

CL 166/13 – Information Note 1 – April 2021

Alternative Voting Modalities for Election by Secret Ballot

Introduction

1. This note presents an update on the options for alternative voting modalities for conducting a Secret Ballot at the 42nd Session of the Conference. At the Informal Meeting of the Independent Chairperson with the Chairpersons and Vice-Chairpersons of the Regional Groups on 18 March 2021, Members identified two possible, viable options to conduct a Secret Ballot while holding the 42nd Conference in virtual modality. Namely, physical in-person voting and an online voting system. A third option of voting by postal correspondence was also presented to the Chairpersons and Vice-chairpersons for their consideration.

2. These options have since been further elaborated in *Appendix B* of document CL 166/13 *Arrangements for the 42nd Session of the Conference*, for Council's consideration at its 166th Session under item 13 of its Agenda. During discussions under item 13, Members not only sought further information on the practicalities of adopting one of the aforementioned options but also introduced a further alternative voting option: a hybrid of in-person and online voting.

3. In aiming to facilitate a more informed decision by Members, this note provides additional information on the previously identified voting options on which Members have already received preliminary information, and introduces the possibility of a hybrid voting option by combining in-person and online voting to create a hybrid option.

4. This Information Note further adds information on the conduct of a roll call vote through the Zoom system. Such a vote will be required at the beginning of the Conference for the endorsement of the special procedures outlined in Appendix A under item 3, Adoption of the Agenda and Arrangements for the Session, following their consideration by the General Committee of the Conference at its first meeting. Such endorsement would include the acceptance of alternative voting procedures for secret ballot votes and elections at the 42nd Session of the Conference to be applied on an exceptional basis and without creating a precedent for any of its future Sessions.

Voting in-person through physical secret ballot

5. The option to vote in-person involves the physical entry of voting delegates into FAO headquarters premises to cast a physical vote, while ensuring compliance with physical distancing and other measures in response to the COVID-19 pandemic. This procedure mirrors in almost all its aspects the usual procedures and practices of secret ballot voting of the Organization as reflected in the Basic Texts, particularly Rule XII of the General Rules of the Organization.

6. The main issue that arises is how votes can be cast by Members that are not permanently represented in Rome. All voting could take place in FAO headquarters in Rome, and Members without representations in Rome could exercise their right to include persons in their delegations to the Conference who can be present in Rome during the Session of the Conference. In this manner, all Members could be represented during the voting procedure.

Physical secret ballot in Rome

7. FAO will continue to hold a secret ballot in a physical manner, by inviting delegates into headquarters premises to cast a physical ballot paper. It is estimated that up to 140 Member Nations out of a potential 194 voting Member Nations would be depositing their ballot papers in Rome. Due to COVID-19 containment measures, only one delegate per Member could enter FAO headquarters to cast a ballot. The voting area in the Plenary hall would be used for the purpose of the voting procedure.

8. Voting delegates would be divided in groups of ten, in alphabetical order, to enter FAO premises and make their way to the voting area in the Plenary hall in pre-set time slots of ten minutes each. In the Plenary hall, the voting delegates would line up to enter the voting area, while maintaining social distancing at all times. A maximum of one voting delegate would be present in the voting area at any one time.

9. A ballot paper would be issued to the voting delegate, who would then complete the ballot and deposit the ballot paper in the ballot box.

10. The issuing of ballot papers, the casting of votes and the counting of votes would proceed as per established procedures and practices. The basic roles and functions in connection with a secret ballot vote would continue to operate as normal, specifically the roles and responsibilities of the tellers. Two tellers appointed by the Chairperson from among the delegates would supervise the voting process, issue ballot papers and record the deposit of ballot papers in the ballot box.

11. Once voting is completed, the tellers would open the ballot box, count the votes, establish the result and certify it. The counting of the votes would take place in the presence of scrutineers, as per standard procedure.

12. Following the casting of their ballot, voting delegates would leave the headquarters premises of FAO.

Further rounds of balloting

13. In the event that a further round of balloting is necessary, this will take place immediately after the first round has concluded and ballots have been counted. Voting delegates will receive a dedicated notification, either through the Council Mobile App or otherwise, and through a message inviting them to make their way to the FAO premises, and enter in the same groups of ten to proceed to the voting area for the second ballot.

