

**Committee/Council: Special Conference on Political Corruption**

**Issue: Preventing electoral fraud**

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**Position: Deputy Chair**

**Introduction**

The role of democracy is crucial in building a community where the rights of all individuals are equal and respected, and the broader conditions foster the enhancement of the personal well-being of all citizens. One of the greatest political freedoms offered by democracy is the right to consciously choose our representatives. The right to elect our rulers is a freedom that we take for granted today, but in fact, it has been limited to very few places and periods in history. One could ask: would there be a point in voting, if our vote was changed or altered after we had left the election booth? This practice is called electoral fraud. Would we tolerate being governed by a political party that has won an election through electoral irregularities? Would not the fact that this political party has come to power through deceit, make us question its intentions, qualities, and capabilities?

As the practice of electoral fraud is in most cases illegal, it is difficult to research and establish accurate statistics regarding who perpetrated electoral fraud and what means were utilized. Nevertheless, electoral fraud techniques can be tracked down, verified and punished. The possibilities for vote rigging are countless. (For example, in the Costa Rican general elections of 2002, there were indications for 47 different types of fraud!) Usually, the extent of electoral fraud is not sufficient to change the outcome of a vote. All the same, it can be determinative in close elections.

Fair and inclusive elections give a country the opportunity to empower minorities, discriminated groups or other ethnicities. They are a means of allowing everyone to maintain and express a personal opinion.

## Definition of Key-Terms

### Electoral fraud<sup>1</sup>

"Electoral fraud [also termed voter fraud] refers to illegal interference with the process of an election. The definition of the term varies from country to country. [...] Even though technically the term 'electoral fraud' covers only illegal acts, the term is also used to describe acts morally unacceptable, outside the spirit of electoral laws or in violation of the principles of democracy."

### Democracy<sup>2</sup>

"The belief in freedom and equality between people, or a system of government based on this belief, in which power is either held by elected representatives or directly by the people themselves."

### Electoral Management Body

An Electoral Management Body (EMB) is a legal institution in charge of partially or fully administrating essential elements of the elections. Examples of their tasks would be: clarify who is qualified to vote, manage referendums, count the votes, and establish a chart with the voting results. It can also be involved in other related tasks, such as voter registration, informing voters or suggesting campaign finance laws.

### Polling stations, polling places<sup>3</sup>

"A polling station is a place where people go to vote at an election. It is often a school or other public building."

### Secret ballot<sup>4</sup>

"A method of voting that ensures that all votes are cast in secret, so that the voter is not influenced by any other individual, and at the time of voting no one else knows who the voter chose. A secret ballot can be ensured in many different ways, primarily by using enclosed voting areas, or simply a place to record your answers that is far enough away from all other voters."

<sup>1</sup> USLegal.com, <https://definitions.uslegal.com/e/electoral-fraud/>

<sup>2</sup> Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/democracy>

<sup>3</sup> Collins Dictionary, <https://www.collinsdictionary.com/dictionary/english/polling-station>

<sup>4</sup> Business Dictionary, <http://www.businessdictionary.com/definition/secret-ballot.html>

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#### Australian ballot<sup>5</sup>

“The use of a single, government-supplied ballot.”

#### Proxy voting<sup>6</sup>

“Vote cast by one person or entity on behalf of another.”

### **Background Information**

In order to effectively address the issue of electoral fraud, the techniques that are being utilized to perpetrate fraud have to be examined carefully.

As mentioned in the key-term definition, electoral fraud can be executed both legally and illegally.

#### **Legal aspect of electoral fraud**

An example of legal electoral fraud would be intentional misdirection when designing voting slips. This could mean using the same font for two parties or naming a party so that it resembles the name of another more popular party; both these acts could misguide and confuse the voter. Although these methods are legal, they are often considered to be disrespectful towards the values of a democracy.

#### **Electoral fraud and its techniques —in most countries illegal**

##### **Intimidation**

Many forms of violence, either physical or verbal, or threats of violence can be characterized as intimidation. Spreading false alarms about bomb threats or attacks on the polling station, or actually attacking the polls intimidates voters and hinders them from attending it. Another method is coercing the voters by aggressively questioning them or lying about requirements that are supposedly needed, such as specific identification methods or language capabilities.

