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**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE /
COMITE EUROPEEN SUR LA DEMOCRATIE ET LA GOUVERNANCE
(CDDG)**

**REPLIES TO THE QUESTIONNAIRE ON MEMBER STATES' EXPERIENCE
IN RELATION TO E-VOTING AND RECOMMENDATION CM/REC (2017)5
OF THE COMMITTEE OF MINISTERS ON STANDARDS FOR E-VOTING**

/

**REPONSES AU QUESTIONNAIRE SUR L'EXPERIENCE DES ETATS
MEMBRES DANS LE DOMAINE DU VOTE ELECTRONIQUE ET DE
LA RECOMMANDATION CM/REC (2017)5 DU COMITE DES
MINISTRES SUR LES NORMES RELATIVES AU VOTE
ELECTRONIQUE**

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

/

Note du Secrétariat
établie par la
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Division de la gouvernance démocratique

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ANDORRA/ANDORRE

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? **Andorra is not using the e-voting process at the moment.**

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

b) referenda? **Andorra is not using the e-voting process at the moment.**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

The Principality of Andorra currently uses a face-to-face voting system with the possibility of postal voting, if desired. Presently, the Parliament is analyzing a draft of Law on the electoral system trying to mainly increase security and effectiveness in the voting process. In addition to this, the implementation of new measures in the voting process for people with disabilities, according to the UN Convention on the Rights of Persons with Disabilities, has also been proposed.

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 means are used.

During the electoral process in Andorra, no electronic means are used until the counting of votes. At each polling station there are tables with one president per table. The latter, once all the citizens have already voted, proceeds to count and register all the votes of the table. The results are being introduced in a general electronic database related to the Government of Andorra. The ballots are then handed over to the Government, and once all the necessary information has been collected, the final results are communicated. At the same time, the Government of Andorra has at its disposal a website (www.elecciones.ad) where the counting of votes is updated almost in real time (every 100 votes). One can also follow the counting process in "real time" as electronic screens are located next to the polling stations available to everyone. With this mechanism, the Principality of Andorra is trying to have total transparency in the electoral process. Media also plays an important role, as they broadcast live the whole process of voting and the communication of the final results.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

- a) the relevant legislative and regulatory framework for e-voting;
- 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.

QUESTION 4

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

AUSTRIA/AUTRICHE

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:

c) elections?

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

d) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

No, e-voting is not used and currently not considered in any way.

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 means are used.

In general, the use of ICT only comes into play when transmitting and tabulating the provisional results from Provincial Electoral Boards to the Federal Electoral Board. Local electoral boards may use computers to electronically collect information about the voters present at the respective polling station ("Abstimmungsverzeichnis") but eventually have to print out all this information. Irrespective of these examples, all stages of the electoral process are paper-based and final results are always determined by electoral boards on the basis of physical records (minutes).

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

n.a.

QUESTION 4

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

There is no legal basis for e-voting in Austria. In order to implement internet voting for elections to representative bodies on the federal, provincial or local level, a constitutional amendment (2/3 majority in the National Council) would be required as it would be another form of remote voting in an uncontrolled environment, similar to postal voting. At the moment, no specific political will seems to point into this direction. Even the pandemic has not spurred any intensive debate about e-voting. At a first glance, the introduction of e-voting for other bodies, particularly in the area of self-government, appears to be easier as no constitutional amendment is needed. However, the Constitutional Court passed a landmark decision in 2011 describing necessary prerequisites for the introduction of e-voting in regular laws (outside the constitution) as well. According to the Court, electoral boards should be able to oversee the whole election process and assess how the results were achieved "without specific expert knowledge". To date, no other entities have shown strong interest in implementing e-voting models in their areas of influence.

BELGIUM/BELGIQUE
(Federal Ministry of the Interior/Ministère de l'Intérieur fédéral)

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:

e) elections?

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

Yes (national, regional and local).

f) referenda?

No (referenda doesn't exist in Belgium).

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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 means are used.

Yes. In Belgium, we use electronic applications for:

- submission of candidatures for the elections
- consolidation/tabulation of voting results
- transmission of voting results

We also have projects on the following topics:

- an electronic application to assist the staff of the counting stations during the counting of paper ballots
- an online declaration of election expenses by candidates and political parties

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

a) the relevant legislative and regulatory framework for e-voting;

*Replies to the questionnaire on member States' experience in relation to e-voting and
 Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting /
 Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de
 la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique
 [CDDG(2021)27 Addendum]*

In Belgium, the federal authority is competent for federal, European and regional elections. The regions are competent for local elections on their territory (electronic voting is not used in the Walloon Region except in the 9 German-speaking municipalities).

There are therefore different legislations (these legislations are however largely similar in terms of principles).

For the Federal, European and regional elections : https://elections.fgov.be/sites/default/files/documents/Loi_Wet_07.02.2014_VoteElectronique_ElektronischStemmen.pdf

For the local elections in the Flemish Region : <https://vlaanderenkiest.be/regelgeving/het-digitaal-kiesdecreet-van-25-mei-2012-dkd>

For the local elections in the Brussels-Capital Region : [https://elections2018.brussels/sites/default/files/2018-01/Ord-vote-electr-coord-CVL-17.01.2018-\(4\).pdf](https://elections2018.brussels/sites/default/files/2018-01/Ord-vote-electr-coord-CVL-17.01.2018-(4).pdf)

b) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

In Belgium, we have been using electronic voting since 1991.

Our legislation had already largely incorporated the original 2004 recommendations.

The new recommendations are obviously a very useful guide.

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.

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QUESTION 4

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

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BOSNIA AND HERZEGOVINA (Central Electoral Commission)/BOSNIE-HERZEGOVINE (Commission électorale centrale)

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:

g) elections?

If yes, at which level (national, regional, local, etc.)? **NO**

h) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

The BiH Central Election Commission has prepared a Strategy and Action Plan to Improve the Integrity, Transparency and Efficiency in the BiH Electoral Process that *inter alia* focuses on o the improvement of the quality of elections delivery by delivering the processes and technology to guarantee elections data accuracy and integrity. Technology will be a fundamental component for the development with a special focus put on information systems to facilitate the work of CEC and MECs and on the modernisation of the polling stations management. It includes possible introduction of Polling Stations Central Monitoring System; Electronic poll books; Voting machines - Ballot generator or scanners; MECs and Main Count Centres Support Systems; Collation, consolidation and generation of results System.

The Parliamentary Assembly of Bosnia and Herzegovina still has to approve the aforementioned strategy and the action plan.

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 means are used.

The computers are used to transfer election results between Municipal election commission and the Central Election Commission via a secured connection for both local and national elections. The voters can also check their status by visiting the Centre for Voters' Register where verification is done electronically.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

The e-voting has not be used due to lack of relevant legislative and regulatory framework. The steps are now being made towards introduction of certain IT elements into the electoral process in Bosnia and Herzegovina.

BULGARIA/BULGARIE

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:

i) elections?

