rates be fixed to ensure a level playing field, Facebook advertising rate policies would violate domestic regulations.

This analysis and evaluation of political advertising monitoring findings should be integrated into a final report that includes: (1) an analysis of the relevant regulatory framework and social media platform policies; (2) an analysis of the context of the observed country in terms of social media political advertising practices and activity; and (3) conclusions drawn from this monitoring through the formulation of recommendations aimed at institutional stakeholders, electoral actors, noninstitutional stakeholders, and social media companies. An outline of the final report should be as follows:

1. Analysis of the applicable domestic regulatory framework and social media platform policies
 - Analysis of political advertising regulations applicable to social media platforms
 - Analysis of social media advertising policies
 - Identification of social media platform policies that may conflict with domestic regulations or inhibit evaluation of compliance
2. Analysis of the social media political advertising activity and practices in the observed country
 - Overview of approach to monitoring social media political advertising (including which platforms were monitored, accounts identified for monitoring, data collection method used, etc.)
 - Brief description of the methods used to collect and analyze the data as well as any limitations that precluded comprehensive or systematic monitoring and analysis
 - Quantitative analysis of social media political advertising findings
 - Qualitative analysis of social media political advertising findings
3. Conclusions and Recommendations
 - Conclusions drawn from the quantitative and qualitative analyses of social media political advertising monitoring findings
 - Identification of violations of domestic regulations
 - Discrepancies/conflicts between domestic regulations and social media platform policies
 - Recommendations broken down by category of actor or stakeholder (*see Section 6 – Recommendations*)

Some underlying issues may surface while analyzing the findings of the monitoring of social media political ads. Those might not be addressed and dealt with in the final report because of a lack of information or data to substantiate the potential issue. Nevertheless, the monitor(s) and mission(s) should flag and record these issues. The best example is the use of cryptocurrency during electoral campaigns, which tends to diminish political finance transparency.¹⁴

¹³ Facebook [advertising rate policy](#).

¹⁴ While information and communications technology aims to further enhance political finance transparency and accountability, it can also pose new challenges. Indeed, depending on the design, some cryptocurrencies could make it almost impossible to identify the sources and destinations of transactions. In the context of political finance, cryptocurrencies could be used to circumvent some

6 RECOMMENDATIONS

There are very few international standards for political finance. Two distinct strands of international standards and instruments affect political finance: There is a series of international treaties and agreements that address democratic participation, e.g. human and political rights, and another that focuses on anti-corruption measures and political finance regulation. The main international instruments relevant for assessing political finance are Para. 19 of the United Nations Human Rights Committee, General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention against Corruption (UNCAC) 2005, Article 7-3, which calls for reasonable limitations on campaign expenditures and the need for transparency in the funding of election campaigns and political parties.

Below is a series of standard recommendations that IEOMs could use or draw upon while drafting up the final report. The recommendations proposed below are aimed toward different actors and stakeholders and are based on the conclusions drawn from the quantitative and qualitative analyses of social media political advertising monitoring findings.

6.1 Institutional stakeholders

- Amend domestic political advertising regulations to include social media-related rules within the applicable regulatory framework and align the different regimes to provide consistency across the media landscape.
- Mandate that political parties and candidates register official accounts to be used for advertising purposes during a campaign.
- Require political parties and candidates to disclose and report campaign-finance expenditure related to social media advertising. To this end, electoral actors should be mandated to itemize their campaign spending and report on money spent on digital campaigns either separately or in one dedicated spending category.
- Require that advertisements on social media platforms be labeled to make the source clear and oblige social media platforms to archive data from official accounts in online databases accessible to the public for monitoring and evaluation.
- Require social media platforms to maintain and publish archives of all political advertisements run by political parties and election contestants.
- Require social media platforms to include actual cost data for individual political advertisement expenditure.

