

# Election Observer Handbook

## May 2007 Elections

Prepared by:  
Jason Kitcat, e-voting co-ordinator, Open Rights Group  
+44 (0) 7956 886 508 [jason@jasonkitcat.com](mailto:jason@jasonkitcat.com)

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# Introduction

This handbook aims to provide observers with a framework on which to base their election observation activities. This handbook does not aim to provide comprehensive information on e-voting technologies or electoral procedures. What it does do is provide some background and context along with questions that will guide observers without, we hope, being prescriptive.

This handbook also outlines the conduct the Open Rights Group expects from their election observers. The conduct guidelines are based on international standards and the requirements of UK electoral law.

For a more detailed overview of e-voting and e-counting please read the Open Rights Group briefing pack available online at <http://www.openrightsgroup.org/e-voting-main/e-voting-briefing-pack/>

## The Basic Principles of Voting

When observing an election it is important to understand the fundamentals on which all free and fair elections must be based. These principles are enshrined in law and binding treaties, for example, the European Convention on Human Rights (in UK law as the Human Rights Act 1998) states that:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

From such treaties we can derive three basic principles of voting:

- Each person wanting to vote must be identified as an eligible voter and be permitted to complete no more than the correct number of ballot papers during a particular election.
- Verification, tally and audit must be allowed to ensure that only valid votes are received and counted in a transparent system that allows for scrutiny by voters and candidates.
- Electors have to keep their vote secret so that even when counted which vote was cast by which elector is unknowable.

These principles protect voters from coercion and intimidation, protect the system from fraud and ensure that all candidates and voters can be confident in the election results.

## Supervised vs. Unsupervised Voting

A useful way of looking at voting methods is by dividing them into two categories, supervised and unsupervised.

Supervised voting includes paper ballots in polling stations and touchscreen e-voting in polling stations. The opportunities for fraud such as personation<sup>1</sup> or voter intimidation are greatly reduced due to the controlled environment in which votes are cast and stored. The secrecy of the ballot can also be maintained by the layout and supervision of the polling environment.

Unsupervised voting includes postal voting and Internet voting. Such remote methods can be done in unsupervised areas such as home or work where others can influence or steal votes. The secrecy of the ballot cannot be maintained and there is the potential for 'family voting' whereby the head of the family casts the entire family's votes on their behalf.

## Key Risks for Voting Technologies

When observing new technologies being used in an election a new set of potential risks to the election's integrity must be examined. These new potential risks are in addition to existing risks to the electoral system such as through problems with electoral registration.

1. The possibility that the system fails because of bad design, errors etc (technical breakdown);
2. The possibility of manipulation (e.g. hacking) from the outside;
3. The possibility of manipulation from inside;
4. The possibility of impersonation with Internet voting;
5. The possibility of intimidation and the lack of secrecy with Internet voting.

(Source: Vollan)

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<sup>1</sup> Personation is the crime of pretending to be someone other than you are for the purpose of voting.

# Conduct of Observers

Through independent monitoring and reporting of how elections are run, observation aims to support and protect free and fair elections. To be able to view sensitive election procedures observers must have impeccable conduct which upholds their politically neutral status.

## Golden Rules for Election Observers

The findings from an election observation mission have no legal weight. Their power is through their accuracy, impartiality and respect for elections. Following these golden rules will ensure our observation results have maximum impact.

- **Accuracy of information**

Ensure the information you record is detailed and accurate.

- **Political impartiality**

Never say, wear or do anything which can be construed as favouring any political party, candidate or issue.

- **Respect election law and election integrity**

Never obstruct the election process or violate the secrecy of the ballot.

- **Respect the observation mission's terms of reference**

## Terms of Reference

The terms of reference for May 2007 Open Rights Group observation teams are as follows:

1. To evaluate the integrity of technologies and processes used in electoral pilot schemes.
2. To examine whether pilot schemes might increase the risk of electoral fraud or error.
3. To observe whether pilot schemes risk the secrecy of the ballot.
4. To collect the views of voters, candidates and officials on the schemes piloted.

## Your Conduct

It is imperative that you maintain a calm, collected and responsible manner at all times. If you notice a problem, note it and then politely report the matter to an election official. You have no power to overrule an official's actions or orders. Do not try to take an active role in resolving disputes or complaints, even if asked to — you are there to observe. Note any complaints or disputes with names and contact details of participants wherever possible.

At all times be careful not to compromise or appear to compromise the secrecy of people's votes. Under no circumstances should you handle official election documents or participate in the counting process. Do not touch any equipment used in

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the election such as servers or scanners. Access to anything pilot-specific such as server rooms has been negotiated by ORG so please make the most of it but tread carefully as you can be ejected by election officials at any time.