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

According to the Bulgarian Election Code, the Central Election Commission¹ of the Republic of Bulgaria adopted a procedure for experimental machine voting for the first time in the conduct of the elections for members of the European Parliament from the Republic of Bulgaria in March 2014. From March 2014 until May 2021 the machine voting has a limited use in national and local elections. After amendments of the Election Code in May 2021, at the polling station, both at national and local level elections, the voter shall vote by a ballot for machine voting, except for 2 cases (The first case: Machine voting shall not be carried out in polling stations in the country with fewer than 300 voters, when voting with a mobile ballot box, in polling stations in medical establishments, elderly homes and other specialized institutions for the provision of social services, in polling stations on vessels flying the Bulgarian flag, as well as in polling stations outside the country for the formation of which less than 300 applications under Art. 16, para. 1 of the election Code have been submitted or in which less than 300 voters voted in the last elections;

The second case: Where, due to the occurrence of overwhelming external circumstances, the machine voting appeared to be compromised, the section election commission shall notify immediately the regional election commission and the Central Election Commission. The voting shall continue by paper ballots).

Voting by a ballot for machine voting shall be equivalent to voting by a ballot paper. A voter, who votes by a ballot for machine voting, shall not vote by a ballot paper. The relevant rules applicable to the voting by a ballot paper shall apply to the voting by a ballot for machine voting.

After these amendments in the e-voting, in the elections for members of the National Assembly (Parliament) in July 2021 the voters use only a ballot for machine voting (with exception of the two cases mentioned previously).

j) referenda?

At this moment, the legislation of the Republic of Bulgaria does not regulate the use of machine voting in referenda.

¹ Central Election Commission website: <https://www.cik.bg/>

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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 means are used.

According to art. 57, para 1, item 33 of the Election Code, the Central Election Commission of the Republic of Bulgaria determines the requirements for the organization and technology of the computer processing of the voting data and for the issuance of a final ballot with the election results, including by machine voting, not later than 55 days before the election day and shall assign the implementation to "Information Services" (a single member joint-stock company (EAD) with public participation)².

QUESTION 3

If question 1 is applicable, please provide information in relation to:

q) the relevant legislative and regulatory framework for e-voting;

The Bulgarian Election Code shall provide for conditions, organization and procedure for conducting the elections in the Republic of Bulgaria, including the machine voting.

The decisions of the Central Election Commission and other materials connected with the use of electronic voting machines for the elections for members of the National Assembly (Parliament), held in July 2021, may be found only in Bulgarian language: https://www.cik.bg/bg/ns11.07.2021/machine_voting

- r) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;
- s) specific issues you may have encountered;
- t) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

² "Information Services" EAD website: <https://www.is-bg.net/en/1>

CROATIA (State Electoral Commission)/CROATIE (Commission électorale de l'Etat)

Question 1

According to the legislative framework, voting at elections and referenda in Croatia is made in person at polling stations and no postal nor e-voting is foreseen.

If e-voting was to be introduced, the Croatian Constitution along with electoral and referenda legislation would have to be amended.

Question 2

IT support is used in all stages of the electoral cycle but it is to be noted that all final documentation is made in paper. Uniform IT support facilitates the uniform processing of candidacies and resolutions on electoral authorities and polling stations, uniform control of minutes of lower level electoral authorities, uniform method of processing polling results and it also covers other IT services essential for conducting elections.

It is to be noted though that only the Act on the Election of National Minority Councils and Representatives prescribes that the State Electoral Commission has to ensure central IT support for conducting the elections as mentioned above, but that the State Electoral Commission provides it for all other elections and referenda as well, even though it is not prescribed expressly.

As for the voters' registry maintenance, it does not fall within the competencies of the State Electoral Commission but of the Ministry of Justice and Administration.

Question 3

Not applicable

Question 4

As mentioned above, introducing legislative amendments does not fall within the competencies of the State Electoral Commission as it is an implementing authority.

CYPRUS/CHYPRE

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:

k) elections? **No.**

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

l) referenda? **No.**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.). **No, it's not being considered at the current moment.**

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? **No.**

If so, please provide additional detail on areas in which electronic means are used.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

Electronic voting is not being used in Cyprus for reasons of trust, security and implementation cost.

CZECK REPUBLIC/REPUBLIQUE TCHEQUE

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:

m) elections?

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

n) referenda?

In the event e-voting is being considered, thank you for providing additional information.

No, these e-voting tools are not used in the Czech Republic.

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.

Yes, electronic means are used in the process of vote counting (consolidation, tabulation or transmission of voting results).

Question 3

If applicable, please provide information in relation to:

y) the relevant legislative and regulatory framework;

The legal basis can be found in particular electoral laws, especially in Act No. 247/1995 Coll., on Elections to the Parliament of the Czech Republic, as amended. According to its Art. 11, par. 1, the Czech Statistical Office is charged to elaborate a binding system of collecting and processing of the electoral results and to ensure a necessary programme equipment (SW) for processing and providing of the electoral results.

District electoral commissions manually count votes, and then they elaborate an electoral report containing the course and the results of voting. The report is usually created by means of a template from an IT programme provided by the Czech Statistical Office, or, less frequently, in a paper form. Afterwards, the report with the results is handed over to the representatives of the Czech Statistical Office which subsequently summarizes the results from all districts (including foreign ones) and electronically processes the overall electoral results.

z) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

The Recommendation is applicable for the Czech Republic only partially, as regards electronic counting of votes (as described above), while e-voting as such (e. g. electronic ballot boxes) is not introduced. The Czech legislation related to the electronic counting of votes is fully in conformity with respective provisions of the Recommendation (i. e. especially with Articles 26, 30, 45).

aa) specific issues you may have encountered;

No specific problems with electronic counting of votes have been encountered.

bb) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

Not applicable.

Question 4

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

Introduction of e-voting was considered for a short period of time in the past (after 2006, when there was "an electronic boom" in the Czech Republic and e-government was one of the most important priority of the then Government). However, there was not a political consent on this matter and the idea was abandoned relatively quickly from many reasons. Especially, the experts from the field of cybersecurity and conservative lawyers influenced this approach. Currently, the Czech Republic does not consider introduction of e-voting (electronic ballot boxes or the possibility to vote via internet), mainly because of the results of several expert analyses showing that disadvantages and risks prevail over advantages and benefits. These analyses of course took into account both positive and negative experiences of other countries in this area (e. g. Estonia, the Netherlands, Switzerland, the United Kingdom). Among main problems, the following are usually mentioned: an easy possibility to contest or discredit the results of the elections, problematic verification of voting (if there is a requirement to check out whether a vote was cast and counted) and related impossibility to recount the votes independently, potential breaking of the principle of "secret suffrage", possible leaking of the data, hacker attacks or software failure (intentional or unintentional mistakes, collapse) impacting on the results, suppression of the role of independent observers, necessity to develop extremely complicated technical solutions and prepare extensive legislative changes etc.

ESTONIA/ESTONIE

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:

o) elections?

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

YES, in national elections and local elections (all are centrally managed)

p) referenda?

