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DIGITAL CAMPAIGNING AND POLITICAL FINANCE IN THE ASIA AND THE PACIFIC REGION

A New Age for an Old Problem



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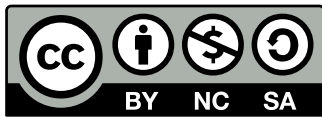


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Chapter 1

THE NEGLECTED NEXUS

Democracies are experiencing a digital disruption. Disinformation is rife in elections, and there is interference by foreign countries as well; meanwhile, the public sphere is being undermined through virality (the premium on emotional appeals) and polarization (e.g. through filter bubbles and echo chambers). These challenges are exacerbated by an erosion of political autonomy with the ‘choice architecture’ established by information technology companies, together with the substantial market (quasi-monopolistic) power of ‘big tech’ companies. There is also the broader threat to democracies from what has been characterized as digital capitalism (Betancourt 2015; Zuboff 2018). As International IDEA’s *Global State of Democracy 2019* observed, ‘New technologies, including information and communications technologies (ICTs) and social media, are contributing to a profound transformation of the global democracy landscape’ (Mobrand, Casal Bértora and Hamada 2019: 54).

This report studies a neglected aspect of this disruption: the intersection between digital campaigning in elections, and political finance and its regulation. In so doing, it connects the digital disruption with an existential threat to democracies across the world—money in politics. Political finance poses the danger of not only ‘policy capture’ but also, in worse scenarios, state capture by monied interests. As the United Nations Deputy Secretary-General, Amina Jane Mohammed, has said: ‘In many places the ability of private interests to influence elections is unfettered and the capture of the state by elites is warping the functions of state institutions.’

Disinformation is rife in elections, and there is interference by foreign countries as well.

To date, there have only been a few systematic assessments of the nexus between digital campaigning and political finance (Agrawal, Hamada, Fernández Gibaja 2021) and none on the Asia and the Pacific region. To address this gap, this report examines two questions in relation to this region:

Question 1. What are the implications of digital campaigning in elections for political finance and its regulation in terms of democracy?

Question 2. How can the nexus between such campaigning and political finance be regulated to enhance digital campaigning's benefits for democracies?

The central concern of this report is with democracy. Democracy is fundamentally based on the idea of popular sovereignty. As article 21 of the Universal Declaration of Human Rights puts it, 'The will of the people shall be the basis of the authority of government'. This core idea has two key elements: [popular control and political equality](#).

This report specifically focuses on three salient democratic principles in the area of political finance and its regulation:

1. *transparency* (in terms of how much is spent on digital campaigning, on what, by whom, when and where; and more generally for informed voting);
2. *anti-corruption* (including preventing abuse of state resources; clientelism; intersection between business and politics; illicit funding; vote-buying); and
3. *fairness* (including ensuring adequate resources for opposition parties and under-represented groups, such as women and youth, and avoiding regulations discouraging competition).

Adapted from International IDEA, *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance* (2014), Chapter 4; International IDEA, *The Integrity of Political Finance Systems in Asia: Tackling Political Corruption* (2019).

The definitions of digital campaigning, election campaigns and political finance used in this report are described in Box 1. This report discusses disinformation as it applies to the intersection between

Box 1. Definitions

Digital campaigning refers to the use of digital technology in election campaigns. It includes digital media used for campaigning, such as: the Internet (e.g. webpages, web advertising, search engine optimization); social media (e.g. Facebook, Twitter, WhatsApp, TikTok, Snapchat, Instagram); and mobile services (e.g. SMS). It also extends to the use of political campaigning software (e.g. NationBuilder, bots) and data tools (collection, analytics including voter personality types, targeting, use of 'big' data). Both paid and unpaid forms of digital campaigning come within the scope of this report.

Election campaigns are understood to include contests for elected office as well as referendums (e.g. the Brexit referendum). Campaigning actors include candidates and political parties, as well as other political organizations (referred to as third parties).

Political finance is understood as 'the (legal and illegal) financing of ongoing political party activities and electoral campaigns (in particular, campaigns by candidates and political parties, but also by third parties)' (Falguera, Jones and Ohman 2014: 2).

digital campaigning and political finance and its regulation, leaving to one side the broader challenges that disinformation poses to democracy (particularly its degradation of the political information ecosystem).

1.1. A REGIONAL STUDY BASED ON FIVE COUNTRIES

This report will address the two questions above through five country case studies: Australia, India, Indonesia, Japan and Kyrgyzstan (see Annex B: List of questions for country case studies). These countries have been chosen for their geographic diversity and to capture the two most populous democracies in the Asia and the Pacific region (India and Indonesia). They also represent a rough diversity in terms of: their level of development according to the UN's [Human Development Index](#); their overall performance as democracies, and specifically in terms of clean elections; and their digital saturation (see Table 1.1).

Table 1.1. Key attributes of country

Country	Subregion	Human Development Index	Regime type	Clean Elections	Digital saturation
Australia	Oceania	0.944 (Rank 8)	High-performing democracy	0.85	91%
India	South Asia	0.645 (Rank 131)	Mid-range performing democracy	0.65	47%
Indonesia	South-East Asia	0.718 (Rank 107)	Low-performing/ weak democracy	0.77	74%
Japan	East Asia	0.919 (Rank 19)	Mid-range performing democracy	0.88	94%
Kyrgyzstan	Central Asia	0.697 (Rank 120)	Hybrid	0.43	50%

Sources: International IDEA, [Global State of Democracy Indices \(2021\)](#); UN [Human Development Index \(2019\)](#); Kemp, S., [Digital 2021 October Global Statshot Report](#), DataReportal, 21 October 2021.

1.2. KEY ASPECTS OF DIGITAL CAMPAIGNING FOR POLITICAL FINANCE AND ITS REGULATION

In terms of the democratic implications of digital campaigning for political finance and its regulation (Question 1), five aspects of digital campaigning in a country are of importance (see Tham 2021):

1. *Volume of digital campaign spending (in terms of costs and relative significance):* A low volume would tend towards modest democratic implications, while a high volume would point in the opposite direction.
2. *Impact on overall campaign spending:* If digital campaign spending reduces overall campaign spending, it would alleviate concerns of unfairness due to high levels of campaign spending. It may also reduce the risk of corruption by easing demand for campaign funds. On the other hand, should digital campaign

spending increase overall campaign spending, the concerns of unfairness and corruption become more acute.

3. *Impact on costs of effective election campaigns:* Effective election campaigns can be roughly understood as campaigns that produce a meaningful impact on elections. Digital campaigning may reduce the cost barriers to such campaigns by broadening access to communication tools (such as social media) and, in this way, support fair elections. However, should key political actors—particularly the dominant political parties—upscale their digital campaigning by using sophisticated digital communication tools, such as voter databases, data analytics (allowing for predictions of voter behaviour), micro-targeting and ‘cyber-armies’, the tendency might be to drive up the costs of effective campaigns, limiting open access to meaningful electoral contests.
4. *Type of digital campaigning tools used:* Some digital campaigning tools are more observable than others. There are challenges for transparency when more opaque tools are used. Customized digital communication tools such as websites clearly fall within the observable category, as does the use of social media for large audiences. Less observable are the use of artificial intelligence (AI), databases, peer-to-peer encrypted networks, and direct messaging. Equally opaque is the link between digital campaigns and on-the-ground campaigns (e.g. the use of databases to target door-knocking).
5. *Accumulation of digital electoral assets:* Digital electoral assets refers to the digital infrastructure (including data) and organizational ‘know-how’ for election campaigning. The concern here is that the accumulation of these assets will confer an advantage to established and well-resourced political actors. This is not a concern unique to digital campaigning and applies to all forms of electoral assets. What might, however, make digital electoral assets more challenging is that each electoral cycle provides a supply of data that makes these tools increasingly potent in terms of predicting and shaping voter behaviour (Zuboff 2019). Furthermore, technology companies own the largest data sets, which may only be available to well-resourced political actors.

1.3. POLITICAL FINANCE REGULATORY CHALLENGES POSED BY DIGITAL CAMPAIGNING

Significant to the question of implications (Question 1) are the regulatory challenges that digital campaigning pose to political finance regulation. These challenges are also essential to understand, in order to recommend better regulation (Question 2).

The challenges can be grouped into four categories:

1. *What activity is regulated:* Does spending on digital campaigning come within the scope of regulation?
2. *Who is regulated:* Do digital campaigning actors come within the scope of regulation? Does regulation apply only to political parties and candidates or does it extend to third parties and digital platforms?
3. *When does regulation apply:* Does regulation apply to the periods when digital campaigning is undertaken? Does it apply only to the formal election campaign period or also to other times when digital campaigning is carried out?
4. *Where does regulation apply:* Does regulation apply to the places where digital campaigning occurs? Does it apply only to campaigning undertaken in the home jurisdiction or does it extend to overseas jurisdictions (where digital campaigning can be undertaken)?

All of these categories have two dimensions: *formal coverage of the regulation (de jure)* and its *practical application (de facto)*. Both the *de jure* and *de facto* dimensions are of critical importance. If regulation does not formally cover digital campaigning and digital campaigning actors, there is no effective regulation of such campaigning. If the regulation does cover this but is not adequately complied with or enforced, there is also no effective regulation.

A key task is distinguishing regulatory challenges that *involve* digital campaigning but that also apply to other forms of campaigning from those that *arise from* digital campaigning due to its distinctive aspects.

These regulatory challenges are, of course, not unique to digital campaigning. A key task is distinguishing regulatory challenges that *involve* digital campaigning but that also apply to other forms of campaigning—for instance, an absence of any laws regulating spending—from those that *arise from* digital campaigning due to its distinctive aspects. These aspects include the role of digital platforms, unpaid (organic) digital communication, the ease of

cross-border digital advertising and campaigning, and the pace of technological change, which complicates effective oversight by regulatory agencies. All of these are compounded by the significant increase in spending on digital campaigning seen in many countries (Hamada and Agrawal 2020: Chapter 4; Agrawal, Hamada and Fernández Gibaja 2021: 11–16).

Transparency is a key principle of political finance regulation (effected through disclosure obligations). Such transparency is important in its own right, and also essential for the working of other regulations, such as limits on contributions and spending. It is indispensable for fully understanding the nature and extent of digital campaigning and the regulatory challenges it poses in political finance. Unfortunately, as will be detailed in the case studies in this report, transparency of digital campaigning under political finance regulation is sorely lacking in many places, with many unknowns as to how much is being spent on such campaigning, by whom, where and when.

Transparency is a key principle of political finance regulation (effected through disclosure obligations).

1.4. STRUCTURE OF THE REPORT

This report adopts a stepped approach to its structure: Chapter 2 maps out the nature and extent of digital campaigning in the Asia and the Pacific region, with a focus on the five country case studies. Chapter 3 examines the regulation of digital campaigning under political finance laws, specifically: limits on spending, disclosure requirements and public funding. Chapter 4 integrates the analyses in the earlier chapters and the case studies to more fully examine the democratic implications of digital campaigning for political finance and its regulation (Question 1). Chapter 5 summarizes the key findings of the report and addresses Question 2 by making recommendations for regulating the nexus between digital campaigning and political finance to enhance the benefits of digital campaigning for democracies in the Asia and the Pacific region.

Following these chapters are the five country case studies in full, plus annexes.

Chapter 2

THE STATE OF DIGITAL CAMPAIGNING IN THE REGION

Until recently, one way of understanding the trajectory of political campaigning was through a three-era framework that referenced the dominant communication methods and mediums that politicians and parties used (see Norris 2000; Schmitt-Beck and Farrell 2003). The first era was characterized by direct and localized communication, such as politicians appealing to voters through town hall speeches. The rise of mass media and advertising, to allow the broadcast of campaign messages using radio and TV, marked the second era. The third era involved hybrid communications, combining the strengths of the past, such as mass media and direct communication, but also incorporating new social media and web tools to target messaging (Norris 2000).

Since the commercialization of the Internet, a fourth era has been recognized that extends beyond the third (Blumler 2016; Semetko and Tworzecki 2017). Three major developments distinguish it from past eras (Semetko and Tworzecki 2017):

- big data, which is stored and used to track trends and to target specific voters;
- voters' use of social media for news consumption and political messaging, bypassing or downgrading their use of legacy media; and
- the globalization of campaigning methods, with digital tools and techniques shared across different jurisdictions, including autocracies that hold elections but do not adhere to democratic norms.

This chapter uses the fourth-era framework and undertakes a meta-analysis of 316 academic studies and Hootsuite country data (2021) to identify what prominent digital tools and technologies are used, and for what purposes, in election campaigns in the case study countries, in order to roughly plot digital campaigning across the Asia and the Pacific region. It also identifies the institutional and structural features of the case study countries, including development of their Internet infrastructure, social media uptake, and laws that may restrict digital campaigning. From the data, an original typology of digital campaigning in the region is produced based on two dimensions (digital saturation and extent of digital campaigning).

2.1. AUSTRALIA

Australia is an example of a developed economy with high Internet penetration and high levels of digital political campaigning (see Australia case study). Centre-left Labor opposition leader Kevin Rudd's 2007 federal campaign was considered a tipping point for digital campaigning in Australia (Kefford 2021). Until then, parties had dabbled with setting up websites, but digital activity was minimal. Rudd was Australia's first politician to exceed 1 million Twitter followers, marking a decisive shift from mass-media strategies to digital political communications. He used direct video and social media to target messages to specific groups of voters and to show he was a man of the times, in contrast to the ageing centre-right Liberal Prime Minister, John Howard.

In the elections that followed, lessons on digital campaigning, techniques and digital tools were learned from the United States, but also from the platforms—Facebook and Google—and social movements such as GetUp! (Kefford 2021). By 2013, most federal politicians had a personal website and social media presence on Twitter or Facebook (Macnamara and Kenning 2014). By 2016, party resourcing for digital campaigning had intensified, as had paid online advertising, mainly on Facebook (Kefford 2021).

For the 2019 federal election, all major Australian political parties had multi-pronged digital strategies utilizing a range of platforms (see Australia case study). Facebook and YouTube were the most

Australia is an example of a developed economy with high Internet penetration and high levels of digital political campaigning.

popular, but some also turned to Instagram and TikTok to reach younger voters. Online political advertising was used extensively, as were short videos featuring personal narratives to reach less engaged voters (Carson and Zion 2020). Digital tools enabled the Prime Minister and Liberal Party leader, Scott Morrison, to, at times, circumvent the mainstream media and reach voters directly—recording 1.4 million views of his videos in the final election week—outmanoeuvring his rival, Labor’s Bill Shorten. Shorten’s strategists posted half the number of videos in the same week, resulting in a much smaller audience, with 236,000 views. Morrison won the election, and his campaign heralded a new level of sophistication in Australian digital campaigning.

The Meta Ad Library was operational for the first time during the 2022 federal election. Library data reveals that the businessman and independent candidate Clive Palmer spent in excess of USD 800,000 on Facebook advertising alone (Meta 2022). The 2022 election also witnessed the rise of so-called ‘teal independents’, who largely targeted competitive Liberal Party seats in Australia’s major cities. Seats targeted by teal independents attracted large amounts of digital campaign spending—by both the challenger independents, and the incumbent Liberal Party Member of Parliament. However, as with all the case study countries, there is a lack of systemic data and mandatory reporting to provide transparency on how these tools are employed and what their impacts are on voters.

India is a country that has a strong history of digital campaigning, despite relatively low Internet saturation levels.

2.2. INDIA

India is a country that has a strong history of digital campaigning, despite relatively low Internet saturation levels—at 45 per cent of the population (see India case study). The 2014 Indian general election is considered the country’s first major experiment with using social media for political campaigning, following flirtations with social media use in the 2009 Lok Sabhā (lower house) election. The use of social media enabled the opposition Bharatiya Janata Party (BJP) to become the first party since 1984 to win an absolute majority in India’s parliament (Chadha and Guha 2016). Twitter was used to target young, urban, upwardly mobile middle-class voters of India in various ways including ‘self-promotion’, reaching first-time voters

and engaging mainstream media (Ahmed, Jaidka and Cho 2016). More than 56 million election-related tweets were posted during the 2014 campaign (Rodrigues and Niemann 2017). The major parties used social media to supplement their offline campaigning strategies. Narendra Modi and the BJP were particularly effective in galvanizing a winning number of voters via social media. Many of BJP's strategies were adopted from Barack Obama's 2008 and 2012 US presidential campaigns and saw Narendra Modi rebrand himself as NaMo to be elected as the 15th prime minister of India (Kapoor and Dwivedi 2015). Some have labelled this as 'selfie nationalism', in contrast with Mohandas Gandhi's advocacy of 'spiritual nationalism' (Rao 2018).

Following Modi's victory, other parties and political formations have established substantial presence on these platforms in readiness for the 2019 general election (see India case study). Some studies find digital campaigning leads to greater voter engagement, especially among the young (Neyazi, Kumar and Semetko 2016). As well as bringing advantages to the major parties, research finds that social media platforms can help overcome resource inequality in Indian politics, enabling previously low-profile candidates to attract greater public attention (Ahmed, Cho and Jaidka 2017). Since 2014, Modi has largely shunned the mainstream media preferring direct communication with the nation via social media and public rallies (Rodrigues and Niemann 2017). As detailed in the India case study, India—like other countries—has faced a surge in online disinformation that, in some instances, has led to mob violence and persecution of marginalized groups. The Modi Government has used the spread of disinformation to justify increased government oversight of social media content. New regulations enacted in 2021 provide several mechanisms for the removal of content from social media platforms (see India case study).

