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THE INTERNET AND CORRUPTION
Transparency and accountability online



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Nodo TAU

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Introduction

In a context characterised by policies that promote state modernisation, and an intense legislative debate about the reform of the electoral code, the implementation of electronic voting has caused some controversy. On one side of the debate, electronic voting is seen as the panacea that would solve all the problems associated with the act of voting (transparency, security, increasing participation, reduction of costs, and reduction of the time taken to validate and count votes). On the opposite side, there are those who warn that the right to vote should not be left to a group of technology experts who introduce a process that is opaque to most of the people participating in an electoral process.

Policy and political background

In 1912 the Saenz Peña Law¹ declared that voting in Argentina is universal, secret and compulsory for everyone 18 years of age and older. However, it must be mentioned that “universality” did not include women until 1947.² Since 1972 elections have been governed by the National Electoral Code, established by Law 19,945,³ and amended by Law 20,175 in 1983, when Argentina returned to democracy after the bloodiest military dictatorship in the country’s history.

In the 1990s, neoliberal policies were applied entailing a weakening of the state’s role and a loss of confidence in political representation, which, in electoral terms, led to a reduction in citizen participation in voting and an increase in blank ballots. With this background, the national government pushed for political reform that led to the passing of the Act for the Democratisation of Political Representation, Electoral Transparency and Equity.⁴

The Act involves a reform of the Electoral Code, currently underway, that is “aimed to provide citizens with a more modern, flexible, and transparent system that provides legal certainty for the electorate.” Its main issues are the financing of political parties and election campaigns, the digitisation of electoral rolls, the implementation of the Open, Concurrent and Obligatory Primary Elections (PASO, or Primarias, Abiertas, Simultáneas y Obligatorias), the replacement of a system of multiple ballots for parties with a single ballot, and the digitisation of the national identity card.

In this context, electronic voting has generated some public controversies, even in circles close to the presidency.⁵ Although Argentina does not have specific legislation dealing with electronic voting, several cities and provinces have conducted experimental tests, allowed by local regulations. At the same time, four bills on electronic voting are circulating around the legislative chambers and are being analysed by various legislative committees.⁶ These deal with:

- Implementation of electronic voting in Argentina generally
- Voter identification and provisional balloting
- Establishing a single ballot system
- Vote counting and the use of supporting documentation.

The experimental projects were set up by representatives from different parties and provinces. Two of them are in Salta, a province in the northwest of the country and the pioneer province in the implementation of electronic voting. Some projects define what technology to use and others have left the issue to the discretion of the Interior Ministry. Most of them mention a system of electronic balloting, but only one mentions the electronic ballot box. None mention the virtual vote – that is, the elimination of the physical electoral infrastructure and its replacement using the internet. The projects mentioning the internet mainly consider its use for sending the

1 www.elhistoriador.com.ar/articulos/república_liberal/saenz_pena_quiera_el_pueblo_votar.php

2 www.elhistoriador.com.ar/articulos/ascenso_y_auge_del_peronismo/el_voto_femenino.php

3 Ministerio de Justicia y Derechos Humanos (1983) *Código Electoral Nacional*. www.biblioteca.jus.gov.ar/CELECTORAL.html

4 www.infoleg.gov.ar/infolegInternet/anexos/160000-164999/161453/norma.htm

5 La tecla (2012) Aníbal y Randazzo chocan por el voto electrónico, 21 March. www.latecla.info/2/nota_1.php?noticia_id=44991

6 Derecho a leer (2012) Cuatro leyes contra tu derecho a controlar la próxima elección, 10 May. www.derechoaleer.org/2012/05/cuatro-amenazas-contra-tu-derecho-a-controlar-la-proxima-eleccion.html

results to data processing centres, which in Argentina are in charge of the Electoral Justice.

Electronic vote in Salta

“First test of electronic voting in Argentina”:⁷ on 10 April 2011 a local newspaper ran this headline reporting on the election in Salta for the provincial government and legislators. Although there had been previous experiments, Salta’s was the most extensive. It involved a third of the electorate and the test was part of a progressive implementation schedule that was to be completed by 2015, with the objective being electronic voting across the province.

The decision, taken by the provincial government and authorised by the Electoral Court, was not supported by the political opposition, which had a minority status in provincial chambers. In 2010 a group of representatives of different political parties released a document⁸ requesting that the executive review the decision and repeal the electronic voting. “Neither the electoral tribunal, the judiciary or political parties could have sufficiently trained technical staff to control the electronic ballot boxes,” they argued. “We have to trust that the company that provides the system has no interest in the outcome of the vote and can ensure the transparency of the election.”