YES (Constitution-based centrally managed referenda)

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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?

YES

If so, please provide additional detail on areas in which electronic means are used.

Electronic means are used in the transmission and tabulation of voting results phase. Counting procedures are still held manually.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

cc) the relevant legislative and regulatory framework for e-voting;

Basic regulation is part of the the Riigikogu Election Act (see <https://www.riigiteataja.ee/en/eli/514122020002/consolide>) (in ENG)

Additionally National Electoral Committee decisions (see

<https://www.riigiteataja.ee/akt/305022021001> (in EST) and

<https://www.riigiteataja.ee/akt/327012021006>) (in EST) and State

Electoral Office decrees apply

(https://www.riigikogu.ee/tegevus/dokumendiregister/?searchIn=documents&search_title=&startDate=&endDate=&reference=&docType=0&volType=0&directionCode=&letterAuthor=&authorReference=&documentFunction=2c46bfd1-1c4c-4e76-9d03-19015d64ff88&documentFunctionSubFunction=ace45c76-6668-4363-825b-a0aff514a5f3&documentFunctionSeries=b8968fe5-938b-449e-a660-cc6f1cf83b73&documentFunctionSubSeries=&search=#) (in EST)

- dd) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;
The provisions of the recommendation are consulted throughout the legislative and regulative process.
- ee) specific issues you may have encountered;
No, the recommendation is still valid.
- ff) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.
The development process of the regulation and technical specifications is a constant process.
Latest important changes (first used in 2021 local elections in October) consider limiting the e-voting time-period from 10th to 4th day before election day to 6th to 1st day before election day and extending the possibility for re-casting (changing their electronic vote by casting a paper ballot) also on election day (previously this possibility ended on the 4th day before election day).

QUESTION 4

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

FRANCE

QUESTION 1

Votre pays utilise-t-il aujourd'hui le vote électronique (par le biais de machines de vote électronique, d'ordinateurs reliés à internet ou de dispositifs électroniques facilitant le dépôt des bulletins, par exemple) lors :

- q) d'élections ?
Si oui, à quel niveau (national, régional, local, etc.) ?
- r) de référendums ?

Dans le cas où le vote électronique n'est actuellement pas utilisé mais est envisagé, merci de fournir des informations supplémentaires (par ex. raisons de la prise en considération, état de la planification, solutions à l'étude, etc.).

QUESTION 2

Votre pays utilise-t-il des moyens ou des outils électroniques dans le cadre d'autres procédures liées aux élections, telles que : l'enregistrement des votes, la numérisation des votes, la consolidation/tabulation ou la transmission des résultats du vote ?

Si oui, veuillez fournir des précisions supplémentaires sur les domaines dans lesquels les moyens électroniques sont utilisés.

QUESTION 3

Si la question 1 est applicable, veuillez fournir des informations concernant :

- gg) le cadre législatif et réglementaire pertinent pour le vote électronique ;
- hh) la mise en œuvre de la Recommandation CM/Rec(2017)5 sur les normes relatives au vote électronique ;
- ii) les problèmes spécifiques que vous auriez rencontrés ;
- jj) les modifications réglementaires et législatives en lien avec le vote électronique apportées des suites de son expérimentation ou les modifications envisagées.

QUESTION 4

Si le vote électronique n'est pas ou n'est plus utilisé dans votre pays, veuillez expliquer pourquoi.

1. Vote électronique

Le vote électronique par internet est aujourd'hui prévu en France pour deux scrutins :
- Les élections des députés des Français établis hors de France (en 2012 et prochainement en 2022) ;

*Replies to the questionnaire on member States' experience in relation to e-voting and
Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting /
Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de
la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique
[CDDG(2021)27 Addendum]*

- Les élections consulaires : en 2014 et en mai 2021.

Cette modalité de vote permet à l'électeur de voter à l'aide de codes (identifiant et mot de passe) qui lui sont transmis par des voies différentes (mél, sms, courrier postal) permettant de garantir un niveau d'authentification minimum. Le vote est crypté et confidentiel. Pour que le secret du vote soit respecté, deux informations sont strictement séparées dans le processus mis en œuvre :

- Le fait que l'électeur a voté est reporté sur la liste d'émargement ;
- Le choix de l'électeur est comptabilisé dans les suffrages exprimés en faveur du candidat qu'il a choisi.

Le décompte des suffrages est obtenu après l'utilisation des clés détenues par les quatre membres du bureau de vote électronique, sans qu'il soit possible de savoir à quel candidat un électeur a apporté son suffrage.

2. Machines à voter

Les machines à voter sont prévues en droit français depuis 1969 et des modèles électroniques sont autorisés depuis 2003. Toutefois, le périmètre des communes autorisées à en être équipées est gelé depuis le moratoire du ministre de l'intérieur de 2008. Actuellement, 63 communes sont équipées de machines à voter, ce qui représente environ 1 500 bureaux de vote et 3 % du corps électoral.

En raison des risques attachés à l'usage des machines à voter et des critiques dont elles font l'objet, le ministère de l'intérieur a maintenu jusqu'à présent ce moratoire, qui recouvre deux aspects.

D'une part, il gèle le périmètre des communes autorisées par arrêté préfectoral à s'équiper de machines à voter. Depuis 2008, aucune nouvelle commune ne s'en est donc équipée. A l'inverse, une quinzaine de communes a renoncé à ce dispositif, ce qui limite à ce jour le nombre de communes dotées de machines aux 63 évoquées précédemment. D'autre part, il empêche l'homologation de nouveaux modèles de machines à voter. Par conséquent, les communes autorisées à utiliser des machines à voter ne peuvent pas acquérir de nouveaux modèles. Lorsque certaines de leurs machines ne fonctionnent plus correctement, notamment en raison de l'usure, elles doivent les renouveler en s'équipant d'un modèle homologué avant le moratoire de 2008 sur la base d'un règlement technique lui-même daté de 2003.

Les arguments qui ont motivé le moratoire ont été confirmés par les sénateurs Alain ANZIANI et Antoine LEFEVRE dans leur rapport d'information sur le vote électronique remis en avril 2014. Ces derniers ont estimé nécessaire de proroger le moratoire, compte tenu des risques pour le secret et la sincérité du scrutin associés à l'usage des machines à voter. D'après eux, ces dernières « ne peuvent garantir ni la conformité du choix de l'électeur, ni l'absence de dysfonctionnement dans l'enregistrement des suffrages »

Pour autant, l'obsolescence technique des dispositifs actuellement déployés ne permet plus le maintien du statu quo qui serait porteur de risques pour le bon déroulement des scrutins futurs. Le rapport des sénateurs Yves DETRAIGNE et Jacky DEROMEDI en 2018 s'est à ce titre fait l'écho des alertes de l'agence nationale de sécurisation des systèmes d'information qui estime que « le maintien à long terme du moratoire est sans doute la pire des solutions : les machines acquises avant 2008 continuent à être utilisées sans jamais être mises à jour ». Actant que les communes utilisatrices se déclarent pleinement satisfaites des machines à voter et défendent leur maintien, ces parlementaires proposent la levée du moratoire pour sécuriser la situation de ces communes en agréant une nouvelle génération d'appareils.

