



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 – UNITED STATES/
PRESIDENTIAL CAMPAIGN**

16 April 2021

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1 Introduction

The 2016 presidential election in the United States was marked by high levels of foreign interference as well as widespread online misinformation. Given this precedent, there was an extraordinary amount of attention around the globe on how the U.S. would handle the integrity of its electoral process during the 2020 presidential election.

This case study aims to analyse the presidential election that took place in 2020 in the United States, a federal country where restrictions and prohibitions to political advertising are set at state level. In particular, this case study explores:

- The policies implemented by social media companies to prevent misinformation from going viral in the absence of national legislation.
- The impact of divergent rules across states, with its resulting fragmentation and legal uncertainty, on providers of online political advertising services, especially with regards to 'cross-border' services.
- The risks of foreign interference with regards to influencing public opinion and the voting process.

2 Methodology

This is one of six case studies conducted to complete the description of the baseline and inform the policy options. The case study was developed 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.

In particular, this case study was based on the following sources:

- Findings of the legal context based on desk research on relevant legislation and practices, as well as self-regulatory/corrective instruments, guidelines and professional guidelines/codes that exist in the US to date. Research was supported by various documents, including: "Transparency Rules in Online Political Advertising: Mapping Global Law and Policy" by Menezes 2020)¹
- 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 and triangulation of information coming from multiple sources ensured that the case study included different perspectives and points of view.

Moreover, to ensure consistency of the approach and issues addressed in all case studies, we defined a table of contents containing a common set of research questions that each case study seek 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
7	Conclusion	

¹ <https://www.ivir.nl/publicaties/download/TransparencyRulesOnlinePoliticalAds2020.pdf>

#	Section	Issues/ Questions addressed
8	Annexes	

3 Background and context

In the United States' electoral system, the president is elected through indirect suffrage in which citizens who are registered to vote cast their votes to select the members of the electoral college. These electors then cast their votes for president and vice president. The candidate who wins an absolute majority of votes in the electoral college is elected president.

In the presidential election of 2016, Donald Trump, the Republican Party candidate, was elected president. Trump's campaign was tainted by accusations of Russian interference. Indeed, after Trump's appointment, four separate intelligence agencies determined that Russia had interfered in the election. Consequently, Trump faced a process of several investigations and an impeachment attempt in 2019 for soliciting foreign interference in the 2020 U.S. presidential election. He further obstructed the inquiry itself by telling his administration officials to ignore subpoenas for documents and testimony. Trump was acquitted in 2020.

The 2020 presidential election in the U.S. was marked by increased social tension and the COVID-19 pandemic. The election also highlighted concerns about the democratic process. During the 2020 campaign, Trump questioned the security of early and mail-in voting and refused to commit to a peaceful transfer of power if he did not win.

Given the 2016 precedent of foreign interference and disinformation, as well as domestic concerns about the democratic process, the 2020 election was held under deeper public scrutiny. Several legislative measures on online advertisement and disinformation had passed at the state level and bills were drafted at the federal level (even though they were not enacted). Furthermore, broadcast, digital media and online platforms produced various proposals to combat potential foreign interference and disinformation.

The presidential election was held on 3 November 2020 between the Republican candidate Donald Trump and the Democratic candidate Joe Biden. Due to the record number of ballots cast before the election day by mail or in person (due to the pandemic)², some states suffered delays in reporting on the election results. It was not until 7 November that major news outlets projected Joe Biden as president-elect of the U.S.

However, when the election results were published by major media networks, Donald Trump refused to publicly concede defeat. The president's campaign team and allies filed dozens of unsuccessful lawsuits to challenge the results, while Trump personally pressured state government officials to retroactively tilt the outcome in his favour.

