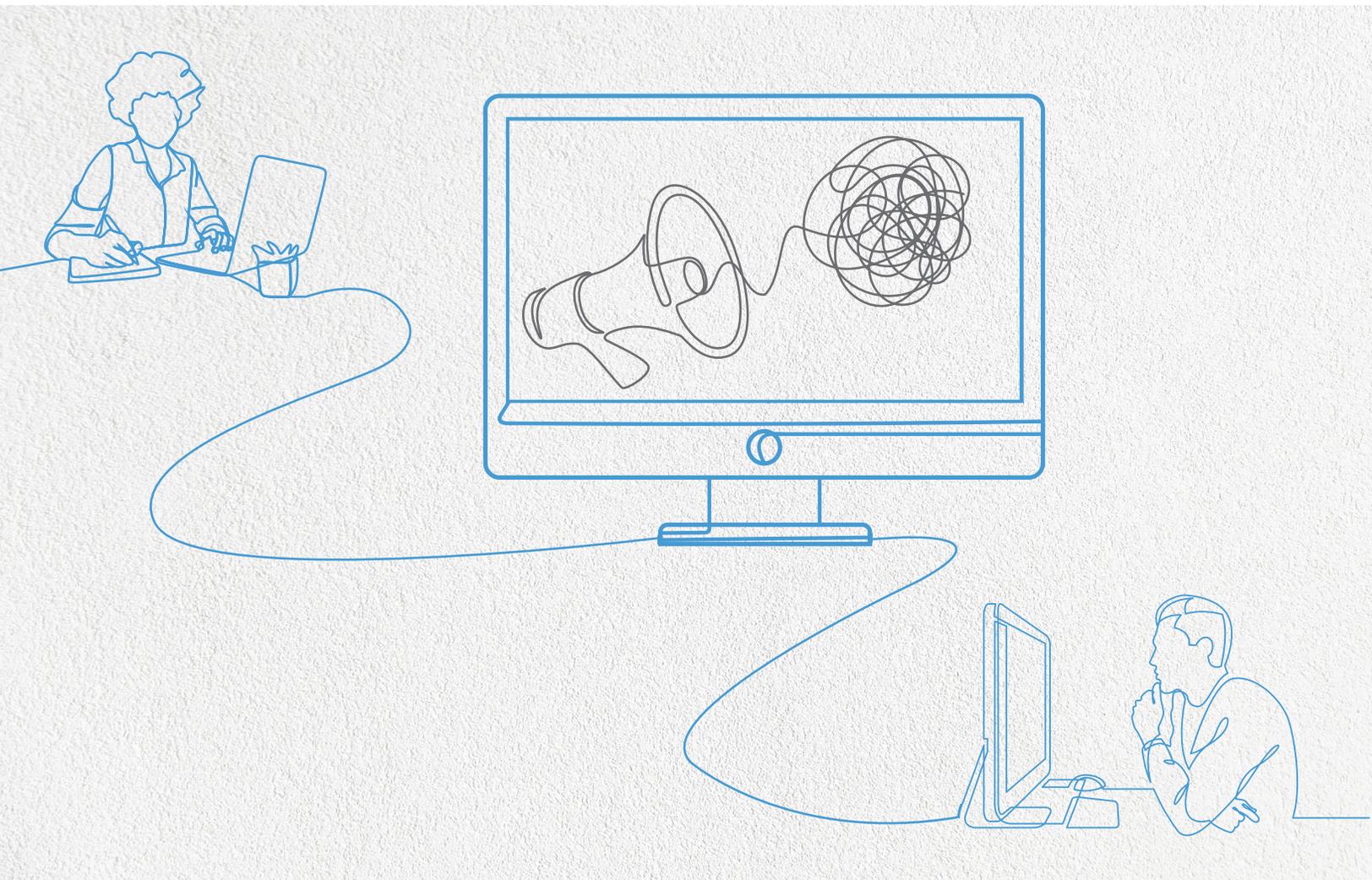


Programmed Political Speech:

How Programmatic Political Advertising Policies Shape Online Speech

J. Scott Babwah Brennen & Matt Perault





About the Center on Technology Policy

UNC's Center on Technology Policy seeks to craft public policy for a better internet. Utilizing an interdisciplinary academic framework, CTP works to identify knowledge gaps and develop actionable policy frameworks that will enable us to realize the potential benefits of technology while minimizing its harms. By working closely with students and expanding the University's offerings in technology policy analysis, we seek to cultivate and train the field's future practitioners.

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Executive Summary

While Google and Meta continue to serve the majority of digital political ads in the United States, programmatic advertising through other platforms accounts for a substantial and increasing share of political advertising. As a result of restrictions on political ads instituted by major platforms ahead of the 2020 elections, consultancies and political advertisers have increasingly turned to political advertising on other platforms.

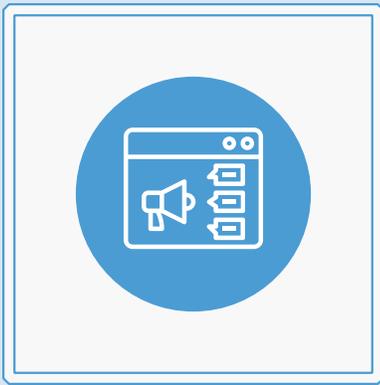
Heading into the 2022 midterm elections, in which programmatic advertising is [projected to constitute](#) a significant portion of digital political ad spending, it is essential that we understand better how programmatic companies shape political speech. Existing scholarly and journalistic attention has focused almost exclusively on digital political advertising served by major technology companies. This report examines how the rest of the market influences political advertising, providing one of the first systematic analyses of U.S.-based programmatic political ads and political ads policies beyond the major technology companies.

A better understanding of programmatic political advertising could support public oversight of paid political speech, encourage competition in the political ad market, and improve the experience of both advertisers and consumers.

Synthesizing findings from interviews with digital advertising professionals and political consultants, an analysis of available spending data, and a review of public political ad policies, we present six main findings.