2.3. INDONESIA

Studies during the 2012 gubernatorial election in Jakarta and the 2014 presidential election reveal the increasing use of online tools to reach voters (Ahmad and Popa 2014). As in India with the election of Narendra Modi, this trend partly reflects the 'Americanization' of

Given Indonesia's relatively high per capita Internet saturation, active social media engagement and high levels of mobile phone use to access news, it is unsurprising that candidates and parties are turning to the Internet to target voters.

political campaigning and is consistent with the fourth era of political communication described in the section introduction above.

Given Indonesia's relatively high per capita Internet saturation (74 per cent), active social media engagement (62 per cent) and high levels of mobile phone use to access news, it is unsurprising that candidates and parties are turning to the Internet to target voters. By 2016, social media had become a central part of Indonesian elections (Holmes and Sulistyanto 2016). However, the linguistic and geographical diversity of the Indonesian archipelago also means its use is uneven (Carson and Fallon 2021; see Indonesia case study). This diversity highlights the ongoing importance of inter-media connections between legacy (TV broadcasts) and social media in election campaigning (see Indonesia case study). More recently, optimism about the Internet's democratizing role has been overshadowed by a subversive turn in digital campaigning with nefarious actors using tools to spread disinformation to denigrate political opponents (Tapsell 2021). An infamous example was the 2016 online disinformation campaign involving the religious vilification and unjust jailing of former Jakarta governor Basuki Tjahaja Purnama (Ahok). It led to violent protests and cost Ahok his political career (Carson and Fallon 2021). In another example, Indonesian political parties are paying online celebrities to be 'buzzers' to spread their propaganda to armies of followers to sway public opinion during elections.

New laws have been enacted to tackle online falsehoods, such as the Electronic Information and Transactions Law 2016 (ITE), but, in turn, such anti-fake-news laws can be weaponized by governments to silence political opponents (Carson and Fallon 2021). In 2019, the Indonesian Government used the law to prosecute political protestors in West Papua, the scene of a long-running struggle for independence, and to temporarily shut down the Internet (Reuters 2019). Amnesty International figures suggest that, during President Jokowi's first term (2014–2019), 241 individuals were 'criminalised for criticising authority figures of the Jokowi administration' (Tapsell 2019).

2.4. JAPAN

Japan is a unique example of a developed economy with high Internet penetration but low digital campaigning during elections (see Japan case study). There are several reasons for this, related to demographics, tradition and its institutional features. An older general population accounts for lower levels of social media use in Japan, notwithstanding high Internet penetration (see Japan case study). Elections and political financing are heavily regulated and, up until 2013, campaigning for public office via the Internet was illegal under the Public Offices Election Law (Vergeer, Tkach-Kawasaki and Lee 2020). The ban was lifted in 2013 in time for the Japanese House of Councillors election, but many digital campaigning restrictions remain. For instance, only parties and candidates can lawfully send emails to garner voter support, providing an example of a non-finance-related regulation of digital campaigning.

Twitter is the most popular social media tool for political communication during elections: former Prime Minister Abe Shinzo was the first Japanese politician to achieve more than 1 million Twitter followers (Zappa 2019; Japan case study). There are some indications that this is facilitated by bot activity (Schäfer, Evert and Heinrich 2017). Studies suggest that social media in Japan tends to be used for political communication in similar ways to legacy media. Communications tend to be unidirectional with one-way broadcasting to the masses rather than engaging in dialogue and exchange between voters and political actors (Vergeer 2017). This reflects the nascent stage of digital campaigning in Japan.

2.5. KYRGYZSTAN

Kyrgyzstan is a tale of two countries when it comes to digital campaigning. On the one hand, prior to the 2020 parliamentary elections, opposition parties used the Internet and digital tools to sow seeds of optimism against corruption, using social media to provide evidence of vote-buying (Freedom House 2021). At the same time, the Central Commission on Elections and Referenda (CEC) rallied online media ‘influencers’ to discourage voters from selling their vote (Chamberlain 2020). On the other hand, social media was

Japan is a unique example of a developed economy with high Internet penetration but low digital campaigning during elections.

Kyrgyzstan is a tale of two countries when it comes to digital campaigning.

manipulated and later curtailed for the political advantage of the newly installed president Sadyr Japarov.

Japarov's political victory in January 2021 took advantage of rising mobile phone ownership (see Kyrgyzstan case study, Figure C.1) to reach voters with his populist nationalistic political communications. Japarov mobilized significant online support for his 2021 presidency using Kyrgyz-language Facebook and Instagram pages and YouTube TV channels, as well as peer-to-peer networks such as WhatsApp to reach residents in regions and rural areas where Internet access is poor. He amassed 630,000 online followers in a country with a population of 6 million (Baialieva and Kutmanaliev 2020). Japarov used a mix of traditional media such as TV debates and broadcasts combined with social media posts. Propaganda and troll attacks against Japarov's rivals and critics helped increase his popularity (Baialieva and Kutmanaliev 2020). His campaign followed his escape from an 11-year jail term on kidnapping charges and the fraught 2020 parliamentary elections. The CEC annulled those elections following allegations of vote-buying. This paved the way for Japarov to use his online popularity to declare himself acting president and acting prime minister (Freedom House 2021).

As with other examples of political connective action (Bennett and Segerberg 2012), Japarov was able to convert online mobilization to street demonstrations of support in the capital Bishkek—using digital tools to convey meeting details to his supporters (Baialieva and Kutmanaliev 2020). Once in power, Japarov called a referendum to form a new constitution in April 2021 to reintroduce a presidential system that has since curtailed press and online freedoms. His government passed a new anti-fake-news law to enable it to be both the arbiter and prosecutor of fake news online. Compared with the earlier civil freedoms and independent journalism that featured under Kyrgyzstan's parliamentary government, the new system is starting to resemble its autocratic Central Asian neighbours (Schmitz 2021).

2.6. DIGITAL CAMPAIGNING TOOLS AND PLATFORMS USED IN THE REGION

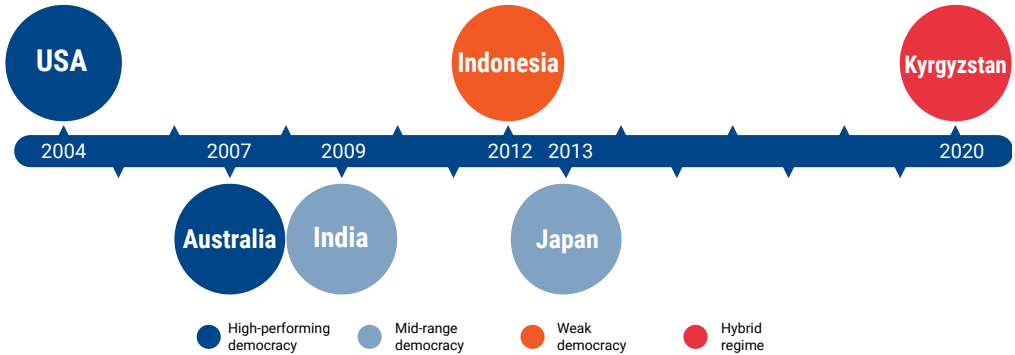
Table 2.1 shows that digital campaigning is multifaceted across the Asia and the Pacific region, in terms of both tools and purpose. It also shows the powerful role that Meta (formerly Facebook) plays in political communication, with its pervasive use by political actors and citizens alike, and its multiple forums including Facebook and other Meta-owned apps (WhatsApp and Instagram).

Table 2.1. Digital campaigning tools used to target voters

Country	AI (e.g. bots)	Databases (e.g. NationBuilder)	Peer-to-peer encrypted networks	Social media use (in order of popularity)	Customized digital communication tools (e.g. websites, blogs)	Direct messaging (email/SMS)
Australia	Yes	Yes	Not widespread for political campaigning	Facebook YouTube Twitter Instagram TikTok	Party and personal websites	SMS Email
India	Yes	Yes	WhatsApp	Twitter Facebook YouTube	Blogs 3D hologram	Giving out free mobile phones
Indonesia	Yes	Unclear	WhatsApp	Facebook Instagram YouTube Twitter TikTok	Party websites Blogspot Online games	Email SMS
Japan	Yes	Unclear	LINE Kakao Talk	YouTube Twitter Instagram Facebook	Websites Weblogs	Allowed if party/ candidate only
Kyrgyzstan	Unclear	Unclear	WhatsApp Telegram	Instagram Facebook YouTube	Party webpage	Yes

Source: Author, using data from journal meta-analysis of 316 academic studies using key word searches to locate articles from the University of Melbourne library database and Google Scholar.

Figure 2.1. A timeline: The rise of digital campaigning in selected countries



Source: Author, using data from journal meta-analysis of 316 academic studies using key word searches to locate articles from the University of Melbourne library database and Google Scholar.

Of the case study countries, Australia was an early adopter in 2007 of digital campaign tools and methods (see Figure 2.1). It was not until the second decade of this century that digital campaigning rose to prominence across the Asia and the Pacific region. Much of this is owed to the sharing of tools and techniques from the Barack Obama 2008 and 2012 US presidential campaigns, which built on the web campaigning skills used in Howard Dean's Democratic nomination for the 2004 presidential election (Murphy 2012).

But digital campaigning is a fast-moving environment. As citizens' social media use and Internet access increases across the region, political actors are incentivized to engage in digital campaigning and experiment with new tools to undertake different political functions. Table 2.2 lists some of the divergent uses of campaigning tools across the Asia and the Pacific region, as documented in academic studies. A growth area to watch is the automation of disinformation, referred to as 'computational propaganda' (Semetko and Tworzecki 2017), and bot activity (including fake followers) to manipulate voters' perceptions of campaign messages and politicians' images. Technological advancements also enable new forms of communication distortion, including the manipulation of moving images to falsify candidate speech, such as the use of 'deepfakes'.

Table 2.2. Digital campaigning tools used in the case study countries

Country	Collecting data on voters/targeting voters	Online advertising	Used to mobilize voters/provide information/engage voters	Used for fundraising/online crowd-sourcing	Mass messaging bypassing media gatekeepers	Symbolic uses: performative politics/influence mainstream media	Computational propaganda
Australia	Yes	Yes	Yes	Yes	Yes	Yes	Minimal
India	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Indonesia	Unclear	Yes	Yes	Yes	Yes	Yes	Yes
Japan	No	Yes	Yes	No	Yes	Yes	Yes
Kyrgyzstan	Unclear	Yes	Yes	Unclear	Yes	Yes	Manual

Source: Author, using data from journal meta-analysis of 316 academic studies using key word searches to locate articles from the University of Melbourne library database and Google Scholar.

Table 2.3 provides a snapshot of the digital infrastructure and regulatory regime that have an impact on the prevalence of digital campaigning, including the use of nascent anti-fake-news laws. Political actors in countries with low Internet penetration are more likely to use WhatsApp and other messaging services that run on mobile phones to reach voters in areas with poor Internet access. These apps are also carriers of misinformation and disinformation that can distort political communications. These peer-to-peer apps are encrypted, making it difficult for regulators to identify both the nature and extent of disinformation circulating on these apps.

From the case studies and data, a typology is drawn showing four combinations that reflect the state of digital campaigning across the Asia and the Pacific region (see Figure 2.2). There is no obvious relationship between a country's democratic performance (based on International IDEA's Global State of Democracy Indices) and its uptake of digital campaigning tools. For example, Australia is considered a high-performing democracy and Indonesia a low-performing/weak democracy, yet both have high levels of digital campaigning (see the right side of the x axis). Japan and India are

Table 2.3. Institutional and structural factors impacting digital campaigning

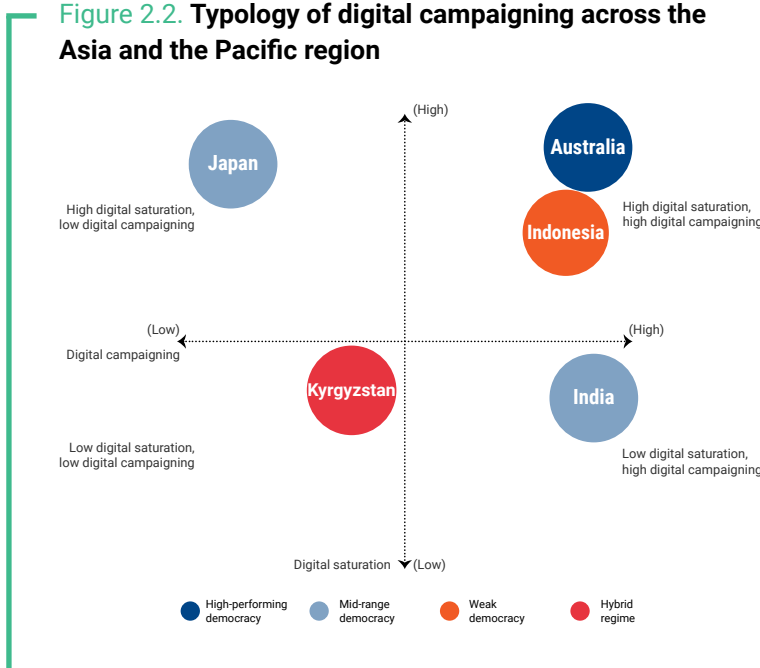
Country	Compulsory voting and turnout	Internet penetration	Mobile connections (% population)	Active social media users	Third-party campaigning (e.g. trade union involvement; civic activism; volunteers)	Laws that prohibit/ limit digital campaigning (privacy laws; election finance laws; other)
Australia	Yes	89%	127%*	80%	Yes	Few
India	No	45%	79%	32%	Yes	Some: Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, used to regulate content on social media generally
Indonesia	No	74%	126%	62%	Yes	Some: ITE law 2016, used to criminalize those who spread 'fake news'
Japan	No	93%	159%	74%	No	Many: Campaigning limited to election time and only to parties and candidates
Kyrgyzstan	No	50%	155%	49%	Yes	Some: 2021 'anti-fake-news' laws

Source: Author, using data from journal meta-analysis (see Table 2.1 for details of the analysis) and Simon Kemp, *Digital 2021 October Global Statshot Report*, DataReportal, 21 October 2021.

* The number exceeds 100% because people may have more than one mobile phone.

considered mid-range democracies but are diametrically apart. Japan sits to the left of the x axis, exhibiting much lower levels of digital campaigning than India, and quite a lot lower than Kyrgyzstan (a hybrid regime). Unsurprisingly, there is a relationship between countries with a high percentage of active social media users and prominent digital campaigning (see also Table 2.3). Japan is an outlier due to its legal restrictions that limit digital campaigning.

Figure 2.2. Typology of digital campaigning across the Asia and the Pacific region



2.7. THE RISE AND RISE OF DIGITAL CAMPAIGNING ACROSS THE REGION

The country case studies demonstrate key features of the fourth era of political communication. This includes the use of big data in campaigns, the shift away from legacy media for political news and communications, and the globalization of digital campaigning techniques and tools. The influence of the USA is apparent, through the professionalization of political campaign methods and the adoption of digital tools. But, importantly, there are also transnational effects with the deployment of methods observed in 'competitive

The use of the Internet and digital platforms and tools for political campaigning is widespread across the Asia and the Pacific region; however, uptake remains uneven.

authoritarian' regimes such as Russia. This includes the use of digital tools to spread disinformation in attempts to manipulate public perceptions and election outcomes (Semetko and Tworzecki 2017).

The use of the Internet and digital platforms and tools for political campaigning is widespread across the Asia and the Pacific region; however, uptake remains uneven. Digital campaigning was slow to develop in the region in the first decade of the century, but the pace has increased as Internet access has expanded, and public mobile phone ownership has soared. Government responses to the global coronavirus pandemic, which required public social distancing measures, also accelerated the shift toward digital campaigning. The next decade will likely see digital campaigning gain greater prominence as Internet access rises and digital campaigning techniques are normalized in election campaigns.

This is both good news and a cause for concern. Digital campaigns and use of social media can be a great equalizer, providing citizens with diverse perspectives and opportunities to contribute to political debates like never before. But they can also be used to spread disinformation far and wide by malign actors for political gain. The emergence of anti-fake-news laws in mid-range and low-performing democracies and in hybrid regimes in the region is one response to online disinformation—for example, in Singapore and Indonesia (Carson and Fallon 2021). Concerningly, such laws can be weaponized by incumbents to discredit or silence political rivals and dampen political discourse during election campaigns. Thus, the globalization of digital campaigning technologies and techniques can both strengthen and diminish democratic practices. Chapter 3 examines how the rise of digital campaigning in the Asia and the Pacific region, as explored in this chapter, relates to political finance and the status of regulations or laws to moderate it.

Chapter 3

POLITICAL FINANCE REGULATION AND DIGITAL CAMPAIGNING IN THE REGION

Despite the growth in digital campaigning described in Chapter 2, no country in the Asia and the Pacific region has spending limits specific to online media advertising (International IDEA 2022). Putting this to one side, however, most countries in the Asia and the Pacific region do have some generic political finance regulation that could, in theory, apply to digital campaigning. This chapter examines how three types of generic regulations in the 37 democracies in the Asia and the Pacific could apply to digital campaigning:

- *Spending limits*: These promote fairness by preventing parties and candidates with greater resources from having an unfair advantage.
- *Disclosure requirements*: These are critical for enforcing spending limits and general campaign transparency, and also help to prevent corruption.
- *Public funding*: This ensures that there are adequate resources for opposition parties and under-represented groups.

