

Committee: General Assembly 3 - Social, Cultural, and Humanitarian

Issue: Measures to prevent the manipulation of governmental elections

Student Officer: Ji Eun Park

Position: Deputy President of the General Assembly 3

Introduction

Election manipulation, also known as electoral fraud, refers to the illegal interference with the process of an election. Although the technical definition of election manipulation can vary from country to country, it generally includes any acts that can influence the result of an election, such as morally unacceptable acts that are outside of the spirit of the electoral laws, or violations of the principles of democracy.

Currently, any actions that threaten fair elections are strictly regulated by the laws, but electoral fraud still exists in many countries. Since even the most marginal differences can overturn the results of an election, ultimately resulting in the corruption of democracy, it is fundamental to ensure the integrity of elections. Furthermore, successful manipulation can lead to the citizens' increased distrust of their country, and in some rare cases, attempts to overthrow the government. Therefore, to ensure security within and outside of nations, more measures should be taken to establish fair election systems.

Definition of Key Terms

False registration

1. Registering or attempting to register as an elector in more than one election district for the same election, or multiple times in the same election district,
2. registering or attempting to register under an alias,

3. providing false residence within the election district when registering as an elector, or voting when knowing that he or she will not be a qualified voter in the district at the election.

Impersonation fraud

Voting in the name of other legitimate voters, such as ones who have died, moved away, or lost their suffrage due to a past-committed crime.

Duplication voting

Registering and voting in multiple locations, or participating in the same election more than once.

Fraudulent use of absentee ballots

1. Requesting absentee ballots without the actual voter's consent, or
2. illegally persuading the voter who to vote for.

Vote buying

Paying voters to impact the result of an election.

Illegal assistance

Supposedly providing "assistance", which in reality coercing or threatening voters, particularly the elderly, disabled, illiterate, to vote for a particular candidate.

Ineligible voting

Illegal registration and voting by individuals who do not have the right to vote, such as criminals, or those who do not have citizenship.

Alteration/Misrecording of the vote count

Changing the vote counts to undermine a certain candidate or a political party.

Ballot petition fraud

Duplicating signatures of registered voters on the ballot petitions, in which are requirements in some areas for a candidate to be listed on the official ballot.

Gerrymandering

Manipulating political boundaries so as to favor one party or class.

Background Information

Major related cases

Russia's December 2011 legislative election

Russia's democracy has long been posed with challenges, such as the 2011 Russian Election. In the run-up to the December 2011 election, seven political parties were approved to run. However, since the last election of 2007, several other parties were blocked from registering for the election; instead, the ruling United Russia Party was holding most of the seats in the Duma, the Russian advisory and legislative assembly. According to some observers, the Russian authorities, including President Dmitriy Medvedev and Prime Minister Vladimir Putin, had also used their positions to plan illicit means to retain a majority of seats for the United Russia party. As a result, the vote count was evaluated as bad or very bad in about one-third of the 115 polling stations, and ballot stuffing was observable in 17% of these voting ballots. Furthermore, the Golos, Russia's leading independent vote monitoring group, was hindered from covering the elections.

A day after the election, approximately 5,000 protesters gathered in central Moscow and started an unsanctioned march toward the Central Electoral Commission to condemn the flawed election. The police, subsequently, dispersed and arrested approximately 1,000 protesters. The Kremlin mobilized pro-government youth groups to hold demonstrations against the protesters to maintain that the results of the election was a "clean victory" and as a result, minority groups would not be permitted to impose their will on the electorate. However, protests continued, and on December 10, large demonstrations under the slogan "For Honest Elections!" were held across Russia.

The Watergate Scandal

The Watergate Scandal was a major political conspiracy that involved attempts to rig the 1972 US Presidential Election. The scandal began on 17th June 1972, five months before the election. Several burglars were arrested in the headquarters of the Democratic National Committee, located at the Watergate Complex in Washington D.C. However, this was no ordinary robbery: the intruders were associated with President Richard Nixon's reelection campaign, and had been caught

wiretapping phones, canceling Democratic rallies, spying on candidates, and stealing confidential documents.

