

The Ohio State Technology Law Journal

DEMOCRATIC TRADEOFFS: PLATFORMS AND POLITICAL ADVERTISING

DANIEL KREISS* & BRIDGET BARRETT**

CONTENTS

I.	INTRODUCTION.....	494
II.	THE CURRENT STATE OF PLAY: THE LACK OF STANDARDIZATION IN PLATFORM POLICIES IN THE CONTEXT OF PAID POLITICAL SPEECH.....	497
III.	RECOMMENDATIONS	504
IV.	DEMOCRATIC TRADEOFFS	508
V.	CONCLUSION	518

* Edgar Thomas Cato Distinguished Associate Professor, University of North Carolina-Chapel Hill Hussman School of Journalism and Media.

** Roy H. Park Fellow, University of North Carolina-Chapel Hill Hussman School of Journalism and Media.

I. Introduction

In the wake of the 2016 Brexit and U.S. presidential elections, the major platform companies including Facebook (and Instagram), Google (and YouTube), and Twitter implemented significant changes in the scope of the products and services they offer as well as their policies for working in institutional politics, especially in the context of digital political advertising.¹ For example, all three companies rolled out verification processes for political advertisers and ad databases for the public. Facebook ended commissions on political ad sales and its “embed” program with campaigns.² Google placed restrictions on political microtargeting and Twitter ended political advertising entirely and placed restrictions on what it has named “cause-based” advertising.³

This paper analyzes the policies and products of platform companies with respect to digital political advertising in the U.S. Our focus is on social media platforms (Facebook, Instagram, Twitter, Snapchat, Reddit, and YouTube) and the advertising capabilities that you can access through them, as well as Google search and the Google display network. We chronicle the state of play in these policies and products, revealing the lack of standardization across these platform companies. Importantly, we ask what platforms appear to be solving for with respect to changes that are seemingly both designed to safeguard and strengthen democratic processes as well as protect these firms from external scrutiny and criticism. Given the justifications that platforms

¹ Bridget Barrett & Daniel Kreiss, *Platform Transience: Changes in Facebook’s Policies, Procedures, and Affordances in Global Electoral Politics*, 8 INTERNET POL’Y REV. 22 (2019), <https://policyreview.info/node/1446/pdf>.

² Paresh Dave, *Facebook to Drop On-Site Support for Political Campaigns*, REUTERS (Sep. 21, 2018, 8:32 PM), <https://www.reuters.com/article/us-facebook-election-usa-idUSKCN1M101Q> [<https://perma.cc/CM9C-G4VR>].

³ Nancy Scola, *Facebook Considering Limits on Targeted Campaign Ads*, POLITICO, (Nov. 7, 2019, 8:58 PM), <https://www.politico.com/news/2019/11/07/facebook-targeted-campaign-ad-limits-067550> [<https://perma.cc/4LJ5-FWX7>]; Scott Spencer, *An Update on Our Political Ads Policy*, GOOGLE: THE KEYWORD (Nov. 20, 2019), <https://blog.google/technology/ads/update-our-political-ads-policy/> [<https://perma.cc/786A-JBX2>].

give for their changes and the effects these changes are likely to have, we examine the inevitable tradeoffs between different and often competing democratic values. This paper advances a set of recommendations for improving the transparency and consistency of digital political advertising across platforms while mapping different normative positions on the democratic ends that paid political promotions advance.

We base these arguments on empirical research conducted over the past year analyzing the paid political content policies and advertising products of the major platform companies, in addition to the relationships between platforms and the field of political practitioners.⁴ During this time period, our research team at the University of North Carolina at Chapel Hill Center for Information, Technology, and Public Life (CITAP) compiled comparative data on the products, services, and policies of platform companies in the context of digital political advertising, as well as relevant legislation at the federal and state level. A separate research group issued a report more broadly on digital political ethics that drew on interviews and a two-day workshop with digital political practitioners and platform company representatives. This group discussed digital political advertising extensively and outlined four broad ethical principles that should guide practice and policy in this space: prioritizing democratic participation, protecting election integrity, increasing transparency, and ensuring fairness and consistency in the application of rules governing political speech on platforms.⁵

Based on this research, we argue that there is a significant lack of standardization in platform political ad policies and products. There are, for instance, highly variable definitions of what constitutes a political ad, with platforms (except Google) not defining political ads in the same terms as the Federal Election Commission (FEC). As a consequence, understanding platforms' policies and potential

⁴ These reports and web resources can be found at <https://citapdigitalpolitics.com/>.

⁵ JESSICA BALDWIN-PHILIPPI ET AL., DIGITAL POLITICAL ETHICS: ALIGNING PRINCIPLES WITH PRACTICE 3 (2020), https://citapdigitalpolitics.com/?page_id=1911.

regulatory interventions is unnecessarily difficult. At the same time, there is a lack of standardization when it comes to political ad databases, and there is a limited connection between what these companies make public and FEC rules in other domains, such as television advertising. This ultimately hampers the transparency of the political sphere in the context of digital electioneering.⁶

In the context of the lack of FEC rules or even guidance, new democratic issues have inevitably arisen with respect to platform roles in electoral politics. The final section of the paper reveals the democratic rationales that Facebook and Google specifically have espoused publicly in making significant changes to their political advertising policies and products, while also discussing how much of the change in platforms' paid content policies and products have likely come in the context of platforms reacting to external stakeholders and journalistic scrutiny.

These rationales are grounded in specific arguments relating to the potential harms posed by digital political advertising—such as the potential for misinformation and the lack of visibility into paid political speech—although they are often simply asserted and lack empirical grounding. Even as they have implemented these changes, we suggest that platforms might be solving for the wrong things, while recognizing that change inevitably involves trade-offs with other democratic values. To take one example here, while all the major platforms have rolled out new rules around things such as the verification of political advertisers to ensure they comply with federal and state laws, as they have done so they have unwittingly favored larger campaigns and consultancies and wealthier candidates that have comparatively greater resources to address new and constantly

⁶ See also Daphne Keller & Paddy Leerssen, *Facts and Where to Find Them: Empirical Research on Internet Platforms and Content Moderation*, in *SOCIAL MEDIA AND DEMOCRACY: THE STATE OF THE FIELD AND PROSPECTS FOR REFORM* (N. Persily & J. Tucker, forthcoming 2020). See generally Abby K. Wood & Ann M. Ravel, *Fool Me Once: Regulating Fake News and Other Online Advertising*, 91 S. CAL. L. REV. 1223 (2018).

changing requirements, raising fundamental issues of electoral fairness.

