



15th EMB Conference

1st Working Session



**“Public trust in elections –
an essential component of
democratic elections”**

Gregor Wenda
Oslo, 19 April 2018

Introduction

- Sources
- Austrian experiences
- Questions and discussion
- Wrap-up and conclusions



I. Sources

UN Declaration of Human Rights 1948:

- **“... will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”**

CSCE/OSCE Copenhagen Document 1990

- “ ... They agree that these measures should contribute to achieving further effective progress, **enhance** conflict prevention and **confidence in the field of the human dimension of the CSCE.**”

Venice Commission Code of Good Practice in Electoral Matters 2002

- European Convention on Human Rights
- Election principles (universal, equal, free, secret, direct suffrage; frequency of elections)
 - **Conditions for implementing the principles** (Respect for fundamental rights, electoral law, organisation of elections by an impartial bodies, observation of elections, system of appeals, polling stations, funding, security , ...)

Council of Europe Recommendation on standards for e-voting 2017

- **Preamble:** “... Reaffirming its belief that **public trust** in the authorities in charge of managing elections is a precondition to the introduction of e-voting (...)”
- **Explanatory Memorandum (examples):**
 4. *Standards aim at guaranteeing the respect of the principles when using e-voting, **thus building trust and confidence in domestic e-voting schemes.***
 7. *It has become clear that **an e-voting system can only be introduced if voters have trust and confidence** in their electoral system and in election administration. (...)*



II. Austrian experiences

Austrian experiences

- Calculating preliminary results
- 2016 Presidential Elections
- 2017 National Council Elections

Result Transmission and Tabulation: Main Principles



- Two processes, ad hoc reports not binding
- Always paper records (minutes)
- Constitutional Court: Only paper minutes are legally relevant
- All results have to be finally determined and decided by electoral boards
- Recount possible, ballot sheets have to be kept until final results remain uncontested

Calculating Preliminary Results

**ELECTION DAY –
ELECTION BOARD LEVEL**

**Precinct
E.B.**

Hand count

**Municipal
E.B.**

**Ad hoc
report**

**District
E.B.**

**Ad hoc
report**

**Provincial
E.B.**

**Ad hoc
report
data
summarized
and transferred**

**Federal
Electoral
Board**

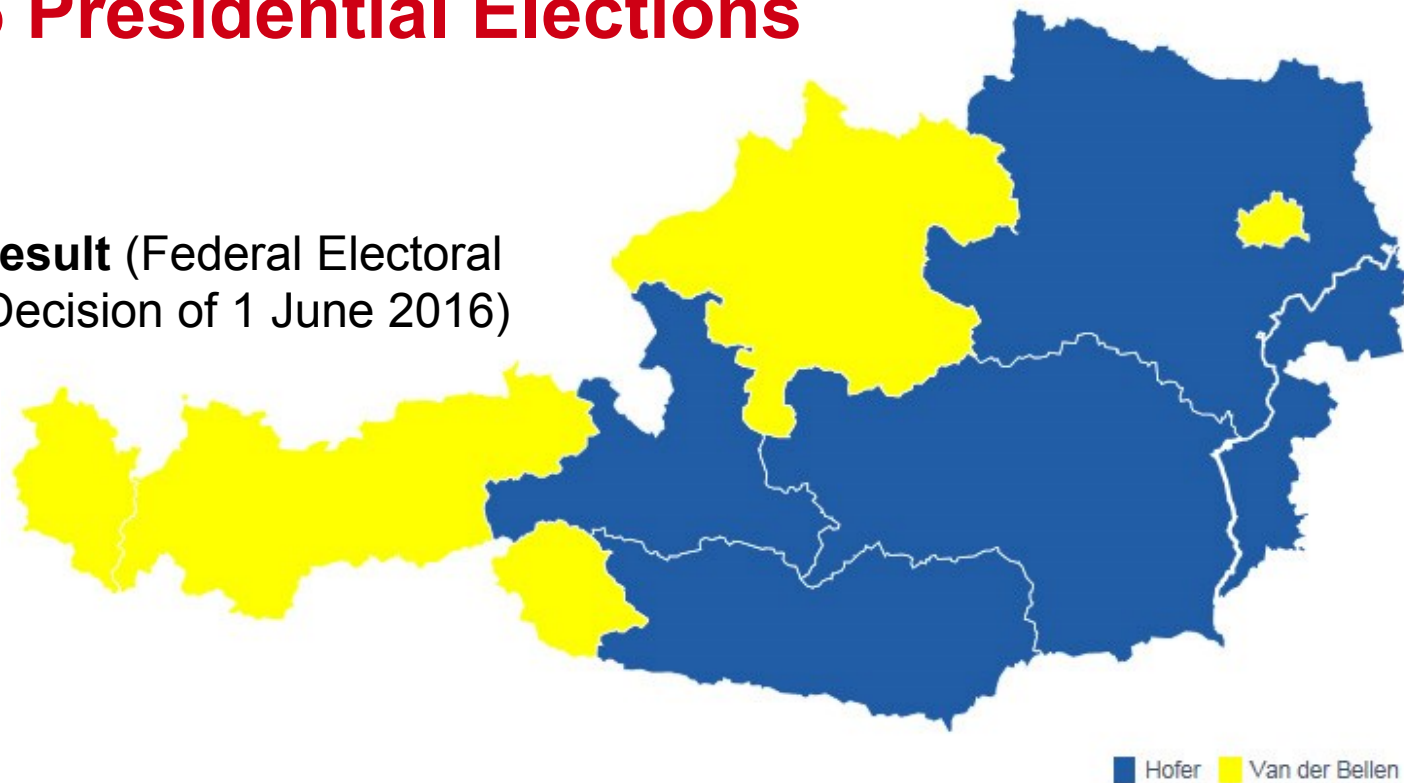
**Only level for
IT-Solution
(Secure System)**