While the principal of the burglary was yet to be found, President Richard Nixon pledged that he wasn't involved with the recent break-in, and as a result, was once again elected in a landslide. However, due to the newspaper reporters' and journalists' efforts, the scandal grew in importance. Eventually, in 1973, the US Senate authorized a full investigation. It later came into light that Nixon was being dishonest. For instance, he had bribed hundreds of thousands of dollars to the burglars to ensure secrecy of his manipulative acts. Then, Nixon and his aids had fabricated a plan to instruct the Central Intelligence Agency to impede the FBI's investigation. In other words, the Watergate Scandal was an abuse of presidential power, obstruction of justice, and violation of the Constitution.

The Supreme Court demanded Nixon to reveal the tapes containing every conversation that took place in the office to obtain proof of the president's guilt. Although Nixon struggled to protect the tapes, he eventually had to release them due to numerous protests. Finally, Nixon resigned in disgrace in 9th August, 1974, and left office on the following day.

Previous attempts to resolve the issue

Voting Rights Act of 1965

The Voting Rights Act, signed into law by President Lyndon Johnson on 6th August 1965, is considered as one of the most far-reaching electoral laws in US history. Its objective was to overcome legal barriers at the state and local levels that prevented African Americans from exercising their suffrage.

Specifically, the legislation banned the use of literacy tests, which African Americans were forced to take in order to register as a voter. These literacy tests were the main barrier stopping African Americans from voting, as the majority of the African American population were illiterate due to poverty and lack of education. Furthermore, the Act authorized the US attorney general to investigate the use of poll taxes in state and local elections, which was previously made illegal by the US Supreme Court.

Although the Act was often ignored at its early stages, it ultimately changed the voting restrictions and drastically improved voter turnout. In Mississippi alone, voter turnout among the African Americans increased from 6% to 59% four years after the initial enactment of the legislation. Furthermore, more African Americans began to actively participate as a part of the US

government. In 1965, there were six African American members of the US House of Representatives and no blacks in the US Senate. However, by 1971, the number increased to 13 members of the House and one member of the Senate. Ever since its passage, the Voting Rights Act has been amended to address more specific issues, such as the protection of voting rights for non-English speaking American citizens.

Electoral Administration Act 2006

The Electoral Administration Act 2006, also known as “EAA”, was passed by the Parliament of the United Kingdom, on 11th July 2006. Its main objectives were:

1. to provide access to voting for all,
2. to aim for the highest possible turnout,
3. to eradicate the abuse of the vote.

It primarily makes amendments to the previous UK legislation related to the electoral voting procedures, such as the Representation of the People Act 1983, the Political Parties, Elections and Referendums Act 2000, and the Representation of the People Act 2000.

The EAA creates two new offences which came into force on 11th September 2006. Section 15 of the EAA amends Section 13D of the Representation of the People Act 1983 by further securing the voting procedures. According to the newly enacted legislation, postal and proxy vote applicants are obligated to provide their date of birth and signature on their application forms and postal ballot paper. Furthermore, the amendments create the offence of supplying false information to the Electoral Registration Officer for any purpose in connection with the registration of electors. This offence carries a maximum sentence of six months of imprisonment.

The newly added section 40 of the EAA refers to the offence related to applications for postal and proxy votes. The legislation outlines the acts and the intentions that must be proved in order to establish that offence has been committed. The specific examples of offences include the applicant pretending to be another elector, or making any other false statement in an applicant for a postal or proxy vote. It also covers the applicant causing the diversion of communications from the entitled elector or preventing their delivery. The consequential amendments to the 1983 Act states that if one is found guilty by an election court, a person may be disqualified from standing

election or from being registered as a voter for a maximum of five years. On the other hand, if one is found guilty on a criminal prosecution, he or she may be imprisoned for up to two years.

