

# TRANSITION TO DIGITAL ELECTORAL TECHNOLOGIES

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<p><b>Article history:</b></p> <p><i>Received:</i></p> <p>17.02.2021</p> <p><i>Accepted:</i></p> <p>16.04.2021</p>	<p><b>Abstract:</b> The first decades of the XXI century were marked by the active development of information and communication technologies, including in electoral and political spheres. The COVID-19 pandemic has given a powerful additional impetus to these processes. The practice has become ahead of regulation, both nationally and internationally. The lack of unified legal enactments regulating the digitalization of socially significant procedures (primarily in the electoral sphere) is a constraining factor in the development of political processes of a new reality. The author is sure that it is necessary to unite the efforts of legislators, relevant public and international organizations to develop improved rules for political life of society in the digital environment, where the balance of guaranteed rights and freedoms of citizens will be maintained, on the one hand, and a high level of security, reliability and efficiency of new technologies, on the other hand.</p>
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Today any citizen can easily learn the latest news, get access to documents in electronic format, as well as use electronic services of all public authorities and departments at different levels. Modern technologies have become accessible to any group of citizens.

Digital technologies that are transforming in real-time and deal with a great set of data have contributed to the process of shifting the centers of power, communication, and decision-making. The crisis caused by the pandemic encouraged society to mobilize its efforts to search for new models of not only management but also the lifestyle based on digital technologies.<sup>1</sup>

Certainly, soon the process of digitalization, combined with the use of artificial intelligence and a big set of data, will enhance the development of society in all spheres, including electoral and political ones. At the same time, the system of social control in cooperation with the technology of «social credit» will be a key to a significant breakthrough<sup>2</sup> in development.

The democratic form of society enables us to exercise human rights and freedoms with the help of various tools and institutions, and e-democracy<sup>3</sup> greatly facilitates this process.

the End of the Era of Digital Innocence) / RSMD. Mode of access: [www.globalaffairs.ru/articles/konecz-epohi-czifrovoj-nevinnosti](http://www.globalaffairs.ru/articles/konecz-epohi-czifrovoj-nevinnosti)]

<sup>1</sup> Гомар Т. COVID-19, или конец эпохи цифровой невинности // РСМД. Режим доступа: [www.globalaffairs.ru/articles/konecz-epohi-czifrovoj-nevinnosti](http://www.globalaffairs.ru/articles/konecz-epohi-czifrovoj-nevinnosti) [Gomar, T. COVID-19, ili konec epohi cifrovoj nevinnosti (COVID-19, or

<sup>2</sup> Strittmatter, K. Dictature 2.0. Quand la Chine surveille son peuple (et demain le monde). Paris: Tallandier, 2020. P. 18.

<sup>3</sup> Electronic democracy (e-democracy) is generally understood as one of the forms of democracy characterized by the use of information and

The pandemic gave a powerful impetus to digitalization and further highlighted the importance of the communication sphere. During the period of quarantines and lockdowns, the world became physically fragmented but remained informationally integral.<sup>4</sup> This integrity has become even more solid and global, but at the same time, it attempts to get out of legal control based on law.

The global reformatting of society is already under way. According to think tanks, digital authoritarianism is growing stronger. Digital companies use methods of censorship, suppression through fear and punishment, restricting access to information through Internet outages and brandmauer, as well as offer discounts and impose fines in digital platforms that provide access to services and payments<sup>5</sup>. In this regard, the sphere of public political processes is no exception as it is gradually but steadily being immersed in digital technologies of the global information and communication environment of the Internet. In addition to a higher speed and volume of information, which

is received by every stakeholder of public legal relations, digital technologies also directly penetrate political processes, ranging from holding public events remotely (meetings, sessions, conferences, congresses, and even rallies) to universal suffrage without traditional polling stations and paper ballots.

Cutting-edge technologies, including information and telecommunications, have already become the locomotive of the social and economic development of many countries while ensuring guaranteed free access of citizens to information is one of the most important tasks of states<sup>6</sup>. Digital technologies actively penetrate traditional procedures and new areas of lifestyle, bringing changes in their capacities and broadening the horizons of their use<sup>7</sup>.

