

Social Media as a Regulation Challenge for Electoral Integrity: A Comparative Analysis of Canada and the United Kingdom

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Abstract

Recent elections have illustrated how digital communications technologies, like social media, are transforming election campaigns and political advertising. Beyond the opportunities and challenges these tools offer to those looking to have their voices heard during an election campaign, social media appear to be challenging traditional models of election finance policy, which look to regulate advertising through spending caps. Social media, have the potential to disrupt this traditional approach to election finance by disseminating political messages to thousands, even millions, of voters at low or no cost. For countries, like Canada that have chosen to enforce spending limits on advertising in order to promote election fairness and integrity, the rise of social media risks undermining the objectives that spending limits were designed to promote.

This paper addresses this challenge by looking at the regulation of third parties in Canada. Third parties (or independent parties) include persons or groups, other than a political candidate, registered political party, or constituency association, who participate in elections. The paper will set out how social media are regulated in national elections for both countries. This will be followed by an analysis of how social media have been employed in recent elections to establish possible weaknesses of current regulations. From here, the paper will consider regulation options for third party advertising that move beyond a spending model. By looking at the regulation of social media by third parties, the paper will help to address the larger challenge of how election management boards can adapt to new technologies and tools in election campaigning so as to maintain and promote election integrity.

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Is the egalitarian model under threat? Evidence from third party advertising in Canada and the UK

Regulating political advertising during an election campaign is a tricky business. No one disputes that ideas and opinions must be freely expressed during an election; indeed, the ability to have one's voice heard by voters is a foundational element of any democracy. Yet there is also the pragmatic recognition that the deeper financial resources of some can allow their views to dominate an election campaign to such an extent that competing voices may be overawed. And herein lies one of the tensions that electoral finance regulations attempt to address: while all interested voices should be heard, election spending should not be permitted to undermine the electoral regime. This challenge prompts a question that every democracy must address: how can money be regulated to best promote electoral integrity?

In both Canada and the United Kingdom (UK), legislators have answered this question by adopting regulations for election spending consistent with the egalitarian model. The egalitarian model posits that all individuals and groups should have relatively equal and meaningful opportunities to participate in elections (Feasby 1998). Because private wealth may provide a more influential voice (for example, with the purchase of well-publicized advertising), the egalitarian model calls for limits on election spending so that all voices have a relatively equal opportunity to meaningfully participate. The principles of this model are especially apparent in the regulations concerning third party advertising in Canada and the UK. Third parties (or independent parties) include persons or groups, other than a political candidate, registered political party, or constituency association. Third parties can come in all shapes and sizes and with a wide range of possible motivations for participating in an election, from a national workers' union wanting to promote a policy issue to a single individual looking to influence the election of a political candidate or party. In both countries, modest spending limits have been placed on third party advertising so that well-resourced third parties cannot overawe the voices of other third parties, or political parties and candidates.

While the actualization of the egalitarian model in these countries can be considered successful insofar as third parties do not outspend each other by significant amounts (Crandall and Lawlor 2014), increasingly questions are being raised about the appropriateness of equating money with political speech and, in turn, using spending limits as a tool and measure for the egalitarian model (MacIvor 2015, Sirota 2015). Recent elections have illustrated how digital communications technologies, like social media, are transforming election campaigns and political advertising. Beyond the opportunities and challenges these tools offer to those looking to have their voices heard during an election campaign, social media appear capable of upending the traditional approach to election finance policy, which equates political speech with spending. Social media, have the potential to disrupt this regulatory approach by disseminating political messages to thousands, even millions, of voters at low or no cost. In theory, for example, a third party could disseminate a message through social media so effectively that it dominates over the voices of other political actors, the very outcome that the egalitarian model seeks to discourage. For countries, like Canada and the UK, that have adopted the

egalitarian model and enforce spending limits on advertising in order to promote electoral integrity, the rise of social media create clear challenges, at least in theory.

A claim that electoral integrity may be under threat naturally prompts the question of what we mean by electoral integrity. A recent and growing body of literature takes a normative approach to defining electoral integrity, grounding it to international norms and standards (Norris, Frank, and i Coma 2014, Norris 2014, Norris and Abel van Es 2016). For Norris, electoral integrity is defined as the adherence to “international conventions and universal standards about elections reflecting global norms applying to all countries worldwide throughout the electoral cycle, including during the pre-electoral period, the campaign, on polling day, and its aftermath” (Norris 2014, 12). This holistic understanding of electoral integrity, which includes all components of the electoral cycle, actors who participate in elections, and the design and application of electoral regulations, appears especially appropriate for issues of election governance, such as third party advertising. According to Mozaffar and Schedler, election governance is “the wider set of activities that creates and maintains the broad institutional framework in which voting and electoral competition take place” and operates on three levels: rule making, rule application, and rule adjudication (2002, 7). For this paper, our concern is whether the objectives of the third party advertising rules, which are rooted in the egalitarian model, are in their application being undermined due to low/no cost social media, and thus presenting a challenge to electoral integrity.

