

Contemporary Challenges in Electoral Democracy

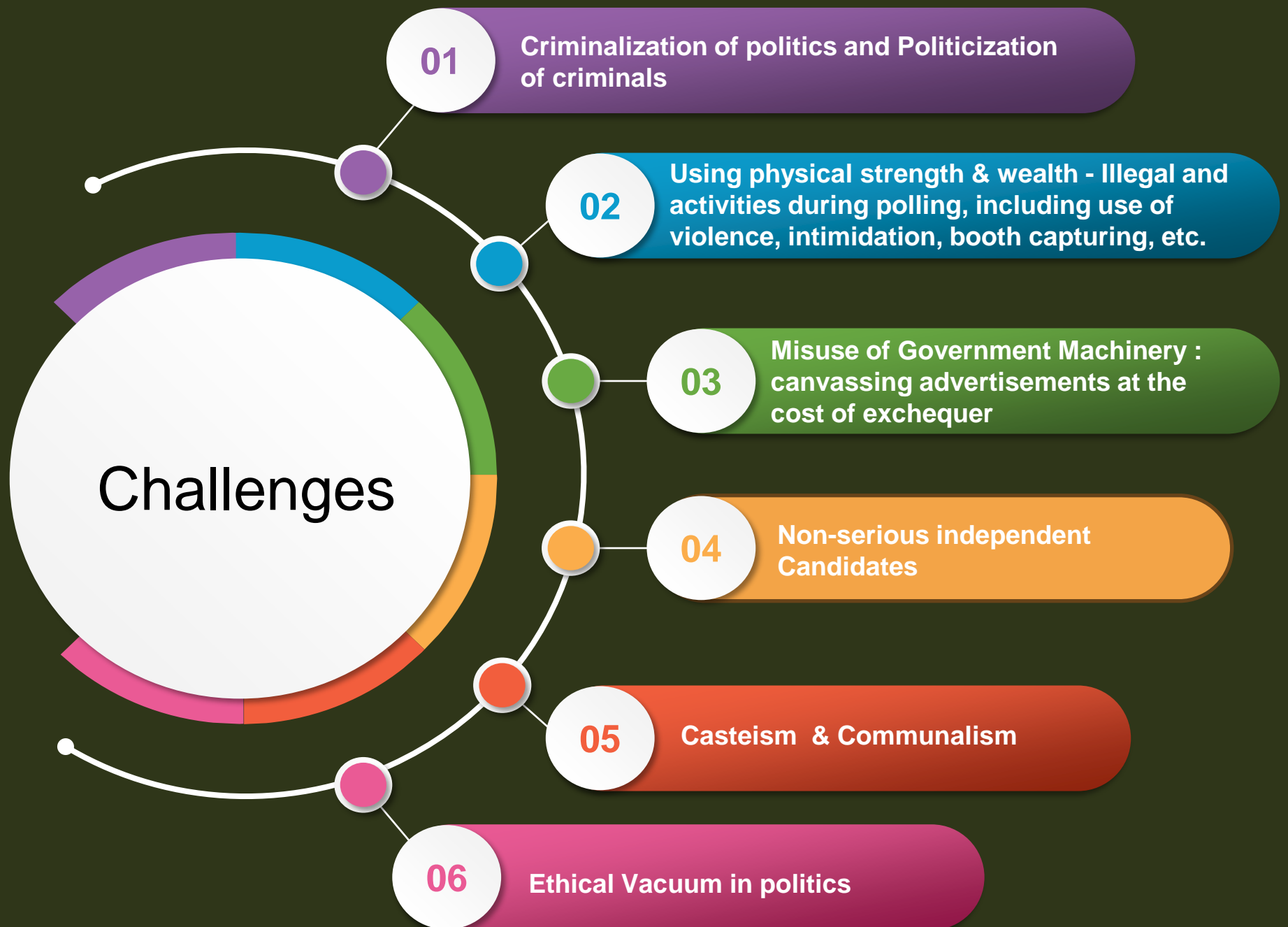
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01

Criminalization of politics and Politicization of criminals

02

Using physical strength & wealth - Illegal and activities during polling, including use of violence, intimidation, booth capturing, etc.

