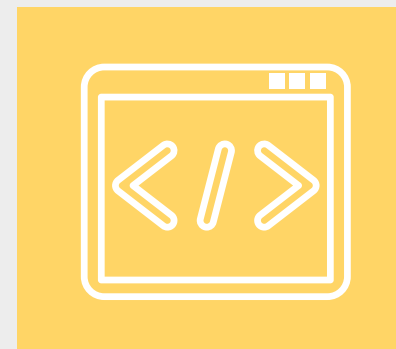
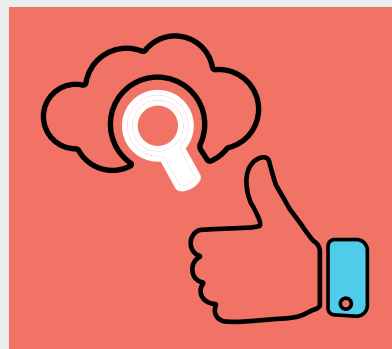


# Enhancing the Role and Use of **SOCIAL MEDIA** in Electoral Processes

*Prepared by Achieng' Osogo*





# Table of Contents

Acknowledgment	3		
Abbreviations	4		
Executive summary	5		
Recommendations for iebc	5		
Recommendations for civil society organizations	5		
Recommendations for social media platforms	5		
Introduction	6		
Background and history of social media	6		
Significance of social media	6		
Social media as a communications and advocacy tool in the electoral cycle	7		
Enhancing citizen participation; information sharing and feedback mechanisms	7		
Role of social media in shaping conversations and influencing the electoral process	7		
Legal framework	8		
Highlights on the proposed kenya information and communications (amendment) bill 2019	8		
Social media and the electoral cycle	9		
Pre - election period	9		
Election period	11		
Post-election period	11		
Social media as an advocacy tool	12		
Effectiveness in the use of social media in the electoral process- story of nigeria	12		
Lessons from the business fraternity	13		
		What could be borrowed to enhance the effectiveness of social media in the electoral process?	13
		Provisions of the existing policy frameworks on social media and the electoral processes in kenya	14
		1. Penal code	14
		2. Computer misuse and cyber crimes act	14
		3. Guidelines on prevention of dissemination of undesirable bulk and premium rate political messages and political social media content via electronic communication networks	14
		Fake news and electoral process	15
		Policy options and recommendations	16
		Recommendations for iebc	16
		Managing communication in the era of fake news to mitigate its impact	16
		Meetings with internet companies	16
		Recommendations for civil society organizations	17
		Recommendations for political parties and candidates	17
		Recommendations for social media platforms	17
		Conclusion	18
		Annexes	19
		Annex one: an overview of selected social media platforms	19
		References	21



## ACKNOWLEDGMENT

The Election's Observation Group (ELOG) deeply appreciates the financial support offered by the Federal Government of Germany towards the realization and completion of this policy brief.

We would also like to sincerely thank Achieng Osogo, who was contracted to compile and develop this policy brief for a commendable job done. We further appreciate and acknowledge the support of Hilda Mulandi in reviewing this brief.

Lastly, we thank and acknowledge the support and oversight received from ELOG's Steering Committee and the Secretariat led by the National Coordinator, Mulle Musau and the Senior Programs Officer, Marcus Ageng'a in ensuring the publication of this brief.

*Regina Opondo*  
Chairperson, ELOG Steering Committee



## ABBREVIATIONS

<b>AEC</b>	Australian Electoral Commission
<b>CA</b>	Communications Authority of Kenya
<b>CSOs</b>	Civil Society Organisations
<b>EMB</b>	Elections Management Body
<b>IDEA</b>	Institute for Democracy and Electoral Assistance
<b>IEBC</b>	Independent Electoral and Boundaries Commission
<b>INEC</b>	Independent National Electoral Commission
<b>KBC</b>	Kenya Broadcasting Corporation
<b>MNO</b>	Mobile Network Operators
<b>MVNO</b>	Mobile Virtual Network Operators
<b>UGC</b>	User-Generated Content
<b>USIU</b>	United States International University





## INTRODUCTION

Merriam Webster defines social media as forms of electronic communication through which users create online communities to share information, ideas, personal messages and other content (such as videos). Social media platforms allow for two-way interactions through user-generated content (UGC) and communication. Therefore, social media is not media that originates only from one source or broadcast from a static website. Examples of popular social media platforms in Kenya include; WhatsApp, Facebook, Twitter, Instagram, LinkedIn, Telegram, Snapchat, Tiktok and YouTube.

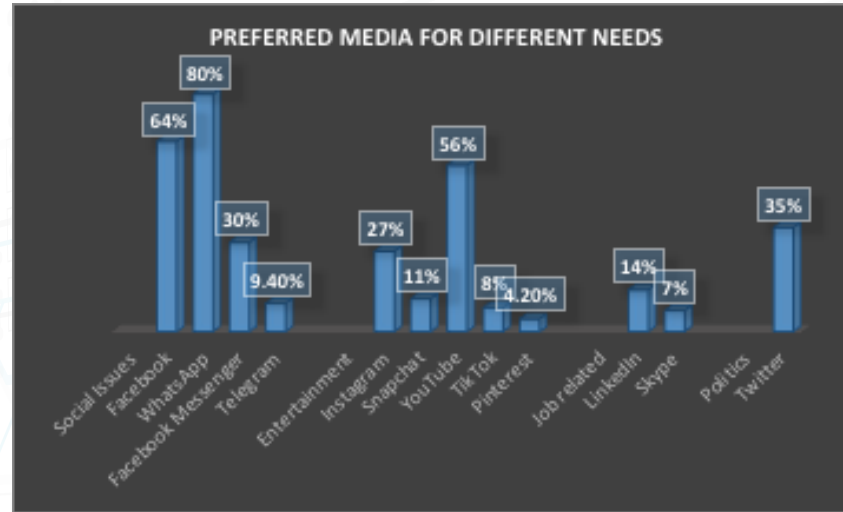
## Background and history of Social Media

Social media is relatively young. The world's first social networking site, Geocities, was born in 1994. Facebook, YouTube and Twitter followed in 2004, 2005 and 2006 respectively. WhatsApp came in much later in 2009.