To test whether social media are, in fact, undermining the egalitarian model of election financing, this paper analyzes third parties’ advertising during the 2015 national election in Canada. Our intention is to introduce comparable UK data to this paper in the future. We separate our analysis into three overarching research questions: (1) what are the perceived challenges associated with third parties using social media in an election campaign; (2) how did third parties use social media in the campaign; and (3) if social media is found to be a possible threat to electoral integrity, what policy solutions could help to address this problem? The next section offers a brief review of the development and rationale of third party spending policies in Canada. This is followed by an analysis of data from the 2015 Canadian General Election, which informs our arguments concerning the challenge that social media may pose to the egalitarian model and what policy solutions should be considered in order to uphold the principles of the model and, in turn, promote electoral integrity.

The Evolution of the Third Party Spending Law in Canada

The modern regulation of electoral finances was originally governed by the 1974 *Election Expenses Act*, which placed restrictions around spending by political parties and prohibited campaign spending by third parties altogether. Soon after the introduction of the *Canadian Charter of Rights and Freedoms* in 1982, these restrictions on third party advertising were challenged by an interest group called the National Citizens Coalition (NCC), which argued that spending restrictions on third party advertising amounted to an unreasonable infringement on groups’ and individuals’ right to freedom of expression

under section 2(b) of the *Charter*. It was twice successful at the Alberta Court of Appeal in having third party spending restrictions struck down (*National Citizens' Coalition Inc. v. Attorney General of Canada*, [1984] 32 Alta. L.R. (2d) 249; *Somerville v. Canada (Attorney General)*, [1996] 184 A.R. 241). The result was unregulated spending terrain for third parties until 2000 and the introduction of the *Canada Elections Act*, 2000.

Two key policy discussions took place between the NCC's court challenges and the 2000 Act that motivated the change to federal third party spending laws. First, the 1991 Royal Commission on Electoral Reform and Party Financing (known as the Lortie Commission), following the perceived threat of third parties overwhelming candidate and party spending in the 1988 "free trade election" (Hiebert 1991), made recommendations to restrict third party expenditures to \$1000 for partisan advocacy. Parliament adopted this recommendation in the form of Bill C-114 in 1993; however, the law was ultimately struck down in 1996 on freedom of expression grounds in *Somerville*. A second policy discussion that eventually led to reforms to third party expenditure regulation emerged in the form of the Supreme Court's 1997 ruling in *Libman v. Quebec (Attorney General)*, a case that addressed referendum spending regulations embedded in Quebec's electoral law. *Libman* marked an important departure in judicial reasoning on freedom of expression as it relates to campaign spending. While the Alberta Court of Appeal had in its earlier decisions struck down the notion that candidates and political parties should receive greater access to the electorate through the ability to freely spend money on campaign advertising, in *Libman* the Court restated the notion of spending limits as a mechanism *for* electoral fairness – even if the financial limits imposed on candidates, parties and third parties were substantively different.

The Court's ruling in *Libman* directly influenced the federal government's re-regulation of campaign spending limits in Bill C-2, the *Canada Election Act*, 2000 (Lawlor and Crandall 2011), which placed caps of \$3000 on third party advertising in a single riding and \$150,000 on national advocacy. The framers of the *CEA*, including former Chief Electoral Officer, Jean-Pierre Kingsley, and Minister responsible for Elections Canada, Don Boudria, sought to accomplish two goals: the first, to limit the role of money in elections regardless of who was doing the spending, and second, to follow the recommendation of the 1991 Lortie Commission and ensure that political parties and candidates were given substantively more room to spend during the campaign than third parties (Sirota 2015). The third party spending limits introduced in 2000 were challenged again by the NCC, but were upheld in 2004 by the Supreme Court in *Harper v Canada*. By ruling that the restrictions placed on freedom of expression through third party spending limits were reasonably justified in the interest of creating "a level playing field for those who wish to engage in electoral discourse" (para. 62), the majority's decision amounted to a full endorsement of the egalitarian model. The third party spending limits implemented by the *CEA*, 2000 remain in place, though they are adjusted for inflation and length of campaign.¹ For the 2015 election, which had a 78 day campaign period, each third party was permitted to spend approximately \$430,000.

