

Presentation

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(15 minutes)

**“Observation of the Use of New Voting Technologies in the OSCE
Region”**

ACEEEO 22nd Annual Conference

Thank you, Moderator.

Mr. President (if present),

Honourable Members of the ACEEEO,

Ladies and Gentlemen,

It is a pleasure and a privilege to address this distinguished gathering today. I very much appreciate the kind invitation from the Secretary General, Zsolt Szolnoki, and this opportunity to speak at the 22nd

Annual ACEEEO conference dedicated to discussing the role of information and communication technology and social media in elections.

One would be mistaken to assume that the use of technology in elections has only started recently. In fact, technology of one type or another has always been used when voters are required to cast their votes in secret. From ancient Athens on broken pottery pieces, stone tokens, marbles, beans, palm leaves, wax tablets, and paper have all been used throughout time to make a voters choice known. Even before printed ballots were introduced in Australia in 1856 – until today the most commonly used “old” voting technology – it was in England, where in 1836 as part of the discussion to introduce the secret ballot, one of the first proposals for a mechanical voting machine was put forward by George Grote. The purpose was to prevent voters from casting unintended invalid ballots. Thirteen years later, Jan Baranowski, a Polish born inventor, presented a mechanical voting machine that would not only prevent invalid votes from being cast, but would also count votes automatically – he had invented a

precursor of a machine that was used for over a hundred years, until recently, in the United States; Jacob Myers pull-lever voting machine.

Today, many states have explored the use of some form of new voting technologies – or NVT in short in ODIHR parlance – such as 1) direct-recording electronic voting machines (DREs), 2) ballot scanners, or 3) Internet voting in order to offer additional features, such as facilitating the count of complicated and large volume elections, supporting voters with disabilities, offering election materials in multiple languages or enfranchising remote voters to participate in elections.

Already in 1923 when David Zukerman authored a paper – something that today would be called a feasibility study on whether or not to introduce a mechanical voting machine – he wrote: “[...] the voting machine does require an act of faith on the part of the voter in a mechanical contrivance whose workings he cannot see [...]”.

This statement, while certainly already true at the time he wrote it, is even more poignant when discussing the issue of NVT. The use of NVT often presents more challenges in reaching the same level of universal acceptance, trust, and confidence as with paper based voting and this remains an inherent quandary. This makes it particularly challenging to introduce NVT to an environment where the use of technology is not part of everyday life and might lead to disenfranchisement of large parts of the voters. Only because it is possible to introduce technology to the electoral process is not a reason to do so. Much rather a concrete need must exist that the use of NVT can address.

Within the OSCE region, we consider the choice of voting technology to be a sovereign decision for the states to make. Thus, it is not within the purview of ODIHR to recommend specific technologies. But when considering the introduction of NVT, a state should follow a balanced approach, which acknowledges the potential benefits of NVT, while still bearing the various challenges that NVT poses to electoral processes and that might arise. Recent experience from the OSCE

region points to the need to consider: feasibility studies to evaluate the benefits and challenges of introducing NVT within a specific context; transparent public procurement processes for purchasing NVT; reviewing electoral legislation to ensure harmonization of NVT within existing electoral law; incorporating specific safeguards to promote the secrecy of the vote and to demonstrate the accuracy of the NVT (such as mandatory random hand recounts of paper ballots or individual and universal end-to-end verifiability); introducing minimum standards for testing and certification to enhance confidence in the system and preparing contingency plans in the event of technical failures; voter education and training of election officials; as well as the need for a gradual approach to build confidence and adapt to technical challenges that may emerge during initial implementation.

The fundamental basis for ODIHR's work with regard to elections is the 1990 OSCE Copenhagen Document, in which the holding of democratic elections is an important principle that the 57 participating States of the OSCE committed themselves to. In paragraph 6, it reads "that the will of the people, freely and fairly expressed through

periodic and genuine elections, is the basis of the authority and legitimacy of all government.” Several other commitments have also been agreed by the participating States of what is required for an election to be considered democratic, and can be summarized in seven key principles: universality, equality, fairness, secrecy, freedom, transparency, and accountability.

It is important, that any electoral process in the OSCE area, including those using NVT, should ensure full respect for all OSCE commitments. Furthermore, in paragraph 8 of the 1990 Copenhagen Document, ODIHR received a strong mandate from the OSCE participating States to observe and assess elections. This mandate has consistently been elaborated and detailed. ODIHR undertakes this task in line with its mandate and continuously strives to strengthen its election observation methodology.

To date, ODIHR has observed and assessed the use of NVT in 24 elections taking place in 13 participating States, including Albania, Belgium, Bulgaria, Estonia, France, Kazakhstan, Latvia, Mongolia,

Netherlands, Norway, Russia, Switzerland, and the United States. Some 140 recommendations have been put forward to address ways in which the electoral processes in these countries could be improved. Issues of concern include the legal framework, issues with transparency, accountability and certification of NVT, and sometimes the secrecy of the vote.

Based on this experience, ODIHR has recently finalized a handbook for the observation of NVT, which will be publicly launched during the upcoming Human Dimension Implementation Meeting here in Warsaw later this month. This handbook is designed as a guidance tool for OSCE/ODIHR election observation missions and should assist them in how they can observe and assess NVT in a meaningful way. In particular, the handbook establishes how the OSCE election-related commitments – while originally designed for paper-based election processes – can be equally applied to NVT and provides guidance where specific need arises due to the particularities of IT-based processing of voter's decisions. Further, it gives hands-on advice to NVT analysts, as well as to the other members of election observation

missions such as the election, legal, or political analyst as well as how short- and long-term observers can contribute to a comprehensive assessment of this technology. In addition, the handbook is also intended to provide OSCE participating States with a better understanding on how election observation can contribute to better implementation of NVT in terms of their OSCE election-related commitments, international standards, and good practice for genuine and democratic elections.

All of us know, however, that election observation is not an end in itself but is meant to support and assist states in better meeting and implementing their election-related commitments. Ultimately, however, the authorities in each state must seriously consider and weigh the consequences of implementing new voting technologies in terms of the election-related commitments – in particular in regards to the secrecy, integrity, and public confidence – that they have undertaken before the OSCE or other regional or international organizations. Ultimately, they are the ones that must further the democratic processes in their own countries to ensure the conduct of

democratic elections. ODIHR, together with the election commissions that form the ACEEEO, as always stands ready to continue assisting and supporting these States in meeting this stated goal.

I look forward to a likely exchange of views and to a fruitful discussion over the coming days.

Thank you.