03

Misuse of Government Machinery : canvassing advertisements at the cost of exchequer

04

Non-serious independent Candidates

05

Casteism & Communalism

06

Ethical Vacuum in politics

Challenges

Demystifying Electoral Regulations and Practices at SEC Rajasthan

Endeavors to simplify complexity and focus on basics

Using trained master trainers at the district level for the first level checking (FLC) of Electronic Voting Machine doing away with engineers from EVM manufacturing Companies

Reuse of Electronic Voting Machine/Ballot box-borrowing and lending of EVM among states reduce costs and efficient resource utilization

Concurrent year round By-elections for positions falling vacant for over 110000 seats

Demystifying Electoral Regulations and Practices at SEC Rajasthan

To use warehouse for other purposes i.e. training center etc. besides Electronic Voting Machine/ballot box storage

Increasing cost efficiency and production capacity

Budget to be utilized for performing First level Checks on Electronic Voting Machines (EVM) rather than purchasing new EVMs

Regular Interaction with field election officers

Bottom-up approach, focus on ideas & suggestion from grassroots level where the rubber hits the road

Current Status and Opportunities for Improvement

Electoral procedures in India have largely remained static since **1952**

Lack of adaptation to modern advancements may hinder efficiency and inclusivity in the electoral process.

Changing the Electoral Paradigm

Teachers are predominantly deployed for election duties at least three times for 2-3 months in 5 Years, which may strain the education system

Exploring alternative human resources for elections from diverse backgrounds, including professionals, to enhance representation and efficiency