You do have a right to observe voting in polling stations and the traditional paper ballot count, as long as you do not breach the peace. Introduce yourself to the chairperson or returning officer along with your accreditation card. Be polite but firm in asserting these rights. However if you are refused entry or information do not ignore the refusal but do note down the details and report it to us. In polling stations or count centres you cannot use cameras of any type without express permission from the returning officer in your area. You may be asked to surrender your mobile phone to prevent the use of camera phones. To assist with any security checks we recommend carrying additional photo identification such as an EU driving license or passport but under law they are not required.

Be careful! Please do not make comments or conclusions about your observations to the media, candidates or the general public before the entire ORG observer team have had a chance to evaluate our findings and formulate our conclusions. You can explain the nature of the observation mission and your activities to the media but otherwise refer media to the contacts below.

If you experience any problems or are unsure how to proceed please contact one of the following in order of priority:

- Jason Kitcat — 07956 886 508                      *e-voting co-ordinator & Head of Observation Mission*
- Becky Hogge — 07967 331 184                      *Executive Director*
- Louise Ferguson — 07810 260 637                      *Chair*
- Ian Brown — 07970 164 526                      *Advisory Council Member*

# Observing Electronic Voting

## What types of e-voting will there be in May 2007?

There will be two forms of electronic voting trialled in May 2007. These will be Internet voting and telephone voting. Internet voting will, in some areas, be made available from kiosks placed inside polling stations or in public areas such as shopping centres.

Both of these forms of e-voting are particularly challenging to observe as the main activities occur in servers which are not even hosted in the pilot area.

## Observing e-voting: What the professionals say

Although it is mostly referring to machines in the polling station, not votes being cast remotely, the OSCE handbook for Election Observers provides the following guidance on e-voting:

**DIRECT RECORDING ELECTRONIC (DRE) VOTING SYSTEMS:** New election technologies using direct recording electronic (DRE) equipment (electronic voting, automated voting) have the potential to facilitate voter participation. However, such new technologies may also pose challenges to the transparency and accountability of an election process. Furthermore, they may influence perceptions on the security of the vote, with a potential impact on voter confidence. It is therefore important to assess the introduction of DRE equipment, where relevant, and whether its introduction will have a direct impact on the possibility to observe the voting process compared to conventional voting. Such issues should be followed closely by an [observation mission] where relevant. International observers do not certify DRE voting systems. However, they should have full access to the certification and independent domestic verification process. The criteria electoral authorities use when choosing DRE voting systems, and the manner of introduction, including voter education and pilot testing, are also relevant issues for an [observation mission]. The following measures could prove essential with a view to enhance voters' confidence in such new voting technologies:

1. Permission for competent individuals, academic institutions or civil society groups to comprehensively and independently test automated voting equipment subject to reasonable limitations related only to patent or copyright law. However, such testing should not be perceived as a substitute for the establishment of inclusive and transparent certification procedures;
2. Regulations that ensure against possible conflicts of interests of the vendors;

3. Facilities that produce a permanent paper record with a manual audit capacity, and serious considerations to ensure a voter-verified auditable paper trail; and
4. Establishment of a clear division of responsibilities between vendors, certification agencies and election administrators to fully ensure accountability and an effective response in the case of failure of DRE equipment.

Possible problems to be aware of:

- Unduly long or complex ballots that may confuse voters;
- Inadequate safeguards or accountability at any stage of the ballot production or distribution process;
- Ballots circulating outside of polling stations on or before election day;
- Polling-station procedures that may compromise the secrecy of the ballot; and
- Electronic voting systems with no voter-verified auditable paper trail or other manual audit capacity.

## Key Points for Observation

### Before Polling

- Was there any demonstration of the systems for the public and/or candidates before the elections?
- Were you invited or able to attend a demonstration?
- Note what happened when you tried to or did attend a demonstration.
- Examine sample credentials for logging on to the e-voting systems. These might be cards with passwords printed on, smart cards or another device.
- Who designed the credentials, supporting information and on-screen ballot presentation?

### During Polling

- If registered to vote in the area, note your own experience.
- Talk to voters — but NOT when voting.
- Talk to candidates and their agents — how has e-voting affected their campaigning? Has it been an issue on the doorstep?
- If possible, examine e-voting systems while they are receiving votes.
- Observe if support staff are adequately trained to help voters with technical and procedural questions concerning e-voting. Ask staff if they feel they have received adequate training.

### During Counting

- Examine systems while counting. Were there any opportunities for unauthorised access to systems or their network connections?
- What level of scrutiny were candidates offered and how did they feel about this?
- Were there any attempts made to verify the accuracy of the e-voting result?

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- Were any of the results challenged? Did this result in a recount? If so, how was this done?
- Monitor how e-vote results are collated with other results.
- Does the number of electors marked as having voted match the number of votes cast? Election officials will be able to provide you this information if it isn't obviously presented during the count.
- Note the counting procedures used and the results given.
- Observe if staff are sufficiently trained to be confident in the e-voting counting procedures and use of associated equipment. Ask staff if they feel they have received adequate training.

