

DIRECTORATE GENERAL OF DEMOCRACY AND
POLITICAL AFFAIRS

DIRECTORATE OF DEMOCRATIC INSTITUTIONS

Project “Good Governance in the Information Society”



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

GGIS(2010)19E corr.

Strasbourg, 21 December 2010

**Third meeting to review developments in the field of e-voting
since the adoption of Recommendation Rec(2004)11
on legal, operational and technical standards for e-voting**

Palais de l'Europe, Strasbourg

16-17 November 2010

MEETING REPORT

prepared by the Secretariat

1. The Committee of Ministers' Recommendation Rec(2004)11 to member states on legal, operational and technical standards for e-voting was adopted by the Ministers' Deputies in September 2004. The Recommendation invites member states to keep under review their policy on, and experience of, e-voting. With its biennial meetings on developments in the field of e-voting, the Council of Europe provides a platform for considering these developments at a European level. Consequently, the Council of Europe convened the third such meeting on 16 and 17 November 2010 in Strasbourg to review developments in the field of e-voting since the last such meeting in Madrid in October 2008. The agenda and list of participants can be found in the appendices to this report.

2. With representatives from 17 Council of Europe member states and a representative of Brazil present, the meeting provided a platform to share experiences as well as to discuss two sets of guidelines, one on transparency and the other on the certification of e-voting systems. A specific objective of this meeting was to consider a possible way forward with regard to activities in the field of e-voting after the end of the Council of Europe's five-year project on Good Governance in the Information Society (GGIS).

3. Written progress reports were submitted by Belgium, Bulgaria, the Czech Republic, Finland, Norway, Romania, the Russian Federation, Spain, Switzerland and Brazil as well as by OSCE/ODIHR and the OASIS e-Voting Technical Committee (document GGIS(2010)13). Governmental representatives of Belgium, Bulgaria, Norway, Switzerland and Brazil gave presentations on the progress made and different developments in their countries, and academic experts reported on developments in Austria and Estonia. All progress reports and presentations given at the meeting can be found on the GGIS website:
<http://www.coe.int/t/dgap/democracy/Activities/GGIS/E-voting/>

4. In respect of Estonia, Kristjan Vassil from the European University Institute (Florence) drew lessons from the comparative analysis of four elections in Estonia since 2005 and concluded that whilst age was becoming a weaker predictor of e-voting, with an e-voting system that has been gaining increasingly broad support, linguistic cleavages continued to be a challenge.

5. With nation-wide e-voting remaining impossible without a constitutional amendment, Austria did not submit a new progress report. In his presentation on the Austrian federation of students' elections in 2009, Andreas Ehringfeld (Vienna Technical University) gave an insight into the reasons for the popular resistance to e-voting evolving in Austria. He also reported on experiences in confronting cyber attacks like denial of service attacks and fake websites. In order to counter phishing attacks, he suggested promoting the website of the e-voting system by multiple channels like posters, flyers and links from other trustworthy websites. From an operational point of view, internet monitoring mechanisms for search engine results should be introduced for detecting possible phishing attacks. So as to enhance trust and to raise awareness among users, official websites and internet voting systems related to legally binding elections should generally be hosted within the government domain space.

6. Reporting on the progress in the current pilot project in Norway, the representative of Norway stated that a system to allow verification by the voter of the correct transmission of votes had been introduced in order to reassure voters and to guarantee both maximum security and transparency. It was suggested that Norway had largely adopted the Estonian process and added the verification mechanism in order to address the critical issue of processing the data prior to encryption.

7. Speaking about the Brazilian experience, Susan Kleebank highlighted that remote and non remote e-voting in Brazil has gained the public's trust, as reflected in growing numbers of e-votes.

8. The representative of Switzerland shared her country's experiences of the recent co-operation between cantons which had developed and tested internet voting systems and those which had expressed the wish to set up similar systems. Switzerland is also providing voting via the internet for Swiss citizens living abroad. Ninety percent of those who are registered to vote live in the 'Wassenaar' (i.e. the group of countries participating in the 'Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies'¹ or in EU countries. The Swiss electoral authorities focus on these countries because exchange of encrypted data, which is used with voting via the internet, is allowed in these countries.