II. The Current State of Play: The Lack of Standardization in Platform Policies in the Context of Paid Political Speech

The scope of digital political advertising policies and products that exist are dizzying across the leading platform companies. On one level, this diversity has afforded strategic political communicators with a much greater variety of means for appealing to the public than during the broadcast era of American politics. It has also lowered the costs of purchasing paid political speech, which scholars have shown has allowed a greater range of actors to engage in paid political advertising.⁷ Meanwhile, the sheer variety of ads and the diversity of the platforms that they run on has meant that engaging citizens in contexts that are meaningful to them is more likely. All of which suggests that digital political advertising promotes electoral participation.⁸

To illustrate this diversity, we provide an overview of the major, accessible platform companies and the suite of different products and services they offer in the context of digital political advertising.

Google Ads (including YouTube): Parent company Alphabet has multiple advertising-related products and platforms. Google Ads (previously AdWords) includes search engine advertisements, banner ads, video ads (including YouTube), and Gmail ads. Google's Display & Video 360 platform connects to the larger programmatic media-

⁷ Erika Franklin Fowler et al., Political Advertising Online and Offline (2018) (unpublished manuscript), <https://pdfs.semanticscholar.org/0c7a/78dda6d4308764e236b9c17f898213082151.pdf>.

⁸ See Katherine Haenschen & Jay Jennings, *Mobilizing Millennial Voters with Targeted Internet Advertisements: A Field Experiment*, 36(3) POL. COMM. 357 (2019).

buying ecosystem outside of Google-managed advertising inventory.⁹ According to our research, Display & Video 360 has minimum spending requirements that make it inaccessible to smaller campaigns, so we do not include it in our analysis.

Facebook and Instagram: Advertisements on Facebook, Instagram, Facebook's Audience Network and Messenger are all run by boosting a post or in Facebook's Ad Manager.¹⁰ Currently, political advertisements are not allowed on Facebook Audience Network or Messenger,¹¹ leaving Facebook and Instagram as the primary carriers of political advertisements. The rules for advertising on these platforms are mostly the same, though ads on Instagram must follow Instagram's Community Guidelines in addition to Facebook's. Currently, WhatsApp (also owned by Facebook) does not carry ads.

Reddit: Reddit's advertising platform is significantly more limited than the other companies. Its barebones capabilities and ambiguous rules are likely why it has not been adopted by many advertisers and serves as an interesting point of comparison to Google, Facebook, and Instagram.

Snapchat: Similar to Reddit, Snapchat's smaller and younger user base compared with Facebook, Instagram, and YouTube has largely kept it from being widely used by political advertisers. However, its approach to political advertising moderation and transparency raises interesting alternative approaches.

⁹ *Google Display & Video 360*, GOOGLE MARKETING PLATFORM, <https://marketingplatform.google.com/about/display-video-360/> [https://perma.cc/TSS7-8SYQ].

¹⁰ Ads Manager, FACEBOOK FOR BUS., <https://www.facebook.com/business/tools/ads-manager> [https://perma.cc/HT82-EREW].

¹¹ *Ads About Social Issues, Elections, or Politics*, FACEBOOK FOR BUS., <https://www.facebook.com/business/help/167836590566506?id=288762101909005> [https://perma.cc/N5LB-TKRF].

Twitter: Twitter has banned political advertising.¹² But by defining what is prohibited “political content” and what is restricted “cause-based” content, Twitter’s rules are an interesting and informative point of comparison.¹³

Across these platforms, there are significant differences in policies and products when it comes to digital political advertising. To analyze this, we compiled existing public information on platform policies and contacted staffers at all the platforms to confirm our information (Facebook, Google, and Snapchat responded).

As Table One reveals, at the time of this writing (April, 2020) there is a broad lack of standardization in a number of different platform political advertising policies. We focus here on what is especially problematic from the perspective of democratic elections; namely, definitions of political advertising. Google is the only company that limits its definition of “political” advertising to paid content that references candidates, government officials, parties, and ballot measures.¹⁴ Every other definition of “political” by platforms is comparatively much broader, including Facebook’s inclusion of “any social issue in any place where the ad is being run”¹⁵ and Reddit’s “public communications relating to a

¹² Jack Dorsey (@jack), TWITTER (Oct. 30, 2019, 4:05 PM), <https://twitter.com/jack/status/1189634360472829952> [<https://perma.cc/U3RB-B5A4>].

¹³ *Cause-based Advertising Policy*, TWITTER: BUS., <https://business.twitter.com/en/help/ads-policies/restricted-content-policies/cause-based-advertising.html> [<https://perma.cc/33P3-YSBD>]; *Political Content*, TWITTER: BUS., <https://business.twitter.com/en/help/ads-policies/prohibited-content-policies/political-content.html> [<https://perma.cc/5AQN-JPSQ>].

¹⁴ See BRIDGET BARRETT, DANIEL KREISS, ASHLEY FOX, & TORI EKSTRAND, *ADVERTISING ON PLATFORMS IN THE UNITED STATES: A BRIEF PRIMER* (2020), https://citapdigitalpolitics.com/?page_id=33, for further discussion of each example platform.

¹⁵ *Advertising Policies*, FACEBOOK, https://m.facebook.com/policies/ads/restricted_content/political [<https://perma.cc/N3M2-U55Z>].