Multiplying Election Expenditure in India by Political Parties

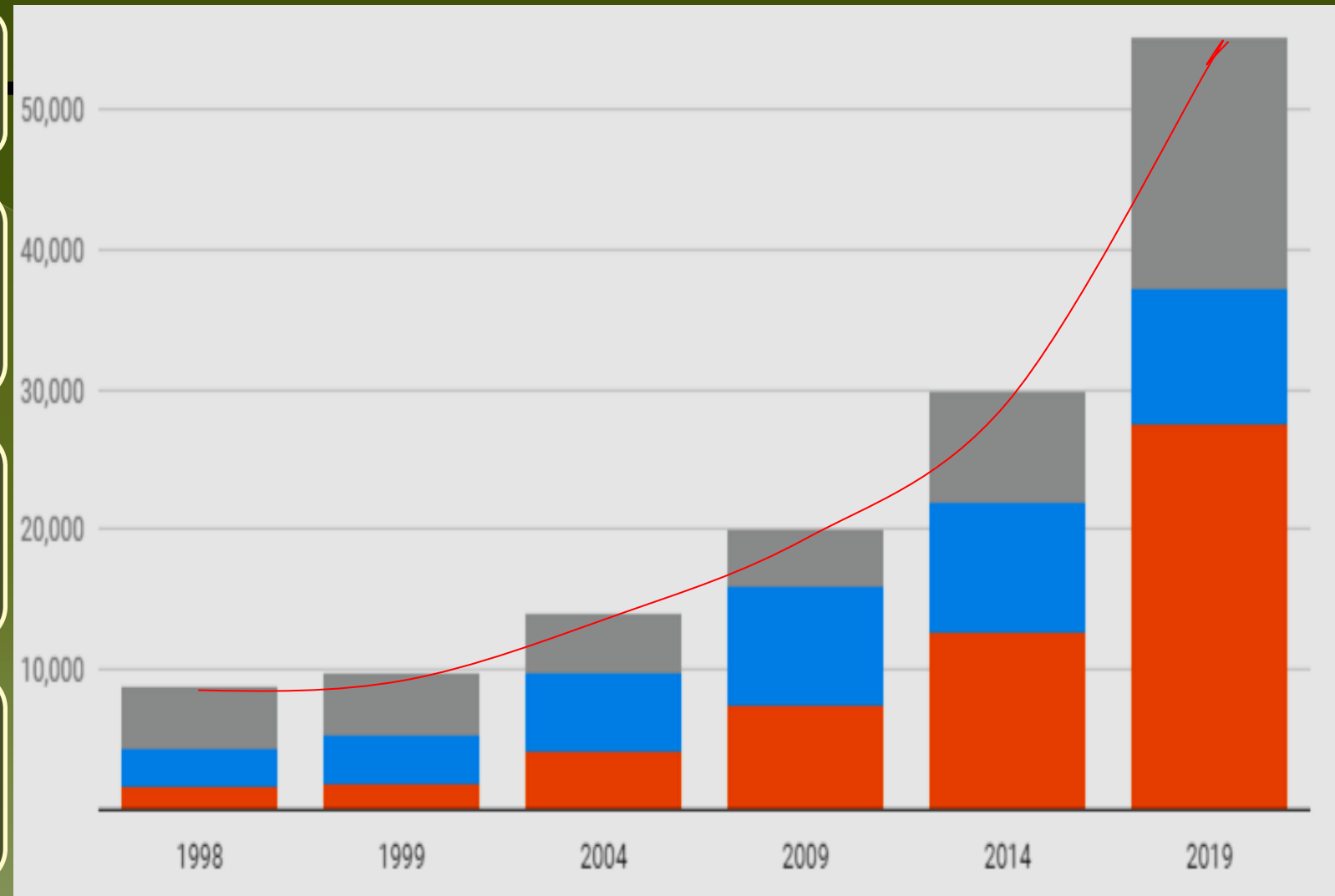
Rs 700

is the amount which was spent per voter in Lok Sabha 2019 polls by political parties

More than 55,000 Crore was spent in India's 2019 Lok Sabha elections

In 20 years, in six elections to Lok Sabha (1998-2019), election expenditure has gone up by six times from Rs 9,000 Crores to Rs 55,000 Crores

Polling exercises involved expensive rallies, widespread advertising and social media campaigns. All of which comes at a substantial cost



Source: Centre For Media Studies

Bloomberg | Quint

Lok Sabha Elections - Cost to Government of India

HOW MUCH DID LOK SABHA ELECTIONS COST THE GOVERNMENT OF INDIA?

(Provisional Figures- ₹ Cr)



