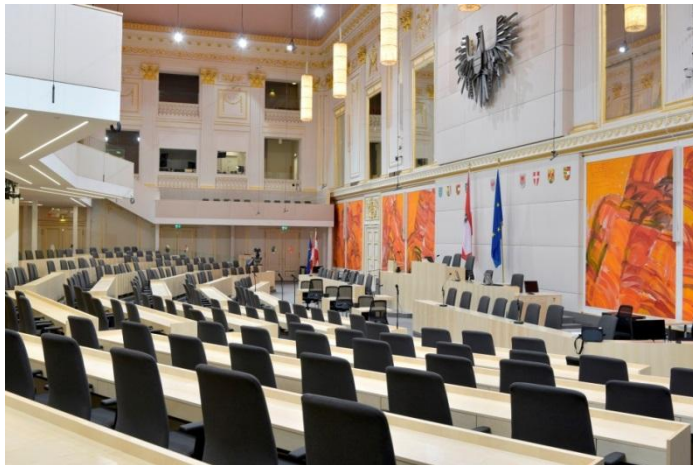




Plenary Session II: "Seen and Unseen Threats to Elections"



Austrian Experiences



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Introduction to Austria

Republic of Austria

- Democratic republic (Federal President is head of state)
- Federal Parliament
(bi-cameral = National Council & Federal Council)
- Approx. 84,000 km²
- 8,6 million inhabitants.
- 9 autonomous provinces (states)
- 2,098 municipalities



Nation-wide elections:

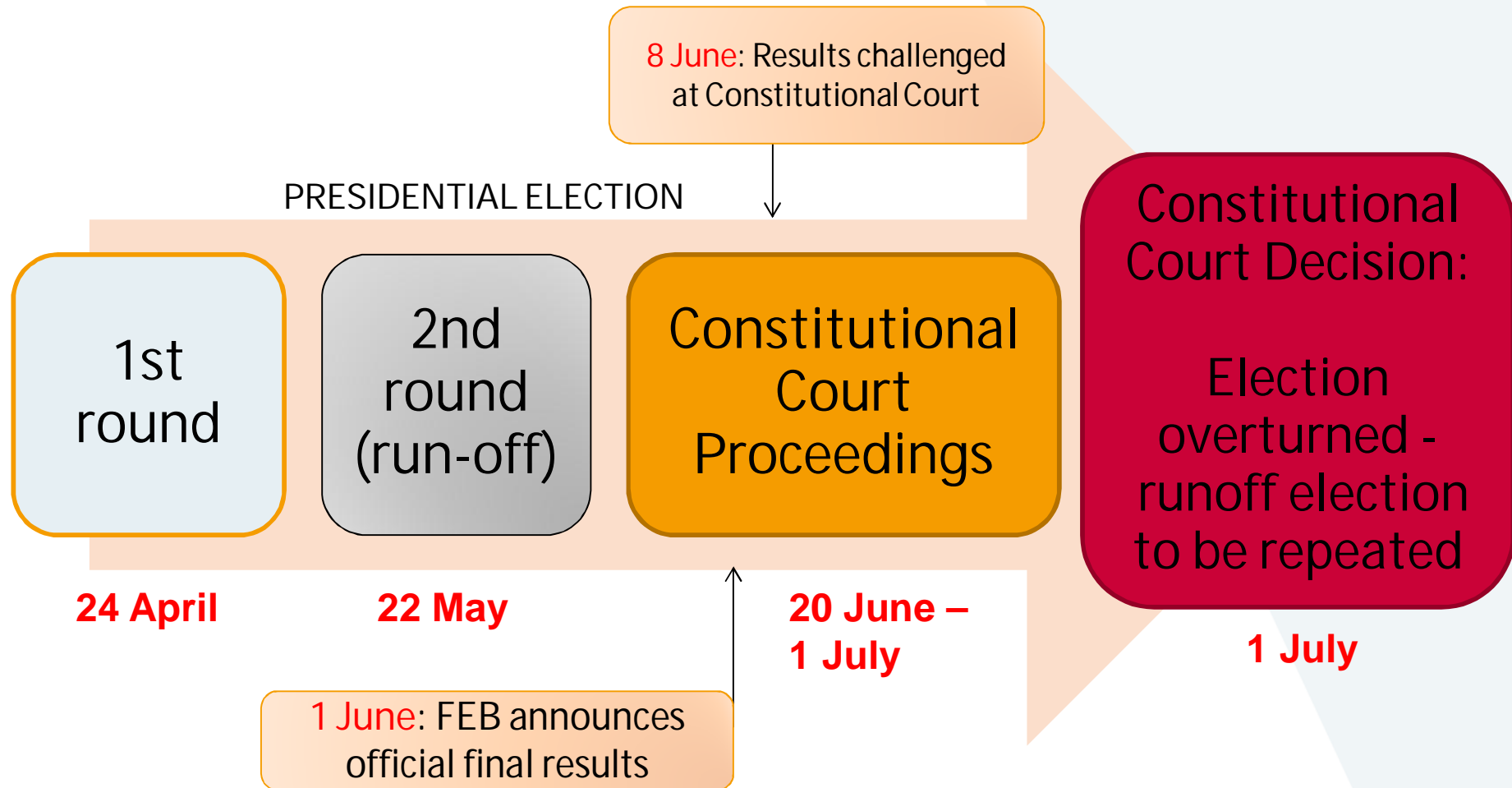
- National Council Elections (“parliamentary elections”)
à max. every 5 years; last: 15 October 2017
- Presidential Elections
à every 6 years; last: 4 December 2016
- European Elections
à every 5 years; last: 25 May 2014
- Referenda