Table One: Platform Political Advertising Policies in Comparative Perspective

	Facebook (including Instagram)	Google Adwords (including YouTube, search, display, and video)	Reddit	Snapchat	Twitter
Definition of political advertising	Both election-related and broader issue ads.	Ads that reference candidates, government office holders, political parties, and any issue on a state ballot.	Both election-related and broader issue ads.	Both election-related and broader issue ads.	Twitter distinguishes between political content, for which advertising is banned, as well as cause-based content, for which advertising is restricted.
Political Ads Library	Yes	Yes	None	Yes	Yes
Reaction to State Laws	Prohibits state and local political ads in Washington State.	Prohibits state and political ads in MD, NV, NJ, or WA. Such ads can run in CA and NY but require additional forms.	Reddit "does not accept ads related to ballot measures or candidates for U.S. state or local elections."	Snapchat does not ban political advertisements in any state according to its political ads policies.	No state or local election or ballot-measure ads are allowed because these would fall under political content.
Relevant advertising policies	Advertisers cannot exclude audiences based on demographics for discriminatory purposes, call out personal attributes in ads, or make sales pitches based on political issues. Advertisers must follow all laws. This includes election interference by foreign entities.	Google's ad policies prohibit inappropriate/derogatory content and misrepresentation. Political advertisers may not target ads based on race, sexuality, or religion. Advertisers must follow all laws. This includes election interference by foreign entities.	Reddit accepts election ads for national U.S. elections. Political ads on Reddit require human review. Reddit reserves the right to reject ads as it sees fit, regardless of policies. Advertisers must follow all laws. This includes election interference by foreign entities.	Snapchat does not allow hate speech, harassment and bullying and bans misleading and deceptive content. Snapchat says they fact check all political ads. Generic statement that advertisers must follow all laws, explicitly includes election interference by foreign entities.	Twitter prohibits promotion of political content but allows cause-based ads. Twitter also prohibits hateful content and inappropriate content, which includes personal attacks, sensitive topics, and misrepresentative content. Advertisers must follow all laws. This includes election interference by foreign entities.
Relevant community guidelines	Primary relevant Facebook community standard regarding institutional politics is under "Coordinating Harm" which prohibits election interference, threatening election integrity, and voter suppression.	Bans "hateful content," "harassment or cyberbullying," threats, and voter suppression.	Prohibits of threats, harassment, or bullying and the posting of personal information.	Snapchat prohibits "Harassment & bullying" as well as "Hate Speech & False Information," which only bans false information that <i>causes</i> harm.	Relevant rules include the bans on "hateful conduct" and "abusive behavior." On the more directly-political front, Twitter specifies that no election interference is allowed on the platform.
Labeling and disclaimer requirements	Political ads are required to include a "paid for by" statement.	Political ads are required to include a "paid for by" statement.	Political ads are required to include a "paid for by" statement.	Political ads are required to include a "paid for by" statement.	Previously, political ads required a "paid for by" statement. It is unclear if cause-based ads also require this statement, though these advertisers must verify their identity.
Targeting restrictions specific to politics	Political ads cannot run on Messenger or the Facebook Audience Network (FAN). There are no other restrictions on political advertisers regarding targeting.	Google only allows political ads to be targeted by age, gender, and general location as well as with contextual targeting related to the content that the ad appears next to.	None.	None.	Cause-based advertising cannot use geo-targeting more specific than "the state, province, or region level" and cannot target "political content, prohibited advertisers, or political leanings or affiliations."
Content restrictions specific to politics	None.	None.	None, although Reddit prohibits "content that depicts intolerant or overly contentious political or cultural topics or view" in all advertising.	Snapchat prohibits attacks relating to a person's personal life in political ads.	Cause-based advertising can't have the "primary goal of driving political, judicial, legislative, or regulatory outcomes" as this would make them "political content" which is banned in paid ads.
Verification and authorization	Personal identities verified through government issued ID and a U.S. address. Ads on behalf of an organization verified through government resources such as an EIN number.	Advertisers must verify identity through a government issued ID, SSN, and address. To run ads through an organization, a Federal Election Commission ID or a federal EIN.	Political advertisements on Reddit "are subject to preapproval" although Reddit does not specify what is required.	Political ads on Snapchat require human review.	Individuals running cause-based ads must verify their name and country with a government issued ID; organizations' registration requires tax info or other government-issued organizational identification.

political issue.”¹⁶ While easier to enforce, Google’s definition makes its policies substantively different from those of other companies. For example, Google does not apply its political advertising policies to ads that touch on political issues without referencing candidates, government officials, parties or ballot measures; Facebook, Instagram, Reddit, Snapchat, and Twitter do.

As a material consequence, this means that in practice such things as the disclosure of paid political content will be significantly different across platforms. Despite the lack of clear federal regulation or enforcement compelling them to do so, all platforms require “paid for by” information on any political advertisement.¹⁷ However, even though all platforms require information on who paid for political ads, their differing definitions of “political” mean that users on one platform may see “paid for by” on messages that users on another platform would not. The same applies for targeting restrictions specific to politics—what platforms define as political determines the targeting and data products that campaigns and causes will be able to avail themselves of across platforms. Meanwhile, differences in the scale of platforms likely shape the approaches they take for moderating political speech. Facebook, Instagram, and YouTube not only have over a billion users each, but their respective ad platforms (Facebook Ad Manager and Google Ads) have millions of advertisers as well.¹⁸

¹⁶ *Reddit Advertising Policies*, REDDIT (Apr. 22, 2019), <https://www.reddithelp.com/en/categories/advertising/policy-and-guidelines/reddit-advertising-policy> [<https://web.archive.org/web/20190610163736/https://www.reddithelp.com/en/categories/advertising/policy-guidelines/reddit-advertising-policy>].

¹⁷ The FEC has been plagued by partisan gridlock and it is currently operating without the necessary number of members to meet quorum to make decisions. Daphne Thompson, *The Long Wait for Updated FEC Rules for Internet Ad Disclaimers*, CAMPAIGN LEGAL CTR. (June 19, 2019), <https://campaignlegal.org/update/long-wait-updated-fec-rules-internet-ad-disclaimers> [<https://perma.cc/5XV5-4KHN>].

¹⁸ John Clement, *Global Social Networks Ranked by Number of Users*, STATISTA (Apr. 24, 2020), <https://www.statista.com/statistics/272014/global-social-networks-ranked-by-number-of-users/> [<https://perma.cc/7CBJ-WJ7Z>]; Nancy Kapoor, *2018 PPC Industry Statistics*, SOC. MEDIA TODAY (June 21, 2018),

Reddit, Snapchat, and Twitter's user bases and ad platforms pale in comparison. Reflecting this, Reddit and Snapchat require every political advertisement to go through human review and specifically cite that they do not necessarily follow their stated policies; they treat political ads on a case-by-case basis.¹⁹ On the other hand, Facebook, Google, and YouTube rely on an opaque combination of algorithmic screening and human review of political ads.²⁰

Differences in definitions of "political" in turn shapes which ads are included in the ad transparency databases that Facebook, Google, Twitter, and Snapchat rolled out since the 2016 U.S. presidential election in lieu of clear federal rules or guidelines. Facebook and Google began archiving political advertisements that ran on their platforms in May of 2018; Snapchat released its archive of political ads in September of 2019.²¹ These are voluntary efforts, and the companies maintain these databases at considerable effort and expense. However, each of these companies' definition of "political" has substantially impacted what advertisements are made transparent to the public. In addition, the differing functionalities and data

<https://www.socialmediatoday.com/news/2018-ppc-industry-statistics-infographic/526250/> [<https://perma.cc/Q7RH-DN9>].

