



The electoral process – secrecy of the ballot, accuracy and acceptable time frame

The Swedish National Audit Office has audited the work of the Government and the state electoral authorities in the conduct of elections. The audit focused on three essential aspects of the electoral process, namely the protection of the secrecy of the ballot, the accuracy of the preliminary election results and the time taken to complete the count. The overall conclusion is that the work is mainly appropriately designed, but that there is room for improvement in order to increase the effectiveness of the general election process.

According to the voters, the secrecy of the ballot is well protected in polling stations, in particular with the new screening off of the ballot papers. At the same time, the screening off causes a number of problems in polling stations with significant risks for voter turnout in the future.

The Swedish NAO considers that preliminary election results are reasonably accurate in relation to the final election outcome. At the same time, there is scope to further increase their accuracy. The difference between preliminary and final election results has increased in recent elections. This development thus goes in the opposite direction from the intention of the legislator, but in our view, not at an alarming rate.

The audit also shows that the election results are ready within the time limits assessed by the Riksdag to be reasonable. However, the work of the county administrative boards on the final counting and recording of the results takes an increasing amount of time. Our assessment is that the trend is so weak that it does not give rise to a greater risk of exceeding the time limits in which the election results need to be ready.

Many of the problems observed in the context of the audit can be linked to the Swedish system for ballot papers. Although the ballot paper system was not the focus of the audit, the Swedish NAO made several observations on it.

In light of the audit findings, the Swedish NAO recommends that the Government take the following action:

- Instruct the Election Authority to allow for interaction between the Election Authority, the county administrative boards and the municipal election committees.
- Review the role and responsibilities of the Election Authority. The review should include the issue of whether the Election Authority should be given powers to issue guidelines to the county administrative boards and municipal election committees.
- Consider whether it is desirable to increase the proportion of advance votes counted on the election night.
- Initiate a broad review of the ballot paper system to determine how an alternative ballot paper system could be designed for future elections in Sweden.

Audit findings

In order for democracy to function properly, a well-considered and effectively functioning electoral system is of fundamental importance. The Swedish electoral system stands up well in international comparisons, but shortcomings of various kinds have also been observed. Among other things, Sweden has been criticised by the International OSCE for the lack of protection of the secrecy of the ballot when voters pick up ballot papers before voting.

On 1 January 2019, a new regulation on the screening off of ballot papers was put in place and, in the light of the problems previously highlighted, it was important to examine how this has been implemented. It has also been pointed out that the allocation of seats has been adjusted fairly extensively in connection with the confirmation of the final election results.

The overall audit issue is whether the work of the Government and state electoral authorities in the conduct of elections is appropriately designed. The audit focuses on three essential aspects of the electoral process, namely the protection of the secrecy of the ballot, the accuracy of the preliminary election results and the time taken to complete the count. The audit questions are as follows:

- Is the secrecy of the ballot at polling stations effectively protected in the light of the provision on the screening off of ballot papers?
- Are the preliminary election results sufficiently accurate?
- Are the election results finalised in an acceptable time frame?

Secrecy of the ballot is better protected but there is concern for future elections

Since 1 January 2019 there has been a provision in the Elections Act stipulating that the place where the ballot papers are set out should be screened off. This provision aims to further strengthen the protection of the secrecy of the ballot while at the same time providing reasonable conditions for voting clerks to keep the ballot papers in order, and to monitor the behaviour of voters near the ballot paper stand.

The new provision meant that the municipalities developed different solutions for screening off the ballot papers. In the May 2019 European elections, the Swedish NAO investigated how well voters felt that the secrecy of the ballot was maintained in two municipalities that had chosen different solutions for screening off ballot papers; Umeå and Stockholm.

Compared with previous elections where there was no screening off of the ballot paper stands, voters now feel that the secrecy of the ballot is better protected. The feeling of privacy was stronger in Umeå, where the voter entered a screened off booth, than in Stockholm, where the ballot papers were hidden by a corrugated cardboard box screened on three sides.