The pandemic, which has hit hard all countries across the world, provided a virtually unlimited opportunity to establish national technological standards of regulation under new conditions, which began to influence the global information environment and contribute to the development of international civilized rules for the so-called “digitalization”.

As political and electoral processes involve the entire spectrum of parties and political forces, specialized civil society institutions, and human rights activists, they are at the forefront of legal digitalization that aims to establish a clear and straightforward regulation of new conditions and rules of public legal relations in the digital environment.

No doubt, the digitalization of political processes makes certain procedures less complicated. The use of digital technologies related to the people’s participation in governance does offer some advantages. These

communication technologies as the main tool for collective, cognitive and administrative processes (information-sharing, joint decision-making, e-voting, monitoring of the implementation of decisions, etc.) at all levels, local and international ones. (see, for example: Абрамова Д.С. Электронная демократия в России: проблемы политической коммуникации // Гуманитарные научные исследования. 2013. № 1. Режим доступа: [www.human.snauka.ru/2013/01/2145](http://www.human.snauka.ru/2013/01/2145) [Abramova, D.S. Elektronnaya demokratiya v Rossii: problemy politicheskoi kommunikacii (Electronic democracy in Russia: Problems of Political Communication) // *Gumanitarnye nauchnye issledovaniya*, 2013, No. 1. Mode of access: [www.human.snauka.ru/2013/01/2145](http://www.human.snauka.ru/2013/01/2145)]

<sup>4</sup> Лукьянов Ф. Дело Трампа продолжает его враги // Коммерсант. Режим доступа: [www.kommersant.ru/doc/4639577](http://www.kommersant.ru/doc/4639577) [Luk’yanov, F. Delo Trampa prodolzhat ego vragi (Trump’s Enemies Will Continue His Case). Mode of access: [www.kommersant.ru/doc/4639577](http://www.kommersant.ru/doc/4639577)]

<sup>5</sup> Лосев А. Изменились ли горожане внутренне? Цифровые итоги – 2020. Режим доступа: [www.globalaffairs.ru/articles/izmenilis-li-gorozhane-cifra-2020](http://www.globalaffairs.ru/articles/izmenilis-li-gorozhane-cifra-2020) [Losev, A. Izmenilis’ li gorozhane vnutrenne? Cifrovye itogi – 2020 (Have the City Folk Changed Inwardly? Digital Results – 2020). Mode of access: [www.globalaffairs.ru/articles/izmenilis-li-gorozhane-cifra-2020](http://www.globalaffairs.ru/articles/izmenilis-li-gorozhane-cifra-2020)]

<sup>6</sup> Strategy for Information Society Development until 2030 in the Russian Federation approved by the President of the Russian Federation (2008) / Rossijskaya gazeta (34). (in Russian)

<sup>7</sup> Курячая М.М. Электронное правосудие как необходимый элемент электронной демократии в современной России // Конституционное и муниципальное право. 2013. № 7. С. 52. [Kuryachaya, M.M. Elektronnoe pravosudie kak neobhodimyj element elektronnoj demokratii v sovremennoj Rossii (Electronic Justice as a Necessary Element of Electronic Democracy in Modern Russia). *Konstitucionnoe i municipal’noe pravo*, 2013, No. 7, p. 52.]

include greater opportunities for people to play a more active role in politics, including management, affordable, accountable, and inclusive citizenship, for voters with disabilities as well, smooth implementation, timely decision-making and follow-up, cost reduction, mitigating the impact of “human factor” and others that have not manifested yet<sup>8</sup>.

However, digitalization bears some risks that should not be dismissed, especially in political relations. It is essential to investigate and analyze these risks and take measures to reduce or eliminate them.

For example, in our case, these are the risks associated with the peculiarity of data storage and information spreading on the Internet, possible unauthorized interference, the problem of “digital inequality”, etc. There is a technical solution to all these issues, but some of them require a thorough, holistic and collective solution achieved by all stakeholders in the era of global digitalization.

Back in the 1990s, the Internet was treated as a threat to state sovereignty (at least in a way it is understood since the Peace of Westphalia)<sup>9</sup>. As the World Wide Web has a cross-border and global nature it lies beyond the jurisdiction of the state<sup>10</sup>, nevertheless, it should exist

in conformity with the legal foundations of statehood and the principles of building a modern society.