¹⁹ See, e.g., Daniella Alscher, *Reddit Ads: Everything you Need to Know*, G2 LEARNING HUB (Oct. 15, 2019), <https://learn.g2.com/reddit-ads> [<https://perma.cc/57G3-VE58>]; Erica Perry, *7 Things to Know About Snapchat's New Advertising Opportunities*, SOC. MEDIA WK. (June 21, 2016), <https://socialmediaweek.org/blog/2016/06/snapchat-new-advertising/> [<https://perma.cc/Q5H4-KFL3>].

²⁰ See, e.g., Cade Metz, *How Facebook's Ad System Works*, N.Y. TIMES (Oct. 12, 2017), <https://www.nytimes.com/2017/10/12/technology/how-facebook-ads-work.html> [<https://perma.cc/QX4X-R9PF>].

²¹ Lauren Amaio, *Facebook's Political Ads Archive is Live*, GLOBAL STRATEGY GROUP (June 1, 2018), <https://www.globalstrategygroup.com/2018/06/facebooks-political-ads-archive-is-live/> [<https://perma.cc/4HUC-GRCP>]; Kerry Flynn, *Snapchat Launches Political Ads Library as 2020 Election Ramps up*, CNN (Sept. 15, 2019, 4:21 PM), <https://www.cnn.com/2019/09/15/tech/snapchat-political-ads/index.html> [<https://perma.cc/6A4N-MS8N>]; Taylor Hatmaker, *Google Releases a Searchable Database of US Political Ads*, TECHCRUNCH (Aug. 15, 2018, 3:04 PM), <https://techcrunch.com/2018/08/15/google-political-ad-library/> [<https://perma.cc/5XWJ-G5RC>].

provided in the databases make comparing the data from them difficult and in some cases impossible.

For example, as detailed above Facebook and Snapchat both use broad definitions of “political.”²² Because of this, their political ad libraries include ads about political issues such as global warming and the economy in addition to electoral ads about candidates or issue ads referencing state ballot measures. Google’s narrower definition of “political” means their database is limited to ads featuring federal and state officeholders or candidates, federal and state political parties, and state ballot measures. Therefore, ads about political issues run on Google that do not directly reference officials, parties, or ballot measures are not stored for public monitoring. What ads are included in each library is only the beginning of the differences. Snapchat includes the targeting that the advertiser selected in the platform in its ad library, meaning that one can see the interests, gender, age ranges, and geography (including postal code and radius targeting) that the advertiser was trying to reach, or if they brought their own audience segment to the platform (using list-matching). Facebook and Google only provide limited demographic and geographic breakdowns of who the ads reached—their own categories of impression data that they choose to make public—not who ads were actually targeted to. Google does not supply the website that advertisements drive to (while Facebook and Snapchat do), and Facebook does not include the likes, shares, or comments that posts received. Snapchat is the only library of the three to report how much money was spent on an advertisement and how many times it was delivered in exact numbers—Facebook and Google both only provide broad (and different) ranges. Ultimately, spending, delivery, targeting, and what the goal of the ads are all impossible to compare across platforms.

²² Facebook’s ad library includes *all* ads running across the platform company’s products, including ads for commercial products. *Facebook Ad Library*, FACEBOOK, https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&impression_search_field=has_impressions_lifetime [https://perma.cc/3DWY-Y85Y].

III. Recommendations

We believe there can be relatively clearer approaches relating to public disclosure, transparency, and the standardization of the data that platform companies make available to the public and other stakeholders of democratic elections in the context of digital political advertising.

For other media, the FEC and the Federal Communication Commission together regulate political advertising and create a set of standards for evaluating it and making it public. For example, for broadcast and satellite communications there is a standard set of definitions of what constitutes “advertising” for legal purposes, rules about the ways that ads needed to be disclosed, and dictates for how they should be made available to the public to further the ends of electoral transparency.²³ Part of the feasibility of these rules was the industry standardization of the technical formats of ads themselves, which was in part the result of conventions shared across broadcast and cable television advertisers.

One challenge is that digital political advertising comes in hundreds of formats that are platform specific, for example Google search ads, Facebook sponsored posts, or Twitter promoted tweets. And, there are hundreds of actors with touch points in advertising networks that help place ads and buy audiences. At the same time, the FEC has generally failed to create a similar set of standard definitions of political advertising, rules for how ads should be disclosed, and requirements for making political promotional communications available to the public. For example, with respect to digital media, disclosure statements are required for “public communications placed for a fee on another person’s website” by political committees or those who “expressly advocate for the election or defeat of a clearly identified

²³ ERIKA FRANKLIN FOWLER, MICHAEL M. FRANZ & TRAVIS N. RIDOUT, *POLITICAL ADVERTISING IN THE UNITED STATES* (2018).

federal candidate or solicit a contribution.”²⁴ However the FEC definition of “website” does not include apps and internet-connected devices like smart appliances.²⁵ In addition, what is required of audio, graphic, and video content online is ambiguous since these formats do not fall neatly into the FEC’s existing categories.

The lack of standards—when it comes to formats, delivery mechanisms, and definitions of political ads—raises clear democratic concerns over the clarity of the rules that govern digital political advertising, their transparency and justifications (or lack thereof), and ultimately the mechanisms for accountability stakeholders have over the decision making of platforms. To that end, we believe that there are a few steps that platforms and regulators can take to create more standards for digital political advertising to further public disclosure, transparency and, ultimately, democracy.

First, there can be greater standardization in the definition of political ads. To date, each platform has essentially acted alone, making up their own definition as they go along. Even further, they have seemingly been reinventing the wheel, setting their own course without regard to definitional work performed by election law in the context of electioneering. The FEC, for instance, defines an “electioneering communication” as “any broadcast, cable or satellite communication that refers to a clearly identified federal candidate, is publicly distributed within 30 days of a primary or 60 days of a general election and is targeted to the relevant electorate.”²⁶ This definition is remarkably similar to Google’s definition of “political” detailed above, and could serve as a standard for platform self-regulation here. Or, at the very least, if platforms choose to go beyond this definition, they should still include and label

²⁴ Proposed Rules on Internet Communication Disclaimers and Definition of “Public Communication,” 83 Fed. Reg. 12864 (Proposed Mar. 26, 2018) (to be codified at 11 C.F.R. pt. 100 and 110).

²⁵ *Id.*

²⁶ *Making Electioneering Communications*, FEC, <https://www.fec.gov/help-candidates-and-committees/other-filers/making-electioneering-communications/> [<https://perma.cc/958L-WBUQ>].

advertisements that fit within this definition as such and then work to develop and defend an industry standard that can potentially govern all platforms in this space. Simply ignoring the existing legal frameworks to which other media are held accountable needlessly complicates researchers and the public's ability to scrutinize political advertising on the same terms as traditional media.