¹ Note that the 2000 election was fought with third party spending limits only in place for part of the election as the Court was still ruling on the constitutionality of the limits during the beginning of the campaign.

Thus was born the egalitarian model of third party campaign spending regulation in Canada. It is worth noting that while the egalitarian model may have, on the surface, appealed to Canadians' notions of equality and anti-American fears of "money in politics", the approach effectively set up a hierarchy where political parties and candidates were the primary political actors in the electoral space (Sirota 2015, Feasby 2003). With far smaller limits placed on their spending, third parties were regulated to play only a marginal role in the electoral competition. Therefore, as it relates to third parties, the egalitarian effect is only *across* third parties. The intended result being that larger, better-resourced third parties would not be able to out-advertise smaller third parties with smaller budgets (at least, not by much).

In this paper, we look to see whether the egalitarian model upheld by the Court comes under threat by the introduction of social media. Using evidence from third party advertising in Canada, we look to see whether, using social media, third parties, who are expected to have a smaller role in election advertising than political parties, can even the playing field (a) between large and small third parties and (b) between themselves and political parties. Thus, we can consider whether social media threatens the integrity of the egalitarian model for the entire campaign universe or only across third parties. We also examine the impact of the majority decision in *Harper* – namely that spending limits on advertising were reasonable because no cost options were also available. While the underlying assumption is presumably that no-cost communication tools are not as effective as paid advertising, the rise of social media challenges this assumption.

The following analysis tests the assumptions borne out of the case law around third party spending by examining the behaviours and opinions of third parties in the 2015 general election as it relates to social media. Specifically, we seek to answer: (1) how did third parties use social media in the campaign; (2) how did social media help proliferate the third party's message; and, (3) what are the perceived challenges associated with third parties using social media in an election campaign.

Data and Methodological Approach

In order to establish what role third parties' use of social media played in the 2015 Canadian election, we consider three data sources that can shed light on our research questions: (1) social media use by third parties, (2) survey and interview data that asks third parties about their use of social media during the campaign, and (3) reports and interviews from the election management body (EMB), Elections Canada. By using this multifaceted approach to information gathering, we are better able to triangulate what role social media may have had on influencing the public debate around issues and parties during the campaigns. One missing piece of this puzzle that we are not able to provide is public opinion on the impact of social media campaigns from third parties (e.g. how effective were third parties' social media campaigns at influencing vote outcomes or issue positions?). We can, however, observe basic metrics about the uptake of social media accounts as a loose proxy for public interaction with third parties through social media.

These data that we use to answer our research questions come from disparate sources. In order to capture social media use from third parties, we used SnapBird, an online Twitter gathering tool, to collect Twitter feeds from all third parties active on the social media platform during the campaign period. Twitter is not the only social media platform that third parties used – some were active on Facebook and Instagram – however, use of these platforms was far overshadowed by the ubiquity and consistency of Twitter activity, so we chose not to analyze the few communications that came from these other platforms. Twitter also has the advantage of being the main social media tool used by journalists, so, covering Twitter helps us to capture the dynamic nature of communication by third parties that would be picked up and re-circulated by media. Of course, not every third party had an active Twitter account during the campaign, so our observations are limited to those that chose to participate using this medium (N=84 of 113 total third parties).

Our survey data comes from an independently collected set of surveys of all third parties who campaigned during the 2015 election. Because the overall response level was low (N=23), we supplemented the survey with interviews where possible. The survey and interview data should be considered qualitatively rather than as a generalizable quantitative survey. Finally, our third set of data comes from an interview with Canada's EMB, Elections Canada (interview conducted in February of 2016). During the interview, we spoke at length to the individuals in charge of monitoring compliance with third party regulations about the rise of social media use and the extent to which it is currently regulated and the potential for challenges to arise from the use of low or no-cost digital technologies in the campaign environment.

