Establishing Legal Frameworks to Strengthen Electoral Integrity

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Issue: Establishing legal frameworks to strengthen electoral integrity

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Introduction:

The integrity of elections is a fundamental pillar of any democratic society. Elections allow all citizens to express their views and opinions as well as shape the future of the nation they live in. Without fair elections, democratic nations face the risk of corruption in politics. Leaders and officials lack accountability to the public and governments lack legitimacy. Electoral integrity allows for the peaceful resolution of conflicts between countries and creates a sense of trust between the public and the government. The credibility of electoral systems is being increasingly threatened by challenges including not limited to electoral fraud, disinformation campaigns, voter suppression, and blackmail. Election results can be incorrectly reported and fraudulent voting such as multiple voting or illegal voting can occur. In this research report, we will discuss how electoral integrity is broken and legal frameworks that can be implemented to strengthen electoral integrity globally.

Defining Key Terms:

Electoral Integrity: The fairness of the voting procedure, without any bias or threats to free and fair elections.

Legal Frameworks: A set guide of laws and regulations that governs a certain legal domain.

Transparency: Being open and honest about practices and events.

Accountability: The act of being responsible for one's actions.

Inclusivity: Providing equal opportunity for all regardless of the way they look or act.

Voter Suppression: A legal strategy to reduce voting from a certain group of people.

Campaign Finance Regulations: Attempting to regulate how political campaigns are funded.

Disinformation: False information with the intention of being misleading.

Background Information:

The integrity of electoral processes is crucial to ensure that the voices of all citizens are heard and respected. However, with the emergence of social media, new challenges regarding the fairness and credibility of elections worldwide have become prevalent. Interference with electoral integrity has emerged due to voter suppression, cybersecurity threats, and alteration or deletion of evidence. These issues are described in detail below.

- Disruptions of Electronic Systems:
    - Denial-of-service attacks interrupt or slow access to computer systems. These attacks are used to disrupt the process of casting votes, tallying votes or prevent access to electronic voting systems all together. These attacks can lead to a loss in confidence among the public in election integrity and results. The most famous denial-of-service attack in the Google Attack occurred on October 26, 2020. Mounted from three Chinese ISPs, hackers launched attacks on Google's networks to gain information about the 2020 U.S. election.

- Malware:
    - Relating to DoS attacks, malware is any malicious software that includes viruses or spyware and is arguably the greatest threat to electronic voting. Malware prevents voting by comprising the election systems and altering records completely. This is disastrous as it can lead to thousands of votes being miscalculated or simply destroyed. Malware is also not easily detected and can be introduced into systems via software updates or other innocent methods. In most cases, it is difficult to fight the introduction of malware and its disastrous consequences.

- Voter anonymity:
    - Ensuring voter anonymity is crucial when holding an election. Voters may not express their true candidate preferences if they are afraid they will be exposed. Voter anonymity can be compromised through cameras left at poll sites, fingerprints left on ballots or failure in encrypting classified voter data. When voting specifically by mail or the

internet, it is more likely that voters are coerced into voting for specific candidates at the request of election administrators. This is clearly a huge breach of election integrity and can be extremely harmful towards ensuring that each vote is fair and considered.

- Misinformation in the media:
  - o As democratic elections rely on a competitive process, it can be easy for media outlets to manipulate data to convince voters to vote for a certain candidate. While this is extremely unethical, releasing false or exaggerated information has been a successful method in undermining the results of an election. Online disinformation can amplify voter confusion and degrade public trust in elections and governmental institutions. Electoral campaigns can also spread antidemocratic disinformation and alleviate public fears. Citizens must be informed on how to identify misinformation and carefully monitor the information they take in.

In response to these threats, many governments have started implementing legal reforms to strengthen electoral integrity. However, effective legal frameworks require lots of careful consideration as implementing them is a complex task. Fundamental human rights must be protected in the process, and balancing these two tasks can be difficult for larger governments. The frameworks implemented must also be transparent and enforceable as well as adaptable for future generations. As all countries are becoming increasingly interconnected, ensuring the integrity of elections is not only a national concern but an international one. Recently, there is a growing concern for the need for international cooperation and coordination. During this conference, delegates should recognize the urgency of the situation and work together to create positive change in electoral systems.