9. Prof. Mihail Konstantinov reported that in Bulgaria e-voting had been successfully tested in nine polling stations in Sofia during the 2009 Parliamentary elections. However, the project was suspended in view of the high costs for introducing e-voting machines in all 12 000 polling stations in the country and the negative feedback on e-voting from countries such as Germany and the Netherlands. He reported that the current National Assembly was reconsidering e-voting and had introduced an Ad hoc inter-parliamentary group which has drafted a new Electoral Code that was currently under discussion in the Parliament.

10. In his report on developments in Belgium, Stéphan De Mul noted that there has been a process of intense reflection about an updated e-voting system since 2006. Pending decisions by the Government, it is envisaged to receive a prototype of the new electronic voting system in Spring 2011 and to organise some trial runs in the summer. If these steps prove satisfactory, the new electronic voting system could be made available to municipalities for the municipal and provincial elections of 14 October 2012. He added that Belgium had initiated a project on internet voting for Belgians abroad in 2009 which might be relaunched for the 2011 Parliamentary elections.

11. The representative of OSCE/ODIHR pointed out that e-voting continued to be of great interest to OSCE participating States and to the current Kazakh Chairmanship-in-office. However, only a limited number of OSCE participating States are currently using e-voting whilst some states have even stopped using it following problematic experiences. He pointed out that the Council of Europe was considered a central player in the field of e-voting, with CM Rec(2004)11 being the only agreed international document to date. Recalling that ODIHR took a broader approach to new voting technologies than the Council of Europe guidelines, he called upon states to assess technological, legal and security-related questions alike in order to secure their respective e-voting systems. He pointed out that ODIHR looked forward to continuing its co-operation with the Council of Europe and with other institutions and underlined the need to continue to organise review meetings in a biennial rhythm.

12. The representative of ACEEEO also made a statement, noting that on 15-18 June 2011, ACEEEO would hold a conference on the occasion of the organisation's 20th anniversary. A written progress report about the work of the OASIS e-Voting Technical Committee has been made available to the participants.

¹ For more information please refer to: <http://www.wassenaar.org/faq/index.html>

13. Two sets of guidelines, one on the transparency of e-enabled elections and the other on the certification of e-voting systems, were prepared by the Secretariat with input from representatives of interested member states and academic experts. These texts were met with great interest and were endorsed by the participants, who recognised that the guidelines provide a common reference. The Secretariat recalled that the focus was on developing a politically feasible and economically viable approach rather than a theoretical or ideal type model.

14. The representative of Switzerland stressed that the guidelines needed to be viewed as work in progress since the practical experiences in the field of e-voting were in constant evolution. Their format called for and allowed ongoing revision and extension. The other participants in the meeting agreed with this point of view. A number of detailed comments on different parts of the two sets of guidelines were made and the Secretariat was asked to take them into account in the next revision of the two texts.

15. With regard to the guidelines on the transparency of e-enabled elections, the question was asked how the guidelines could best be implemented in a multi-lingual country, with the representatives of Belgium and Switzerland stressing that existing legislation needed to be taken into account. Another question was asked about how 'public trust in the current electoral system' (guideline No. 1) may be measured. On the issue of access to documentation and reports by election observers and by the media (guideline No.6), Switzerland requested that a distinction should be made between official election observers and the media, as the latter might not always be balanced and neutral in their coverage of elections. Concerning guideline No.13 on the use of a second medium to store the electronic votes, Norway requested that the concept of 'end-to-end verifiability' be included in the text of that guideline.

16. Regarding the guidelines on the certification of e-voting systems, Belgium drew attention to the principle of public procurement for e-voting systems, reminding participants that not only financial but also technical criteria should be taken into account in the decision-making process. He added that in view of the current economic context, the guidelines should attach more importance to efficiency considerations in order not to hinder states from introducing e-voting systems due to financial constraints. Germany requested that the explanations to guideline No.9, on existing international standards that might be relevant for certification of e-voting systems, should be made more comprehensive and that the glossary of terms in the Appendix should be brought more into line with the terminology of existing standards.

17. Following the exchange of views on the transparency and certification guidelines, the meeting featured the launch of the Council of Europe 'E-voting Handbook – Key Steps in the Implementation of e-enabled Elections', prepared by Susanne Caarls of the Secretariat. This Handbook is written for governments and organisations considering whether or not to conduct e-voting pilots or trials or to make e-voting a feature of their electoral system.