##### **Impersonation**

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<sup>5</sup>The Annual Review of Political Science · June 2003,  
[https://www.researchgate.net/publication/228913438\\_Electoral\\_Fraud\\_Causes\\_Types\\_and\\_Consequences](https://www.researchgate.net/publication/228913438_Electoral_Fraud_Causes_Types_and_Consequences)

<sup>6</sup>Defined by TheFreeDictionary, <https://financialdictionary.thefreedictionary.com/Proxy+vote>

When ID Laws and supervision are not strictly enforced, or the registration system is flawed, it is possible for a person to vote a second time, for example with the identity card of a deceased relative.

### **Destruction and invalidation of ballots**

It is difficult to surreptitiously destroy a large number of ballots. Nevertheless, in a close election even a small number of destroyed ballots can make the difference. One method of destroying a ballot is invalidation. Electoral assistants invalidate an opposing voting slip, for example by adding a second mark to the slip and rendering it therefore invalid. Voting assistants can also remove individuals from the electoral roll, claiming this to be accidental and making it unfeasible for them to vote.

### **Ballot stuffing**

Ballot stuffing is the submitting of more than one ballot in a ballot box where the submitting of only one ballot is authorized.

### **Hacking**

Electronic voting systems are often touted as the solution to all these problems, specifically DRE (direct-recording electronic) voting systems. However, experts are concerned that these can be easily hacked or misused. For example, ballot stuffing is still feasible with electronic voting.

### **Misuse of Proxy Voting**

Proxy voting (defined above), is extremely vulnerable to electoral fraud. If a citizen wishes to vote but is not capable of travelling, a representative can vote for him. Moreover, as there is usually no proof of who he has voted for, that person's proxy may not have voted for his actual choice.

### **Misrecording of votes**

Another form of electoral fraud is inaccurately counting the ballots or filling the ballot box with votes invalidly submitted. One method involves permitting only election officers to place the ballots into the ballot box. Another method is giving a blind or illiterate person the impression that he has voted according to his preference, while in reality an officer who was assisting him in casting a ballot has changed his vote in secret.

### **Artificial results**

Voting officials simply declare the result they want irrespective of the actual vote; often the votes are not even viewed. Other parties or citizens usually do not have enough power to resist corrupt authorities engaged in this type of fraud.

### **Vote buying**

It is noteworthy that impoverished people are more vulnerable to vote buying. Often, they are offered resources crucial to their survival, such as food, a job position, or financial compensation in exchange for their support. The political parties or candidates that typically violate voting laws are the wealthier ones. This takes financially weaker, but potentially more qualified, parties or candidates out of the electoral competition.

### **Manipulation of demography**

Many laws specify that a citizen must vote at the ballot box nearest to him and within his electoral district. Two principal techniques are used in manipulation of demography: "cracking" (weakening the voting power of the opposing party's supporters by distributing them across many districts) and "packing" (concentrating the opposing party's voting power in one district to diminish their voting power in other districts). Moreover, parties can provisionally offer a group of people land or a low-priced residence in order to either collect a majority of supporters in the party's district or move oppositional voters out of it. Another method is granting immigrants citizenship in return for obtaining their vote. Finally, if a person supports a specific party and wishes to weaken the opposition party, he can become a member of the opposition party and elect a weak representative for it.

### **Division of the opposition support**

This technique is applied in an imbalanced political system, in which there are only one powerful party and many other minority parties. The powerful party makes sure through manipulative acts that the weaker parties do not coalesce into a bigger and more influential political organism that may threaten the supremacy of the single large party.

### **Disenfranchisement**

A major effect of electoral fraud is the disenfranchisement of a certain group of people. Political parties put intentional obstacles that hinder this group from voting. For example, carrying out literacy and comprehension tests might exclude illiterate people from the election. Requiring people to vote within their electoral district disenfranchises people who are not able to travel such as hospital patients or military personnel. Rural areas can be affected as well, if the polls are at inconvenient locations. Furthermore, the voting day can be set on a weekday, on

which the employed might be obliged to attend work. A second method, namely closing the polling stations early and opening late, can also hinder working people from voting. Another option is the setting of the voting day on religious and holy days. This way, specific religious groups are excluded.