In just slightly over ten years, 8.8 million Kenyans have

become active on social media, spending close to 3 hours a day on it, as indicated in the table below, with the most used platforms identified as WhatsApp (74%), Facebook (70%) and Twitter (50%), based on users claimed activity.

While most Kenyans used social media to stay in touch with friends and family, a survey by USIU Africa found that



Source: <https://www.businessdailyafrica.com/corporate/tech/Facebook-apps-rule-Kenya-s-social-media-scene--survey/4258474-5590018-3pwgtd/index.html>



Source: <https://belvadigital.com/kenya-vs-the-world-where-does-kenya-rank-in-the-digital-world/>

other primary reasons people used social media were to access news, politics and entertainment. The consumption patterns were further broken down to show the preferred media for different needs. Facebook, WhatsApp, Facebook Messenger and Telegram were mostly used for social issues, while Instagram, Snapchat, YouTube, Tiktok and Pinterest were frequently used for entertainment. LinkedIn and Skype were mostly used for job-related issues, while Twitter was generally used for politics.

## Significance of social media

As is the case with traditional media, social media also informs, educates, entertains and acts as a watchdog to protect public interest against malpractice.

While according to a USIU study, males in Kenya were reported to be more active on social media platforms than females, there was an increase in female internet penetration. Social media became an active source of influence and education for the female voters who constituted close to half of the potential voters, which was not a percentage to be ignored. Female voters were targeted directly to encourage more participation in the electoral process and politics as a whole.

Social media also provided one-on-one platforms for candidates to participate in a dialogue process with citizens, further providing citizens with an opportunity to shape, inform, and influence the electoral processes.

Apart from women, youth utilized social media to access information. As indicated in the 2019 Social Media Consumption in Kenya report, most Kenyans aged between 21-35 years spent an average of three hours per day on social media. This was the highest duration of time spent on the internet in Kenya compared to previous years. With proper packaging of conversations, the youth too were engaged meaningfully in shaping the electoral reform agenda as well as the electoral process in general. Everyone who had access to the internet became a 'journalist,' which promoted transparency as different sides to a story was told. These same stories would later





The media acts as a watchdog checking government actions. Media sets the agenda for public discussion on various issues and provides a forum for political expression. It also facilitates community building by finding common causes, identifying civic groups, and formulating solutions to societal problems.

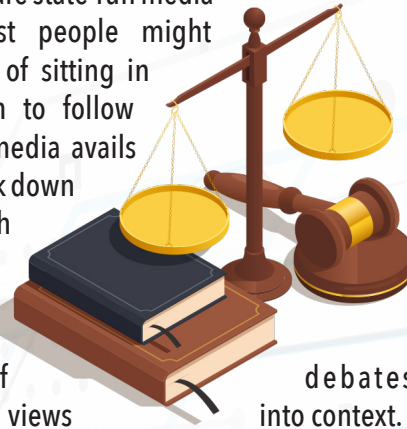
Social media has the potential to satisfy these textbook functions. It provides unprecedented access to information and can reach even disinterested audience members through personalized, peer-to-peer channels, like Facebook. As the citizenry joins forces with the established press to perform the watchdog role, public officials are subject to greater scrutiny. Issues and events outside the purview of mainstream journalists are brought into prominence by ordinary citizens. New media could foster community building that transcended physical boundaries through their extensive networking capabilities. Social media explicitly sought to directly engage the public in political and electoral activities, such as voting, contacting public officials, volunteering in their communities, and participating in protest movements.

Social media influences other media, with TV/ Newspapers picking up news from Twitter. Traditional media channels such as television/print leverage social media conversations and discussions to share real-time news and

views around political parties.

## Legal Framework

Parliamentary sessions are streamed live on both Bunge TV and KBC TV, which are state-run media entities. While most people might not have the luxury of sitting in front of a television to follow proceedings, social media avails opportunities to break down proceedings through mechanisms like hashtags. Citizens are able to not only share highlights of debates but also to put their views into context.



Experts get an opportunity to walk citizens through the pros and cons of proposed changes in legislation, boundaries, or electoral systems, often breaking it down in languages understood by citizens.

While there was a strong emphasis on public participation in all decision making processes in Kenya, the place of social media in public participation is not clear, despite its ability to reach numbers that often lack in public participation forums. Nonetheless, social media pressure has previously yielded positive results, hence the need to be intentional about participation in debates. There is also a need to review legal frameworks to incorporate social media in the electoral process, particularly on Election Day, until the release of results.

## HIGHLIGHTS ON THE PROPOSED KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL 2019

The Kenya Information and Communication (Amendment) Bill, 2019, proposes a mandatory requirement for bloggers to obtain licenses from the Communications Authority of Kenya (CA). The definition of blogging under the Bill includes collecting, writing, editing, and presenting news or news articles on social media platforms. This definition is wide enough to capture ordinary users of social media platforms such as YouTube, Facebook and Twitter.

Apart from bloggers, the Bill also introduces the requirement for a social media license to be obtained with respect to a social media platform accessible in Kenya by the social media platform operator. Social media platform operators whose platforms are available in Kenya will also be required to have a physical office in Kenya.