Some external forces can use the Internet as a means to intervene in the domestic affairs of sovereign states, which must be taken into account during the digitalization of political procedures.

Even today, when solving the problems of digitalization, it is necessary to consider the possibility of civilized regulation of relations that occur on the World Wide Web beyond national jurisdiction and affect the internal politics of the state.

There is a strong need to establish legal forms of implementation of digital democracy: draft relevant laws, regulations, and develop concepts that will enable the government to exercise its power over the processes that take place de facto within and beyond its territory. Undoubtedly, at the same time, it is essential to carry out work, which aims at adopting international acts that will regulate digital processes beyond the jurisdiction of sovereign states. Legal science does not stand aloof from the analysis and the understanding of the current digitalization of electoral processes<sup>11</sup>, but it has not yet developed universal methods to control digitalization in politics. Some scholars are wary of direct public participation in all issues that require a political solution<sup>12</sup>.

<sup>8</sup> See, for example: Борисов И.Б. На пути к электронной демократии. Цифровые технологии в системе демократического воспроизводства властных институтов // Избирательное законодательство и практика. 2019. № 3. С. 9. [Borisov, I.B. Na puti k elektronnoy demokratii. Cifrovyetekhnologii v sistemedemokraticeskogo vosproizvodstva vlastnyh institutov (On the Way to Electronic Democracy. Digital Technologies in the System of Democratic Reproduction of Public Institutions) // *Izбирatel'noe zakonodatel'stvo i praktika*, 2019, No. 3, p. 9.]

<sup>9</sup> State sovereignty is seen not as isolationism and detachment from global processes, but as autonomy, which is sought and formed by the state in the interest of the development and preservation of the nation and peoples.

<sup>10</sup> Колозариди П., Муравьев Д. Интернет после глобальности // Россия в глобальной политике. Режим доступа: [www.globalaffairs.ru/articles/internet-posle-globalnosti](http://www.globalaffairs.ru/articles/internet-posle-globalnosti) [Kolozaridi, P.; Murav'ev, D. Internet posle global'nosti (The Internet after Globality) // *Rossia v globalnoy politike*. Mode of access: [www.globalaffairs.ru/articles/internet-posle-globalnosti](http://www.globalaffairs.ru/articles/internet-posle-globalnosti)]

<sup>11</sup> See, for example: Борисов И.Б., Головин А.Г., Игнатов А.В. Выборы в мире: электронное голосование / под общ. ред. И.Б. Борисова. М.: Российский общественный институт избирательного права, 2020. 218 с. [Borisov, I.B.; Golovin, A.G.; Ignatov, A.V. Vyборы v mire: elektronnoe golosovanie (Elections in the World: Electronic Voting), ed. by Borisov I.B. Moscow: Russian Public Institute of Electoral Law. 218 p.]; Головин А.Г., Головина А.А. Язык и стиль избирательного законодательства в современную информационную эпоху: горизонты развития // Гражданин. Выборы. Власть. 2019. № 3. С. 44-58 [Golovin, A.G.; Golovina, A.A. Yazyk i stil' izbiratel'nogo zakonodatel'stva v sovremennuyu informacionnuyu epohu: gorizonty razvitiya (Language and Style of Electoral Legislation in the Modern Information Age: Horizons of Development) // *Grazhdanin. Vyборы. Vlast'*, 2019, No. 3, pp. 44-58].

<sup>12</sup> See, for example: Эбзеев Б.С. Конституция, власть и свобода в России: Опыт синтетического исследования. М.: Проспект, 2014. С. 190-191

Arguing about the direct participation of the population in governance, Ebzeev B.S. put it best when he wrote that “proclaiming the referendum and free elections as the highest and direct expression of the power of the people and guaranteeing in Article 32 (chapter 2) the right of citizens of the Russian Federation to participate in free elections and referendums, the Constitution of the Russian Federation proceeds from the fact that the above-mentioned higher forms of direct democracy, with each of them having its own purpose in the process of people’s rule, are equivalent, interconnected, and thus complementary; (...) a referendum cannot be used as an institution to replace other institutions of direct democracy, on the one hand, or as a counterweight to the institutions of representative democracy, including in violation of the exclusive prerogatives of the Federal Assembly or other federal bodies of public power, which must be carried out in other constitutionally established forms of lawmaking as the way to make decisions at a state level, on the other hand. Therefore, the “autocracy of popular sovereignty” has its boundaries marked by the exclusive powers of the parliament, the head of state, the judiciary, etc.”<sup>13</sup>

At the same time, it should not be disregarded that the Internet is considered not only as a complex technology but also as part

of inalienable human rights<sup>14</sup>. In particular, today human rights activists are wary of the leakage of personal data stored in digital form, especially if it concerns electoral and political processes.

