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**Speaking points for the 19<sup>th</sup> EMB Conference**  
**“Artificial intelligence and electoral integrity”**  
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*Can artificial intelligence and democratic elections be allies?*

Dear representatives from Electoral Management Bodies,  
Dear colleagues,

The conference we will attend these two days is no aerolite in the Venice Commission's and Electoral Management Bodies' sky. We have already dealt with elections and new technologies at several occasions in the last years – they were addressed in our conference in Oslo, but above all, in documents of the Venice Commission, most prominently in the [Principles for a fundamental rights-compliant use of digital technologies in electoral processes](#). However, this conference brings a novelty – and a challenge – because it is the first time we deal with artificial intelligence – an issue we cannot at any rate avoid, since it is entering – or will enter – progressively our daily life. This conference is part of the Council of Europe's pioneer work in the field.

So where do we start from?

In April 2018 already, the Venice Commission co-organised with the Ministry of Local Government and Modernisation of Norway the 15<sup>th</sup> EMB Conference in Oslo dedicated to "Security in Elections".

After focusing on the need for respecting human rights throughout the electoral process, the conclusions of the conference state that “in some countries, the use of digital technologies has contributed to the quality of elections. However, digital technologies are no panacea. They represent new challenges to elections, especially when taking into account the quickly and constantly evolving nature of the security threats involved.”

To many extents, such conclusions remain accurate regarding electoral processes increasingly impacted both by digital technologies and by artificial intelligence systems.

The seven principles detailed in the above-quoted Venice Commission study on digital technologies in electoral processes remain accurate too. They not only insist on freedom of expression, but also focus on the open internet and net neutrality, the need to make the removal of content from the internet possible, protection of personal data, the need for specific regulations on political advertising and the responsibility of internet intermediaries, or to fight cyberthreats, as well as international and public-private co-operation.

**But what are the changes implied by technologies using artificial intelligence systems, beyond digital technologies in general?**

Before giving some hints regarding this issue, I would like to clarify what we are talking about and primarily **how we can define artificial intelligence**.

The Council of Europe and the Alan Turing Institute, jointly define artificial intelligence systems – AI systems – as “algorithmic models that carry out cognitive and perceptual functions in the world that were previously reserved for thinking, judging, and reasoning human beings.” This can be found in the concept paper available on the site of the Conference.

Artificial intelligence is progressively influencing more and more the various aspects of life. This implies for the Council of Europe and the Venice Commission in particular to follow and

as far as possible to anticipate the evolution of electoral processes, as affected by digital technologies on the one hand and AI systems on the other.

Whatever the positive or negative approach of the impact of AI systems in the field, electoral management bodies and candidates, among other electoral actors, will have to deal sooner or later with such tools. Traditional ways of holding elections will of course not disappear, but they will have to adapt to the new artificial intelligence environment.

To be concrete, let us now have a look at the themes to be addressed during the present conference.

Before going into the practical aspects of what artificial intelligence may bring to the electoral process, the forthcoming introductory session will cover **the Council of Europe's acquis and the principles at stake**.

Holding democratic elections implies respect for human rights, particularly freedom of expression and of the press and freedom of assembly and association for political purposes, including the creation of political parties, as well as the respect of Article 3 of the first Protocol of the European Convention for Human Rights on the right to free elections as well as of the related case-law of the European Court of Human Rights.

The challenges will be simultaneously to protect fundamental freedoms and principles for holding democratic elections, ensuring the freedom of voters to form and express their opinion as well as protecting personal data in a context of AI-affected electoral processes.

These freedoms as well as the principle of equality of electoral opportunity thus require the state and public authorities more generally to monitor in a neutral manner the quickly evolving use of AI systems in electoral processes.

Apart from hard law enshrined in the European Convention on Human Rights and the Data Protection Convention, soft law plays an increasing role in the field. The Committee of Ministers' [Guidelines](#) on the use of information and communication technologies in electoral processes in Council of Europe member States emphasise that "the use of ICT, like the use of any other technology in electoral processes, should comply with the principles of democratic elections and referendums and other relevant principles and must be balanced against other core considerations such as security and accessibility for users."

On its side, the Venice Commission comprehensively worked on the impact of digital technologies on electoral processes in a report jointly prepared with the Council of Europe's Directorate of Information Society and Action against Crime on "Digital Technologies and Elections", adopted in June 2019.

The Commission also adopted in December 2020 the already mentioned "Principles for a fundamental rights-compliant use of digital technologies in electoral processes", where the Commission "has developed several principles which should be respected by law-makers, regulators and other actors involved in the use of digital technologies in elections".

While the Venice Commission underlines in these reports the positive aspects of digital technologies making democratic processes more accessible for more citizens, it however remarks that digital technologies can be an obstacle for certain categories of citizens.

We will certainly have to discuss whether artificial intelligence systems, still more than digital technologies in general, may have increased what I would qualify the digital distance or the digital discrimination vis-à-vis vulnerable categories of citizens. – those vulnerable categories of voters are moreover often already the ones having already difficulties to access political platforms and more broadly the political offer at stake. Or, on the contrary, could artificial intelligence have a positive effect, by including outsiders?

**So, what are the practical aspects? What are the new perspectives at stake regarding the impact of AI systems in electoral processes?**

The essential question at stake for electoral management bodies, but also for experts in AI systems, is the following:

**Does artificial intelligence go deeper in what already exists in our democracies impacted by digital technologies or is it a real game changer for our democratic societies and especially our electoral processes?**

But what is changing, what will change?

As the 2019 Venice Commission’s Report on “Digital Technologies and Elections” mentions, “technology is changing the way electoral campaigns are managed.”