In an effort to address fake news, the Bill places a number of obligations on users of social media; it requires them to ensure that their content is, among other things, accurate, unbiased and that it does not intimidate a recipient of the content. This has serious implications on the nature of campaigns whereby candidates engage in communication to persuade voters. The content shared is not always accurate and is biased in the candidates' favour. While sometimes the intention is to intimidate opponents, it is not always possible to tell whether the content will unnerve recipients. Campaigns would almost be impossible in such an environment. While seeking to address fake news as a growing concern, defining what constitutes 'false' is problematic, giving fertile grounds for individuals in power to use and misuse it to arrest,



intimidate and threaten social media users. In addition to the above, the Bill requires an administrator of a group on a social media platform (WhatsApp group administrator) to, among other requirements, approve members of the group and the content being published.

For those found to be in contravention of the law, the Bill places a penalty of a fine not exceeding Sh200,000 or imprisonment for a year and a further Sh500,000 or two-year jail term for posting what the Bill terms as 'degrading' or 'intimidating' content online .

### Social media and the electoral cycle

The electoral cycle is a cycle that illustrates the phases during an election and the period between elections that covers the actions that should be taken by a wide array of

actors throughout these phases .

With all its blessings, social media has some inherent ambiguities. Some of the challenges include the sheer volume of social data streams, which generate substantial 'noise' and filtering relevant information becomes troublesome . For example, in the legal framework, different people will interpret the proposed legislation differently. Frequently, all these versions end up shared on the most popular platform, WhatsApp, This results in confusion for a layperson, rather than educating them. While social media gives freedom of expression, freedom is misused, over-indulged, or abused due to the impersonal nature of social media communication. It is a double-edged sword that can build and destroy. There is not clear differentiation between harmful content (which must be prohibited) and objectionable content (which is not prohibited) .

Social media tends to dismiss serious issues by bringing humor, jest, and mockery to certain issues of local or national importance. For example, during the National Presidential Debates that preceded the March 2013 general elections, most Kenyans took to Twitter to make fun of the presidential candidates before and even during the debate. Such a serious debate was turned into who could crack the biggest joke that could shoot down a presidential candidate's credibility and character. Instead of enhancing the debate, social media turned into a forum for defacing, politicizing, criticizing, mockery, character assassination and

ridiculing issues that required serious discussions. People ended up missing opportunities for serious engagement.

### Pre - Election Period

In this period, various processes related to elections are featured and observed in the years leading up to an electoral year. These include processes like boundary delimitation, reforming the electoral legal framework, population census, candidate nomination, voter registration, voter information, voter education and civic education and so forth.

### Code of Conduct

With the understanding that codes of conduct seek to regulate political competition and cooperation on the basis of the rule of law and universally accepted best practices, democracies are incorporating regulations on the use of social media in their codes of conduct, as they acknowledge the role that social media plays in political competition. In India, for example, social media platforms agreed to follow a voluntary code of ethics," as directed by the Election Commission of India (ECI) in all future elections .

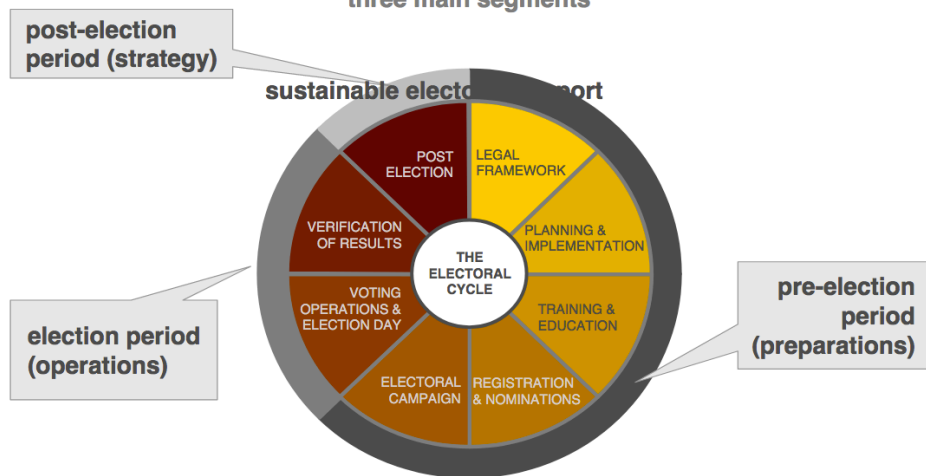


### Planning and Implementation

Social media allows candidates to broadcast their 'controlled" speeches without interruption, hence increasing the visibility of their key messages delivered

## electoral cycle

three main segments

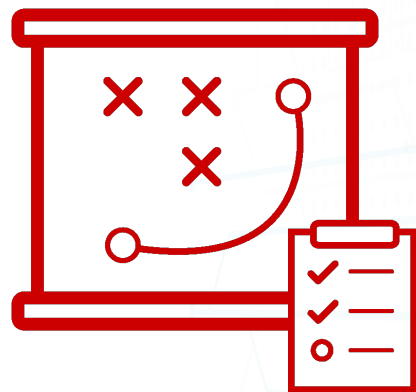


Source: <https://www.idea.int/sites/default/files/speeches/GEO-presentation-on-post-election-issues.pdf>

to a target group . It simplifies the mobilization of voters during the campaign period. It gives them the platform to advance and amplify their opinion and further discuss some issues of public interest.

It also promotes transparency since voters interrogate information and give direct feedback to the originators of the information. In cases of misinformation, channels outside vote counting offer an opportunity to correct misinformation. In May of this year, IEBC uploaded the 2017 General Election Data Report and posted the Twitter link. Unfortunately, the data contained numerous irregularities such as candidates 'party information

as well as reporting wrong information regarding the winners. The information trended that weekend, but because of the backlash from Kenyans, IEBC pulled down the report. IEBC has been criticized for the most people



faulty results, with agreeing that the data put into question the electoral institution's credibility. The immense pressure on social media pushed the Commission into pulling it down from their social media platforms. It corrected the same before re-uploading it to their platforms again with the correct data.

