



Framework Contract JUST/2020/PR/03/0001
for Evaluation, Impact Assessment and
Related Policy Support Services in the Justice
and Consumers Policy Areas (Lot 1)

**Study to support the preparation of an
EU instrument to help increase the
resilience of our democracy in the EU
and address the threats of interference
in elections through greater
transparency in political advertising,
and other measures**

**Request for Specific Services:
JUST/2020/RCIT/FW/RIGH/0103**

**Case Study Report – SPAIN/ 2019 GENERAL
ELECTION CAMPAIGN**

19 April 2021

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1 Introduction

The November 2019 election in Spain, which followed the April 2019 general election that failed to produce a government, had the lowest voter turnout since the country's transition to democracy in 1975, with just 66.2% of the electorate casting a ballot. While the traditional Spanish parties, People's Party (PP) and the Socialist Workers' Party (PSOE) gathered the most votes, the election saw big gains for the right-wing party VOX.

This case study will focus on exploring:

- The impact of disinformation campaigns aimed not only towards persuading voters, but also to generating confusion around the voting process.
- Funding of campaigns by foreign actors through the circumvention of existing regulations.
- Measures to address disinformation and regulate political advertising (including regulations on the uses of micro-targeting).

2 Methodology

This is one of six case studies conducted to complete the description of the baseline and inform policy options. The case study took place between 26 March and 16 April 2021 and was based on the findings of previous study tasks including the literature review, legal mapping, mapping of actors and processes and interviews with stakeholders.

This case study was based on the following sources:

- Country report and summary of findings of the legal mapping which presents relevant legislation and practices, as well as self-regulatory/co-regulatory instruments, guidelines and professional guidelines/codes that exist in Spain to date.
- Findings and bibliography from the literature review conducted during the study's inception and interim phases.
- Additional quantitative and qualitative data collected through desk research. Additional details on the sources consulted can be found in Annex I.

The inclusion of information from multiple sources ensured that the case study included different perspectives and points of view.

Moreover, to ensure a consistent approach of the issues addressed in all case studies, we defined a table of contents containing a common set of research questions that each case study seeks to answer (**Error! Reference source not found.**).

Table 1: Table of contents for case study reports

#	Section	Issues/ Questions addressed
1	Introduction	Objectives and scope of the case study
2	Methodology	Methodological approach and sources of data
3	Background and context	Key aspects of the election / political campaign under examination Legal and political background of the campaign
4	Regulatory framework	Legislative and non-legislative measures put in place to regulate political advertising and combat disinformation Key actors in the campaign, roles and interactions
5	The campaign and existing data	Existing data about online and offline advertisement and media coverage within this campaign Evidence of disinformation during the campaign
6	Measures to address disinformation and to regulate political advertisement	Enforcement of legislative measures by responsible authorities Effectiveness of legislative and non-legislative measures to regulate political advertisement and combat disinformation
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3 Background and context

Spain is a parliamentary monarchy in which the King acts as head of state while the president elected by the parliament is the head of government. General elections are held every four years, and in these elections, citizens vote to elect representatives in parliament, who in turn elect the president.

In 2011, after a major economic crisis, President José Luis Rodríguez Zapatero called for early elections, in which Mariano Rajoy from the PP was elected president. Rajoy won the election with 44.63% of the vote and the PP won most of the seats in parliament (186) while the PSOE obtained 110 seats, its worst electoral performance since the restoration of democracy in Spain.

After Rajoy's mandate expired, he called for elections in 2015. The PP won that election once again, obtaining a simple majority of 123 seats in parliament (63 less than in 2011). Having failed to obtain an absolute majority of votes, the 2015 elections left the PP with the need to reach agreements with other forces to be able to elect a president and form a government.

After several failed attempts in parliament to elect a president, as established by article 99 of the Spanish constitution, the King dissolved the parliament and called for new elections in 2016.