# Observing Electronic Counting

## E-counting in 2007

In May 2007 e-counting is seeing its greatest UK use ever. Yet there seems to be little plan to verify e-counting's accuracy before encouraging even wider use. In England, the Government is encouraging the use of commercial off the shelf (COTS) equipment which could be used for other purposes during the rest of the year. At time of going to press, less information is available about e-counting procedures in Scotland, but we believe specialised vote scanning equipment will be used.

COTS equipment is easier to examine and find specifications for. However it is also easier to access for example through standardised USB or network connections. It is usually difficult to find information about specialised vote scanners making it harder to detect flaws.

Court cases in the United States, where e-counting is widespread, have shown that without careful manual checks of paper ballots, e-counting systems can undetectably produce systematic errors or fraud. Only counting the original ballot papers can catch such problems, which US experience has shown can be caused by printing errors, stacking papers in a certain way or software manipulation.

In England, the scanners will take bitmap images of the ballots and send these to a Windows computer for processing by image recognition software. Please ask how those bitmaps are stored and transferred in the computer systems. Also be curious as to how the accuracy of the image recognition software is ascertained and monitored.

## Key Points for Observation

### Before Polling

- Was there any demonstration of the systems for the public and/or candidates before the elections?
- Were you invited or able to attend a demonstration?
- Note what happened when you tried to or did attend a demonstration.
- Who designed the ballot papers? How was the design agreed upon?
- Who printed the ballot papers? How are ballots packaged, numbered and tracked?
- What features are on the papers to preserve ballot integrity for example preventing copying or counterfeit papers?

### During Polling

- Check that voters find it easy to fill out the specially designed ballot papers. Are there any implications from the ballot paper design which might influence their use? For example could the layout significantly favour one candidate over others?
- Do voters understand how their votes will be counted?
- Any questions or problems occurred?

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- If possible, try to observe the opening and, more importantly, the closing of a polling station. As the poll is closing ensure surplus ballots are kept separate, the ballot boxes are properly secured and that voter records are not tampered with.
- Observe if polling staff have been adequately trained to respond to questions about the use of e-counting. Ask staff if they feel they have received adequate training.

## During Counting

- How were ballot papers transported to the count centre?
- Were the ballot papers stored before opening and counting?
- How were the ballot papers stacked? Who did this?
- Could candidates scrutinise the scanning process and if so were they happy with what they could see?
- How were results collated?
- Were there any opportunities for unauthorised access to systems or their network connections? For example did the scanners or PCs have USB ports accessible or spare network sockets?
- Were any of the results challenged? Did this result in a recount? If so, how was this done?
- Does the number of electors marked as having voted match the number of votes cast?
- Note the counting procedures used and the results given.
- Observe if staff have been adequately trained to be confident in the e-count procedures and using the equipment.

# Your Report Back to ORG

Your report should be completed and returned to Jason Kitcat, [jason@jasonkitcat.com](mailto:jason@jasonkitcat.com) by Thursday 17th May. We will then produce a national report based on your reports which we will publish in June. This report will be presented at a special event as well as being submitted as evidence to the Electoral Commission, Ministry of Justice and the Committee on Standards in Public Life.

Without your report the time you have spent observing will have been wasted. So please take good notes and write them up as soon as possible, while still fresh in your mind.

Please include in your report:

- All places visited with times and dates of visits.
- Notes on what was observed, whether perceived as normal or not.
- Views of voters, candidates, officials spoken to.
- Photographs of the observer team in your area (but remember no cameras are allowed in polling stations or count centres unless we tell you permission has been granted).

## Resources and References

These have been provided in their order of usefulness to your May 2007 observation task. So if you have limited time read only the first link and so on if you have more time.

Open Rights Group e-voting briefing pack

<http://www.openrightsgroup.org/e-voting-main/e-voting-briefing-pack/>

Vollan, Kåre, Observing Electronic Voting

<http://www.humanrights.uio.no/forskning/publ/nr/2005/1505.pdf>

OSCE ODIHR Election Observation Handbook, 5th Ed

[http://www.osce.org/publications/odihr/2005/04/14004\\_240\\_en.pdf](http://www.osce.org/publications/odihr/2005/04/14004_240_en.pdf)

Electoral Commission online guide to running a polling station

<http://www.electoralcommission.org.uk/toolkit/elearninghome.cfm>

United Nations Declaration of Principles for International Election Observation and Code of Conduct For International Election Observers

[http://www.accessdemocracy.org/library/1923\\_declaration\\_102705.pdf](http://www.accessdemocracy.org/library/1923_declaration_102705.pdf)

Handbook for European Union Election Observation Missions

[http://ec.europa.eu/comm/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/docs/handbook\\_en.pdf](http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/docs/handbook_en.pdf)

Krimmer, Rober & Volkamer, Melanie, Observing Threats to Voter's Anonymity: Election Observation of Electronic Voting

<http://static.twoday.net/evoting/files/Working-Paper-1-2006.pdf>

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We also are grateful to all ORG supporters and volunteers who make our work possible.

And thank you for volunteering to spend your time watching over our democracy!



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