The life of society encourages us to research to study the essence, forms, and the pace of development of socio-political organization under the influence of digital technologies. It is of high importance to identify features, causal links, and systemic effects of the introduction of digitalization in electoral procedures and public-power communication in general.

In academic literature, they already talk about such a notion as “electronic state”, which appeared in response to the challenges of the new digital world.<sup>15</sup>

The ongoing processes of digitalization fundamentally change many mechanisms of public-power communication, including both lawmaking and law enforcement.<sup>16</sup>

<sup>14</sup> The connection between the Internet and human rights is not a figure of speech, as evidenced by the activities of the Internet Research Task Force. One of their departments is trying to understand the way human rights, for example, the right to freedom of expression can be “sewn” into the Internet protocols themselves, for example: Human Rights Protocol Considerations Research Group HRPC ([www.irtf.org/hrpc](http://www.irtf.org/hrpc)).

<sup>15</sup> Головина А.А. (в соавт. с Н.Н. Черногором, Ю.Н. Кашеваровой, А.А. Стратюк). Правоприменение в фокусе становления электронного государства: вызовы «новой реальности» // Журнал зарубежного законодательства и сравнительного правоведения. 2016. № 4. С. 191-194. [Golovina, A.A. (in collaboration with Chernogor N.N. & Kashevarova Yu. N. & Stratiuk A.A.). *Pravoprimerenie v fokuse stanovleniya elektronnoho gosudarstva: vyzovy “novoj real’nosti”* (Law Enforcement in the Focus of the Formation of the Electronic State: Challenges of the “New Reality”) // *Zhurnal zarubezhnogo zakonodatel'stva i sravnitel'nogo pravovedeniya*, 2016, No. 4, pp. 191-194]; Головина А.А. Электронное голосование и трансформация права в современную цифровую эпоху // Избирательное законодательство и практика. 2019. № 2. С. 19-22. [Golovina, A.A. *Elektronnoe golosovanie i transformatsiya prava v sovremennuyu tsifrovuyu epokhu* (Electronic Voting and the Transformation of Law in the Modern Digital Era) // *Izbitatel'noe zakonodatel'stvo i praktika*, 2019, No. 2, pp. 19-22.]

<sup>16</sup> See also: Головин А.Г., Головина А.А. Язык и стиль избирательного законодательства в со-

[Ebzeev, B.S. *Konstituciya, vlast' i svoboda v Rossii: opyt sinteticheskogo issledovaniya* (Constitution, Power and Freedom in Russia: Experience of Synthetic Research). Moscow: Prospect publ., 2014.]; Борисов И.Б., Головин А.Г., Игнатов А.В. Выборы в мире: особенности референдумного процесса. Практика и электоральные технологии / под общ. ред. И.Б. Борисова. М.: РОИИП, 2018. 278 с. [Borisov, I.B.; Golovin, A.G.; Ignatov, A.V. *Vybory v mire: osobennosti referendumnogo processa. Praktika i elektoral'nye tekhnologii* [Elections in the World: Features of the Referendum Process. Practice and Electoral Technologies], ed. by Borisov I.B. Moscow: ROIP publ., 2018. 278 p.]

<sup>13</sup> Эбзеев Б.С. Конституция, власть и свобода в России: Опыт синтетического исследования. М.: Проспект, 2014. С. 190-191 [Ebzeev, B.S. *Konstituciya, vlast' i svoboda v Rossii: opyt sinteticheskogo issledovaniya* (Constitution, Power and Freedom in Russia: Experience of Synthetic Research). Moscow: Prospect publ., 2014.]