Les services du ministère de l'intérieur ont donc engagé une réflexion visant à réexaminer le cadre applicable aux machines à voter. Dans cette perspective, le ministre de l'intérieur a sollicité, auprès du directeur général de l'Agence nationale de sécurisation des systèmes d'information (ANSSI), une étude dont l'objectif sera de définir les normes qui permettraient d'assurer que les opérations électorales puissent être organisées sur des machines à voter dans des conditions garantissant leur bon déroulement, leur transparence et le respect de la sincérité du scrutin.

L'étude de l'ANSSI devrait notamment permettre de définir les conditions de production et de fonctionnement des machines à voter. Elle pourra aussi donner lieu, le cas échéant, à une révision du règlement technique datant de 2003, à partir duquel les modèles de machines à voter sont homologués et autorisés. Au terme de cette étude, il sera apprécié dans quelles conditions le moratoire actuel peut être levé.

Les conclusions de cette étude permettront également d'alimenter le rapport relatif à la possibilité de recourir aux machines à voter que le Gouvernement doit remettre au Parlement avant le 1er octobre 2021 (loi n° 2021-191 du 22 février 2021 portant report, de mars à juin 2021, du renouvellement général des conseils départementaux, des conseils régionaux et des assemblées de Corse, de Guyane et de Martinique).

3. Procurations dématérialisées

Le ministère de l'Intérieur a engagé une première phase de dématérialisation partielle des procurations avec la création de la télé-procédure « Maprocuration ». En service depuis le 6 avril 2021, cette télé-procédure permet désormais à un électeur d'effectuer une demande de procuration en ligne. L'électeur doit ensuite se rendre physiquement devant un officier ou agent de police judiciaire, en commissariat de police ou en brigade de gendarmerie, afin de faire contrôler son identité. La procuration ainsi établie est transmise par voie dématérialisée à la commune de l'électeur. Cette première phase de dématérialisation a permis d'alléger considérablement le travail des forces de sécurité intérieure et de réduire significativement le temps passé par l'électeur sur le lieu d'établissement des procurations. Elle a également permis d'améliorer le suivi des procurations, en particulier pour les électeurs qui sont régulièrement informés tout au long de la procédure. Près de 290 000 procurations ont été établies par ce canal entre le 6 avril 2021 (date de mise en service) et le 27 juin, attestant du succès de ce nouveau dispositif auprès des usagers, qui lui attribuent la note de 9,4 / 10.

A compter du 1er janvier 2022, en application du nouvel article L. 72 du code électoral, modifié par l'article 112 de la loi n° 2019-1461 du 27 décembre 2019, s'ouvrira une nouvelle phase d'évolution du régime des procurations. La condition d'inscription du mandant et du mandataire sur la liste électorale d'une même commune disparaîtra. Il sera dès lors possible de donner procuration à une personne inscrite dans une autre commune. Le mandataire devra toutefois se déplacer dans le bureau de vote du mandant pour voter à sa place. Cette réforme d'ampleur a pour corollaire une gestion centralisée des procurations, qui sera réalisée dans le Répertoire électoral unique (REU) à compter de cette date. Dans ce nouveau système de gestion, la charge de travail des mairies pour la gestion des procurations dématérialisées sera quasiment nulle. Le contrôle automatisé des procurations dans le REU permettra des gains considérables en termes de délai.

4. Traitements automatisés des données électorales

Conformément au décret n°2014-1479 du 9 décembre 2014 relatif à la mise en œuvre de deux traitements automatisés de données à caractère personnel, l'application "Election" enregistre les données relatives aux candidatures ainsi qu'aux résultats obtenus lors des scrutins. Toutefois, cet outil ne constitue qu'une représentation en miroir de la procédure électorale matérielle, qui seule fait foi, notamment en cas de contentieux.

Les opérations électorales (enregistrement des candidatures, centralisation des résultats) sont ainsi reproduites au sein de cette application. Les objectifs sont pluriels, les principaux étant l'information du Parlement, du Gouvernement, des représentants de l'État et des citoyens, la centralisation des résultats, leur conservation ainsi que leur diffusion (publication internet, diffusion sous format électronique, flux xml, etc) et l'application de la législation relative à l'interdiction des candidatures multiples.

GERMANY / ALLEMAGNE**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:

s) elections?

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

t) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

RESPONSE

Germany does not use e-voting.

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 means are used.

RESPONSE

To determine the preliminary election results on the election evening, the electoral bodies at every level report the election results within their jurisdiction to the next highest level all the way up to the Federal Returning Officer using the fastest possible means. These preliminary results may be reported electronically. The final election results are determined after election day on the basis of the election records in paper form.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

kk) the relevant legislative and regulatory framework for e-voting;

ll) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

mm) specific issues you may have encountered;

nn) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

RESPONSE

German electoral law does not provide for e-voting, neither for Bundestag nor for European parliamentary elections. According to the Federal Electoral Act (*Bundeswahlgesetz*) and the European Elections Act (*Europawahlgesetz*), votes in elections to the Bundestag and to the European Parliament must be cast either by post or in person at polling stations. This legal situation complies with the constitutional law requirements of the latest rulings by the Federal Constitutional Court concerning electronic voting machines (not connected to a network) used in the past and no longer in use since the Federal Constitutional Court decision of 3 March 2009 (BVerfGE 123, 39). With its judgment of 3 March 2009, the Federal Constitutional Court found the Federal Ordinance on Voting Machines (*Wahlgeräteverordnung*) to be incompatible with the principle of open elections as expressed in Article 38 in conjunction with Article 20 (1) and (2) of the Basic Law. The Federal Constitutional Court found that monitoring the voting process was a matter and task for the public, and thus each citizen must be able to follow and understand the main steps in the election process without special technical knowledge. According to the judgment of the Federal Constitutional Court, an election procedure in which a voter is unable to verify whether his/her vote has been correctly recorded and included in the election result and how all the votes cast are assigned and counted is unconstitutional. In particular, it is not sufficient if voters are referred to trust in the functioning of such a procedure without being able to rely on their own ability to understand whether the system is functioning properly. As a result, given the current technology, online voting is out of the question, because Internet-based voting procedures are not able to satisfy the requirements of the constitutional principle of open elections as described above. Additional problems involve the lack of Internet security and the inability to permanently guarantee the secrecy of elections. In view of these facts, online voting is therefore not allowed in Germany under current law.

GREECE/GRECE**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:

u) elections?

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

v) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

The Hellenic Republic has not institutionalized processes for e-voting in relation to any electoral process (national elections, local elections, elections for members of the European Parliament, referenda.) At this stage, the possibility of making use of e-vote is not been envisaged and considered; therefore there is not any relevant planning.

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 means are used.

Greece uses electronic means only for the transmission of the electoral results.

First phase: Transmission of the first unofficial results to the Ministry of Interior directly by the polling stations through tablets and mobile phones. This practice concerns a certain percentage of polling stations.

