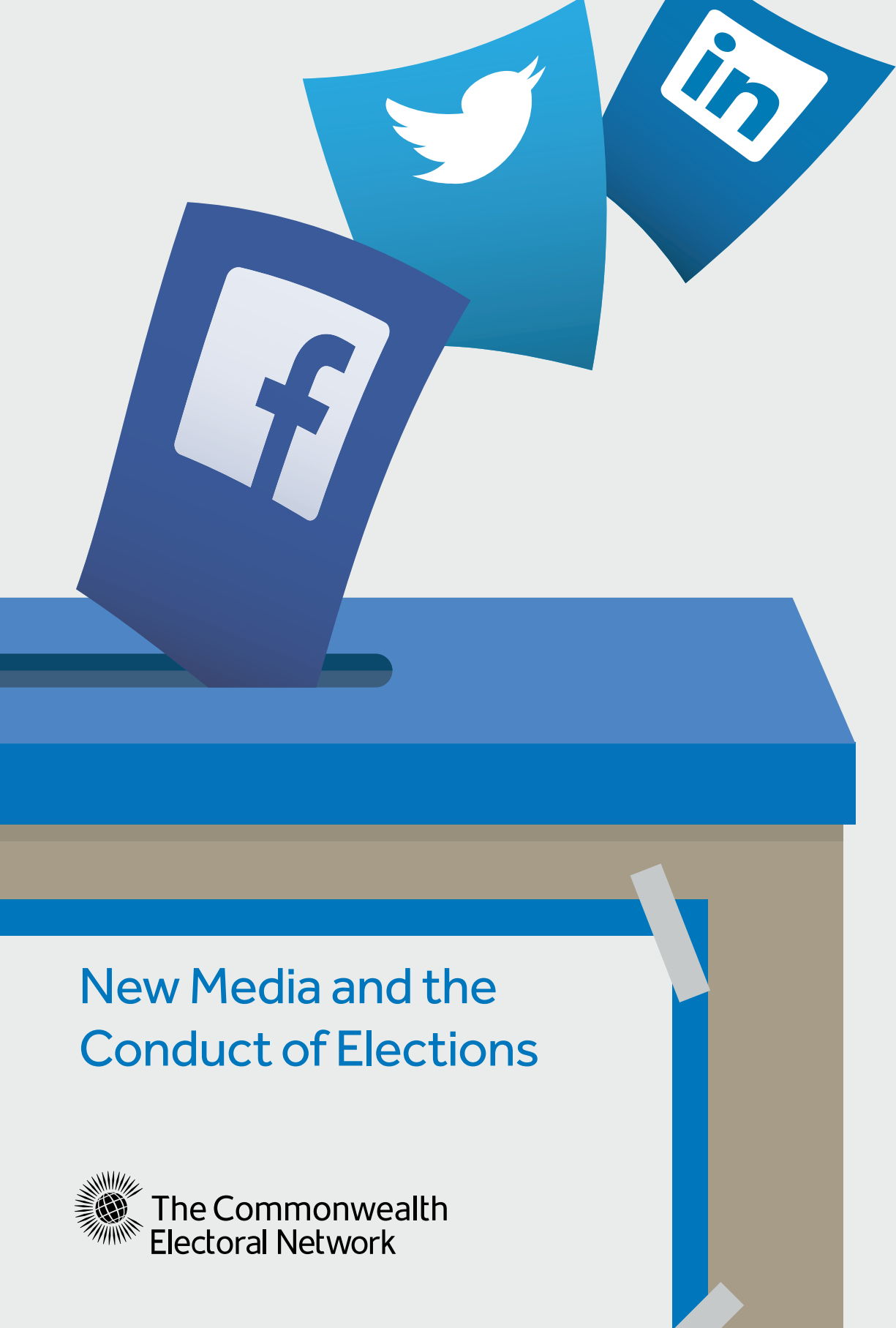




New Media and the Conduct of Elections



The Commonwealth
Electoral Network

GUIDES ON GOOD ELECTORAL PRACTICES

New Media and the Conduct of Elections



The Commonwealth

Commonwealth Secretariat
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1. Key Principles for the Use of New Media in Elections

The emergence and rapid adoption of new media has radically changed the way in which information is created, shared and consumed. This can help citizens to hold candidates and representatives to account, and to engage in political debate in a way that was not possible through traditional media. However, new media also brings risks, such as its potential use as a platform for the dissemination of false or misleading information.