In addition, section 70 of the EAA allows the court to grant the extension of the time for commencing prosecutions from 12 to 24 months only if there are exceptional circumstances. Also, there should be no undue delay in the investigation of the offence.

Possible solutions

The easiest yet most effective way to prevent all forms of rigging is enhancing transparency. Similarly to the major attempts to solve the issue, this may involve legal or procedural reform. Constant monitoring is necessary, which can be guaranteed by sanctioning an election management body deployed of non-partisan observers with adequate training. This means that security should always be present during the whole electoral cycle. The vote counts should also be done at the same day and place of voting, immediately after the voting procedures. It would not only curtail the occurrences of electoral manipulation, but also make the task of organizing a registration drive simpler. Meanwhile, in the US, some states have decided to gather voter registration databases, so that the state boards of elections will know when a voter moves out or passes away. This measure can help prevent false registration, which is one of the most common types of electoral fraud.

Timeline of Events

Date	Description of event
26 March 1812	The term 'gerrymander' is coined to refer to the rigged elections that gave the Democratic-Republicans an advantage.
3 May 1927	Candidate Charles D. B King receives approximately 243,000 votes in the 1927 Liberian Elections, despite there being fewer than 15,000 registered voters.
8 February 1983	Representation of the People's Act makes major changes to the ballot systems of UK by dealing with corruption such as bribing and illegal assistance.
17 August 1993	New Zealand enacts the Electoral Act 1993, which provides a basis for the regulations regarding the general elections.

26 November 2017

In response to the supposed electoral fraud in Honduras, thousands of citizens and democratic forces protested throughout the country.

UN Involvement, Relevant Resolutions, Treaties and Events

- General Assembly on Enhancing the effectiveness of the principle of periodic and genuine elections, 18 December 1992, **A/RES/47/138**
- General Assembly on Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections, 23 December 1994, **A/RES/49/190**
- United Nations General Assembly Resolution 70/168, 17 February 2016, **A/RES/70/168**
- United Nations General Assembly Resolution 72/164, 25 January 2018, **A/RES/72/164**

Bibliography

“Elections|Department of Political Affairs.” *United Nations*, United Nations, <www.un.org/undpa/en/elections>.

Participation, Expert. “Electoral Administration Act 2006.” *Legislation.gov.uk*, Statute Law Database, <www.legislation.gov.uk/ukpga/2006/22/contents>.

“Election Offences.” *Election Offences | The Crown Prosecution Service*, <www.cps.gov.uk/legal-guidance/election-offences>.

Obot, Charles. “How To Prevent Vote Rigging .” *How to Prevent Vote Rigging*, 2 Feb. 2015, 23:42, <aceproject.org/electoral-advice/archive/questions/replies/544779600>.

Ehrenfreund, Max. “How to Stop Voter Fraud and Increase Turnout at the Same Time.” *The Washington Post*, WP Company, 4 Nov. 2014, <www.washingtonpost.com/news/wonk/wp/2014/11/04/how-to-stop-voter-fraud-and-increase-turnout-at-the-same-time/?utm_term=.621f5b7fc714>.

Nichol, Jim. "Russia's December 2011 Legislative Election: Outcome and Implications." *fas.org*, Congressional Research Service, 13 Dec. 2011, <<https://fas.org/sgp/crs/row/R42118.pdf>>.

Williams, Yohuru. "Voting Rights Act of 1965." *History.com*, A&E Television Networks, 2009, <www.history.com/topics/black-history/voting-rights-act>.

"Voter Fraud." *The Heritage Foundation*, <www.heritage.org/election-integrity/heritage-explains/voter-fraud>.

History.com Staff. "Watergate Scandal." *History.com*, A&E Television Networks, 2009, <www.history.com/topics/watergate>.

