



Strasbourg, 5 December 2019

CDDG(2019)2  
Item 6 of the agenda

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE  
(CDDG)**

**REVIEW MEETING ON RECOMMENDATION CM/Rec(2017)5  
ON STANDARDS FOR E-VOTING**

**For decision**

Secretariat Memorandum  
prepared by the  
Directorate General of Democracy  
Democratic Governance Department

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## **Introduction**

The terms of reference of the CDDG for the biennium 2018-2019 include specific task iv (see document GT-ED(2018)1):

*"In the field of e-democracy, in accordance with Recommendation [CM/Rec\(2017\)5](#) on standards for e-voting, hold a review meeting on its implementation in 2019".*

As indicated in the terms of reference for the working group on e-democracy presented at its first meeting on 27 November 2018, it is envisaged that the CDDG hold a review meeting on implementation of Recommendation [CM/Rec\(2017\)5](#) of the Committee of Ministers to member States on standards for e-voting in the course of 2019.

Article 2 of the Preamble to Recommendation CM/Rec(2017)5 states that it is foreseen "... to regularly update the provisions of the Guidelines accompanying this recommendation";

At its meeting on 14-15 March 2019, the working group on e-democracy noted that implementation of the Recommendation, adopted in June 2017, was still at a very early stage. The Secretariat was instructed to prepare a questionnaire for member States on the use of e-voting and possible experience with and implementation of Recommendation CM/Rec(2017)5 to obtain a better understanding of member States' positions and the issues involved.

Following approval by the CDDG Bureau, the questionnaire was circulated to the member States on 20 June 2019. In response to the questionnaire, the CDDG Secretariat received 18 replies from member States by 10 September 2019. At the request of the Bureau, the questionnaire was circulated anew. By 5 December 2019, 12 additional replies were received.

An overview of the 30 replies which were received is set out in the Appendix.

## **Action required**

The CDDG is invited to examine the replies and suggest appropriate follow-up for consideration and possible action.

## APPENDIX

### Questionnaire on member states' experience in relation to e-voting and recommendation CM/Rec(2017)5 on standards for e-voting

#### Overview of replies

Number of responses received: 30

(Austria, Azerbaijan, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Malta, Netherlands, Norway, Romania, Serbia, Slovenia, Slovak Republic, Russian Federation, Switzerland, Spain, Sweden, Ukraine, United Kingdom)

#### Question 1

*Does your country currently make use of e-voting (such as the use of electronic voting machines, computers connected via the internet, or electronic means that aid in the casting of votes) in:*

*a) elections?*

*If yes, at which level (national, regional, local, etc.)?*

24 member states replied that e-voting is not currently used.

One member state indicated that electronic vote was used on an experimental basis at national and regional level in 2019.

One member state indicated that an electronic vote is allowed at national and EU level only while it had been discontinued at local level due to costs and constraints in capacity.

One member state indicated that electronic voting is not used at national level but that an autonomous region is preparing to introduce it.

One country indicated that there is limited use of internet voting for the legislature and 'Conseillers consulaires' (consular councillors) for citizens who reside abroad.

One country indicated that the use of voting machines was introduced on a voluntary basis at local level and has now been limited to 66 municipalities - with more than 3500 inhabitants).

One member State indicated that electronic voting is part of its e-government strategy. It is being introduced gradually to ensure security, verifiability and transparency of the process. As a result of concerns in these areas, legislation provides that this alternative voting channel can only be used for trial purposes.

*b) referenda?*

One member state indicated that if an initiative for a referendum meets the legal requirements, support for referenda is verified by way of signatures by electronic means.

One member state indicated that municipalities are free to use electronic voting in referenda at local level.

One member state indicated that e-voting is used for referenda at local level.

## **Question 2**

*Does your country use electronic means or tools in relation to any other election-related procedures such as: the recording of votes, scanning of votes, consolidation/tabulation or transmission of voting results?*

*If so, please provide additional detail on areas in which electronic voting is used.*

Most respondents indicated that electronic means or tools are used in a range of areas related to electoral procedures.

Electoral procedures in which electronic means or tools are or can be used include :

- verification of electoral registers (5 respondents )
- electoral rolls (candidates) (4 respondents)
- crossing of votes in electoral roll (3 respondents)
- recording/counting/tabulation of votes of the manual vote count (19 respondents)
- identification of possible errors in vote counts (3 respondents)
- scanning of votes (6 respondents)
- transmission/publication of voting results (17 respondents)

Four respondents specifically indicated that final results are established on the basis of physical records (ballots)

One respondent indicated that electronic means are being introduced for the collection of signatures in support of parties wishing to contest elections.

## **Question 3**

*If applicable, please provide information in relation to:*

- a) the relevant legislative and regulatory framework;*
- b) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;*
- c) specific issues you may have encountered;*
- d) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.*

One member state specified that where electronic systems are used by municipalities, contingency procedures need to be in place in the event of technical failures of the electronic system.

One member state indicated that its legislation would be compliant with the Recommendation whilst three member states indicated that either recommendation CM/Rec(2017)5 or Rec(2004)11 had been or was being used to develop legislation or the technical framework for e-voting or the use of electronic tools in the electoral process.

#### Question 4

*If e-voting is not used, or has been discontinued in your country, can you share the reasons why?*

Five respondents indicated that electronic voting had been tested in pilot projects (primarily at local level). One respondent stated that the use of e-voting (voting machines) had been abolished for municipalities (cost/capacity constraints). One respondent indicated that e-voting had been discontinued after coming under heavy criticism because of lack of security and auditability.

The principal reasons for discontinuing e-voting/use of voting machines related to the risk of votes being challenged or other concerns in relation to:

- a) the secrecy of the vote (3)
- b) operational reliability/security and/or possibility of hacking (8)
- c) openness and verification of the voting process (by the public - i.e. without specialist knowledge), transparency (3)
- d) costs involved and constraints in terms of capacity of the voting machines (5)
- e) risks outweigh the benefits (2).

One respondent indicated that provision of a relevant legal framework might serve as a first step provided that technical specifications were adequate to safeguard constitutional principles (secrecy) in relation to voting.

Three respondents indicated that they were looking at possibilities for e-voting.

The following reasons for not implementing e-voting were also mentioned:

- Absence of legal basis allowing the use of electronic voting (3);
- The absence of political consensus (3);
- Concerns regarding in terms of security, transparency or the likelihood that voting results would be challenged;
- Negative feedback on e-voting in other countries;
- A small number of respondents (3) indicated that gradual introduction of e-voting is underway or being considered (by introducing e-petitions, e-initiatives, national census, for example). E-voting could be implemented in the future provided the technology would prove to be secure and reliable.

One member state indicated that, in 2000, the introduction of direct vote recording and electronic vote counting at elections had been approved in principle. However, over the course of the development and testing of the proposed electronic voting system, it became clear that there was not public confidence in that system and that the electorate had concerns about the security of the vote. Against that background, the then government decided, in 2008, not to proceed with the implementation of electronic voting.

Another member state gave a detailed explanation of the findings of the central electoral commission as regards the implementation of e-voting pilots at local level and why they were discontinued. Concerns included high level of risk, security, lack of transparency, inadequate quality and testing arrangements.