However, the provincial executive moved forward with its proposal. About 240,000 people voted in terminals installed in 720 polling stations in the capital city and several small towns. The system involved a terminal and an electronic ballot. The software used was proprietary and was provided by Magic Software Argentina, a company with a high degree of international certification and experience in complex systems and data verification.

For voting, voters use a touch screen to say if they want to vote using a complete ballot list of candidates from one particular party, one with candidates of different parties for each office, or a blank ballot (i.e. the voter decides to vote for no candidate). The voters then cast their vote electronically. The terminal prints a paper ballot that includes a chip. The voters must pass it through a scanner installed on the same machine and check that the screen displays what they have chosen. The voters then deposit the ballot in a traditional ballot box. During the verification process, auditors scan

the chips again using a different computer to tally votes. Then the computer calculates the result. The log of the process is sent over the internet to the data processing centre at the Electoral Tribunal.

Official sources declared that the election was a success, except for a few setbacks. Magic Software reported that there were four attempts to hack and bring down the official site on which the results were publicised, but all the attempts were neutralised.⁹ They also mentioned that “seven computers (1%) had problems but they were quickly replaced.” They noted that half an hour after the polls closed, they could inform the public of the first results from the polling points that had used the system.

After the election, the government of Salta announced the schedule for using electronic voting in 100% of the polls for 2013, through the Provincial Plan for the Implementation of the Electoral Reform. They will conduct a survey of schools to check infrastructure and will organise training for teachers, political leaders, journalists and voters in general.

The Centre for the Implementation of Public Policies Promoting Equity and Growth (CIPPEC),¹⁰ which will take charge of training and implementation of electronic voting, conducted an evaluation of the experience, surveying 1,502 voters and 112 presiding officers. It has concluded that a) electronic voting facilitated the task of the authorities and accelerated the verification process; b) the system is easy to use and was widely accepted by the electorate; c) the change of voting system strengthened confidence in registering to vote but weakened confidence in the protection of confidentiality (however, both effects were considered to be mild); and d) electronic voting made the previous system of controls developed by political parties obsolete. However, this creates uncertainty and concern about their ability to control the operation of the new system.

Neither transparent, nor reliable, nor secret

In the days after the election, the news agency Copenoa¹¹ released a video that registered the moment the machine on which the governor of Salta was to vote experienced technical problems. The machine froze, and a young man whom we assume was an employee of the company providing the system went

7 l.profesional.com (2011) El voto electrónico y su primera “prueba de fuego” en la Argentina, 10 April. tecnologia.lprofesional.com/notas/114222-El-voto-electronico-ante-su-primer-prueba-de-fuego-en-la-Argentina

8 www.vialibre.org.ar/wp-content/uploads/2010/05/Escrito-oposicion-voto-electronico-27-05-10.pdf

9 Canal-ar (2011) El voto electrónico funcionó sin inconvenientes en Salta, 11 April. www.canal-ar.com.ar/noticias/noticiamuestra.asp?id=10600

10 Pomares, J. et al. (2011) *Cambios en la forma de votar. La experiencia del voto electrónico en Salta*. www.cippec.org/oear/docs/documentos_de_trabajo/DPP_N_94_PYGG.pdf

11 www.copenoa.com.ar/Maquina-electronica-donde-debe.html

to the computer to change the software and rebooted it using a software CD. “No voting authority or representative of any political party was watching, and even if they were, who would know what was on the CD?” writes Beatrice Busaniche from the Vía Libre Foundation and editor of *Electronic Voting: The Risks of an Illusion*.¹² This situation shows clearly that officials do not have any control over the system – and if so, one of the essential principles of democracy was infringed: the citizen’s right to audit the election.

The opinions about the system were favourable, perhaps because it is considered among the best on the market. However, observers expressed concerns that if the experience were extended to the whole country, it would need to be in partnership with Magic Software because it has a patent on the system in Argentina until 2024.¹³ The concerns expressed were that “it is a private company that suddenly has the power to control, audit and manage the voting act.”