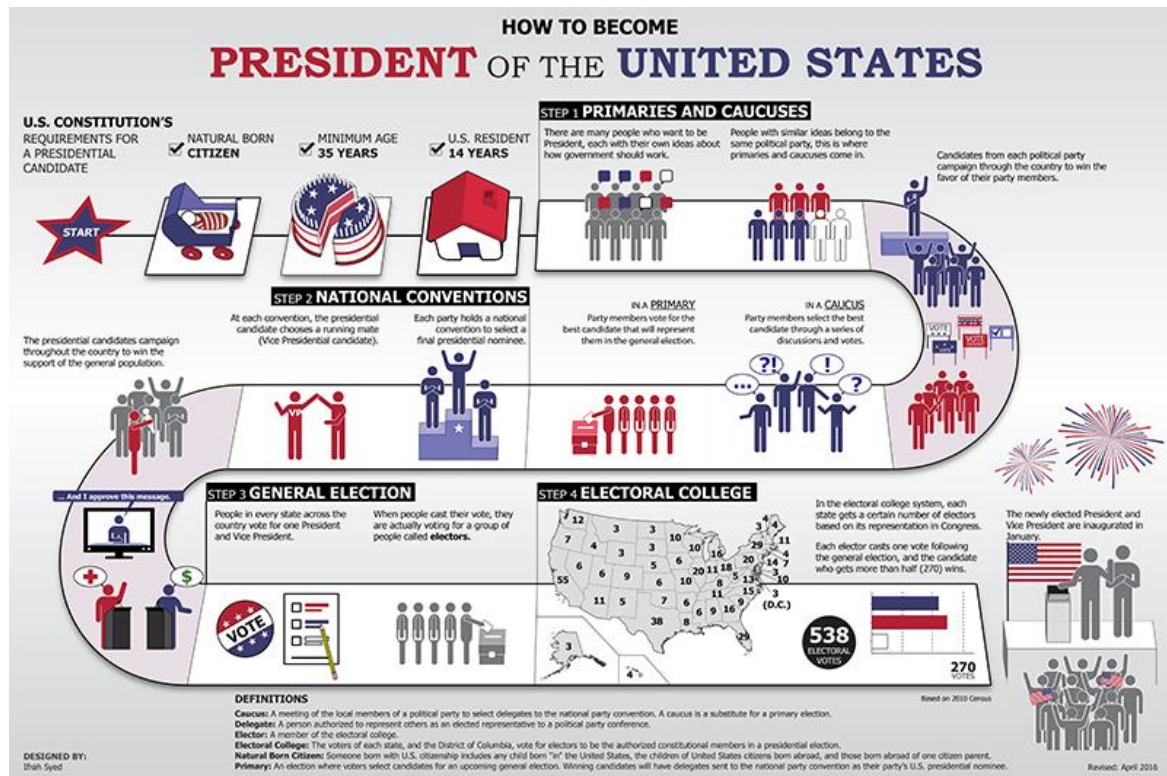
On 14 December, the presidential electors formally cast their votes electing Joe Biden as the 46th president of the United States. On 6-7 January, while electoral votes were being counted in Congress, pro-Trump insurrectionists stormed the U.S. Capitol contesting the election results. Yet, despite widespread accusations and riots

² Citizens in various states were allowed to vote early in person or by mail. Rules varied from state to state on the specifics of how this process took place. Due to the pandemic more people voted early by mail or in person than in previous elections.

taking place after the election, there was no evidence of fraudulent results. Indeed, the Department of Homeland Security (DHS) declared the 2020 election as the most secure election in the history of the United States.

Joe Biden was inaugurated as president of the United States on 20 January 2021.

Figure 1: How to Become President of the United States - Infographics



Source: Official website of the United States government. usa.gov

4 Regulatory Framework

The 2020 presidential campaign in the U.S. was carried out under a regulatory framework based on the U.S. Constitution, federal legislation, and state-wide regulations. As will be described in this section, these regulations are often divergent across states and result in fragmentation and legal uncertainty that affects providers of online advertisement services. Furthermore, the lack of clear federal legislation about misinformation tasks non-state actors, especially social media platforms, with the big responsibility to self-regulate while combatting disinformation.

4.1 Legal and political background to the campaign

The U.S. Constitution is the supreme legal framework to which all other laws adhere. One of the major discussions regarding electoral legislation is the extent to which regulations on political speech and advertising at the federal and state level are in line with the provisions of the constitution's first amendment related to freedom of speech.