Analysis

Third Party Advertising

In order to understand how third parties used social media in the campaign, it is helpful to understand the broader advertising landscape for third parties. Table 1 illustrates the amount of money spent by third parties in Canada in the 2015 federal election by class of contributor. Of the 105 third parties that actually engaged in spending (note 8 parties registered with Elections Canada but did not report any expenses), approximately \$6,048,198 was spent on some form of advertising. Unions were, by far, the most financially active, spending almost \$3.5 million dollars, with an average expenditure of \$123,507. Interest groups were far more plentiful (N=67, compared with only 28 unions), and spent approximately \$2.5 million. There was a tremendous range of expenses in these groups as the expenditure level ranged from \$950 to \$431,640 for unions and \$150 to \$428,975 for interest groups. Individuals (N=9) and business (N=1) spending was negligible by comparison.

Table 1. Third Party Expenditures by Class

	Number of Parties with Expenditures	Total Expenditures	Mean Expenditure	Minimum	Maximum	Standard Deviation
Individuals	9	\$19,575.63	\$2,175.07	\$136.66	\$3,904.81	\$1,328.88
Business	1	\$1,992.51	\$1,992.51	\$1,992.51	\$1,992.51	-
Unions	28	\$3,458,210.56	\$123,507.52	\$953.72	\$431,639.75	\$124,502.45
Interest	67	\$2,568,420.39	\$38,334.63	\$150.00	\$428,974.88	\$85,516.26

*Note: 113 third parties registered with Election Canada, but only 105 of them reported expenditures.

Breaking these numbers down by type of expenditure, Table 2 illustrates that the largest volumes of money were spent in radio and televised advertising (\$102,801 and \$85,906, respectively) with substantial amounts also spent on newspaper advertising, web advertising (i.e. paying for ad placement online) and professional services (e.g. hiring firms to develop automated calling schemes or “robocalls”). Of course, expenses were differentiated by class of contributor with unions and interests pouring in the most money to the more expensive forms of advertising such as television and print.

Table 2. Third Party Expenditures by Advertising Type

	Newspapers	TV	Web	Flyers	Billboards	Professional Services	Radio
Individuals	\$2,111.71		\$479.79		\$2,144.74	\$1,508.80	
Business			\$253.41	\$89.10		\$1,650.00	
Unions	\$43,904.55	\$7,170.23	\$31,468.59	\$23,464.33	\$32,384.40	\$30,372.15	\$81,451.03
Interest	\$21,113.86	\$78,736.31	\$12,827.29	\$3,976.52	\$6,695.31	\$25,589.39	\$21,350.43
Total	\$67,130.12	\$85,906.54	\$45,029.08	\$27,529.95	\$41,224.45	\$59,120.34	\$102,801.46

Yet, this information tells us little about how third parties may have used social media. Because of the no-cost nature of social media, any periphery expenses with its use (e.g. the person-hours that it took to develop and post content) would likely not have been reported. The guidance posted on Elections Canada on the subject, specifically states that messages sent or posted for free on social media platforms such as Twitter and Facebook are not election advertising. Indeed, the only way social media (or any online advertising) could incur a regulated expense is if it has a placement cost, excluding that incurred by the third party to host and update their own website (Elections Canada 2017). Therefore, standard activity on social media such as posting, sharing links, liking or retweeting information is considered no-cost, and therefore, remains unregulated. As noted above, social media presents an tremendously useful opportunity to transmit messages, particularly if the user has a substantial following or can network into a following by

using the right markers (in the case of Twitter, a hashtag or by tweeting at [@] someone). While the information below does not talk about message proliferation (e.g. number of retweets), Table 3 does give us some basic information about the activity of third parties on Twitter.

Table 3. Third Party Activity on Twitter

	Number of Third Parties	Number of Third Parties Registered on Twitter	Mean Number of Tweets
Individuals	9	3 (33%)	87
Business	1	0	0
Unions	28	28 (100%)	173
Interest	67	53 (79%)	176

Looking across class of contributor, we can observe some variation in who participated in the campaign using Twitter. Only three out of the nine individual third party campaigners engaged with the public on Twitter. However, a far greater proportion of special interests (79%) used Twitter to get their message out during the campaign; all 28 unions did as well. In terms of volume of Twitter activity, both unions and interest groups had roughly the same level of average activity, tweeting in the order of 175 times during the campaign (on balance, a little more than twice a day throughout the 78 day campaign). Of these third parties active on Twitter, Table 4 lists the most active. One union (UNIFOR) and four interest groups (Dogwood Initiative, The Vote for Change Campaign, Leadnow Society, Canadians for Safe Technology) were the most prolific in tweeting, ranging from 772 to 1850 tweets.