The processes of digitalization in law not only affect the form of interaction between the government and society, but they also change the very essence of political and legal phenomena. As a result, the cooperation of various actors of political communication becomes easier; political and legal decision-making and the participation of citizens in governance become more accessible, and consequently more democratic. Finally, Russia is witnessing the establishment of electronic democracy.<sup>17</sup>

Taking into consideration its essential criteria (global and cross-border nature), the model of Internet regulation assumes that business and civil society are among its basic regulators, besides the state. The process of regulating the Internet often sees the emergence of new actors, namely the media, individual ethnic groups, state corporations, and others, that should be not dismissed, but offered a right place in the system of legal relations in the digital environment.

The reality is that with our society going through profound changes in the models of social organization and cooperation, centralized hierarchic structures are replaced by flexible network types, a more active people's self-organization to solve a specific problem, and higher individual standing. Information and

knowledge in modern society have not only become a crucial factor of production and given impetus to the economy but have also gained a different social and political significance. In the information society, successful public social policy increasingly depends on available and effective innovation systems at national, regional, and local levels.<sup>18</sup>

In the context of our reflections on establishing a new balance of power and sustainable development of society, it is of particular importance to adopt positions, draft road maps, and set goals for the development of the nation along with reducing risks.

Not only has the pandemic deepened and advanced the general trends that emerged before its outbreak, but in the short run, it may also result in a change in the political organization of the entire society.

It is common nowadays to gather and use personal and collective digital data beyond the proper regulation of digitalization. However, digital platforms sometimes tend to claim public powers. A situation that followed the US presidential elections on November 3 is a compelling example.

Given the lack of national jurisdiction over the Internet, no state can regulate the behavior of digital platforms alone. An extremely rapid spread of information and communication technologies in all spheres of human activity has caused a greater interdependence of countries, and thus requires relentless work in this direction.

Meanwhile, digital platforms are one of the elements of a sovereign state. It is necessary to define their legal framework. For instance, in the United States, such platforms enjoy considerable autonomy concerning the federal government, being a part of the emerging military-digital complex. As for the Chinese authorities, they have total control over digital platforms.

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временную информационную эпоху: горизонты развития // Гражданин. Выборы. Власть. 2019. № 3. С. 44-58. [Golovin, A.G.; Golovina, A.A. *Yazyk i stil' izbiratel'nogo zakonodatel'stva v sovremennuyu informatsionnuyu epokhu: gorizonty razvitiya* (The Language and Style of Electoral Legislation in the Modern Information Age: Horizons of Development) // *Grazhdanin. Vybory. Vlast'*, 2019, No. 3, pp. 44-58.]

<sup>17</sup> See: Antonov, Ya.V.; Ovchinnikov, V.A. *Nekotorye aspekty obespecheniya konstitucionnogo sootvetstviya elektronnoho gosovovaniya kak chasti elektronnoy demokratii* (Some Aspects of Ensuring the Constitutional Conformity of Electronic Voting as a Part of Electronic Democracy) // *Gosudarstvennaya vlast' i mestnoe samoupravlenie*, 2014, No. (1), pp. 40-44.; Kalashnikova, V.B. (2014) *Elektronnaya demokratiya v Rossii: utopiya ili progressivnaya real'nost'* (Electronic Democracy in Russia: Utopia or Progressive Reality) // *Problemy organizatsii organov gosudarstvennoy vlasti i mestnogo samoupravleniya: istoriya, teoriya, praktika i perspektivy: sbornik nauchnykh trudov*. Irkutsk, pp. 150-157.], etc.

<sup>18</sup> Курячая М.М. Электронное голосование как этап развития непосредственной демократии // Конституционное и муниципальное право. 2017. № 11. С. 31-35. [Kuryachaya, M.M. *Elektronnnoye gosovovanie kak etap razvitiya neposredstvennoy demokratii* (Electronic Voting as a Step towards Direct Democracy) // *Konstitucionnoe i municipal'noe pravo*, 2017, No. 11, pp. 31-35.]

In today's globalized information environment, voters, as never before, are exposed to external influence, that occurs at an unprecedented speed and a large scale. The population is particularly exposed to political influence during elections.