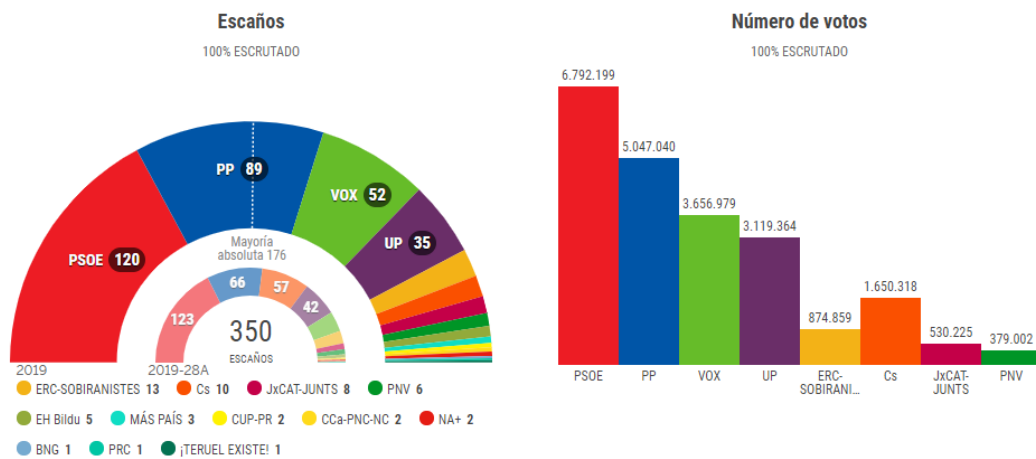
In the 2016 elections, the PP once again won a simple majority of seats in parliament (137 seats) and after four months of negotiations, Mariano Rajoy was sworn in as president. Rajoy consolidated the support of the PP, Ciudadanos, Coalición Canaria, Foro Asturias and Unión del Pueblo Navarro. The majority of PSOE abstained.

Mariano Rajoy's mandate lasted only 2 years, as he was prosecuted for corruption accusations against his party, which led to his dismissal in June 2018 after a motion of no confidence by the parliament. Pedro Sánchez (leader of PSOE) succeeded Rajoy as president. President Sánchez had the support of only a minority of parliament and therefore had to look for agreements with the other political forces.

In 2019, the parliament refused to approve Rajoy's budget and new general elections were called for in April 2019. Pedro Sánchez from PSOE ran against the PP and its new leader, Pablo Casado. PSOE won with a simple majority in parliament, yet new general elections were called for again in November, following article 99 of the constitution which establishes the dissolution of parliament by the King when no agreement is reached for the election of the president.

Given that no party could obtain an absolute majority in the parliament or gain enough support from other parties to form a government, Spain held four general elections between 2015 and 2019. Electoral participation declined from 72% in April 2019 to 66% in November. Meanwhile, new parties with more extreme positions emerged, such as the far-right party VOX and the socialist Podemos, which became the third and fourth most popular forces in the country.

Figure 1. Election results in Spain, total seats and votes (November 2019)



Source: Resultados Electorales - El País

After the November elections, Podemos joined PSOE to halt the considerable growth of the far right. Together they formed a simple majority and appointed Pedro Sánchez as president of Spain.

4 Regulatory Framework

4.1 Legal and political background to the campaign

The Spanish Constitution of 1978 and the Organic Law of the General Electoral Regime of 1985 - LOREG (Organic Law 5/1985) are the framework within which the regulations of electoral processes are established. Furthermore, some of the country's autonomous communities also have specific laws and regulations regarding elections.

There is another relevant law of national scope, the Organic Law 8/2007, which at the time of its enactment repealed previous laws on this matter (such as the Organic Law 3/1987 of 2 July 1987 on the financing of political parties). The purpose of this law was to comprehensively regulate the rules governing the financing of political parties, including: the conditions for receiving public and private funding; the applicable tax regime; accounting obligations; financial and economic management rules; auditing and control measures; and the corresponding system of penalties in the event of non-compliance. In addition, Organic Law 10/1991 and Organic Law 14/1995 establish restrictions on the contracting of radio and television broadcasts by political parties.

It is important to note that Spanish law does not define the concept of "political advertising" or "online political advertising". Spanish law sometimes uses the term "advertising" and "propaganda" interchangeably to refer to the same subject matter. However, the law does establish a definition of "election campaign", which means "all lawful activities carried out by candidates, parties, federations, coalitions or groupings for the purpose of obtaining votes" (Article 50.4 of Organic Law 5/1985). And it defines the concept of "institutional publicity" as "the campaign of an institutional nature aimed at informing citizens about the date of the vote, the voting procedure and the requirements and formalities of postal voting, without influencing in any way the direction of the citizens' vote" (Article 50.1 of Organic Law 5/1985).

The "electoral campaign" begins on the 38th day after elections are called, lasts 15 days and ends at midnight on the day before voting (Article 51 of Organic Law 5/1985). It is not permitted to carry out any type of electoral publicity or propaganda (including online advertising) outside the 15-day campaign period (Article 53 of Organic Law 5/1985). Consequently, Spanish law only regulates political advertising in media during election campaigns.

Regarding the financing of political parties and electoral campaigns, the law establishes that political parties can be financed with public and private funds. The law does not mention how this funding can be used in political advertising.

The public electoral subsidies are subject to the conditions set out in article 127 of Organic Law 5/1985 (Organic Law of the General Electoral Regime), whereby political parties, federations, coalitions or groupings can obtain direct public funding to cover their electoral expenses for the Cortes Generales (Spanish parliament), the EU Parliament and local elections (regional elections are subject to the legislation of each specific region). In no case may these direct public subsidies to each political group exceed the amount of election expenses declared and justified by the Court of Auditors. The disbursement of these funds may be subject to obtaining political representation in the institution concerned (e.g. seats in parliament).