When we compare these numbers to the other actors competing for message space – namely, political parties and party leaders – we can see that third parties are able to use the social media space to communicate in terms of the same volume of messages. Owing to the minimal barriers to entry, the top five third parties were not drastically out-messaged by better-resourced political parties. Of course, there is a monumental difference in the number of followers that even the most popular third parties have. Avaaz, the most popular third party on Twitter in the 2015 general election garnered only 83,000 followers compared with the current prime minister, Justin Trudeau’s 3.55 million. The significantly greater number of followers for federal political parties and their leaders, in comparison to even the top third parties, suggests that one component Canada’s egalitarian model of electoral finance – political parties as the dominant actors in an election campaign – so far remains unchallenged by the increasing importance of social media.

Table 4. Third Parties', Political Parties' and Party Leaders' Activity on Twitter

	Number of Tweets during Campaign	Followers
Third Parties (Top 5)		
UNIFOR (Union)	1850	13,600**
Dogwood Initiative (Interest Group)	1440	12,600
The Vote for Change Campaign (Interest Group)	1035*	18,200
Leadnow Society (Interest Group)	1035*	18,200
Canadians for Safe Technology (Interest Group)	772	657
Political Parties		
Bloc Quebecois	405	14,000
Conservative Party of Canada	302	116,000
Green Party of Canada	1927	147,000
Liberal Party of Canada	3575	232,000
New Democratic Party	1914	180,000
Party Leaders		
Gilles Duceppe	257	126,000
Stephen Harper	126	1.18M
Elizabeth May	3166	299,000
Thomas Mulcair	1100	276,000
Justin Trudeau	1590	3.55M

*Note: Same umbrella organization.

**After 100,000, Twitter rounds followers to the nearest thousand.

Message Proliferation

Measuring social media message proliferation is often a difficult task. While basic metrics like the number of followers or number of retweets are useful in tracking potential audience exposure, it is often difficult to truly assess how many people have seen and internalized a message, let alone how many were influenced by it. This is not dissimilar to the notable difficulties that come with trying to measure the influence of traditional advertising during an election campaign (Tanguay and Kay 1998). However, when considering the effectiveness of social media, we can look to the third parties themselves to describe their perception of the effectiveness of social media, both in terms of how useful they felt social media to be as a campaign tool and how frequently they used social media (both in general and when compared with other forms of advertising) to get their message across.

In general, the message conveyed by third parties in the survey was that social media was a particularly useful communications tool. Sixteen out of 23 respondents said that social media was a critical component of their strategy with another five stating that it was a useful supplementary tool. Only two of the respondents said that they did not use social media as a part of their advertising strategy. When asked more broadly about their advertising strategies, one respondent said that Facebook was the most important component of their advertising strategy, while another stated that social media in general

was the most influential part of their advertising strategy. Another two respondent commented on the importance on online advertising using tools such as Google ads (which would be considered a placement cost under Election Canada's abovementioned regulation).

Interviews also yielded useful observations about how social media factored into third party advertising. When asked whether these communications tools were especially effective, respondents presented mixed views, generally acknowledging that social media was an essential component of advertising, but that it had its limitations. For example, one interviewee stated that social media had been a part of their approach, but that outreach can be narrow:

It's important to recognize the limitations of clicktivism. You've got to participate in it. It is a way that more people digest information than ever before. But it is an echo chamber. You're talking to your own folks and it will give you a skewed view of what's going on out there. There is a mounting body of evidence, the way to turn a contact into a supporter or a voter is through face to face. Second best way is telephone. Then there is a big drop off after that (Interview 1).

Other third parties acknowledged that social media use was context dependent, with unregulated forms of advertising such as social media and email forming an essential component of their outreach to their own membership, but not used for external outreach. Similarly, another respondent conceded that individuals who are already politically active or interested tend to self-select into social media and that its effects are age-dependent, stating, "with an aging population there are a lot of different platforms. Facebook seems to be working better for many of them. Twitter is a smaller subset. Instagram even smaller" (Interview 2).