The rise of new media presents both opportunities and challenges for an election management body (EMB). Benefits can be seen in the ability to utilise the 'network effect' of social media sites to reach a wider and more diverse portion of the electorate with accurate and timely electoral information or education campaigns. The interactive nature of new media also provides opportunities for greater engagement with electoral stakeholders—and such responsiveness can build trust and engender greater confidence in the wider electoral process.

Alongside these opportunities, however, are challenges. The real-time nature of new media imposes added pressure on issue management, particularly during election days, and legal frameworks may not be adequate to address issues arising from the inappropriate use of new media. Further challenges exist in relation to individuals using new media to post negative and abusive messages, or to spread misinformation. Similarly, the ease of sharing information via new media platforms also creates reputational risks for an EMB should a member of its staff post political or inappropriate messages, or leak information online.

The importance of developing a new media strategy that is dynamic and flexible, allowing it to adapt to rapid changes in this field, is vital. The adoption and development of new media is revolutionising the way in which people communicate. As the popularity of new media technology continues to increase, EMBs working in cultures in which it is already becoming more prevalent must take action to explore the best way of engaging in this way—or risk being unable to reach large segments of their audiences. At the same time, however, reliance by many in a society (notably, older voters) on ‘old media’, such as radio, television and newspapers, means that an EMB must have an integrated approach embracing all forms of media if it is to ensure inclusivity and effective outreach.

Effectively embracing the technology with which its citizens are already engaging will enhance the opportunities for EMBs to connect with, and build trust among, the electorate, and will ultimately strengthen the conduct of elections.

The key principles for use of new media can be summarised as:

- Accessible
- Appropriate use
- Capacity
- Consultative
- Engaged
- Informative
- Partnership
- Responsive

2. Background: New Media and Elections

Use of the media has always played an integral role in the electoral cycle. With the emergence of new media,¹ the means by which information is created, communicated, shared and consumed has changed radically and continues to evolve.

At its best, new media embodies the spirit of democracy, and contributes to good and open governance. Widespread access to new media can provide the possibility of more participatory citizenship, increasing avenues for inclusion and empowerment. The real-time, interactive nature of new media enables citizens to hold candidates and representatives to account, and to engage in political debate in a way that was not possible by means of traditional media. This level of interaction with candidates and their campaigns provides unprecedented opportunities for real-time dialogue and interactions among multiple actors.

Through social networking sites and interactive online forums, voters have access to an almost endless number of potential opinion-makers. These sources extend beyond the online presence of traditional media outlets and official organisations, offering access to a diverse range of 'unfiltered' views. As with traditional media, new media can play a vital watchdog role, enabling citizens to monitor electoral fraud and serving as a public educator. However, it is not without its challenges and can also serve as a platform for the dissemination of false or misleading information, and the spread of hate speech and defamatory commentary, and it lacks the gatekeeping processes and expertise of traditional media.

1 New media can be defined as relating to 'Information and Communications Technology (ICT)-enabled platforms that provide real time, interactive engagement between two or more stakeholders': <Report of the Working Group Meeting on the Impact of New Media on Elections, 2-3 December 2015, pg. 6>.

New media is having a profound impact on the work of EMBs. Among other things, it enables instantaneous feedback, enhances media and public relations strategies, provides greater breadth of coverage for messaging, helps in the rapid management of media issues, increases the diversity of voices contributing to debate and provides new engagement channels for public enquiries.

As the prevalence of new media increases, official bodies and institutions are increasingly expected to have an active online presence, and to provide information to the public through various outlets and platforms. This applies to EMBs just as it does to other bodies, and EMBs have a responsibility to respond in a serious, committed and meaningful way. As citizens continue to demand and expect the real-time, interactive access to information that characterises new media, EMBs that do not respond in kind risk facing criticism that could potentially undermine their credibility in the eyes of key stakeholders.

