

10-11 October 2018 | József Antall Building | Brussels | ROOM JAN6Q2 | EUROPEAN PARLIAMENT

# High Level Conference on the **FUTURE OF INTERNATIONAL ELECTION OBSERVATION**

## **BACKGROUND PAPER**

### **CHALLENGES AND OPPORTUNITIES OF ELECTION OBSERVATION: ICT**

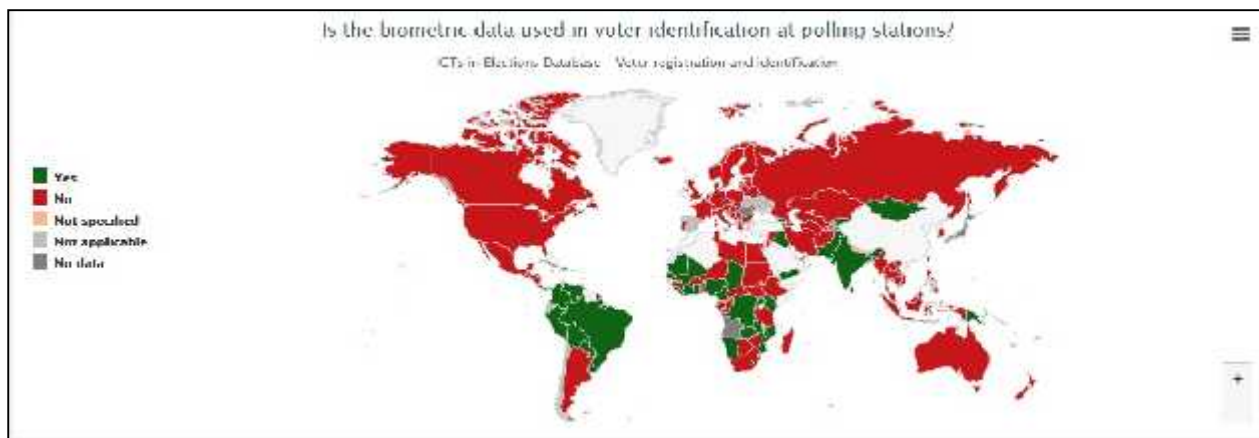
#### **"E-elections" on the rise**

In several countries, there has been a rise in the use of digital technologies in electoral processes, ranging from the creation of voter registers based on biometric identification, the identification of voters, the adoption of systems to tabulate and transfer voting results, and electronic voting. In some countries, the use of ICT technologies has contributed to the quality (higher voter turnout, improved accuracy of counting, and faster publication of results) and efficiency (easier logistics) of elections. In others, their introduction has contributed to exacerbating political controversy, lack of transparency and has on occasions triggered violence.

In situations where there is already a lack of trust in the electoral process, the introduction of ICTs does not necessarily provide a suitable remedy to address public confidence. Conversely, it could raise important issues, in particular that of transparency (perceived opacity of counting and tabulation processes) and accountability, since with ICTs national authorities become sometimes dependent on private vendors for the management of electoral processes. Last but not least, the use of ICT technologies could potentially jeopardise the fundamental principles of voting: i.e. its universality (will all eligible citizens be able to participate?), its equality (will all votes be treated equally?) and its secrecy.

Even in the optimal situation, where there is political consensus and a widespread public confidence in the election administration, the adoption of electoral ICTs can be a challenge. Recently in the EU, mainly after considering possible cyber threats, two countries have either rolled back their ICT-based system to a paper only (Netherlands) or have formally ruled out passing to a digital one in the near future (Germany). In contrast, and despite cybersecurity concerns,

Estonia has decided to use Internet voting for all legally-binding national elections. To date, Estonia remains the only country in the World to have made this choice.



Source: International IDEA (<https://www.idea.int/data-tools/data/icts-elections>)

## A challenge for election observation

Guaranteeing transparency is another significant issue when resorting to electoral ICTs, which is where election observation comes into the picture.