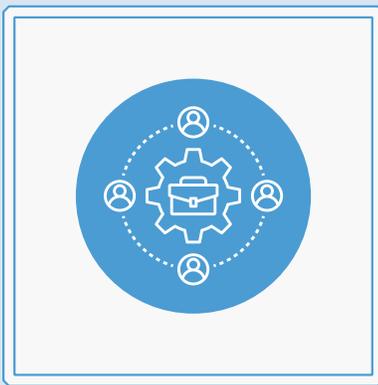
1. Many programmatic political ad policies apply only to a small subset of political ads.
2. Ad content restrictions for many programmatic companies are broadly written and offer limited guidance on either the application to political ads or on enforcement.
3. Few programmatic companies have detailed ad or advertiser review processes.
4. Few programmatic ad companies have explicit targeting restrictions on political ads.
5. Few programmatic advertising companies require detailed disclaimers on ads.
6. Most programmatic ad companies offer little transparency regarding political ad policies, policy enforcement, or ad content.

Building on these findings, we offer 12 recommendations for programmatic advertising companies, the Digital Advertising Alliance (an industry trade group), and policymakers.



Companies

1. Programmatic advertising companies should publish clear political ad policies that cover content, disclaimers, targeting, transparency, and accountability.
2. Programmatic advertising companies should prohibit ads intended to suppress voting, such as false information regarding voting location, date, processes, or ID requirements.
3. Programmatic advertising companies should specify and enforce clear and consistent penalties for violations of political ad policies. Companies should maintain reporting functionality to allow users to report potential policy violations.
4. Programmatic advertising companies should help customers comply with state and federal reporting requirements (see recommendations 9 and 10).



The Digital Advertising Alliance (DAA)

5. The DAA should expand the “Self-Regulatory Principles of Transparency & Accountability” to cover ads in all elections across all digital formats.
6. The DAA should extend the Self-Regulatory Principles to prohibit misinformation regarding the time, manner, and place of elections.
7. The DAA should strengthen its enforcement of its principles.
8. The DAA should provide guidance on how advertising platforms can help to facilitate compliance by political advertisers with the spirit of the Principles.
9. The DAA should provide further guidance for smaller programmatic companies on writing and enforcing political ad policies.



Policymakers

10. Congress should pass legislation funding a national archive of all digital and non-digital political ads for federal office maintained by the FEC.
11. States should establish public digital political ad archives of all digital and non-digital ads run for local and state elections. The DAA, or other trade group should aid states in designing and operating archives.
12. Congress should pass legislation prohibiting misinformation intended to suppress voting.

Background

In the wake of the 2020 election, we set out to understand the impact political advertising blackouts instituted by some of the major social media platforms may have had on political advertising and political expression. We quickly realized that [methodological challenges and gaps in the data](#) severely limited our ability to answer these questions. Yet, synthesizing what data we could, we [found some evidence](#) that blackouts had little impact on misinformation and disproportionately impacted smaller and Democratic campaigns. We also saw evidence that in response to the ad limitations and blackouts by major platforms, some advertisers shifted ad spending to alternative venues, including programmatic advertisers beyond the major platforms.

[Scholarship](#) and reporting on [digital political advertising](#) has grown over the past decade, but the vast [majority](#) of this [work](#) has focused on [Meta, Google, and Twitter](#). Yet despite this focus, many advertisers run political ads on other platforms. Estimates of the share of digital political advertising in the 2020 election that went to platforms other than Meta and Google range from [22%](#) to as much as [49%](#).

Because many campaigns and organizations turn to these alternative programmatic advertising services, as we approach the 2022 midterms, it is essential that we better understand how these intermediaries influence political speech. That understanding will enable industry and governments to develop policies that will be more effective in maximizing the benefits of paid political speech and minimizing its costs.

Understanding Programmatic Advertising

Social media and search companies sell advertising that appears on their own platforms or websites. However, companies also collect and/or sell ad inventory across other websites, apps, streaming services, and other [digitally connected devices](#). Some of these ads are bought and sold “programmatically,” meaning by automated technologies that, in some instances, bid against each other in auctions that are decided in the milliseconds before a website (or app) loads.

While there are many different types of services in the programmatic advertising ecosystem, three of

the most important for shaping ad content are ad exchanges, supply-side platforms (SSPs), and demand-side platforms (DSPs). Importantly, some companies provide multiple services, for example, operating both supply-side and demand-side services.

Ad exchanges are digital marketplaces that allow advertisers and publishers to negotiate prices for advertisements on websites, in apps, and on other digitally connected devices. Ad exchanges facilitate real-time auctions, matching those with spots for ads and those who have ads to place. Examples of ad exchanges are Index Exchange, OpenX, and AppNexus.

SSPs are platforms that publishers use to sell ad space on their websites, apps, or other digital content through ad exchanges. SSPs allow publishers to automatically receive bids to have ads placed on their property from many different potential advertisers through ad exchanges. Examples of SSPs include PubMatic, TripleLift, and Magnite.

DSPs are platforms that advertisers use to bid on advertising inventory across ad exchanges. DSPs permit advertisers to target their ads to different audience groups. Examples of DSPs include The Trade Desk, Xandr, Yahoo DSP, and Amazon DSP.

It should be noted that in addition to selling ads on Google search results and on YouTube, Google also runs one of the largest ad exchanges, Google AdX, one of the largest SSPs, Google Ad Manager, and some of the largest DSPs, Google Ads and DV360. This means that in addition to placing ads on its own content, Google is one of the largest players in the broader programmatic space. Indeed, Meta also participates in the larger programmatic ecosystem through the Facebook Audience network. Our focus here, however, is not on the roles that Meta and Google play in this off-platform programmatic political advertising market. Instead, our focus is on the other players in the programmatic space who are often ignored in the conversation about political speech. Below, when we refer to “programmatic advertising companies,” we do not include Google, Meta, Snap, or Reddit. We also do not include Twitter, which has historically been a focal point of discussion about political advertising, because it [no longer hosts](#) political ads.