In addition, private donations are possible within the following limits (Article 5 of Organic Law 8/2007):

- Anonymous, purposive or revocable donations are not allowed.
- Donations from one person exceeding 50,000 EUR per year are not allowed. This limit does not apply to gifts in kind of real estate.
- Donations from legal persons or entities without legal personality are not permitted.

There are no provisions for indirect public financing of electoral campaigns or political operations, apart from the prohibition of obtaining financing from foreign governments or foreign public companies or companies directly or indirectly related to such governments (Article 7.2 of Organic Law 8/2007). The only exception to this prohibition is the possibility of obtaining funds from EU institutions in relation to elections to the European Parliament and local electoral bodies (Article 128 of Organic Law 5/1985).

The electoral activity and any related issues (including political advertising, its financing, etc.) are subject to the control of the Electoral Administration which is composed of the following Election Boards: Central, Provincial, Area or Autonomous Community and Polling Station.

The Penal Code establishes that the illegal financing of political parties, federations, coalitions or electoral groupings is a crime (Articles 304bis and ter), which can carry a penalty of thousands of euros in fines or a prison sentence ranging from 4 to 6 years. These sanctions can be applied both to the political organisation in breach and to the donor.

Regarding political advertising, Spanish legislation only establishes regulations on traditional media (radio, TV, print media), but there are no regulations on social networks and online platforms.

It is not allowed to buy advertising space for electoral purposes in publicly owned media and private television broadcasts (Article 60 of Organic Law 5/1985). However, political parties, federations, coalitions and groupings participating in elections are entitled to free advertising space on publicly owned television and radio stations in a percentage that depends on the total number of votes obtained by them in the previous equivalent elections.

During the election campaign, candidates are entitled to advertise on print media and on private radio stations. The cost of such advertising may not exceed 20% of the spending limit for parties, groupings, coalitions or federations and candidates.

In Spain there are no specific provisions on the dissemination of "untruthful information", "false information", "fake news" or "disinformation campaigns" during the electoral or pre-campaign period. In turn, Article 68 of Organic Law 5/1985 empowers candidates and leaders of political parties, federations, coalitions or groupings to exercise their right to rectification if any media outlet broadcasts facts that they consider inaccurate and that may cause them harm.

Concerning the handling of data during the electoral campaign, political parties, coalitions and electoral groupings may use personal data obtained from websites and other public sources to carry out political activities. No specific data protection and privacy rules apply to political parties dealing with electronic political communications. Sending electoral propaganda by electronic means is not considered a commercial activity or a commercial communication. Nevertheless, its electoral character must be

made clear and explicit, and the recipient must have an easy and free means to exercise their right of objection.

In December 2018, Spain passed the Organic Law on the Protection of Personal Data and Guarantee of Digital Rights, which in article 58 provided political parties with the possibility of tracking citizens' data on the Internet and use it to tailor the distribution of their messages to each individual. However, early in 2019 and less than a month before the April elections, the Spanish Data Protection Agency (AEPD) issued a circular informing political parties about the restrictions on political spam, sending electoral propaganda by electronic means, limitations to the use of big data and artificial intelligence, as well as a prohibition on microtargeting or systems that force or divert the will of potential voters. As a result, VOX immediately withdrew all its advertisement campaigns on Facebook.

After the April 2019 elections, the Ombudsman filed an appeal of unconstitutionality against article 58. In May 2019, the Plenary of the Constitutional Court (TC) unanimously declared article 58 unconstitutional.

4.2 Non-legislative measures put in place to regulate political advertising and combat misinformation

In November 2018, Josep Borrell, Spain's foreign minister, together with Sergey Lavrov, Russia's foreign minister, agreed to cooperate against disinformation and to create a cybersecurity group. This group did not prosper and neither did the joint work between the countries to combat disinformation.

On 1 April 2019, the Ministry of the Interior activated a cybersecurity plan in view of the national elections to be held on 28 April. There was notice for the first time that a disinformation campaign to influence voters as well as a cyber-attack against the electoral system were possible. The cybersecurity plan was to be active before, during and after the general elections and implemented preventive measures to accumulate information about any suspicious circumstances that could alter the integrity of the elections.

Faced with the latent possibility of disinformation campaigns, the National Cryptologic Centre issued a report entitled: "Good Practice Report BP/13 Disinformation in Cyberspace". The aim of the report was to provide digital media users and citizens with tools for greater discernment in the face of disinformation manoeuvres. The document also calls on public institutions, private companies and academia to contribute to the fight against disinformation.