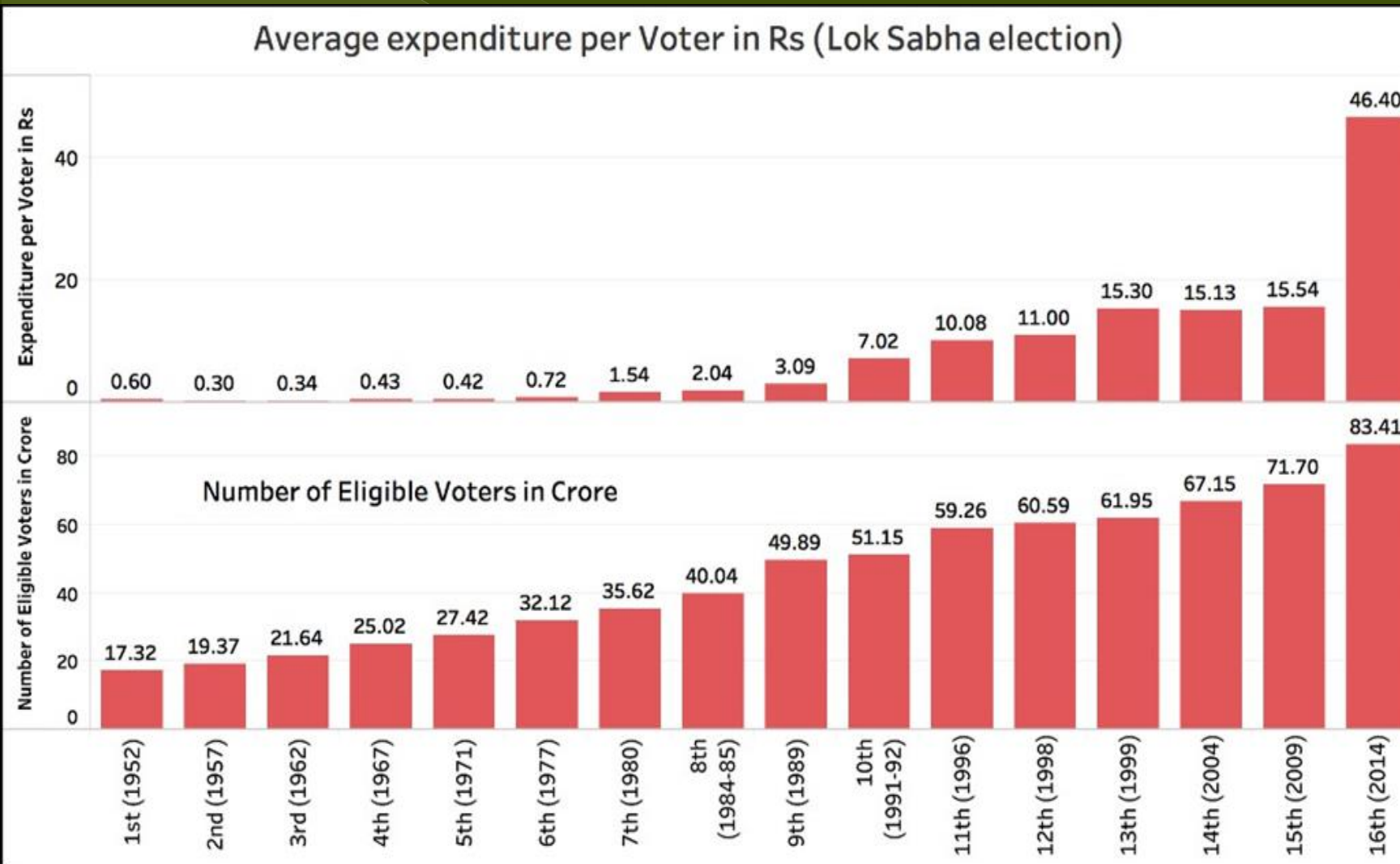
Source: ECI

In 2019 Parliament Elections ECI spent about 10,000 Cr.

The total (provisional) expenditure incurred in 2014 Lok Sabha was Rs 3,870 Cr.

It was staggering three times jump from Rs 1,114 crore spent in the general elections of 2009

Increasing Cost of Expenditure Per Voter by GoI



The average expenditure per voter was less than one rupee till the 6th general election in 1977

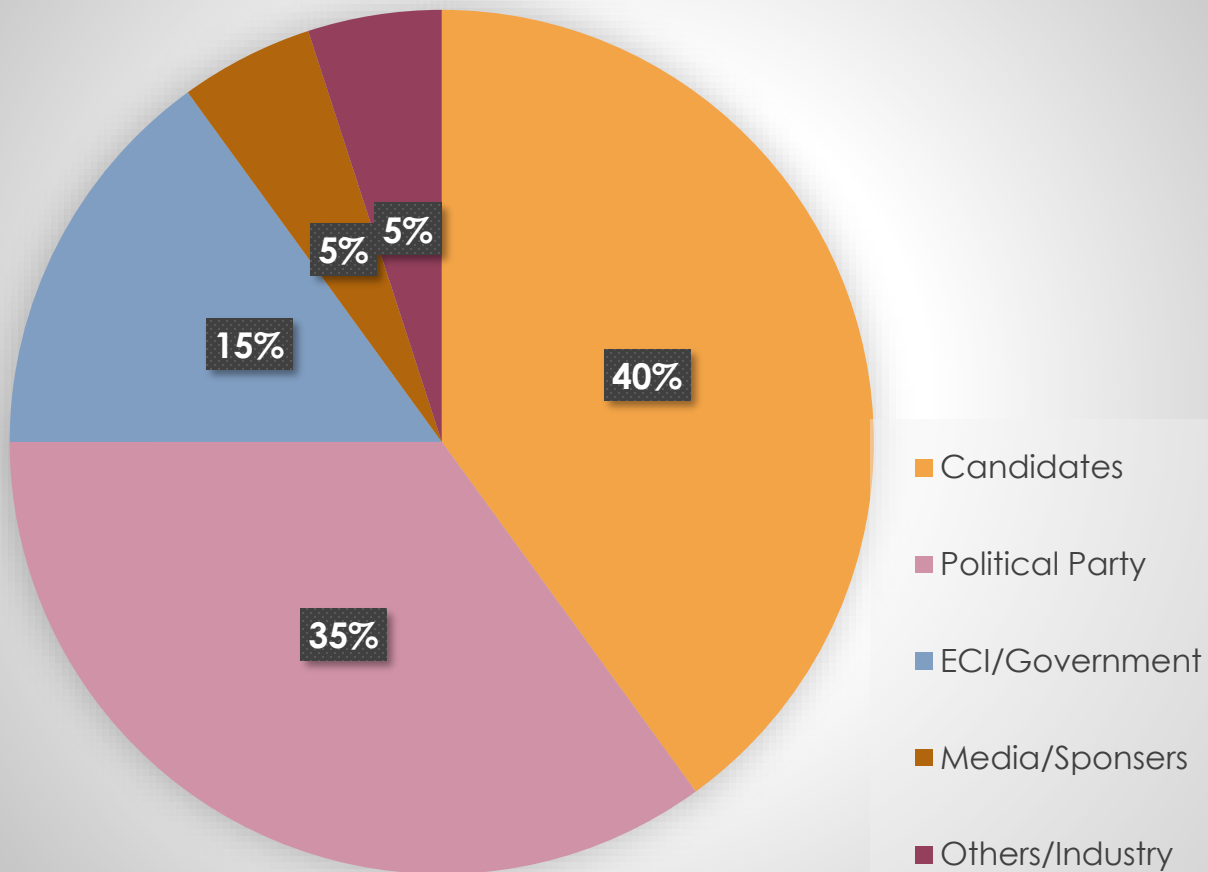
It crossed Rs 10 for the first time during the 11th general election in 1996

