



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

Castle Hofen, Lochau/Bregenz (Austria), 11 July 2012

Republic of Austria: Recent Developments concerning E-Voting

1. Status Quo

For the time being, there is no legal basis to carry out e-enabled elections on the federal, provincial, or local level in Austria. Before introducing e-voting, amending the Federal Constitution (two-third majority in the National Council) would be necessary. Legal provisions for e-voting are only laid down in two federal acts concerning the Austrian Federation of Students (“Österreichische Hochschülerinnen- und Hochschülerschaft”) and the Austrian Chamber of Commerce (“Wirtschaftskammer”), respectively. With the implementation of the European Citizens’ Initiative in all EU Member States on 1 April 2012, discussions about new forms of e-participation in Austria have emerged. The parties represented in parliament currently discuss a far-reaching “democracy package.” Within the framework of such a reform, specific participatory tools could be strengthened and the use of electronic solutions for public initiatives is debated.

2. Austrian Federation of Students elections

In 2009, internet voting was offered for the first time within the framework of the Austrian Federation of Students elections. The Federal Minister of Science and Research therefore revised the respective regulation governing electoral matters. The use of e-voting was based on a smart card solution and legally binding. Experiences with said e-voting system were presented during the Third Review Meeting on 16 and 17 November 2010 in Strasbourg, France. A comprehensive evaluation report is accessible online (in German only):

http://www.e-voting.cc/wp-content/uploads/downloads/2012/05/Evaluierungsbericht_E-Voting_Hochschuelerinnen- und Hochschulerschaftswahlen_2009.pdf

In 2010, the Federal Minister of Science and Research decided not to continue the use of e-voting for the 2011 elections of the Federation of Students. The main reason was the small diffusion rate of smart cards in Austria. On 13 December 2011, the Austrian Constitutional Court suspended some provisions in the election regulation, which had been the basis of the 2009 Federation of Students elections. At the same time, the Constitutional Court emphasized that in all future deployments of e-voting the legal basis had to be clearly determined in order to allow transparency both for election commissions and individual voters. The complete decision (in German only) is accessible through this link:

http://www.vfgh.gv.at/cms/vfgh-site/attachments/7/6/7/CH0006/CMS1327398738575/e-voting_v85-11.pdf