On 14 October 2019, the Ministry of the Interior launched a specific protocol to combat fake news during the election campaign and to protect the computerised vote-counting system from a cyber-attack. According to an article published by the newspaper El País, this ministerial ruling was similar to the one drawn up for the previous general election in April and the one used for the regional, municipal and European elections in May, especially regarding measures to deal with more traditional risks, including a possible jihadist attack or those arising from what the text calls "social conflict".

5 The campaign and existing data

5.1 Key actors

In the 2019 elections, the two most popular political parties in the country, the PP and the PSOE, succeeding in obtaining the highest number of seats in the parliament. There were also other parties competing in the elections which were essential to form a majority coalition that would allow the appointment of the next president. Among these parties were the left-wing alliance Unidos Podemos and the right-wing party VOX. Other parties that participated in the race, but obtained a small amount of votes included, ERC-Sobiranistes, Junts per Catalunya, Euskal Herria Bildu, Coalición Canaria-Partido Nacionalista Canario (Canarian Nationalist Party), Navarra Suma (NA+), Candidatura de Unidad Popular, Más País, Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco, Bloque Nacionalista Galego, Teruel Existe, and Partido Regionalista de Cantabria (Regionalist Party of Cantabria).

Regarding the institutions in charge of monitoring the electoral process and the campaign, the Central Electoral Board (Junta Electoral Central) is the highest body of the Electoral Administration in Spain. The Central Electoral Board operates together with the Provincial Electoral Boards, the Zone Electoral Boards and, where appropriate, the Autonomous Community Electoral Boards to ensure compliance with electoral regulations.

The Court of Auditors is the state body responsible for overseeing compliance with the laws on financing during the electoral process, as it is the supreme auditing body for the accounts and economic management of the State and the Spanish public sector.

The CCN-CERT is the body in charge of information security and cybersecurity actions. And the Spanish Data Protection Agency (AEPD) monitors the handling of personal data related to political opinions and the sending of electoral propaganda through electronic media or messaging systems by political parties, federations, coalitions and groups of voters.

With regard to advertising in general, which includes political advertising outside election campaigns, the relevant media must observe the applicable rules. For audio-visual broadcasts, administrative control depends on the National Commission for Markets and Competition (CNMC) (Article 9 of Law 3/2013); and advertising in social and digital media is overseen by the Ministry of Industry, Trade and Tourism (Article 35 of Law 34/2002).

In particular in the 2019 elections, there were also various non-partisan organisations and citizen initiatives monitoring the campaign and electoral process to prevent the dissemination of false information and fake news. Among others, it is worth highlighting the website Maldito Buló - a member of the European Commission's High-Level Expert Group, BSDetector, Snopes and FactCheck.

Another relevant actor was the organisation CitizenGO, which played an important role in the emergence of far-right movements during the campaign. CitizenGo carried out several fundraising campaigns favouring right-wing initiatives, which ended up supporting the VOX party. According to The Washington Post, CitizenGo's work can be compared to the workings of Super PACs in the United States, which are non-partisan

organisations that collect large sums of money through donations, which they then invest in campaigns in favour of one candidate or another, and which also have few regulations on funding.

In an investigation carried out by the web portal Open Democracy, it was possible to identify the methodology used by CitizenGo to contribute to the advance of VOX in Spain. CitizenGo received donations from foreign organisations (a situation that is prohibited for political parties and campaigns according to current Spanish legislation) and facilitated the spread of disinformation that favoured the right-wing movements.

Companies in charge of providing the service for the dissemination of digital electoral propaganda (social media) such as Facebook, Twitter and Google, also played a part in the November 2019 election. In addition to serving as digital communication platforms, they acted against disinformation and foreign interference.

WhatsApp (a company owned by Facebook) took action to prevent the spread of spam and fake news, limiting the possibility of sharing messages to only 5 people at a time, and eliminating accounts with suspicious behaviour and that could possibly have been managed by machines. Furthermore, Facebook implemented a system to identify political ads which showed the user who the ad was aimed at, how much money was spent in it, how many people saw it and who had paid for it. Moreover, Facebook ads could only be placed by authenticated accounts of organisations or individuals who could prove they were Spanish, in order to limit outside interference.

Facebook's work to monitor political advertising was carried out thanks to the support and joint work with journalistic and citizen initiatives to combat disinformation like Maldita.es, Newtral and the AFP agency.

5.2 Online and offline political advertising

Unlike the election held in April 2019, in which each party spent a massive amount on advertising in different media (outdoor advertising alone cost 2.4 million EUR), for the November 2019 election the main parties reached an agreement to eliminate outdoor advertising during the campaign. PP, Ciudadanos, Unidos Podemos, VOX and JxCat signed, before a public notary, an agreement proposed by PSOE and renounced to hanging banners on poles or lampposts, putting posters on billboards and hiring outdoor advertising. Therefore, advertising was carried out mostly through broadcasting media (radio and TV) and online platforms.

