

THE LEGAL REGULATION OF USING MODERN IT TECHNOLOGIES IN ELECTIONS IN RUSSIAN FEDERATION

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Abstract in original language

Nowadays information technology applied in all spheres of society, including the electoral law. Gone are the days when papers and reports delivered by the deer. But talk of a stable and perfect the use of modern information technologies election is still too early. In this paper (article), we consider the legal aspects of information technology in the Slovak Republic and the Russian Federation.

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Nowadays information technology applied in all spheres of society, including the electoral law. Gone are the days when papers and reports delivered by the deer. But talk of a stable and perfect the use of modern information technologies election is still too early. In this paper (article), we consider the legal aspects of information technology in the Slovak Republic and the Russian Federation.

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Currently, the concept of «election technology» is used as the definition of action research of the political market, studying the behavior of voters and influencing them with a view to winning candidates. However, this view shows the view of electoral technologies only by the parties to the election campaign, candidates and their staff, narrowing the broad concept of election technology to the private - technologies of campaigning.

Meanwhile, the electoral technologies include a full range of strategies, resources, actions, interactions, events and factors that influence the electoral process by the various participants. Legal, social, political, socio-cultural environment of the electoral process flow defines the format and context of the electoral process, and is also one of the elements that must be considered in organizing the elections.

«Improvement of the electoral technologies allows influence both the actors involved in the electoral process and the environment in which it occurs that generally increases its efficiency, manageability and transparency for the

participants»[1]. In the XXI century - the century of the information society - there is a global information development, which every year is only strengthened. Today, information technologies are having an impact not only on data processing, but also the way the work of people, product, and natural of competition. Information in many organizations is becoming a key resource, and information processing - a matter of strategic importance. Most organizations can not compete until the offer its clients a level of service that is only possible with systems based on high technology.

In the Slovak Republic, pursuant to § 27 of the Law «On elections to the National Rada of the Slovak Republic» № 333/2004 may apply the following methods of voting: 1) the voter may vote in the Slovak Republic, 2) outside the territory of the Slovak Republic, the voter can vote by mail, 3) You can vote by mail. However, voting by mail does not apply to presidential elections in the Slovak Republic. According to, § 23 «On elections to the European Parliament» № 331/2003, § 21 of the Law «On the method of election of the President of the Slovak Republic, the Popular vote and his appeals and amendments to some Acts» № 333/2004 establishes the right of the voter to vote in person. Thus, voting by mail is impossible.

More information about the mode of voting by mail is contained in §§ 34-35 of the Law «On elections to the National Rada of the Slovak Republic» № 333/2004. In particular, the Act says about the two groups of citizens.

The first group of citizens - the voters who have permanent residence and do not reside in the Slovak Republic, who were enrolled in a special list of voters in accordance with § 10. This group of voters should receive an envelope with the slogan «POST» from the Municipality of Bratislava-Petržalka not later than 35 days prior to voting on your postal address. The envelope should be a ballot, return envelope and recommendations on the ballot.

The second group of citizens - it is citizens who have permanent residence in the Slovak Republic, but on election day living abroad. Voters who have permanent residence in the Slovak Republic and on election day, remain outside its territory may apply in writing to the municipality of residence on the election by mail. The request must be received no later than 50 days before voting day. The city is sending to voters not later than 35 days before voting day, an envelope at his residence at abroad.

Processing of statistical data, according to § 13 paragraph 9 of the Law «On elections to the National Rada of the Slovak Republic» № 333/2004, assigned to the Statistical Office of the Slovak Republic. This Office prepares and processes the results of the elections, members of professional management personnel take the oath in the manner provided in paragraph 6 of the Act.

In 2011 Russia will hold elections to the State Duma, and double-pass "a single day of voting, when the regions will be elected by local parliaments and municipal governments. And at the end of the year officially starts on the presidential campaign. Consider the use of information technology concern to Russian society. In this regard, in January 2011 in the Tauride Palace in St. Petersburg, at the headquarters of the CIS Interparliamentary Assembly, passed the International scientific-practical conference «The international electoral standards and the national electoral system: the relationship of development». In the Russian Federation to actively apply modern information technology. Election Day is the hottest season for the Central Election Commission. The scale is hard to imagine: a huge space in the country, multi-tiered system of government, voting 83 subjects of the Russian Federation, more than 109 million voters from the Arctic Ocean to the Caucasus Mountains. Today, however, handling such a large number of electoral data feasible task for the Central Election Commission. The task of «Election system» to give opportunity to every Russian of his citizenship. Data processing is possible thanks to the State Automated System of the Russian Federation «Election» - the state automated information system designed to automate the electoral actions.