Social media provides a good opportunity for citizens to understand and demystify the procurement process for

elections. The budgetary allocation for IEBC in the run-up to an election would be better understood, with 'public participation' before the IEBC commits citizen's resources. This would be a great positive step towards building confidence in IEBC. It would promote transparency in the processes such as procurement procedures, tender applicants and tender winners, short training videos for polling station staff and existing election workers (on for example procedures, new technologies, legal framework among others).

## Training and Education

### Civic Education and Voter Information

Training and education were incorporated. short videos (myth busters, which were shared in the form of advertisements)with key information were developed to improve information sharing.

IEBC carried out the process, but to improve reach, civil society, political parties as well as citizens themselves developed short clips and shared the same on different platforms.



Political parties and independent candidates shared links to all their party social media platforms. In contrast, IEBC shared their press releases and links to their press conferences on their social media platforms.

## Voter Registration

IEBC used social media to explain the voter registration process and time frames. They did so by sharing links on their official social media pages but also had myth-buster ads that were popping up on various social media platforms. These ads offered information on where people could register, during voter registration and how they could confirm the same. However, the actual confirmation of details was done through text messaging at a cost and through IEBC's website.

Online verification through social media would ensure most voters confirm their details, especially if citizens do not have to pay like is the case with text message confirmation. With the introduction of official WhatsApp numbers for businesses like banks to address customer queries, the same platform could verify voters' details.

## Electoral Campaign

Different stakeholders employ social media to mobilize citizens during campaigns, sell ideologies, and encourage voting. Candidates declare their candidature online and share their campaign journeys with voters through different social media platforms. The sharing takes different forms, including engaging in debates with voters, sharing video clips and photos of memorable moments on the campaign trail.

Uganda, however has taken it a notch higher, with the declaration of 'scientific elections' by the Uganda Electoral Commission. According to the Electoral Commission, electoral processes such as the nomination of candidates and campaigns would be "scientific" as the coronavirus pandemic's destabilizing effects continue. Aspirants at all

levels will only be able to conduct campaigns electronically via television, radio and social media since open-air public rallies have been currently banned. Concerns about the reach of media being limited to urban centres only were addressed by Uganda's ICT and National Guidance minister who stated that Uganda was one of the most connected countries in Africa. She mentioned that about 90% of the country's population had access to radio and 70% have access to television. It remains unclear how the rural voters will be reached during campaigns and whether they will make informed decisions during voting. Were it available throughout the country, social media would have offered voters and candidates an ideal alternative to engage. However, with limited access, particularly in rural areas, fears of foul play remain justified.

## Election period

Once the polls open, social media's role transcends into a new phase during the campaign period. However, in practice, social media is not bound by the censorship placed on political campaign reporting, opinion poll reporting, direct access broadcasts, or advertisements - or all of these factors that may influence the vote as it progresses. If anything, social media cashes in on the censorship placed on mainstream media.

Commonly, an EMB will hold several press conferences on Voting Day, at the opening of polls as well as at the close of polls or on a need basis. These usually are all covered by mainstream media. However, mainstream media do not have the capacity to cover all polling stations giving real-time updates, yet social media does. However, the quality of reporting here would be dependent on the quality of civic and voter education received so that a citizen reporter can uphold the secrecy of the ballot while balancing it with

the watchdog role of the media.

## Voting operations

### Voting

With coverage in more than half of the country's polling stations, social media could report polling station timeliness, voter turnout, and irregularities if they should arise. The challenge that social media faces is that its controls are minimal. Being an election, propaganda is highly likely, especially if the contest is too stiff. Therefore, misinformation could be spread easily, tarnishing the sanctity of polling stations and ballots and thus influencing voters' decisions. The challenge then becomes how to manage social media's impact, given that the benefits are equally weighty.

With the diaspora now voting, social media would be ideal in covering Election Day activities in all polling stations because unlike in Kenya, all diaspora stations have stable internet coverage.

### Vote Counting

Everything about an election boils down to the counting of the votes and the declaration of results. IEBC was therefore, intentional about giving regular updates both on mainstream and social media. A statement from IEBC's chair during one of his briefings on a 48% voter turnout statistic attracted backlash on social media. It prompted the Commission to expound on how they had arrived at the 48% figure. This was the case throughout the vote count, with citizens engaging IEBC on social media. They posted verified results on their platforms as well.

Fortunately, IEBC was responsive all through, on both mainstream and social media platforms. IEBC also shared links to any public information uploaded on their website.

## Post-Election Period

The post-election period is a time for evaluation, capacity-building, planning and consultation. Various electoral actors including the IEBC and CSOs, conduct a



Source: <https://youtu.be/8XNuev6gcwg> 1

performance assessment of the coverage of elections, documented lessons learnt and planned adjustments for future elections, cognizant of the dynamic nature of social media

This is when electoral reform issues are assessed and reported based on how they affect the political system and the impact the reforms could have on citizens' lives.

Social media is used to gather data, where questionnaires are developed and shared through different platforms. However, the more popular approach is one whereby a different question or concern is addressed every day and

people vote on different opinions. Comments are usually allowed under the comments section of the platform. A lot of times, exchanges emerge over the different points raised, which provides understanding in a deeper context, the different concerns as perceived by people. Reports are also shared through the different platforms for wider reach.

## SOCIAL MEDIA AS AN ADVOCACY TOOL

Social media platforms are engagement and amplification tools that expand the ability to reach broader audiences. A Facebook post can mobilize one's social network to take action. Using just a smartphone, an advocate can engage with thousands of strangers over live video. The advantages of using social media include: low (or no) hard costs for set-up; potentially wide reach; quick/instantaneous sharing of messages; and new opportunities to listen, engage, and monitor your progress

“  
Advocacy is all about building trust, respect & education- *Mark Riso*”  
”

The first and most immediate benefit of using social media for advocacy is awareness. Hashtag campaigns, for example, help spread awareness. Awareness is not enough, of course. Even if people know that your advocacy

exists, they might not understand what it is. Social media is an excellent tool for education. All of this will remain lip-service, however, if it does not inspire action. Any advocacy or movement's goal is to get people to do something about the cause, either by supporting the organization through donations or participating in events, or doing something in the community. Here, calls to action are significant.