### **Example of disenfranchisement in the United States of America**

In 1870, the 15<sup>th</sup> Amendment of the Constitution was ratified. It declared that African-Americans were able to vote. Yet many states conducted literacy tests and checks that were supposed to confirm the “good character” of voters. They often demanded poll taxes. As can be understood, it was problematic, or even impossible, for African-Americans to be able to actually exercise their suffrage. In 1965, the Voting Rights Act was established following widespread protests. The legislation outlawed literacy tests and provided for the appointment of Federal examiners with the power to register qualified voters. In addition, the Act applied a nationwide prohibition of the denial or abridgment of the right to vote on account of race or color. The payment of poll taxes in national elections had been abolished by the 24<sup>th</sup> constitutional amendment (1964); the Voting Rights Act directed the Attorney General to challenge the payment of poll taxes in state and local elections.

However, many US-citizens today still have to confront disenfranchisement. For example, in various states it is illegal for felons and ex-felons to vote, which in the elections of 2016 disenfranchised approximately 6 million citizens.

### **Measuring the quality of an election —measuring electoral fraud**

How can we assess whether an election process has been conducted according to the principles and rules of a real democracy? Which requirements will have to be examined?

The so-called “electoral cycle”, as seen bellow, depicts the main areas of voting that will have to be taken in consideration. Election Management Bodies (EMBs) have the legal responsibility to make sure these measures are fulfilled and verify the results afterwards. They can and should cooperate with several other authorities and individuals, such as police forces, electoral officers, the judiciary, political parties and candidates, intergovernmental organizations and international non-governmental organizations, the media and individuals who voted.

Measures that can be taken would be, for example, conducting polls and asking individuals if they are satisfied with the elected politician. If this number is close to the outcome of the voting, this is an indication that the votes were not altered. The

votes submitted should match the votes counted. this way, citizens are reassured that ballot-stuffing did not take place.



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## Major Countries and Organizations Involved

### The European Commission for Democracy through Law

In 1990, the Venice Commission was founded with the aim of providing legal advice to its member states in support of democratic structures. For this purpose, the Commission has subsectors occupied with electoral laws.

### Transparency International

Transparency International (TI) is a non-governmental, non-profit organization, founded in 1993. It is present in more than 100 countries. It has, among other things,

<sup>7</sup> European Centre for Electoral Support, <http://www.eces.eu/eea-training>

initiated international anti-corruption conferences, acted against corrupt politicians, captured their illegally acquired resources, and prosecuted companies that were involved in fraudulent activities.

### **International Foundation for Electoral Systems (IFES)**

In 1987, the IFES was founded. An international, non-profit organization that provides electoral assistance and expertise to partners, the IFES helps them create or modify existing legal frameworks in order to hold elections that suit the principles of democracy.

### **The International Anti-Corruption Academy (IACA)**

The IACA is an international organization. It was founded by the United Nations Office on Drugs and Crime (UNODC), the International Criminal Police Organization (INTERPOL), the European Anti-Fraud Office (OLAF) and the Republic of Austria in 2011. The IACA is committed to improving the knowledge standard of anti-corruption and strengthening experts in their race against corruption. It aims to cooperate with public and private establishments, inter- and non-governmental organizations and, finally, the community as a whole.

### **United States of America**

In the **2016 presidential** elections of the United States, there have been allegations that the Russian Federation interfered in the electoral procedure favoring Donald Trump. Finally, Donald Trump won the election. The Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI) and the National Security Agency (NSA) affirmed that the government of the Russian Federation established a campaign to interfere with the election. Both the president of Russia, Vladimir Putin, and Donald Trump reject these accusations. The 2017 a U.S. intelligence report stated that the government of Russia utilized public media, such as "Sputnik" and "Russia Today", to distribute accusations about Trump's opponent, Hillary Clinton, such as her supposed poor physical and mental health, corruption, her leaked e-mails and links to Islamic extremist groups. This was published in a number of languages, including English. Former FBI director James Comey appointed Special Counsel Robert Mueller to examine if there were any ties between Trump and Russia. Trump fired James Comey in May 2017. From February through August 2018, several individuals, businesses and entities were charged with conspiracy to perpetrate fraud and interfere in the elections of the United States.