Second phase: Recording of the unofficial results in a single information system which is made by the competent Courts of First Instance of the country.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

oo) the relevant legislative and regulatory framework for e-voting;

pp) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

qq) specific issues you may have encountered;

rr) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

In relation to question a) on the relevant legislative and regulatory framework , changes have been introduced through provisions of law 4648/2019 (A' 205) . Article 40 par 2 of law 4648/2019 repeals par 2. of article 91 of the presidential decree 26/2012 (A' 57), while through article 40 par 1 of law 4648/2019 , article 94 A is included in the presidential decree 26/2012 as follows :

"Article 94 A

Transmission of results to the Ministry of Interior

- 1. Once the sorting stage has been completed, the judicial representative transmits without delay to the Ministry of Interior the result of the elections concerning the combinations and then, once the counting has been completed, the crosses placed next to the names of the candidates.*

In particular the judicial representative transmits:

- a) The total number of the voters registered in the polling station*
- b) The total number of the voters who exercised the right to vote*
- c) The number of valid ballot papers*
- d) The number of invalid ballot papers*
- e) The number of blank ballot papers having officially the form of a blank sheet of paper*
- f) The number of valid ballot papers received by each combination and each individual candidate.*

2. A Minister of Interior decision settles all the details which relate to the transmission of the results.

3. Provisions of the present article comprise the polling stations of Chapter 1 of the present law.

4. Regions and municipalities may receive the results relating to the candidates from the Ministry of Interior in order to post them on their websites so as to inform all interested parties, in general.

5. In order to keep the public informed on the progress of the electoral process, judicial representatives have to transmit to the Ministry of Interior, at regular intervals, the number of the persons who exercised their right to vote. The number of intervals, which may not be more than three (3) as well as the way of transmission are defined by decision issued by the Minister of Interior. Information on the turnout in elections is announced either in relation to the entire territory or in relation to each region of the country".

QUESTION 4

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

E-voting has not been institutionally adopted. The Constitution of Greece, article 51 par 4 provides for the possibility of adopting e-vote, through interpretation, since the vote to right may be exercised by other appropriate means.

Article 51

Election of Members of Parliament, right to vote

(...)

4 Parliamentary elections shall be held simultaneously throughout the Country. Matters pertaining to the exercise of the right to vote by persons living outside the Country may be specified by statute, adopted by a majority of two thirds of the total number of Members of Parliament. Concerning such persons, the principle of simultaneously holding elections does not impede the exercise of their right to vote by postal vote or by other appropriate means, provided that the counting of votes and the announcement of the results is carried out when this is also carried out across the Country.

(...)».

In consequence, the passing of an ordinary act by the Hellenic Parliament is required, with the adoption of the appropriate technical specifications which will ensure the constitutional principles that govern the exercise of vote, that is, those of equality, immediacy, secrecy, universality and, in general, the security and validity of the vote.

Hampering factor and inhibitor to the adoption of e-vote is the major issue of cyber security, an issue which may also affect the trust by part of public opinion as to the adoption of the e-voting.

HUNGARY/HONGRIE

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:

w) elections?

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

x) referenda?

Hungary is currently not using an e-voting system and due to security and privacy concerns there are no plans to implement any kind of e-voting means.

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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 means are used.

As far as electronic means are concerned, the National Election Office maintains an electronic record. The right to vote may be exercised by a voter who is included in this central register. The notified and registered nominee organizations, candidates and lists are also included in this electronic register. Regarding the electronic tools, application for voting in another polling circle (to enable voting at a different poll than according to the default – under data stored in the authoritative databases – personal ID data, address, etc.) can be mentioned as well, that it is also possible to submit an application not only on paper, but also online, in an electronic form.

Modern, digital technology is also being used to check voting sheets.

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

QUESTION 3

If question 1 is applicable, please provide information in relation to:

ss) the relevant legislative and regulatory framework for e-voting;

Act XXXVI. of 2013 on the election procedures.

The Act CI. of 2018 on the 2021th national census was adopted by the Hungarian Parliament. This act replaced the Act CXXXIX. of 2009 on the census of 2011.

tt) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

uu) specific issues you may have encountered;

vv) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

In Hungary we do not have electronic elections (only some part of the procedure could be taken in an electronic way – see the examples below the Question 2 – but not the electronic voting in place) therefore we do not use e-voting system. But electronic census exists in our country. This is a step forward to reach e-democracy and to establish the e-voting procedure in the near future. The government has accepted that the census in 2021 should be conducted by self-filling or with an interview method on the Internet but the census was postponed to 2022 due to the pandemic. The reporting method is chosen by the person obliged to provide the data. The Hungarian Central Statistical Office operates an IT system that is accessible to everyone for the purpose of self-filling information on the Internet. Identification of data providers performing data provisioning in this System – in accordance with the rules of E-Administration Law (Act CCXXII of 2015 on the general rules of electronic administration and trust services) – happens with a unique identifier obtained after registration and generated in the unique identification process provided in the System.

More information is available in Hungarian on the Hungarian Central Statistical Office's webpage:

<https://www.ksh.hu/nepszam2021-kerdoivteszt/>

IRELAND/IRLANDE

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:

y) elections?

No, neither electronic nor internet voting is available for use at elections in Ireland. The overwhelming majority of voting at elections (i.e. European, general, local and presidential) takes place at polling stations throughout the State with votes cast "in person" by the electorate on paper ballots. Postal voting is available to a limited number of categories of the electorate, for example, members of the Garda Síochána (police force), members of the Defence Forces, diplomats and their spouses/civil partners serving in overseas missions etc.

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

z) referenda?

As above.

In the event e-voting is being considered, thank you for providing additional information. There are no proposals under consideration by Government in relation to the introduction of electronic and/or internet voting for elections and referenda.

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?

There are no technological tools in use at elections and referendums to facilitate the electronic recording of votes, electronic scanning of votes, electronic consolidation/tabulation or electronic transmission of voting results.

There is, however, a software package, known as E-Count, which can be used at elections to assist returning officers with ballot box recording and accounts in accordance with the system of Proportional Representation-Single Transferable Vote (PR-STV) that is in place for elections in Ireland. During an electoral event, the count results are recorded manually after which the system will provide advice to returning officers as to the next course of action at the end of a count in accordance with the applicable count rules, e.g. whether to distribute a surplus or eliminate one or more candidates as prescribed in legislation. The system also produces public statements that can be read out after each count. The use of the E-Count system helps ensure a consistent interpretation of electoral legislation and generates standard documentation in respect of the count at an electoral event. However, it remains as a guide to returning officers in their decision-making; they continue to be responsible for the running of the count.

An online web platform (www.voter.ie) has been put in place in the four Dublin local authorities which enables over 1 million Dublin residents to check their electoral details in real-time. The electorate in the four Dublin authorities who are signed up to MyGovID (i.e. the Government's online identity service that allows persons to access online Government services in a safe and secure manner) may now check if they are eligible to vote and may amend some of their electoral details on the register of electors in real-time (prior to the cut-off date for registration for an election or referendum). Draft legislation is being prepared to modernise the electoral register including, inter alia, provisions for online voter registration, following a robust independent evaluation of the voter.ie platform.