Previously, electoral interference required physical efforts. State laws stood guard against illegal activities; there were specific provisions concerning votes counting, authorized and unauthorized activities near polling stations. Today, it is much easier to influence and manipulate voters without crossing borders and leaving office, at any time and no matter where.

COVID-19 marks the end of the pre-digital era of political processes. Further development of digital democracy elements is expected, along with a more active introduction of information and communication technologies in the political process.

The lack of clear criteria and rules of conduct for "digital" electoral procedures at the international level, on the one hand, gives a margin of maneuver to national lawmakers and enables them to create various models for organizing national elections<sup>19</sup>; on the other hand, they hamper the development of digital technologies. For example, during remote e-voting with the use of the Internet, there is an unresolved contradiction between two generally recognized principles of elections, namely, the secrecy of ballot and accountability of the registered votes counting, which is necessary to put into practice the principle of fair elections.

The digital industry that stormed into the voting processes mitigated the consequences of the pandemic; online services saved more than one thousand lives while citizens were exercising their electoral rights. A high turnout at the remote electronic voting has proved its relevance, as people were highly interested in expressing their will online.

National lawmakers are challenged to find a timely and adequate legal response

to the emerging trends driven by the evolution and complication of the digital and information environment, general scientific and technological progress. As it was already noted, "digitalization and the development of information technologies do not only give impetus to further social and economic development, scientific and technological progress, but also bear some risks for quite conservative public institutions, the state, and law. Even today, the level of technology development is higher than the relative "degree of elasticity" of a legal framework and the ability to conform to it".<sup>20</sup>

It is noteworthy that there is a compelling feature in the development of modern technologies, devices, and software – their customer-oriented nature. New mechanisms of people's participation in politics at the local and state level should be understandable and affordable, which will lead to a more active engagement in relevant political processes.

At the same time, it is of particular importance to raise public trust towards these technologies. To this end, it is necessary to assure people that their electoral rights will be fully respected while using digital technologies, including remote e-voting, and that legal and practical mechanisms are reliably integrated into the complex viable system to provide electoral rights.

The analysis of international documents in the sphere of international state obligations of states concerning the organization of e-voting shows that a solid regulatory framework in this area has been developing, although with a major delay from practice.

Electronic voting is an international practice used in decision-making, including elections, in different countries of the world (the United States, France (at primaries),

<sup>19</sup> Борисов И., Журавлев В. Модернизация избирательного процесса в мире. М.: АНО ЦСПИ «Аспект», 2011. С. 20. [Borisov, I.; Zhuravlev, V. Modernizaciya izbiratel'nogo processa v mire (Modernization of the Electoral Process in the World). Moscow: "Aspect" Publ. P. 20.]

<sup>20</sup> Головин А.Г., Головина А.А. Язык и стиль избирательного законодательства в современную информационную эпоху: горизонты развития // Гражданин. Выборы. Власть. 2019. № 3. С. 44-58. [Golovina, A.A.; Golovin, A.G. Yazyk i stil' izbiratel'nogo zakonodatel'stva v sovremennuyu informacionnuyu epohu: gorizonty razvitiya (The Language and Style of Electoral Legislation in the Modern Information Age: Horizons of Development) // *Grazhdanin. Vyборы. Vlast'*, 2019, No. 3, p. 46.]

Switzerland, Australia, Canada, etc.). For instance, in Estonia, more than 43% of citizens vote online. According to polls, more than 70% of the Swiss favor the prospect of the introduction of e-voting at all levels, even though 2019 saw the rise of a movement against online voting for security reasons.<sup>21</sup> There existed two electronic voting systems in Switzerland as of 2019. The so-called CHVote system from Geneva is used in the cantons of Vaud, Berne, Lucerne, Basel, St. Gallen, and Aargau. The cantons of Neuchatel, Fribourg, and Thurgau have already switched to the Poste E-Voting system, proposed by the Swiss Post.

On the whole, the establishment of a system of specialized international electoral standards in e-voting and ensuring people's active participation in political processes will require some time, and it will seriously lag behind the development of national legislation and practice across the world.

At the first stage, international organizations and their specialized agencies will take a rather "soft" approach towards establishing international standards in e-voting, as the development of such forms of voting and their enshrining in law in several countries of the world, will proceed at different speeds. In addition, public legislators will have different approaches towards electronic voting regulation and the prospect of its use during general elections.