Notably, our focus on DSPs, SSPs, and ad exchanges means that we do not consider ad networks, such as Taboola, or individual publishers, like Hulu. These are all important players in the digital ad ecosystem, and future work should explore political advertising policies at these companies. We also focus on the content of political advertising, rather than the publisher content that is monetized. This latter component, however, is also an important way that programmatic ad companies can shape political speech and could be a valuable area of future research.

The Scope of Programmatic Political Advertising

Meta and Google continue [to serve the majority of](#) digital political ads, however, programmatic advertising beyond the two companies now constitutes a significant portion of digital political advertising spending.

[OpenSecrets](#) has estimated that, in total, advertisers spent \$14.4 billion on the 2020 election cycle. Breaking this down, [Tech for Campaigns](#) estimated that advertisers spent \$2.3 billion on Facebook and Google ads, and \$1.5 billion on other digital ads, or about 10.5% of all advertising and 39% of digital political advertising spending.

While few companies have released political ad revenue data for the 2020 cycle, [Basis reported](#) that advertisers spent more than \$100 million on its platform in the 2020 election. Xandr’s ad archive reports \$59 million in revenue in only eight states between October 30, 2019 and August 12, 2022 (see below).

There is some evidence that spending on political programmatic ads is growing—a trend that appears to be facilitated in part by the [restrictions on political ads](#) put in place by major platforms in the run up to the 2020 election. In interviews, several political consultants confirmed that they had shifted money to other programmatic companies because of restrictions on political ads imposed by Meta and Google (and other major platforms) ahead of the 2020 election. One consultant observed:

Programmatic platforms have been a big winner with a lot of the rule changes, when Google did away with list-based targeting—that’s really

kind of why you use programmatic advertising, generally, in politics and other industry verticals as well, but it’s the target list segments. So, with that being banned...the power of the platform for political targeting kind of went away. So that early on the cycle, led people to look—including us—to look at other DSPs, other programmatic platforms.

Supporting this, [Basis reported](#) a massive 280% increase in connected-TV (CTV) advertising spending by its customers between the 2018 and 2020 elections.

FEC data shows nearly a 700% increase in spending to programmatic companies from the 2018 to 2020 cycle (Figure 1), and a more than 1100% increase from 2016 to 2020, even though this data likely [underreports total spend](#).

The Regulation of Programmatic Political Ads

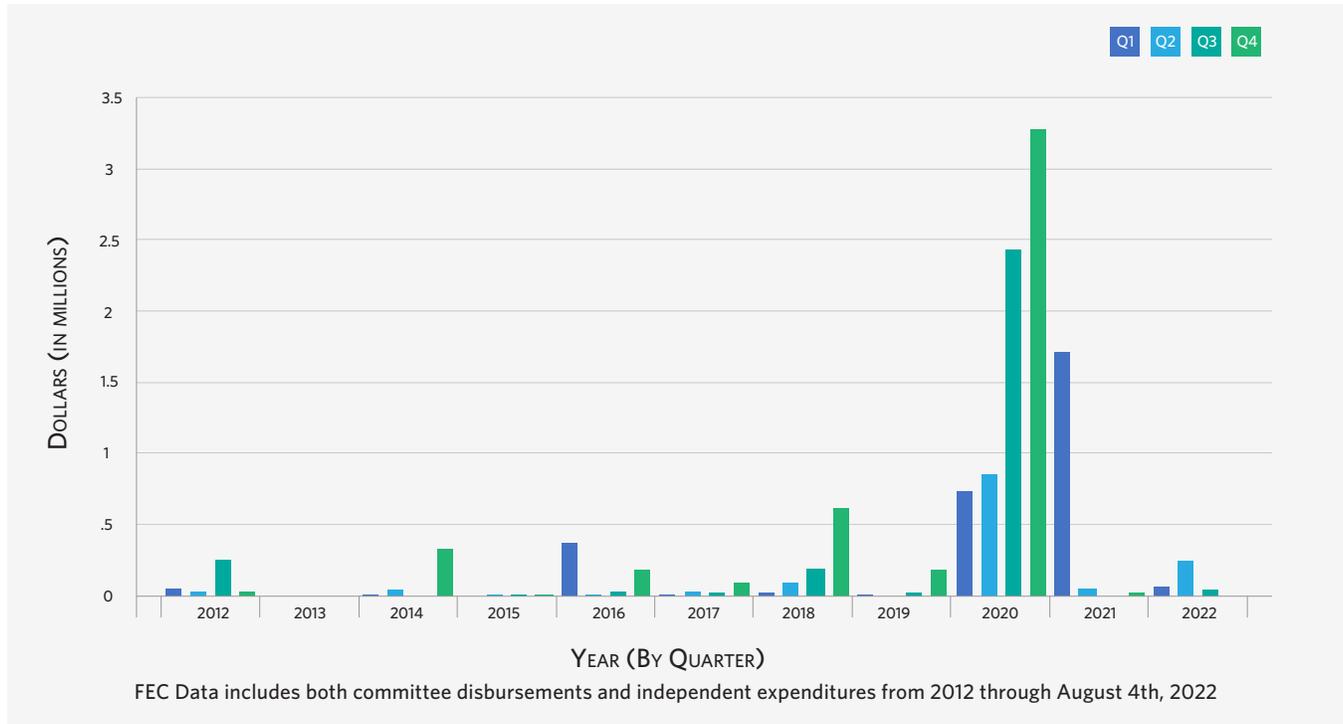
There are few existing federal or state regulations that govern programmatic political advertising. Broadly speaking, existing regulations take two forms: disclaimer requirements, in the form of labels on ads, and disclosure requirements, involving information submitted to the government and often publicly disclosed.

Federal Regulations

For federal campaigns, all committees must disclose expenditures, including for advertising. However, they [do not need to include data on how paid vendors distribute money](#), which means they do not need to report how, for example, a consultancy places advertisements. Notably, [non-profit organizations](#) are not required to disclose expenditures to the FEC.