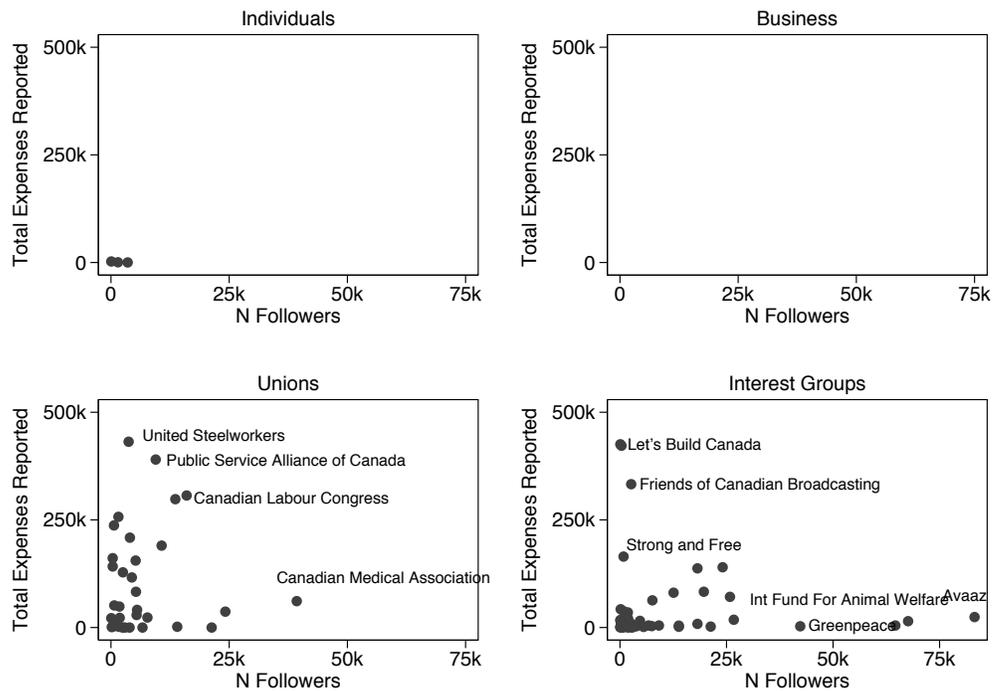
Respondents tended to cite other factors such as the cost-effectiveness of social media and the low barriers to access. Third parties also appeared to be attracted to the immediacy of the medium, as well as the fact that it was largely non-intrusive, with individuals able to seek out information rather than having it foisted on them like an unsolicited automated call or pamphlet that may have the undesired effect of turning people off politics.

One area where we saw little message proliferation was in the interaction between third party social media activity and mainstream media. A targeted search for news articles in the country's two major national newspapers yielded no coverage of third parties that specifically pointed to their social media use. Therefore, any expectations that social media can be used to gain "free advertising" from mainstream media, which would act to further compound the challenges posed by social media to the egalitarian model, have so far gone unrealized.

Perceived Challenges

If social media was found to provide third parties a far reaching audience for their political messaging, there may be reason to believe that it has the power to level the playing field between better and less-resourced third parties, either by equalizing or reinforcing the advantages held by the largest and most well-resourced parties. For example, if a third party that maximizes its spending to the legal limit also demonstrates a level of message proliferation through social media that substantially outpaces other third parties, an argument that the egalitarian model is under strain could be made. The same kind of concern could also be raised if a third party with comparatively modest advertising spending was able to use social media such that its messaging dominated over both the no cost and paid advertising of other third parties. Figure 1 looks at the relationship between total expenditures reported by third parties and their number of followers on Twitter in order to see how this relationship has played out in practice.

Figure 1. Third Party Expenditures and Twitter Followers by Class of Contributor



The top two quadrants of Figure 1 demonstrate the paucity of expenditure and social media data around individuals and businesses that participated as third parties. However, the lower two quadrants reflect some interesting patterns – namely a lack of connection between ability to spend money and followers on Twitter.² For both unions and interest groups, we see evidence of two scenarios. First, we see that the top spenders for both unions and interests groups do not have large followings on social media. This might be less surprising for unions whose Twitter base presumably is largely comprised of their membership (an insular membership as well as a small one), but it is worthwhile to note

² A pairwise correlation is insignificant ($p > .01$).

that this is also true for interest groups. Second, there is some evidence that supports our conjecture that some of the better-resourced parties in terms of online following did not (presumably did not have to) spend large amounts of money to get their message out. Groups such as Avaaz, Greenpeace and the International Fund for Animal Welfare spent very little money (ranging from \$3000 to \$25,000) compared with other organizations of a similar or smaller size, suggesting the possibility that they were able to communicate their message without using paid advertising.

