



Strasbourg, 7 October 2015

CAHVE(2015)2

**AD HOC COMMITTEE OF EXPERTS ON LEGAL, OPERATIONAL AND
TECHNICAL STANDARDS FOR E-VOTING
(CAHVE)**

EXECUTIVE SUMMARY

**Report on the Scope and Format of the update of Recommendation
Rec(2004)11 of the Committee of Ministers to member States on legal,
operational and technical standards for e-voting**

BACKGROUND

The Ad hoc Committee of Experts on Legal, Operational and Technical Standards for e-voting (CAHVE) has been set up with a view to finalise a draft Recommendation updating Recommendation Rec(2004)11 of the Committee of Ministers to member States on legal, operational and technical standards for e-voting.

The Terms of Reference of the CAHVE foresee the participation of a legal expert to lead the draft updating of the Recommendation (CAHVE(2015)1).

In April 2015, the Council of Europe Secretariat appointed Ms. Ardita Driza-Maurer, expert on political rights and new voting technologies who had been previously engaged in the biennial review meetings of Rec(2004)11, as the leading expert and tasked her with the drafting of a roadmap for the update of the Recommendation.

Following earlier discussions in the framework of the biennial review meetings, the Council of Europe Secretariat decided to pursue the update in two phases. In the first phase, the CAHVE will be asked to decide on issues of scope and the format of the updated Recommendation. In the second phase, once a decision is reached on these aspects, the ad hoc Committee will proceed with the actual update.

The present executive summary outlines the core issues on the scope and format of the updated Recommendation to be decided by the CAHVE during its plenary meeting on 28-29 October 2015.

These issues are based on replies to a questionnaire that were done by national delegates and participants at the CAHVE, as well as the subsequent expert report prepared by Ms. Driza-Maurer (CAHVE(2015)2add).

QUESTIONNAIRE

In consultation with a group of independent experts lead by Ms. Driza-Maurer¹, the Council of Europe Secretariat prepared a questionnaire addressing issues of content and structure of the update of Rec(2004)11.

The issues addressed by the questionnaire could be summarised as follows:

- Scope: Q.1: Definition of e-voting
Q.2: Role of Election Management Bodies (EMB)
Q.5: Risk policy
- Format: Q.3: Structure of the Recommendation
Q.4: Categories of requirements
- Other: Q.6: Additional concerns
Q.7: Expectations
Q.8: Remarks / Suggestions

The questionnaire was circulated among appointed national delegates and participants to the CAHVE on 22 June 2015.

Eighteen (18) national delegates and representatives from three (3) participant institutions replied to the questionnaire².

PROPOSALS ON THE SCOPE AND FORMAT OF THE UPDATED RECOMMENDATION

Based on the answers to the questionnaire, the expert report outlines the following decisions to be made regarding the scope and content of the updated Recommendation³:

Q.1: Definition of e-voting

CAHVE national delegates are asked to decide whether to:

- 1.a. Keep the current definition of e-voting; *or*
- 1.b. Extend the current definition in order to include optical scanners where voters directly introduce their votes (e.g. PCOS); *or*
- 1.c. Extend the current definition in order to include all kinds of optical scanners used in voting precincts; *or*
- 1.d. Extend the current definition in order to include all kinds of optical scanners.

¹ Details of the independent experts are provided in footnote 9 of the expert report (CAHVE(2015)2add).

² Full list of respondents is available in footnotes 6 and 7 of the expert report (CAHVE(2015)2add).

³ For further reference please see chapter 6 of the expert report (CAHVE(2015)2add).

Q.2: Role of Election Management Bodies (EMB)

CAHVE national delegates are asked to decide whether to:

- 2.a. Make no additional reference to the role of EMB in the Recommendation; *or*
- 2.b. Introduce a broad provision reminding that the conduct of elections and referenda is the responsibility of EMB; *or*
- 2.c. In addition to 2.b., include detailed provisions on the conduct of EMB; *or*
- 2.d. In addition to 2.b., make specific reference to national regulations.

Q.5: Risk policy

CAHVE national delegates are asked to decide whether to:

- 5.a. Not to adopt a risk policy approach in the updated Recommendation; *or*
- 5.b. Adopt a risk policy approach in the updated Recommendation and update the language provisions; *or*
- 5.c. In addition to 5.b., include a list of commonly accepted threats for each voting method; *or*
- 5.d. In addition to 5.b. *or* 5.c., introduce transparency and communication measures.

Q.3: Structure of the Recommendation

CAHVE national delegates are asked to decide whether to:

- 3.a. Maintain the current one-block Recommendation; *or*
- 3.b. Maintain the current one-block Recommendation while coming-up with different layers; *or*
- 3.c. Adopt a new approach based on a Recommendation with core general provisions and complementary documents outlining provisions which are more specific and easily updatable.

Q.4: Categories of requirements

CAHVE national delegates are asked to decide whether to:

- 4.a. Maintain the current distinction between legal, operational and technical standards; *or*
- 4.b. Regroup existing standards in three new categories, corresponding to:
 - Functional requirements (what the system is required to do)
 - Performance requirements (how functional requirements are to be met)
 - Evaluation and testing (how to test and evaluate conformity with requirements);*or*
- 4.c. Maintain the current appendices and integrate the new categories in 4.b. into the existing ones.

Other

Additionally, CAHVE national delegates are asked to decide whether to:

- Include the provisions of both the Recommendation and the existing guidelines on

certification and on transparency in the updated Recommendation *or* only those in the Recommendation; *and*

- Come-up with a specific review mechanism for the updated Recommendation and its possible additional documents *or* not.