A large-scale introduction of remote e-voting may challenge the state and its people to find new ways to understand some principles of democratic elections that seemed to be unshakeable. They include, first and foremost, the secrecy of the ballot, fair vote counting, and transparency.

In this regard, it is essential to prioritize these principles and their implementation during e-voting, as well as to determine possible deviations from traditional approaches

that might occur when implementing these priorities, at least at the first stage.

Best practices and visible interest of voters in the development of digital voting technologies prove that remote e-voting and other forms of digital political participation undoubtedly have a future. Taking into account the analysis of existing practices, rapid development of digital technologies, and further improvement of the regulatory framework reinforced by international documents are anticipated in the long run.

Having affected everyone, the 2020 pandemic gave a strong impetus to remote procedures, including electoral and political ones. Humankind has mobilized enormous resources to minimize the risks of infection and to make our lifestyle digital and automatic. That is why the world will never be the same, as digital technologies have become part of our society, and the pre-digital era of political processes is coming to an end.

Development is itself inevitable. The only question is how we adapt to it. If society fails to do that expeditiously, it will face a collapse. A premature adaptation may turn into a regression, as society is starting to lose all the good that it had gained before the changes began. Legal relations in society met new challenges when digital giants embarked on various methods of censorship, suppression through fear, and punishment in the form of restricting access to information and digital services.<sup>22</sup>

At the current stage of the end of the pre-digital era in politics, an overarching mission of lawmakers and relevant international organizations is to get involved in the development of rules for the political life of society in the digital environment and ensure not only the preservation of full scope of rights and freedoms of citizens but also the safety of new technologies.

<sup>21</sup> Малькевич А.А. Опыт общественного наблюдения за дистанционным электронным голосованием // Вестник ЦИК России. 2020. № 8. [Mal'kevich, A.A. Opyt obshchestvennogo nablyudeniya za distancionnym elektronnyim golosovaniem (Experience of public monitoring of remote electronic voting) // *Vestnik CIK Rossii*, 2020, No. 8.]

<sup>22</sup> Such "sanctions" were imposed on the US President Donald Trump, who lost the election on November 3, 2020, beyond the established norms and rules: the incumbent president was denied access to his accounts in most social networks (Twitter, etc.). PayPal refused Trump supporters to make transfers; in addition, Amazon, Apple and Google, blocked other services on their platforms and data centers where they could support Trump.

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## ПЕРЕХОД НА ЦИФРОВЫЕ ЭЛЕКТОРАЛЬНЫЕ ТЕХНОЛОГИИ

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<p><b>Информация о статье:</b></p> <p><i>Поступила в редакцию:</i></p> <p>17 февраля 2021</p> <p><i>Принята к печати:</i></p> <p>16 апреля 2021</p>	<p><b>Аннотация:</b> Первые десятилетия XXI века ознаменовались активным развитием информационно-коммуникационных технологий, в том числе в электорально-политической сфере. Пандемия COVID-19 придала мощный дополнительный импульс этим процессам. Практика стала опережать нормативное регулирование, как на национальном уровне, так и на международном уровне. Отсутствие унифицированных нормативно-правовых актов, регламентирующих цифровизацию общественно-значимых процедур (в первую очередь, в электоральной сфере), является сдерживающим фактором развития политических процессов новой реальности. Автор уверен, что требуется объединение усилий законодателей, профильных общественных и международных организаций для выработки усовершенствованных правил политической жизни общества в цифровой среде, где будет сохранен баланс гарантированных прав и свобод граждан, с одной стороны, и высокий уровень безопасности, достоверности и эффективности новых технологий, с другой.</p>
<p>Об авторе: к.ю.н., Заслуженный юрист России, Председатель Совета Российского общественного института избирательного права (РОИИП)</p> <p>e-mail: <a href="mailto:iroiip@roiip.ru">iroiip@roiip.ru</a></p> <p><b>Ключевые слова:</b> автоматизация избирательных процедур; воспроизводство власти; выборы, политические процессы; цифровая демократия; цифровые политические процессы; электронное голосование; электронные выборы; электронная демократия</p>	

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