Young persons' political activism safeguarded the integrity of the 2016 election in The Gambia. They began using the hashtag #GambiaHasDecided when former president Yahya Jammeh refused to vacate his office and hand over power after suffering electoral defeat. In addition to spreading the word over Facebook, Twitter and Instagram, the anti-Jammeh campaign also encouraged citizens to wear T-shirts bearing the slogan.

In 2017, Kenyans on Twitter adopted #ElectionsKE and #KenyaDecides as the supported "official" hashtags for the 2017 elections, together with the Kenyan flag emoji assigned by Twitter, to talk about the elections and how they wanted the elections done. The hashtags allowed for simplified aggregation of dynamic election news. Twitter played a critical role in organizing protests in North Africa during the 2011 Arab Spring, a collective resistance against abusive governments. Activists in countries like Egypt and Syria used microblogging sites to disseminate information about their activities and gather more people. Citizens also used social media to raise awareness about government abuse.

While social media is a powerful tool for advocacy, it can also work against the cause by simplifying the advocacy to a hashtag. It defeats the purpose of educating people because the focus is not on the cause itself but on the

campaign activity.

HuffPost sought to understand how social media was being used for advocacy. They found that only 53% of organisations sampled had someone responsible for managing social media platforms; 47% did not. As the sophistication of social media increases, we can expect this number to increase. Without someone specifically responsible for this advocacy tool, organizations will be unable to maximize its impact.

Remember that social media is a conversation, not a monologue. Focus on creative and engaging ways that are personal, visual, conversational and persistent without being repetitive or tiresome.

## EFFECTIVENESS IN THE USE OF SOCIAL MEDIA IN THE ELECTORAL PROCESS- STORY OF NIGERIA

Social media sites such as Facebook, YouTube, Twitter, and blogs were massively deployed in the 2015 Nigerian General elections due to its participatory and creative nature. It turned into an utter and exceptional platform for political campaign organizers doing electioneering crusades and other ideological trumpeting exercises, as well as political contribution and mobilization among others.

From the campaigns, through voting, to the collation of results and the subsequent proclamation of winners by the Independent National Electoral Commission (INEC), social media was a formidable force in keeping the



masses informed. This suggests a strong relationship between political activities and social media. In particular, the civil society noted that social media was employed as an arsenal to effectively broadcast information during the 2015 general elections in Nigeria.

Hashtags, such as *#NigeriaDecides*, *#Nigeria2015*, *#iPledgeToVote*, *#MyPVCnow*, *#GoVote* and *#VoteNoFight* were promoted by civil society groups to increase citizens' involvement in the election process.



During the voting process, it was discovered that pictures and videos circulated on Facebook and WhatsApp accounts showing

party agents who were arrested bribing voters with money and other concessions. Another issue that arose was underage voting in some states prompting immediate action by INEC. Similarly, during the collation of results, citizen journalists and civil society used social media to inform the public about the results in several states across the country. This proposes that social media could be viewed as a watchdog and a reportage route to Nigeria's political processes.

The release of the results via social media increased political participation as most people had firsthand results before the final release. These results were transmitted from social media blogs and were also recirculated via social networking sites and applications. Consequently, the process added value to the Nigerian political culture and facilitated other issues that might have resulted from

the electoral operation. It is broadly believed that the 2015 election was decided, dominated and directed by social media because social media played a central role as a watchdog. As votes were still being counted at the polling units, the outcomes were immediately reported on various social media platforms within minutes once announced officially, the results were the same. Similarly, social media was utilized in the 2015 elections to encourage people to vote, collate and preserve the election results, which prevented election manipulation.

### Lessons from the business fraternity

The business fraternity makes use of influencers to market their products. In business, influencers are those who affect sales but are removed from the actual purchase decision. Their reputation makes them trustworthy and is similar to what we would call testimonial marketing.

This establishment of the trust is furthered by the way influencers are becoming upfront with their sponsorship deals and has made Kenyans more trusting of influencers as a whole. Finding the right influencer is important, as you want them to be relevant and relatable to your target demographic. Influencers not only advertise for companies, but they are also often popular because they post original content.

### What could be borrowed to enhance the effectiveness of social media in the electoral process?

Notice and takedown has become the most common method for removing harmful content posted on the internet. Similar mechanisms have been developed

to deal with harmful content distributed via mobile telephones. It is seen as the least intrusive option for dealing with content perceived to be harmful online. It works on the basis of self-regulation at the internet service provider and mobile telephone operator levels. Once the service provider is notified of harmful content, either directly or by the self-regulatory body acting as a result of a public complaint, it decides whether to remove that content. While this is an efficient system for identifying

## POINTS TO PONDER:

1. What are the risks of social media for communications during elections and are there ways to harness these tools for improved electoral reporting?
2. Can social media business models be re-engineered to reduce the ramping up of emotions, and avoid filter-bubbles and disinformation, which can be factors in elections becoming engines of conflict rather than peace?

and removing content, service providers acting in an administrative or indeed judicial role and legitimate forms of speech may be excluded in this process without the appropriate levels of protection.

Other measures such as flagging inappropriate material online to highlight content and tools such as user disapproval functions, can also help users moderate their

content without affecting freedom of speech .

Legislation passed in April 2019, following the mosque attacks in Christchurch, New Zealand, requires social media companies to remove abhorrent violent material expeditiously. The relevant offenses in the law are applicable to individuals and companies responsible for hosting online content.