Second, and related, following from the lack of standardization relating to how platforms define "political," there should be greater standardization around the disclosure of political ads and the transparency of paid political promotions. While platforms have done a laudable job developing their political ad transparency databases on a voluntary basis, the utility of these databases has been hampered by the lack of standardization across platforms. Basic categories of information differ across platforms, including different things being included entirely based on what is categorized as political. More broadly how data is reported is highly variable.²⁷ As such, these differences in the transparency databases leave journalists, academics, and the public hamstrung in any attempts to understand the scope of digital political advertising or the influence operations at play online.

If the goal of platform political ad transparency databases is to counter the personalized information environments fostered by digital media and micro-targeted advertising, platforms should provide the same level of transparency into political advertisements that journalists and the public have into older forms of media, specifically television and radio.²⁸ Audience targeting strategies were more implicit in traditional

²⁷ See Paddy Leerssen et al., *Platform Ad Archives: Promises and Pitfalls*, 8 INTERNET POL'Y REV. (2019), <https://policyreview.info/node/1421/pdf>.

²⁸ Wood & Ravel, *supra* note 6, at 1256-7. Other experts and researchers have put forth guidelines for ad archives based on what is needed for high-quality research and developed frameworks for platform transparency. See Mozilla Foundation, *Facebook and Google: This is What an Effective Ad Archive API Looks Like*, MOZILLA BLOG (March 27, 2019), <https://blog.mozilla.org/blog/2019/03/27/facebook-and-google-this-is-what-an-effective-ad-archive-api-looks-like/> [<https://perma.cc/59WB-3Q24>]. We support these recommendations as well, but here focus on what forms of digital ad transparency are needed for non-technical users.

media campaigns; the audiences targeted could be deduced based on the television station and show ads were aired on, the time of day they aired, and the designated market area (DMA) they were seen in. To reach this same level of transparency as traditional media, the targeted audience for digital political ads must be made explicit given that geographic location, time, page, or website rarely reveal how an ad was targeted or which actual audiences it was displayed to. This would allow the public to have greater visibility into the communications of campaigns, rivals for the same office and contending parties would be better able to contest one another's claims, and journalists could hold political advertisers accountable for false or inflammatory appeals as effectively as on television. Even further, platforms should strive to facilitate counter-speech around the micro-targeting of political advertisements to allay normative concerns. Broadly, in line with the transparency around traditional media buys, the aim should be to achieve similar clarity in spending, the dates and duration advertising ran, and the audiences that were purchased.

Finally, platforms, especially Facebook and Google, can be clearer about the existing state of their policies and products in the context of digital political advertising. To construct our table on platform ad policies, for instance, we gathered everything we could find scattered on blogs, in policy documents, through help centers, on interfaces and posts on their platforms, from industry media coverage, and media stories regarding how Facebook (and Instagram), Google, Reddit, Snapchat, and Twitter have differentially embraced their roles as governors of paid political speech primarily from between September and December of 2019. This search had to occur because of, and was made considerably more difficult by, the fact that there was at times no one place to find the policies governing paid political communications on these platforms, policies often changed, and changes were often referred to in numerous parts of platform policy documents. Meanwhile, policies, and changes in policies, were sometimes announced directly to the media, while at other times they were simply

placed on a company blog. Sometimes policy changes were not announced at all, or were released on a CEO's personal Twitter feed.²⁹

IV. Democratic Tradeoffs

Beyond disclosure and transparency, these platforms have been rapidly rolling out significant substantive changes not only in their policies, but also their political advertising products in the post-2016 environment (See Table Two, data from April 2020). To take recent high profile examples, Twitter banned political advertising, Google announced major changes in what targeting capabilities would be allowed for political advertisers, and Reddit discretely updated its policies to ban advertising about state and local elections and ballot initiatives.³⁰ Facebook adjusted its misinformation policy which now generally exempts political figures and their political ads from being fact checked and allows users to entirely opt-out of political ads and not participate in custom audience targeting.³¹ Meanwhile, Facebook, Google, Snapchat, and Twitter all continue to update and make modifications to their voluntary political advertising archives.

²⁹ See Dorsey, *supra* note 12.

³⁰ Kate Conger, *Twitter Will Ban All Political Ads, C.E.O. Jack Dorsey Says*, N.Y. TIMES (October 30, 2019), <https://www.nytimes.com/2019/10/30/technology/twitter-political-ads-ban.html> [<https://perma.cc/TUV8-SGQJ>]; Spencer, *supra* note 3.

³¹ Igor Bonifacic, *Facebook's Updated Ad Policy is Letting Politicians Post Misleading Ads (updated)*, ENGADGET (Oct. 3, 2019, 5:52 PM), <https://www.engadget.com/2019/10/03/facebook-misinformation-political-ads/> [<https://perma.cc/SEB2-AQW9>].

Table Two: Platform Targeting Capabilities in Comparative Perspective

	Facebook (including Instagram)	Google Adwords (including YouTube, search, display, and video)	Reddit	Snapchat	Twitter
Demographics	Age, gender, and language. Age ranges are selected by the user. No race or ethnicity-based targeting.	Age, gender, and language. Age is targeted through ranges. No race or ethnicity-based targeting.	None.	Age, gender, and language. Age ranges are selected by the user. No race and ethnicity-based targeting.	Age and gender. Age in different ranges such as 24-35. No race and ethnicity-based targeting.
Geographic targeting	By country, state, city, postal code, and congressional district. Specific addresses or locations can be targeted with as small as a 1 mile radius.	By country, state, city, postal code, and congressional district. Google no longer allows geographic radius targeting by political advertisers.	By country, state, and demand market area (DMAs are media markets from TV ad buying.) No postal code, congressional district, or radius targeting.	By country, state, city, and postal code. Specific addresses or locations can be targeting with as small as a .06 mile radius. No congressional district targeting.	By country, state, region, metro area, and postal code. No congressional district targeting or radius targeting.
Targeting by voting history or political party	None.	None.	None.	None.	None.
Interest in political figures, organizations, or causes	Available. Includes audience categories of people who have liked pages about or expressed an interest in political figures, organizations, or causes.	Updated policies limit political targeting to age, gender, language, and contextual. Contextual places ads on pages that contain keywords like "Democrat." Search ads are targeted by keywords in search queries. YouTube ads can be targeted by keyword, YouTube channel, or specific video.	Advertisers can target members of political subreddits such as r/democrats, r/republican, r/sandersforpresident, and r/politics.	Snapchat's only targeting category from its own collected user data relevant to politics is "political news watchers." However, Snapchat's integration with data broker Comscore includes targeting categories FOX News viewers, MSNBC viewers, and PBS viewers. There are no targeting categories about political figures, organizations, or causes.	Advertisers can target people based on data that Twitter collects on users, including audience categories of people who look like followers of politicians and people who have engaged in specific topics of conversation. Such audience categories are not allowed for cause-based advertising if they relate to political figures, party affiliations, or political issue preferences.
List matching	Available, called "custom audiences."	No longer allowed for political advertising, but previously available.	None.	Available, "custom audiences."	No longer allowed for cause-based advertising, but previously available.
Lookalikes	Available.	No longer allowed for political advertising, but previously available.	None.	Available.	No longer allowed for cause-based advertising, but previously available.
Data broker integrations	Available. Advertisers on Facebook can choose to work directly with data brokers and other marketing service providers to create custom audiences.	Not available in Google Ads, but is available in DV360 for display and out-of-YouTube video. No longer allowed for political advertising.	It is unclear if Reddit allows data broker integrations. Reddit did not clarify when asked for comment.	Yes, Snapchat includes targeting categories from Comscore, Nielsen, Datalogix, Visa, and Placed in its ads manager. Additional data broker integrations can be accessed through partnerships with LiveRamp, a data onboarding company.	Available, but not integrated into the Twitter ads interface. Advertisers have to have partnerships with third parties such as Oracle. It is unclear if this is banned for cause-based advertising (Twitter did not respond to a request for comment).