The challenge to observe increasingly technology-driven elections has become more and more evident for Election Observation Missions (EOMs). While the mandate of an EOM does not entail certification of the quality of electoral ICTs, observers are faced with the daunting task of assessing the credibility of an election where election results - and sometimes the votes - are processed and tallied through a 'black box' that is impossible to observe with traditional means. Indeed, such systems mainly use proprietary technologies or are considered to be too sensitive to allow

observer access. This is becoming increasingly important, given the negative effect it has had on the credibility of election observation in recent years. Work is ongoing to determine if additional technical skills need to be added to EOMs to observe in depth this part of the process. In most cases one of the main obstacles remains the restrictions applied to electoral observers for accessing ICT systems. This also raises questions about the guarantees that observers should obtain before deploying, on top of the usual Memorandum of Understanding signed with the authorities.

### **EU EOMs in technology-driven electoral processes**

In recent years, EU EOMs have observed a number of elections where the adoption and functioning of electoral ICT systems have considerably deteriorated the process. In the 2017 general elections in Kenya, the poor functioning of the ICT-based tallying system, compounded with other issues, resulted in the first round of the presidential election being annulled by the Supreme Court. In the 2017 general elections in Honduras, a failure of the electronic tallying system fuelled suspicions of results manipulation. In both countries, ICT issues contributed to triggering violent protests. While in Honduras the EU Mission was allowed access to the ICT system and had the technical skill to perform its work, the observation of technology-driven electoral processes represents a growing challenge for EU EOMs.

### **Opportunities for election observation**

To cope with this growing challenge, EU EOMs have strived to take into account this new element by observing how ICTs are integrated in electoral processes, e.g. the way digital technologies were acquired, the role of Electoral Management Bodies (EMB) and/or private companies in their management, including existence of back-up plans, provision of appropriate training for election staff, voter education and the possibility of oversight, including accessibility of observers, election officials and the judiciary to ICT systems, etc.

Other "vulnerability factors" could also be monitored such as the level of trust in election integrity and the public controversy around election ICTs. In addition, the measures in place to protect the secrecy of the vote and the integrity of results, including safeguards to prevent cybersecurity threats, could be observed although this would probably require adding additional expertise in EU EOMs. Finally, the *process* of adoption of an ICT system could be another element worth analysing, i.e. whether ICTs were previously evaluated, tested, certified and/or gradually introduced (e.g. in a by-election or one district of a local election) before being rolled out nationally. Under the current composition and duration of an EOM, this kind of monitoring would not be easily feasible and updates to the methodology may have to be considered.

One possible way to address this issue could be to include in the methodology the observation of a set of minimum standards for electoral ICT systems aimed at guaranteeing basic conditions of *accessibility, security, accountability, auditability, transparency and sustainability*. These basic requirements for electoral ICT systems would include inter alia their capacity to be operated and maintained without long-term outside assistance, measures protecting system from unauthorised access, records of any modification of data, the possibility for independent and transparent verification, etc.

In this area, a body of standards has been gradually introduced in recent years with important work taken forward by the Venice Commission resulting in the adoption in 2017 by the Council of Europe of a Recommendation on Standards for E-Voting<sup>1</sup>. The Recommendation provides a list of standards to safeguard the fundamental principles of voting (universal, equal, free and secret suffrage) and sets out a number of criteria to be followed to ensure high-quality elections. In 2013, the OSCE also developed a Handbook for the observation of New Voting Technologies (NVT)<sup>2</sup> which could serve as an inspiration for observers. Other organisations (e.g. the Carter Center, International Foundation for Electoral Systems) have also developed similar texts on how to address digital technologies in electoral processes. Yet, the central challenge of how to observe the "black box" remains to be addressed by the observer community.

In an increasingly interconnected world, it is also likely that high-quality "e-elections" would not be easily achieved without the full involvement of other key State institutions as well as of the international community to timely identify sources of cyberattacks and provide adequate responses to these growing threats.

---

#### **Issues at stake - discussion points:**

- ) "Efficiency" Vs. "credibility": what are the opportunity costs of digital technology in electoral processes?
- ) Could election observation bring transparency in technology-driven elections?
- ) Should election observation monitor ICTs in elections? To what extent and under which conditions?
- ) How to adapt election observation methodology and skills to respond to digital challenges?

---

<sup>1</sup> Recommendation CM/Rec(2017)5 of the Committee of Ministers to member States on standards for e-voting [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680726f6f](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680726f6f)

<sup>2</sup> <https://www.osce.org/odihr/elections/104939?download=true>