Direct communication with the electorate has long been recognised as essential to the work of an EMB. The use of new media—particularly social media channels—increases the opportunities to reach a wider audience, supplementing traditional means such as television and radio.² New media can help EMBs to increase transparency and accessibility, as well as public confidence, by enhancing their ability to disseminate impartial, accurate and timely information, and to respond promptly to queries and requests on both formal and more informal platforms. Many EMBs are starting to use new media as part of their information, outreach and communication strategies, including websites, Facebook pages, SMS (text) messaging, smartphone apps, Twitter feeds and webcasts.

A good, voter-focused website should be the 'single source of truth', to support social media accounts. The reach of social media messages can be amplified when people who receive the message directly from the EMB share it with their own connections. This may

2 By January 2015, some 3 billion of the world's 7 billion people had access to the internet, while around 3.5 billion had access to a mobile phone.



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allow the EMB to convey information to specific social groups that it may not have been able to access effectively in the past. Many EMBs already employ this strategy in building relationships with key community or faith-based organisations, for example.

The more election stakeholders understand the role and functions of an EMB, the greater their perception of its integrity and effectiveness. Voter education strategies can benefit from the inclusion of new media platforms and tools alongside more traditional methods, and can be used to try to address the decline in turnout that is apparent in many countries, particularly among young voters. Strategies to increase turnout among the young include reaching out by using their language, in their own spaces of interaction. Other advantages of the use of new media include cost savings compared with the use of traditional media.

Alongside these opportunities, the rapid emergence and adoption of new media can present challenges for an EMB. Of particular note is the added pressure that the real-time, interactive nature of

new media places on issues management on election days. New media platforms can instantly transmit issues, such as incidents at the polling station or allegations of such incidents, and can raise expectations of a rapid response. On the positive side, however, being made immediately aware of such an issue can allow an EMB to address it more quickly than might otherwise have been the case.

The lack of clarity or applicability to new media in existing law also creates challenges. For example, while it was once widespread for there to be limitations on speculative reporting on election results or of the outcome of exit polls before voting had closed, the electorate's use of social media has made this legal stipulation difficult to enforce. Likewise, enforcement of periods of campaign silence becomes difficult when campaign messaging is broadcast anonymously or from outside the country. In short, social media still lacks the accountability mechanisms at the national level that are found among traditional media sources, which have a legal identity. Many EMBs have also reported that monitoring campaign financing in an era of social media involves new challenges.

While there may be a tendency to seek to regulate a way out of this 'problem', countries should remember that this is likely to prove difficult—and that regulation may even result in the restriction of certain legitimate freedoms. Attempting to regulate freedom of expression, for example, can often prove counter-productive, so there is good reason for caution in this regard. Moreover, as they seek to address these challenges, countries should bear in mind that it is unlikely that legislative change will be able to keep pace with the dynamic evolution of the new media environment.

3. Good Practices

Given the rapid expansion and impact of new media on communications in general, and those surrounding elections in particular, it is vital that EMBs fully embrace and take advantage of this new means of communication. It is recommended that EMBs develop a clear, comprehensive and dynamic strategy for informing, engaging with and educating the electorate by means of new media.

Developing and implementing a new media strategy enables EMBs to be forward-thinking and proactive, setting the stage for discussion and knowledge-sharing, rather than simply reacting to discussions already taking place. Implementation of a strategy is particularly important in contexts in which an EMB faces challenges such as lack of trust or political pressure.

3.1 Developing a strategy for new media

- New media relies on a certain level of technological infrastructure and it is important that an EMB determine whether, in fact, there is public demand for communications using new media before it devises a new media strategy. Even in a country in which penetration of digital technology is relatively high, people in rural areas may be unable to access the bandwidth—and therefore the online access—enjoyed by those in more urban areas. Further, even where an EMB has assessed that there is indeed merit in developing a new media strategy, it is recommended that the plan include an alternative in the event that there is a failure of technology.
- An EMB should spend significant time at the outset discussing and deciding what it wants to achieve by developing a new media strategy. It is important to document the goals that it will seek to achieve, as well as to determine performance indicators with which to assess the strategy's success.
- In developing a new media strategy, an EMB should consult widely with a variety of stakeholders—including government departments, political parties, media outlets, civil society