Key Events:

1948 - Universal Declaration of Human Rights: This was a statement adopted by the UN establishing the freedom of all human beings. It was drafted by a variety of people from different backgrounds to make it fair for all affected.

1965- Voting Rights Act: The Voting Rights Act was significant within US history as it declared that US states were not allowed to pass any laws that would prohibit

specific groups of people from voting. This was specifically targeted at the states passing laws denying specific races the right to the equal opportunity to vote.

1966 - International Covenant on Civil and Political Rights It was a treaty adopted by the United Nations and was further part of a larger resolution aimed at ensuring and protecting civil and political rights. It ensures the recognition of these rights for every human being.

2000 - Bush v. Gore: This was during the Florida presidential elections, where the supreme court ordered a recount of all the votes where the intent of the votes as considered. This helped resolve the tie between the two candidates.

2012 - Launch of the Electoral Integrity Project (EIP): The EIP is a project aimed at researching 3 specific questions in order to keep elections as reliable and valid as possible. These three questions are:

1. How and when do elections fail- throughout the electoral cycle?
2. What are the consequences of failed elections, such as for security, accessibility and trust?
3. And what can be done to mitigate these problems, based on academic evidence?

2016 - United States Presidential Election: From 2015 to the 2016 Presidential Elections, Russian hackers were hacking the DNC servers to gain access to classified information. Throughout the year they leaked many documents and also leaked Hillary Clinton's private emails to the public to sway the voters towards Trump. This event showed the world the dangers of cyberattacks and increased the amount of security surrounding elections by a lot.

2018 - Malaysian General Election: During this election the president of Malaysia who had already been in office for a long time, won again at 92 becoming the world oldest leader. This was a significant event as it showed the corruption within elections to the rest of the world.

2020 - Global COVID-19 Pandemic: COVID-19 largely affected all elections globally. About 80 countries and territories decided to postpone their elections between 2020 and 2022. On top of that, the world took the time to look back at past

elections and started being more cautious. The pandemic helped the world increase its knowledge of electoral integrity.

2021 - Summit for Democracy: This was one of the most significant summits about electoral integrity. Over 100 countries gathered to discuss democratic topics such as electoral integrity and other things. During this conference, many countries made promises and commitments to improve efforts within their country, stepping towards a more ethical democracy in countries. (US Department of States, 2021)

Major Parties Involved:

United States: According to the Electoral Integrity Project, electoral integrity within the United States has been at an all-time low recently and has compared poorly with other democracies around the world. Though they claim to have a lot of integrity, the United States is ranked quite low on the electoral integrity scale, reflecting negatively on the country.

United Kingdom: The United Kingdom is ranked quite high on the electoral integrity scale. It has strict laws within its legal system that ensure integrity during elections. Each candidate must have an electoral agent who should always be well informed of everything going on within the campaign. This ensures a high level of integrity. Despite this, the UK still has a long way to go before reaching the desired level of integrity.

Saudi Arabia: Within Saudi Arabia elections are not existent as the king is chosen by the predecessor and rules for life. This makes Saudi Arabia a monarchy. The public does not get a say in who rules their country. The only thing keeping the decision a little fair is that the king must be approved by the allegiance council.

Afghanistan: As recorded by studies done about the 2019 Afghanistan elections it has been made clear that participation of the Afghan public in elections have fallen to an all-time low. Raising questions on whether the process is fair at all. The electoral system within Afghanistan is not seen as the primary method of selecting a new president; rather, the elections are used as a beginning to many negotiations about who will have the power to make decisions.

North Korea: North Korea is a dictatorship. When citizens vote there are two ballot options. A black paper for "no" and a white paper for "yes". Yet, "no" has never won.

Only one candidate is ever allowed within the elections, meaning that that candidate is always predestined to win.

International Foundation for Electoral Systems (IFES): This organization works within many countries to build a fair and resilient democracy within each country. Based in Virginia, USA IFES works with 145 countries in all continents to make sure the public can safely and equally participate within fair elections.

International Institute for Democracy and Electoral Assistance (IDEA): This organization is an intergovernmental organization working to support sustainable democracy all around the world. IDEA works with communities within 20 countries by offering fresh ideas and perspectives on the pressing issues that face democracy.

Electoral Integrity Project: The electoral integrity project focuses on increasing the electoral integrity within governments all over the world. It's research aims to educate the world and make a difference.