6.2 Regulated community (political parties, candidates)

- Require all campaign electoral contestants and noncontestants (*if applicable*) to identify who sponsored or paid for the ad/content to ensure compliance with domestic political advertising and campaign finance regulations, especially as regards expenditure limits and rules related to sources of funding.
- Require all campaign electoral contestants and noncontestants (*if applicable*) to provide detailed and meaningful invoices from their digital suppliers to improve transparency and compliance with domestic regulations.

political finance regulations, such as donation bans. The main policy concerns regarding their use are anonymity, volatility, and a lack of oversight. See [Cryptocurrencies and Political Finance](#) - International IDEA Discussion Paper 2/2019.

- Sensitize all campaign electoral contestants and noncontestants (*if applicable*) to the risks of circumventing the rules on coordinated expenditures with proxies/third parties in terms of sanctions imposed.

6.3 Noninstitutional stakeholders (CSOs, media outlets)

- Civil society organizations and media should actively monitor the use of social media networks by electoral contestants and noncontestants, i.e. identification of accounts and identification of potential violations.
- When possible, CSOs and media should monitor the correct and complete reporting of social media political advertising expenses by the electoral actors and compare social media network costs reported in official financial reports of both contestants and noncontestants (*when relevant*) with data contained in the social media ad libraries.
- CSOs and media should put in place cooperation mechanisms with other CSOs and media outlets and institutional stakeholders to jointly monitor compliance of social media platform policies with domestic social media political advertising regulations.

6.4 Social media platforms

- Maintain and publish archives of all advertisements run by elected officials and political parties.
- Proactively verify accounts of election officials and political parties.
- Proactively comply with domestic regulations, i.e. restricting advertising to permitted advertisers and to the designated campaign period, and ensuring consistent rates for advertisers.
- Put in place controls to check that the account administrator and noncontestant advertisers who want to sponsor or pay for ads are actually based in the observed country.
- Expand archives to allow access to specific time periods and actual costs rather than ranges or data and price ranges to get an accurate cost for each advertisement and allow evaluation of social media advertising spending over a specific period of time.
- Include disclaimers on advertisements that identify who sponsored or paid for them in accordance with domestic political advertising and campaign-finance regulations.
- Conduct digital awareness-raising to ensure all advertisers are educated on domestic political advertising regulations.
- Coordinate with election authorities and CSOs to facilitate monitoring and reporting of political advertising violations.

7 ANNEXES

7.1 Glossary

- Social media platform: Internet site or internet application whose owner or operator, in the course of their commercial activities, sells, directly or indirectly, advertising space on the site or application to persons or groups. In the electoral context, those refer to internet-based platforms used by social media networks (Facebook, Instagram, Messenger, WhatsApp, Google, etc) to promote any profiles or accounts of their users.
- Political advertisements: Advertisements generated by a political/electoral contestant or by a non-contestant to influence opinion in support of, or in opposition to, a political/electoral contestant. Although political advertising generally covers paid-for advertisements, it can sometimes relate to free or subsidized ads paid for by the state.
- Issue-based advertisements: An advertisement may be considered issue-based if it is generated by a noncontestant to influence opinion in support of, or in opposition to, an issue of political debate or if it takes a position on anything that is or may become an issue during an election campaign, from an item in a candidate/political party's platform to an issue at the electoral national or district level.
- Ad library: A place where one can search for ads that are running across a given social media platform's apps and services. Search is possible for ads that are currently active on the platform apps and services as well as for inactive ads that are about issues, elections, or politics. When accessible, the ad library generally shows additional information about these ads, such as who funded the ad, a range of how much they spent, and the reach of the ad across multiple demographics.
- API: An application programming interface allows two applications to communicate with one another to access data and enables access to certain aspects of a platform's data related to requests received and responses sent.
- Verified account: The presence of a checkmark next to the name of the account (blue/gray badge) means that the account is verified and that the social media platform confirmed that this is the authentic page or profile for a public figure, media company, brand business, or organization.
- Disclaimer: The label that indicates the name of the entity that sponsored or paid for the advertisement and acknowledges who is responsible for its content.