You can access the US LAWS concerning voting and electoral fraud at this link: <https://www.usa.gov/voting-laws>

### **Russian Federation**



Vladimir Putin will have remained in power nigh on a quarter of a century by the time his fourth term ends. He won the 2018 elections with a lead of 75%. Many electoral irregularities, such as ballot stuffing were caught on camera. Golos, a Russian election-monitoring organization, documented at least 1500 breaches. Finally, since there is essentially no competition between the parties, the system does not operate as a well-functioning democracy.

### **Mexico**

Mexico also has a history of corrupt voting. The two most recent examples were the 2006 and 2012 elections.

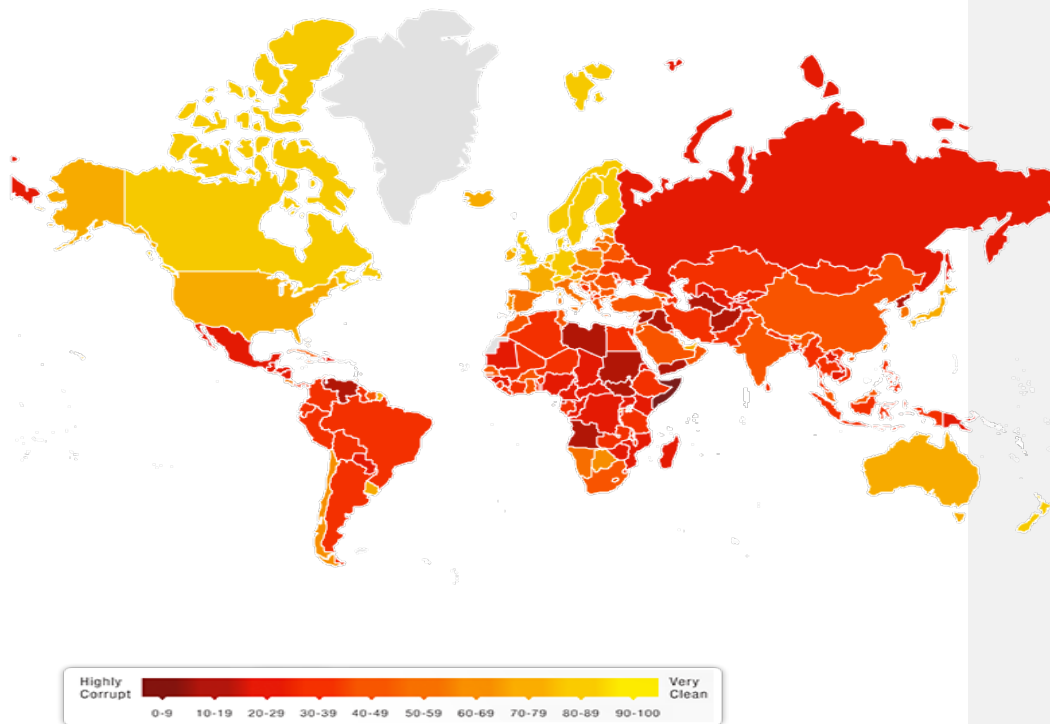
Massive irregularities were discovered in the elections of 2006. The official margin between the two major parties in the outcome was 0.58%. The two candidates were Felipe Calderón of the PAN (National Action Party) and López Obrador of the PRD (Party of the Democratic Revolution). In the end, Calderón won the election by 0.58% of the vote, which is a very narrow margin, yet it proved decisive. Taking in consideration that electoral fraud influenced the outcome, one should consider if it might have been a different one, in case the voting procedure had been fair. The Mexican Voting Laws determine that the polls get a specific amount of blank voting papers. After the vote, the blank ballot papers and the filled ballot papers must amount to the number of original ballots. For approximately half of the polling places, this was not the case. The authorities partially recounted the ballots, but refused to publish the results. The Center for Economic and Policy research (CEPR) recounted 14.4% of the ballots. Calderón's lead in the vote was not evident any more. There was great media favoritism towards Calderón, which definitely played a tremendous role. Two corporations, Televisa and Azteca, manage about 95% of television, and the observers noted their antipathy for the opposition party PRD.