2016 Presidential Elections – Timeline

- 24 April 2016: 1st round of presidential election
- 22 May 2016: 2nd round of presidential election
- June 2016: 2nd round challenged, Court proceedings
- **1 July 2016:** **Constitutional Court annuls 2nd round**
- 8 July 2016: New date 2 October for repeat 2nd round
- July/Aug. 2016: Preparations for repeat 2nd round
- 2 Sept. 2016: First problems with voting cards
- **26 Sept. 2016:** **Election day postponed to 4 December**
- Oct./Nov. 2016: Preparations for repeat 2nd round
- 4 Dec. 2016: E-day for postponed repeat 2nd round
- 5 Dec. 2016: Final result → new president elected
- 26 Jan. 2017: Inauguration of new president

2016 Presidential Elections

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 %)



2016 Presidential Elections: Constitutional Court annuls 2nd round

- Constitutional Court has sole jurisdiction to decide about challenged elections in Austria.
- Decision rendered in less than 4 weeks (election challenged on 8 June 2016, decision on 1 July 2016).
- Only 2nd round of 22 May 2016 to be repeated.

Ruling of 1 July 2016:

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

Presidential Elections 2016: Some of the lessons learned

- Full transparency ensures trust (e.g. social media for fast communication)
- “Robustness” and “resilience” of democracy
- Centralized electoral register and further legal reform steps

OSCE EET Report:

Re-run “well prepared, efficient, transparent”

2017 National Council Elections:

- May 2017: Political consensus for early elections in the autumn of 2017
- 13 July 2017: Plenary decision to dissolve National Council
- 14 July 2017: Decree to call elections
- **Cut-off day: 25 July 2017**
- **Election day: 15 October 2017**

2017 National Council Elections – OSCE/ODIHR EAM Final Report

(selection of quotes)

- “Although aspects of election-related legislation could be improved, the election was effectively administered and enjoyed a high level of public confidence.”
- “The public retains a high level of confidence in the election authorities.”
- “Political parties expressed high confidence in the accuracy of the voter register.”
- “The majority of OSCE/ODIHR EAM interlocutors noted efficient administering of the alternative voting methods and expressed full confidence in the system.”



III. Questions and discussion

Questions and discussion

Warm-up: Country examples (recent)?

1. What is trust and confidence?
2. Necessary elements to maintain trust in elections?
3. What is the role of EMBs?
4. Which challenges does ICT in elections bring about?
5. Role of trust in secure elections?



IV. Wrap-up and conclusions

Thank You for Your Attention!

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