7.2 Country examples of political advertising regulations (alphabetical order)

Country/Good practice	Rules regarding social media political advertising
<p>Bolivia: Interdiction of third-party social media political advertising</p>	<p>The 2020 OEP Regulation on Propaganda and Electoral Campaigning (Article 4) defines paid electoral propaganda as any message paid for by political organizations with a view to gain electoral support, and which is published or broadcast in mass media (television, radio, film, newspapers, and magazines); digital media (news agencies, newspapers, television and radio stations that broadcast or publish on the internet), and digital social networks that post paid advertising.</p> <p>→ Political advertising may only be run by political parties or alliances with candidates in the race (Article 115, Election Law) on registered media.</p> <p>→ All political ads must be clearly marked with the name and symbol of the political organization or alliance that is promoting it and can be run from 30 days up until 72 hours before election day.</p> <p><i>OEP: Órgano Electoral Plurinacional</i></p>
<p>Canada: Existence of a digital registry of ads + Definition of social media terminology</p>	<p>→ Online platforms that meet the definition set out in the Canada Elections Act (CEA), i.e. “an Internet site or Internet application whose owner or operator, in the course of their commercial activities, sells, directly or indirectly, advertising space on the site or application to persons or groups” must keep and publish a digital registry of all regulated ads and the name of the person who authorized the ad, and ads must be included in the registry on the day they are first displayed.</p> <p>The CEA requires an ad registry when the following monthly visit thresholds are reached:</p> <ul style="list-style-type: none"> • For platforms mainly in English: 3 million unique visitors in Canada a month • For platforms mainly in French: 1 million unique visitors in Canada a month • For platforms mainly in a language other than English or French: 100,000 unique visitors in Canada a month <p>→ The CEA also defines political advertising and issue-based advertising, i.e. partisan advertising and election advertising.¹⁵</p>
<p>Croatia: Obligation to report separately on social media political advertising expenses</p>	<p>Adoption of the Rulebook on Financial Reporting of Political Activities that requires candidates to display the costs of advertising on social networks separately from other expenses (July 2019).</p> <p><i>Article 11(6) of the Rulebook [unofficial translation]: When entering the costs of advertising the election campaign on social networks in the Report on costs (expenditures) referred to in paragraph 4 of this Article, the period of advertising shall be entered in the column “date/period of use.”</i></p>

¹⁵ Both partisan advertising and election advertising are defined as ads that promote or oppose a party or a candidate. In addition, election advertising includes advertising that takes a position on anything that is or may become an issue during a federal election campaign, from an item in a political party's platform to an issue at the electoral district level. This latter form of advertising is sometimes called “issue advertising” but it is only regulated during the election period. For more information, check out [Canada Elections' website](#).