The decision to create the GAS «Elections» has been adopted by presidential decree in August 1994 («On the development and establishment of the State Automated System of the Russian Federation «Election»). General contracting system - the Central Election Commission of the Russian Federation. The representative of the customer - the Federal Center of Information under the CEC of Russia. The system was created at the Scientific Research Institute «Sunrise» (Research Institute «Sunrise»). Efforts to upgrade the ASG «Election», headed by NII Voskhod were involved in such companies as CRIC, Inc., Rosnet, Informzaschita, Insoft, AND Project in close cooperation with representatives of major international companies HP, Oracle, Cisco Systems. The first use of the system on a national scale was made in December 1995. Second of all GAS «Elections» Research Institute developed a «Sunrise» by order of the CEC of Russia and the FCI under the CEC of Russia in 2003. In 2004, ASG «Election» re-passed the state acceptance trials.

System «Elections» - a unique, given the geographic and demographic factors of modern Russia, geographically distributed system of state-level. It allows to solve problems of organizing the electoral process at all stages - planning for elections, voter registration, input the information about candidates, voting, summing-up and subsequent statistical processing of results. In addition, the system incorporated features harmonizing the work of electoral commissions at different levels - virtually in real time to sum up the vote and with the help of maps and the Internet to bring them to every citizen of Russia. «The number of registered in the ASG «Elections» candidates can not exceed 65535» [2].

In Russia, the voting being tested and other electoral information technology. Citizens can vote using the card with a unique bar code, the voter can send SMS from your mobile phone or express their will on the internet. Already been used in the voting optical scanners, installed an optimized post of chairman of the election commission in the Ryazan region of Russia.

Vote with a unique card with a bar code can be only one time and at your polling place. Card is applied to the luminous display, the voter can see a list of electronic newsletters, and can click «yes», then get a receipt for voting. The voter has consistently can choose a candidate, party, may confirm or cancel your selection. A similar experience with a bank card in the election is the United States, Britain and the United Kingdom.

Interest in foreign countries to «paperless voting» explains the tendency of every day more and more information technology in all spheres of society.

In his message to Russian President mentions «technical re-equipment of the electoral system in Russia». Such re-divided into three sections: 1) at fixed sites you want to set the scan technique, 2) use of the possibility of using electronic remote voting, and 3) the development of electronic transmission of information.

The electronic transmission of information in Russia is already used orbital system «messenger». Such a system represents a low-orbit spacecraft and small-sized systems on Earth. System «messenger» is used by military and civilian. By 2012, planned to increase the number of satellites to 24. System «messenger» is used in Antarctica, where winter is usually between 100 and 300 polar explorers. This system allows you to send SMS messages to the Internet. Russian citizens can vote and in Antarctica. Thus, Russia has the Internet at the South Polis.

For Russian astronauts to vote on the connection it habitual. On election day on the ISS is considered to be weekends. In space, as the secret ballot. It is carried out through «trustee». Trustee to know the opinion of the voter and the voting paper. Trustee - is necessarily an astronaut who has an idea of the situation on board. The system of voting by proxy, worked out in detail. If you go completely on information technology, the use of trustee from voting is eliminated.

Since 2008, Russia carried out an experiment on the use of «messenger». In Siberia, the Bratsk district in the village Kuznetsovka October 11, 2009 residents of the district elected deputies of the Duma. Elections were conducted with the help of space technologies. In the village Kuznetsovka brought a communication system consisting of a laptop, modem, satellite dish, installed in a polling station. After elections were held, the data has been successfully entered, and after several minutes had already been

delivered to the CEC in Moscow. However, until all the protocols will not be delivered to Moscow, the elections are considered preliminary.