*Capacity
Consultative
Engaged
Responsive*

organisations and voters—to gather their views about the potential elements for consideration and inclusion in a new media strategy. It is particularly important to consult with experts in new media technology at an early stage. It is also recommended that EMBs reach out to those EMB counterparts that have already developed and implemented an effective new media strategy, both to learn lessons for best practice and to help them to avoid potential pitfalls.³

3.2 Understanding new media platforms

Accessible
Capacity
Consultative
Engaged
Informative
Partnership
Responsive

- Before devising a new media strategy, it is important that an EMB understand the pros and cons of potential media platforms. Among issues that should be considered are the services offered, the level of market penetration among different demographics, the degree of formality or informality adopted by users of the platform and the capacity for 'moderating' comments before they become public. Of particular importance is the need to understand the degree of control exercised by third-party vendors of potential new media platforms, for example whether the vendor has the right to unilaterally revoke the EMB's use of the platform, and what would be the procedure in the event of a dispute between the vendor and the EMB. Further, in the event that an EMB's presence on a social media site is 'hacked', how quickly will the vendor be able to return ownership, to minimise reputational damage?
- All EMBs should carefully consider the risks that accompany the use of new media and devise strategies to mitigate or manage those risks. Standard risk management practices, such as development of contingency plans, are equally as important in the context of new media as they are in other areas of election management.

3 CEN members have access to an online networking platform that may assist in this regard.


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3.3 Dedicating staff resources

- The interactive nature of social media means that a successful channel may result in substantial numbers of questions and comments that require consideration and, potentially, a response. Failure to listen and respond in a timely manner to communication via social media can result in reputational damage, the effect of which may potentially be worse than if the EMB had no social media presence at all. The inclusion of new media within existing staff responsibilities will also have implications and will need to be balanced against other demands. Depending on the extent of the strategy employed, adequate staff resources must be identified, with adequate time and resources invested in training and capacity-building, on an ongoing basis, to take account of the ever-evolving new media environment.
- It is important to note that an EMB's senior management will be unable to delegate all social media responsibility to more junior staff, because certain messages and responses

*Capacity
Consultative
Engaged
Responsive*

will require oversight and legal guidance. Further, in a small EMB, senior staff members may find that they must assume all responsibility for communications themselves, which will require a careful strategy to reflect key priorities so that vital staff time is not lost.

3.4 Determining types of information for dissemination

Accessible
Capacity
Consultative
Partnership
Responsive

- It is at the strategy development stage that an EMB should reflect on the type of information it wishes to communicate through new media. For example, will it use new media as a separate channel to send messages that are mirrored in traditional media—or will it use new media to communicate information that is not available through any other means, for example real-time updates of key electoral developments? Will messages to media outlets be issued through the same channel(s) as voter information—or should different new media tools be used for different audiences? An EMB may also wish to consider the most effective way in which to get a given message across, perhaps using a mix of institutional and personal voices.

3.5 Linkages with other institutional strategies and policies

Accessible
Informative
Partnership
Responsive

- It is important that a new media strategy links to, and is embedded within, wider communication and outreach strategies. Consistency and integration is essential to avoid any confusion that may arise as a result of contradictory strategies and messages. A new media strategy should enhance and complement areas such as civic education and outreach mechanisms such as public meetings, websites, articles, news releases and publications.

3.6 Developing strategies for use in conflict and post-conflict contexts

- For countries that may be prone to election-related conflict and violence, it is recommended that the new media strategy address this contingency. Thought should be given to how new media should be used in the event of conflict—to the tone of messages and the frequency of posts. The possibility that rumours or hate speech may be spread can be acute in fragile environments, and an EMB may need to be overtly proactive in issuing timely messages responding to rumours and the deliberate spreading of misinformation. New media may be used to call for peace during an electoral process, and social media may allow the sharing of links to individuals and organisations seeking peaceful resolutions.

Appropriate use
Engaged
Partnership
Responsive

3.7 Codes of conduct

- Guidelines, or codes of conduct, should be developed alongside the new media strategy to ensure that it is interpreted and applied in a consistent way by all stakeholders. For example, EMBs may wish to prepare codes of conduct for staff administering new media platforms, for polling officials, for electoral stakeholders and for EMB staff using personal accounts. Senior EMB members will need to monitor and manage all such usage carefully.
- Staff who are administering new media platforms on behalf of the organisation will benefit from clear guidelines that cover matters such as the type of content that can be posted, the platforms to be used, the appropriate tone of language, the frequency of new posts, the EMB's position on sharing or re-tweeting social media messages, triggers that may warrant escalation of response to a more senior decision-maker and policy guidance on decisions regarding the moderation or deletion of offensive messages.