18. In the concluding session, the participants exchanged views on the future prospects and challenges in the field of e-voting. The Secretariat reiterated that despite the end of the GGIS project, electoral matters would continue to be of great importance to the Council of Europe. Moreover, 2011 would be a milestone year with the application of e-voting systems in elections in Estonia, Norway, Switzerland and the Russian Federation.

19. The representative of 'e-voting.cc', Manuel Kripp, suggested that the international 'Evote conferences', held biennially near Bregenz (Austria) since 2004, could be used as a forum to continue the Council of Europe's intergovernmental review meetings. He further

proposed that e-voting.cc, in co-operation with the Technical University of Vienna, could set up a collaborative online platform to maintain the exchange of experience and expertise that the biennial review meetings have facilitated since 2004.

20. There was agreement that this proposal merits serious consideration. However, it was noted that, in order to have the necessary credibility on the part of governments, the Council of Europe would have to be an identifiable stakeholder and would somehow need to be involved in the management of such a new platform. When working with the new tool of a collaborative online platform, some oversight and moderation would be necessary. Participants further agreed that even though online consultations and exchanges of experience via the platform are important to enhance dialogue and mutual learning, face-to-face meetings remain important if the co-operation is to be sustainable. It was agreed to open the new platform to a closed user group, upon invitation only, to foster an informal dialogue among participating member states and experts.

21. Participants also endorsed the idea of continuing the biennial intergovernmental review meeting in an alternative format, possibly by expert workshops to be held as an “intergovernmental track” the day before or after the biennial academic ‘Evote conference’. This would also provide the opportunity to participate in the conference and in academic discussions.

22. At the end of the meeting, the participants asked the Secretariat to bring to the attention of the Committee of Ministers the conclusions of this meeting and, in particular, the suggestion for the collaborative online platform and for the continuation of the biennial review meetings under the umbrella of the Bregenz conferences. In the absence of a dedicated programme on e-governance, the participants expressed their hope that the Council of Europe could identify some limited budgetary and human resources as part of its activities on electoral matters to support the online platform and future biennial review meetings. With regard to the latter, they expressed their hope that the Secretary General would continue to grant his High Patronage to the Bregenz conferences.

APPENDIX I

PROGRAMME

Tuesday 16 November

9.30 am

*(coffee break
mid-morning)*

Opening session

Introduction of participants
Background and objectives of the meeting – Introductory statement by the Secretariat

Progress reports from

Council of Europe member states

Switzerland - Ardita Driza-Maurer, document GGIS(2010)16

Estonia - Kristjan Vassil, document GGIS(2010)15

Austria - Andreas Ehringfeld

Norway - Henrik Nore, document GGIS(2010)10

Other countries

Brazil - Susan Kleebank, Advisor for International Affairs of the Supreme Electoral Court, document GGIS(2010)9

Progress reports from other Council of Europe member states (documents GGIS(2010) 7, 11, 12, 14, 17) and other countries

Belgium - Stéphan de Mul, document GGIS(2010)8

Bulgaria - Mihail Konstantinov, document GGIS(2010)18

12.30 - 2.00 pm

Lunch break

2.00 pm- 6.00 pm

*(coffee break
mid-afternoon)*

Progress reports continued

International Organisations

ODIHR - Robert Krimmer, Senior Adviser on New Voting Technologies

ACEEEO - Jenö Szep

Transparency

Presentation of the Council of Europe **Guidelines on transparency of e-enabled elections**, document GGIS(2010)5

General Discussion

Wednesday 17 November

9.00 am
coffee break
mid-morning)

Presentation of the **E-voting Handbook: Key steps in the implementation of e-enabled elections**

Certification

Presentation of the Council of Europe **Guidelines on the certification of e-voting systems**, document GGIS(2010)3

General Discussion

12 noon

Concluding session: Looking ahead - Future prospects and challenges, the role of the Council of Europe and other stakeholders

- contribution by Manuel Kripp, e-voting.cc, about the international conferences on e-voting in Bregenz, Austria

General Discussion

1.00 pm

End of the meeting

APPENDIX II

LIST OF PARTICIPANTS/ LISTE DES PARTICIPANTS

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