<p>Myanmar: Presence of a disclaimer on advertiser accounts + Registration of advertisers</p>	<p>Facebook outlined its intent to introduce an “ads enforcement” protocol, which requires FB pages in Myanmar that want to run political and issue ads to register as advertisers, to use a “paid for” disclaimer, and to archive those ads in a political “ads library” that will provide information on content and related expenditures, with a <i>quid pro quo</i> that the advertisers get data on the impact of their advertisements (views, etc).</p> <p>But:</p> <ul style="list-style-type: none"> • Advertiser registration is voluntary, so parties and candidates can still run ads without registering and won’t be captured by the system. • Only candidates, and not parties, have an expenditure limit. Coordinated spending by other groups and political parties in favor of select candidates can be used as an avenue to circumvent campaign finance regulations.
<p>Tunisia: Definition of publicity vs. propaganda</p>	<p>Political advertising is prohibited on all types of media except for the presidential elections, where social media political ads are allowed.</p> <p>But:</p> <ul style="list-style-type: none"> • Sponsored links are permitted as long as they are not paid for by accounts located abroad (because of the principle of currency inconvertibility) and/or paid for by political parties (legal entities forbidden to finance an electoral campaign). • The distinction between political advertising/publicity and electoral propaganda is rather thin and complicated and renders the oversight body’s supervision almost impossible (no criteria to differentiate between the two terms).
<p>UK: Reporting on micro-targeting</p>	<p>UK electoral law sets limits on the amount of money that contestants and (registered) noncontestants can spend on campaign activity during the regulated electoral period (which varies by type of election). Money spent on digital campaigning carried out during that period counts toward electoral contestants’ spending limits.</p> <p>Electoral actors use micro-targeting that enables them to send messages tailored to specific groups of voters based on demographic factors like age and gender, on their interests and on their physical location. Only the voter, the campaigner and the platform know who has been targeted with which messages. Electoral actors must report on the money spent on micro-targeting.</p> <p>But:</p> <ul style="list-style-type: none"> • Political parties must report the costs of social media political ads at elections as long as they pertain to the party’s activities. However, if messages promote a particular candidate, the rules may require the candidate to report the cost of those messages instead. • The problem is that these rules do not work properly if candidates and political parties do not report the money they spend on targeted messages against the right limit or at all (in the case expenses are not explicitly related to a candidate’s campaign), especially in the context of a split oversight remit over political finance (the UKEC is responsible for political party finance oversight and the returning officers are in charge of monitoring campaign finance).

7.3 Checklist for legal analyst

This checklist is intended to guide analysis of political advertisement regulations that are relevant and applicable to social media platform advertising. This checklist will be used to inform activities aimed at monitoring political advertising on social media to identify:

- a) regulatory violations (by political parties, candidates, noncontestants, media, etc.);*
- b) social media platform policies that may violate — or facilitate violations of — regulations;*
- c) shortcomings in platform reporting and disclosure requirements that inhibit analysis; and*
- d) weaknesses in the regulatory framework that need to be strengthened vis-à-vis social media.*

I. APPLICABLE LEGAL FRAMEWORK

1. Where are rules pertaining to political advertising set out?

- Constitution
- Electoral Code
- Law on Political Parties
- Broadcast Act
- EMB Code of Conduct / Guidelines / Regulations
- Memorandum of Cooperation

If regulations are contained in different pieces of legislation, please explain if they are consistent with one another or if there are any inconsistencies.

2. How is political advertising defined?

In regulatory frameworks that have been updated recently, social media — or, more broadly, digital media or online media — may specifically be noted as a form of media. In older regulatory frameworks, it may be the case that social media is not referenced whatsoever, which would make it “unregulated.”

- Paid political advertising is prohibited in public and private media, but candidates and political parties are provided with free or subsidized airtime.
- Political advertising is prohibited in both public and private broadcast and social media but allowed in print outlets.
- Political advertising is prohibited in public and private broadcast and print media and unregulated in social media.
- Political advertising is allowed in public and private broadcast and print media and unregulated in social media.
- Political advertising is allowed in all types of media — broadcast, print and social media.

If political advertising on social media is allowed, please explain how social media is referenced in the regulations (e.g. social media advertising, digital media advertising, online media advertising, etc.):

For the purposes of clarity, please put an ‘x’ in each box that is applicable:

Medium	Type	Allowed	Subsidized	Prohibited	Unregulated
Broadcast	<i>Public</i>				
	<i>Private</i>				
Print	<i>Public</i>				
	<i>Private</i>				
Social Media	<i>Private</i>				

II. DEFINITION OF KEY CONCEPTS

3. Is there a fixed electoral campaign period?

- Yes
- No

If yes, please indicate the legally mandated election campaign timeframe — and specific dates for the upcoming elections (Note: if there are parliamentary or runoff elections, please use multiple rows):

Campaign Start (e.g. 30 days before election day)	Actual Campaign Start Date for this Election	Campaign Silence (e.g. 72 hours before election day)	Campaign Silence Start Date for this Election	Election Day

4. Is there a provision related to the use of political advertising within specific periods?

In some contexts, there exist provisions for periods when political advertisements are explicitly allowed or prohibited in campaign timeframes. (E.g., in Latvia, the campaign period starts 120 days before election day, but political advertisements are prohibited in the final 30 days before election day.)

