



**„SECURITY IN THE ELECTIONS”
17th Annual Conference of ACEEEO**

Constanza, Romania, 11-13 September 2008

Concept paper

1. Role of the law enforcement bodies (police) in the security of the elections

Election is an outstanding political event in the life of each democratic country. The voters shall designate with the elections that personal and political circle which, on their behalf and instead of them, shall practice the political power and shall perform governing on behalf of the parliamentary majority.

Election is a process and a chain of events as well which extends for different periods and not only for the day of election in each single country. This political event series of outstanding impact has numerous law enforcement, security, and criminal law aspects as well.

It belongs to the daily news of the world press and the electronic media that in the campaigns, in the election mass meetings or following those violent acts happened in any country of the world. In the day of voting accidents, sudden death may happen in the electoral districts which are published by the press as front-page news. Independently of the media, the voters rightly expect that they could live exactly so peacefully, could participate in the traffic so safely in the increased emotional-political atmosphere of the elections than in the peaceful weekdays.

In some countries, several parties accuse the law enforcement organs (police) regularly intervening in the campaign, arresting opposition leaders, restricting illegally the freedom of assembly. This kind of accusation can be heard particularly often in the transitional countries. It is the interest of the law enforcement bodies to get to know this kind of experiences, handling manner of the problems of other countries.

In the democratic countries the law enforcement bodies (police) and the election committees cooperate with each other in the realization of the security of elections. It is worth exchanging of international experiences on that what kind of similarities and differences are in the individual countries during the realization of this basic international principle.

Solutions of the security of the elections are different in the individual countries. However, there is similarity in the solutions in some smaller groups of countries but there are not any detailed international standards. Legal regulations of security of elections are different, the

organizational structures are different, manners of cooperation of the election and law enforcement bodies are also different.

Each police and election expert knew that we raised a very sensitive question when we put on the agenda the question of international comparison and exchange of experience. But this is not without antecedents as we had dealt before with this topic to the extent of one presentation in London and one in Moscow.

ACEEEO is a professional organization which dealt with the question of security of the elections as a public service issue. We did not give any place to any kind of political accusations, to mentioning any baseless news but we dealt with this sensitive question in order to strengthen the professionalism and public service approach.

ACEEEO dealt successfully with a similarly sensitive question when it discussed the election frauds in Strasbourg, in the 4th conference of the European Election Organs. Experience of this discussion also showed that it is not necessary to be reserved from professional discussing of the difficult problems, and the results lead to the reduction of election frauds in virtue of the measures of the national authorities. There was a similarly important topic when we discussed the role of the courts in the election process, in 2005 in Siófok.

On the 17th conference of the ACEEEO, leaders of the national election committees (experts) and the national law enforcement bodies (police) participated or prepared collectively to introduce the legal regulations and the practical experiences of the country. Programme of the presentation was determined freely by each presenter. For the support of the international comparison, and for promoting the international dialogue, we made the following proposal (extending more and more in topic and in period of time):

- Role of the police in the day of elections
- Security of electoral districts
- Transport of voting documents, materials
- Role of the police in the election campaign, especially in terms of security of the election assemblies, of restricting right of assembly
- Role of police in clearing up the election frauds, criminal acts
- Forms of cooperation of the law enforcement bodies (police) and the election organs

2. Security and authenticity of the election documents

In the democratic countries fairness, transparency, and authenticity of the election is regulated by law. Election committees have same and different licences and obligations in the national acts in the realization of this international standard.

In the election campaign and after publishing the election results the losing parties often mention election frauds. These accusations are in general unfounded but we have already met founded observations as well.

Many kinds of technical solution were rised to several elements of the election in the individual countries. Technical services employed to the elections, many sidedness of suppliers offering services for the election, different quality of the international solutions make it justified to deal with these important questions in our conferences and organize international exchange of experiences among the election committees, experts and suppliers.

It was proved in our former conferences that technical solutions of developing standards can only gain confidence of the voters and parties if they are surrounded by convenient legal and technical guarantees.

On the 17th conference of the ACEEEO we took into consideration these guarantees which protect the election committees pursuing fair civil servant activities from the unjustified accusations. Strengthening of the public confidence is a common interest of election experts of the world.

Programme of the presentation was determined by the participant without restriction. For the support of the international comparison, and for promoting the international dialogue we made the following proposal (extending more and more in topic and period of time):

- Guarantees of reliable list of voters
- Guarantees of authenticity of the reports containing the part and total results of the election
- Guaranteeing authenticity of ballot
- Security elements in the information system summing up the votes
- Storage of the election documents before and after the day of election
- Cooperation of the election organs with the law enforcement bodies (with police), with the suppliers in validating the guarantees

Conclusions

Drawn the on basis of plenary presentations and workshop discussions on Security of Elections

The Association of European Election Officials (ACEEEO), considering that an election is strongly affected by the integration of effective security policies and practices into the electoral process, calls its Members to take into account the basic considerations as follows while planning and performing their activities.

Basic considerations regarding the role of the law enforcement bodies (police) in the security of the elections:

- The Electoral Management Bodies (EMB) should keep a link to the law enforcement forces continuously.
- In the democratic countries, the police forces are under a civil control, which is in contradiction with any military supervision.
- The police forces are providing services for the state and the citizens and not performing the oppressive function.
- The police forces shall have a persistent relationship with the EMB and should take actions after common decisions.
- During fair elections the police have to ensure the public order.

- The individual human rights must be guaranteed during the whole election process.
- The police forces are impartial (independent from the political parties). The government is responsible for ensuring this impartiality.
- It is important to set up a consultation forum between the police forces and the EMB (methods, publications).
- Training of the policemen should be organised on election processes.
- Political parties should be informed about the activities of the police forces.
- The police forces should be able to solve the problems in a pro-active way, instead of using any force.
- Supporting the right for demonstrations is sometimes difficult, but forces could be used in order to keep the public order.
- Criminals should not take part in the election process (pro-active actions).
- The usage of the criminal's economic power during the electoral process should be avoided (pro-active actions).
- In order to avoid election fraud, pro-active actions should be taken.
- As to financing, usually there is no extra budget for the election-related tasks, so the cost of the police actions should be covered by the annual budget of the police.
- As for election campaign, great efforts should be made by the police to maintain the public order during the demonstrations.
- There is no need for the introduction of special actions during the election process, the police forces should use from the range of actions and measures normally available for them.
- The police should inform the media about the activity of the police during the electoral process.

Basic considerations regarding secure application of IT and security of election documents:

- Council of Europe E recommendations (No 11, 2004) should be followed
- It is necessary to meet data safeguarding requirements.
- A secured network (i.e. for data transmission) must be available.
- Independent systems (from other applications) need to be built.
- E-voting systems give less possibility for human interventions (human error).
- Pre-tests, before the election process compliance tests, and after the election the “lessons-learned” process must be implemented.
- It is important to have a verified counting process without the possibility of any interference.
- EMB has to define their own rules (by authorisation, or after own decision).
- Training for the actors of elections at every level (electoral staff, commission members, media staff) must be provided.
- Voter registry can be based on the central population registry (vote card, passport).

- For quality control purposes, it is recommended to use one secured printing house for all the ballot papers.
- It is necessary to use the security elements on the ballot papers.
- A centralized logistics plan is to be elaborated.

Papers presented on the 17th Annual Conference of the ACEEEO are available at
http://www.aceeeo.org/conferences/2008/program_eng.html