Voting by delegates present in Rome

14. Member Nations without a permanent physical presence in Rome could be invited to include persons in their delegation to the Conference who are able to be in Rome physically during the Session of the Conference for the purpose of casting votes on its behalf. The rules on the composition of delegations allow Members to include any person to their delegations to the Conference, including nationals from other countries¹. Members could avail themselves of this option for the upcoming Conference in light of physical balloting at the Session of the Conference under circumstances of travel restrictions and other Covid-19 containment measures. A limitation would apply, in light of the requirement of Article III, paragraph 3, of the FAO Constitution, that “No delegate may represent more than one Member Nation or Associate Member.” Persons who are delegates to the Conference of another Member would therefore not be eligible for inclusion in a further delegation under this option.

15. The process for voting under this option would be the same as mentioned above, which is by entry in groups of ten for the receipt and casting of ballot papers in the voting area.

16. Member Nations would communicate the composition of their delegations through the normal procedures for credentials, which would be reviewed by the Credentials Committee in accordance with applicable rules and its usual practices. The credentials should, insofar as possible, be deposited with the Director-General not less than 15 days before the date fixed for the opening of each Session of the Conference.²

¹ Rule III, paragraph 1 provides that, “for the purpose of these Rules the term “delegation” means all the persons appointed by a Member Nation or an Associate Member to attend a session of the Conference, that is to say, its delegate and his alternates, associates and advisers.”

² Rule III, paragraph 2, of the General Rules of the Organization

Online secret ballot

17. The Secretariat has worked to identify all fundamental aspects that an online voting system should contain in order to replicate, as much as possible, the procedure that would take place were the vote to take place physically, as well as to ensure the secrecy of the ballot.

18. The online system will mirror a physical voting procedure and also provides some further assurances in relation to accessibility for Members not physically present in Rome.

Online system specificities

19. The online voting platform will be accessible to all Members, regardless of physical location, and will ensure vote secrecy, confidentiality, integrity and efficiency in the voting process.

20. During elections, the online system allows the Delegate voting on behalf of a Member Nation to cast a vote in favour of a single candidate, in the case of the election of the Independent Chairperson, for more than one in the case of election of Council Members. If necessary, the system allows for further ballots to be carried out until a candidate receives the required majority and also allows for the candidate with the lowest number of votes to be eliminated from the ballot.

21. The system will be easy to access from any location via internet. It will be tailored to suit the specific requirements of a secret ballot as per the Basic Texts and the interface will be available in the FAO languages.

22. The system ensures the secrecy of the vote by making sure the vote cast cannot be linked to the voter. Moreover, it can ensure that all ballots are cast correctly essentially eliminating the possibility of a spoiled ballot and also provides users with verification that their votes were cast and counted correctly.

23. As with a physical vote, the presence and the role of the tellers and scrutineers is ensured. Tellers and scrutineers will have full access to the voting platform, with no voting rights. They will be able to monitor the delegates in real time as they cast their vote.

24. In regard to the tellers, as for a physical ballot, they ensure the delegates are present at the voting booth to cast their vote, only in this case, the tellers ascertain the delegate is present in the online environment. Upon the online voting being activated, the tellers would monitor the status of delegates to confirm whether they had cast a vote. Similar to their role in a physical voting area when they monitor delegates as they place their ballots in the ballot boxes, the tellers will be able to see that a delegate has cast a vote with no way of knowing which candidate the delegate voted for.

25. In line with the requirements of the General Rules of the Organization (GRO XII.15), the voting data can be stored and made available for audit after the conclusion of the vote.

26. The online system offers an expeditious voting option for Members and would ensure that all votes take place according to the Provisional Timetable.

27. Due consideration has been given to the measures required to reduce the risk of cyber-attacks. These include setting a short time frame for voting, introducing the possibility of automatic logout after each round of voting and re-authentication before any new round of voting begins.

Supplier

28. Minsait was selected by IFAD through a negotiated procurement procedure as the supplier for an online vote at its latest Governing Council meeting. Minsait is a Spanish company. It is a subsidiary of Indra Holding Tecnologías de la Información. The company is one of the world's top consulting and technology groups, with 42 years' experience in developing electoral solutions at international level. Since 2014, Minsait is a certified elections provider with the United Nations Development Programme. Its system offers the possibility for on-site and remote voting and there is

a validation of the system carried out by a third party, Verizon. Minsait uses cloud servers through Amazon cloud, with servers based in Europe.

29. The Secretariat has been liaising with Minsait since February 2021 in order to gauge as full an understanding as possible of the system. Members of the Secretariat have taken part in trial runs of the voting system in order to assess its functioning and have determined that it is able to mirror the procedure for a secret ballot as laid out in the Basic Texts.