The main federal law in the U.S. regulating political campaign fundraising and spending is the Federal Election Campaign Act of 1972, which originally focused on a greater disclosure of contributions to federal political campaigns. This law has been subject to reforms, such as the Bipartisan Campaign Reform Act (BCRA), which implemented the "stand by your ad" provision. This provision required all campaign ads to include a verbal statement by the candidates taking responsibility of the ad. The BCRA law also sought to make changes to the financing of political parties or candidates. However, many of the regulations set forth by this law were repealed in 2008, 2010 and 2014.

Furthermore, each of the 50 states within the United States has its own constitution and state-wide laws that regulate various elements of the elections that take place within their jurisdiction. Different states have implemented different provisions and regulations regarding political advertising and online advertising.

For example, Connecticut passed Raised Bill No. 7329, an amendment to the state constitution that sought to make changes with respect to "dark money", disclosure of foreign political spending and of political advertising on social media. The states of Maryland, New Jersey, New York, Vermont, Washington, and Wyoming also made various amendments to their state constitutions, in which, to a greater or lesser extent, introduced definitions and regulations in relation to offline and online political advertising.

In addition, in 2020 the state of California enacted the California Consumer Privacy Act (CCPA), a state statute intended to enhance privacy rights and consumer protection for residents of California. The intentions of the Act are to provide California residents with the right to:

1. Know what personal data is being collected about them.
2. Know whether their personal data is sold or disclosed and to whom.
3. Say no to the sale of personal data.
4. Access their personal data.

5. Request a business to delete any personal information about a consumer collected from that consumer.
6. Not be discriminated against for exercising their privacy rights.

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

Several legislative proposals have been introduced in Congress to regulate online advertisement and disinformation country wide. Among these, the Honest Ads Act aims to regulate online political advertising at the federal level, including detailed rules that, in some cases, can differ from state legislation.

The Honest Ads Act states that a political advertisement must state "the name of the person who paid for the communication" and "provide means for the recipient of the communication to obtain the remainder of the information required", and "with minimal effort and without receiving or viewing any additional material other than such required information". The Honest Ads Act further explains that the "clear and conspicuous manner" requirement is satisfied in different ways depending on the type of communication. For instance, if the statement is in "text or graphic", then it must "appear in letters at least as large as the majority of the text in the communication" and must be "contained in a printed box set apart from the other contents of the communication; and be printed with a reasonable degree of colour contrast between the background and the printed statement".³

However, this federal legislative proposal aims to regulate areas of content and form requirements that have already been regulated in some state jurisdictions. For example, the Washington State Legislature's amendments state that records must be displayed in a format that is "open for public inspection during normal business hours during the campaign", while California's DISCLOSE Act requires records to be "available for public inspection online" in "machine-readable format" and describes how access to these records must be provided.⁴

Discrepancies in regulations exist not only between states and federal legislation, but also among the provisions implemented by different states. This suggests that state-wide regulations are not moving toward convergence. A comparison of the definition of political advertisement adopted by different states illustrates this discrepancy, as shown below:

- Arizona defines political advertisement as "information or materials, other than unpaid messages on social media, that are mailed, emailed, distributed, published, posted, displayed, delivered, broadcast, or placed in a media outlet and that are intended to influence an election".
- New Hampshire describes political advertising as "any communication, including buttons or printed matter affixed to motor vehicles, which expressly or impliedly advocates the success or defeat of any party, measure or person in any election".
- Washington defines political advertising as "any display advertising, newspaper advertisements, billboards, posters, leaflets, brochures, articles, tabloids,

³<https://blogs.lse.ac.uk/medialse/2020/10/16/transparency-rules-in-online-political-advertising-mapping-law-and-policy-across-the-globe/>

⁴ Ibid.

handbills, letters, radio or television appearances, digital communication, or other mass media, used for the purpose of soliciting, directly or indirectly, votes or financial or other support or opposition in any election campaign".

Other states failed to update its legislation to define online political advertisement. Ohio's campaign finance law excludes online political advertising within its definition of "public political advertising". Therefore, financing of online or electioneering political advertising will be regulated, depending on how the phrase "other similar types of general public political advertising" is interpreted. The state of Maine, does not define online political advertisement directly, but lists the term "publicly accessible internet site" as a means of communication in which political advertising is possible.