The [FEC requires](#) in some instances that some digital ads include basic disclaimers regarding who paid for or authorized an advertisement. If ads are “not authorized by a candidate, authorized committee of a candidate, or an agent of either of the foregoing,” the ad must declare who authorized it, including street address, telephone number, or website.

Figure 1: FEC data on committee spending to sample of prominent programmatic companies



[FEC regulations](#) specify four criteria—any one of which triggers the need for a disclaimer on an advertisement.

1. All “public communication...made by a political committee” must include a disclaimer. “Political committee” is defined as a political campaign committee or political action community (PAC). This does *not* include 501(c)(4), (5), or (6) organizations that may do political engagement. Notably, “public communication” “does not include communications made over the internet, except for communications placed for a fee on another person’s website.” In addition, political committees [must include disclaimers on all](#) “bulk electronic email” and “websites available to the general public.” This means *some* digital ads require disclaimers, but others, including those served within apps, over streaming services or devices, through internet-connected TVs, through social influencers, or on other digitally connected devices, do not.

There are “impracticality” and “small item” exceptions for ads where it would not be

feasible to include a written disclaimer. While this exception has been [considered applicable to search ads](#), it has not been extended to other social media or digital advertisements.

2. All public communication “by any person that expressly advocates the election or defeat of a clearly identified candidate,” must include labels. “Express advocacy” means “Unambiguously advocating the election or defeat of a clearly identified federal candidate.”¹ However, [many political ads are strategically created](#) to avoid qualifying as express advocacy. These ads may focus on issues or highlight a candidate’s platform or background without explicitly urging their election.
3. “All public communications...by any person that solicit any contribution,” require a disclaimer.
4. All “electioneering communications” must include labels. This category was established by the [Bipartisan Campaign Reform Act of 2002 \(BRCA\)](#), but it does *not* include any type of digital ads, and so is not relevant here.

¹ There are two ways of determining if something is express advocacy. First, as determined in *Buckley v. Valeo* (1976), an ad is express advocacy if it includes “magic words,” such as “vote for,” “elect,” or “support.” Second, as stipulated in *FEC v. Furgatch* (1989), an ad is express advocacy if it “is unmistakable and unambiguous, suggestive of only one plausible meaning,” it “presents a clear plea for action,” and there can be no reasonable doubt “what action is advocated.”

Table 1: Federal regulations regarding labels for digital political ads

	Express Advocacy		Soliciting funding		Issue ads	
	Ads placed for fee on another's website, email, own website	All other digital ads	Ads placed for fee on another's website, email, own website	All other digital ads	Ads placed for fee on another's website, email, own website	All other digital ads
Political Committee	Required	Not Required	Required	Not Required	Required	Not Required
501(c)(4), (5), or (6)	Required	Not Required	Required	Not Required	Not Required	Not Required

Table 1 demonstrates when a disclaimer is required by the FEC on digital ads. In sum: regulations apply only to ads paid to be placed on someone else's website, not to other digital ads. Disclaimers are required on ads paid to be on another's website if they contain express advocacy or solicitations for funds, but only for issue ads paid to be on another's website if they are funded by political committees.

State Regulations

FEC disclaimer requirements apply only to advertisements for federal elections. Some states, however, also impose additional regulations on digital political ads for state or local elections. In the last few years, several states revised their laws on political ads, including digital political ads. [Fox and Eckstrand](#) offer an exhaustive catalog of these amendments.

A handful of states have explicitly written into law that all digital advertisements must include disclaimers that identify the purchaser of the ad (e.g. Colorado and Wyoming). In some states (e.g. Vermont and New Jersey) disclaimers must also include the address. Several, including California, New York, and New Jersey, require that an ad disclose if it was purchased independent of and without coordination with a candidate's political committee. Many states allow this information to be disclosed through a link to further information. Importantly, these states include exceptions for ads where including a disclaimer would be difficult.

A few states have recently passed laws that impose new disclosure requirements. New York requires the state to maintain an archive of political ads with data on spending information. Notably, this archive does not include where the ads ran.

A handful of states now require digital advertising providers to keep and provide public record. For example, California requires that [advertisers](#):

Maintain, and make available for online public inspection in a machine readable format, a record of any advertisement disseminated on the online platform by a committee that purchased five hundred dollars (\$500) or more in advertisements on the online platform during the preceding 12 months

The record must include a digital copy, the name of the purchaser and the candidate mentioned, and data about ad spend and impressions. As in other states, including [Washington](#), [Nevada](#), [New Jersey](#), and [Maryland](#), the law does not require platforms to maintain a public online archive, only to supply data if asked.

Guiding Questions and Approach

Given the lack of research on political programmatic advertising in the United States, we ask the following two questions to better understand how programmatic advertising shapes political speech:

1. What policies do DSPs, SSPs, and ad exchanges have regarding political advertising in the US, and how do these policies compare to the policies of major technology platforms?
2. To what extent do programmatic political ads comply with existing laws?

To address these questions, we draw on data from three sources.

1. *Company political ad policies.* We identified 61 prominent DSPs, SSPs, and ad exchanges that have a presence in the US and then searched the public materials of each company both for political advertising policies and for other relevant ad or content policies.
2. *Semi-structured interviews.* We completed 26 interviews with employees at programmatic ad companies and political consultants who frequently place political ads using programmatic advertising companies. Interviews with programmatic ad company employees were conducted on Zoom. We asked these employees about company policies, company policy development, and policy enforcement. Interviews with consultants were also conducted remotely and informed previous [reports](#). All interview subjects are granted anonymity.
3. *Existing public programmatic ad data.* As discussed in detail below, our review indicates that only one non-social-media programmatic company, Xandr, maintains an archive of political ads. We analyzed all available Xandr data between October 30, 2019 (the oldest data in the archive) and August 12, 2022. We also completed a limited systematic review of a sample of 200 ads in the Xandr archive. This analysis is meant only to provide an initial snapshot of the ads Xandr serves. We coded the sample for the following variables: type of ad (express advocacy, issue, other), format (banner or video), and if the ad contained disclaimers and links required by DAA regulations.