30. Following guidance from the 166th Session of the Council, the contract with Minsait will be issued on 4 May 2021. The Secretariat is satisfied that the service offered by Minsait fully conforms to the specific needs for a successful online vote.

31. The total amount of the contractual obligations with the supplier for the use of the system is EUR 31,704 and includes customization and testing. It would also include direct assistance during the Conference from staff of the supplier.

32. Upon conclusion of the contract, Minsait, the Secretariat and Members will enter a phase of collaboration with regular consultations, briefings and training sessions taking place over the course of the weeks leading up to the 42nd Conference.

33. Testing of the system with Members would begin on 6 May 2021. Sessions would be organized to allow Members to enter a simulated online voting platform where mock votes could be carried out for various election or roll call scenarios. This would allow Members to gain familiarity with the environment before the Conference.

34. Following a successful testing phase, targeted training sessions would be organized from 15 May with the membership which would entail Members being provided with precise procedural instructions on all the relevant steps that would be need to be taken on the day of the scheduled votes.

35. The online voting system will be fully customized to adhere to FAO's environment, voting procedures and in all languages. This will be completed by 25 May 2021. In order to maintain the integrity of the vote, the specific customized environment that would be used on the day of the vote would only be accessible to Members on that specific day. Until then, trials and tests would take place in a replicated environment.

36. Special training will be provided to the scrutineers and the tellers who will be appointed by the Chairperson, and will play an important oversight role in the voting process.

Preventive measures

37. The medium risk, relating to the possibility of votes being altered on compromised computers, is inherent to all online systems. No system allows a service provider to control the computers being used to submit votes. Since the best way to mitigate this risk is from the user side, the Secretariat will urge all voters to adhere to the following mitigation measures:

- a) Ensure that fully updated software and current antivirus software is installed and enabled on the computers they use to vote;
- b) Ensure that the internet browsers used to access the system and cast votes are updated to the latest version.

38. The list of recommended browsers and their versions will be circulated to Members before the testing period.

39. Guidelines on the voting process and detailed instructions on how to access and use the system will be issued by the Secretariat. Members will be invited to provide details on the name of the delegate responsible for casting the vote on behalf of the Member.

Hybrid option: in-person and online

40. The option to combine physical in-person voting and online voting could also be implemented by the Secretariat. A hybrid secret ballot voting would combine a physical ballot at FAO headquarters on the one hand with online voting on the other.
41. Delegations to the Conference would have the option to elect their method of voting, for example on the basis of their ability to vote physically in Rome, their presence in Rome or ability to travel to Rome, opportunities to identify delegation Members in Rome for the purpose of a physical vote, or other factors deemed relevant by Members.
42. A physical ballot at FAO headquarters would take place as described in this Note, whereas online voting would take place through the online voting system identified above.
43. Under a hybrid voting option, Members would be required to communicate their preferred voting option within a deadline of ten days before the opening of the Conference. Such a deadline is necessary to set up the online voting system and prepare physical voting arrangements. This period would also allow for briefings and test runs organized by the Secretariat for the general membership, as well as specifically targeted to the delegates of Members who opted to vote through the online platform. Briefings on the online voting system will be an important feature of the preparation of the secret ballot, as it is a new voting modality.
44. This option would allow those Members who cannot be in Rome to cast their vote, to do so from a location of their choosing.

Conduct of a hybrid vote

45. The online voting booth would be open for Members to cast their vote online once all votes have been cast in the physical ballot. The tellers will announce that the online voting booth is open for fifteen minutes. This period of time to vote online will be communicated to the voting delegates. At the expiration of this time period, the online voting will close.
46. The computer terminals for the online voting procedure at FAO headquarters would be placed in the same room where the votes of the physical ballot would be counted. This allows the tellers to supervise and monitor both processes and establish the result of both the physical and online balloting. The scrutineers appointed by the candidates could be present in the same room where all votes, physical and online, are counted. As such, the tellers and scrutineers would take on the same roles and responsibilities as in normal voting practices in this scenario.
47. The online voting would close at the expiration of the final time period allowed for online voting. The tellers would first count the physical ballot papers in the vote counting room, and establish the partial result. Once established, the tellers would subsequently access the online voting system to ascertain the result of the online ballot, and consolidate the result of both the physical and online ballot.
48. The result sheet of the ballot would reflect the consolidated result only, which the tellers would certify. The elections officer would communicate the consolidated result to the Chairperson, as per usual practice, for his or her immediate communication to the Conference.
49. A second ballot, if needed, would proceed physically as described above. A further ballot online would be set up. All voting delegates would be informed of the time of a second ballot by message and Conference App notification.