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

Question 3

If applicable, please provide information in relation to:

- ww) the relevant legislative and regulatory framework; **not applicable.**
- xx) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting; **not applicable.**
- yy) specific issues you may have encountered; **not applicable.**
- zz) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged. **Not applicable.**

Question 4

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

In February 2000, the then Government in Ireland approved, in principle, the introduction of direct vote recording and electronic vote counting at elections. In broad terms, electronic voting and counting was originally proposed in order to:

- improve the efficiency of electoral administration;
- provide election results more quickly;
- make it easier for the public to vote;
- support a positive image of the country in the use of information technology.

An international open tendering process was initiated to develop and procure a system suitable for Irish electoral conditions. However, over the course of the development and testing of the proposed electronic voting system, it became clear that, notwithstanding relatively minor issues in relation to the manual system of voting, there was, and remains, very significant public confidence in that system.

Equally, it became clear that the electorate were not supportive of the proposed roll out of electronic voting due to significant concerns that emerged in public debate, in particular, on the security of the vote. Against that background, the then Government decided, in 2008, not to proceed with the implementation of electronic voting in Ireland. While electoral law is subject to ongoing review, currently, there are no proposals to examine, or introduce, measures in support of electronic and online voting at elections in Ireland.

LATVIA/LETTONIE

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:

aa) elections?

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

No.

bb) referenda?

No.

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

The Local Referenda Act adopted in the 2nd reading (of three) provides that, starting no later than in 2024, internet voting will be used in local referenda concerning territory use (not recall of municipal council).

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 means are used.

Yes: preparation and submission of candidate lists, making ballot paper layouts, writing minutes about the course of the election, information exchange between election commissions, registering the fact of voting (online voters' register), scanning of votes, consolidation, tabulation, transmission, publication of voting results.

Also, signature gathering for national popular initiatives (legislative proposals, recall of the parliament) is run by the online system.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

aaa) the relevant legislative and regulatory framework for e-voting;

bbb) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

ccc) specific issues you may have encountered;

ddd) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

Conclusion of Latvian IT community that both secret and secure e-voting is impossible at the present moment.

LITHUANIA/LITUANIE

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:

cc) elections?

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

dd) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

ANSWER 1

E-voting is not currently in use in any level of elections and referenda in Lithuania. There are plans to implement internet voting. This goal has been included in the program of the current Government of Lithuania. It is planned to legalize online voting in Lithuania for the fourth time. The Seimas is currently considering a law that would allow the system to be tested before it is actually implemented in the elections.

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 means are used.

ANSWER 2

Electronic means are used in various election-related procedures. CEC has its own information system that guarantees digitization of election process.

Subsystems of the Information system and their main functions:

- 1) Voters lists management subsystem – the management of voters lists at all levels of election commissions.
On election day: electronic data exchange among polling stations, ensuring the possibility for voters to vote at any polling station of the same constituency
- 2) The organization of elections subsystem - the management of election organization and control processes such as:

- a. registers of elections, parties, members of commissions, observers, representatives, candidates,
- b. seat allocation of members of parliament and municipal councils.
- 3) Election day data transmission subsystem (The Wizard of Election Day):
 - a. transmission of final voting results from the manual counting at polling stations directly for published on website of CEC.
 - b. identifying arithmetical errors of counting
- 4) Political parties and political campaign financing control subsystem - the management of political campaign, political party financing and funding of monitoring information management processes.
- 5) Electronic public services subsystem (Portal VOTER PAGE) - provides electronic services for voters and candidates such as:
 - a. to find and to change their polling station
 - b. to apply for postal voting
 - c. to register for voting abroad
 - d. signature collection for candidates and parties
 - e. signature collection for national referenda
 - f. the electronic journal with all important figures and events
 - g. History of individual participation in election (where and when he/she voted or his donation to a certain candidate);
 - h. User relevant election schedule events and reminders;
 - i. Actual and historical election data, reports on various aspects: election results, information on candidates, political campaigns finance data, etc.;
 - j. The map of boundaries of electoral districts;
 - k. All e-services in one-stop shop: the submission of e-documents and receipts, signatures collected for a nominated candidate, etc.
- 6) Data publishing subsystem - subsystem for publishing information about elections, referendums, their progress and results.
- 7) Estimates, payroll and accounting subsystem - the management of personnel and payroll administration, and local / regional accounting.
- 8) Administration subsystem - the management of user rights, parameters of subsystems, jobs generation (create voters list, generate candidate data for publishing and others), administration of the electronic journal of election
- 9) Training Subsystem - training and certification of voters, election observers, members of polling station commissions
- 10) Complaints and Notifications Subsystem – submission and administration of complaints at all levels of commissions.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

- a) the relevant legislative and regulatory framework for e-voting;
- 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.

ANSWER 3

Question 1 is not applicable

QUESTION 4

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

ANSWER 4

Politicians still cannot make a decision because they disagree on the main risks - legal and enforcement. There are two main questions: whether the vote will remain secret or whether it will not be possible to decipher what the person voted for, and secondly, whether the vote will not be counterfeit.

LUXEMBOURG

QUESTION 1

Votre pays utilise-t-il aujourd'hui le vote électronique (par le biais de machines de vote électronique, d'ordinateurs reliés à internet ou de dispositifs électroniques facilitant le dépôt des bulletins, par exemple) lors :

e) d'élections ?

Si oui, à quel niveau (national, régional, local, etc.) ?

NON

f) de référendums ?

NON

Dans le cas où le vote électronique n'est actuellement pas utilisé mais est envisagé, merci de fournir des informations supplémentaires (par ex. raisons de la prise en considération, état de la planification, solutions à l'étude, etc.).

QUESTION 2

Votre pays utilise-t-il des moyens ou des outils électroniques dans le cadre d'autres procédures liées aux élections, telles que : l'enregistrement des votes, la numérisation des votes, la consolidation/tabulation ou la transmission des résultats du vote ?

OUI

Si oui, veuillez fournir des précisions supplémentaires sur les domaines dans lesquels les moyens électroniques sont utilisés.

- Tenue et mise à jour des listes électorales : les listes électorales sont arrêtées et actualisées sous une forme numérique sur base du registre national des personnes physiques (registre électronique).
- Échange des listes électorales : l'échange des listes électorales entre États membres et au niveau national est effectué dans un format numérique et à l'aide de plateformes d'échanges électroniques sécurisées.
- Demande d'inscription sur les listes électorales : les demandes d'inscription sur les listes électorales peuvent être transmises via internet par l'intermédiaire d'une plateforme électronique sécurisée.
- Demandes de vote par correspondance : les demandes de vote par correspondance peuvent être transmises via internet par l'intermédiaire d'une plateforme électronique sécurisée.
- Lettres de convocation, procès-verbaux des bureaux de vote, formulaires d'enregistrement des candidats, formulaire d'enregistrement des témoins, nominations des membres des bureaux de vote, circulaires à l'attention des

administrations communales, etc. : conversion des textes sous une forme numérique.