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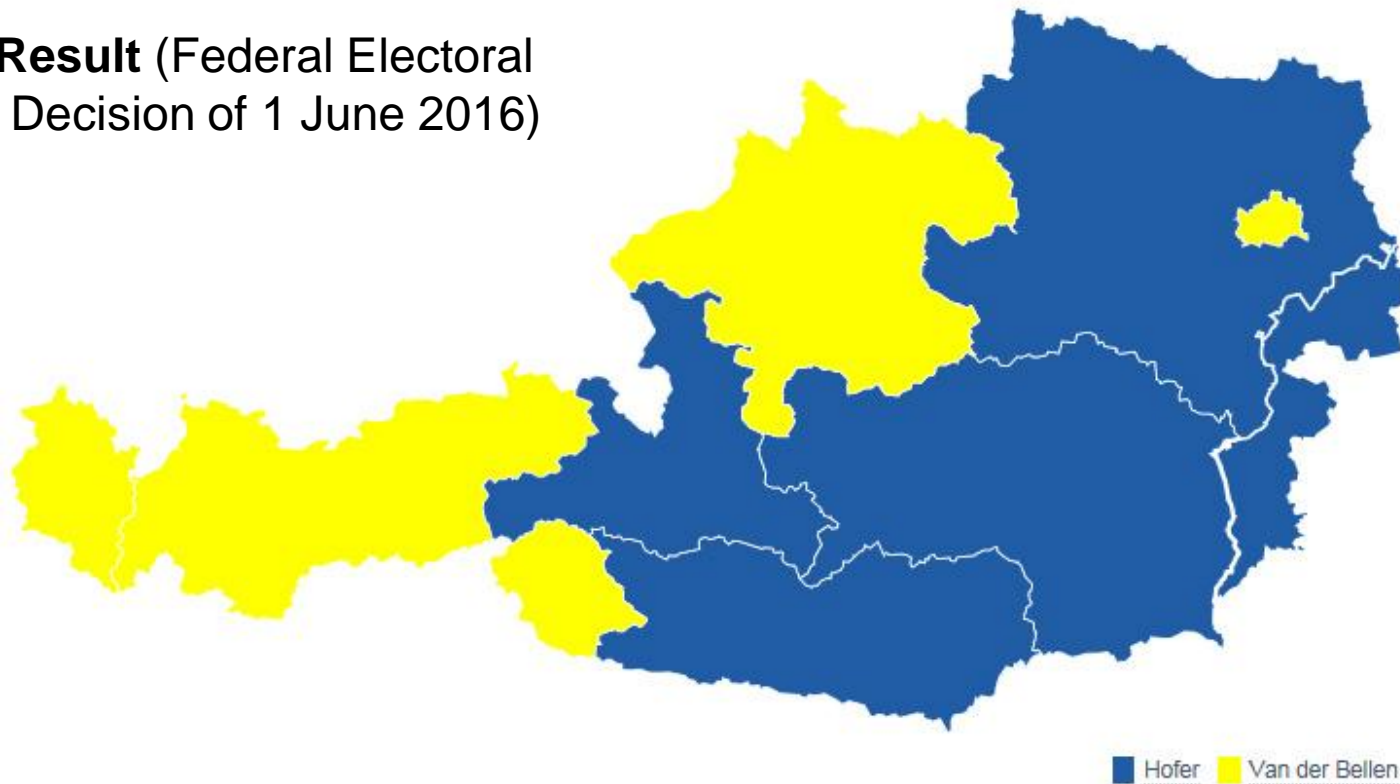
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Presidential Elections: Timeline

2016 Presidential election – the first 2 rounds



Final Result (Federal Electoral Board Decision of 1 June 2016)



Österreich, endgültiges Endergebnis

Ing. Norbert Hofer 49,7 % (+14,6 %)



Dr. Alexander Van der Bellen 50,3 % (+29,0 %)



Developments after 22 May

- 22/23 May Close result – heated discussions start
- May/June Numerous allegations of criminal activities submitted to competent prosecutors' office, intense media focus
- 8 June 2nd round officially challenged, complete complaint also submitted to prosecutors' office
- 1 July Constitution Court decision (written version on 13 July)



Constitutional Court Decision

Constitutional Court Proceedings (1)

- Constitutional Court has sole jurisdiction to decide about challenged elections in Austria.
- Decision rendered in less than 4 weeks (election challenged on 8 June, decision on 1 July).
- Only 2nd round of 22 May to be repeated.