Postal ballot option

50. A further viable option to carry out a secret ballot would be through a postal vote whereby Members are issued with ballot papers through postal correspondence.
51. The Secretary-General would request each voting Member Nation to notify of the authority

and address to which ballot papers should be sent. Ballot papers and blank return envelopes would be issued by FAO to ensure uniformity and ensure secrecy. Members would be provided with a second, larger envelope, marked “Confidential” and bearing an identifying number assigned by the Secretariat. Each Member would complete the ballot paper, place it in the standard blank return envelope and seal it. This blank envelope would be placed inside the larger envelope marked “Confidential”, which would be marked and sealed with the official stamp of the accredited office and sent or hand delivered to FAO.

52. This option will closely resemble the normal procedure to count the ballots, and maintain the roles of the teller and scrutineers as prescribed by Rule XII of the GRO. It will also maintain the secrecy and verifiability of the votes.

53. However, more time would be spent in carrying out the vote and it would be unlikely that an election could be completed within the time available of the Session of the Conference. In the event that the election procedure is completed beyond the Session of the Conference, the Session would be adjourned to a later date, and reconvened in virtual format to announce the result. It is likely that the procedure could be completed before the date of the 167th Session of the Council, scheduled on Monday 29 June 2021.

54. As noted in the context of earlier briefings, the option of postal balloting has been applied successfully by WHO under Covid-affected conditions for elections in connection with its Regional Office for Europe in Copenhagen, Denmark.

Roll Call Vote

55. A roll call vote is foreseen at the beginning of the Conference to decide on the suspension of any General Rules in light of the adjusted procedures of the Conference, including voting procedures. A vote on the suspension of the General Rules requires a two-thirds majority. As such, Rule XII-7a requires that such a vote be a roll call vote.

56. Furthermore, the same roll call voting procedure through the Zoom platform may be used for the Conference decision on the level of the budget. This decision shall be taken by a two-thirds majority in accordance with Article XVIII-5 of the Constitution, and would, as such, be taken through a roll call vote (Rule XII-7a). Under the same paragraph 7a of Rule XII, the vote of each Member Nation participating in any vote by roll call would be inserted in the record of the meeting.

Conduct of a roll call vote through Zoom

57. A roll call vote could take place through the Zoom platform in the manner prescribed by General Rule XII-7a. Each Member would be called, in alphabetical order, to cast their vote by indicating “yes”, “no” or “abstain” in respect of the vote at issue. The name of the first Member Nation to be called would be designated by a lot drawn by the Chairperson. At the conclusion of any roll call, the name of any Member Nation whose delegate or representative failed to answer shall be called again.

58. In the context of the particular circumstances of a roll call vote through the Zoom platform, Members would be asked to identify the delegate to cast the vote on its behalf. Such delegate would raise his or her hand in Zoom. All other delegates of the Member would refrain from raising the hand. Those who are going to cast the vote should also ensure that they have switched to the language channel in which they wish to speak.

59. In line with normal practice, any member of a delegation who presents him or herself to cast the vote on behalf of the delegation will be assumed to be duly authorized to cast the vote.

60. The person casting the vote should clearly state the name of their delegation and pause to ensure that he or she can be both seen and heard.

61. If technical issues arise, which prevent the person casting the vote from being clearly seen and heard, the name of the delegation will be called a second time. If no response is provided, the vote will progress to the next Member of the Conference.
62. At the conclusion of the first call, the names of Member Nations whose delegates or representatives failed to answer shall be called again.
63. If, on the first call, a delegation has had connectivity problems, they may wish to consider designating a different delegation member to cast the vote on the second call to avoid such problem recurring. That delegation member should raise their hand accordingly.
64. In any event, on the second call if the person with their hand raised cannot be reached successfully, the delegation will be given an opportunity to have an alternative member of the delegation raise their hand in the system and be given the floor to cast the vote. As such, a delegation would have a total of three opportunities to cast the vote; one opportunity during the first call, and two opportunities during the second call.
65. Those delegations that, for whatever reason, do not cast a vote in the first or second round, will be recorded as absent.
66. Once voting has commenced, no-one may interrupt the voting except to raise a point of order in connection with the actual conduct of the vote (Rule XII-14). Members would be requested to refrain from using the “Chat” function for any other purpose during the roll call vote except for raising a point of order or to indicate a connectivity problem.