

**THIRD COUNCIL OF EUROPE MEETING TO REVIEW
DEVELOPMENTS IN THE FIELD OF E-VOTING SINCE THE
ADOPTION OF RECOMMENDATION REC(2004)11 OF THE
COMMITTEE OF MINISTERS TO MEMBER STATES ON LEGAL,
OPERATIONAL AND TECHNICAL STANDARDS FOR E-VOTING**

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Comments by:

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I. Introduction

First of all, I would like to express my gratitude for being here and having the opportunity to participate in this meeting to review the developments within the field of electronic voting in the last two years since our get-together in Madrid. I would also like to excuse Nicolas Kazcorowski, head of the department of elections within OSCE/ODIHR. He would have loved to be here, but couldn't make it due to other commitments.

Being able to speak to you today is especially important to me, as I recently joined ODIHR as the senior advisor on new voting technologies. My position was established by the OSCE participating States to build an in-house resource on the topic, to review recent developments in the field, as well as to stand ready to advise and assist States who may wish to introduce electronic voting in their electoral processes.

This shows that the topic of electronic voting continues to be of great interest to OSCE/ODIHR participating States. This was also shown in a seminar held in Vienna nearly two months ago to the day by the OSCE chairman-in-office, the government of Kazakhstan, to share and review the experiences within the OSCE participating States. The picture given is mixed:

- a limited number of OSCE participating States are using new voting technologies on a large scale,
- others have decided to pilot projects and are accumulating experience in using new voting technologies, and
- surprisingly, some OSCE States have decided, following problematic experiences, to return to pen and paper after having used new voting technologies for many decades.

Some of these experiences have also been reported this morning, and we will continue to hear about them in the course of our meeting.

This all goes to say that electronic voting must operate in a manner compatible with the principles enshrined in the OSCE commitments, as well as other international standards for

democratic elections, and offer the same guarantees for transparency, accountability, and public confidence as traditional voting methods.

The OSCE/ODIHR is therefore working on making certain electronic voting does not become an obstacle to democratic elections, but instead a way to potentially enhance democratic election processes and procedures.

In this context the Council of Europe Committee of Ministers recommendation of 2004 on electronic voting is to still to-date the only agreed upon international document in the field and has served on many occasions as a very valuable reference for evaluating, implementing, and assessing the use of electronic means in elections. The move to develop enhanced and updated documents on measures to ensure maximum transparency and meaningful formal certification as well as to provide a guidebook on the key steps of e-voting implementation is very welcome. It exemplifies the role the Council of Europe has been playing as a central point of exchange and review and in further developing the field of electronic voting. However it is important to note that such documents should strive to enhance and advance methodology rather than to redefine and broaden terminology, thereby weakening existing and agreed upon standards.

After our last meeting, ODIHR released a discussion paper as the initial step in developing guidelines on the observation of new voting technologies. It should be noted that this work is far from being an isolated exercise and is integrated into our everyday work.

Since 2005 ODIHR has been sending e-voting experts on observation missions—recently as part of the election assessment to the mid-term elections in the United States earlier this month. Moreover representatives of the OSCE/ODIHR, on the invitation of the Russian authorities, had the chance to see the second generation of optical scanners being used in the Chelyabinsk region last month. Also we have advised participating States in the recent past on particular questions on the topic.

The discussion paper laid out several basic questions that should be considered when observing electronic voting, including the necessary minimum requirements to make a meaningful observation of electronic voting possible. We welcome that several of these conditions, especially unconditional access to all steps of the electoral process and documents, have already been taken up in developing the documents lying in front of us. They will help in transforming the discussion paper into a handbook on how to observe electronic voting in the near future.

In the current presentation, let me give you a short overview on how we see the recent developments being integrated into a holistic approach.

The Use of New Voting Technologies in Elections

Experience has shown that the use of new voting technologies requires approaching the topic in a wide and broad manner. We understand the term new voting technologies to mean the use of electronic means in the electoral process.

This includes technologies such as

- Election administration systems, including applications supporting the actual processing of elections in the polling station (for example electronic poll books)

- Direct recording electronic voting systems, including kiosk systems
- Optical scanning of hand- or computer-marked paper ballots
- Internet-based remote electronic voting systems

When looking at these components, not only the actual security properties (for example levels of encryption), but also usability (how people can actually use a technology) play an important role.

Especially election administration systems are an increasingly important factor when it comes to integrating multiple voting channels.

A secure new voting technology can only be as secure as the weakest link in the chain. A secure system in an insecure context will always result in an insecure system.

However the sole focus cannot lie on the actual components alone, but has to also take the context and the process into consideration. Let me give you some sample questions that should be asked when considering the

Political and social context:

- Why was the decision to introduce electronic voting taken?
- How was the electronic voting system chosen? (Tender)
- How confident is the public in election administration and in the electronic voting system?
- How well established is the ICT literacy among the voting public?

Legal context:

- Are the provisions in the electoral law and electoral regulations regarding electronic voting compatible with the constitution?
- Does the legal framework provide for recounts?

Technological context:

- Were state of the art cryptographic mechanisms used?
- Was a formal certification, by a truly independent body, conducted before election day, and could the election management body be reasonably certain, based on this assessment, that the system would perform as planned?
- Have there been meaningful tests and audits of the system, including top-to-bottom reviews?
- Does the system provide for individual and/or universal end-to-end verifiability to show that the vote was cast as intended, recorded as cast, and counted as recorded?

- Is the system being operated in a secure and access-restricted, fail-safe environment?

Last but not least, let me come to the electoral process as such. I wish to present the efforts taken to make new voting technologies as transparent and secure as possible along the electoral cycle.

In the pre-electoral phase, it is important to make sure *a priori* that the actual system will actually perform as planned. To do so, formal certification and testing as well as auditing the functionality of the technological components can help to gain the necessary trust in this belief.

During election day, it is necessary to do constant checks and balances as much as the chosen electronic voting pattern allows for.

In the post electoral phase, it is necessary to reach *a posteriori* knowledge that the system has performed as planned. For this the newly developed approaches around end-to-end individual verifiability as well as universal verification can help in reaching such an understanding. Also checking that procedures have been followed as laid out is a way of supporting this assessment.

Overall all these procedures must be carried out by general understanding. This ensures maximum transparency by such means as access to source codes, evaluation reports, or certificates and allows election observation and assessment.

Conclusion

The OSCE/ODIHR is looking forward to working together with the Council of Europe and other partners, especially in the field of non-governmental organizations as well as academia, in developing further documents and standards. This meeting has been successful in showing the progress that the field has made. In the beginning only a few examples existed and nowadays we can talk about full country implementations. It is important that this fruitful exchange of ideas, opinions and progress reports, especially when critical and analytical, is continued in a bi-annual manner.

In conclusion OSCE/ODIHR recognizes the potential of electronic voting in enhancing electoral processes and will continue to follow the development of such new technologies. To be clear, new voting technologies are not a panacea to solve existing problems in the realm of elections; on the contrary, they may further diminish voter confidence if implemented in the wrong way. It should always be noted that elections are actually about people, and it should stay so in the times of new voting technologies. It is only when these forms of technological support can withstand the critical view of experts AND gain the trust of the people that they are here to stay.

Thank you for your attention.