**The EVM heist**

Engineer Khurram Dastgir-khan

Saturday, Oct 02, 2021

0Not a single electronic voting machine (EVM) was used in the general election in Germany this week. Germany is not alone. Netherlands, Ireland, Italy, and Finland have all banned EVMs. Given that many industrialised democracies – with world-class engineering prowess and integrity in governance – have rejected EVMs, is this the panacea for our electoral ills?

What ails elections in Pakistan, which the EIU 2020 Democracy Index declared a “hybrid regime”? Empirical observations from recent by-elections are damning. In the NA-75 Daska polls in February 2021, two dozen presiding officers were kidnapped, goons fired weapons in the streets with impunity, and apparatchiks wantonly delayed polling. In the NA-45 Karak by-polls, the Election Commission of Pakistan (ECP) reported that the ruling-party candidate rigged the election in collusion with officers of the police and the Special Branch. In many provincial constituencies, police and polling staff have been caught stuffing ballot boxes.

The constitution mandates the ECP solely in Article 218 (3) “to organize and conduct the election and to make such arrangements as are necessary to ensure that the election is conducted honestly, justly, fairly and in accordance with law, and that corrupt practices are guarded against.”

The ECP submitted this diagnosis recently to the Senate, “Misuse of state authority, election fraud, ballot stuffing, low voter turnout, low women turnout, vote buying, the law-and-order situation, dishonest polling staff, widespread political and electoral violence, and abuse of state resources.”

The ECP told the Senate that EVMs are tamper-prone, their software is hack-able and, crucially, EVMs could not make any evidence available in case of election disputes. The ECP’s conclusion on EVMs: “In case of introduction of technology in haste, the conduct of free, fair, credible and transparent elections as per the constitution is not possible.”

Even if the technology is determined with the consensus of stakeholders, the challenge is herculean. In a general election, approximately 242,000 polling booths across Pakistan will require 85,000 Voter Identification Machines; 170,000 Control Units; 340,000 Ballot Units; and 340,000 Ballot Printers. A total of approximately 935,000 devices will be needed, necessitating a minimum daily production of 3000 from today to Election Day, with a current cost estimate of Rs150 billion for the IK regime that didn’t purchase Covid vaccines but got them as donations.

A greater test for the ECP will be to familiarise the electorate – from Chitral to Badin, from Gwadar to Murree – with the EVMs. At least a million polling staff will require training to conduct the election through EVMs. There is also an immense logistical challenge for the ECP to ascertain a secure chain of custody and continuous power to keep EVMs functioning ceaselessly till the conclusion of the polling processes.

Even if all the above challenges are surmounted, there are still profound conceptual objections against EVMs. On March 3, 2009, Germany’s highest federal court ruled EVMs to be unconstitutional, declaring that “the principle of the public nature of elections, which results from the fundamental decisions of constitutional law in favour of democracy, the republic and the rule of law prescribes that all essential steps of an election are subject to the possibility of public scrutiny.”

It is worth quoting the Bundesverfassungsgericht judgment at length: “Programming errors in the software or deliberate electoral fraud committed by manipulating the software of electronic voting machines can be recognised only with difficulty. The very wide-reaching effect of possible errors of the voting machines or of deliberate electoral fraud make special precautions necessary in order to safeguard the principle of the public nature of elections.”

“The voters themselves must be able to understand without detailed knowledge of computer technology whether their votes cast are recorded in an unadulterated manner as the basis of vote counting, or at any rate as the basis of a later recount,” continues the German court. “If the election result is determined through computer-controlled processing of the votes stored in an electronic memory, it is not sufficient if merely the result of the calculation process carried out in the voting machine can be taken note of by means of a summarising printout or an electronic display.”

This is the profound conceptual case against EVMs: lack of auditability, lack of transparency, and higher possibility of fraud. EVMs have thus been rendered “unconstitutional” in a country that has suffered neither state-manipulation nor systematic electoral fraud in its postwar history.

Pakistan in contrast has been ravaged by Bonapartist assaults on democracy since its inception. We saw in 2014 the dharna during which a baton-wielding mob led by IK broke parliament’s fence, occupied Pakistan Television by force, mauled Islamabad Police, and hung laundry outside the Supreme Court. Even more violent was IK’s 126-day calumny (la’anat) against elected institutions, elected representatives, and constitutional institutions.

The wound of the 2014 dharna festered into an orchestrated campaign to destroy the elected government using repression of the media, a second assault in October 2016, and judicial cases to oust an elected prime minister on minuscule fictional assets.

In the run-up to the 2018 polls, there was naked manipulation of electables to switch parties; high officials addressed seminars to discredit economic growth; incessant media propaganda was launched to brand the elected government as anti-state.

On polling day itself, every single ballot box was supervised by those who did not have the right to do so; gates were locked and polling stations were commandeered; and at the time of the count polling agents for all except one party were thrown out.

Thus was concluded the Great Election Heist 2018 to rob the people’s mandate. Even after pervasive pre-poll and during-poll rigging, results were stopped under the ruse of breakdown of the Results Transmission System (RTS) and then manipulated until a ‘positive’ majority was established.

EVMs are no panacea for the kidnapping of presiding officers. They will not stop abuse of state resources and state authority. Nor will they halt repression of the media and the judiciary to crush political opponents. EVMs are powerless in hindering state officials from manipulating the polls; they also cannot cease those who commandeer polling stations. This EVM snake-oil cannot and will not terminate the tyranny of the system under which 220 million Pakistanis suffer daily.

This regime’s bulldozing of EVMs without a larger political consensus will bring into question the legitimacy of future elections, per the independent organisation FAFEN, and “may cause political instability that can potentially reverse the process of democratic consolidation in Pakistan.”

The regime is peddling EVMs for 2023 to attain the same purpose it attained with the RTS in 2018. What ails the electoral system of Pakistan is not some technical glitch that can be rectified by machines. Perfidy of the permanently powerful to maintain preponderance over the state is the disease. EVMs are not even an aspirin; they are more a hallucinogenic drug for vote-heist. Bella ciao!

The writer is a member of the National Assembly. These are his personal views.

Twitter: @kdastgirkhan