There are two dimensions to the following analysis—*de jure* (formal coverage of the regulation) and *de facto* (practical application of the regulation)—with the ultimate objective of determining whether specific political finance regulation is required for digital campaigning.

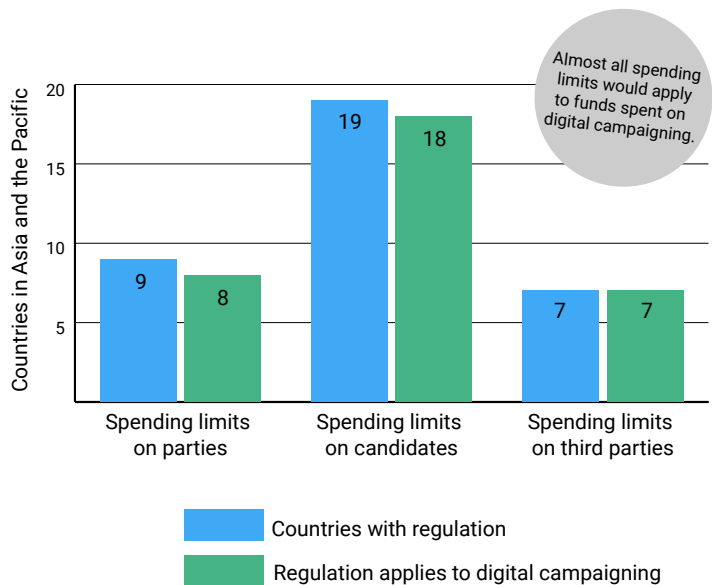
Only nine countries in the Asia and the Pacific region limit party spending and just over half limit candidate spending.

3.1. DE JURE: FORMAL COVERAGE OF GENERIC POLITICAL FINANCE REGULATIONS

3.1.1. Spending limits

Only nine countries in the Asia and the Pacific region limit party spending and just over half limit candidate spending (see Figure 3.1). Only seven countries have spending limits on third parties; three ban third-party spending completely (see Annex A).

Figure 3.1. Countries in the Asia and the Pacific region with spending limits, and number of countries where such regulation applies to digital campaigning



Source: Author, analysing country legislation.

Most regulations in the region do not expressly define 'campaign expenses' in the context of spending limits (or an equivalent term). For example, the Nepalese regulation simply refers to 'election expenses' (Nepal 2017). Such a general concept is likely to include money spent on digital campaigning, meaning that this money counts towards spending limits.

When ‘campaign expenses’ are defined, they are usually given a very broad meaning that would cover money spent on digital campaigning. For example, the Pakistani regulation defines election expenses as:

... any expenditure incurred before, during and after an election or payment made, whether by way of gift, loan, advance, deposit or otherwise, for the arrangement, conduct or benefit of, or in connection with or incidental to the election of a candidate, including the expenditure on account of issuing circulars or publications.

(Pakistan 2017: article 2(xv))

New Zealand is the only country in the region that explicitly captures money spent on digital campaigning in its regulations. Under the New Zealand framework, election expenses means advertising expenses incurred in relation to party advertisement that is published, which includes material that is disseminated by means of the Internet or any other electronic medium (New Zealand 1993).

New Zealand is the only country in the region that explicitly captures money spent on digital campaigning in its regulations.

3.1.2. Disclosure requirements

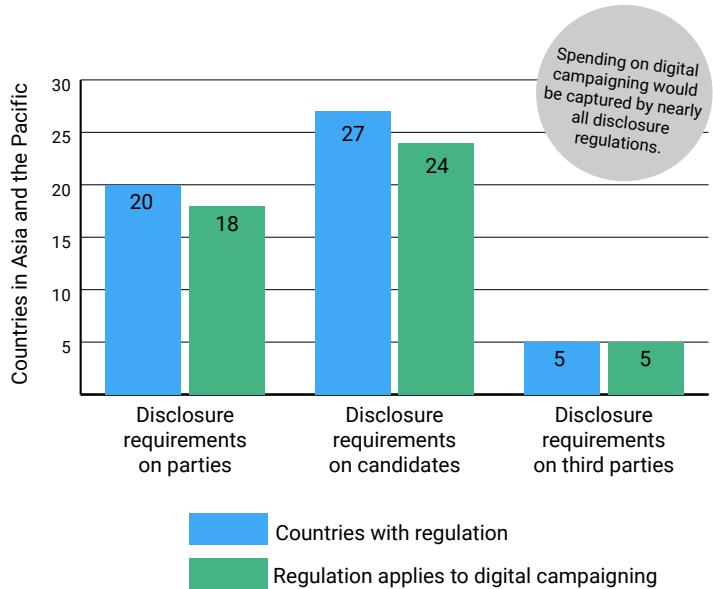
Around half the countries in the region require parties to disclose campaign expenses, and the majority require the same of candidates (see Figure 3.2). A meagre five countries place disclosure obligations on third parties.

Obligations to disclose spending will generally include spending on digital campaigning. For example, in the Philippines a candidate must disclose every expenditure made. The term ‘expenditure’ includes any expenses used ‘for the purpose of influencing the results of the election’ (Philippines 1985). To further illustrate this point, in Palau campaign statements by candidates must disclose the total amount of contributions received and expenditures made by a candidate (Palau 1997). In both jurisdictions, any money spent on digital campaigning would need to be disclosed.

Itemized disclosure

To enhance transparency, political finance regulations may require that disclosed spending is itemized. In total, 25 countries in the Asia and the Pacific region require itemized spending, and in most cases digital campaign spending would need to be itemized (see Annex A).

Figure 3.2. Number of countries in the Asia and the Pacific region with disclosure requirements that apply to digital campaigning



Source: Author, analysing country legislation.

For example, in Bangladesh a candidate must disclose all payments made for the purpose of election expenses (International IDEA 2022). In Singapore, detailed election returns must include all payments made by an election agent (Singapore 1954). Again, such broad requirements would include any money spent on digital campaigning.

Disclosure requirements are notoriously difficult for regulators to enforce. Opaque and complex financial arrangements make it hard for regulators to scrutinize spending and confirm the accuracy of disclosures. Ineffective enforcement of disclosure requirements weakens the ability of regulators to monitor and enforce spending limits, as well as diminishing overall campaign transparency.

3.1.3. Public funding

In the Asia and the Pacific region, 20 countries provide public funding to political parties (see Annex A). In some cases, there are conditions attached to how the funding can be spent (sometimes described as ‘earmarking’). Where public funding is conditional, all countries (except for Indonesia) would allow public funding to be spent on digital campaigning. For example, in Australia, parties can claim funding for ‘electoral expenditure’, which is defined as ‘expenditure incurred for the dominant purpose of creating or communicating electoral matter’ (Australia 1918: 287AB, 1(a)). In the Republic of Korea, public funding can be used for public relations and elections, which would be likely to include digital campaigning. In Indonesia, public funding cannot be used on campaigning—only ongoing party activities—but this applies to both ‘offline’ and digital campaigning.

3.1.4. Application of political finance regulations

The political finance regulations analysed in this chapter can apply only during formal election campaigns, or also at other times when campaigning is carried out. Analysis of the five case study countries is described below to provide a snapshot of the region:

- Australia: political finance regulations only apply for the official campaign period, which can be no less than 33 days nor more than 58 days after the issue of writs (see Australia case study).
- India: spending limits and disclosure requirements apply from date of nomination as candidate to date of election results (see India case study).
- Indonesia: the official campaign period was recently amended to 75 days.
- Japan: the official election campaign period lasts only 12 days (see Japan case study).
- Kyrgyzstan: the campaign begins on the day of the end of the registration period for all candidates, and ends 24 hours before the start of voting (see Kyrgyzstan case study).

In the Asia and the Pacific region, 20 countries provide public funding to political parties.

3.2. DE FACTO: PRACTICAL APPLICATION OF THE POLITICAL FINANCE REGULATIONS

Many countries in the Asia and the Pacific region have a dedicated electoral management body (EMB) to regulate political finance regimes. Allegations of deficient enforcement are levelled at EMBs across the region; criticisms include failing to exercise powers, untimely action and even partisanship. EMBs are often chronically under-resourced or lack the necessary powers to investigate party and candidate conduct (Casas-Zamora 2020).

The problems with enforcing political finance regulations apply equally to 'offline' and digital campaigning. However, some characteristics of digital campaigning create new challenges for enforcement. The sheer volume of digital campaigning presents a resource challenge for already under-funded EMBs. The volume of content that falls under any regulations will depend on whether political finance regulations apply only during formal election campaigns or also to other times.

Many EMBs will lack the requisite technology or capabilities to effectively monitor digital campaigning for compliance and enforcement.

The pace of technological advancement presents a capability challenge. Many EMBs will lack the requisite technology or capabilities to effectively monitor digital campaigning for compliance and enforcement. Effective regulation of digital campaigning will require cooperation from other actors, including new government agencies tasked with regulating aspects of the digital realm (for example, Australia's eSafety Commissioner).

A greater challenge for EMBs will be working successfully with technology and social media companies, including Facebook (Meta), Google and Twitter. These are some of the most profitable companies in the world; they have historically resisted regulation and are not afraid to exercise their substantial soft and economic power to influence policymakers. These companies do not have a presence in all countries, meaning that there can be issues around jurisdiction and enforcement (to the extent that EMBs seek to exercise any power over the companies directly). The issues around extra-territoriality also arise when digital content originates from outside a country: EMBs will be powerless to enforce regulations against individuals. In this instance, the cooperation of the social media companies will be

critical. Even with its progressive regulatory framework, New Zealand has grappled with ensuring that the different platforms support transparency around digital campaigning (Ferrer 2020).

To complicate matters further, there is evidence that parties and candidates are deploying sophisticated digital campaigns to avoid regulation. Research into the Philippines' election campaigns found that digital campaigns had an official component and an 'underground' component. Parties and candidates are kept at arm's length from the underground component, and there is no contract or document trail so as to avoid capture by political finance regulations (Corpus Ong, Tapsell and Curato 2019).

3.3. IS SPECIFIC POLITICAL FINANCE REGULATION FOR DIGITAL CAMPAIGNING NEEDED IN THE ASIA AND THE PACIFIC REGION?

At the end of the day, money spent is money spent. Digital campaigning is covered by the generic political finance regulations across the Asia and the Pacific region. There are, however, deficiencies in political finance regulation across the region. Not all countries have spending limits, and where they do, they often apply only to candidates and not to parties, effectively creating a loophole for limitless spending. Such shortcomings apply equally to 'offline' campaigning and digital campaigning. To enhance regulation of digital campaigning in the region, there needs to be an effective regulatory architecture for political finance more generally (not just for political finance as it relates to digital campaigning). Specific regulation may be required for accumulated digital assets (see Chapter 2, Tables 2.1 and 2.2). These assets cannot necessarily be bought and sold but are instead accumulated by established and well-resourced actors. Unless access is regulated, the fairness of election campaigns may be compromised.

There are some practical opportunities to enhance enforcement and compliance with political finance regulation in the context of digital campaigning. To avoid doubt and encourage compliance, EMBs should consider issuing formal notes or guidance to confirm that digital campaigning is covered by generic political finance regulation.

EMBs should consider issuing formal notes or guidance to confirm that digital campaigning is covered by generic political finance regulation.

Disclosure forms and other standard material should be amended to capture spending on digital campaigning separately and clearly.

Perhaps most pressingly, EMBs need to partner with technology and social media companies to support enforcement of regulations (including auditing of paid advertising spending). There may also be opportunities to leverage technology to enhance monitoring and enforcement, particularly given the volume of digital campaigning. This is likely to require investment in the resources and capabilities of EMBs across the region.

Most importantly, EMBs must look ahead. Voters may soon spend more time in the digital or virtual (i.e. the Metaverse) rather than the physical realm—parties and candidates, and therefore money, will undoubtedly follow. At this stage, it is unclear who will be the gatekeeper of the digital realm, and more importantly, what the price of admission will be. New political finance regulation may be required to ensure that parties and candidates have equal access to voter attention in this new world.

Chapter 4

UNDERMINING DEMOCRACY THROUGH REGULATORY PATH DEPENDENCE?

This chapter integrates the analysis in the earlier sections of this report to address the implications of digital campaigning in elections for political finance and its regulation in terms of democracy (Question 1). It begins with condensed accounts of such implications in the five country case studies, paying particular attention to:

- *key aspects of digital campaigning for political finance*: the volume of digital campaign spending; its impact on overall campaign spending and the costs of effective election campaigns; the type of digital campaigning tools used; and the accumulation of digital electoral assets (see Chapters 1 and 2); and
- *the regulatory challenges posed by digital campaigning for political finance regulation*: both de jure and de facto (see Chapter 3).

4.1. AUSTRALIA

Australia is a country with significant problems in relation to political finance (see Australia case study; Tham 2019). A poor (ineffectual) disclosure scheme allows for secrecy in terms of contributions and spending. While there is little evidence of quid pro quo corruption, there is corruption through undue influence from influential third parties, as a result of a lack of limits on both contributions and spending (which allows the demand for campaigning funds to continue unabated). The lack of spending limits has also resulted in unfair elections, with high spenders securing a disproportionate advantage.

Australia is a country with significant problems in relation to political finance.

Given the high levels of digital campaigning in Australia, its implications for political finance are likely to be significant. One implication is clear—there is a lack of transparency in the amount and types of digital campaigning spending (which is part of a larger problem of secrecy in relation to election campaign spending). Digital campaigning may also compound the problem of secrecy, given the use of less-observable digital tools (AI; databases).

The increased sophistication of digital campaigns suggests that the costs of effective campaigns have increased, and the same development points to the accumulation of digital electoral assets by the major parties.

The lack of transparency regarding election campaign spending, however, means that the impacts of digital campaigning on the fairness of elections are unclear—including the impacts on overall campaign spending, the cost of effective campaigns and accumulated digital electoral assets. The likelihood, however, is that digital campaigning perpetuates or exacerbates the unfairness of Australian elections. There is little reason to think that digital campaigning reduces overall campaign spending given the absence of spending limits; the increased sophistication of digital campaigns (by major and well-resourced minor parties) suggests that the costs of effective campaigns have increased, and the same development points to the accumulation of digital electoral assets by the major parties. The impacts of digital campaigning on corruption in political funding is similarly unclear. But, if the likelihood is that digital campaigning increases overall spending, then it will increase pressure on fundraising, therefore heightening the risk of corruption.

India's political finance regime is plagued by the twin problems of illicit financing and escalating campaign costs.

4.2. INDIA

India's political finance regime is plagued by the twin problems of illicit financing and escalating campaign costs (Sridharan and Vaishnav 2016). Both can be traced to the absence of effective regulation. There are very few limits on campaign contributions, and, while candidate spending is capped, this is not the case with political parties and third parties (see India case study).

The high levels of digital campaigning strongly suggest significant implications for India's political finance that point to the intensification of existing problems. In terms of transparency, regulatory design seems to have kept pace with society, with the inclusion of digital campaigning and requiring its itemization. The

Election Commission of India (ECI) has also sought to partner with social media platforms in an effort to regulate digital campaigning. There are, however, persistent doubts over compliance, with speculation that political parties use other digital groups as ‘fronts’ to spread their messages to circumvent regulation including through the use of advanced data analytics for micro-targeting (see India case study).

The problems of digital campaigning for India’s political finance lie with transparency, as well as fairness and anti-corruption. While there is evidence that social media platforms have improved fairness by enabling low-profile candidates to secure greater prominence, the general effect of digital campaigning seems to be the entrenchment of the electoral advantage of the major parties (Bharatiya Janata Party and the Indian National Congress) by contributing to a dramatic increase in election campaign spending and the accumulation of digital electoral assets (through the use of data analytics). In so doing, it is equally likely that digital campaigning has added to fundraising pressures and exacerbated the risk of illicit funding.

4.3. INDONESIA

Indonesia’s political finance regulation largely rests on disclosure obligations and limits on donations. Spending limits are virtually unregulated. Weak regulation is seriously compounded by widespread non-compliance, resulting in part from poor implementation. Rather than curbing corruption, Indonesia’s political finance regime has allowed the oligarchization of political parties to continue apace (including through the absence of effective controls over contributions and spending) (see Indonesia case study; Mietzner 2016).

Given the high levels of digital campaigning, the implication for Indonesia’s political finance will be significant. It strongly appears that such campaigning has continued, even intensified, the problems of Indonesian political finance.

While some degree of transparency has been achieved by extending disclosure obligations to digital campaigning and by the requirement

The general effect of digital campaigning seems to be the entrenchment of the electoral advantage of the major parties.

Indonesia’s political finance regulation largely rests on disclosure obligations and limits on donations. Spending limits are virtually unregulated.

that candidates register their social media accounts with the General Elections Commission (Komisi Pemilihan Umum; KPU), this transparency is partial. Disclosure obligations do not require digital campaigning to be reported as a separate category, with such spending coming under ‘miscellaneous campaigns’; there also seems to be under-registration in terms of candidates’ social media accounts. Importantly, both regulation and its implementation do not seem to be capturing the shadowy social media campaigns, often based on disinformation.