We also collected all FEC records for both independent expenditures and committee disbursements to any of the 61 companies we examined in our review of political ad policies, through August 5th, 2022. As discussed above and in a [previous report](#), a significant percentage of advertising spending—especially to non-platform programmatic advertising—goes through advertising/communication consultancies. However, FEC regulations, established in the [early 1980s](#), do not require committees to report how vendors disburse money, leaving no public record of much of the spending on programmatic political ads.

Findings

Reviewing our sample of 61 DSPs, SSPs, and ad exchanges, we saw significant variation in how they treat political ads. Table 2 offers a high-level summary of political ads policies across our sample of companies. Importantly, we were only able to review public-facing policies. It is possible some companies have additional policies that they do not share widely.

Table 2: Summary of political ads policies at sample of 61 programmatic advertising companies

Permit political ads	90% (55/61)
Member of DAA	57% (35/61)
Not a member of DAA and do not have a separate political ads policy	26% (16/61)
Offers explicit political ads policy	49% (30/61)
Explicit public prohibition of: Hate speech	72% (44/61)
Misinformation	44% (27/61)

While 10% of the companies in our sample have banned all political ads, more than one quarter (26%) appear to have no public-facing policy on political ads. But most of the companies we reviewed lie between these two extremes: permitting political ads but enforcing some minimal restrictions or requirements. For many of these companies, the only explicit public-facing policy on political ads is that they must follow all relevant laws. In our sample, 25% of companies have no explicit political ad policies, but are members of the DAA and so potentially follow the [DAA Self-Regulatory Principles of Transparency & Accountability](#). However, it remains unclear what responsibility platforms who are DAA members have to ensure that political ads placed or served through their services follow the DAA principles.

In the subsequent sections, we review six components of the political advertising policies of programmatic advertising companies: how political ads are defined; content restrictions; enforcement and review; targeting; disclaimers; and transparency. Across all six sections, we compare DSP, SSP, and ad exchange policies to those of four major technology platforms that permit political advertising: Google, Meta, Reddit, and Snap.²

² We provide this comparison for descriptive purposes only; the policies at these four platforms provide a useful inventory of potential policies and approaches for digital advertising, but our comparative analysis should not be read as an endorsement of these companies' approaches or a recommendation that other companies should follow suit.

³ The Principles do not specify what "unmistakably urge" means, however, this is the same language used in federal law, where "express advocacy" is defined as a communication that "unmistakably urges election or defeat of one or more clearly identified candidate(s)."

Defining Political Ads

Many programmatic political ad policies apply only to a small subset of political ads

Meta, Reddit, and Snap define political ads broadly, including both election-related ads and social issue-related ads. Snap's political advertising [policies](#) "apply to all political advertisements served by Snap, including election-related ads, advocacy ads, and issue ads." In contrast, [Google defines](#) political ads more narrowly as "election ads," excluding issue or advocacy ads.

In addition to defining political ads broadly, Snap applies its political ads policies to ads for any federal, state, or local election. Meta and Google's policies cover both federal and state elections, and Reddit's policies only apply to federal elections.

In contrast, many of the programmatic ads companies we reviewed do not offer explicit definitions of political ads.

However, some are members of the [Digital Advertising Alliance](#), and therefore may have agreed to the DAA's [Self-Regulatory Principles of Transparency & Accountability](#). These Principles apply only to "political advertisers" defined as "a person or entity that pays for the display of a Political Advertisement." [None of the members of the DAA](#) are "political advertisers," however many serve political advertisers. One representative of a member company confirmed in an interview that their company has interpreted DAA membership to mean they have a responsibility to ensure advertisements served through their platform follow the Principles. However, representatives of another DAA member explicitly stated they do not interpret membership as requiring political ads served through their platform to comply.

The Principles also apply only to those advertisements that "contain express advocacy," which includes "paid-for communications that unmistakably urge the election or defeat of one or more clearly identified candidate(s) for a federal or statewide election."³ This definition excludes issue or advocacy ads that discuss electoral issues or candidate's backgrounds or voting histories.

At the same time, DAA principles state that they apply “to Political Advertisements displayed in browsers or mobile applications.” While including “mobile applications” goes beyond the Federal definition of “public communication,” the DAA’s definition may still exclude some streaming, connected-TV, or digital out-of-home advertising.

In contrast to the policies at Meta, Alphabet, and Snap, DAA rules apply only to federal and state-wide elections, such as races for governor or attorney general. This means that DAA regulations do not apply to local, county, or state legislature races, further limiting the scope of the Principles.

In our review of a sample of ads in Xandr’s political ad archive, we found that many ads do not contain express advocacy or are not for federal or state-wide elections. Assuming that other programmatic political ad companies host similar sorts of ads, it is likely that DAA principles are relevant to a very small subset of programmatic political ads.

Notably, few of the companies we reviewed explicitly define political ads. [Choozle’s definition](#) covers ads related to any election campaign, federal, state, or local. In contrast, however, the definitions offered by Yahoo!, [Teads.tv](#), and Adobe (which prohibits all political ads) are more extensive, covering any ad “[directly or indirectly related](#)” to any election, campaign, or candidate, as well as issue or advocacy ads.

Restrictions on Ad Content

Ad content restrictions for many programmatic companies are broadly written and offer limited guidance on enforcement or application to political ads.

Unlike Meta and Google, most of the programmatic ad companies we reviewed do not have detailed and explicit public policies about the content of political ads. However, like Snap and Reddit, 72% of the companies we reviewed do have public, general content restrictions or guidelines that apply to political ads.