Most of the campaigning for the November elections transpired in social networks, mainly Facebook and WhatsApp, where misinformation and fake news were frequently displayed. Such was the case of the statements made by the secretary general of the VOX party, who assured in a declaration to the European Parliament that "without the Navas of Toulouse, without the Battle of Lepanto and without Charles V, the ladies in this room would wear the burqa". This message, full of misinformation and empty arguments, was replicated in social networks and traditional media as a viral headline for several consecutive days, increasing VOX's popularity.

The vote suppression campaign was one of the main controversies during this election. According to the Más País movement, the demobilisation campaign sought to encourage the abstention of left-wing voters and favoured right-wing movements such as the PP, VOX and Ciudadanos. Más País filed a complaint against this campaign in October 2019, alleging that the campaign went against the electoral laws because it had started before the authorized campaign period.

Another controversy was the withdrawal of a VOX's advertising spot on TVE (Televisión Española) for containing violent images, unsuitable for all audiences. The video showed images of street fights taken by security cameras, with a voice-over speech by Santiago Abascal (leader of the VOX movement) linking the arrival of immigrants to the increased violence in the streets. Both PSOE and Más País submitted a petition to the Central Electoral Board to prohibit the broadcast of the spot. Although the Board argued that it had no competence to ban the ad, TVE independently decided to stop the broadcasting of this video during times of the day with content restrictions to protect minors.

According to the Court of Auditors' report, most of the election expenditures were in propaganda (the total amount spent amounted to 150,013,844 EUR). The political party that invested the most money in the campaign was the PP (12.49 million), followed by the PSOE (10.69 million), Ciudadanos (10 million) and Podemos (5.7 million). In the election, these parties obtained 89, 120, 10 and 35 seats, respectively.

In this report, the Court of Auditors proposed reducing VOX's subsidy for incurring on electoral expenses on private television that are not authorised by the Organic Law of the General Electoral Regime (LOREG). According to the law, television advertising must be carried out through free spaces provided for that purpose.

There were additional non-compliances and irregularities pointed out by the Court of Auditors regarding the parties with the largest parliamentary representation, as follows:

- In relation to the PSOE, the Court of Auditors observed expenses for a total of 71,195.17 EUR corresponding to advertising in the press, radio or other digital media carried out outside the electoral campaign period. It also found expenses for ordinary operations amounting to 39,845.77 EUR that "correspond to an excess in the estimate of interest accrued as financial expenses of the debt acquired to finance the election campaign until the corresponding subsidies are received", as well as other expenses amounting to 12,199 EUR that could not be considered as election expenses either. In addition, a supplier was identified with an invoicing of 11,417.88 EUR which was not informed to the Court of Auditors.
- Regarding the –PP's expenses, the Court found 90,592.68 EUR which could not be considered to be election expenses. In addition, the report stated that "from the information provided by the party and by the suppliers, the existence of undeclared electoral expenses in the accounts presented for a joint amount of 8,632.68 EUR is observed" and that there were expenses for electoral propaganda for a total of 59,320.36 EUR in concepts which could not be considered as electoral expenses in accordance with the law.
- The VOX party invested 2.8 million EUR in the elections. The Court of Auditors formulated a proposal to reduce the electoral subsidy by twice the amount of the expenses which were found to be irregular (72,600 EUR). Among the non-compliances, in addition to the aforementioned expenditure on advertising on private channels, the report pointed to "a supplier for the provision of services or acquisition of goods with a turnover of 32,812.49 EUR" that was not informed to the Court.
- In terms of Unidos Podemos, the Court of Auditors observed the existence of micro-credits granted for more than 2.6 million EUR "which the coalition has not specifically declared as they are included in the contributions made by this political party". Nine individuals exceeded the limit, for a total amount of 60,600

EUR, but the Court clarified that the party had sent the supporting documentation for the repayment of the microcredits. Likewise, the report pointed out that Unidos Podemos "has incurred irregular expenses amounting to 248,868.91 EUR, of which 9,406.54 EUR correspond to expenses with insufficient justification and 239,462.37 EUR to advertising expenses in the press, radio or other digital media made before the start of the election campaign".