- Yes
- No

If yes, please explain any provision(s) that is specified in the regulations.

5. Which entities are permitted to run political advertisements?

- Political Parties
- Candidates
- Noncontestant - Organizations (i.e., issue-based groups, media outlets, labor unions, etc.)
- Noncontestant - Individuals (i.e., private citizens)

If there are any specifically defined noncontestants that are allowed or prohibited from running advertisements, please explain.

III. POLITICAL ADVERTISING LIMITS AND REQUIREMENTS

6. Are allowed electoral expenses defined in the regulatory framework?

- Yes
- No

If yes, provide the legal definition and specify whether political advertising is mentioned in the definition.

7. Are there limits on the amount political parties or candidates can spend in general?

Entity	Limit	Notes
Political Parties		
Candidates		

8. Are there limits on the amount political parties or candidates can spend on political advertising?

Entity	Limit	Notes
Political Parties		
Candidates		

9. If allowed to run advertisements, are there limits on the amount noncontestant groups or individuals can spend on political advertising?

Entity	Limit	Notes

10. Are there nonfinancial limits on the advertisements that can be run?

Nonfinancial limits may include the number of advertisements that can be run in a fixed period of time (e.g. in 24 hours), or the size or duration of advertisements (less than 3 minutes per ad), etc.

Yes

No

If yes, please explain any nonfinancial limits that may exist:

Advertiser	Political party	Candidate	Noncontestant
Medium			
Print			
Broadcast			
Social			

11. Is there a registration requirement for private media to be eligible to run advertisements?

In some contexts, private media outlets must register with a national or subnational regulatory body to allow political advertisements on their media platform.

Yes

No

If yes, please explain.

12. Are there requirements for private media to provide transparent and equal rates for political advertisements?

In some contexts, media outlets must publish a transparent fee/rate schedule for advertisements to ensure equal treatment (i.e., a level playing field) for political contestants.

Yes

No

If yes, please explain.

13. Are there requirements that advertisements be labeled with a disclaimer, i.e., “paid for by” or “[party or candidate] is responsible for the content”)?

Yes

No

If yes, please explain.

IV. REPORTING AND DISCLOSURE

14. Are there expenditure reporting requirements for political parties or candidates in general?

Yes

No

If yes, please explain — and note the timeline, details, and frequency of reporting.

15. Are there expenditure reporting requirements for political parties or candidates with respect to political advertising?

Yes

No

If yes, please explain — and note the timeline, details, and frequency of reporting.

16. If permitted, are there expenditure reporting requirements for noncontestants and individuals with respect to political advertising?

Yes

No

If yes, please explain — and note the timeline, details, and frequency of reporting.

17. Are campaign expenditure reports made public?

Yes

No

If yes, who is required to make disclosures, when is information to be disclosed, and what is the format for disclosure?

V. OVERSIGHT AND SANCTIONS

18. Is there an oversight body responsible for monitoring and enforcing political advertising regulations?

Yes

No

If yes, please explain who is responsible and the mandate of the body (i.e., powers at its disposal such as investigative or sanctioning authority, time period during which it will be monitoring, etc.).

Note: If there is more than one competent oversight body, what cooperation mechanisms are in place?

19. Are violations enumerated in political advertising regulations?

Yes

No

If yes, please list the violations and who is considered liable for them (e.g., political parties, media):

Violation	Liable Entity	Notes

20. Are there sanctions associated with violations of political advertising regulations?

Yes

No

If yes, please detail the violations and sanctions contained in the regulations:

Violation	Sanction

21. Which authorities are responsible for assessing violations and imposing sanctions?

In some contexts, responsibility for assessing violations and imposing sanctions may be concentrated in one authority (e.g., a special court or institution) while in others, responsibility may be handled through the court system. Alternatively, responsibility for assessing violations may be tasked to an oversight body while responsibility for imposing sanctions is handled through the court system.