In the pages that follow we outline some of the justifications that platforms have provided for their changes in digital political advertising and the democratic trade-offs they entail.

Electoral safeguards versus fairness: The major social media and digital advertising platforms are accessible to both large and small advertisers. These platforms do not require human contact with the company to start running ads—advertisers can simply create an account and launch a campaign. And yet, as detailed above, since the 2016 U.S. presidential election, all of the major platforms have rolled out extensive new measures to secure electoral integrity, especially verification systems and ad transparency databases. Each platform states that advertisers must follow U.S. law, which includes prohibitions on election interference by foreign entities. All of these things are designed to safeguard electoral systems. As Facebook stated in March 2019, “We’re committed to creating a new standard of transparency and authenticity for advertising.”³² The former is articulated through the idea that “[p]eople should know who is trying to influence their vote and advertisers shouldn’t be able to cover up who is paying for ads.”³³ The latter is designed for “protecting the integrity of elections—preventing online advertising from being used for foreign interference.”³⁴

We believe that both of these things are absolutely necessary. Verification systems ensure that political advertisers are complying with federal law *before* they run ads, which is a safeguard against foreign interference that can only be caught after the damage is already

³² Satwik Shukla, *A Better Way to Learn About Ads on Facebook*, FACEBOOK: ABOUT (Mar. 28, 2019), <https://about.fb.com/news/2019/03/a-better-way-to-learn-about-ads/> [https://perma.cc/94LQ-2AL9]; Spencer, *supra* note 3.

³³ Katie Harbath, *Updates to Ads About Social Issues, Elections or Politics in the US*, FACEBOOK: ABOUT, (Aug. 28, 2019), <https://about.fb.com/news/2019/08/updates-to-ads-about-social-issues-elections-or-politics-in-the-us/> [https://perma.cc/2TPV-MT73].

³⁴ Richard Allan, *Protecting Elections in the EU*, FACEBOOK: ABOUT (Mar. 28, 2019), <https://about.fb.com/news/2019/03/ads-transparency-in-the-eu/> [https://perma.cc/497Z-AM6G].

potentially done, such as occurred during the 2016 election.³⁵ The latter is an essential tool for transparency around electioneering, which we documented above. However, while these things are unqualified democratic goods, we also see tradeoffs. Verification efforts and requiring data from political advertisers for transparency databases help safeguard elections, but they simultaneously raise the cost of running digital political advertising, which as noted above is much more accessible to non-incumbents and non-elites than advertising during the broadcast, capital intensive era. As such, the unintended consequences of these otherwise democratically desirable changes might have the effect of privileging incumbents and large institutional actors such as professional consultancies over challengers and new entrants to the field.

As platforms, states, and the federal government consider acting, local candidates running their first campaigns with their friends and family as their only staffers are attempting to navigate the same digital political advertising landscape as prominent consultancies such as Parscale Digital and Revolution Messaging. Stopping large, foreign influence campaigns from using paid speech to manipulate elections is important, but so too is helping local candidates reach their communities online and get out their message.

Participation versus deliberation: In a series of tweets, Twitter CEO Jack Dorsey announced that his platform would be banning all forms of political advertising on October 30, 2019.³⁶ Normatively, Dorsey pointed to the ways that “internet political ads present entirely new challenges to civic discourse,” including “unchecked misleading information . . . all at increasing velocity, sophistication, and overwhelming scale.”³⁷ In addition, Dorsey argued that the reach of political speech should be earned, not paid for.

³⁵ KATHLEEN HALL JAMIESON, CYBERWAR: HOW RUSSIAN HACKERS AND TROLLS HELPED ELECT A PRESIDENT: WHAT WE DON'T, CAN'T, AND DO KNOW (2018).

³⁶ See Dorsey, *supra* note 12.

³⁷ Anthony Ha, *Jack Dorsey Says Twitter Will Ban all Political Ads*, TECHCRUNCH (Oct. 30, 2019, 4:13 PM), <https://techcrunch.com/2019/10/30/twitter-political-ad-ban/> [https://perma.cc/7X7S-VYZH].

What Dorsey claimed to be solving for revealed the democratic values that he was promoting, likely to the detriment of others. In his explicit concern with misinformation and implicit concern with manipulation (made clear in his favoring of organic overpaid speech), Dorsey reveals his understanding of democracy primarily in epistemological terms, especially with the quality of democratic deliberation. Namely, this reveals a concern with good information and an unpolluted public sphere where citizens can meet as equals to discuss matters of public concern.

While this sounds non-controversial, it is worth considering in this context whether political ads on platforms are full of lies. And, to ask whether citizens weigh quality information, even in the best of circumstances, to arrive at democratic decisions? To start, often lost in debates over micro-targeting is the fact that our best available evidence suggests that digital political advertising is often more about mobilization and therefore democratic participation than persuasion, which is comparatively more difficult.³⁸ As a recent comprehensive study found: “The primary impact of an increase in targeting precision appears to be to allow candidates to reach their supporters more efficiently.”³⁹ As such, the rival democratic value with respect to political advertising is participation, and the normative concerns should be over polarization and social division, not the epistemological basis of public attitudes or democratic debate. For example, while we lack empirical data analyzing the extent to which digital political advertising contains false claims, we know from interviews with practitioners that their approach to digital political advertising is often premised on supporter identification, list-building, and mobilization.⁴⁰ This makes sense. During primaries, candidates will work to differentiate themselves from their rivals by making appeals to various

³⁸ EITAN D. HERSH, HACKING THE ELECTORATE: HOW CAMPAIGNS PERCEIVE VOTERS 146 (2015); Daniel Kreiss, *Micro-targeting, the Quantified Persuasion*, 6 INTERNET POL’Y REV. 6 (2017), <https://policyreview.info/node/774/pdf>.