The impact of digital campaigning on the fairness of Indonesian elections is unclear given its limited transparency. It is also moot whether the issue of accumulated electoral assets is a significant problem, as the extent of the use of voter databases is unclear (Chapter 2, Tables 2.1 and 2.2). Nevertheless, the unregulated nature of election campaign spending and the strong evidence of extensive social media campaigns by established political parties suggest that digital campaigning is constituting an additional line of spending, increasing overall levels of spending and also the costs of effective campaigns. If so, digital campaigning will likely fuel oligarchization and corruption, by increasing the demand for campaign funds.

Japan’s political finance regime is anchored in strict regulations including disclosure obligations, contribution limits and limits on spending.

4.4. JAPAN

Japan’s political finance regime is anchored in strict regulations including disclosure obligations, contribution limits and limits on spending. These regulations do not distinguish between ‘offline’ and digital campaigning, covering both alike. Enacted in 1994, these laws have reduced the costs of elections and increased their competitiveness (even though they have not overturned the dominance of the Liberal Democratic Party). The laws are also characterized by a strong culture of compliance (see Japan case study; Carlson 2016).

The implications of digital campaigning for Japanese political finance are modest, given its low usage levels. The impact seems largely neutral too in terms of democratic implications. There does not seem to be any evidence that digital campaigning has improved the quality of democracy in terms of transparency, fairness and anti-corruption;

neither does there seem to be evidence that it has worsened Japanese democracy on these counts. In terms of transparency, the coverage of digital campaigning under Japanese political finance laws, together with the culture of strong compliance, means that Japan has not witnessed problems with secrecy (as experienced in Australia, India, Indonesia and Kyrgyzstan). The low levels of digital campaigning and strict political finance regulation mean that fairness and anti-corruption concerns have not intensified due to digital campaigning.

4.5. KYRGYZSTAN

Kyrgyzstan's current regulation imposes disclosure obligations on spending (including on digital campaigning). Digital campaigning is, however, not separately specified and comes under the category of 'other services (informational and advisory services)'. Candidates and political parties are required to spend only from their electoral funds. These funds, in turn, are subject to limits on contributions and spending with the latter covering digital campaigning. This regime is reasonably robust in terms of regulatory design but whether it achieves the goals of transparency, anti-corruption and fairness is moot given persistent challenges with monitoring and compliance (see Kyrgyzstan case study).

While the implications of digital campaigning for Kyrgyzstan political finance are not fully clear, there is little evidence that it has produced democratic benefits on this score and many evident risks that such campaigning will have a negative impact. The transparency of digital campaigning has been partial, due to the lack of itemization. Even then, there is difficulty in monitoring the spending on 'trolls' and 'bots' by parties and candidates. In November 2021, however, the Central Electoral Commission agreed with Facebook to monitor the expenditures of political parties and candidates on Facebook on the upcoming parliamentary elections and to make public such information. This arrangement is clearly limited to spending through Facebook, however, and does not extend to other popular forms of digital campaigning, such as YouTube and WhatsApp (see Kyrgyzstan case study). Digital campaigning in Kyrgyzstan also poses a corruption risk by enabling political parties and candidates

Kyrgyzstan's current regulation imposes disclosure obligations on spending (including on digital campaigning).

to (more easily) circumvent regulation by indirectly paying for digital advertising through intermediaries. The high expense of digital advertising and other types of digital campaigning aimed at a broad following also throws up the risk of unfairness by drowning out less-resourced voices, a risk that is more severe given the use of ‘fake news’ legislation to suppress current opposition parties.

4.6. DIGITAL CAMPAIGNING: NOT SO DIFFERENT?

There is a central difficulty in reaching definitive conclusions on the democratic implications of digital campaigning for political finance and its regulation—a stark lack of transparency. In all case study countries (although Japan to a lesser extent), there is an absence of adequate information on: how digital campaigning is being conducted; how much is being spent; and who is engaging in such campaigning, as well as where and when. In this context, informed speculation might be the best that can be achieved.

Table 4.1 suggests that the impact of digital campaigning on political finance and its regulation in the five case study countries is, at best, neutral (Japan) and, at worst, compromising of democracy, with the latter being the dominant impact. Even when the initial stages of digital campaigning saw it being used as a ‘weapon of the weak’, as in Kyrgyzstan, these positive developments were quickly swamped by the dominant actors engaging in large-scale sophisticated digital campaigns. The five country case studies run contrary to the techno-optimist view that digital campaigning will naturally improve the quality of democracy over time.

They also caution against a techno-pessimist perspective, however, that sees digital campaigning as posing novel (insoluble) problems. There are certainly elements of path disruption with digital campaigning, specifically with the use of accumulated digital assets. The general picture, however, is that of path dependence of countries in relation to the impact of digital campaigning.

In the case of Japan, path dependence is centred upon robust laws and their compliance. In other case study countries, however, path dependence is based on lax laws and compliance, as well as

Table 4.1. Democratic implications of digital campaigning for political finance and its regulation

Country	Transparency	Fairness	Anti-corruption
Australia	Decrease in transparency due to: <ul style="list-style-type: none"> • Secrecy regarding election spending • Use of less observable tools 	Likely decrease in fairness due to: <ul style="list-style-type: none"> • Increase in overall spending • Increase in costs of effective campaigns • Accumulated digital electoral assets 	Likely to increase risk of corruption due to: <ul style="list-style-type: none"> • Increase in overall spending • Increase in costs of effective campaigns
India	Mixed picture: <ul style="list-style-type: none"> • Digital campaigning captured by regulation and also a priority for the ECI • Speculation of circumvention of regulation through other digital groups as 'fronts' 	Likely decrease in fairness due to: <ul style="list-style-type: none"> • Increase in overall spending • Increase in costs of effective campaigns • Accumulated digital electoral assets 	Likely to increase risk of corruption and illicit funding due to: <ul style="list-style-type: none"> • Increase in overall spending • Increase in costs of effective campaigns
Indonesia	Mixed picture: <ul style="list-style-type: none"> • Increase in transparency through regulation and KPU's efforts • Decrease due to under-reporting and failure to effectively capture social media campaigns 	Likely decrease in fairness due to: <ul style="list-style-type: none"> • Increase in overall spending • Increase in costs of effective campaigns 	Likely to increase risk of corruption and oligarchization due to: <ul style="list-style-type: none"> • Digital campaigning spending constituting an additional item of spending
Japan	Neutral, including no worsening impact, due to: <ul style="list-style-type: none"> • Low levels of digital campaigning • Coverage of regulation and strong compliance 	Neutral, including no worsening impact, due to: <ul style="list-style-type: none"> • Low levels of digital campaigning • Spending limits and strong compliance 	Neutral, including no worsening impact, due to: <ul style="list-style-type: none"> • Low levels of digital campaigning • Contribution and spending limits as well as strong compliance
Kyrgyzstan	Mixed picture: <ul style="list-style-type: none"> • Coverage of regulation and agreement with Facebook • Non-itemization and difficulty monitoring 'trolls' and 'fake accounts' 	Risk of unfairness due to: <ul style="list-style-type: none"> • High expenditure needed for digital advertising and 'mass' digital campaigning • Use of 'fake news' legislation to suppress opposition parties 	Risk of corruption due to: <ul style="list-style-type: none"> • Circumvention of regulation through use of intermediaries

party practices of circumvention, and results in the undermining of democracy. In terms of transparency, the other countries have gaps in regulation and persistent challenges with compliance and enforcement, all of which are compounded by digital campaigning. In terms of spending in most of the other countries (except Kyrgyzstan), it is not regulatory gaps that are an issue but a virtual absence of regulation, allowing digital campaigning to be part of a competitive dynamic spurring high(er) levels of campaign expenditure. In short, it is the regulatory challenges *involving* digital campaigning, which also apply to other forms of campaigning, that are dominant rather than those *arising from* digital campaigning.

This allows a dark prediction to be made: most countries in the region do not have spending limits and around half have disclosure obligations (Chapter 3), which means that—should these regulatory settings continue—it is likely that digital campaigning will adversely affect efforts to foster transparency, fairness and anti-corruption in the region.

Despite the hype surrounding digital campaigning, the enduring truth is that there is nothing intrinsic in any form of campaigning that will produce democratic benefits in the sphere of political finance.

All this points to digital campaigning being a regulatory problem for political finance laws not dissimilar to other forms of campaigning. This is not surprising. Despite the hype surrounding digital campaigning, the enduring truth is that there is nothing intrinsic in any form of campaigning that will produce democratic benefits in the sphere of political finance. For this to occur, such campaigning needs to be effectively regulated. Applying this truth to digital campaigns will also mean a rejection of technological inevitability—that digital campaigning will necessarily produce outcomes of a particular kind, whether beneficial or detrimental to democracy.

Chapter 5

KEY FINDINGS AND RECOMMENDATIONS

Digital campaigning is on the rise across the Asia and the Pacific region. The analysis of digital campaigning in the case study countries found that:

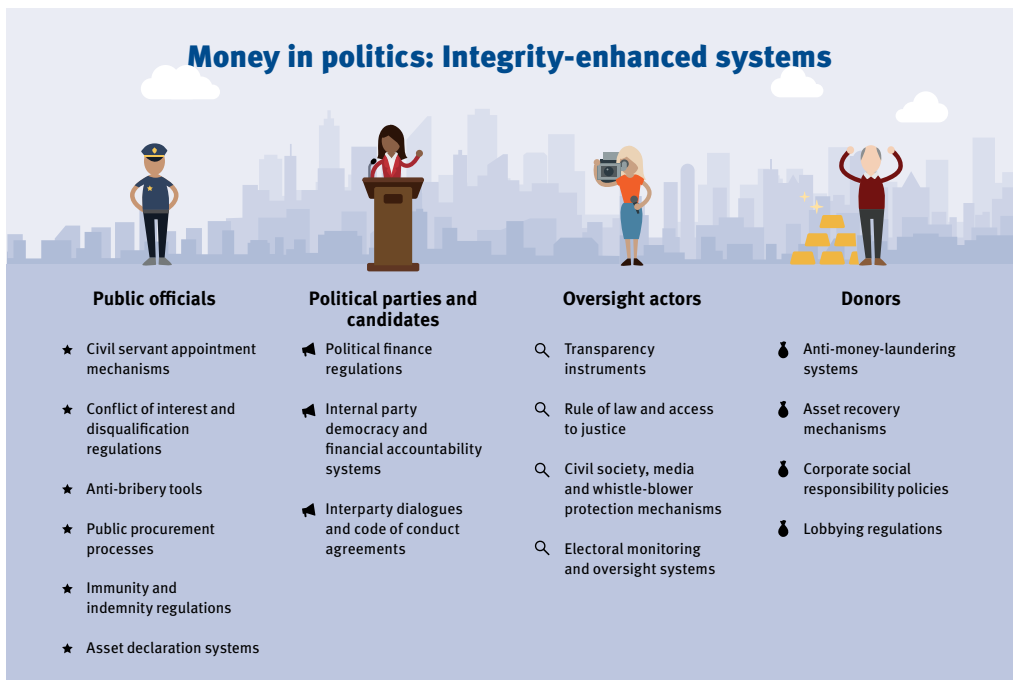
- There is no obvious relationship between a country's democratic performance and uptake of digital campaigning tools.
- Unless there are regulations restricting digital campaigning, there is a positive correlation between countries with a high percentage of active social media users and prominent digital campaigning.

Despite the absence of spending limits specific to online media advertising, digital campaigning is generally captured by generic political finance regulation across the Asia and the Pacific region—money spent is money spent. However, there is a deficit of political finance regulation across the region—some countries do not have any significant political finance regulation in place, and other countries have significant gaps in the regulatory regimes, rendering regulations ineffective. Beyond this, there are undoubtedly challenges with enforcement and compliance. Some challenges are unique to digital campaigning, including: the high volume of such activity; technology advancements; and cooperation with technology and social media companies. There are opportunities to enhance political finance regulation of digital campaigning by addressing these gaps (for example, updating disclosure return forms to separately itemize digital campaigning spend).

While lack of transparency about digital campaigning across the Asia and the Pacific region stands in the way of firm conclusions, this report suggests that the general tendency in the five case study countries has been negative in terms of the democratic implications of digital campaigning for political finance and its regulation, and that this mainly stems from path dependence shaped by the absence of effective regulation of political finance (see Chapter 4).

With these key findings in mind, this report makes three central recommendations. These recommendations envisage holistic integrity-enhanced political finance systems (see Figure 5.1).

Figure 5.1. Example of holistic integrity-enhanced systems



Source: International IDEA, *The Global State of Democracy: Exploring Democracy's Resilience* (Stockholm: International IDEA, 2017), <<https://www.idea.int/publications/catalogue/global-state-democracy-exploring-democracys-resilience>>, accessed 15 September 2022.

Recommendation 1

Focus reform efforts on establishing an effective regulatory architecture for political finance more generally (not just for political finance as it relates to digital campaigning). There are four elements of such an architecture that are critical in this context:

- robust disclosure obligations;
- effective spending limits;
- a compliance and enforcement regime; and
- constant monitoring and research.

The first element is vital given the foundational importance of transparency, and disclosure obligations ought to adequately cover the *what, who, when and where* of election campaigning (see Chapter 1). All elements should be part of broader integrity-enhanced systems (International IDEA 2017).

Recommendation 2

Embed regulation of digital campaigning within this broader focus.

This points to political finance regulation that is generic in terms of the scope of campaigning it covers—as a result, therefore, including digital campaigning—and broad in terms of the political actors covered (and extending to non-party actors engaging in digital campaigning such as third parties). This applies to both disclosure obligations and spending limits.

This *preference for generic regulation* does not displace the need for regulation specific to digital campaigning, such as the regulation of digital platforms and audits of digital campaigning conducted by political parties and candidates. Equally, there is a need for regulatory efforts dedicated to digital campaigning. The compliance and enforcement regime should include adequately resourced, skilled and empowered electoral management bodies that have the capacity, know-how and powers to regulate digital campaigning under political finance regulation (including through digital campaigning audits). Given the fast-changing nature of digital campaigning and much that is not known about it, there also needs to be constant monitoring of and research into digital campaigning, particularly with regard to changing technology and its use. Accumulated digital assets ought to be a priority area for monitoring and research. Such assets have

the potential to dramatically impact upon the health of democracies and yet very little is known about them (see Agrawal, Hamada and Fernández Gibaja 2021 for other reform recommendations).

Recommendation 3

Advocate for regulatory nuance by policymakers, regulators (including electoral management bodies), political actors and the broader public. Such a perspective distinguishes between the regulatory challenges involving digital campaigning and those arising from such campaigning; it rejects regulatory fatalism, which considers these challenges to be insurmountable; and, most of all, it aspires to 'a process of technological change disciplined by the political wisdom of democracy' (Winner 2020: 55).

Case study

AUSTRALIA

POLITICAL SYSTEM OF AUSTRALIA

Australia is an established liberal democracy. It has inherited a parliamentary system of government from the United Kingdom, with a prime minister as the head of government. While a representative democracy, Australia also remains a constitutional monarchy, with the governor-general as the head of state serving as the UK Crown's representative. It is a bicameral federal parliament and, consistent with the Westminster system, exhibits party majoritarianism. The island nation also shares features of the USA's political system, such as federalism and a constitution, but relies on conventions, like the UK, to limit the powers of the state.

Australia has a three-year maximum electoral term, and a federal election may be called at any time in that period. Preferential voting is used to elect 151 representatives to the lower house (House of Representatives), while proportional representation is used to elect 76 senators to the upper house (12 from each state and 2 from each territory). These features make for one of the most stable democracies in the world and, according to International IDEA's Global State of Democracy (GSoD) Indices, Australia's regime type is a 'high-performing democracy' (International IDEA 2021a).

This ranking means that Australia is regarded as having clean elections, access to justice, respect for freedom of expression and

freedom of association, and checks on government power. However, like many countries, Australian government measures to arrest the spread of Covid-19 infections during 2020 and 2021 threatened Australia's generally strong democratic record and respect for human rights, and led to the GSoD Indices monitoring such developments. The government's measures included restrictions on movement and gatherings and punitive responses to breaches of government orders that threaten fundamental civil rights. Two GSoD Indices subattributes—Access to Justice, and Social Rights and Equality—were monitored, as judicial courts postponed 'non-urgent' hearings due to Covid-19 restrictions and state and federal governments limited public gatherings, including mass protests against the restrictive measures (International IDEA 2021c).

The GSoD Indices democracy measure Personal Integrity and Security shows that during the pandemic Australia lost its top-tier ranking, mainly due to government surveillance measures being used to ensure public compliance with Covid-19 restrictions. These included some state governments' use of facial recognition technologies to monitor compliance with stay-at-home orders (International IDEA 2021c).

DIGITAL COVERAGE AND DIGITAL CAMPAIGNING IN ELECTIONS

Australia is a vast and diverse nation, both geographically and linguistically. Its 25.6 million citizens are spread across six states and two territories, with most of the population (86.3 per cent) concentrated in urban areas (Kemp 2021, slide 19). More than 300 languages are spoken, with English the most common language spoken at home (ABS 2017).