There have been electronic voting experiences with other companies. Indra, a Spanish firm, was used in a project in Marcos Juárez, Córdoba. There were some hitches in this pilot and technicians could not audit the votes.¹⁴ In another case, in Las Grutas, a small town in the province of Río Negro, technology developed by the state company Altec was used. This pilot supported those who opposed electronic voting. During the election so many problems occurred (delays, errors, loss of information) that city councillors reversed the electronic voting ordinance, and apologised through a public document for “buying into the promotions of salesmen.”¹⁵

In the case of Salta, the most critical aspect is that the system could not ensure the secrecy and anonymity of the vote. The system can be interfered with remotely and in this way information about who is being voted for may be obtained. This is what happened in the Netherlands, resulting in the scrapping of electronic voting.¹⁶ Salta’s authorities did not create measures to avoid this risk. Moreover, the fact that the ballot has a wireless chip increases concerns. Each chip has a unique serial number, and the user of the chip can be associated with the number – and in this way the vote linked to each serial number can be known.

Another aspect that must be highlighted is the opaqueness of the technology. A local expert defined the situation as an “expertocracy”, which creates problems with trusting the system. “The issue is: who is technically qualified to know if the system does what its developers say it is doing – especially if the entire source code is not publicly available? Generally speaking, no one doubts the ‘behaviour’ of an envelope, beyond the historical methods of electoral fraud.”¹⁷

As regards the speed of receiving results, this was also reconsidered in the evaluation. After 45 minutes of vote verification, there were no more than six tables of results actually recorded. But the media covering the election relentlessly repeated the results from those tables, claiming that electronic voting was faster. As Busaniche put it: “In Salta, aside from the re-elected governor, the big winners were the promoters of technocracy and those who prefer the privatisation of elections over the exercise of civil rights. And of course, a company that, in its own right, is opening the door to a giant business deal.”

Conclusions

“Electronic voting is seen as a panacea for modern democracies by techno-optimists, and as a ‘Pandora’s Box’ for possible tampering by its critics.”¹⁸ These are the axes of the controversy.

The voices heard in the promotion of the implementation of electronic voting are mainly those of government leaders who propose it as a step to state modernisation and access of citizens to technological development. At the same time, they feel it will make the act of voting more transparent and efficient. The concept of electronic democracy supports this position because of the potential of the internet to improve political participation, to increase access to information, to bring leaders closer to citizens, and at the same time to make all these processes more transparent.

Those who oppose electronic voting, mainly specialists or analysts of social and citizen issues related to technology, address the risks that would result from trusting the act of voting to a computer. They state that electronic voting does not provide any of the benefits it promises. They also stress that is neither transparent nor reliable, and that it threatens the important right to anonymity.

In the electoral arena, the benefits of information technologies in general and the internet in particular should be evaluated from a different

12 Fundación Vía Libre (2008) *Voto electrónico. Los riesgos de una ilusión*. www.vialibre.org.ar/wp-content/uploads/2009/03/evoto.pdf

13 www.patentes-online.com.ar/disposicion-y-metodo-de-voto-electronico-27828.html

14 Smaldone, J. (2010) Así mienten los vendedores de voto electrónico, 14 October. blog.smaldone.com.ar/2010/10/14/asi-mienten-los-vendedores-de-voto-electronico/

15 Fundación Vía Libre (2008) op cit., p. 43.

16 wijvertrouwenstemcomputersniet.nl/English

17 Blejman, M. (2011) El triunfo de la expertocracia, *Página 12*, 12 April. www.pagina12.com.ar/diario/cdigital/31-166037-2011-04-12.html

18 l.profesional.com (2011) op. cit.

perspective. Although information technologies are valued for their ability to increase access to information through the digitisation of electoral rolls, the registration of voters, and the processing and dissemination of results, if applied to the act of voting, they make the process more vulnerable and put its main requirements at risk. Vía Libre Foundation notes that “there is no electronic voting system that respects the right of citizens to anonymity (...) and the inalienable right to participate in the auditing of the voting process itself.”

Action steps

- Electronic voting projects are generally proposed by leaders or legislators who have little awareness of controversies around the implementation of technology. Because of this it is important to develop strategies that highlight in as concrete a way as possible the challenges mentioned above.
- The general public is also not aware of the debates. Mass media mostly cover the benefits of implementing electronic voting. The questioning of the transparency of elections conducted by electronic voting should be more visible in the mass media and on social networks.
- Organisations involved with civil rights should take these issues on board as advocacy issues. This will strengthen the legal opposition to electronic voting. At the moment, the voices heard in Argentina come mainly from the technological field.
- If the implementation of electronic voting carries on, there should be a rigorous and critical analysis of the technology involved, which includes a variety of actors in the evaluation (universities, civil society organisations, etc.). It is important to implement previously used mechanisms for auditing the companies that offer software. ■