Appropriate use
Consultative
Engaged
Responsive

- Electoral stakeholders who may benefit from clear codes of conduct include journalists, bloggers, government agencies and political commentators. Areas to be addressed will include truthful posting and publishing, accuracy and accountability, hate speech, language, disclosure and independence. In some countries, umbrella legislation may already exist outlining how civil servants should behave.
- Staff and polling officials should be warned not to publish election material on their personal new media platforms, because this could be considered to be official information. Agreement to codes of conduct could be included within the terms and conditions of employment for staff and polling officials.

3.8 Understanding the target audience

Accessible
Appropriate use
Consultative
Engaged
Informative
Partnership

- As is the case when implementing traditional communication strategies, it is important when implementing a new media strategy that an EMB develop a good understanding of its target audience, so that it can determine the best ways of reaching and engaging with it. For example, in seeking ways in which to engage young people and to encourage them 'get out and vote', campaign messaging that is light in tone and engaging, yet still relevant and informative, may be useful. If the primary target audience is the general electorate, discussions need not go into great detail regarding electoral law, for example; practical information about how to register, vote and lodge a complaint will be far more relevant and useful. For political parties or candidates, however, discussions and posts regarding electoral laws and regulations affecting candidate registration and political finance, or laws concerning behaviour on or before polling day, would indeed be appropriate.
- In using technology, an EMB should seek to ensure equality and inclusivity in the electoral process. This can include investing in interactive websites or apps that have audio responses for the purposes of reaching out to the visually impaired. Information

should also be gender-aware, ensuring that messaging is appropriately inclusive of women. In countries in which there are multiple languages in common use, then this too needs to be taken into account.

3.9 Security of information

- Security of information is an important consideration when using online platforms and it is essential that steps are taken to enhance the security of information provided. Such steps include ensuring that profiles have passwords and that there are only a limited number of administrators with access to those passwords. It is essential that EMBs should not only be aware of possible new threats to their systems, but also should stay up to date with ways of avoiding hacking, phishing and spam attacks.

*Appropriate use
Responsive*

3.10 Lessons-learned reviews

- An important aspect of implementing a new media strategy is ensuring that time is regularly allocated to review and reflect on its performance, to identify lessons learned and improvements or other adjustments that might be made. This is particularly important in light of the speed with which the new media environment is changing.

*Appropriate use
Consultative
Responsive*

4. Commonwealth and Other International Instruments for Democratic Elections

The following Commonwealth and other international instruments⁴ for democratic elections provide the framework of principles, rights and obligations for a credible election, with special reference to the role and use of media in an election.

4.1 Commonwealth Charter (2012)

Principle I, Democracy:

We recognise the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live. Governments, political parties and civil society are responsible for upholding and promoting democratic culture and practices and are accountable to the public in this regard ...

[...]

Principle II, Human Rights:

We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies. We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively.

⁴ There are also various regional commitments and instruments relevant to Commonwealth members, such as the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, and the Copenhagen Commitments of the Organization for Security and Co-operation in Europe (OSCE), among many others. However, such regional instruments invariably reflect the obligations reflected in international instruments and so, for brevity only, the key provisions are reproduced in this pamphlet.



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We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.

Principle V, Freedom of Expression:

We are committed to peaceful, open dialogue and the free flow of information, including through a free and responsible media, and to enhancing democratic traditions and strengthening democratic processes.

Principle XII, Gender Equality:

We recognise that gender equality and women's empowerment are essential components of human development and basic human rights

...

Principle XVI, The Role of Civil Society:

We recognise the important role that civil society plays in our communities and countries as partners in promoting and supporting Commonwealth values and principles, including the freedom of association and peaceful assembly, and in achieving development goals.

4.2 United Nations Declaration of Human Rights (1948)

Article 19:

Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.