The national broadband network was completed in 2020 and uses a mix of communication technologies, including optic fibre, satellite, mobile and fixed lines such as ADSL. Consequently, digital coverage, accessibility and Internet speeds vary across the country, with mobile connection speeds outpacing the average speed of fixed line connections (Kemp 2021, slide 27). Despite this variability, Internet penetration is high, at 89 per cent, with 22.8 million Internet users,

although it is still lower than in North America (90 per cent) and Northern Europe (96 per cent) (Kemp 2021, slide 24). Australians are equal with Europeans as world leaders in their uptake of social media (79.9 per cent of the total population). The two jointly most popular platforms are YouTube and Facebook (both showing 78 per cent of Internet users), followed by the Meta-owned platforms of Facebook Messenger (65 per cent), Instagram (55 per cent) and WhatsApp (39 per cent) (Kemp 2021, slide 47). All age groups engage with these sites, but younger people tend to favour Instagram and the encrypted chat sites (Messenger and WhatsApp), while older Australians gravitate to Facebook. With its broad public reach, Meta is thus a powerful company for politicians to engage with for purposes of digital campaigning.

Most social media users access platforms using their mobile phones (97.5 per cent) (Kemp 2021, slide 44). Australia boasts more mobile phone numbers (32.47 million mobile connections) than population (Kemp 2021, slide 17), which, in turn, is shaping how political strategists craft their political communications and election campaigns.

POLITICAL FINANCE REGULATION AND ITS APPLICABILITY TO DIGITAL CAMPAIGNING IN ELECTIONS

In terms of political financial regulation, unlike comparable western democracies such as Canada and Britain, Australia has no limits on the total amounts raised through political contributions or on election campaign spending. In this regard, Australia's political finance regulation has been described as 'laissez-faire' (Orr 2006).

For example, Australia has few bans on private donations to parties and political candidates other than a recent 2018 law to ban political donations of AUD 1,000 or more from foreign sources (International IDEA 2022). Failure to abide by the foreign donation restriction can result in steep financial penalties (AEC 2021). Corporate and individual donations are allowed at the federal level. However, they must be disclosed annually by 1 February (of the following year) when the amount is above the Australian Electoral Commission

(AEC) disclosure threshold of AUD 14,300 (AEC 2021). This delay in disclosure is a further insult to political finance transparency. Furthermore, a legal loophole allows donors to give multiple donations across jurisdictions so that disclosure is not required if each is below the reporting threshold. Wealthy candidates can contribute unlimited amounts to their own campaigns. For example, at the 2019 federal election, mining magnate Clive Palmer donated AUD 84.45 million to his own (unsuccessful) campaign through his mining company Mineralogy.

There are basically no limits on campaign spending. The only explicit restriction is a ban on vote-buying. Further, Australia has generous public funding for political parties and candidates for those who receive more than 4 per cent of first preference votes. Total taxpayer funds paid to parties and candidates for the 2019 election was AUD 69,622,617.442 (AEC 2020). There is no publicly available data to show how this figure compares with the total cost of elections or to accurately track party donations. Ratcliff and Halpin (2021) analysed AEC data and estimated donations to the two major parties in the 2018–2019 financial year (excluding donations from associated entities such as trade unions) totalled AUD 214.3 million. But this excludes minor parties and the AUD 84,450 million that Clive Palmer donated to his own party, as discussed earlier. Australia's federal system does not have real-time disclosures. It can take a year before data is released publicly, adding to the difficulty in counting how much parties spend. In addition to cash donations, parties also have free broadcasting time with access to the public broadcaster during election campaigns. Indirect public funding also includes tax relief to donors of up to AUD 3,000 (International IDEA 2021b).

The AEC oversees compliance with the Commonwealth Electoral Act 1918 (Electoral Act). Fines and jail terms may be incurred for breaches of the Electoral Act or the Criminal Code Act 1995. For example, providing false or misleading information to the AEC can result in a prison sentence of up to 12 months (AEC 2021). However, there have been few prosecutions leading to imprisonment for those found guilty of corruption resulting from political contributions. Only one serving federal legislator, Dr Andrew Theophanous, has been jailed for corruption (Tham 2010). The rarity of convictions in Australia for breaches of political finance laws has raised concerns

that the country's relatively weak electoral laws with inadequate enforcement or penalties engender weak compliance (Tham 2010).

Restrictions on election campaigns include that voting is compulsory for eligible adults and the official campaign can be no less than 33 days nor more than 58 days after the issue of writs (Parliament of Australia n.d.). A minor restriction is that newspaper and broadcast media political advertising must cease three days prior to election day. Importantly, the three-day blackout does not apply to digital advertising and so political advertising is migrating online. Given that a third of Australians voted early in the 2019 federal election (Sawer and Maley 2020), and that the ban does not include digital adverts, the ban is viewed as outdated (Duke 2019). Other than the three-day blackout, all other financial disclosure and spending obligations as discussed above are the same for digital campaigning. Except for Meta's development of its digital Ad Library in 2020, there is no formal tracking of political finance in the digital space. However, the Meta Ad Library suggests political and third parties have been increasing their digital advertising budgets on social, election and political content since its inception. According to the library, more than AUD 47 million was spent on these types of adverts between August 2020 and March 2022, but this figure also includes government online advertising (Meta 2022).

All political advertising must carry a message of authorization; however, there is no legal requirement for truth in political advertising, which is a much-debated issue as political misinformation and disinformation online are playing havoc with parties' messaging in election campaigns.

The 2019 federal election was the first time that more Australians said that they followed the election online rather than using older forms of media—TV, radio and newspapers (Cameron and McAllister 2019). This change in media consumption highlights the importance for parties and candidates to pay attention to digital campaigning. Yet there remain mixed views on how prevalent digital campaigning is in Australian politics.

Kefford (2021) argues that, as recently as the 2019 Australian federal election, it was a 'secondary channel' of communication for the

major parties. But he acknowledges that this may change by the next election, following the Australian Labor Party's (ALP) review of its electoral performance and emergence of online disinformation campaigns around a 'death tax' that interfered with the ALP's messaging (Carson, Gibbons and Phillips 2021). Analysis showed that the Liberal Party was more adept at using social media to get its message out. It used all major social media channels, but particularly Facebook, to produce shareable memes with pop culture references (Mills 2020).

Facebook data on how the two major parties performed online shows that the Liberal Party outperformed the ALP with greater audience reach despite a smaller base of followers initially. Key to its success was online video. For example, Prime Minister Scott Morrison posted videos on intimate topics, such as his and his wife's IVF journey. He also used a Facebook video to announce the election the night before it was officially launched in the traditional way, by assembling a news media press conference. Between them, the two major parties' leaders attracted 2.29 million Facebook user interactions during the official campaign, thus highlighting the low-cost and broad voter reach afforded by using digital campaigning (Carson and Zion 2020).

Non-party actors, such as activist groups Advance Australia and GetUp!, also use digital communication tools to capture the news agenda during election campaigns, with memes, videos and social media posts. In 2019, Liberal Party supporters used the Chinese social media site WeChat to target campaign messages to Australia's Chinese communities in marginal seats, while independent candidate Clive Palmer texted hundreds of thousands of Australians on their mobile phones to criticize the major parties (Kefford 2020).

The Meta Ad Library was operational for the first time during the 2022 federal election. This election saw an unprecedented number of independents (15) elected to the lower house. Among them is a group known as the 'teal independents', who were predominantly educated women who targeted competitive Liberal Party seats in Australia's major cities. The teal independents raised large amounts of money through online crowdsourcing, and received funding from Climate 200, a climate change activist group funded by businessman and political activist Simon Holmes à Court. Seats targeted by teal

independents attracted large amounts of digital campaign spending—both by the challenger independents and by the incumbent Liberal Party Members of Parliament. For example, independent Dr Monique Ryan spent over AUD 210,000 contesting the seat of Kooyong against Josh Frydenberg, who spent over AUD 260,000 over the same period. This analysis indicates that successful independent candidates, even without a conventional party apparatus, are still well resourced and will incur significant digital campaign expenditure. Their candidacy will also attract greater major party spending in specific electorates.

IMPLICATIONS OF DIGITAL CAMPAIGNING FOR POLITICAL FINANCE AND ITS REGULATION (TRANSPARENCY, FAIRNESS AND ANTI-CORRUPTION)

The implications of digital campaigning for transparency, fairness and anti-corruption during elections are mostly the same as for existing political finance laws. In essence, Australia has a transparency problem with political finance fundraising and spending, including digital campaigning, due to the absence of a comprehensive political finance regulatory regime. Furthermore, the potent spread of disinformation and misinformation online by digital campaigners heightens concerns about a lack of accountability and transparency that harms the underpinning elements of a healthy democracy, such as quality democratic discourse that informs voter choice. In terms of fairness, it could be argued that lowered barriers to entry of online advertising and non-paid political messages even out the playing field for micro parties and independent candidates by enabling them also to reach millions of voters online at low cost. But, in practice, as scholars have argued, digital campaigning is as much a powerful 'weapon of the strong', which increases the overall need to raise funds to pay for online advertising and sophisticated micro-targeting of voters (Tham 2021). The three-day ban on 'offline' advertising, which does not apply to the online space, only incentivizes strategists to favour digital campaigning to push out their messages until the dying minutes of polling day.

Case study

INDIA

POLITICAL SYSTEM OF INDIA

India is a parliamentary democracy. The prime minister is the head of government and the president is the constitutional head of the country. India is a federalist system with 29 states and 7 union territories. At the federal level, India is a multiparty system and elections take place once every five years. International IDEA's GSoD Indices classify India as a mid-range performing democracy (International IDEA 2021a). India registers high scores for the GSoD Indices measures of Inclusive Suffrage and Elected Government; however, in contrast, Direct Democracy, and Social Rights and Equality have low scores. As in many countries, India's democratic performance has faltered during the Covid-19 pandemic. In the early phase of the pandemic, India instituted strict lockdown measures across the country, which heavily curtailed people's freedom of movement (Bharali, Kumar and Selvaraj 2020). India began to reopen in the middle of 2020, leading to a disastrous second wave from the delta variant in the first half of 2021, which provoked severe rebukes of Prime Minister Narendra Modi and his Bharatiya Janta Party (BJP). The government responded by cracking down on critics: charges were brought against journalists and medical professionals who publicly criticized the government's handling of the pandemic (International IDEA 2021b).

The pandemic also highlighted India's history of discrimination against marginalized groups. Many mortuary or sanitation workers,

who were exposed to the virus without any personal protective equipment, were from lower castes (International IDEA 2021b). A social media campaign accused Muslims of spreading Covid-19, leading to an increase in discrimination and violence against Muslims, and there were reports of Muslims being denied medical treatment (International IDEA 2021b). The Global Monitor of Covid-19's Impact on Democracy and Human Rights flagged India as a country with concerning developments from the perspective of democracy and human rights (International IDEA 2021b).

DIGITAL COVERAGE AND DIGITAL CAMPAIGNING IN ELECTIONS

India has a population of approximately 1.4 billion people (United Nations Population Fund 2021), making it the largest democracy in the world. Nearly 70 per cent of the population are aged between 15 and 64 (United Nations Population Fund 2021). Most people live in rural areas: only around 35 per cent live in urban centres (World Bank 2018). India is a multilingual country. There are 22 languages listed in the Constitution (India 1949) but the 2011 census identified a further 99 languages spoken as first languages (Census of India 2011). Only around 50 per cent of the population speak Hindi as their first language (Census of India 2011).

In January 2021, there were 624 million Internet users in India—representing 45 per cent of the population. Between 2020 and 2021, the number of Internet users in India grew by 47 million. Most Internet users access the Internet via a mobile device and most Indian Internet users are active on social media. In January 2021, there were 448 million social media users in India. This is an additional 78 million social media users from 2020 (Kemp 2021). YouTube is the most used social media platform, followed by Facebook, WhatsApp and Instagram. WhatsApp receives the highest time spent per user. The average cumulative time spent on WhatsApp per month was 21.3 hours in January 2021. This is more than double the amount of time spent on Instagram (only an average of 9.8 hours per month). Facebook is the second most used app in India, with users spending an average of 17.1 hours per month on the app (Kemp 2021). For every 30 days, the average user will like

13 comments, share 1 post and click 7 Facebook adverts. For the purposes of marketing its advertising services, Facebook claims that it has a potential audience of 320 million in India, representing nearly 30 per cent of the population.

Since 2014, India's political parties have tapped into these high levels of Internet and social media use to connect with and mobilize voters. The use of social media by the BJP in its victory over the Indian National Congress (INC) in the 2014 general election is considered the turning point for the digitalization of India's election campaigning (Rao 2018).

In the 2019 general election, both the BJP and INC invested heavily in digital campaigning (Jakesch et al. 2021). WhatsApp was a critical platform for both parties. In contrast to other countries, such as Europe and North America, WhatsApp is used to share news in India and both parties leveraged this as part of their campaigns (Aneez et al. 2019). It is estimated that the BJP had between 200,000 and 300,000 WhatsApp groups, and the INC between 80,000 and 100,000 groups (Krishnan 2019). According to one study, as well as spreading political messages, these WhatsApp groups were used to coordinate supporters to tweet en masse in order to manipulate the algorithm and distort the discourse on Twitter (Jakesch et al. 2021). Other social media platforms, including Facebook and Twitter, were also used extensively by parties and candidates during the 2019 general election. One study estimates that the BJP's Facebook spend amounted to around 70 per cent of Facebook's total advertising revenue (Krishnan 2019).

There are reports that political parties are using advanced data analytics to enhance their digital campaigning. Parties are using data from multiple sources to segment and profile the population so that they can deliver targeted political messages—this is known as micro-targeting (Joseph and Mathew 2018). Bots are also deployed by all parties during campaigns (Neyazi 2020).

Digital disinformation has surged in India. Disinformation spread on WhatsApp has led to mob violence. People from marginalized groups have been horrifically lynched on the basis of false information spread on the platform (Banaji et al. 2019). The increase in

disinformation is closely linked to the rising popularity of Hindutva, the Hindu nationalist ideology of Modi and the BJP (Banaji et al. 2019). The Modi Government has used the spread of disinformation to justify greater regulation of social media companies. The 2021 Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules require social media companies to take down certain illegal content, including content that relates to: the sovereignty and integrity of India; public order; and morality and decency. The Rules also establish a three-tier grievance mechanism to address complaints from users about content. The first two tiers that review a complaint are forms of self-regulation, while the final tier is an interdepartmental government committee. The Rules also directly undermine the privacy of users and the efficacy of peer-to-peer encrypted networks by requiring social media companies to identify the originators of content.

The rise of digital campaigning in India coincides with a dramatic increase in the money spent on election campaigns. It is estimated that total campaign spend increased from INR 90,000 million in 1998 to over INR 550,000 million in 2019 (Centre for Media Studies 2019). Total expenditure almost doubled after the 2014 general election, the watershed election for digital campaigning in India, as described above (Centre for Media Studies 2019).

POLITICAL FINANCE REGULATION AND ITS APPLICABILITY TO DIGITAL CAMPAIGNING IN ELECTIONS

At a federal level, India has hardly any restrictions on political donations. Companies (excluding government companies) can donate to parties and candidates, and in 2017 the cap on company donations (7.5 per cent of a company's average net profit in the past three financial years) was scrapped. Donations from foreign entities are also lawful. There are no limits on donations by individuals, except in the case of anonymous donations, which are limited to INR 20,000 (International IDEA 2022).

Candidate spending is capped, and this cap includes any money spent by third parties in relation to a candidate. If a political party

spends in favour of a particular candidate, then it is treated as a third party (Kapur and Vaishnav 2019). There are no limits on parties spending on their general election programme, meaning party spending is basically unlimited. The Election Commission of India (ECI) stated that '[i]t is obvious that expenditure on election campaign through any advertisement in social media is a part of all expenditure in connection with the elections' (ECI 2019a: 15), confirming that these expenses would count towards a candidate's spending cap.

Parties and candidates are required to lodge an account of their election expenses to the ECI. Expenses are those incurred from the date of nomination as candidate to the date of election results. Third parties are also required to prepare an account of election expenses, which should be lodged with the relevant candidate's account. Lodged accounts must be itemized and are made public.

In its 2019 Handbook for Media, the ECI confirmed that parties and candidates must include social media expenses in their expense accounts (ECI 2019a). Social media expenses include payments to Internet companies and websites to place advertisements, as well as campaign operational expenses related to content development or maintenance of social media accounts (including the salaries of employees that undertake these tasks) (ECI 2019a). The ECI recently amended the return form to include a specific section for digital campaigning spending (although it should have been included prior to this amendment in any event).

Political parties do not receive direct public funding, but parties are allocated time on traditional media channels by the ECI. In the 2019 general election, this time was allocated across India's public service broadcasters: Doordarshan (which includes TV broadcast) and All India Radio (International IDEA 2022).

All political advertising, irrespective of its platform, must be pre-certified by the ECI (2019a). The ECI (or its delegate) reviews the content and keeps a record of the price paid for the advertisement (Marsden, Brown and Veale 2021). Content is scrutinized to ensure compliance with the ECI's *Model Code of Conduct for the Guidance of Political Parties and Candidates*. Key components of the code include a prohibition on aggravating hatred between different castes,

communities, religious or linguistic groups, and a direction to refrain from criticizing the personal lives of party leaders or candidates (ECI n.d.). Political content in the form of messages, comments, photos or videos is not treated as political advertising by the ECI and, therefore, does not require pre-certification (ECI 2019a).

Prior to the 2019 general election, the ECI sought to bind technology and social media companies to a code of conduct during election campaigns. According to leaked material, Meta pressured the ECI to accept a voluntary code. Key features of the voluntary code submitted by Meta, Twitter and Google include: ensuring that all political advertising on the social media platforms is pre-certified by the ECI; facilitating transparency for paid political advertising, including using existing labels/disclosure technology; and creating a notification mechanism that the ECI can use to inform the platforms of potential violations of election regulations. In mid-2019, the ECI reported that over 900 posts were removed by social media companies after the ECI flagged the posts as violating India's election regulations (ECI 2019b).