6 Measures to address disinformation and regulate political advertising

6.1 Evidence of disinformation during the campaign

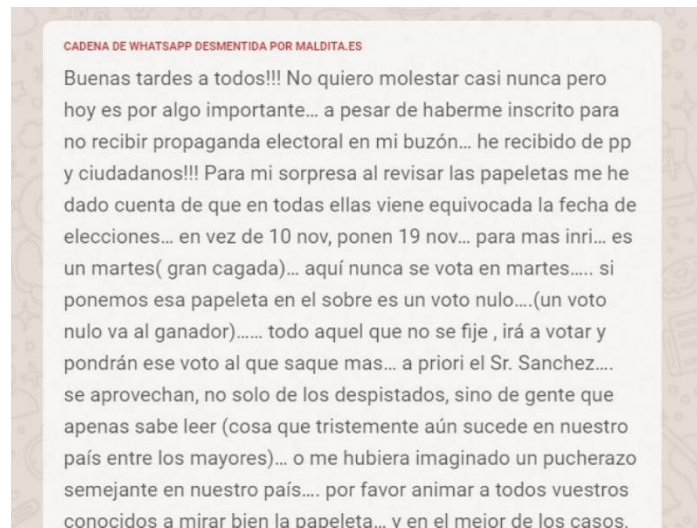
During the November 2019 election, numerous viral disinformation campaigns were carried out through Twitter, Facebook, Instagram and WhatsApp. Such is the case of the Facebook campaign that sought to demobilise the left-wing public, calling for abstention and discrediting several political parties, thereby seeking to favour right-wing parties. For its part, the VOX used websites such as Caso Aislado, Mediterráneo Digital and Periodista Digital, among others, to disseminate hoaxes, fake news and partisan propaganda. In sum, a sophisticated architecture of disinformation was put in place which reached high levels of dissemination.

Both Maldito Bulo (maldita.es) and Newtral's teams made efforts to debunk fake news that not only spread through social networks, but also through instant chat applications such as WhatsApp. In well-known social networks, such as Facebook or Twitter, it is easier to identify the origin of any content, which can also be refuted, denied or reaffirmed in the same platform. Whereas in WhatsApp, it is difficult to respond to disinformation through the same medium with messages reaching a similarly large audience. Hence, whoever has greater capacity to disseminate content will have a competitive advantage.

In Figure 2 we observe a WhatsApp thread that mentioned an alleged error in the ballot papers that many citizens received at home, which had the incorrect date and could result in a null vote that would favour candidate Pedro Sánchez. The website Maldita.es alerted that these ballots were completely correct and valid, and not false as two WhatsApp messages claimed; since November 19 referred to the year 2019 and not to the election day of 10-N, as was implied in the messages that went viral.

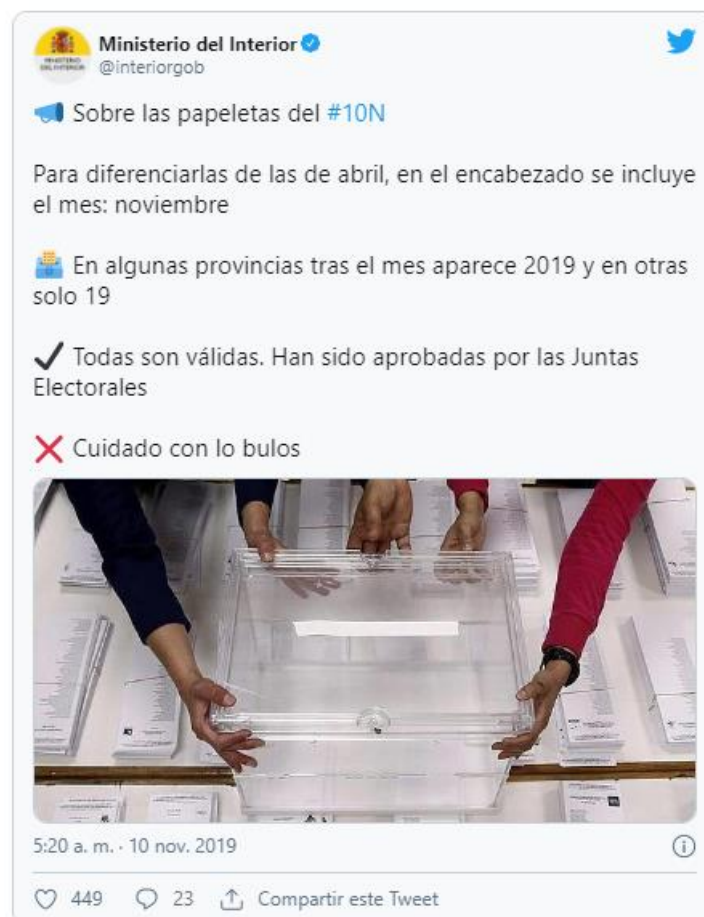
In an official message on its Twitter account, the Ministry of the Interior confirmed the verification carried out by the Maldita.es portal assuring that the paper ballots in question had been approved by the Electoral Boards (see Figure 3).