Ahead of road crossings and a long way to transport. Here comes to the aid navigation system «GLONASS/GPS». This system allows you to find CEC location of the car with the protocols of the election. In 2009, the CEC and the Federal Space Agency signed the agreement. Under this agreement, by 2011 in the «GLONASS/GPS» 29 satellites will be used. If you have any freelance situations include a device seen by satellites, so that CEC will know where the car with the protocols. If you use all the latest information technology, you can save up to ¼ of all expenditures on federal elections. System «GLONASS / GPS» interested in more than 25 countries. It competes with the American system of «GPS». System «GLONASS/GPS» apply not only in Russia but also in CIS countries. These navigators in the future may be elderly and children not to be lost. Navigators are already widely used Emergency, ambulance, police. From 1 April 2011 issued a decree «On the use of global navigation satellite system GLONASS for socio-economic development of the Russian Federation».

To improve election technology in the Russian Federation created the Russian Center for Training in Election Technologies (RSEIT) at the CEC of the Russian Federation. In the development and implementation of information technology to election duties of the center include:

- 1) introduction of modern information technologies (analysis of the practice of introduction of modern polling technology, namely the introduction of electronic voting, voting by Internet or mobile communication)
- 2) advocacy of election commissions, which allows you to format the process of informing citizens about the elections, including election commissions of Subjects of the Russian Federation between local (regional and local) election campaigns,
- 3) monitoring studies the media, they can consider the impact of media stories on the will of the voters, and to identify the development of their legal culture
- 4) The electoral case studies represent a study in the field of electoral law and procedure, investigation and analysis of citizens' electoral preferences and trends.

In the legal framework of informalization of the electoral process consists of the following federal laws:

- Federal Law of 27.07.2006 № 149-FZ «On Information, Information Technology and Information Security»;
- Federal Law of 27.07.2006 № 152-FZ «On personal data»;

- Federal Law of 10.01.2002 № 1-FZ «On electronic digital signature»;

- Federal Law of 27.12.2002 № 184-FZ «On technical regulation».

In addition, the application of information technology directly prescribed in the very election laws:

Federal Constitutional Law «On referendum in the Russian Federation» dated October 10, 1995 № 2-FKZ,

Federal Law «On appealing to the court actions and decisions, violating rights and freedoms of citizens» from April 27, 1993 № 4866-1,

Federal Law «On Basic Guarantees of Electoral Rights and the right to participate in the referendum of the citizens of the Russian Federation» dated 12 June 2002 N 67-FZ

Federal Law «On elections of President of the Russian Federation» dated January 10, 2003 № 19-FZ Federal Law «On elections to the State Duma of the Federal Assembly» on May 18, 2005 FZ-51 and others.

In addition there are various regulations - regulations of the Russian government, Presidential Decree, departmental acts and technical standards (GOST R 50922-96. «Information Security. The system of standards. General Provisions»), a variety of technical tasks for the development of specific software products and etc.

Legal responsibility for an offense in the information environment is divided into civil, legal and administrative and criminal law. «When you make changes and amendments to the laws is also required to conduct an analysis of judicial practice for each type of liability»[3].

Nowadays information technology applied in all spheres of society, including the electoral law. Gone are the days when papers and reports delivered by the deer. But talk of a stable and perfect the use of modern information technologies election is still too early. Firstly, because the very information law in the context of the electoral system in Russia has yet developed, through the stage of formation. Secondly, by themselves information polling technology requires effective legal regulation in the form of an adequate regulatory framework. Thirdly, the application of information technologies has led to the election a number of pressing issues for society:

-Information security data on voters

-The principle of secret voting,

-Authenticity of documents, namely the problem of the legitimacy of electronic documents

-Training of specialists in the field of IT-technology and law,

-Retraining members of electoral commissions,

-Prepare the population for the use of information technologies election

-Formation mechanisms for the protection of electoral rights of citizens in terms of electoral information technologies, such as consolidation in the legal procedure to appeal the election results during the Internet voting, etc.

Fourth, legal specialists and IT-technologies should have an idea about the main problems and prospects of the election law in the context of information technology, participate in the formulation of public policy that addresses information security at all stages of the elections from the State should make arrangements for improve the situation in this matter.

Thus, we examined the legal aspects of information technology in the Slovak Republic and the Russian Federation. There are views of the wider application of information technology, but as long as they are not enshrined in law. Foreign observers worried about electronic voting.

Currently, election laws are not fully secured mechanisms for the use of modern information technologies, such as during the election period and beyond it. Information technologies are being introduced in the electoral process, but not yet sufficiently developed.

Literature:

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