Ruling of 1 July:

“Runoff election to the office of Federal President has to be repeated in its entirety all over Austria.”

Constitutional Court Proceedings (2)

- Largest public hearing in history of Austria's Constitutional Court
- Court summoned 90 witnesses (and interviewed around 70)
- Behaviour in 14 districts found problematic

Below picture: orf.at



Court's Reasoning

1. District Electoral Authorities

- Infringements of the law occurred in 14 district electoral authorities (total of 77,929 postal votes concerned);
- difference between candidates Alexander van der Bellen and Norbert Hofer was only 30,863 votes
à may have had "an influence on the election result"

2. Transmission of partial results

- Decision by FEB, partial results only transmitted to select media and universities to prepare pre-calculations
à may have had "an influence on the election result"

“Stare decisis”: Long line of Court decisions

- Laws governing elections must be strictly applied (generally no room for discretion; provisions must be interpreted by their literal meaning)
à in order to exclude any abuse and manipulation.
- No need to proof any manipulations “if infringements of the law are of an extent that they may have had an influence on the election result” (first comparable decision rendered in 1927).

Subsequent steps and repeat second round

Steps after Constitutional Court Decision (1)

- 8 July New e-day set for 2 October 2016

- 12 July Federal Electoral Board Meeting
training sessions for all subordinate
electoral authorities requested
(organized by different admin. levels)

no more internal transmissions of partial
results

- 14 July MOI requests provincial governments
to examine professional behaviour of
officials in districts

Steps after Constitutional Court Decision (2)

- 25-26 August OSCE/ODIHR NAM in Austria
- 29 August Call center launched
- 6 September E-learning tool available online (two courses for district and local boards)
- 6 September Conference of Chairs of Provincial and District Electoral Boards at MOI

Problems with defective Voting Cards (Examples)



Defective Voting Cards: Timeline

- Friday, 2 September: First report of defective voting card – additional reports over weekend
- Monday, 5 September: MOI orders check of all envelopes at municipalities before distribution
- Tuesday, 6 September: Meeting at MOI with election officials, presentation of E-Learning tool
- Following days: additional reports, pictures, complaints re: voting cards
- Friday, 9 September: Interior Minister announces press conference for Monday – no sufficient legal basis for postponing presidential election

Postponing the Election

- Monday, 12 September: Interior Minister asks Parliament to enable postponement by passing an extraordinary law
- Tuesday, 13 September: 4 Parties submit bill proposing extraordinary statutes to postpone election day – discussed by Constitutional Committee on 15 September
- Wednesday, 21 September: **Bill passed by National Council**
- Monday, 26 September: Promulgation in Federal Law Gazette

Extraordinary Statutes: Legal Amendments

- Election day 2 October 2016 cancelled
- **New election day (4 December 2016)** and new cut-off day, new voter roll
- Introduction of new (old) envelope model à high stability

Managing the postponed repeat 2nd round (1)

- Risk assessment and risk management measures (with external advisors); complete evaluation of the election cycle
- Nation-wide E-learning tool, additional training sessions in all provinces
- Revised instructions and Guidelines by MOI
- Additional circular letters and decrees by Interior Ministry

Managing the postponed repeat 2nd round (2)

- Strongly intensified medial relations work (incl. social media)
- Call center stocked up
- Revised work-flow for inquiries via internet/e-mail
- New printing matters ordered - valid contract with printing company but different company tasked with production of voting cards

Managing the postponed repeat 2nd round (3)

- Extra security measures for production/ transportation of new printing matters
- Additional quality control for voting card production
- Collection of defunct printing matters from authorities
- Research regarding cause of defective voting cards

Events following Presidential elections (1)

- 4 Dec. 2016: E-day for postponed repeat 2nd round
- 5/6 Dec. 2016: Final result → new President elected
- 27 Dec. 2016: Municipalities are granted extra lump sum per voter for expenses caused by repeat 2nd round and the postponement of the repeat 2nd round (special law passed)
- 26 Jan. 2017: Inauguration of new President
- Feb.- May 2017: Discussions about electoral law reform

Events following Presidential elections (2)

- May 2017: Political consensus for early parliamentary elections (E-Day: 15 October 2017)
- July 2017: Out-of-court settlement between Republic of Austria and printing company;
Expert report of Fogra Research Institute of Digital Media Technologies held:
“Election authorities not responsible for defective voting cards”.
- Aug. 2018: Report of Court of Auditors → solid crisis management confirmed

Lessons learned (1)

- Full transparency ensures trust
- Monitoring tool in MOI for future elections
- Value of social media for fast communication
- Dual system of EMBs works well
à challenge: Finding (voluntary) commission members

Lessons learned (2)

- E-Learning tool to be continued and expanded
- Need to introduce Centralized Electoral Register (in force since 1 January 2018); additional legal amendments to be discussed (electoral reform in current gov't program)
- Very detailed product descriptions for future printing matters tender; additional quality control for future productions
- "Robustness" and "resilience" of democracy;
OSCE Report: Re-run "well prepared, efficient, transparent"

Thank You for
Your Attention!

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