For many companies, these content restrictions are outlined in short, broad prohibitions that provide little or no guidance on how they apply to political ads, how they relate to real-world cases, or how they would be enforced. While the broadness of these provisions means that many companies technically restrict more political ad content than Google, Meta, Reddit, or Snap, the lack of detail in the policies gives companies far

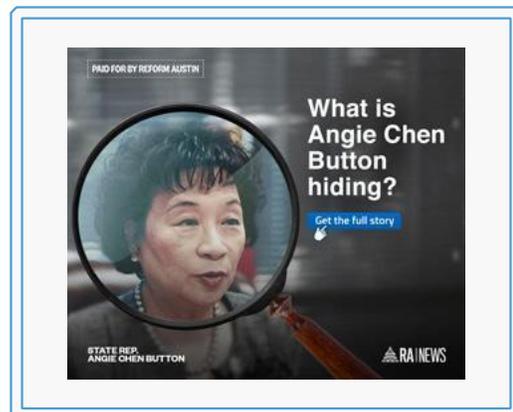
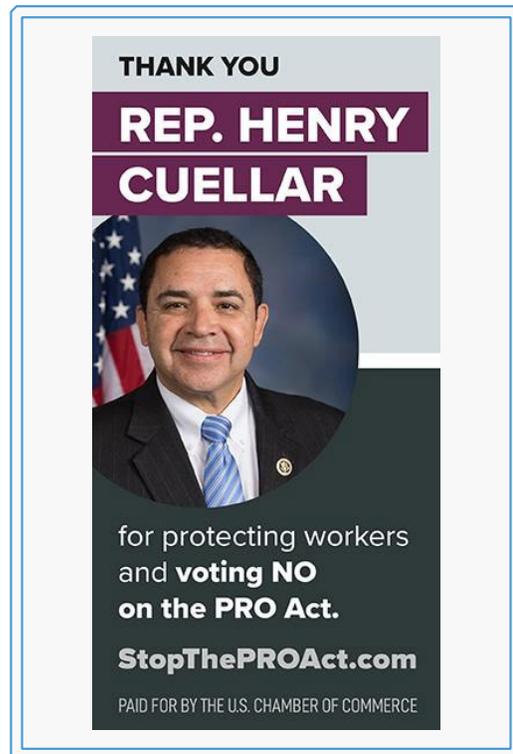


Figure 2: Examples of ads relevant to an election but that may not be “express advocacy”

greater latitude in how they enforce policies. Indeed, many programmatic companies explicitly retain wide latitude to reject ads. For example, regarding political ads, [Ad Mixer](#) notes:

The Platform reserves the right to take into consideration its broader content and business commitments, including the multiplicity of candidates or issue positions in a particular context, the program disruption that will be caused by political advertising and the amount of time already sold.

For many companies these general content guidelines cover a range of issues including copyright, pornography, malware, and spam. Similarly, like all four of the social media companies we reviewed, 72% of the programmatic companies in our sample also broadly prohibit hateful, discriminatory, or violent content. For example, [Entravision](#) prohibits all content that “promotes racism, bigotry, hatred or physical harm of any kind against any group or individual,

insulting, threatening, tortuous, harassing, hateful or otherwise objectionable.”

More telling about the differences in approaches between the four major platforms and the programmatic ad companies is how they approach misinformation. Table 3 summarizes the misinformation policies at Google, Meta, Reddit, and Snap. Identifying the misinformation policies that apply to political advertising at the four companies requires looking not only at their political ad policies, but also at their general advertising policies and community standards.

Meta, Google, and Snap have specific, targeted restrictions on certain types of falsehoods that apply across different types of content and that apply to political advertising. All four include restrictions on false or deceptive ads. Finally, Meta and Google explicitly prohibit falsehoods regarding election processes or outcomes, while Reddit and Snap do not. Of the programmatic companies reviewed, 44% explicitly include some prohibition on falsehoods in their general content guidelines. The vast majority of these are only a few words long, prohibiting, like [Adelphic](#), “misleading or deceptive content.” Several companies, like [PubMatic](#), prohibit only “deceptive or

Table 3: Misinformation policies for political ads at four technology platforms

	Political Ads Policies	General Advertising Policies	Community Standards
Google	Search/DSP: N/A YouTube: Prohibits falsehoods about election processes or integrity	Prohibits coordinated deceptive practices and misleading representation	Search/DSP: N/A YouTube : Prohibits medical misinformation; misattributed content; manipulated content; false info regarding census processes.
Meta	Prohibits falsehoods about election integrity or outcomes	Prohibits ads debunked by fact checkers	Prohibits falsehoods that may cause physical harm or violence; medical misinformation; election falsehoods; manipulated media
Reddit	N/A	Prohibits ads that are deceptive, untrue, or misleading.	N/A
Snap	N/A	Prohibits ads that are false or misleading	Prohibits falsehoods that may cause physical harm or violence; medical misinformation; election falsehoods; manipulated media

fraudulent” content, rather than all false content. In one of the longer statements, [Choozle](#) requires that “All ads should be truthful, accurate, and up-to-date every time they are shown to users...All advertising claims must be factually supportable.” Offering a narrower restriction, [Adacado](#) prohibits “Fake news, advertorials, or similar content that may be mistaken for editorial content.” None of these provide any indication of how they will determine what is false or how they will enforce those determinations.

In our sample, very few specifically discuss or reiterate their misinformation policy in the context of political ad content. Importantly, however, while it is outside the scope of this project, several programmatic companies’ policies discuss efforts to limit false content that is monetized.

One of these companies with a more detailed political ads policy, [Admixer](#), prohibits only misinformation that gives “the appearance that the Platform supports or favors any particular candidate, party, or political agenda.”

[Yahoo!](#) offers one of the most explicit statements:

Our ad policies prohibit false or misleading claims of any kind. For political ads, Yahoo supports truthful advertising that helps users make informed decisions about candidates and issues. We know, however, that false or misleading claims can, at times, be subtle and difficult for our reviewers to detect. And even when our reviewers suspect falsity, determining the facts may not be straightforward. Despite those challenges, our goal, as reflected in our policy, programs, and technologies, is to avoid running political ads that include false or misleading claims.

However, none of the programmatic companies we reviewed expressly prohibit falsehoods regarding election processes, timings, or outcomes, as Meta and Alphabet do.