Twitter and Facebook released policies regarding Australian political advertising on the two social media platforms. Facebook stated that it would ban electoral ads from outside Australia, starting the day after the federal election announcement. It also partnered with a fact-checking provider, Agence France-Presse, with stories rated as false being lowered in the News Feed. Twitter required political campaigning advertisers to apply for certification from the company, meet certain profile requirements, and comply with applicable Australian laws. It also prohibited the purchase of advertising slots using foreign payment methods.

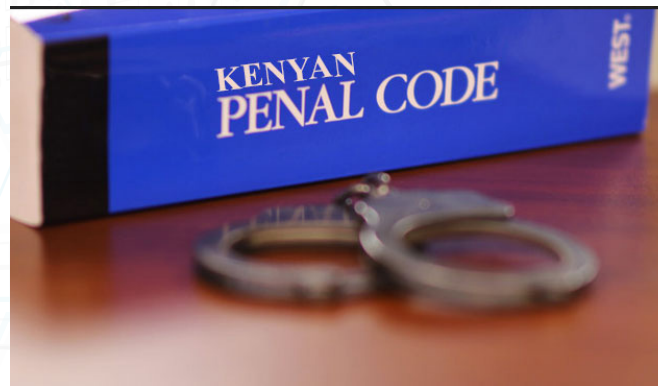
During the 2019 election campaign, the Labor Party engaged with Facebook over the appearance of false stories on the platform regarding a purported *“death tax”* policy. Following the election, the party sought a formal report from the company regarding its steps to combat the spread of this misinformation campaign .



## PROVISIONS OF THE EXISTING POLICY FRAMEWORKS ON SOCIAL MEDIA AND THE ELECTORAL PROCESSES IN KENYA

### 1. Penal Code

The Penal Code criminalizes what it calls *“alarming publications.”* It states that *“any person who publishes any false statement, rumour or report which is likely to cause fear and alarm to the public or to disturb the public peace is guilty of a misdemeanor.”* A person found to have committed this offense is, on conviction, subject



to a custodial sentence not exceeding two years and/or a fine. The Code further states that *“it shall be a defense to a charge under [the “alarming publications” clause] if the accused proves that, prior to publication, he took such measures to verify the accuracy of the statement, rumour or report as to lead him reasonably to believe that it was true.”*

### 2. Computer Misuse and Cyber Crimes Act

In May 2018, President Uhuru Kenyatta signed into law the Computer Misuse and Cyber Crimes Act. This law includes a provision criminalizing *“false publication,”* which states as follows:



(1) A person who intentionally publishes false, misleading or fictitious data or misinforms with intent that the data shall be considered or acted upon as authentic, with or without any financial gain, commits an offence and shall, on conviction, be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding two years, or to both.

### 3. Guidelines on Prevention of Dissemination of Undesirable Bulk and Premium Rate Political Messages and Political Social Media Content via Electronic Communication Networks

In July 2017, the Communications Authority of Kenya, in collaboration with the National Cohesion and Integration Commission, issued the Guidelines on Prevention of



Dissemination of Undesirable Bulk and Premium Rate Political Messages and Political Social Media Content via Electronic Communication Networks.

## FAKE NEWS AND ELECTORAL PROCESS

The Guidelines include a section on political and social media guidelines. The *“accuracy and accountability”* clause in the section states that *“it shall be the responsibility of the political content author to authenticate, validate the source and truthfulness of their content prior to publishing to limit information that might spread rumors, mislead or cannot be supported by facts.”*

The *“truthful posting and publishing”* clause states that, *“political content authors shall at all times maintain honesty and accuracy in their publications and shall be responsible for all their content as published.”*

The Guidelines also impose certain responsibilities on social media platform administrators and social media service providers. The Guidelines state that *“it shall be the responsibility of the Administrator of a social media platform to moderate and control undesirable content and discussions that have been brought to their attention on their platform.”* The Guidelines further state that *“social media service providers shall be required to pull down accounts used in disseminating undesirable political content on their platform that have brought to their attention within 24 hours.”*

The Guidelines also state that anyone *“who knowingly spreads undesirable political content via social media networks shall be penalized according to the National Cohesion and Integration Act, Penal Code and other relevant laws.”*



Fake news is news articles that are intentionally and verifiably false and are designed to manipulate people's perceptions of reality. Purveyors of fake news range from individuals to groups, or even organizations

Fake news thrives because of low digital and media literacy levels, so individuals cannot discern credible information from fake news.

There are efforts to legislate Fake News laws through the Kenya Information and Communication (Amendment) Bill, 2019.

In Kenya, Cambridge Analytica ran campaigns in secret during Kenya's 2013 and 2017 elections. The company used data gathered from Facebook users via a third-party app to influence votes. The data gathered enabled the crafting of a campaign “based on the electorate's real

needs (jobs) and fears (tribal violence)). They developed online campaigns portraying “Raila Odinga as a blood-thirsty individual who was sympathetic to Al-Shabaab and with no development agenda,” whilst portraying the incumbent President Kenyatta as *“tough on terrorism, and being good for the economy.”*

At that time, Kenya had no data protection laws; there were no legal restrictions on sharing or selling personal data, including sensitive personal data such as ethnicity.

We have entered the corporate elections era, where polls are not arguably the pinnacle of democratic participation but are instead another business, subject to the vagaries of domestic and international interference, and purely for profit. The future of elections is at stake, and this is just one part of the emerging picture. Politicians now believe they can win elections if they have better, more refined and accurate electorate data. The voter is intimidated, unknowingly, using fake news and almost left with no choice.

With the rampant manipulation of personal data tilting the scales towards wealthy political parties or actors who can control outcomes through collusion between media and politicians, or the buying of influence over public opinion in mysterious and complicated ways, it is clear that a fair and legitimate election process and its outcome are increasingly elusive, and democracy is at risk. Legislation alone would not sufficiently address the challenges raised by the likes of Cambridge Analytica.