The audit shows that at the same time the screens complicated the work of the voting clerks in overseeing the ballot papers and preventing sabotage of various kinds. In the 2019 European elections, in as many as nine out of ten municipalities voters took a long time at the ballot paper stands (sometimes in order to prepare their vote there) and caused queues. There is concern that

these problems will become more common in future elections, which in the long term could mean a risk of lower participation in elections.

The lack of cooperation between municipalities has emerged in a tangible way in the process of developing appropriate screens to preserve the secrecy of the ballot. If there was more developed cooperation between them, as well as between municipalities, county administrative boards and the Election Authority, the process of conducting elections could be more effective. In the course of the audit, the Swedish NAO has noted the wishes of all levels in the election administration and that the Election Authority should be mandated to issue guidelines for the other actors in the election administration.

Late advance votes result in less accurate election night results

The intention of the legislator is that the result of the election on election night should be as reliable as possible, in the sense that it should provide the most accurate picture possible of the final outcome of the election. The preliminary election results presented during the election night receive a high level of media attention and are often treated as though they were final. This confusion leads, according to the Election Authority, to complaints, petitions and appeals, which entails a risk of reduced credibility for the electoral system.

The current system allows for advance voting on election day and aims to increase voter turnout as much as possible. Thus, some votes cannot be taken to the polling station in time to be included in the election night results. Thus, there is an inherent conflict of objectives in the system between high election turnout and a high level of accuracy in the election results on election night.

The audit shows that it would be possible to raise the proportion of votes actually counted on the election night without it affecting the possibility of advance voting. However, that requires that the distribution of advance votes be improved and that municipalities count more ballot papers already during the election night and do not save them until the “Wednesday count”

The result of the final count differs from the preliminary result mainly for two reasons. Firstly, the county administrative boards can make a different assessment from the municipalities as to which votes are valid and secondly, parties which are not ‘reporting parties’ (that is to say those whose votes are categorised as ‘other parties’ in the preliminary count) may only have their seats reported for the first time at the final count. A large part of the change in seats at the final count is explained by the fact that non-reporting parties’ seats are allocated for the first time. This is particularly evident in the municipal council elections.

Increasingly difficult to arrive at the final election result in time

The vote count must be carried out so that a final result can be determined in good time before the opening of the Riksdag.

The time between the county administrative boards’ approval of the voting and the first meeting of the county council assembly has shrunk. This is mainly due to the fact that the finalisation and compilation of the final election results takes longer. The reason for this is the handling of

“sprinkle lists”, which are lists of ballot papers belonging to constituencies other than those in which the vote is cast.

The assessment of sprinkle lists differs between county administrative boards and the handling is time-consuming. However, in January 2019, the county administrative boards jointly decided in future to handle ballot papers from other constituencies only as party ballot papers. If the decision is adhered to in future elections, the handling of sprinkle lists will be consistent and, in the opinion of the Swedish NAO, less time-consuming.

Are ballot papers the real problem?

In our opinion, a changed ballot paper system has the potential to substantially facilitate the administration of votes. It could lead to more votes counted on election night, fewer discrepancies between the preliminary and final election results, as well as faster recording of the election results. With another system for ballot papers the screening off of ballot paper stands would probably not be needed. Moreover, a system with fewer ballot papers could reduce the environmental impact of the ballot paper system.

The Swedish NAO audit did not focus on the ballot paper system and therefore did not analyse it as a whole. In order to determine the possible design of an alternative ballot paper system, and to analyse the consequences of such a change, the matter must be further investigated. In the light of the audit findings, the Swedish NAO considers that there is a strong case for a thorough investigation into the ballot paper system that analyses the issue from a wider perspective. In such an investigation, the benefits of a change in the ballot paper system should be contrasted with the impact of a change on other values of the electoral system, such as turnout, robustness and transparency.