Enforcement and Review of Political Ad Policies

Few programmatic companies have detailed review processes

Meta, Alphabet, Reddit verify and approve political advertisers before they can run ads. Beyond vetting advertisers, Reddit conducts human review of all political ads, while Meta and Alphabet subject all ads to an automated initial review. A subset of these ads is then subjected to manual review. [Snap asserts](#) that it “will review political ads on a case-by-case basis,” but it remains unclear if that review is human-led or automated.

Of the programmatic ads companies we reviewed, only [Yahoo!](#), [Choozle](#), and [Basis](#) clearly state in their online materials that they vet all potential political advertisers.

Interestingly, [TripleLift](#) explicitly states that they will accept ads from all political parties, “We cannot ethically refuse ads from a legitimate party just because we don’t agree with their platform or politics. If we did, we would become ultimate arbiters of truth or policy in the name of democracy and we cannot, in good faith, take on that role.” However, they also [observe](#) that they “will apply our own judgment and accept and reject PAC money as we see fit. If we believe any particular PAC advertising promotes hate speech or misinformation, we will apply a human lens to reject or remove that advertiser from our platform.”

Yahoo! is the only other company in our sample that clearly specifies it reviews all political ad creative content. [Yahoo! states](#) that:

Ads identified as political during the [automated] scan are flagged for manual review...During manual review of ads for ad policy compliance, reviewers look for things like required disclosures about who paid for the ad and whether the ad includes offensive language or images. If a reviewer spots a potentially false claim, it is flagged for escalated review.

Also, Yahoo! allows users to report potential false ads, observing “Feedback on political ads receives enhanced scrutiny.”

None of the other companies we reviewed offer specific details about their review process for political ads specifically, however, several indicate that they review all ad campaigns. For example, [Index Exchange](#) asserts, “Our policy specialists and engineers review all creative against our high quality (sic) standards, in addition to campaign auditing and technical inspection.” Similarly, [SmartyAds](#) notes that “each ad is tested for compliance with these rules.”

Restricting Political Ad Targeting

Few programmatic ad companies have explicit targeting restrictions on political ads

In 2019, [Google](#) imposed restrictions on targeting for political ads. They now allow only geographic, limited demographic, and contextual targeting. Perhaps most notably, they no longer allow political advertisers to use custom audience lists—a function central to advertisers’ efforts to target voters based on [voter files](#).

Beginning in early 2022, Meta has limited interest-based targeting around sensitive topics, including political ideology for all ads. However, they still allow demographic or location-based targeting, allow advertisers to upload and use their own lists, and have a function where advertisers can replicate existing audiences. While Snap does not appear to limit targeting categories for political ads, Reddit requires additional approvals for targeting certain “[sensitive categories](#),” including “Culture, Race, ethnicity,” and “Politics.”

Programmatic political ads companies in our sample impose few restrictions on political targeting. Several companies, such as [Choozle](#), prevent advertisers from targeting users outside of their country. [Criteo](#) prohibits targeting audiences based on “membership or political orientation.” [MediaMath](#) offers a somewhat vaguer restriction: “You may not provide Segments or process Pixel Data or Segments that reveal political affiliation or opinions.”

One notable exception to this, [Teads.tv](#), limits targeting to political ads to “geographic location, age, gender or it may be done strictly contextually.”

The DAA Principles provide no limitations on audience targeting. The Network Advertising Initiative (NAI), another trade group to which many programmatic ad



Figure 3: Example of ad in Xandr archives

companies belong, does not restrict targeting by advertisers, but includes as part of its [code of conduct](#) that [members](#) should “provide users a means to opt out of Tailored Advertising.”

Disclaimers

Few programmatic advertising companies require detailed disclaimers

Meta, Alphabet, Snap, and Reddit all require political advertisements to include “paid for by” disclaimers. As discussed above, federal law also requires similar disclaimers on many, but not all, digital political ads.

For companies that comply, [DAA’s Self-Regulatory Principles](#) require advertisements for federal and or state-wide elections with express advocacy to include four pieces of information to be displayed as part of “clear, meaningful, and prominent notice:” the name of the advertiser, contact information (telephone number, web or physical address), a point of contact such as a CEO or member of the board of directors, and a link to either a government-run or the DAA database of pending disclosures.

[Yahoo!](#), [Adacado](#), and [Teads.tv](#), which all are members of the DAA, also require that ads explicitly state if the ad was authorized or financed by a candidate.

In our examination of a sample of ads served by Xandr, it was difficult to determine whether certain ads provide all the information identified in the DAA Principles. For instance, several ads, like Figure 3 beside, appear to not provide information as part of a “clear, meaningful, and prominent notice,” given that the disclaimer is difficult to read and that the archive does not specify whether there is a link to additional notice.

Transparency

Programmatic ad companies offer little transparency about political ad policies or data.

Roughly half of programmatic companies we reviewed have no explicit public political advertising policies. For those that do share political ad policies, policies are often minimal and consist only of a few words, or are difficult to find, hidden in terms of service or technical documentation. Few companies provide any insight into how or how often their ad policies are enforced. Anecdotally, we sent hundreds of interview requests to employees of programmatic political ads companies, but only a handful responded with information about company policies. In contrast, Google, Meta, Snap, and Reddit all provide clear, detailed public information about political ad policies. As discussed above, all four companies also provide far more detailed information about how policies are enforced in practice.

This lack of transparency about ad policies complicates the efficiency of the programmatic ad system. DSPs placing ads must comply with programmatic ad policies at SSPs or exchanges (and publishers), but they often have little ability to understand what those policies are. One person who works on political ads and political ad policies at a major DSP related how “Every exchange has different requirements,” for ad content and design. “They’re different and they’re ever changing...and one of our biggest priorities is actually protecting our relationships with the SSPs and exchanges. Because that’s our inventory source. And we need to give our clients the best quality inventory we can.” However, occasionally an exchange will reject ads “And we don’t understand why--we think we’re compliant. But we’re not. So, it’s a little bit of a push through. ... there’s never anybody we can call. So...we have to go back and try to figure out why and we resubmit.

Sometimes it happens. Sometimes it doesn’t.” Being forced to guess about the content policies for SSPs or exchanges introduces further uncertainty and delays and makes it harder for advertisers to navigate an already Byzantine programmatic advertising ecosystem.