The country's EMB – Elections Canada – also shed some light on the perceived challenges associated with the possibility that third parties with large social media followings may be the recipients of an advantage provided by the lack of regulation around social media. In an interview with the regulator, they acknowledged that the Canada Elections Act governing third party activity uses outmoded language when it comes to any online activity. In fact, the Act was last updated prior to the rise of social media, so it does not even name entities like Facebook or Twitter, let alone regulate their use. While the regulator does acknowledge that the lack of regulation around social media could lead to practical inequalities between third parties or between third parties and political parties, who are far better resourced, they also stated unequivocally that amending the regulations around social media is exclusively within the purview of Parliament. On the other hand, they did acknowledge that the regulator had built a team for the 2015 election to communicate with the public through social media, though the infrastructure to monitor the social media activity of third parties was not yet available.

Discussion: Policy Solutions

This paper began by noting how recent election cycles have illustrated that digital communications technologies, like social media, are transforming election campaigns, and asked whether this no-cost form of political advertising poses a threat to the egalitarian model of political financing in Canada. With the potential to disseminate political messages to thousands, even millions, of voters, social media appears capable of upending the approach to election finance policy used by the egalitarian model, which equates political speech with spending.

To test whether social media are, in fact, undermining the egalitarian model of election financing, this paper analyzed third parties' advertising during the 2015 federal election in Canada. Our preliminary analysis of third party messaging on Twitter can hardly lead to a conclusion that social media poses a significant threat to the egalitarian model. While we can observe that a few interest groups on Twitter with comparatively large followings spent relatively little on traditional advertising, and that some high spending unions that had comparatively few Twitter followers, there was no third party that appeared to leverage Twitter in a manner that challenged the egalitarian model, trading traditional advertising for social media outreach. This is further confirmed by an absence of earned media coverage by third parties through their social media use and the fact that political parties and their leaders had significantly more Twitter followers than even the top third parties.

Although evidence considered here suggests that social media did not present a significant challenge to the egalitarian model, this does not necessarily mean that it will not in the future. That 80 percent of registered third parties had Twitter accounts during the 2015 election suggests that third parties are aware of the importance of social media. This is further confirmed by responses from the third party survey and interviews undertaken for this study. In other words, even though third parties' use of social media has so far not posed a real threat to the egalitarian model in Canada, it is nonetheless worth considering policy solutions given the strong likelihood that social media's use in election campaigns will increase over time, and with this, its potential to pose a challenge to the egalitarian model. Altogether, there are compelling reasons for why we should be proactive in considering how to approach social media. Such a proactive approach to policy is unfortunately not always the norm. As observed by Mozaffar and Schedler, electoral governance paradoxically receives "...serious attention not when it routinely produces good elections but when it occasionally produces bad ones" (Mozaffar and Schedler 2002). Thus, in the interest of electoral integrity, it is to our benefit to consider policy options before a bad election forces our hand.

If the egalitarian model in its most traditional form (where spending is the measure of political speech) is the ultimate objective of policymakers, then a ban on third parties' social media use would arguably be the most straightforward and effective solution. However, such an option can quickly be dismissed for a number of reasons. First is the matter of the constitutionality of such a ban. At least in Canada, spending limits on third party advertising were allowed by the Supreme Court for the very reason that low and no cost advertising (e.g. op-eds and flyers) would be available to third parties in addition to the relatively modest paid advertising allowed under the *CEA, 2000*. By the Court's reasoning in *Harper*, a ban on low cost advertising, like social media, is likely to be considered an unreasonable limitation on freedom of expression and would have little chance of withstanding a constitutional challenge. Further, public perception of such a ban would almost certainly be unfavourable, thus potentially undermining electoral integrity and the political legitimacy of Canada's electoral governance.

At the opposite end of the policy spectrum, if social media was assessed to not pose a threat to the egalitarian model, an argument could be made that it should be left unregulated. In Canada, this would essentially mean endorsing the status quo. However, even if third parties continued to pose little threat to the egalitarian model, there is also the question of whether an unregulated environment strains the appearance of fairness and electoral integrity. Given the near ubiquitous nature of social media and a general understanding amongst the population that some social media messaging can and does receive national circulation, the idea that it should be left untouched when other communication tools like, television, radio, and newspapers are heavily regulated is likely to appear inconsistent to many. By this rationale what matters is not whether third parties use social media to dominate election messaging in practice, but whether, in theory, such domination may be possible. Consequently, an unregulated environment for third party social media also seems inadvisable.