### **New Zealand**

According to the "Corruption perception index" of year 2017 established by Transparency International, New Zealand was the least corrupt country in the world for the previous year, 2016. The "Public Service Code of Conduct" prohibits public service employees from accepting a bribe or giving in to any other form of corruption. The legislative framework is comprehensive and the judiciary transparent. Violations can result in fines of NZD 2,000 and extend to 14 years of imprisonment.

### **Federal Republic of Somalia**

As reported by the "Corruption perception index" of the year 2017 mentioned above, Somalia was the most corrupt country in the world. Public services and institutions are dysfunctional. Somalian authorities do not respect the court orders. Laws that prohibit corruption do exist, but violations are not prosecuted. Freedom of speech and press are protected under the Constitution, but circumvented in practice. Somalia is considered one of the most dangerous countries for journalists to live in or travel to.



<sup>8</sup> This graphic depicts the level of public sector corruption around the world.

### Timeline of Events

1965	United States Voting Rights Act of 1965
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8. Transparency International,  
[https://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2017](https://www.transparency.org/news/feature/corruption_perceptions_index_2017)

<b>1987</b>	The International Foundation for Electoral Systems (IFES) is established
<b>1990</b>	The European Commission for Democracy through Law is founded
<b>1993</b>	Transparency International is founded
<b>2005</b>	The United Nations Convention against Corruption enters into force
<b>2011</b>	The International Anti-Corruption Academy (IACA) is founded
<b>2016</b>	Russia is accused of interfering with the election campaign of U.S. president Donald Trump

### Relevant UN Treaties, Resolutions and Events

There are certain **UN-Bodies** that can be involved in electoral assistance. The UN Development Programme (UNDP), for example, provides technical assistance to the election commission, creates an organizational framework and job descriptions. Furthermore, it establishes internal monitoring and evaluation facilities. The Office of the High Commissioner for Human Rights (OHCHR) monitors if human rights are upheld. UN Women (UNW) enhances women's political participation through campaigns. The UN Office for Project Services (UNOPS) provides technical assistance. The UN Educational, Scientific and Cultural Organization (UNESCO) arranges training for journalists. The Department of Political Affairs communicates with political leaders. These are just examples of their tasks.

#### United Nations Convention against Corruption

The United Nations Convention against Corruption —the only legally binding instrument that acts against corruption worldwide. On hundred eighty-six states, most of them Member States the United Nations, are parties to the Convention. Information and technical aid are being exchanged between the states. Preventive methods and law enforcement are being included in the Convention. Amongst others, the Convention acts as prosecutor against bribery, clientelism and manipulation of utilities, not only in the public sector but also in the private one. The Convention entered into force in December 2005.

### Previous Attempts to solve the Issue

In the 1950s, the United Nations supervised numerous decolonization processes. When a new government or democracy was being emerged, it was very vulnerable to exploitation and fraud; the danger of a violent, oppressive ideology taking advantage of the situation to rule was very real. A politically neutral observer, aiming to preserve human rights, might detect such a takeover and prevent further consequences.

While providing electoral assistance in the form of supervision and other, the UN advises and cooperates with national EMBs as well.

#### **Examples of UN electoral assistance in Member States:**

##### **1950, Federal Republic of Somalia**

The UN assisted in electoral preparation: registration of parties and voters. In the year 1959, experts drafted an electoral legislature along with national politicians.

##### **2016, Federal Republic of Somalia**

Amongst other things, media campaigns and workshops for journalists were established. Great emphasis was placed on the inclusion of women in voting.

##### **1989, Republic of Angola**

UN peacekeeping missions supervised the voting procedure at polling stations.

##### **2010, Republic of Iraq**

In a post-conflict environment, the United Nations provided financial aid and electoral materials, as well as assistance in the form of workshops for polling officials and media campaigns.

##### **2013, Kenya**

Measures to prevent conflicts were taken. Personnel of numerous UN bodies were present. For example, UN-Women and the OHCHR ensured that voters' rights were upheld.

##### **2015, Burkina Faso**

Over 60 UN officials were present as electoral personnel to ease tensions in cooperation with the African Union. An inclusive legal framework was drafted.