³⁹ Fowler et al., *supra* note 7.

⁴⁰ See BALDWIN-PHILIPPI ET AL., *supra* note 5, at 3.

intra-partisan factions. During general elections, candidates start from the fact that 90% of their partisans will vote with them regardless of who is on the ticket given party identification, and therefore will seek to turnout as many of their fellow partisans as they can. It is only after banking as many votes as they can that campaigns turn to the much harder work of persuasion, which is considerably more difficult.⁴¹ In this context, if implemented across platforms, bans on political advertising would likely harm democratic participation, while doing little to change the nature of public debate.

Civil social solidarity versus in-group solidarity: Seemingly, in reaction to debates over micro-targeting, Google has recently moved to limit things such as the types of audiences that political advertisers can target to “age, gender, and general location (postal code level),” which also restricts the use of outside lists (which Facebook allows through its custom audiences).⁴² The company’s concern is two-fold. First, Google argued that “these changes will help promote confidence in digital political advertising and trust in electoral processes worldwide.”⁴³ Second, along with the ads transparency database, the company had the desire for the “ads we serve to be transparent and widely available so that many voices can debate issues openly.”⁴⁴ With these changes, it appears that one of the company’s concerns is that micro-targeting facilitates hidden, narrow, and potentially manipulative appeals and therefore incentivizes the most extremist content. In essence, restricting targeting forces campaigns to speak to wider audiences, thus reducing the efficiencies of digital ads, and incentivizes campaigns to appeal to a broader, more inclusive, form of civil social solidarity.

While this seems compelling at first glance, it is clear that in the process of promoting broader campaign rhetoric through limited micro-targeting, the company is simultaneously limiting many forms

⁴¹ HERSH, *supra* note 38, at 141-45.

⁴² See Spencer, *supra* note 3.

⁴³ *Id.*

⁴⁴ *Id.*

of speech from political actors to smaller, more cohesive social groups that we would not only see as legitimate, but democratically desirable. For example, research has shown that mobilizational appeals that take into account an individual's identity, the socio-cultural context, and the networks they are a part of are effective at raising voter turnout, especially for historically marginalized and disenfranchised voters.⁴⁵ Limits on micro-targeting make these contextual appeals all but impossible in favor of broader forms of social solidarity. As such, the trade-off of Google's decision here comes with respect to narrowing the possibility of democratically desirable appeals to more narrowly-defined social groups, for instance if the NAACP wanted to run advertising campaigns appealing to black voters to get them registered to vote, or immigration rights groups sought to make electoral appeals to Latino voters. In other words, the same affordances that enable the Trump campaign to deploy the rhetoric of "invasion" in ads targeted at those holding the most negative attitudes on immigration also enable other campaigns to mobilize historically marginalized groups.⁴⁶

Flawed paid political speech versus no paid political speech: As more states create digital political advertising laws, platforms will have to decide how to comply with state laws or if they would rather remove political advertising in those localities entirely.⁴⁷ California, Maryland, New Jersey, New York, Washington, Wyoming, and Vermont have passed legislation requiring disclosures on political internet advertisements stating who paid for them.⁴⁸ California, Maryland,

⁴⁵ See generally LISA GARCIA BEDOLLA & MELISSA R. MICHELSON, MOBILIZING INCLUSION: TRANSFORMING THE ELECTORATE THROUGH GET-OUT-THE-VOTE CAMPAIGNS (2012).

⁴⁶ It is worth noting that in not making changes to micro-targeting, Facebook has taken the opposite approach to allowing political actors to efficiently deliver ads to narrow subsets of voters, therefore incentivizing more narrow identity-based appeals.

⁴⁷ For more details on the individual nuances of these state laws and challenges to their constitutionality, see *Legal and Regulatory Contexts of Digital Political Advertising: State Laws*, CTR. INFO. TECH. & PUB. LIFE, https://citapdigitalpolitics.com/?page_id=44 [<https://perma.cc/6GHG-CDPH>].

⁴⁸ Victoria Ekstrand & Ashley Fox, *Regulating the Political Wild West: State Efforts to Address Online Political Advertising* (2020) (unpublished manuscript),

New Jersey, Nevada, and Washington also require that platforms keep records of the political ads within these states.⁴⁹ Each platform is careful to say that advertisers must follow state and local laws, but some have gone further in their restrictions on political ads in specific states. Facebook and Instagram prohibit state and local candidate and ballot measure advertisements in Washington, and Google prohibits them in Maryland, Nevada, New Jersey, and Washington, evidently due to the record-keeping requirements.⁵⁰ Reddit has banned *all* advertising for local and state elections and ballot measures, regardless of the state. Each of these platform bans only apply to ads that directly reference local and state races and ballot measures, thus still allowing issue and national election ads to run.

Given the reactions from Facebook, Google, and Reddit so far, more states instituting record-keeping requirements of platforms without a uniform federal law may increase the likelihood that more platforms will ban state and local political advertisements. Indeed, this concern was recently raised in the U.S. Court of Appeals for the Fourth Circuit's recent opinion on a challenge to Maryland's record-keeping statute where Judge Wilkinson noted that the increased legal liability for platforms may make it financially prudent to simply stop accepting these ads.⁵¹

Paid versus "organic" content: All of the above imply a tradeoff between policy and product changes that, while seemingly desirable on some democratic grounds, may limit the utility of paid political speech and shift the focus of campaigns and other strategic actors to organic content that is less transparent, non-disclosed, and far more likely to be

<https://citapdigitalpolitics.com/wp-content/uploads/2020/01/State-Laws-CITAP-Working-Paper.pdf>.

⁴⁹ See *Legal and Regulatory Contexts of Digital Political Advertising: State Laws*, *supra* note 47.

⁵⁰ Alex Pasternack, *Facebook Pays \$238k to Settle Lawsuit and Will Halt Political Ads in Washington State*, FAST Co. (Dec. 28, 2018), <https://www.fastcompany.com/90286760/facebook-pays-238000-to-settle-lawsuit-will-halt-political-ads-in-washington-state> [<https://perma.cc/V7XZ-94LX>].