The average expenditure per voter was around Rs 15 during each of the general elections in 1999, 2004 & 2009

Per voter expenditure increased three times during the 16th general elections in 2014

The 2019 Elections : Who spent how much ?

Heads in Estimated Expenditure

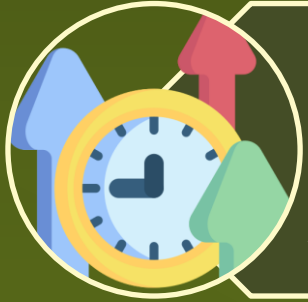


Spent by :	Percent	INR Amount in Crores
Candidates	40%	24,000
Political Party	35%	20,000
ECI/Government	15%	10,000
Media/Sponsors	5%	3,000
Others/ Industry (not contribution to political parties)	5%	3000
Total	-	60,000

Decoding the Dilemma : Ballot Box v/s EVM

S.No.	Aspect	Ballot Box	EVM
1	Voter Satisfaction	Voters have knowledge and satisfaction in transfer of sovereignty	Lack of assurance and satisfaction in electronic process
2	Voter Verification	Voters can physically verify ballot papers and marks	Voters rely on electronic feedback without physical verification
3	Voter Confidence	Higher voter confidence in transparent manual process	Decreased voter confidence due to lack of transparency
4	Public Auditing	Counting done publicly, visible to observers	No auditing process during voting, counting done internally
5	Vulnerability to Manipulation	Prone to booth capturing and ballot stuffing	Susceptible to tampering, hacking, and external manipulation
6	Transparency	Transparent process, visible to voters	Lack of transparency, process inside machine
7	Dispute Resolution	Disputes resolved on spot with RO intervention	No immediate resolution mechanism during voting process

Enhancing Electoral Logistics and Efficiency



Enhancing Efficiency

1. Conducting vote counting in government college buildings disrupts academic activities
2. Consider using standalone or alternative venues for less disruptive operations



EVM Storage and Maintenance

1. Centralized storage of EVMs in large warehouses leads to high operational maintenance costs
2. Explore leasing options and involve private sector in EVM manufacturing & technology



Private Sector Involvement

1. Encourage private companies to manufacture electoral instruments & hence reduce costs
2. There is 75% FDI in Defence sector; in the similar way leveraging the strength of Private Sector can reduce State monopolies