22. How are violations brought to the attention of relevant authorities?

In some contexts, formal complaints may be lodged by political contestants directly to courts; in others, violations may be identified directly by, or reported to, an oversight body. In some cases, violations may be submitted by contestants, by noncontestants (including observer groups), or anonymously.

7.4 Checklist for social media policy

This checklist is intended to facilitate a comparative analysis between domestic regulations and social media political advertising policies. The goals of this checklist are to (a) evaluate the degree to which social media advertising policies comply — or conflict — with domestic political advertising regulations and (b) identify where social media advertising policies enable — or inhibit — evaluation of compliance. This checklist should be completed after the Checklist for legal analyst is completed. Answers to questions may be found by 1) reviewing policies published by social media platforms; 2) analyzing social media political advertising data collected for monitoring purposes; 3) interviewing social media platform representatives; and/or 4) interviewing relevant domestic authorities charged with management and oversight of political advertising.

1. If regulations establish a fixed campaign period during which advertisements may run, do social media platforms prohibit advertisements run outside the fixed campaign period?

See “Checklist for Political Advertising Regulations Analysis” II.3 and II.4 for whether a fixed campaign period exists during which advertisements may run.

Answers to this question may be found by analyzing social media political advertising data collected for monitoring purposes and/or interviewing social media platform representatives.

Yes

No

If no, please explain.

2. If regulations only permit specific entities to run political advertisements, do social media platforms prohibit advertisements by nonpermitted entities?

See “Checklist for Political Advertising Regulations Analysis” II.5 for which entities are permitted to run political advertisements.

Answers to this question may be found by analyzing social media political advertising data collected for monitoring purposes and/or interviewing social media platform representatives.

Yes

No

If no, please explain.

3. If regulations establish campaign advertising spending limits, do social media platforms publish expenditure data to enable evaluation of compliance with spending limits?

See “Checklist for Political Advertising Regulations Analysis” III.7, III.8, and III.9.

Answers to this question may be found by analyzing social media political advertising data collected for monitoring purposes and interviewing social media platform representatives.

Yes

No

Other

If other, please explain (e.g., expenditure data is provided for some advertisers, but not others).

4. If regulations require private media outlets to register to be eligible to run advertisements, do social media platforms register as media outlets to be eligible to run advertisements?

See “Checklist for Political Advertising Regulations Analysis” III.11.

Answers to this question may be found by interviewing social media platform representatives or relevant domestic authorities charged with management and oversight of political advertising.

Yes

No

If no, please explain.

5. If regulations require private media outlets to provide equal rates for political advertisements, do social media platforms provide equal rates for advertisements?

See “Checklist for Political Advertising Regulations Analysis” III.12

Answers to this question may be found by reviewing policies published by social media platforms and/or interviewing social media platform representatives or relevant domestic authorities charged with management and oversight of political advertising.

Yes

No

If no, please explain.

6. If regulations require political advertisements to be labeled with a disclaimer, do social media platforms ensure that advertisements include disclaimers?

See “Checklist for Political Advertising Regulations Analysis” III.13.

Answers to this question may be found by reviewing policies published by social media platforms and/or analyzing social media political advertising data collected for monitoring purposes.

Yes

No

Other

If other, please explain (e.g., disclaimers are included for some advertisements, but not others).

7.5 Checklist for monitors

This checklist is intended to guide data collection for monitoring and evaluation of individual social media political advertisements. The goal of this checklist is to facilitate documentation of the nature and amount of political advertising as well as violations of domestic regulations and other concerns. The checklist is a generic template that should be adapted to different contexts based on legal analysis of political advertising regulations (see Checklist for legal analyst).