IMPLICATIONS OF DIGITAL CAMPAIGNING FOR POLITICAL FINANCE AND ITS REGULATION (TRANSPARENCY, FAIRNESS AND ANTI-CORRUPTION)

India's election campaign spending is ballooning. This is unsurprising given that there are effectively no limits on donations or spending. The recent dominance of the BJP—the biggest spender in the 2019 general election—suggests that parties/candidates with more resources have an inherent advantage in election campaigns.

Requirements for parties and candidates to disclose all expenses, including digital campaigning expenses, builds transparency into the election process. However, reports indicate that the ECI struggles to monitor and enforce compliance with campaign spending limits, as it lacks the requisite power and resources (Kapur and Vaishnav 2019). There is speculation that parties and candidates have developed sophisticated digital campaigning tools that are designed to circumvent regulation. Parties and candidates use ostensibly

unrelated third parties to spread their messages across social media platforms, without being subject to the spending limits, disclosure obligations or pre-certification requirements. For example, during the 2019 general election, the BJP trained and deployed 'vote mobilizers' or 'influencers' to spread campaign messaging across WhatsApp. These mobilizers/influencers are not party workers and are often presented as unconnected to a party (Jaffrelot and Verniers 2020). This type of digital campaigning technique allows parties to spread disinformation or divisive messaging without the risk of negative consequences.

The use of advanced data analytics by parties and candidates in India is also a concerning development. It can potentially lead to abuses of power by parties or candidates who illegally obtain data (Jaffrelot and Verniers 2020). Even if data is obtained legally, the use of advanced data analytics in election campaigns to micro-target voters potentially infringes the privacy of voters, and also fragments the public arena, undermining the efficacy of political debate and discourse. It can also contribute to the unfair accumulation of digital electoral assets by certain parties or candidates.

The Indian Government is willing to weaponize alarm about disinformation to clamp down on criticism. For example, the Modi Government ordered social media companies to take down posts critical of its pandemic response on the basis that they were spreading fake information (Deep Sing and Mozur 2021). While calls for greater regulation of social media platforms and disinformation may be designed to uphold the integrity of the public arena, they can also be used by governments to stifle dissent.

Case study

INDONESIA

POLITICAL SYSTEM OF INDONESIA

Indonesia is constitutionally a unitary country that adopts a presidential system. Since 2004, the president, as both the head of state and head of government, is directly elected by the people every five years through a general election. The president is checked by a bicameral legislature called the People's Consultative Assembly (Majelis Permusyawaratan Rakyat; MPR), comprising the 575-member People's Representative Council (Dewan Perwakilan Rakyat; DPR) and the 136-member Regional Representative Council (Dewan Perwakilan Daerah; DPD). Like the president, members of the DPR and the DPD are elected in five-year cycles through general elections.

General elections in Indonesia are conducted simultaneously on one day to elect the president and vice-president, DPR members, DPD members, and members of local DPRs in every city, regency and province. Additionally, the executive head of every city, regency and province are also directly elected; however, these elections are currently held separately from the general election. Every general election involves millions of candidates, and trillions in campaign expenses.

According to International IDEA's GSoD Indices (International IDEA 2021), Indonesia is a low-performing/weak democracy. This rating is due to the chronic corruption among its government and

legislatures, together with the continuing decline in religious freedom and sociopolitical equality. Freedom of expression has also been curtailed since 2019. However, despite the complexity of its elections, Indonesia has high voter participation.

Indonesia requires all political parties to be 'nationwide', that is to have branches in at least 60 per cent of provinces, in at least half of the regencies and cities in those provinces, and in at least a quarter of the subdistricts (*kecamatan*) of those regencies and cities. However, in order to contest in general elections (including local elections), there is an even higher set of requirements, such as having branches in all provinces. As a result, not all registered political parties may contest the general elections. There is an exception for the province of Aceh where, based on the 2005 peace agreement, there may be 'local' parties contesting in that province, but they are barred from contesting for national-level elections.

DIGITAL COVERAGE AND DIGITAL CAMPAIGNING IN ELECTIONS

As of January 2021, Indonesia has 73.7 per cent Internet saturation rate, which is 12.8 per cent higher than the world average (Kemp 2021a). A total of 61.8 per cent of its population are active social media users; recent history indicates that this proportion will continue to grow: in 2020 there were approximately 27 million new users in Indonesia (Kemp 2021b).

Voting age in Indonesia is 17 years old, although younger people who are married can vote. Internet users aged 16 to 64 spend an average of 8 hours and 52 minutes per day using the Internet. As of July 2021, Indonesia ranks first in the percentage of Internet users listening to podcasts at 31.2 per cent (Kemp 2021a), thereby making podcasts an attractive venue for online electoral campaigns. Although podcasts are growing in prominence, there is no available data that indicates increased use of podcasts during electoral campaigning.

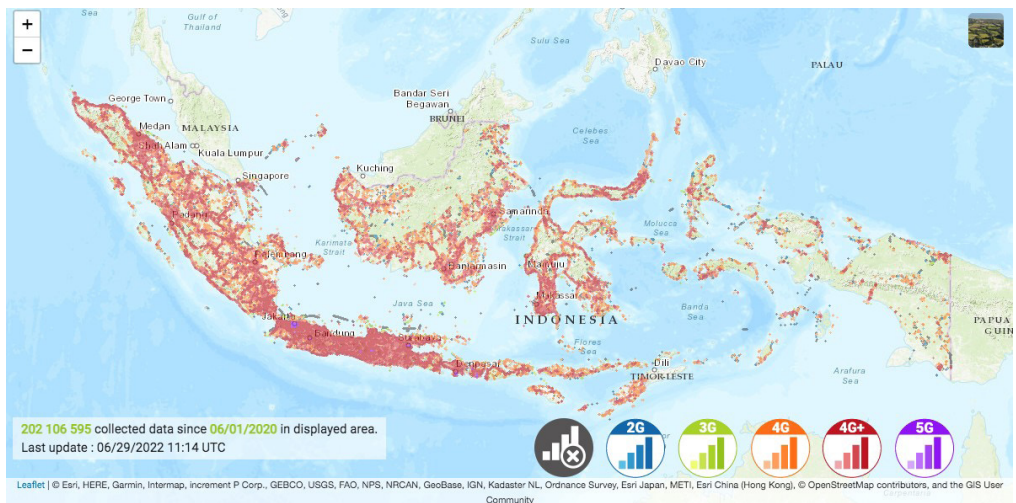
Among the top five websites (based on traffic) visited by Internet users aged 18 years and over in 2020, three of them were news sites, with google.com and YouTube being the other two. Indeed,

89 per cent of those surveyed by Reuters Institute use digital media (including social media) to access news. Overwhelmingly (>95 per cent), mobile devices are used to access those news sites. YouTube has not been used to search for news or political content, making it less attractive for political campaigns despite its millions of users (Kemp 2021a, 2021b).

Internet coverage varies widely across Indonesia. Figure C.1 shows how scarce mobile network coverage is in certain regions, although those regions could be equally scarcely populated. The coloured dots indicate the availability of Internet. The red dots indicate the availability of the 4G network, which is the current standard for Internet communication. It is noticeable that in some of the islands, there are areas that have no dots at all.

The latest benchmark for gauging the extent of digital campaigning in Indonesia is the head of region elections (Pilkada) conducted

Figure C.1. Mobile Internet coverage in Indonesia

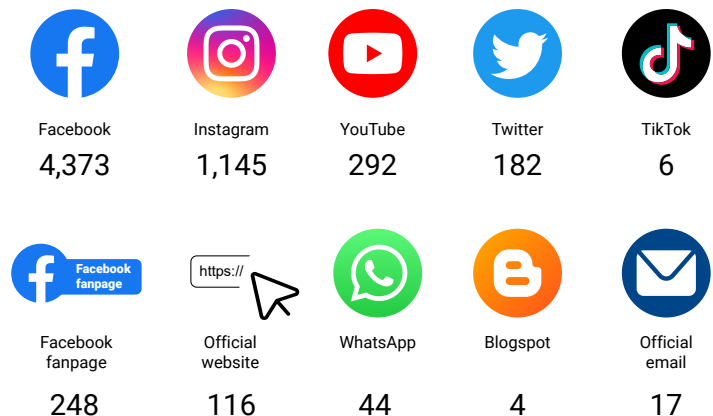


Source: nPerf, Telkomsel 3G/4G/5G coverage map, Indonesia, <<https://www.nperf.com/en/map/ID/-/5119.Telkomsel/signal>>, accessed 20 September 2022. This map represents the coverage of Telkomsel 2G, 3G, 4G and 5G mobile network all over Indonesia. Telkomsel has the broadest and most advanced mobile Internet coverage in Indonesia.

simultaneously on 9 December 2020 in 9 provinces, 224 regencies and 37 cities, involving 739 candidate pairs and slightly over 100 million voters. These elections came on the back of the surge in online communication platforms as a consequence of the Covid-19 pandemic. In a report to DPR Commission II (the parliamentary committee in the lower house that legislates and oversees electoral matters), the General Elections Commission (Komisi Pemilihan Umum; KPU), which is the body that conducts general elections in Indonesia, stated that only 9.3 per cent of campaign activities monitored were conducted through social media and a mere 0.4 per cent through online platforms, such as Zoom (KPU 2021). Nevertheless, still according to KPU data, 93 per cent of candidate pairs (tickets) registered their official social media accounts with the KPU, totalling 6,472 accounts. It is mandatory to register the social media accounts for candidates' campaigns with the KPU. Facebook is by far the most preferred social media platform for candidates, followed by Instagram (see Figure C.2).

Given the number of official social media accounts registered, it is intriguing that only 9.3 per cent of all campaign activities were conducted through social media. It is speculated that the KPU's limit

Figure C.2. Number of social media accounts registered with the KPU



Source: KPU, Laporan Pemilihan Serentak Tahun 2020 pada Rapat Dengar Pendapat Komisi II DPR RI, 19 January 2021.

of five posts per candidate pair each day for 14 campaign days could be the reason for the low levels of campaigning on social media (Sandi 2020). As per the above figure, the number of WhatsApp accounts reported to the KPU during the 2020 Pilkada seems very low. Despite the KPU's data, there is evidence that WhatsApp has also been used for campaigning, and, often, for misinformation and disinformation. During the 2019 elections, information shared on WhatsApp accused the police criminal intelligence unit of controlling the KPU vote-counting system, insinuating an advantage to the incumbent candidate (Hui 2020).

The apparent anomalies with the KPU data can be explained by the fact there are two arms to an election campaign in Indonesia: a formal campaign in the mainstream media, and a second campaign on social media platforms that is 'subversive, underground and based around identity politics and disinformation' (Tapsell 2021). The use of cyber armies to launch black campaigns by both opposing campaign teams was observed during the 2019 presidential elections. There is also evidence that authorities supporting the incumbent candidate have used the controversial Electronic Information and Transaction Law to criminalize 'Internet personalities' that support the opposition (Aspinall and Mietzner 2019).

However, the story may be different in more local settings. A recent study examining the 2020 Pilkada elections for the executive head (*bupati*) of Luwu Timur regency on the island of Sulawesi found that campaigning through social media (i.e. Facebook) was not effective and that campaigning through online platforms was simply non-existent, citing unready human resources (Putri and Priandi 2021). The reliance on Facebook limited the effectiveness of the candidates' ability to reach as many voters as possible in the regency. The two candidate pairs had 10,300 and 6,300 followers on Facebook—miles away from the more than 200,000 voters they had to convince.

POLITICAL FINANCE REGULATION AND ITS APPLICABILITY TO DIGITAL CAMPAIGNING IN ELECTIONS

Table C.1 summarizes Indonesia's political finance regulation (Perludem 2021). The KPU has taken the opportunity to close gaps related to digital campaigning, such as rules surrounding broadcasts on TV and radio as well as the requirement to register official social media accounts (International IDEA 2022). There is still no specific requirement for reporting on, let alone limits to, third-party contributions, as well as digital campaigning, leaving a gaping hole in the regulatory framework.

The current political finance regulatory framework is inadequate for transparency and accountability of digital campaigns, as the reporting requirements are still based on 'offline' campaigns and those using traditional print, radio and TV media (Perludem 2021). This is because the regulation on campaign finance reporting has not included digital campaign activities as a specific category that should be reported, and treats such activities as falling under 'miscellaneous'. While political parties and candidates contesting in elections are obligated to submit reports prior to and after the campaigns, the law still envisages campaigns to be mainly conducted in the format of large, open meetings because it uses the conduct of such a meeting as marking the start of campaigning (International IDEA 2022). In the age of digital campaigning, electoral contestants can very easily start their campaigns through social media.

While the law requires campaign funding reports to be made public, Perludem (2021) found that many political parties do not publish their reports along with supporting documents, such as receipts. Based on a survey conducted by *Kompas* daily newspaper in October 2020, 66.1 per cent of respondents found head of region candidates were not transparent with their campaign finances, which include contributions from political parties, individuals and corporations. Perludem identified as part of the problem the fact that audits have been conducted merely to seek compliance with the set accounting standards, rather than as investigative audits. Insufficient publicly available data also hinders the ability of civil society monitors to conduct their own investigations. Lack of harsh sanctions has also

been cited as exacerbating the problem. The *Kompas* survey found that 60.7 per cent of respondents wanted stricter regulations and sanctions.

IMPLICATIONS OF DIGITAL CAMPAIGNING FOR POLITICAL FINANCE AND ITS REGULATION (TRANSPARENCY, FAIRNESS AND ANTI-CORRUPTION)

The general absence of spending limits for national elections has a detrimental effect on a level playing field. Contestants with larger funds can dominate the campaign field 'by flooding social media feeds, video portals, and search engines with political advertisements' (Perludem 2021: 66), thus skewing the outcome of the elections. Since there is no specific requirement for reporting digital campaigning expenses, the field is rife for undetected, or under-reported at the very least, digital campaigning activities. This 'underground' nature of digital campaigning makes financial disclosure oversight even harder.

As the KPU's Pilkada 2020 monitoring experience showed, electoral campaigns on social media require additional tools and expertise to monitor. Since 'social media campaigning via disinformation is now a central part of any election campaign in Indonesia' (Tapsell 2021: 126), monitors like the KPU will need to have the ability to identify digital campaigns, if the candidate pairs do not voluntarily register them. Such a requirement is also still absent from regulations, resulting in a lack of transparency. In addition, the KPU's lack of tools leads to a lack of enforcement.

Such deficient monitoring could also lead to a lack of fairness and rampant disinformation among the electorate. Wealthier political parties and candidates may hire 'buzzers'—a term unique to Indonesia referring to online influencers hired to strategically amplify messages (Hui 2020)—without detection, if unreported. There needs to be a requirement for political parties and candidates not only to identify their 'buzzers', but also to include payments made to them in campaign finance reports. The KPU had tried to address this by limiting the number of posts per day, but it was difficult to enforce.

The shadowy nature of digital campaigning and how it is funded open the door for corruption where vested interests, on both the supply (government) and demand (business) side, could meet on the campaign trail. The latter could provide the funding for digital campaigning activities without detection.

If digital campaigning could be made effective in Indonesia, it could lead electoral contestants away from corrupt practices, such as vote-buying and veiled charity donations. This is because campaigning through online platforms and social media could potentially be cheaper and wholly legitimate. Given Indonesia's high rates of Internet saturation, digital campaigning may also reach many more voters than 'offline' campaigning. However, as long as opaque campaigns are deemed more effective, digital campaigning practices will never come into the light.

Table C.1. A summary of Indonesia's political finance regulation

Legal instrument	Receipt source	Maximum donation limit	Campaign fund spending limits	Campaign fund reporting	Audits	Sanctions
Law 7/2017 for Legislative Elections	Political party participating in the election and candidate of legislative member	DPR and DPRD elections: Individual IDR 2.5 billion Private/group IDR 25 billion	Unregulated	Submit an initial campaign finance report 14 days before the campaign starts		
	Individual Group/private business entity	DPD election: Individual IDR 750 million Private/group IDR 1.5 billion				
Law 7/2017 for Presidential Elections	Pairs of presidential and vice-presidential candidates	Individual IDR 2.5 billion Private business entity/group IDR 25 billion	Unregulated	Campaign finance reports are announced to the public	Audited by a public accountant and announced to the public	Criminal sanctions for those who receive and exceed the limit of campaign fund donations
	Political party or coalition of political parties					
	Individual Group/private business entity					
Law 10/2016 for Head of Region Elections	Pairs of candidates for regional head and deputy regional head	Individual IDR 75 million Private business entity/group IDR 750 million	Determined by election organizers	Reports on donations and expenditures of campaign funds are submitted to the election organizers one day before the campaign and one day after the end of the campaign period		
	Political party or coalition of political parties					
	Individual Group/private business entity					
				Campaign finance report announced to the public		

Case study

JAPAN

POLITICAL SYSTEM OF JAPAN

Japan is governed by a prime minister and a bicameral legislature. As in most parliamentary systems, the lower house (House of Representatives) is the more powerful chamber and selects the prime minister. The House of Representatives can be dissolved by the prime minister and the Cabinet for an election. The electoral system for the House of Representatives is mixed, with 289 single-member district seats and 176 seats allocated according to proportional representation. The maximum period between elections is four years, although the prime minister and the Cabinet are free to dissolve parliament anytime within that window. The timing of election campaigns is thus unpredictable and incumbent governments frequently call for snap elections with little to no advance warning. Election campaigns are also short, as an election must be held within 40 days of dissolution; the official campaign period is just 12 days (McClellan 2021).