Modernizing Election Processes

Evaluating Technology vs. Manual Methods

Decentralizing EVM and Ballot Storage

What is the necessity of technology where manual processes suffice

Balancing advantages of technological advancements with the reliability and simplicity in election procedures

Proposing Decentralization of Electronic Voting Machines (EVMs) and ballot boxes to block levels rather than district headquarters

Exploring options such as leasing logistics from companies and borrowing equipment when needed to optimize resource allocation

Promoting Diversity

❑ Manual Counting for Small-Scale Elections

1. Recognizing the viability of manual counting for elections with fewer than 20,000 votes
2. Using technology as a tool, not a silver bullet

❑ Expanding Participation

1. Implement measures to ensure participation of **service voters, elderly, nomadic communities and transgenders**
2. If electronic transfer of large sums of money can be conducted securely, **e-voting** mechanisms can be used to enable convenient and user-friendly participation in the electoral process

Case Study: Estonia's e-Voting Success with Significant Cybersecurity Investments



Success Factors

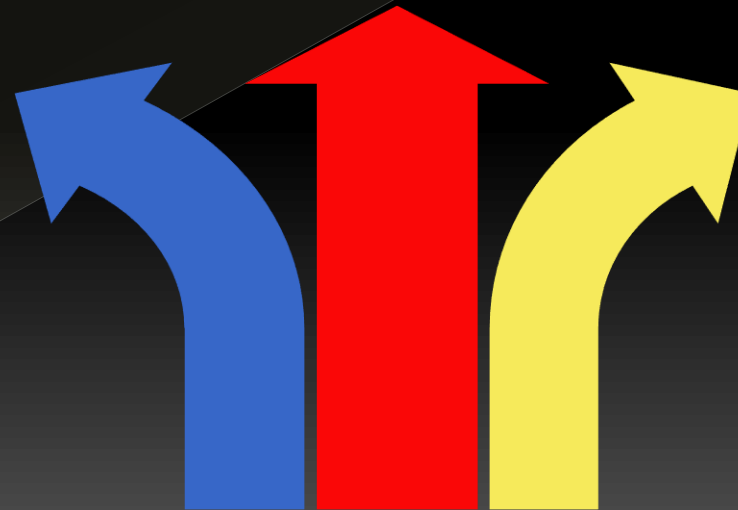
- Convenience and accessibility
- Reduces the burden associated with traditional paper ballots

Cybersecurity Investments

- Invested substantially in cyber security enhancement
- Regular security audits and penetration testing are conducted

Challenges

- Cybersecurity threats are dynamic and constantly evolving, necessitating ongoing vigilance and adaptation
- Even the most advanced security measures cannot entirely eliminate the risk of hacking and tampering



The success of e-voting systems is inherently linked to their ability to withstand cyber threats

Enhancing Efficiency and Cost-Effectiveness

○ **A. Leveraging Remote Sensing for Polling Station Selection**

- Utilizing remote sensing technologies to streamline the process of finalizing polling station locations
- Identifying polling booths through technology within a range of 2 km of population that can enhance accessibility and optimizing resource allocation through data-driven decision-making

○ **B. Efficient Manpower Management**

- Reduce costs and optimize resources by deploying Observers from neighboring states or retired personnel for observation duties
- Deploying Observers selectively in 10-20% constituencies
- Benefits of experience can be taken from retired personnel with good integrity

Increasing Focus on Governance Quality

A. Administrative Efficiency

- Change of Returning Officers must be done through writing orders with reasons instead of verbal orders to ensure stability
- Minimize the impact of recurring Model Code of Conduct imposed multiple times in a single term, as it may delay government's development programmes & contracts.
- To the extent possible conduct simultaneous elections to avoid adverse impact on administrative direction & velocity

Case Study: Electoral Process in South Africa: Simultaneous Elections & Utilization of Ballot Boxes



Simultaneous Elections

- Provincial and national elections occur simultaneously every five years.
- Nine provinces in South Africa hold elections concurrently, streamlining the electoral process.