1. On which platform(s) is the advertisement running? (Select all that apply.)

- Facebook
- Instagram
- Messenger
- Audience Network
- WhatsApp
- Google
- Other

2. What is the advertisement ID number? (enter number)

[_____]

3. What is the name of the account that ran the advertisement?

[_____]

4. Is the account running the advertisement “verified”?

Note: a verified account has a checkmark next to the name of the account. If the account has a checkmark, select yes; if there is no checkmark, select no.

- Yes
- No

5. Would you categorize the nature of the advertisement as political or issue-based?

An advertisement may be considered political if it is (a) generated by a political contestant or (b) generated by a noncontestant to influence opinion in support of, or in opposition to, a political contestant
An advertisement may be considered issue-based if it is generated by a noncontestant to influence opinion in support of, or in opposition to, an issue of political debate.

- Political
- Issue-based
- Nonpolitical

6. What is the nature of the account that ran the advertisement? (select one)

- Political party
- Candidate
- Issue-based organization (noncontestant)
- Political actor (noncontestant)
- Independent actor (noncontestant)
- Other

7. Does the advertisement support or attack a party or candidate? (select all that apply)

- Supports
- Attacks
- Neither supports nor attacks

[If “Supports” is checked:]

7.1 Which party or candidate does the advertisement support?

[_____]

[If “Attacks” is checked:]

7.2 Which party or candidate does the advertisement attack?

[_____]

8. Is the advertisement being run within the permitted campaign period?

Domestic political advertising regulations may establish a permitted campaign period in which political advertisements may run (e.g., starting from 30 days before election day) and restrict political advertisements during what is known as a campaign silence period (e.g., within 48 hours of voting).

- Yes
- No

9. Is the account running the advertisement permitted to run political advertisements?

Domestic political advertising regulations may permit advertisements by specific entities, such as political parties or candidates or prohibit advertisements by specific entities; in some cases, political advertising regulations are unclear on who is permitted or prohibited to run political advertisements.

- Yes
- No
- Unclear

10. Does the advertisement contain a disclaimer?

A disclaimer indicates the name of the entity that sponsored the advertisement and is responsible for its content.

Yes

No

11. What is the amount spent on the advertisement?

*If an estimated range is provided (e.g., \$100-\$500) use the ceiling and exclude the currency symbol (500).
If there is no amount-spent data provided, leave blank.*

[_____]

12. What is the potential reach of the advertisement?

*If an estimated audience is provided (e.g., <1M people) use the ceiling and include all digits (1000000).
If there is no potential-reach data provided, leave blank.*

[_____]

13. Where are the administrators of the account that ran the advertisement located?

If administrators are located in multiple countries, use a comma to separate the locations (e.g., country A, country B, country C).

[_____]

14. Does the advertisement contain hate speech?

Hate speech is as an attack on or denigration of an individual or group on the basis of a “protected characteristic” (i.e., race, ethnicity, gender, religion, nationality, social origin, disability, migrant status, refugee status, color, language, sexual identity or orientation).

Yes

No

15. Does the advertisement contain disinformation?

Election-related disinformation is false or misleading information that is generated and spread to undermine the credibility of the election process, suppress voter participation, incite hostility or violence, discredit a political opponent, or advance a partisan narrative.

Yes

No

[If ‘Yes’ is checked:]

15.1 If the advertisement contains false or misleading information, please explain:

[_____]

7.6 International legal framework¹⁶

Two distinct strands of international standards and instruments affect political finance: There is a series of international treaties and agreements that address democratic participation, e.g., human and political rights, and another that focuses on anti-corruption measures. Both are important to our understanding of the scope and purpose of regulating social media political advertising. See below for relevant excerpts.¹⁷

UNIVERSAL/ GENERAL INSTRUMENTS

International Covenant on Civil and Political Rights ([ICCPR](#)) Article 25, 1966:

“Every citizen shall have the right and the opportunity (...) to take part in the conduct of public affairs (...) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage (...) to have access, on general terms of equality, to public service in his country.”