The GSoD Indices classify Japan as a mid-range performing democracy (International IDEA 2021a). On most aspects of the GSoD Indices, however, Japan scores closer to many high-performing democracies. Japan has fair and clean elections, protects individual liberties, effectively places checks on executive power, and is governed by an impartial administration. Japan scores relatively poorly in Participatory Engagement. While local democracy is viewed as strong, International IDEA's reports raise concerns about

low levels of participation in civil society and elections, as well as underdeveloped mechanisms of direct democracy. Japan also ranks close to the bottom on the Gender Equality measure—just 45 seats (9.7 per cent) in the House of Representatives are held by women.

DIGITAL COVERAGE AND DIGITAL CAMPAIGNING IN ELECTIONS

In terms of digital technology, Japan has one of the highest connectivity levels in the world: it has a high Internet penetration rate (93.0 per cent), large percentage of the population on social media (74.3 per cent) and a high proportion of daily mobile connections relative to its population size (159.3 per cent) (Kemp 2021). Despite the widespread adoption of digital technology, however, Japan ranks lower than similar countries in the average number of hours that people spend online and on social media. This is due, in part, to Japan having one of the oldest populations in the world—28 per cent of the population are over 65 years—as older people typically use the Internet less than younger people. Japanese people also do not use social media as often for work as their counterparts in many other countries.

The most used digital platforms in Japan are YouTube, LINE (a messaging app created in Japan), Twitter, Instagram and Facebook (Kemp 2021). Twitter is especially popular in Japan relative to other countries. Japan has the highest share of its population on Twitter (43 per cent) and is second only to the USA in the number of active users, at 54.2 million (Statista 2021). Twitter's popularity in Japan is likely to be due to a combination of its mobile-friendly functionality, its anonymity compared with other social media platforms, and the fact that users can convey much more within the character limit in Japanese than they can in many other languages.

Despite the permeation of technology throughout Japan, digital campaigning in the country is still a relatively new phenomenon. Until 2013, there was an outright ban on the use of the Internet and social media during the official campaign period. Outside of this period, Japanese politicians, parties and voters were often quite active online. Many Japanese politicians used websites and blogs to

advertise their personal backgrounds, policy positions and activities, and some engaged interactively with voters using tools such as Twitter, Facebook, YouTube, email and mobile texts (Wilson 2014). However, both parties and candidates were prohibited from using online services to directly campaign and, as soon as the official campaign period began, had to freeze both their websites and social media profiles until after the election.

Since the law changed to allow digital campaigning in 2013, several parties and politicians have found success in using technology platforms to better connect with voters. For instance, many attribute the popularity of Kono Taro, who was the runner-up in the race to lead the Liberal Democratic Party (LDP) in September 2021, to his frequent engagement with the public on social media, especially on Twitter (Osaki 2021).

However, apart from a few notable examples such as Kono, Japan's campaign style has changed remarkably little over the past few decades. While digital campaigning has increased, candidates still rely heavily on in-person activities to make their case to voters, such as giving stump speeches in front of train stations, repeating their names over loudspeakers from campaign cars, and attending community events such as festivals, weddings and funerals. A variety of interest groups and individual candidate support organizations, known as *koenkai*, are also very active during election campaigns, but these groups have similarly gravitated towards more traditional, offline strategies to exert influence. Likewise, while some parties and candidates have begun to utilize data analytics more in their campaigns—for example, through hiring external political consultants—these trends have not taken off as they have in other countries such as the USA.

POLITICAL FINANCE REGULATION AND ITS APPLICABILITY TO DIGITAL CAMPAIGNING IN ELECTIONS

Japan has a history of finance-related political corruption. This corruption was particularly problematic prior to changes to the campaign finance system in 1994, which ushered in much stricter

regulations (International IDEA 2022). Since then, there has been a significant reduction in the level of corruption, although finance scandals remain a recurring theme in Japanese politics and often capture significant media attention (Carlson and Reed 2018).

Under the current regulations, public funding is provided for parties that meet at least a minimum vote or seat threshold, but there are significant limits on campaign contributions, from both individuals and corporations, as well as the amount and type of campaign spending that is permitted. While parties can freely purchase time on TV or radio, candidates are prohibited from doing the same. Instead, the government provides all candidates with the same amount of time on NHK, Japan's national broadcasting network, with substantial restrictions on how candidates can use this time. Candidates, unlike parties, also cannot purchase space in newspapers beyond the five advertisements provided by public funding, and there is a ban on door-to-door canvassing (Wilson 2014). While the stated intention of these regulations is to make it easier for individuals with differing resources to campaign, studies have found that these rules tend to disproportionately benefit incumbent candidates from the long-ruling LDP (McElwain 2008).

Disclosure obligations, spending limits and public funding regulations in Japan do not distinguish between 'offline' and digital campaigning. As such, political parties, candidates and third parties are bound by the same rules to submit itemized financial reports on their election campaigning, regardless of whether it is offline or digital campaigning. Likewise, the public funding provided for parties is not earmarked and can be used for digital campaigning, while the limits on candidate spending also cover digital campaign expenses.

That being said, the lack of more specific regulations for digital campaigning can also help explain why these activities were banned in the first place. Article 142 of the Public Offices Election Law (POEL) (1950), which outlines campaign rules and regulations for all elections, includes strict guidelines on the amount of print materials that a candidate can distribute during their campaign. In 1996, as the Internet started to gain traction in Japan and digital campaigning became more widespread in other countries, the Ministry of Home Affairs (now the Ministry of Internal Affairs and Communications)

interpreted content published online as essentially print material being distributed to an unpredictable number of voters, thereby violating article 142, and instituted the ban.

In 2013, an amendment to the POEL finally authorized the use of digital campaigning in Japan. This change has given parties and candidates new ways to reach voters in an online environment where advertising content is far less regulated than it is with print material, and where political actors can advertise as much as they like, provided they stay within the limits on campaign spending. However, the new law does still have some restrictions in place. For example, while parties, candidates, voters and third-party groups can all now participate in digital campaigning, only parties and candidates can send emails asking for support and contact information from voters, only parties can use paid Internet advertising such as banner advertisements, and no one can solicit votes (whether online or offline) outside of the official campaign period (Kiyohara, Maeshima and Owen 2018).

Oversight of political finance regulations and digital campaigning remains the responsibility of the Ministry of Internal Affairs and Communication. Compliance appears to be high, in part because penalties for disobeying the law are severe, including the possibility of fines, disqualification and even imprisonment. Compliance may also be rooted in aspects of the political culture in Japan, as politicians are often quick to resign from even senior government posts if it becomes public that they have violated campaign finance laws, even if the violations are relatively minor infractions.

While compliance is comparatively high, Japan remains well behind many other countries when it comes to digital reporting and disclosure of political finance reports. These issues have received greater attention since Prime Minister Suga Yoshihide established the cabinet-level Digital Agency in September 2021, but Japan still has significant room for improvement when it comes to political finance transparency.

IMPLICATIONS OF DIGITAL CAMPAIGNING FOR POLITICAL FINANCE AND ITS REGULATION (TRANSPARENCY, FAIRNESS AND ANTI-CORRUPTION)

Shortly after the enactment of the new POEL amendment, Japan held its first ever *netto senkyo* (Internet election) in July 2013 for the upper house of parliament (House of Councillors). In the lead-up to the race, many expressed hopes that digital campaigning would usher in a variety of changes to Japan's electoral environment, such as helping to level the playing field between parties and candidates, decreasing campaign costs, boosting transparency between politicians and voters, reducing corruption, shifting the focus of campaigns more towards policy issues, and increasing voter turnout (especially among younger voters).

While changes have occurred since 2013, it is difficult to say that digital campaigning has transformed Japanese elections. Some studies have found that Japanese citizens who actively engage with digital campaigns are more likely to turn out to vote, report greater political efficacy and have more positive feelings towards politicians (Kiyohara, Maeshima and Owen 2018; Kobayashi and Ichifuji 2015). However, the challenge is that many politicians and voters, especially those who are older, are still hesitant to engage in politics online. While there are certainly examples of politicians who are active online, such as the previously mentioned Kono, many continue to prefer traditional styles of campaigning and worry that expanding their Internet activities will only open them up to greater harassment (Wilson 2014). Japanese voters also have a relatively high level of trust in traditional media and news organizations but are relatively less likely to interact with news on social media, which makes it difficult for politicians to mobilize voters online (Kiyohara, Maeshima and Owen 2018).

An open question is the extent to which the Covid-19 pandemic, and the associated challenges with conducting in-person campaign activities, may lead to a boost in digital campaigning in the future. Unlike some other countries (International IDEA 2021b), Japan has not postponed elections during the pandemic, including those for the House of Representatives and municipal assembly elections in

Tokyo. While candidates campaigned online during these elections more often than in the past, for now this shift appears to be only temporary due to the pandemic. Without a stronger push towards digital campaigning, further relaxations concerning the financing of these activities seem unlikely in the near future.

Case study

KYRGYZSTAN

POLITICAL SYSTEM OF KYRGYZSTAN

Kyrgyzstan is a landlocked country in Central Asia with a total population of 6.58 million people. According to International IDEA's GSoD Indices, Kyrgyzstan has a hybrid regime with the worst performing aspects of democracy being Direct Democracy, Local Democracy, and the Absence of Corruption, and the best being Inclusive Suffrage and Elected Government (International IDEA 2021).

According to the Central Commission on Elections and Referenda (CEC), voter turnout is decreasing. The 2020 post-parliamentary elections revolution resulted in amendments to Constitutional Law 'On elections of the President and the deputies of the Jogorku Kenesh of the Kyrgyz Republic' (Kyrgyz Republic 2011) that were accepted by the unicameral parliament (Jogorku Kenesh) and signed by the president on 28 August 2021. Instead of 120 deputies, the electoral system now provides for the election of 90 deputies according to a mixed (parallel) system: 36 deputies are elected according to the majoritarian system in 36 single-mandate constituencies (political parties can also nominate their candidates under this system); and 54 deputies are elected according to the proportional system (according to party lists) in a single electoral district for the five-year term. The election campaign begins on the day of the end of the registration period for all candidates, and ends 24 hours before the start of voting (voting day) (Kyrgyz Republic 2011: article 23).

In 2021, the CEC introduced an 'Automatic ballot counting program' and 'Polling stations data collection and display program', which were to monitor the voting process (Central Election Commission n.d.). These were highly criticized for a number of technical problems and, importantly, for a discrepancy between the data on voter turnout and voting results.

DIGITAL COVERAGE AND DIGITAL CAMPAIGNING IN ELECTIONS

There is a high penetration rate of mobile communications and the Internet: 91 per cent of adults have a mobile phone (IFC 2021) and more than 50 per cent have Internet access (Kemp 2022).

There is a rise in the number of people becoming active social media users, the vast majority using mobile phones as the main device to communicate with on social media platforms. There is an audience of 2.1 million Instagram users and 610,000 Facebook users (people that can be reached by adverts on the platform) (Abdykerimova et al. 2021).

The mobile penetration rate is significantly high—155 per cent of the total population—however, there is a limited access to desktop devices. Of the 1.145 million households in Kyrgyzstan, less than 18 per cent have personal computers, indicating low levels of digital literacy in the population (Soltobaev 2020).

According to the National Statistical Committee (NSC) of the Kyrgyz Republic, the proportion of the population aged 15 and over who use the Internet is 62.8 per cent (which differs from World Bank and DataReportal data), where the majority (82 per cent) of them are young people aged between 15 and 28 years (NSC 2020). The level of overall digital literacy is low, especially among women—with only 21 per cent of women aged 15 to 49 actively using the Internet and only 1 out of 3 girls having computer literacy (UNDP 2021a). The digital gap (including mobile coverage, fixed Internet access and availability of desktop devices) is also exacerbated by imbalances in access and digital skills, especially between urban and rural areas,

as well as through inequalities in the availability and affordability of digital services (UNDP 2021b).

In the October 2020 elections, political party leaders decided to attract young people to their parties. As personal meetings with voters were limited due to Covid-19, the political parties involved singers, comedy actors/bloggers and other popular personalities in their digital campaigns.

The monitoring of social media during the last presidential election in January 2021 showed that the interaction rate on Instagram was remarkably high, in particular for media (17.23 million) and influencers (6.09 million), but also for the candidates' posts (759,500, about twice as many as the 398,000 on Facebook). Overall, Instagram posts generated close to nine times as many interactions as Facebook posts. The total amount spent by presidential candidates prior to the presidential election (around USD 16,000, for some 1,740 adverts) was significantly smaller in comparison with the online advertising prior to the October parliamentary elections (USD 62,700) that led to a third revolution in the country. The research also showed that the 'winner' of the presidential election—now the President of Kyrgyzstan, Sadyr Japarov—did not spend any money on Facebook adverts (Abdykerimova et al. 2021). However, he was extremely successful in other social media platform, particularly WhatsApp groups (Baialieva and Kutmanaliev 2021).

The use of 'trolls' and 'fake accounts' by politicians during electoral campaigns has been noted since the 2015 parliamentary elections. However, the last parliamentary and presidential elections demonstrated a new wave of digital campaigning, with the use of personal video material, Vines and posts on personal social media accounts by candidates. It can be assumed that this desire by candidates to become more publicly open was caused by the rise in media literacy among the electorate, which had resulted in a decreasing impact from fake accounts, as well as by the development of other social media tools such as TikTok. In part, the merit of such developments can be attributed to the efforts of civil society, media literacy projects by international donor organizations, and investigations by independent journalists into fake news/accounts.

POLITICAL FINANCE REGULATION AND ITS APPLICABILITY TO DIGITAL CAMPAIGNING IN ELECTIONS

Citizens, from the moment they are nominated as candidates and until the submission of documents for registration, establish their own electoral funds to finance the pre-election campaign. Once candidates are officially running on the list of candidates, they are not entitled to establish their own electoral funds; instead, to finance its election campaign a political party that has nominated a list of candidates establishes an electoral fund within five calendar days after the CEC registers an authorized representative of a political party on financial issues.

The electoral fund of a candidate or political party can be created from a candidate's or political party's own funds, formed in accordance with the requirements of the legislation, as well as from voluntary donations from citizens and legal entities, with the exception of the following persons (Kyrgyz Republic 2011: article 41):

- foreign states, foreign state bodies, institutions and enterprises, other foreign legal entities, their branches and representative offices, foreign citizens, international organizations, legal entities registered in the Kyrgyz Republic, whose participants are foreign citizens and legal entities;
- stateless persons;
- governmental and local self-governmental bodies;
- state and municipal institutions and enterprises;
- legal entities that have a state or municipal share in the authorized capital, as well as enjoy privileges in the payment of taxes, fees and other mandatory payments;
- military units, military institutions and organizations;
- law enforcement agencies, courts;
- organizations involved in charitable activities;
- religious organizations; and
- anonymous donations, etc.

It is prohibited to deposit money into the electoral fund of a candidate or a political party by legal entities, or by individuals carrying out entrepreneurial activities without forming a legal entity, that have debts to the state budget or the Social Fund of the Kyrgyz Republic.

In the case of an official refusal to register a candidate or a list of candidates, the funds received by the election fund are returned to organizations and persons who made donations and transfers.

DISCLOSURE OF SPENDING

Candidates and political parties are obliged to keep records of the receipts and expenditures of their electoral funds and to submit corresponding financial reports to the CEC according to procedure. The terms and forms of financial reports are determined by the CEC (Kyrgyz Republic 2011).

There is a specific Form No. 7 (from 29 August 2021) that obliges the political parties or candidates to submit the detailed data on receipts and expenditure of funds based on specific codes for each item. But the expenditures for digital campaigning are not clearly specified: there are ‘other services (informational and advisory services), including information technology services’ and ‘mass media services, including advertising and publishing services and other services’. However, in November 2021, the CEC agreed with Facebook to monitor the expenditures of political parties and candidates on Facebook for parliamentary elections and the database is available for any interested party (Meta 2022).

All media—including TV and radio organizations, online media and periodicals (regardless of ownership)—that provided candidates and political parties that nominated registered candidates with broadcast time, print space or publication rights (including digital rights) are required to keep separate records of their volume and cost. This data must be submitted to the CEC every 10 days during the pre-election campaign and within 10 days after voting day. Banks or other institutions are obliged to submit to the CEC information on the receipt and expenditure of funds in the special account of a political party (Kyrgyz Republic 2011: article 41).

LIMITS ON CONTRIBUTIONS AND SPENDING

Vote buying is prohibited. There are established limits for funds for the candidates for the deputy of Jogorku Kenesh, political parties and candidates for president (see Table C.2) (Kyrgyz Republic 2011: articles 54 and 62).