Ballot Box Utilization

- Separate voting papers are provided to voters for casting ballots for both national and provincial legislatures.
- Voters utilize traditional ballot boxes to cast their votes, ensuring the integrity of the electoral process.

Proportional Representation System

- The Independent Electoral Commission (IEC) oversees the execution of elections, similar to the Election Commission of India (ECI)
- South Africa's electoral system is based on a proportional representation framework for choosing members of parliament and provincial legislatures

South Africa's electoral system combines the usage of ballot boxes with the concept of simultaneous elections for both national and provincial legislatures

Evolving Legal Framework



Amending the
Anti Defection
law



Paid News and
Political
Advertisements



Totaliser for
Counting
of Votes



Restriction on
Government
Sponsored
Advertisements



Regulation of
Political Parties



Electoral Dispute
Resolution
Mechanisms



Strengthening
Electoral Code of
Conduct



Addressing
Legislative
Lacunae

Amendment to the Anti-Defection Law

1. Proposal to shift the power of deciding on disqualification due to defection from the Speaker or Chairman to the President or Governor as advised by the Election Commission of India (ECI)
2. The rationale for this suggestion is that Speakers invariably come from ruling parties and act in a partisan manner
3. Timely decisions and impartiality in disqualification proceedings calls for forming an independent tribunal to decide disqualification matters within a period of three months
4. This would also preserve the integrity of the Speaker's Office



Paid News and Political Advertisements

1. Amendment to the Representation of the People Act, 1951, to criminalize publishing and aiding the publishing of "paid news" as an electoral offense.
2. Suggestion to include stringent punishments such as a minimum of two years imprisonment
3. It is crucial to establish mechanism or legislations that mandates resolutions of court cases within 6 months time frame
4. Proposal for mandatory disclosure provisions for all media to curb disguised political advertisements



Totaliser for Counting of Votes

1. Proposal to introduce a totaliser for counting votes recorded in electronic voting machines to maintain voter secrecy.
2. Aims to prevent intimidation and victimization of voters by concealing voting patterns.
3. Seeks to address concerns regarding disclosure of voting trends in specific areas during the counting process.



Restriction on Government Sponsored Advertisements

1. Recommendation to regulate and restrict government-sponsored advertisements six months prior to the expiry of the House/Assembly term
2. This prevents the use of public money for highlighting the government's achievements and ensures that the ruling party/candidate does not get any undue advantage over another
3. Purpose to maintain the purity of elections and prevent the misuse of public funds for partisan interests
4. Ensures equal opportunity for all parties and candidates, promoting the principles of free and fair elections.



Regulation of Political Parties

1. Potential measures to enhance transparency and accountability within political parties
2. Specific details regarding proposed regulations may include financial transparency, internal democracy, and mechanisms for addressing grievances
3. Aims to strengthen the democratic process by ensuring fair competition among political entities
4. Expenditure limits should be imposed on expenses incurred by political parties during elections



Electoral Dispute Resolution Mechanisms

- ◉ Enhancing mechanisms for the resolution of electoral disputes and grievances, including provisions for timely adjudication of complaints, transparent investigation processes, and effective enforcement of election laws
- ◉ Alternative dispute resolution processes through arbitration, mediation and conciliation at initial level of litigation



Strengthening Electoral Code of Conduct

- ◉ Strengthening the enforcement of the Model Code of Conduct during elections to prevent electoral malpractices, maintain a level playing field for candidates, and uphold the integrity of the electoral process
- ◉ Clarifying and strengthening the powers and functions of the State Election Commission to ensure its autonomy and effectiveness in overseeing the conduct of elections at the state and local levels



Addressing Legislative Lacunae

- There are grey areas in the State Election Laws & Rules, which calls for refining governing legislations
- Suitable Amendments to incorporate Precedents & Best Practices to fill up the vacuum in Law
- A Central Model Law for election to rural and urban bodies could be framed which could contain both Directory and Mandatory provisions



Responsibility of Returning Officer should be fixed for wrongful acceptance of faulty nomination papers.

Time limit should be fixed for completion of judicial inquiry in cases involving suspension of elected candidates

In cases involving suspension of elected candidates, maximum period for which charge for such post could be handed over should be fixed.