## Possible Solutions

The roots of the problem of electoral fraud go way beyond its immediate manifestations. Electoral fraud coincides with the phenomenon of poverty, as well as with the mentality of aiming to directly and immediately profit from the despair of other people.

Electoral fraud is a topic that is seemingly limitless in scope, from the techniques involved in perpetrating fraud to everyone implicated in the process. Political parties, voting observers, as well as every individual voter can be susceptible to corruption. Electronic systems can be hacked. So, are there any applicable solutions?

Primarily, it is important that all citizens are politically enlightened and able to **think critically** so that they can form a deliberate political opinion. This will make it more difficult for them to become victims of electoral fraud, as they will vote for what they believe is right and refuse to be manipulated or bribed. In addition, they will be able to question suspicious voting results. Individuals' political consciousness needs to be awakened before the age of eighteen to ensure that they are not willing to sell their vote for money or being targeted by political parties due to their politically uncertain opinions. The solution is, as always, **education**.

Additionally, education for all would help incorporate minorities into the political discussions and potentially eliminate extreme poverty. It makes sense that "quality education for all" is the solution to most problems, so the following are practical recommendations for immediate results.

There should be **campaigns and workshops** about both the way electoral fraud damages democracy and its techniques, so that everyone can actively observe electoral procedures and assess impartially their results.

Each party should publish a short information text presenting its key-values and ideas. These can be summarized in one neutral **public voting guide**, so that it is easy for citizens to be informed.

NGOs or EMBs, in cooperation with international organizations, can **monitor** the voting process to avoid electoral fraud. Counting the ballots, in **attendance of representatives of different political parties**, independent citizens, and the above-mentioned bodies, can eliminate fraudulent acts. The number of ballots submitted will have to be equal with the number of ballots counted.

All the UN member states should make sure that their **legislative framework** ensures the suffrage to all citizens. Furthermore, it should prohibit electoral fraud in

a comprehensive manner. Any violations should be prosecuted. Strict ID Laws that permit every citizen to vote only once should be established in order for impersonation to be avoided. Further legislative measures should be adopted, to make sure that the choice of the voting day does not hinder any group of people from participating to the election, and is announced a sufficient amount of time beforehand, so that voters may be prepared for this. Politically neutral EMBs could make sure these preconditions are met.

A means to prevent intimidation is to urge all parties to sign a **Code of Conduct** before the election. Through their signature, they are obliged to be politically tolerant and avoid intimidating their political opponents. The electoral assistance and management body can also collect reports of citizens describing cases of intimidation, in order to be able to prosecute them.

It is important that the method of “**secret ballot**” is ensured, in order for citizens to be able to vote in secrecy and vote buying, intimidation and other fraudulent acts are hindered. In order to avoid ballot stuffing, **see-through ballot boxes** can be used.

Concerning DRE (direct-recording electronic) voting systems, which can be hacked as mentioned before, the newly developing technology of **blockchain** could assist in enhancing transparency in election systems. A blockchain is a shared database that is managed by a global network of computers. Information held in the database is distributed and continually monitored by all the computers in the network. Through blockchain, the voter can be reassured that his **anonymity** is preserved, and the results are calculated and published immediately. Many difficulties would have to be overcome for blockchain to be implemented, such as financing the costs, obtaining the concurrence of electoral officials, or hiring additional experts on the technology. Finally, blockchain is mostly relevant in regards to internet voting or voting from abroad so that a greater number of people are able to vote safely. However, blockchain may also be used with DRE voting systems at polling stations to prevent ballot rigging.

Another cryptographic voting method that can be utilized are **end-to-end auditable** voting systems. They are able to confirm that a citizen has voted but keep his choice **anonymous**. These electronic systems directly calculate the votes of each district and display the final result on a public website.

Of course, it is important to keep in mind that any hurried and not carefully implemented technological innovation can be misused and even facilitates systematic corruption!

## Further Reading

At minute [01:38] you can see an example of **ballot stuffing** in the Russian Federation: <https://www.youtube.com/watch?v=jsZsnrgmrnk>

Here you can find a list of **Anti-Corruption Intergovernmental Organizations**:

<http://www.track.unodc.org/ACAuthorities/Pages/home.aspx>

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