⁵¹ *Washington Post v. McManus*, 944 F.3d 506, 516 (4th Cir. 2019).

used to undermine democratic processes. Practitioners themselves point to the fact that organic content is far more problematic on democratic grounds given that extremist rhetoric and mis- and disinformation proliferates online far more through organic shares than paid political advertising.⁵² Indeed, the irony is that paid political advertising can often be used to counter problematic organic speech.

As many researchers of disinformation know, “organic” speech is often not as authentic and transparent as it may seem. Coordinated inauthentic behavior purchased from bots in addition to highly coordinated but still authentic behavior from strong supporters of candidates both muddy the line between organic and paid content.⁵³ Organic speech also poses far thornier problems for democracy given broad First Amendment protections of speech that puts limits on potential regulation and the free speech expectations users have for how platforms will treat non-paid political speech.⁵⁴ As such, we believe that journalists, researchers, and platforms must consider what should be done in addition to what should *not*. The changes platforms are making, such as removing certain types of targeting, may only serve to limit legitimate paid political speech while manipulative, intentionally-deceptive political actors may still subvert systems through other, less-transparent means.

Accountability versus reactivity: At the same time, while platforms rhetorically situate changes in terms of these democratic values, we also think that a good deal of policy change happens reactively in response to events and external pressure. There is a meaningful distinction between being accountable and being reactive. According to the Oxford English Dictionary, being “accountable” means “liable to be called to account or to answer for responsibilities and conduct; required or expected to justify one's actions, decisions, etc.;

⁵² BALDWIN-PHILIPPI ET AL., *supra* note 5, at 5, 7.

⁵³ ALICE MARWICK & REBECCA LEWIS, MEDIA MANIPULATION AND DISINFORMATION ONLINE 38 (2017), https://datasociety.net/wpcontent/uploads/2017/05/DataAndSociety_MediaManipulationAndDisinformationOnline-1.pdf.

⁵⁴ Kate Klonick, *The New Governors: The People, Rules, and Processes Governing Online Speech*, 131 HARV. L. REV. 1598, 1669 (2017).

answerable, responsible.”⁵⁵ In contrast, to be “reactive” refers to: “In general use, that responds or reacts to a situation, event, etc.; *esp.* (of a person or organization) that reacts to existing circumstances, rather than anticipating or initiating new ones.”⁵⁶

The distinction is important. Being accountable means providing a clear and public framework for justifying decisions. In this case, it would mean justifying platform change on the basis of articulated normative understandings of democracy and empirical evidence on the workings of platforms—not just democratic rhetoric. The opposite, however, appears more often the case. Platforms have been highly reactive, especially to external crises, negative press, and public pressure. They appear to attempt to ameliorate bad news coverage and gain positive coverage through policy and product changes. This is likely not the only external pressure they are susceptible to. Civil society organizations and the research community also shape how they operate, as does the normative pressure exerted by lawmakers and regulators around the world, but the high profile set of scandals since the 2016 U.S. presidential election has been particularly important in shaping the policies and products of platforms. Central among these changes are the implementation of new verification requirements, content moderation processes and standards, ad transparency databases, and in some cases, bans on political advertising and limits on political micro-targeting.

Given continued public pressure, state legislative action, and proposed federal legislation, it is clear that more changes are yet to come. It is hard to predict exactly what these platforms will do next in this context. The challenge is that there is little systematic way of determining what is driving change, it is difficult to find clear explanations of changes or confirm if no changes took place, and there is little accountability regarding platform policies and their enforcement choices. Even more, the unsettled nature of public debate,

⁵⁵ *Accountable*, OXFORD ENGLISH DICTIONARY (3rd ed. 2011).

⁵⁶ *Reactive*, OXFORD ENGLISH DICTIONARY (3rd ed. 2008).

unclear definitions of harm, lack of clear empirical evidence, and reactive nature of change produces potentially problematic results.

For example, not only is it often not clear what platforms are solving for when they make changes, as we detailed above there are inevitable trade-offs with respect to democratic values. To-date, although we have many assertions, we have lacked clear and uncontested, empirical evidence regarding the harms caused by digital political advertising on democratic processes.⁵⁷ Even more, as we outline above, political advertising on platforms poses both democratic opportunities and threats simultaneously, and much of how people interpret and weigh these comes in the context of what they value and prioritize.⁵⁸ While there is a wide area of consensus over things such as foreign interference in U.S. elections, there is much greater uncertainty over other potential harms and trade-offs between competing democratic values or goods. On this basis, it is not entirely clear what platforms should do to strengthen democracy and further its ends. Often, what is in the interest of democracy is not entirely clear, nor is what understanding of democracy should prevail.

V. Conclusion

Ultimately, over the past two years of product changes and policy updates, we have seen platforms reactively swing from all-inclusive, mobilization-focused, and participation-enabling policies to more transparent, protective, and potentially speech-chilling ones. While Twitter and Google have attempted to promote deliberative democratic ideals while consequently sacrificing the tools that allow political actors to increase participation and mobilization, Facebook has chosen to keep political advertising and microtargeting capabilities despite potential threats to public trust in elections. Each platform has

⁵⁷ See Jessica Baldwin-Philippi, *Data Campaigning: Between Empirics and Assumptions*, 8 INTERNET POL'Y REV. (2019), <https://policyreview.info/node/1437/pdf>.

⁵⁸ Katharine Dommett, *Data-Driven Political Campaigns in Practice: Understanding and Regulating Diverse Data-Driven Campaigns*, INTERNET POL'Y REV. (2019), <https://policyreview.info/node/1432/pdf>.

instituted policies and products that increase transparency into political advertising and give the public tools to hold advertisers accountable thus better ensuring election integrity, but these changes come with higher barriers to enter the political advertising market. During the 2020 U.S. election cycle, tracking changes in platform policies and capabilities will be just as important as tracking political advertising itself. Federal regulation is needed not just to provide clear requirements for digital political advertising, but also standards and common definitions and language. There is great need to correct for the lack of standardization across platforms when it comes to policies and products, which has led to a deeply confusing political ad technology set of rules and functionalities for political practitioners, regulators, and journalists to navigate. For their part, platforms need to continue to increase transparency into their policies and decision-making processes and police the use of their platforms to prevent the multiple failures of the 2016 election cycle, while also carefully weighing the potential consequences of the actions they do take. We must not lose sight of the democratic goods that these digital tools are capable of as we combat their intentional misuse. Solutions cannot only focus on stopping abuses of these systems; they must also promote democratic ends.