[General Comment No. 25](#)¹⁸:

Paragraph 19: *“Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party. The results of genuine elections should be respected and implemented.”*

[UNCAC Article 7\(3\)](#)¹⁹:

“Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.”

¹⁶ Based on the classification made by the European Commission in the [compendium of International Standards for Elections](#), fourth edition.

¹⁷ The [Council of Europe](#)'s and its [Venice Commission](#)'s relevant documents are listed in the regional instruments/agreements as a significant number of countries are either member states, associate members, observers, or with a special status, covering large territories, different types of electoral systems, and political finance regulations. They are referenced to illustrate some international good practice in the field of campaign finance and political advertising regulations.

¹⁸ Paragraph 19 of the United Nations Human Rights Committee, General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights.

¹⁹ United Nations Convention against Corruption (UNCAC), 2003.

REGIONAL INSTRUMENTS/ AGREEMENTS

[Inter-American Democratic Charter](#) of the Organization of American States (OAS) – 2001:

Article 5: *“The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.”*

Convention for the Protection of Human Rights and Fundamental Freedoms ([ECHR](#)) – 1950:

Article 10: *“Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. (...)The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society.”*

Parliamentary Assembly of the Council of Europe [Recommendation 1516](#) on the financing of political parties – 2001:

Article 8(b): *“States should impose limits on the maximum expenditure permitted during election campaigns, given that in the absence of an upper threshold on expenditure there are no limits to the escalation of costs, which is an incentive for parties to intensify their search for funds.”*

[Recommendation Rec\(2003\)4](#) of the Committee of Ministers of the Council of Europe to member states on common rules against corruption in the funding of political parties and electoral campaigns:

Article 9: *“States should consider adopting measures to prevent excessive funding needs of political parties, such as establishing limits on expenditure on electoral campaigns.”*

Recommendation [CM/Rec\(2007\)15](#) of the Committee of Ministers to member states of the Council of Europe on measures concerning media coverage of election campaigns:

Article I(6): *“If the media accept paid political advertising, regulatory or self-regulatory frameworks should ensure that such advertising is readily recognizable as such.”*

Article II(5) - Measures concerning **broadcast media** – paid political advertising: *“In member states where political parties and candidates are permitted to buy advertising space for election purposes, regulatory frameworks should ensure that all contending parties have the possibility of buying advertising space on and according to equal conditions and rates of payment. Member states may consider introducing a provision in their regulatory frameworks to limit the amount of political advertising space and time which a given party or candidate can purchase. Regular presenters of news and current affairs programmes should not take part in paid political advertising.”*

POLITICAL COMMITMENTS

OAS/ Carter Center, [Statement of the Council of Presidents and Prime Ministers of the Americas](#) “Financing Democracy: Political Parties, Campaigns, and Elections” – 2003:

Page 3: *“Invest in the democratic character of parties rather than long or negative campaigns. The pressures of fundraising should be reduced by controlling the factors that escalate campaign costs. Measures could include limiting spending; shortening campaigns; providing equitable access to the media including free media time to the candidates during prime time; banning or capping paid political advertising; promoting public financing, eliminating inflammatory ads; adopting and enforcing prohibitions against vote-buying.”*

GOOD PRACTICE

Southern African Development Community (SADC) [Parliamentary Forum Norms and Standards](#) – 2001:

Part 3(6): *“The Electoral Commission should therefore be legally empowered to prohibit certain types of expenditures so as to limit the undue impact of money on the democratic process and the outcome of an election.”*

[Guidelines on political party regulation](#) by OSCE/ODIHR and Venice Commission, CDL-AD(2010)024:

Paragraph 195: *“Reasonable limitations on campaign expenditures might be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or political party.”*

Council of Europe (Venice Commission) [Guidelines on the Financing of Political Parties](#), CDL-INF (2001) 8:

Paragraph 8: *“In order to ensure equality of opportunities for the different political forces, electoral campaign expenses shall be limited to a ceiling, appropriate to the situation in the country and fixed in proportion to the number of voters concerned.”*