Figure 2. WhatsApp thread claimed as fake by Maldita.es - November 2019



Source: *El bulo sobre las papeletas en las que pone "noviembre 19" - Herald*

Figure 3. Official message from the Ministry of the Interior regarding the validity of the ballot papers

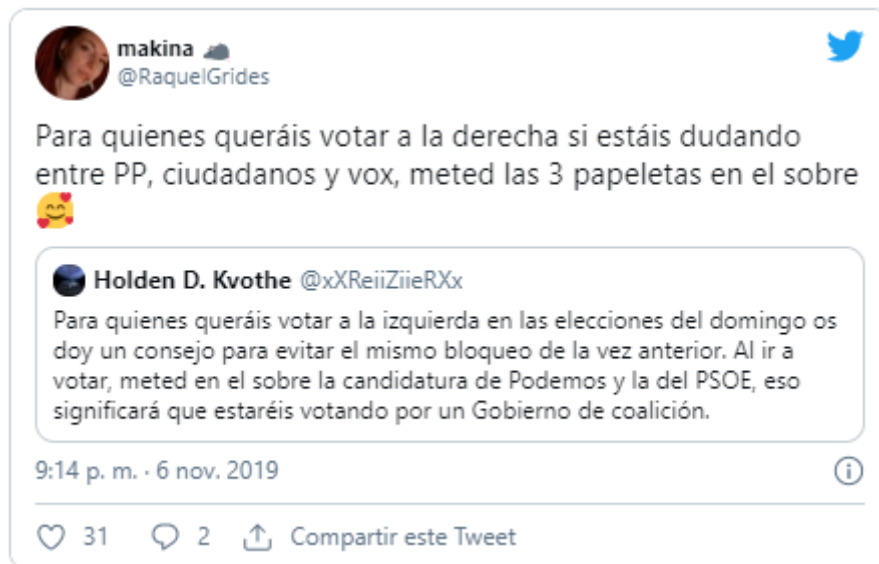


Source: *Los bulos más virales de las elecciones generales del 10 de noviembre - ABCdeSevilla*

Another message that went viral included disinformation on the voting process. The message argued that in order to provide broader support for the right, voters had to

include the paper ballots for PP, Ciudadanos and VOX together in one envelope. "We don't want to gamble", said some Twitter users. "Remember tomorrow to put the Cs+PP+Vox ballot papers in the same envelope, if you want a government to be formed on Monday with these three parties, without having to negotiate," said another one. Heeding this advice meant casting an invalid vote, as "an envelope containing more than one ballot paper from a different candidacy is invalid" (See Figure 4).

Figure 4. Tweet inviting voters to allocate three different ballots to the same envelope to ensure right-wing victory



Source: Los bulos más virales de las elecciones generales del 10 de noviembre - ABCdeSevilla

6.2 Enforcement of legislative measures by the responsible authorities

As was stated before, the body in charge of most of the electoral regulations is the Central Electoral Board, and it is its duty to enforce the Organic Law of the General Electoral Regime (Organic Law 5/1985) and to monitor political advertising in traditional and non-conventional media during the campaign. Some of the most prominent complaints during the campaign period for the November 2019 elections were the following:

- Complaint against Pablo Casado (PP) for sending an SMS with an electoral message, for alleged manipulation of private data. This complaint was initially presented to the Data Protection Agency, which passed it on to the Central Electoral Board, the body in charge of ensuring the cleanliness of the elections. However, the complaint was subsequently shelved by the Electoral Board, which concluded that no sanction was to be applied because the messages had been sent within the campaign period and because, according to the Board, it complied with the regulations on electoral messages. However, the initial complaint also alerted to the origins of the list of contacts to whom the message was sent, claiming irregular use of data. The Board concluded that the data relating to telephone numbers was not obtained from copies of the census or from the Electoral Census Office.

- Complaint made by the Más País and PSOE parties to the Electoral Board about an advertising spot made by the VOX movement. The parties claimed that the video contained violent images, superimposed with a speech by Santiago Abascal (leader of the party) in which he blamed immigrants for the violence in the streets. However, the Electoral Board responded in a communiqué that it "lacked the competence" to prohibit the broadcast of an electoral advertisement. Finally, the advertisement was stopped from being broadcasted during all-public hours on TVE (Televisión Española).
- Complaint made by Más País to the Electoral Board regarding the demobilisation campaign against left-wing voters, allegedly promoted by the PP. The reason for the complaint was that the advertisement campaign was launched months before the start of the campaign period. However, the Electoral Board responded by assuring that "it has not been minimally accredited that this party (PP) could be the author of the denounced facts". This conviction was based on the fact that "the identified authors have explicitly rejected that this political party has anything to do with these events". The case was therefore dismissed.
- Complaint against the then-President Pedro Sánchez (PSOE) for making electoral use of the Moncloa (Government Palace), and against the Cabinet spokesperson, Isabel Celaá, for her appearances before the Council of Ministers. Both officials were added to a file of the CEC, as they failed to comply with Article 50.2 of the Electoral Law of 1985 (LOREG) which imposes the "neutrality" of the public authorities.