Furthermore, there is also a marked divergence between what is defined by the states as political advertisement and the definition established by the digital platforms providing the service. Google, for example, defines political ads as those purchased by or about current elected officials or candidates for state or federal office or ballot measures. Facebook, meanwhile, defines political advertisement in a similar way to Google, but includes ads on "social issues". Twitter defines political ads as those relating to "a candidate, political party, elected or appointed government official, election, referendum, ballot measure, legislation, regulation, directive, or judicial outcome", although cause-based ads are permitted.

The discrepancies in restrictions and prohibitions to political advertising set at state level result in fragmentation and legal uncertainty that affect providers of online political advertising services. A lawsuit filed by Washington state's attorney general against Facebook and Google for failing to comply with a state law on political advertisement transparency is an example of how state-regulations resulted in a limitation to social media ad services at the state level.

The state law mentioned in the lawsuit that media companies were required to collect and make public detailed information about political ads in Washington state. These requirements have long applied to television stations, newspapers and billboard owners, but the state's lawsuits said Facebook and Google had failed to comply. While Google and Facebook ended up settling this lawsuit, they also stopped accepting political ads for state and local races in Washington. Google claimed that they "paused accepting election advertising in Washington because our systems weren't built to comply with these new requirements. We've rolled out several features this year to ensure transparency in U.S. federal elections and we are looking at ways to bring these tools to the state level as well".

Likewise, Microsoft announced in 2018 that it would no longer be accepting ads for political candidates and ballot measures in the U.S., as regulators in states across the country had taken new steps to bring more transparency and accountability to political advertising. The company argued that the regulatory environment for political candidate and ballot measure advertising was likely to continue to evolve rapidly, making it complex for Microsoft to adhere successfully.

According to a stakeholder who asked to remain anonymous, divergent state regulations have a direct impact on the services provided by technology companies in different states. From a consumer perspective, the US user experience with respect to data privacy and cookies is very different in states such as California, which require cookie recognition, compared to states such as Massachusetts, where there is no such requirement. And from a business perspective, it is increasingly difficult to comply with divergent state regulations. For example, the California Consumer Privacy Act 2020 (CCPA), provides for the right to opt-out, the right to be forgotten, the right to equal service, and the right to know what data is stored and used for. If other states pass

divergent regulations on this matter, a service company may have to comply with 50 different regulations regarding data collection and what the consumer can request in each state. Global companies have been able to introduce major infrastructure adaptations to comply with these regulations, such as time stamps and the ability to provide digital wills. However, for smaller companies it may be more difficult to put this infrastructure in place to comply with different state regulations.

5 The campaign and existing data

5.1 Key actors

The United States has a long standing bi-partisan political system in which the two major parties are the Democratic Party and the Republican Party. In 2020, the nominees for president and vice-president were Donald Trump and Mike Pence for the Republican Party, and Joe Biden and Kamala Harris for the Democratic Party. There were also other small parties that participated in the general election and during the primary process, such as the Libertarian Party, Green Party, Socialism and Liberation, Alliance, Constitution, American Solidarity, and Becoming One Nation, but these parties did not have much influence during the campaign.

Super Political Action Committees (PACs) and PACs raise money to spend independently for or against a candidate. In particular, a Super PAC "is a political committee that can solicit and spend unlimited sums of money. A super PAC cannot contribute directly to a politician or political party, but can spend independently to campaign for or against political figures." On the Republican side, some of the most prominent Super PACs were American First Action, Preserve America, Restoration PAC, and the NRA Victory Fund Inc. On the Democratic side, the list included Future Forward USA PAC, Independence USA PAC (Bloomberg), Priorities USA Action, AB PAC, Unite the Country, and the Latino Victory Fund.

For the most part, donations to parties and organisations such as Super PACs were made by private individuals. Las Vegas businessman Sheldon Adelson and his wife Miriam Adelson donated nearly \$183 million to Republican Party candidates. Michael Bloomberg, who was the second most generous campaign donor, donated nearly \$107 million to Democratic committees, in addition to his multi-million-dollar self-funding effort in the presidential race. And Dustin Moskovitz, a co-founder of Facebook, donated more than \$24 million to Democratic super PAC Future Forward USA.