Article 21:

1. *Everyone has the right to take part in the government of his [sic] country, directly or through freely chosen representatives.*
2. *Everyone has the right of equal access to public service in his [sic] country.*
3. *The will of the people shall be the basis of the authority of government; this will shall [sic] be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or equivalent free voting procedures.*

4.3 International Covenant on Civil and Political Rights (1966)

Article 25:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a. *To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- b. *To vote and to be elected at genuine period elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*

[...]

4.4 UN Committee on Human Rights, General Comment 25 (1996)

This General Comment on Article 25 of the International Covenant on Civil and Political Rights ('The right to participate in public affairs, voting rights and the right of equal access to public service') includes the following paragraphs.

8. *Citizens also take part in the conduct of public affairs by exerting influence through public debate and dialogue with their representatives or through their capacity to organize themselves. This participation is supported by ensuring freedom of expression, assembly and association.*
11. *States must take effective measures to ensure that all persons entitled to vote are able to exercise that right ... Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.*
12. *Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected ...*

In an addendum to the General Comment, the following paragraph appears.

25. *In order to ensure the full enjoyment of rights protected by article 25, the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion. It requires the full enjoyment and respect for the rights guaranteed in articles 19, 21 and 22 of the Covenant, including freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas'.*



5. The Commonwealth Electoral Network

Reflecting the Commonwealth's commitment to the inalienable right of individuals to participate by means of free and democratic political processes in shaping the society in which they live, the Commonwealth Electoral Network (CEN) aims to ensure that elections within the 53 member countries of the Commonwealth community are fair, credible and transparent, by helping election management bodies (EMBs) to share, and to implement, best practices. The conduct of credible elections is critical, as the Global Commission on Elections, Democracy and Security has emphasised:

When the electorate believes that elections have been free and fair, they can be a powerful catalyst for better governance, greater security and human development. But in the absence of credible elections, citizens have no recourse to peaceful political change. The risk of conflict increases while corruption, intimidation, and fraud go unchecked, rotting the entire political system slowly from within.⁵

The CEN was set up in 2010 to establish a 'gold standard' in election management in Commonwealth member countries. The CEN promotes good practice in managing elections, facilitates peer-to-peer exchanges of experience and knowledge, and fosters a community of Commonwealth EMBs.

The Commonwealth Heads of Government recognised and endorsed the value of the CEN when they stated, in the 2009 Trinidad and Tobago Affirmation of Commonwealth Values and Principles:

[W]e endorse the proposed Commonwealth Network of National Election Management Bodies, which would facilitate experience sharing and serve to create support mechanisms, promote good practices and

5 Global Commission on Elections, Democracy and Security, 2012, Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide, Stockholm: IDEA, p. 3.

*facilitate opportunities for peer support across the Commonwealth, thus enhancing member countries' capacity to hold credible elections which enjoy the confidence of the people.*⁶

Under the auspices of the CEN, EMBs from across the Commonwealth gather at biennial conferences to discuss and identify best practices, to address common challenges and to further enhance peer relations.

As well as biennial conferences, the CEN has established working groups on a broad range of electoral matters, with the aim of enhancing exposure to best practices and sharing innovative techniques. Working groups have been held on vote counting and tabulation processes, voter education, campaign finance, new media,⁷ the independence of EMBs, managing the power of incumbency and voter registration, among other issues. The CEN working group programme provides a structured avenue for peer-to-peer experience-sharing. Working group meetings draw together subject-matter experts from a geographically representative cross-section of CEN members for in-depth discussions on specific issues. The aim of these meetings is to identify guiding principles and good practices on issues of relevance to all CEN members.

A Commonwealth Junior Election Professionals (JEP) initiative is training young electoral professionals. Regional workshops have been held in Africa, Asia, the Pacific and the Caribbean. In the long run, this direct assistance stands to benefit not only junior officials, but also other permanent employees, as well as temporary election officials brought in to work at polling stations and other facilities ahead of election days. It does so by means of the sharing of best practices among all electoral commission employees.

6 Commonwealth Heads of Government, 2009, Trinidad and Tobago Affirmation of Commonwealth Values and Principles, available online at <http://thecommonwealth.org/history-of-the-commonwealth/trinidad-and-tobago-affirmation-commonwealth-values-and-principles> [accessed 4 August 2016], para. 11.

7 The CEN Working Group on New Media was held in Suva, Fiji, in December 2015.

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