- Validation et diffusion des résultats officiels des élections : la régularité des résultats officiels est contrôlée et validée à l'aide d'un programme informatique. Ensuite, les résultats officiels sont diffusés au public sur le site internet étatique.

QUESTION 3

Si la question 1 est applicable, veuillez fournir des informations concernant :

- g) le cadre législatif et réglementaire pertinent pour le vote électronique ;
- h) la mise en œuvre de la Recommandation CM/Rec(2017)5 sur les normes relatives au vote électronique ;
- i) les problèmes spécifiques que vous auriez rencontrés ;
- j) les modifications réglementaires et législatives en lien avec le vote électronique apportées des suites de son expérimentation ou les modifications envisagées.

N.A.

QUESTION 4

Si le vote électronique n'est pas ou n'est plus utilisé dans votre pays, veuillez expliquer pourquoi.

Dans le contexte d'un pays comme le Luxembourg, dans lequel le nombre des électeurs reste en-deçà de trois cent mille, les investissements pour la mise en place, le déploiement et la mise à jour permanente d'un système de vote électronique résistant aux risques de sécurité à l'occasion de chaque type d'élections, sont toujours considérés comme des facteurs de nature à dépasser les avantages escomptés de l'adoption d'un tel système. Par conséquent, il a été jugé préférable de se concentrer davantage sur le vote par correspondance afin de rendre celui-ci plus accessible aux électeurs.

MALTA/MALTE**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:

k) elections?

If yes, at which level (national, regional, local, etc.)? **No**

l) referenda? **No**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

Not all the political parties are in favour of the system.

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?

Electronic counting was used for the first time in Malta in the MEP and Local Elections held in 2019. Whilst e-voting is not possible, the possibility of e-counting for future elections is possible.

If so, please provide additional detail on areas in which electronic means are used.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

m) the relevant legislative and regulatory framework for e-voting; **N/A**

n) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting; **N/A**

o) specific issues you may have encountered; **N/A**

p) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged. **N/A**

QUESTION 4

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

The conduct of elections, both at national and local level, are the remit of the Electoral Commission. For e-voting to be made statutory, legislation needs to be done. There appears to be no agreement by the legislators on this method of voting.

Replies to the questionnaire on member States' experience in relation to e-voting and Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting / Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique [CDDG(2021)27 Addendum]

MALTA (Office of the Electoral Commission)/MALTE (Bureau de la Commission électorale)

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:

ee) elections? **NO**

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

ff) referenda? **NO**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.). **Not being considered at this stage.**

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? **E-counting was introduced in place of the manual sorting and counting of votes, in 2019.**

If so, please provide additional detail on areas in which electronic means are used.

QUESTION 3 NOT APPLICABLE

If question 1 is applicable, please provide information in relation to:

eee) the relevant legislative and regulatory framework for e-voting;

fff) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

ggg) specific issues you may have encountered;

hhh) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

Maltese electoral legislation does not include provisions allowing e-voting. The main opposition by the major stakeholders to the introduction of e-voting stems from a lack of trust in the capability to guarantee the complete integrity and security of the voting process over the internet and also the safe and secure environment of the voter (in terms of undue pressure from others) whilst casting one's vote.

REPUBLIC OF MOLDOVA/REPUBLIQUE DE MOLDOVA

With reference to question no. 1:

E-voting tools or devices (electronic voting machines or other electronic means installed at the polling station) are not used in the Republic of Moldova, but the possibility of implementing i-voting systems (exercising the right to vote remotely, via the Internet) is being examined. In this regard, the Feasibility Study on Internet Voting was conducted and, subsequently, the Concept of Internet Voting System was developed.

In response to question 2:

It is worth to mention that the State Automated Information System "Elections" (SIAS "Elections") is used in the process of carrying out electoral procedures in the Republic of Moldova - the concept of the system was approved by Parliament Decision No 101/2008 - which improve the electoral process both during and after the election period in the following areas:

- constant record of voters in the Republic of Moldova;
- constant record of electoral officials;
- prior registration of citizens of the Republic of Moldova with the right to vote who will be abroad on the day of the elections and of citizens with registered residence in the localities on the left bank of the Dniester (Transnistria), in order to establish the need for additional polling stations for these categories voters and/or to determine the estimated number of ballots to be distributed to the respective polling stations;
- verification of the signatures from the subscription lists submitted for registration by the candidates as candidates in the elections;
- generation of the electronic model of the ballot paper used in elections and / or referendums;
- evidence of logistics (electoral documents and materials) used in elections and referendums;
- submission and record of the submission of financial reports by political parties;
- registration and record of observers in a ballot;
- electronic registration of the presence of each voter at the ballot boxes;
- tabulation and transmission of preliminary results of the vote;
- record of locally elected mandates.

With reference to questions no. 3 and 4:

We mention that they are not applicable for the Republic of Moldova.

NETHERLANDS/PAYS-BAS

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:

gg) elections? **No**

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

hh) referenda? **No**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

Answer: No, the use of e-voting is not considered in the Netherlands due to the (cyber) risks it would introduce in the election process.

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 means are used.

Answer: Yes,

- Software is used in the tabulation of votes.
- In the election for the house of representatives (march 17, 2021) municipalities used a secured online platform to transmit digital results to the principal polling office and the central election office. This is parallel to the physical transmission of paper reports with results.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

Answer: Not applicable

QUESTION 4

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

Answer: The use of e-voting is not considered in the Netherlands due to the (cyber) risks it would introduce in the election process.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

Internet voting trials were conducted in a limited number of municipalities during the local election in 2011 and parliamentary elections in 2013. The Ministry of Local Government and Modernisation decided to discontinue further internet voting pilot projects in 2014. As there was no broad political desire to introduce internet voting, the Government concluded that it would be inappropriate to spend time and money on further pilot projects. More information about the trials can be found here: [Internet voting trials - regjeringen.no](https://www.regjeringen.no/en/tema/e-voting/trials)

POLAND/POLOGNE**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:

w) elections? **NO**

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

x) referenda? **NO**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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 means are used.

During elections, all votes are counted manually by local election commissions supported by the IT system. Election commissions are supposed to use only software accepted and provided by the National Electoral Commissions – the IT support for Electoral Bodies (WOW). As stated in the laws, the IT system is only considered to be a support, votes ought to be counted manually. The IT system should help with verifying the data. The results are placed into a special computer program. The data is verified by a napp and are entered into the WOW system. Territorial Electoral Commissions and election commissioners will compare the data from the system with protocols submitted by election commissions from a precinct. The IT system enables introducing and storing the data on the range of election commissioners, election officials appointed in individual commissions, or introducing, storing and updating data on election committees. It helps in assigning numbers to lists of candidates, and during election time, in providing data on the number of ballots that are issued to voters in voting districts. It is also used to print voting protocols for a particular commission. Commissions enter the data into the system and on that basis it is possible to print a draft of the document that enables determining the voting results. The IT system enables likewise supervising the correctness of voting results by an election commissioner from the area of his/her jurisdiction. The protocol must always be made in a written form, only then it can be entered to the system. It is the central system of WOW elections created by National Electoral Office for the needs of National Electoral Commission.