Electoral campaigns are eventually the moment of our electoral processes clearly and already impacted by the use – should I say too often the misuse – of AI tools aimed at ultimately manipulating the voter choice.

In this field, the downside of AI-affected electoral processes may indeed be the risk of misusing AI systems with the purpose of manipulating ideas and messages, creating a selective exposure of voters to politically-oriented information and consequently distorting information and reality. I will come to this later more in detail.

**What about other stages of electoral processes?**

Are there examples where EMBs observed or have already used AI tools in their work?

Did AI, if applied, prove its effectiveness regarding various phases of electoral processes, for instance concerning voter registration, testing and certifying of voting equipment, vote cast or counting operations? Or was it not yet applied and we should anticipate its possible effects?

Overall the questions at stake for electoral management bodies are notably the following:

Can AI systems simplify or on the contrary do they tend to complexify electoral processes?

Do we face a risk of having voters being excluded from access to electoral processes due to AI?

You will be invited to debate these issues during the first session on AI and fairness in electoral processes.

**What about voter data protection?**

Data is the raw material of AI.

The Cambridge Analytica scandal, other similar situations that occurred as well as the exponential development of micro-targeting have seriously entailed citizens' personal data protection.

The use of such technologies thus questions the use of personal data and its related protection.

But does customisation have limits? Personal data that machine learning is using must necessarily be anonymised, which questions, for instance, the use of data from mobile phone operators.

Overall, how to ensure a full respect of the Council of Europe's Convention for the Protection of Individuals with regard to the Processing of Personal Data (Convention 108+)?

These essential issues touching upon voters' data protection in a context of AI-affected elections will be debated during the second session.

Dear colleagues,

In the coming years, other essential aspects of our electoral processes and of our work will certainly be affected by artificial intelligence, either positively or negatively.

**The way we will monitor the use of such systems and assure the transparency of their use will lead to more or on the contrary less democracy in elections.**

The common objective all together for public authorities, electoral management bodies, citizens, political parties but also the private sector and primarily the Tech giants should be to maintain a high level of democracy in AI-affected electoral processes.

This implies primarily the ensure transparency of AI-affected electoral processes as well as their supervision in an impartial and neutral manner.

We will discuss the necessary balance to find between AI vs. supervision and transparency of electoral processes during the third session.

**What about harmful content during electoral processes? (more precisely during electoral campaigns)**

How to deal with harmful content without restricting fundamental rights and freedoms?

While the 2018 Oslo Conference had concluded *inter alia* that "misinformation, disinformation and "fake news" during electoral campaigns are a major challenge for democratic elections and compromise the level playing field amongst political contestants", AI-based systems have been used to create and facilitate the massive dissemination of disinformation and "fake news", mainly on social media platforms.

In such a context, what is the responsibility of Tech Giants in the supervision of the conduct of elections through their prism?

AI systems are often used to spread misinformation, hate speech and fake news and the lines between reality and fiction are too often blurred.

On the opposite, could AI also contribute to a better balanced media content or help identifying biased information and detecting fake news?

We will have the opportunity to discuss such a matter with a representative of Meta as well as with representatives of international non-governmental organisations during the fourth session.

Dear colleagues,

Our electoral processes are not necessarily threatened – or called to be threatened - by the use – or misuse – or artificial intelligence systems during electoral processes but you all have to be prepared for the increasing involvement of such systems in your current or future work.

The aim is to ensure the full respect of fundamental rights and freedoms and primarily the principles of the European Electoral Heritage as developed in the Venice Commission’s Code of good practice in electoral matters, implying the respect for a universal, equal, free and secret suffrage – as well as, more generally, the rule of law including data protection.

In the context of AI systems affecting electoral processes, the fairness of an electoral process will be ensured if electoral management bodies are able to protect voters and the election environment from a misuse of such systems – and, hopefully, also, to use these systems to ensure a more equal access to the voting process and its increased security.

Before opening the introductory session, I would like to mention those without whom this conference could not have taken place. All participants and also those who contributed to its organisation, of course. But, mostly, those have contributed and are still contributing to the reflexion and the development of soft law in the field.

Regarding the **impact of AI on our democratic institutions**, the former Ad Hoc Committee on Artificial Intelligence and the current Committee on Artificial Intelligence are the main Council of Europe’s committees which have worked so far on the issue of artificial intelligence and their impact on our democracies.

We have the privilege of having here the Chair of the Committee on Artificial Intelligence, Thomas Schneider, who will explain us during the forthcoming introductory session the on-going work of the Committee in the elaboration of a legally binding transversal legal document setting out principles and norms in the field of artificial intelligence.

We will also hear from representatives of the Parliamentary Assembly and the Congress of Local and Regional Authorities about the work achieved or on-going in their capacities of assemblies representing national, regional and local elected people.

Their work is essential to preserve good governance in electoral processes in Europe.

While the Parliamentary Assembly *inter alia* recalls “the need for democratic governance of artificial intelligence”, the Congress adopted a report on “smart cities and regions – prospects for a human rights-based governance approach”.

In addition to the on-going work at the Council of Europe, it is worth mentioning the EU Digital Services Act which aims “to create a safer digital space where the fundamental rights of users

are protected and to establish a level playing field for businesses”.<sup>1</sup> These legislative initiatives from the European Commission will certainly be discussed during our debates.

Finally, I would like to mention Rafael Rubio Nuñez, Professor of Constitutional Law at *Complutense* University of Madrid, former Member of the Venice Commission, who is the General Rapporteur of the Conference.

He will be our common thread running through all the sessions and will present tomorrow at the closing session, at noon, draft conclusions for their adoption by the plenum.

I thank you all for your attention and wish you all fruitful debates!

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<sup>1</sup> <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>.