Several state organisations were responsible for monitoring compliance with electoral regulations and avoiding misinformation. Some of the organisations responsible for monitoring security during the election included the United States Congress; the Department of Homeland Security (DHS), the United States House Permanent Select Committee on Intelligence, the House Cybersecurity and Infrastructure Security Agency Intelligence Committee. Other organisations were responsible for monitoring advertisement such as the Federal Trade Commission. And finally, organisations such as the Federal Election Commission, the U.S. Election Assistance Commission and the National Association of Secretary of States (NASS) were responsible for monitoring the electoral process at the federal level and within each state.

Furthermore, a wide range of associations and NGOs also monitored the elections. Some of the most prominent ones were the National Association of State Election Directors (NASSED), which grouped state election directors and administrators, as well as The NYU Online Political Transparency Project, a search-based, nonpartisan, and independent effort to expose online threats to our social fabric.

Finally, in addition to the well-known digital platforms Facebook, Twitter and Google, the 2020 election incorporated a new platform: TikTok. This Chinese platform reached a high volume of new young voters who were active users of the app.

5.2 Online and offline political advertising

According to the Centre for Responsive Politics, the 2020 election cost close to \$14 billion, making it the most expensive election in U.S. history. Much of this money was spent on political advertising through direct media buys on broadcasting networks and social media (such as Facebook or Google), or through political consulting or communications firms. Some of the consultancy firms receiving funds from the campaigns included Waterfront Strategies, Mosaic Campaigns, Solidarity Strategies, McLaughlin & Associates, Hamilton Campaign Network, Rising Tide Interaction and 4C Partners LLC.

Spending on the 2020 presidential campaign was distributed as shown in Figure 2. Most of the campaign resources were spent on TV ads, although digital political advertising was the second spending item on the list with more than \$3 billion of campaign money being spent on digital advertisement.

Figure 2. Presidential Campaign Spending by Medium

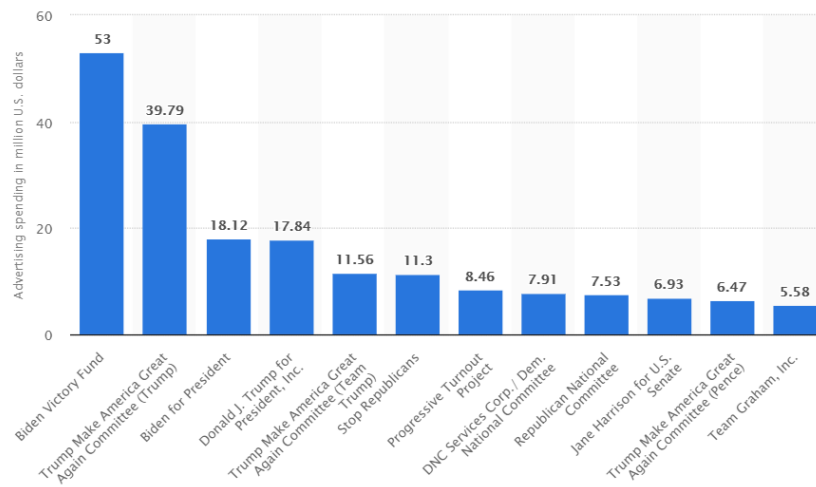
	Est. Trump Spend	Trump %	Est. Biden Spend	Biden %
Broadcast TV	\$174,641,694	41.00%	\$249,866,340	44.20%
Digital	\$201,460,242	47.30%	\$166,118,753	29.40%
Local Cable	\$12,128,040	2.80%	\$81,526,877	14.40%
National Cable	\$34,223,485	8.00%	\$41,245,639	7.30%
Satellite TV	\$1,245,864	0.30%	\$3,050,659	0.50%
Radio	\$2,563,809	0.60%	\$22,947,694	4.10%
Total	\$426,263,134		\$564,755,962	

Data cover the April 9, 2020 to October 25, 2020 time period.
 CITE SOURCE OF DATA AS: Kantar/CMAG estimates for TV, cable and radio with analysis by the Wesleyan Media Project. Digital spending totals come from Wesleyan Media Project analysis of the Facebook Ad Library, Google Transparency Reports and the Snapchat Political Ads Library.
 See [About the Data](#) section at the end of this report for more information on our methodology on tracking

Source: *Presidential General Election Ad Spending Tops \$1.5 Billion*, mediaproject.wesleyan.edu

According to a study conducted between July and October 2020 on Facebook ad spending in the United States by the web portal Statista.com, the biggest spender on political ads on Facebook was the Biden Victory Fund, which invested around USD 53 million. The second largest was the Trump Make America Great Again Committee, which spent USD 39.79 million on political ads.