IEBC sought to leverage new media to interrupt

misinformation and fake news about the Kenyan general elections and developed innovative distribution models that served the electoral Commission, segments of the public and other organizations searching for factual information. They used myth-buster ads to quell emerging and potential rumors as well as misinformation circulating on social media. Additionally, they used real-time feedback from the “Get Out the Vote” activation campaign. The aim was to state facts and dispel myths to enhance the legitimacy of the electoral process and the IEBC in order to improve the likelihood that voters would cast valid votes peacefully .

Fake news is a significant problem in politics, media (both new and traditional), national security and it affects individual views of the world and ensuing discussions with other people. It relies on social media and heavily impacts daily conversations with friends and colleagues. Fake news is a growing concern and its effect on society is important.

## MANAGING COMMUNICATION IN THE ERA OF FAKE NEWS TO MITIGATE ITS IMPACT

### Meetings with Internet Companies

Fake news has become a significant headache for governments, civil society and the private industry. As the spread of deliberately misleading and false information has become more prevalent, lawmakers have threatened to step in to legislate against the problem . The challenge with legislating against fake news is that it could very easily stifle free speech.

Different governments have used different approaches to address the challenge posed by fake news. The

Australian Electoral Commission (AEC) worked with Facebook and Twitter to establish processes to remove content that violated election laws. Facebook announced it would prohibit foreign political advertising targeting Australians. Twitter implemented new rules related to labelling and proof of location. The AEC also launched a campaign to encourage voters to consider the source of online information .



## POLICY OPTIONS AND RECOMMENDATIONS

### Recommendations for IEBC

IEBC should focus on proactive communication strategies to counter disinformation objectives effectively, not to counter individual narratives, given the likely volume. They should comprehensively state the correct positions, which could also involve setting up hotlines - including on social media - to manage public inquiries. In addition, such measures should be staffed and publicized appropriately.

Fake news can go viral quickly and damaging narratives may require an informed and expeditious response from election authorities. IEBC should thus focus on crisis communication planning, even before scheduled election dates are known.

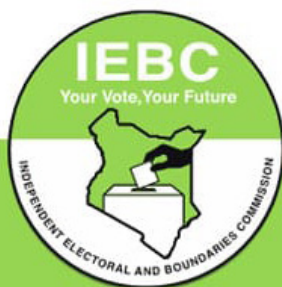
In appreciating that the nature of information consumed on social media is brief and simple to understand, it would be essential to develop popular digests. Topics of interest could include the budget, election-related reports or audited reports for release on the Commission’s social media platforms to benefit citizens, thus promoting transparency in the processes.

Online seminars for political party finance regulations and reporting procedures could be conducted towards ensuring compliance. The costs would be reduced significantly. Since finance is technical and as a country, we are yet to achieve the desired level of reporting on campaign financing, there would be a need for regular webinars and a virtual help desk for continued support. Streamlining of campaign finance reporting would promote accountability by parties and candidates to



citizens.

It is imperative to share links of political party platforms and upcoming candidate debates information. There would be a need to factor in the hearing and visually impaired citizens, for everyone to walk in the same direction, at the same pace.



specifically detail the use of social media throughout the cycle, primarily because of the challenges presented by hate speech and fake news.

Everything about an election boils down to the counting of the votes and the declaration of results. IEBC should develop guidelines and ground rules to accommodate social media to allow its users to have the public participating in the count, even by watching the live streams. IEBC's official pages should remain up to date to provide a reliable source for verification in the event that there are differences in reports regarding experiences or results.

The results of evaluations conducted by IEBC should be posted on social media and popular versions of the same developed for consumption by the general public. IEBC should be intentional about discussing the evaluation report to engage citizens throughout the electoral cycle.

### Recommendations for Civil Society Organizations

In this environment, CSOs should increase their monitoring functions to enhance transparency, accountability and inclusion. As online campaigning increases in importance, CSOs are laden with raising public awareness and bringing to attention the abuse of state resources, discrimination, disinformation and hate speech .



CSOs should develop short video clips with information on the different electioneering process stages and run them as ads on social media or mainstream platforms. Clips developed in different languages, targeting different audiences, with popular faces known to locals, would better impact. In developing these messages, it would be important to consider visually and hearing-impaired persons.

CSOs should consolidate efforts to ensure voter education is devolved to the polling centre level through developing strategies to champion for the same and ensuring that reporting of successes and malpractices is equally done at the polling centre level, with each centre covered.

### Recommendations for Political Parties and Candidates

Independently or in compliance with local laws, regulations and codes of conduct, political parties and candidates should commit to running campaigns free of hate speech and fake news.

Online surveys would play a significant role because they would have a broad reach. Candidates or political parties that feel they lost unfairly will normally have interesting insights on perceived loopholes and how they could be addressed. This feedback would go a long way in improving the electoral system in the country.

### Recommendations for Social Media Platforms

Social media platforms should ensure that election interference and hate speech that violates their community standards are prioritized for reporting and effective action.

Financial reports and analysis of previous electoral processes are public documents that should be made available on social media towards building confidence in the EMB. In appreciating that the nature of the information consumed on social media is brief and simple to understand, it would be important to develop popular versions of 'heavy' documents like the budget or audited report for citizens to consume.

During recruitment, IEBC and her partners in election management need to be intentional about developing expertise to manage social media platforms to exploit its potential throughout the electoral cycle fully.

Codes of conduct of various stakeholders—political parties, media, election management bodies, EMB staff, political parties and candidates as well as other stakeholders should

Platforms should continuously integrate diverse feedback into how election interference and hate speech violations are defined in their community standards and guidelines, including feedback on protecting the post-electoral period's integrity.

## CONCLUSION

Social media can be strategically important during election campaigns. Due to the increasing number of users and existing settings for distributing information on social media platforms, their influence on voting results is substantial. Without any doubt, online campaigns tend to gradually replace the classic ones, however, without causing their complete disappearance .