Table C.2. Limits on contributions and spending

Item	Election fund of the political party that has nominated a list of candidates	Election fund of a candidate for the deputies of the Jogorku Kenesh in single-mandate constituencies
Candidate's own funds	Cannot exceed the calculated indicator by more than 15,000 times (approx. USD 17,689)	Cannot exceed the calculated indicator by more than 1,500 times (approx. USD 1,769)
Political party's own funds	Cannot exceed the calculated indicator by more than 1,000,000 times (approx. USD 1,179,245)	Cannot exceed the calculated indicator by more than 10,000 times (approx. USD 11,792)
Donations from individuals	Cannot exceed the calculated indicator by more than 2,000 times (approx. USD 2,359)	Cannot exceed the calculated indicator by more than 2,000 times (approx. USD 2,359)
Donations from legal entities	Cannot exceed the calculated indicator by more than 30,000 times (approx. USD 35,377)	Cannot exceed the calculated indicator by more than 5,000 times (approx. USD 5,896)
The maximum amount of money received and spent from the electoral fund	Cannot exceed the calculated indicator by more than 3,000,000 times (approx. USD 3,537,735)	Cannot exceed the calculated indicator by more than 100,000 times (approx. USD 117,925)

The electoral funds shall cover only the costs related to the election campaign of the political party, specifically (Kyrgyz Republic 2011: article 41):

1. financial support of organizational and technical measures aimed at election campaigning or collection of signatures in support of a candidate;
2. payment of the electoral deposit in the amount established under Constitutional Law;
3. payment for works, delivery of services directly related to the election campaign: information and advisory services; production/distribution of campaigning materials; rent of premises and equipment; transportation/travel expenses; procurement of stationery and equipment; publication of announcements and speeches by the candidate in the media; pre-election meetings and meetings with voters.

The regulatory measures among other media refer only to accredited periodicals and online media as follows (Kyrgyz Republic 2011: articles 22 and 25):

- Mass media or Internet publications that are state or local governed, or have any benefits in paying taxes in comparison with other mass media, are obliged to provide candidates and political parties with equal opportunities for campaigning.
- Other media, such as periodicals and online media, has the right, on a contractual basis, to provide airtime, print or electronic space to candidates and political parties in accordance with the instructions approved by the CEC. The amount of payment for the provision of airtime, publication in periodicals or publication in online media should be the same for all candidates and political parties.
- Print or online media, regardless of its form of ownership, that has provided print or electronic space to candidates or political parties is obliged to provide other candidates or political parties with print or electronic space under the same conditions (the same prices, volume and other conditions). At the same time, the cost of print or electronic space cannot exceed the cost that was charged six months before the date of the election (Kyrgyz Republic 2011: article 25).

Candidates and political parties are prohibited from using other funds to pay for the collection of voters' signatures, campaigning and other pre-election activities, except for those monies received in their electoral funds.

Prior to an election, a control and audit team is created at the CEC to monitor and control the use of funds by political parties and candidates. Even though the CEC monitors campaign finance and regularly publishes the information on candidates' campaign revenues and expenditure on its website, the law does not require this control and audit team to make public the audit reports of political candidates' campaigns.

Recognizing the importance of social media and the prevention of misinformation and incitement to hatred, new practices were introduced and agreed by political parties during the parliamentary elections in 2020 and 2021:

- The Memorandum of Fair Elections between political parties and the CEC was developed and signed by 13 parties (out of 16 registered) on 4 September 2020 (CEC 2020). The signed document was an agreement that obliged the political parties to act exclusively within the framework of the Constitution and the Constitutional Laws of Kyrgyzstan. It is worth mentioning that, among the six items to which the leaders of the political parties signed up to, three were related to online social media:
 - not to use the power of social media as a weapon against opponents;
 - pay for political advertising in social media from the electoral fund and display this in the political party's financial reports;
 - not to campaign 24 hours before voting day and not disseminate opinion poll results on social media five days before voting day and on voting day.
- In 2020, before the parliamentary elections, 15 registered parties (out of 16) signed another declarative document called the Freedom of Expression Treaty (24.kg 2020). In this treaty, they pledged their commitment to respect and promote freedom of speech and avoid undue restrictions on it, including prosecution for comments in social networks and the Internet space.
- On 5 November 2021, the representatives of all 21 political parties signed the Memorandum obliging them: not to be involved in vote-

buying cases; not to publish on the Internet or any other resource any information containing threats, religious topics or violence; to exclude the use of administrative resources; to promote the full implementation of the norms of electoral legislation aimed at ensuring the representation in the Jogorku Kenesh of women, youth, persons with disabilities, and persons of different ethnicities; and to provide full support to women candidates to participate in the election campaign (CEC 2021).

Despite these initiatives, the monitoring group identified several cases where disinformation campaigns were carried out, in particular in the form of fake accounts that disseminated inaccurate information about political parties or candidates in 2020 (Abdykerimova et al. 2020).

PUBLIC FUNDING

Public funding is not prohibited according to the Constitutional Law of the Kyrgyz Republic for elections for the president and the deputies of the Jogorku Kenesh. During the last parliamentary election, a new form of fundraising—crowdfunding—was successfully applied for political parties and candidates (Nogoibaeva 2020).

Although the significant amendments in electoral law mentioned above contributed to transparency of campaign funds for candidates and political parties, in practice such measures were not welcomed by a number of candidates during the last parliamentary elections in Kyrgyzstan in 2021. According to a monitoring report from the Office for Democratic Institutions and Human Rights (ODIHR), candidates admitted that opening bank account details and obligatory bank transfers for all election-related activities had limited their campaign and pushed them to violate the law. They stated that they had to break the law particularly in the rural areas where banking services were not widely available. Moreover, candidates revealed to the ODIHR mission that electronic payment applications were used to collect funds, which was not covered by campaign finance regulations. Such cases could prompt the CEC to introduce new amendments to the financial requirements for the next electoral

campaign, in order to make the process entirely transparent and accountable.

IMPLICATIONS OF DIGITAL CAMPAIGNING FOR POLITICAL FINANCE AND ITS REGULATION (TRANSPARENCY, FAIRNESS AND ANTI-CORRUPTION)

Kyrgyzstan is trying to improve political finance regulations by making political parties accountable to monitoring bodies by: making electoral funds publicly available; creating fair conditions by establishing limits on contributions and spending; and providing access to state media (newspapers, TV channels, online platforms such as E-candidate) during the campaign period.

However, certain challenges still remain. The rapid development of digital campaigning creates a space for political parties that cannot be monitored through traditional methods. Digital campaigning using 'trolls' and 'bots' is one of the latest examples. The digital campaign monitoring done by MEMO (Abdykerimova et al. 2021) during the last presidential elections in 2021 revealed that one third of accounts favouring the victorious presidential candidate Sadyr Japarov in December 2020 were fake accounts, whose posts and comments were mainly aimed at discrediting his political opponents. According to a Meta report (Meta 2021), it removed 406 Facebook accounts, 296 pages, 68 groups and 101 Instagram accounts that originated in Kyrgyzstan and targeted domestic audiences by commenting on content and also on posts by a political party and popular news pages, centred around the 2020 parliamentary election and the 2021 snap presidential election and having links to individuals in Kyrgyzstan with a background in media and government, and also a media company called Media Center.

Transparency

It must be mentioned that the CEC, with financial assistance from donor organizations and civil society, has improved the transparency and access to political candidates' electoral funds. With regard to monitoring the expenditure on digital campaigning, the data available from Meta Ad Library is the only resource for monitoring the payment

for digital campaigns in social media, unless it is clearly specified in a candidate's financial report on expenditure.

Even though transparency is improving, it is still difficult to monitor the financing of 'trolls' and 'bots' by political parties, candidates or third parties that generate hundreds of false claims and hate speech, resulting in voters' reduced trust of digital campaigning.

Anti-corruption

Monitoring of digital campaigns and the procedures under which the electoral funds of political parties must be established and spent (particularly on media and other digital advertising) can be treated as anti-corruption measures. However, the online space allows political parties to use other technologies and techniques to indirectly pay for a certain digital political advertisement via other individuals, groups or even corporations. The financial nature of such approaches cannot be clarified, partially due to postponement of national tax declaration for certain categories of individuals until 2023, and 2025, regulated by the law 'On Amendments to the Law of the Kyrgyz Republic On the Enactment of the Tax Code of the Kyrgyz Republic'.

Fairness

Even though the state media has to provide all registered political parties with an equal opportunity to use its platforms (including state-owned online media) for their electoral campaigns, the publication on private online and social media platforms and popular groups with a higher number of followers still remains unattainable for some political parties with limited funding, due to the high prices for advertising on such platforms. Among the other risks for fair elections is the expensive techniques that can be used in online media for drowning out financially weak political voices.

Annex A. Analysis of political finance regulation in the Asia and the Pacific region

This annex identifies countries in the Asia and the Pacific region with the following political finance regulations (International IDEA 2022) and examines whether such regulations would apply to digital campaigning:

- **Spending limits:** These promote fairness by preventing parties and candidates with greater resources from having an unfair advantage.
- **Disclosure requirements:** These are critical for enforcing spending limits and general campaign transparency, and also help to prevent corruption.
- **Public funding:** This ensures that there are adequate resources for opposition parties and under-represented groups.

Table A.1. Asia and the Pacific countries and territories with spending limits on political parties: assessment of application to digital campaigning

Country	Does the limit apply to digital campaign expenses?
Bangladesh	Yes
Bhutan	Yes
Korea, Republic of	Yes (International IDEA 2022)
Kyrgyzstan	Yes
Mongolia	Unclear
Nepal	Yes
New Zealand	Yes
Philippines	Yes
Thailand	Yes (International IDEA 2022)

Table A.2. Asia and the Pacific countries and territories with spending limits on candidates: assessment of application to digital campaigning

Country	Does the limit apply to digital campaign expenses?
Bangladesh	Yes
Bhutan	Yes
India	Yes
Indonesia	Yes (International IDEA 2022)
Japan	Yes (International IDEA 2022)
Kazakhstan	Yes (International IDEA 2022)
Korea, Republic of	Yes (International IDEA 2022)
Kyrgyzstan	Yes
Malaysia	Yes (International IDEA 2022)
Maldives	Yes
Mongolia	Unclear
Nepal	Yes
New Zealand	Yes
Pakistan	Yes
Philippines	Yes
Solomon Islands	Yes
Taiwan	Yes (International IDEA 2022)
Thailand	Yes (International IDEA 2022)
Tonga	Yes (International IDEA 2022)

Table A.3. Asia and the Pacific countries and territories with spending limits on third parties or third-party spending included in candidate limits: assessment of application to digital campaigning

Country	Does the limit apply to digital campaign expenses?
Bhutan	Yes
India	Yes
Korea, Republic of	Yes (International IDEA 2022)
New Zealand	Yes
Pakistan	Yes
Thailand	Yes (International IDEA 2022)
Tonga	Yes (International IDEA 2022)

Table A.4. Asia and the Pacific countries and territories with disclosure requirements on political parties: assessment of application to digital campaigning

Country	Does disclosure scheme apply to digital campaigning?
Australia	Yes
Bangladesh	Yes
Bhutan	Yes
Cambodia	Yes (International IDEA 2022)
India	Yes
Indonesia	Yes (International IDEA 2022)
Japan	Yes (International IDEA 2022)
Kazakhstan	Yes (International IDEA 2022)
Korea, Republic of	Yes (International IDEA 2022)
Kyrgyzstan	Yes
Mongolia	Unclear
Nepal	Unclear
New Zealand	Yes
Pakistan	Yes
Papua New Guinea	Yes
Philippines	Yes
Solomon Islands	Yes
Taiwan	Yes
Tajikistan	Yes (Hamada and Agrawal 2020)
Thailand	Yes

Table A.5. Asia and the Pacific countries and territories with disclosure requirements on candidates: assessment of application to digital campaigning

Country	Does disclosure scheme apply to digital campaigning?
Australia	Yes
Bangladesh	Yes
Bhutan	Yes
Cambodia	Yes (International IDEA 2022)
Fiji	Yes (International IDEA 2022)
India	Yes
Indonesia	Yes (International IDEA 2022)
Japan	Yes (International IDEA 2022)
Kazakhstan	Yes (International IDEA 2022)
Korea, Republic of	Yes (International IDEA 2022)
Kyrgyzstan	Yes
Malaysia	Yes
Maldives	Yes
Mongolia	Unclear
Nepal	Unclear
New Zealand	Yes
Pakistan	Yes
Palau	Yes
Papua New Guinea	Yes
Philippines	Yes
Singapore	Yes

Table A.5. Asia and the Pacific countries and territories with disclosure requirements on candidates: assessment of application to digital campaigning (cont.)

Country	Does disclosure scheme apply to digital campaigning?
Solomon Islands	Yes
Taiwan	Yes
Tajikistan	Yes (Hamada and Agrawal 2020)
Thailand	Yes
Timor-Leste	Unclear
Tonga	Yes

Table A.6. Asia and the Pacific countries and territories with disclosure requirements on third parties: assessment of application to digital campaigning

Country	Does disclosure scheme apply to digital campaigning?
Australia	Yes
India	Yes
Japan	Yes (International IDEA 2022)
New Zealand	Yes
Pakistan	Yes

Table A.7. Asia and the Pacific countries and territories with itemized disclosure requirements on third parties: assessment of application to digital campaigning

Country	Does itemization requirement apply to digital campaigning?
Australia	Yes
Bangladesh	Yes (International IDEA 2022)
Bhutan	Yes (International IDEA 2022)
Cambodia	Yes (International IDEA 2022)
Fiji	Yes (International IDEA 2022)
India	Yes
Indonesia	Yes (International IDEA 2022)
Japan	Yes (International IDEA 2022)
Korea, Republic of	Yes (International IDEA 2022)
Kyrgyzstan	Yes
Maldives	Yes
Mongolia	Unclear
Nepal	Unclear
New Zealand	Yes
Pakistan	Yes (International IDEA 2022)
Palau	Yes
Papua New Guinea	Yes
Philippines	Yes
Singapore	Yes
Taiwan	Yes
Tajikistan	Yes (International IDEA 2022)
Thailand	Yes
Timor-Leste	Unclear
Tonga	Yes

Table A.7. Asia and the Pacific countries and territories with itemized disclosure requirements on third parties: assessment of application to digital campaigning (cont.)

Country **Does itemization requirement apply to digital campaigning?**

Uzbekistan	Yes (International IDEA 2022)
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Table A.8. Asia and the Pacific countries and territories with public funding provided for political parties: assessment of ability to use for digital campaigning

Country	Conditions on spending?	Can public funding be used for digital campaigning?
Australia	Campaign spending	Yes
Bhutan	Campaign spending	Yes (International IDEA 2022)
Cambodia	No	Yes, no conditions
Indonesia	Ongoing party activities	No (International IDEA 2022)
Japan	No	Yes, no conditions
Kazakhstan	No	Yes, no conditions
Korea, Republic of	Campaign spending Ongoing party activities Intra-party institution Research and policy initiatives	Yes (Hamada and Agrawal 2020)
Maldives	No	Yes, no conditions
Mongolia	Campaign spending Ongoing party activities Intra-party institution Research and policy initiatives	Yes (Hamada and Agrawal 2020)
Nepal	Not applicable	Yes, no conditions
New Zealand	Campaign spending	Yes (International IDEA 2022)
Papua New Guinea	No	Yes, no conditions
Solomon Islands	Ongoing party activities	Unclear if digital campaigning would be considered by 'administrative costs'
Taiwan	No	Yes, no conditions
Tajikistan	No	Yes, no conditions
Thailand	Campaign spending Ongoing party activities	Yes (International IDEA 2022)
Timor-Leste	No	Yes, no conditions
Turkmenistan	No	Yes, no conditions

Table A.8. Asia and the Pacific countries and territories with public funding provided for political parties: assessment of ability to use for digital campaigning (cont.)

Country	Conditions on spending?	Can public funding be used for digital campaigning?
Uzbekistan	Campaign spending Ongoing party activities	Yes (International IDEA 2022)

Annex B. List of questions for country case studies

1. What are the key elements of the country's political system (including regime type according to International IDEA's Global State of Democracy Indices)?
2. What is the digital saturation in the country:
 - overall saturation;
 - age groups;
 - geographical areas;
 - linguistic groups; and
 - use of key technology platforms (e.g. Internet, social media, mobile services)?
3. What are key elements of its political finance regulation?
4. How does such regulation apply to digital campaigning in elections:
 - disclosure of spending;
 - limits on spending;
 - public funding for media; and
 - specific regulation of digital campaigning (e.g. regulation of online campaigning)?
5. What is the nature and extent of digital campaigning in elections:
 - prevalence (including relative to use of traditional media (i.e. print, radio and TV));
 - principal digital campaigning actors (political parties, candidates and third parties);
 - key technology platforms used; and
 - main content types (i.e. memes, video, posts, mobile texts)?
6. What are the implications of digital campaigning for political finance and its regulation:
 - transparency;
 - fairness; and
 - anti-corruption.

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The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

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This report studies the intersection between digital campaigning in elections, and political finance and its regulation in the Asia and the Pacific region. In so doing, it connects the digital disruption with an existential threat to democracies across the world—money in politics. Political finance poses the danger of not only ‘policy capture’ but also, in worse scenarios, state capture by monied interests.

The report maps out the nature and extent of digital campaigning in the Asia and the Pacific region, with a focus on five country case studies (Australia, India, Indonesia, Japan and Kyrgyzstan), and it studies the regulation of digital campaigning under political finance laws. It analyses the democratic implications of digital campaigning for political finance and its regulation. Recommendations are provided for regulating the nexus between digital campaigning and political finance to enhance the benefits of digital campaigning for democracies in the Asia and the Pacific region.

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