6.3 Effectiveness of legislative and non-legislative measures in regulating political advertising and combating disinformation

On the government's side, in October 2019 the Ministry of the Interior launched a specific protocol to combat fake news during the election campaign and to protect the computerised vote-counting system from cyber-attacks. Adding to this, social media service providers and some journalistic or citizen initiatives played an important role in monitoring political advertising and combating disinformation.

Both Twitter and Facebook monitored the broadcasting of fake news and the creation of profiles with disinformation purposes during the pre-campaign and campaign period, many of which were created by political parties participating in the electoral contest.

According to a report made by Twitter, the PP created around 259 fake accounts on its platform between the months of February and April 2019 to manipulate the conversation on social networks. This finding by Twitter was shared by Facebook, which subsequently found another 100 accounts (65 Facebook accounts and 35 Instagram accounts) that were also attributed to "individuals linked to the People's Party".

According to the Twitter report, of the 259 fake accounts, 43 never tweeted. The other 216 published a total of 56,712 tweets. The most popular fake account had 841 followers and followed more than 4,000 people. There were 48 accounts that had no followers.

However, organisations such as CitizenGo were able to circumvent Spanish regulations and legislation. As was explained before, an investigation carried out by the web portal Open Democracy revealed how CitizenGo circumvented regulations by receiving large amounts of money to finance campaigns that indirectly favoured the far-right party

VOX. Since the existing regulations establish limits for the amounts received in terms of donations, CitizenGo spread the large donations among several fictional donors.

6.4 Extent and effectiveness of political advertising monitoring

Twitter and Facebook removed a total of 359 fake accounts linked to the PP, which aimed to increase content interactions. But PSOE, Unidos Podemos and Ciudadanos also used similar strategies of digital propaganda to influence public opinion with false or misleading information that would favour their parties electorally.

Initiatives such as Maldita.es, Newtral and the AFP agency worked together with Facebook to detect disinformation and fake news. Because of this, Facebook was able to successfully implement its external fact-checking programme, in which third parties checked the veracity of content published in Spanish on social media. These independent, non-platform verifiers are part of the International Fact-Checking Network, a network that promotes non-partisan content verification.

The National Cryptologic Centre (CCN-CERT), in charge of the country's information security, included on its website some recommendations on how to act in the face of online disinformation campaigns. One of the recommendations involved the use of tools such as RevEye, an extension for Chrome and Firefox browsers that searches various online image banks to verify their authenticity. Google Images also has a similar feature, as does TinEye.

Another suggestion was to use Crowdtangle, a tool Facebook acquired in 2016 that monitors how content "moves" on social networks, or Foller.me, which determines whether a profile is misleading or not.

7 Conclusions

The Spanish general elections held in November 2019 witnessed the lowest voter turnout since Spain's transition to democracy in 1975, with just 66.2% of the electorate casting a ballot. This case study provided evidence on the risks of political advertisement and disinformation campaigns, which could have contributed to this unusually low participation, as well as to the increased support to right-wing parties like VOX and left-wing parties like Unidos Podemos. It also looked into policies and digital platform's initiatives implemented in the country during the electoral campaign to monitor political advertising and combat the spread of disinformation.

The main findings of this case study are, namely:

- **There is evidence of funding by foreign actors that directly or indirectly violated Spain's electoral rules and benefited right-wing parties in particular.** Organisations such as CitizenGo were able to circumvent Spanish regulations and legislation and receive large amounts of money to finance campaigns that indirectly favoured VOX. Since the existing regulations establish limits to the amounts that can be received by organisations as donations, CitizenGo divided the large donations among several fictitious donors. CitizenGo's fundraising campaigns were in favour of right-wing proposals, which ended up favouring the VOX party. These third-party organisations can be compared to the work that PACs and superPACs perform in the United States.
- **Disinformation campaigns were launched not only to influence citizens' voting preferences for or against specific parties, but also to generate confusion about the voting process and to reduce participation.** For example, there was widespread disinformation about the validity of paper ballots. There were also initiatives encouraging voters to cast their vote including three paper ballots in an envelope, which would result in a null vote. Más País filed out a complaint about a demobilisation campaign against left-wing voters, allegedly promoted by the PP. This complaint was ultimately dismissed since it could not be proved that the identified authors were involved in the event.
- **There are weak regulations on the use of microtargeting in political campaigns in Spain.** When Spain passed the Organic Law on Protection of Personal Data and Guarantee of Digital Rights in December 2017, it included article 58 which allowed political parties to track citizens' data on the Internet and use that data to tailor the distribution of their messages to each individual voter. Conversely, after the Spanish Data Protection Agency (AEPD) prohibited microtargeting or systems that force or divert the will of potential voters (among other restrictions), VOX immediately withdrew all of its advertisement campaigns on Facebook. It is therefore likely that VOX's ads used microtargeting techniques – even though it was not officially confirmed. Article 58 was eventually declared unconstitutional.

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