Organization for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODHIR): The ODHIR reviews and observes elections and regulations to be able to advise governments on how to develop and sustain their democratic government in order to advance human rights and democratic values.

Carter Center: A non-governmental organization founded by former US president Jimmy Carter, this NGO aims to better people lives by resolving conflicts to do with human rights and advancing democracy within many countries.

National Democratic Institute (NDI): NDI works to promote openness in governments, safeguarding elections, and promoting citizen participation within the decisions of the government. It works with 450 territories and recruits' people all over the world to share their experience and promote change within the world.

Freedom House: It is an organization and initiative with the core idea that freedom best flourishes under a democracy where democratic governments are transparent and accountable to their people. It provides access to civil liberties and political rights in 210 countries and territories.

Past Attempts at Resolving the Issue:

United Nations General Assembly Resolution 68/164 (2014): This resolution is called "Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization". It aims to make elections more genuine in the future and promote democracy amongst all member states of the United Nations. (See Appendix for further information)

United Nations Sustainable Development Goal 16 (SDG 16): In 2015, the United Nations adopted an agenda for sustainable development including 17 goals to lead to a more sustainable future. Goal 16 calls for "peace, justice and strong institutions". Focusing on fair governments within all member states of the United Nations.

United Nations Development Programme (UNDP) Electoral Assistance Programmes: The UNDP is the United Nation's lead organization on reducing inequalities. It works in 140 countries trying to build resilience to achieve the sustainable development goals within all UN member states.

United Nations Declaration of Principles for International Election Observation: The declaration was developed over 4 years and involved over 20 intergovernmental and international nongovernmental organizations all working towards making elections more impartial. It was finally finished in 2005, and is now supported by 54 organizations all over the world.

United Nations Electoral Assistance Division (UNEAD): This division aims to provide assistance and support to countries who request it. Assistance from this division is only granted when asked for specifically by a member state within the Security Council or the General Assembly. The division provides technical assistance, supervision of elections, and a series of experts to help with anything needed.

United Nations Convention against Corruption (UNCAC): It is the first ever legally binding corruption treaty. It covers 5 main areas: preventive measures, criminalization and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. It covers many types of corruption, and it aims to solve the global corruption problem.

Possible Solutions:

As stated in the issue of this committee, the best solution for ensuring electoral integrity is establishing legal frameworks. Electoral laws that include clear guidelines for voter registration, polling procedures and candidate eligibility must be clearly enacted in each country. Another possible solution is the creation of task forces or electoral committees that will oversee elections and ensure that all processes are transparent, and governments are held accountable. These task forces can implement tools to improve voter identification and ensure that all votes are accounted for. Socially, it is important for governments to provide quality education for all citizens, so they are aware of their voting rights. Citizens should also be aware of polling locations and the importance of their vote. This includes education about misinformation in the media, inclusive dialogue, and critical thinking. Finally, governments must ensure that training and technical assistance is provided to election officials and other staff to utilize their full capacity in electoral administration and monitoring. This includes efficiently using technology to improve the transparency of elections.

Appendix:

Resolution 68/164

Search: "Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization" (The General Assembly, 2014)

Bibliography:

apleasant (2005) *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*. United Nations. Available at: https://www.ndi.org/DoP (Accessed: 26 April 2024).

Asplund, E. (2022) *Global overview of COVID-19: Impact on elections*. Available at: https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19impact-elections (Accessed: 26 April 2024).

CNN Editorial Research (2023) *2016 Election Hacking Fast Facts | CNN*. Available at: https://edition.cnn.com/2016/12/26/us/2016-presidential-campaign-hacking-fastfacts/index.html (Accessed: 26 April 2024).

Colin Cookman (2020) *Assessing Afghanistan's 2019 Presidential Election, United States Institute of Peace*. Available at: https://www.usip.org/publications/2020/08/assessing-afghanistans-2019-presidentialelection (Accessed: 26 April 2024).

Davies, C. (2023) *The upside-down world of North Korean elections*. Available at: https://www.ft.com/content/3930db9c-207e-4c62-be3d-0ecde70b3c43 (Accessed: 26 April 2024).

DPPA (2020) *Elections | Department of Political and Peacebuilding Affairs*. Available at: https://dppa.un.org/en/elections (Accessed: 26 April 2024).