Figure 3. Leading political advertisers on Facebook in the United States as of October 2020, by advertising spending (in million U.S. dollars)



Source: Political advertising in the U.S. - Statistics & Facts, Statista.com

6 Measures to address disinformation and regulate political advertising

During the 2016 election, foreign interference took place through Russia's use of Facebook groups and Instagram accounts which had "hundreds of thousands of US participants", and controlled Twitter accounts that had "tens of thousands" of followers. These accounts directly or indirectly influenced public opinion through targeted messaging to specific audiences. The main concern of federal agencies entering the 2020 election was the possibility of foreign interference occurring again. But four years after the 2016 election there was greater public and media awareness of potential foreign interference during the campaign and election process.

6.1 Evidence of disinformation during the campaign

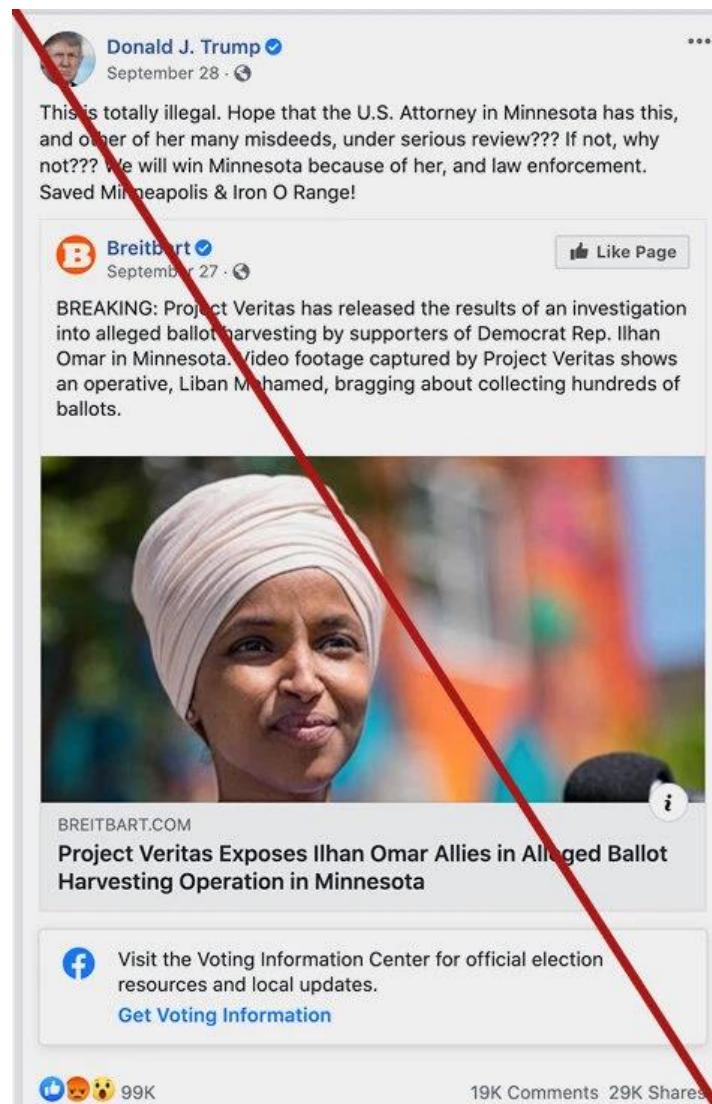
A declassified report by the National Intelligence Council, released in March 2021, found evidence that some foreign actors, such as Iran and Russia, disseminated false or exaggerated information, attempting to manipulate public confidence in the voting system and the election results. However, that same report showed that there were no indications of foreign intervention affecting technical aspects of the voting process (voter registration, vote casting, vote tabulation and results reporting).