Social media remains preferred as it allows more freedom, with very few (if any) regulatory controls. The content of online campaign messaging remains a material issue of concern, absent regulations or standard settings.

Bodies monitoring elections and regulators should concern themselves more with issues such as message targeting, redlining and the undermining of deliberation.

Social media is far more complex , with a myriad of actors and content. On social media, some private or anonymous accounts/sites/users that carry political content may have a broad reach, but it may not be easy to identify them. Therefore, relevant national authorities may consider monitoring online political advertising and campaigning in the overall electoral campaign context and establish more specific quotas, limits and reporting categories for online electoral spending. In order for monitoring

authorities to move towards these goals, cooperation with civil society and information exchange should be increased, and acceptable practices for monitoring social media developed and implemented.

A comprehensive, objective review of the legal framework's ability to ensure a fair, clean and transparent electoral process should be conducted.



## ANNEXES

### Annex One: An overview of selected social media platforms

#### Facebook

Facebook launched in 2004 and it has become the world's leading social media networking site with over one billion users to date. Individuals or organizations can create a Facebook profile open to all users or limit access to their page

to selected 'friends' only or chosen members of a 'closed group.' Facebook requires that actual identities be used, though there are many examples of pages created under pseudonyms. The platform hosts 'chat' functions

where friends can chat privately (via typed real-time messages) online. Users can download hard copies of their data or profile in the form of a full transcript of their activity on the platform. In addition, smartphone platforms have been created to allow Facebook applications or 'apps' to access a user's profile, making Facebook easily accessible through any smartphone. Users also can create Facebook-specific apps with basic tutorials on how to do so offered by Facebook. Facebook is known for being simple to use, for its high number of current users, and the ability to send information through networks quickly. Should a follower 'like' you on Facebook, all source updates will automatically be posted onto the follower's news feed, where information is collected and posted. Followers may share posts within their network, comment directly on a

post, or engage in discussions with the source or other followers.

#### Twitter

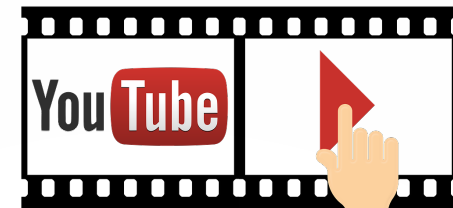
Twitter created in 2006, is a micro-blogging platform where people can post messages, or 'tweets' that are at most 280 characters long (up from the initial 140 characters). In 2013, Twitter reported having 200 million monthly active users, with 500 million tweets being generated daily (USSEC Twitter). While unregistered users can follow tweets, only registered users (who may remain anonymous) can generate tweets. Messages may be shared with followers and 're-tweeted' (re-posted from others' accounts). If a topic is popular and shared frequently, it is considered to be 'trending.' Hashtags (#) are used to follow a conversation. Twitter allows for short messages to be disseminated to a broad audience in a short time. But Twitter does not offer a service for downloading or backing-up accounts, so the use of a third-party platform is required to back-up or archive.



#### YouTube

YouTube was created in February 2005. It is a video hosting site where users can upload, view and share videos. In order to upload a video, a user must register. However, non-registered users can view all videos posted. Links to YouTube can be made from other social media platforms. YouTube is accessed through special apps on some smartphones and

shows trending videos on its homepage. It is difficult to estimate the number of users on YouTube as users are not required to register. Still, it is widely known as the most popular video-sharing platform currently available. YouTube hosts an 'insight' tool which allows registered clients to access aggregated information such as the number of views a video has had, the video's popularity, how people are linking to or finding the video, general demographics of age range, gender and location of viewers, and 'hot spots' within the video that attract or repel viewers. YouTube enjoys the largest viewership of all online video-hosting platforms.



#### Mobile messaging

Sending information via SMS or text message is becoming increasingly popular in areas where internet connectivity is low. While SMS does not allow for the same level of interaction as other social media platforms, it can be useful to spread important information in low internet connectivity areas. Social media is accessible on mobile phones now – for example, 78% of Facebook's active monthly users access the network solely from mobile devices.



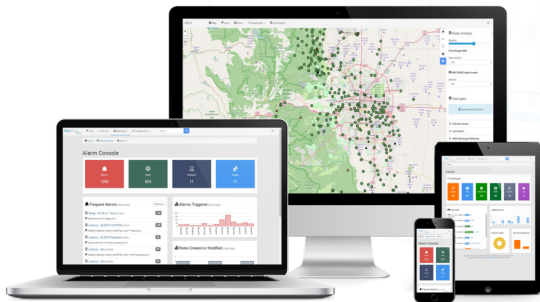
Leading networks such as Facebook, Twitter, and LinkedIn use SMS in some of the following ways;

1. **User authentication:** When a user signs in, a one-time PIN (OTP) is sent to a registered mobile number to complete the login process.
2. **Updates on the go:** SMS services allow users to make updates when they do not have internet or own a smartphone, whether it is a status update, profile change, posting photos etc. Both Facebook and Twitter use this SMS service.
3. **Content sharing:** social networks like MySpace use SMS to update its members on new content that has been shared.
4. **Driving traffic:** entails asking users to follow you via SMS by including a link on messages. This way, users can also receive updates via social media instead of SMS.

programmes include the ability to :

- a. send and receive information to a centralized inbox which manages all platforms,
- b. publish information to all platforms via a centralized tool,
- c. create lists of targeted audiences,
- d. analyze statistics across users' platforms,
- e. monitor discussions through the use of keywords, and
- f. provide reports on the use of social media.

## Social media monitoring software



A variety of software programmes (Tweetdeck, Meltwater Buzz, Sprout, and HootSuite) have been developed in order to help individuals and organizations manage posts, track users and monitor discussions taking place on social media platforms and more widely. Basic features of these





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