What, then, might be done in Canada to regulate third party social media given that evidence from the most recent election suggests that it does not pose a clear challenge to the egalitarian model? ,particularly when it is also reasonable to anticipate that the use of social media for political messaging during elections is likely to grow over time? At a base minimum, the EBM, Elections Canada, should be given a mandate to track the social media use of registered third parties so that the relative saturation of messaging using these no cost tools can be compared to traditional paid advertising, which already falls under the spending limits of the current election laws. This does not mean that a third party should be required to report every tweet, retweet, or picture posted on Instagram. Rather, if a third party opts to use social media as part of its election strategy, it should report the addresses and handles of these various tools. This type of reporting has the advantage of placing only a small additional administrative burden on third parties, while at the same time allowing the EBM to more easily track social media use, which can then be used to evaluate after each election cycle whether a different approach to the regulation of social media is needed.

While this policy recommendation is a modest first step in this research project, the addition of the UK case, will permit comparative analysis likely to yield additional insights relevant to both countries. Further analysis will also include an evaluation of the content of the social media posts to determine the scope of advertising that is being put forward on Twitter. We suspect that there may be a fair amount of variation in the types of content posted by third parties during election campaigns. Not all of it may be relevant for regulation. For example, it is possible that those third parties that are standing organizations (e.g. interest groups such as Greenpeace or Avaaz or labour unions such as CUPE) may not be using social media for specifically electoral purposes; rather, their social media usage may be the same type of sustained issue coverage that they routinely engage in. Differentiating between levels of electoral activism will be relevant to the broader discussion of regulation.

All signs point toward the continued proliferation of social media both inside and outside of the electoral space. Electoral management bodies have largely avoided this topic because it represents such a departure from the traditional types of advertising or communication that are far more straightforward to regulate. Active regulation in this area will surely come with its detractors and will bring to the surface competing notions of electoral fairness. But the use of social media and digital technologies shows no sign of slowing in political communication. Thus, despite the inevitable challenges that face electoral regulation bodies in these technological advancements, EMBs may find that they are best dealt with incrementally and soon.

Appendix A: Third Parties Name and Twitter Handles

Canadian Third Parties	Twitter Handle
Adbusters Media Foundation	@Adbusters
Animal Justice Canada Legislative Fund	@AnimalJusticeC
AVAAZ	@Avaaz
BC Government and Service Employees Union	@bcgeu
BC Health Coalition	@BCHC
BDS-Québec (Comité de la CJPP)	@bdsquebec
C4ST-Canadians for Safe Technology	@_C4ST
Canadian Federation of Nurses Unions	@CFNU
Canadian Health Coalition	@HealthCoalition
Canadian Labour Congress	@CanadianLabour
Canadian Media Guild (CMG)	@CMGLaGilde
Canadian Medical Association	@CMA_Docs
Canadian Union of Postal Workers (CUPW)	@cupw
Canadian Union of Public Employees (CUPE)	@cupe_media
Canadian Veterans ABC Campaign 2015	@ABCVeterans2015
Coalition of Child Care Advocates of BC	@CCCA_BC
COPE 378	@COPE378 <i>(page no longer exists)</i>
Diane Babcock	@MsDianeBabcock
Dogwood Initiative	@dogwoodbc
Downtown Mission of Windsor Inc.	@downtownmission
Fair Vote Canada	@FairVoteCanada
Fédération des travailleurs et travailleuses du Québec (FTQ)	@FTQnouvelles
Friends of Canadian Broadcasting	@friendscb
Front d'action populaire en réaménagement urbain (FRAPRU)	@FRAPRU
Glasswaters Foundation	<i>Nothing found</i>
Greenpeace Canada	@GreenpeaceCA
IATSE	@IATSECANADA
International Longshore & Warehouse Union Canada	@ILWU_Canada <i>(inactive)</i>
Languages Canada	@LangCanada
Leadnow Society	@leadnowca
Les Sans-Chemise	@Sanschemise
National Citizens Coalition Inc.	@NCC_14 <i>(no tweets in date range)</i>
NORML Canada Inc.	@NORMLCanada
Nova Scotia Citizens' Healthcare Network	@NSHealthNetwork
Ontario Public Service Employees Union (OPSEU)	@OPSEU
Open Media	@OpenMedia_ca <i>(no tweets in date range)</i>

Public Service Alliance of Canada	@psacnat
Registered Nurses' Association of Ontario (RNAO)	@RNAO
The Council of Canadians	@CouncilofCDNs
The Professional Institute of the Public Service of Canada	@PIPSC_IPFPC
The Vote for Change Campaign	<i>Nothing found</i>
Toronto350.org	@Toronto350
UNIFOR	@UniforTheUnion
United Steelworkers	@SteelworkersCA
Voters Against Harper	@votersvsharper (<i>inactive</i>)

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