Electoral Integrity — (2024). Available at: https://aceproject.org/aceen/topics/ei/explore_topic_new (Accessed: 26 April 2024).

Elliot Davis Jr. (2020) *U.S. Elections Compare Poorly to Other Democracies, Research Shows*. Available at: https://www.usnews.com/news/bestcountries/articles/2020-10-07/us-elections-compare-poorly-to-other-democraciesresearch-shows (Accessed: 26 April 2024).

Freedom House (2019) *Saudi Arabia: Freedom in the World 2022 Country Report*, *Freedom House*. Available at: https://freedomhouse.org/country/saudiarabia/freedom-world/2022 (Accessed: 26 April 2024).

Freedom House (2024) *Expanding Freedom and Democracy*, *Freedom House*. Available at: https://freedomhouse.org/expanding-freedom-and-democracy (Accessed: 26 April 2024).

IDEA (2024) *International IDEA*. Available at: https://www.idea.int/ (Accessed: 26 April 2024).

IFES (2023) *About Us | IFES - The International Foundation for Electoral Systems*. Available at: https://www.ifes.org/about-us (Accessed: 26 April 2024).

International Covenant on Civil and Political Rights (ICCPR) [UPSC Notes] (2021). Available at: https://byjus.com/free-ias-prep/international-covenant-civil-politicalrights-iccpr/ (Accessed: 26 April 2024).

Justin Fisher and Yohanna Sällberg (2020) *Electoral integrity – The winner takes it all? Evidence from three British general elections - Justin Fisher, Yohanna Sällberg, 2020*. Available at: https://journals.sagepub.com/doi/full/10.1177/1369148120912668 (Accessed: 26 April 2024).

Lourdes, M. (2018) *Prime Minister Najib Razak ousted as opposition scores victory in Malaysia*, *CNN*. Available at: https://www.cnn.com/2018/05/09/asia/malaysiaelections-results/index.html (Accessed: 26 April 2024).

Nations, U. (2023) *Universal Declaration of Human Rights*, *United Nations*. United Nations. Available at: https://www.un.org/en/about-us/universal-declaration-ofhuman-rights (Accessed: 26 April 2024).

NDI (2024) *WHAT WE DO*, *National Democratic Institute*. Available at: https://www.ndi.org/what-we-do (Accessed: 26 April 2024).

OSCE (2015) *OSCE Office for Democratic Institutions and Human Rights*. Available at: https://www.osce.org/odihr (Accessed: 26 April 2024).

The Carter Center (2023) *The Carter Center: Waging Peace. Fighting Disease. Building Hope.*, *The Carter Center*. Available at: https://www.cartercenter.org/ (Accessed: 26 April 2024).

The Editors of Encyclopedia Britannic (2024) *Bush v. Gore | Summary, Decision, Significance, & Facts | Britannica*. Available at: https://www.britannica.com/event/Bush-v-Gore (Accessed: 26 April 2024).

The Electoral Integrity Project (2024) *The Electoral Integrity Project*. Available at: https://www.electoralintegrityproject.com (Accessed: 26 April 2024).

The General Assembly (2014) *General Assembly of the United Nations*. United Nations. Available at: https://www.un.org/en/ga/68/resolutions.shtml (Accessed: 26 April 2024).

UNDP (2015) *Sustainable Development Goals*, *UNDP*. Available at: https://www.undp.org/sustainable-development-goals (Accessed: 26 April 2024).

UNDP (2024) *About us*, *UNDP*. Available at: https://www.undp.org/about-us (Accessed: 26 April 2024).

United Nations Office on Drugs and Crime (2021) *United Nations Convention against Corruption*, *United Nations : Office on Drugs and Crime*. Available at: //www.unodc.org/unodc/en/corruption/uncac.html (Accessed: 26 April 2024).

US Department of States (2021) *Summit for Democracy 2021 - United States Department of State*. Available at: https://www.state.gov/summit-for-democracy2021/ (Accessed: 26 April 2024).

Voting Rights Act (1965) | National Archives (2022). Available at: https://www.archives.gov/milestone-documents/voting-rights-act (Accessed: 26 April 2024).

wmickail (2022) *Disinformation, Social Media, and Electoral Integrity*. Available at: https://www.ndi.org/disinformation-social-media-and-electoral-integrity (Accessed: 26 April 2024).