The report found evidence that Russia had authorised and conducted operations to influence public opinion to discredit incumbent President Biden and the Democratic Party, support former President Trump, and increase socio-political polarisation in the country, including distrust in the institutions and the electoral process itself. The National Intelligence Council also noted that Iran had attempted to undermine confidence in institutions and the electoral process through voter intimidation and disinformation. For example, a group of Democratic Party supporters received threats via email, while other voters also received emails with links to a false and misleading video that sought to scare voters into believing that it was possible to manipulate the postal voting process, in line with statements made by Donald Trump about postal voting, claiming that it was subject to fraud.

Another widespread problem during the 2020 campaign was viral misinformation spread domestically. Since there is no law in the U.S. that prevents candidates, parties or political groups from launching disinformation campaigns, either in-house or through a contractor (so long as foreign money is not involved), it is up to individual candidates to decide their tolerance for the practice.

The New York Times tracked viral disinformation before, during, and after the 2020 election, and identified various sources of fake news. Figure 4 shows a fake headline, sourced from a verified Facebook account, and subsequently commented on by then-President Trump. It claimed that Democratic Minnesota Representative Ilhan Omar was involved in systematic illegal vote harvesting.

Figure 4. Donald Trump Facebook Post with a false headline



Source: How Three Election-Related Falsehoods Spread - New York Times

This misleading information had a wide reach. An estimated 3,960 Facebook users shared the fake news through posts in their accounts, generating more than 950,000 likes, comments and shares. Among those sharing this post were two pro-Trump Facebook groups targeting Minnesota residents. In turn, at least 26,300 tweets also discussed the news.

Furthermore, a video of Joe Biden that was broadcast in October was misleadingly edited to make it appear as if he was admitting to the alleged voter fraud claimed by Donald Trump. The doctored video was viewed more than 17 million times on social media, according to Avaaz, a progressive human rights organisation that studied the video. See figure 5.

Figure 5. Capture of Joe Biden's video



Video from an episode of the “Pod Save America” podcast featuring Joseph R. Biden Jr. was altered to give the false impression that he was discussing his support of voter fraud. Crooked

Source: Deceptively Edited Video of Biden Proliferates on Social Media - New York Times

6.2 Enforcement of legislative measures by the responsible authorities

In the United States there is a robust regulation of offline political advertising, which allows the relevant authorities, to a large extent, to monitor the campaign and enforce the law. The Federal Communications Commission’s (FCC) regulations stipulate that broadcasters must allow any qualified candidates for political office the opportunity to purchase an equal amount of advertising time at the lowest unit charge. In addition, regulations require transparency from political groups running the ads, including mentioning in the ad the name of the group purchasing the commercial, and whether the advertisement is part of the candidate’s campaign efforts, or if another political action group paid for the spot.

Although political ads on social networks are largely unregulated at the federal level, the Federal Elections Commission does provide guidance on advertising and disclaimers on any public communication made by a political committee requiring, for example, statements such as “My name is [Candidate Name]. I am running for [office sought], and I approved this message.” However, Katherine Haenschen, an assistant professor of communication at Virginia Polytechnic Institute, found that Google and Facebook often requested and received exemptions from requiring advertisers to include standard disclaimers.

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

After the events of 2016, namely the proven Russian intervention in that year's presidential campaign, there was a stronger commitment to oversee online political advertising. Indeed, during 2020 there were joint efforts between private companies (Facebook, Google, Twitter) and the government to enforce the law and prevent both disinformation and international interference. These efforts allowed for the rapid review, and in many cases removal, of social media accounts covertly operated by Russia and Iran.

Different digital platforms implemented diverse self-regulatory measures before, during and after the 2020 elections as described below:

- A year before the 2020 presidential election, Facebook released an update to its ad library to monitor political advertising more effectively during the upcoming campaign. This update provided greater transparency regarding how each political organisation or official campaign used the platform. It also added a new tool to help researchers and journalists more clearly understand and demonstrate how much each politician was spending on ads on the platform. The company also added a new feature that allowed journalists to access and share in real time an ad spending tracker for presidential candidates. Facebook later decided to ban all new political advertisement one week before the election and all political ads after the 3 November election for an undefined period.
- Twitter decided to ban all political advertisement in its platform ahead of the 2020 election.
- Google's policies focused on the company's search autocomplete feature, which offers suggestions for terms to search for based on what users have entered. Ahead of the election, the company said it would remove any predictions that look like they could be claims "for or against a particular candidate or party". It would also remove predictions that seem to offer any information about voting methods, requirements, or polling locations. Before the November 3rd election, Google banned all political ads in an attempt to prevent potential exploitation or misinformation via advertising since it expected delayed election results.
- Microsoft announced before the election that it was no longer accepting ads for political candidates and ballot measures in the United States.
- TikTok, a platform that had over 100 million active users in the United States by the time of the 2020 campaign, also joined efforts to combat disinformation. Prior to the campaign, the platform shared a guide that allowed each user to obtain information to protect themselves against disinformation. However, TikTok did not use in-platform tagging to warn its users. Instead, they conducted an internal evaluation of the information disseminated and removed or, less frequently, reduced the reach of posts that did not meet previously established standards.

These measures were criticized by political advertisers across the ideological spectrum, as they claimed they missed opportunities they normally had after presidential and midterm elections to fundraise or initiate email and text list building, essentially punished by content moderation issues rarely related to their ads. Furthermore, at least one strategist warned of transparency issues, noting that without being able to access these platforms, political advertisers could be forced to send their dollars to sources that are less transparent than the aforementioned companies.

6.4 Extent and effectiveness of political advertising monitoring

The declassified report issued by the National Intelligence Council, claimed that the agency had conducted during the 2020 election a broader sweep of foreign actors who took steps to influence the US election than in previous election cycles.

In a report published by Facebook in October 2020, the company disclosed the results of their policy of monitoring account misbehaviour, which included both foreign interference and the dissemination of false information. Overall, Facebook summarised the number of accounts removed for non-compliance with the terms and conditions on political advertising as listed below:

- Total number of Facebook accounts removed: 1,196
- Total number of Instagram accounts removed: 994
- Total number of Pages removed: 7,947
- Total number of Groups removed: 110

At the same time, initiatives such as ProPublica, driven by NYU, took steps to inform the American public about the power of political messages and the development of microtargeting campaigns. Through this platform, it was possible to see how political organisations and candidates targeted their communications according to specific audience characteristics (such as gender, age, ideological leanings and place of residency).

7 Conclusions

The administration of national-level elections by state authorities within the U.S. has some parallels with how European Parliament elections are organised in accordance with each Member State's rules and traditions. The U.S. 2020 election provides some lessons learned that can be useful for the EU, as summarised below:

- **There are higher risks of foreign interference in influencing public opinion than in manipulating technical aspects of the voting process.** The National Intelligence Council's declassified report found evidence that some foreign actors, such as Iran and Russia, disseminated false or exaggerated information, attempting to manipulate public confidence in the voting system and the election results. However, the same report showed that there were no indications of foreign intervention affecting technical aspects of the voting process (voter registration, vote casting, vote tabulation and results reporting).
- **The divergent state rules on misinformation and online advertising lead to legal uncertainty which in turn results in the fragmented provision of political advertisement services.** States across the U.S. have different rules regarding online advertisement and misinformation which, rather than converge, tend to diverge. Such is the case of regulations on the disclosure of information for online advertisement as well as on the definitions of online advertisement as described in this case study. This divergence and legal uncertainty affects the provision of political advertisement services across states. For example, after being sued by Washington State for failure to comply with local regulations, Facebook paused accepting election advertisement as it was not technologically equipped to comply with the regulations mandated by the state. Likewise, Microsoft stopped accepting ads for political candidates and ballot measures in the U.S., unable to keep up with the new regulations implemented in states across the country.
- **Lack of regulations with regards to misinformation leaves social media companies responsible for self-regulating to prevent disinformation from 'going viral'.** Several platforms such as Facebook, Google, Twitter and TikTok implemented regulations to prevent disinformation before, during and after the election. While these regulations helped identify sources of misinformation, the implementation varied widely across different platforms and, perhaps more importantly, were criticized by political advertisers across the ideological spectrum. Law abiding political advertisement agents complained that regulations implemented by digital platforms punished them for content moderation issues not related to their ads.

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