While several programmatic companies explicitly tout their political ad practices, including [DSPolitical](#) or [Vistar](#), few release any data or information about the political ads they serve. One notable example, [Basis](#), published a high-level discussion of trends in their political ads after the 2020 election.

While Meta, Google, Reddit, and Snap all maintain public archives of the political ads they run, Xandr is the only programmatic political ads company – out of the 61 we analyzed – that [hosts a public archive](#). Xandr’s archive covers political ads it runs in certain states that have reporting requirements. Xandr makes available a series of CSV files, one of which includes links to all political ads run since October 30, 2019, along with impression and cost ranges. We reviewed a sample of 200 advertisements in the archive.

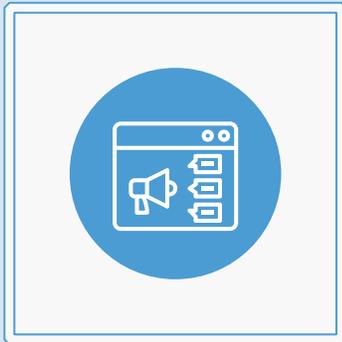
The archive contains advertisements run in only eight states: California, Illinois, Maryland, New Jersey, Nevada, New York, Virginia, and Washington. Some entries do not include the name of the advertiser who ran the ads. Similarly, we found several ads that did not have active links to the ad creative. Furthermore, the versions of the ads included in the archive do not include clickable links, making it difficult to know if ads link to the disclosures required by the DAA Principles. At the same time, the photos of many of the ads are of such low quality that disclaimers are difficult to make out. None of the other programmatic political ads companies we analyzed publishes a political ads archive, so this type of ad-level analysis was not possible for other platforms.



Figure 4. Two ads in the Xandr archive with disclaimers that are difficult to read.

Recommendations

Building on the above findings, we offer 12 recommendations for improving the regulation, transparency, and efficiency of programmatic political advertising.



Programmatic Ad Companies

1. Programmatic advertising companies should publish clear political ad policies that cover content, disclosures, targeting, transparency, and accountability. Policies should be easily accessible on company websites.

2. Programmatic advertising companies should prohibit ads intended to suppress voting, such as false information regarding voting location, date, processes, or ID requirements. In the absence of federal legislation criminalizing election misinformation, we recommend companies prohibit this content. While some current company policies might broadly cover

these claims, explicit statements are likely to aid understanding and enforcement.

- 3. Programmatic advertising companies should specify and enforce clear and consistent penalties for violations of political ad policies.** They should include reporting functionality to allow users to report potential policy violations.
- 4. Programmatic advertising companies should help customers comply with state and federal reporting requirements (see recommendations 9 and 10).** For instance, they could implement product features into their ad platforms that enable advertisers to report directly to the relevant government agencies and download a machine-readable archive of ads they have run.



The Digital Advertising Alliance

5. The Digital Advertising Alliance should expand the “Self-Regulatory Principles of Transparency & Accountability” to cover a wider range of political programmatic ads. First, we recommend that the Principles cover local and state-district elections as well as ballot initiatives, in addition to federal and state-wide races. Second, we recommend that the Principles do not distinguish between digital formats, covering all digital ads. Third, we recommend they follow federal regulations and cover all ads funded by political committees and all solicitations for fundings, in addition to those that contain express advocacy.

- 6. The DAA should extend the Self-Regulatory Principles to prohibit misinformation regarding the time, manner, and place of elections.** We believe that it is in the public interest to limit election-related misinformation. The DAA remains a voluntary program; advertising platforms are under no obligation to join if they believe these regulations are too burdensome.
- 7. The DAA should strengthen its enforcement of its principles.** Compliance with DAA Principles is currently handled through third-party reporting to the Better Business Bureau Nation Programs (BBBNP) and the Association of National Advertisers (ANA). These organizations should publish information on their oversight work at regular intervals, and the DAA should strengthen its capacity to assess members' adherence to their commitments.

8. **The DAA should provide guidance on how advertising platforms can help to facilitate compliance by political advertisers with the spirit of the Principles.** As discussed above, the DAA Self-Regulatory Principles of Transparency & Accountability apply only to political advertisers, rather than to advertising platforms. While some companies interpret membership in the DAA as requiring they ensure political advertisers follow the Principles, others do not.
9. **The DAA should provide further guidance for smaller ad-tech companies on writing and enforcing political ad policies.** Smaller companies may lack the resources to institute more comprehensive ad policies or enforcement procedures. The DAA should offer advisory services to its members to provide them with best practices for publishing and enforcing political ad policies.



Government

10. **Congress should pass legislation funding a national archive of all digital and non-digital political ads for federal office maintained by the FEC.** Advertisers should be required to submit digital copies of ad creatives along with FEC filings. Archives submissions should include information about ad spend, views, and basic targeting categories. Submission should be made easy to reduce burden on small advertisers and campaigns. Programmatic advertising companies should help customers comply with new requirements by implementing product features into their ad platforms that enable advertisers to report directly to the FEC and download a machine-readable archive of ads they have run.
11. **States should follow California and New York and establish a public digital political ad archive of all digital and non-digital ads run for local and state elections.** States should pass legislation requiring advertisers to upload advertisements they place, along with information about ad spend, viewership, and basic targeting categories. Submission should be made easy to reduce burden on small advertisers and campaigns. States should seek to pass similar requirements to avoid a complex patchwork of regulation that makes it difficult for advertisers to comply with these laws. States could consult with the DAA on how to design, set up, and maintain these archives to minimize the compliance burden on advertisers. Programmatic advertising companies should help customers comply with new requirements by implementing product features into their ad platforms that enable advertisers to report directly to the relevant government agencies and download a machine-readable archive of ads they have run.
12. **Congress should pass legislation prohibiting misinformation intended to suppress voting.** As we have previously [argued](#), we support Congress passing clear, consistent rules outlawing egregious forms of election interference, such as falsehoods about voting locations, dates, or processes.



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