QUESTION 3**Not applicable**

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

Legal regulations do not allow this form of voting.

POLAND/POLOGNE

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:

ii) elections?

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

jj) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

In Poland, electronic voting is not carried out at the national, regional or local level, as well as in the case of referenda.

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 means are used.

In connection with the elections, digital technologies are used only as an auxiliary:

1) at the stage of planning and preparing elections:

a) when drawing up and making available to the public an election calendar specifying the days on which the deadlines for the performance of election activities provided for in the Act expire;

b) when communes carry out reports for electoral authorities, serving, inter alia, to verify the correctness of introducing the seats of electoral commissions, the boundaries of voting districts, to adapt them to the needs of disabled persons, to determine the number of voters entitled to vote, including voters added or removed from the voters roll, to determine the number of issued certificates of the right to vote entitling to vote in the selected one by the voter in the voting circuit, power of attorney authorizing to vote by proxy and the number of electoral packages sent in the event that the voter intends to vote by correspondence;

c) when informing about the seat of precinct election commissions, as well as the composition of bodies conducting elections, which are entered into the IT system and made available to the public on a website dedicated to the elections. Each voter has the opportunity to read the indicated data before going to the polling station. Using the voting circuit search engine, voters can easily find a voting circuit where they can vote.

2) for educational and training purposes; data entered into the system in the form of a clear visualization are made available to voters on a website dedicated to the elections;
3) to assist electoral bodies with:

a) registration of election committees taking part in ordered elections;
b) registration of lists of candidates / candidates taking part in the ordered elections and presenting these candidates to voters in an accessible way using the visualization available on the website;

4) as support in determining the election results. In addition, each voter has access to a website containing these results, as well as access to scans of voting protocols from individual precinct election commissions, which are available on a dedicated website;

5) to register voters and to notify the intention to vote by correspondence (systems provided by the government administration). Work on improving the auxiliary system used is ongoing and new functionalities are added to enable the use of these technologies to an ever greater extent.

However, it should be emphasized that in Poland the entire election procedure is carried out fully in "paper" form. The basis for determining the election results are protocols drawn up in writing and signed by hand by the competent election commissions. In accordance with the provisions of the Electoral Code, the IT system is used only as an auxiliary and is only intended to support the electoral authorities in determining and verifying the correctness of determining the election results.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

Not applicable.

QUESTION 4

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

It should be noted that pursuant to Art. 157 § 1 of the Electoral Code, the National Electoral Commission is a permanent, highest electoral body competent in the conduct of elections and takes actions only on the basis and within the limits of the law (Article 7 of the Constitution of the Republic of Poland).

The National Electoral Commission is therefore an apolitical body that carries out its duties related to the organization and holding of elections on the basis of the applicable law. The State Electoral Commission has no legislative initiative. Therefore, taking into account the above, the National Electoral Commission is not authorized to assess the regulations introduced by the legislator, but is legally obliged to implement them.

Replies to the questionnaire on member States' experience in relation to e-voting and Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting / Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique [CDDG(2021)27 Addendum]

PORTUGAL

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:

kk) elections?

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

ll) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

RESPONSE TO QUESTION 1

Despite 4 previous experiences that took place in some pilot Parishes in 1997, 2001, 2004 and 2005, all of them non-binding, e-voting was not continued in Portugal. Even though, in 2019, a new pilot experience was tried again for the 2019 European Elections, so we can conclude e-voting is being considered.

This last pilot experience was carried out in the Évora District. It took place in 23 Parishes of the 14 Municipalities, covering 136 912 voters registered for the 2019 European Elections. Of a total of 232 polling stations in the District, 50 were electronic, with voluntary membership and where voting was done with redundancy, that is, by computer and by the paper (the ballot was introduced into the ballot box after printing). These votes were counted as valid.

This pilot test was financed by the Ministry of Internal Administration (MAI) and the evaluation report on the experience carried out in Évora guarantees security to voters and recommends that it should be extended to future electoral acts.

The evaluation report was sent to Parliament in July 2019 and forwarded to the "Committee on Constitutional Affairs for Rights, Freedoms and Guarantees". The introduction of e-voting requires a two-thirds majority of deputies to change the electoral Law and the Constitution (according to the n.º3 of article 121 of the Constitution of the Portuguese Republic, the right to vote in national territory is exercised in person). Until now there were not any proposals by the parties with parliamentary representation.

Meanwhile, in parallel, after legislative change (Organic Law n.º4/2020, of 11 November), which, among other matters, expands the vote in mobility and the legal regime of electoral registration in polling stations established abroad, dematerialized electoral rolls were used for the first time, (after the pilot test in Évora) in the voting of Portuguese residents abroad for the Presidential Elections in January 2021.

The results were significant: there were 1 476 796 registered for emigration, due to automatic registration, before, around only 300,000 Portuguese emigrants were enrolled; on the other hand, 27 615 Portuguese people voted abroad, representing 1.87% of the total number of those registered, a number of votes that more than doubled the one registered in 2016 (13 548), under the previous regime of voluntary registration.

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 means are used.

At the moment not applicable.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

At the moment not applicable.

QUESTION 4

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

RESPONSE TO QUESTION 4

E-voting is not used, among other reasons, because it requires a two-thirds majority of deputies to change the electoral Law and the Constitution, which stipulates that **the right to vote in national territory is exercised in person**. Until now there were not any proposals by the parties with parliamentary representation after the last evolution report in Évora.

Security and universality are the main arguments invoked: i) everything that is not in person does not guarantee who actually voted; ii) there is a potential risk of a cyberattack that could modify the results; iii) not all citizens have the digital mobile key, not all have identity cards with electronic pin, not all have a set of skills from a computer point of view.

On the other hand, the favourable evaluation report of the MAI of the pilot project in Évora is not shared by the National Data Protection Commission (CNPD), which points out several security gaps and lack of guarantees related with anonymity and confidentiality.

PORTUGAL (National Electoral Commission)/PORTUGAL (Commission électorale nationale)

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:

mm) elections?

No

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

nn) referenda?

No

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

e-voting is considered for voting abroad.

An experience will take place in a secondary election – Portuguese Communities Council, an advisory body representative of Portuguese citizens living abroad.

The option is for a self-developed solution.

An experiment of electronic vote in person has been run in the European Parliament election 2019.

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?

Yes.

If so, please provide additional detail on areas in which electronic means are used.

. Electors enrolment – since 1998 the elector's information is stored in a DBMS, and from 2008 the registration is fully automatic.

. Tabulation and transmission of provisional voting results - poll station officers account the votes in place and transmit the results by electronic means to a central main server that tabulates and publish them.

. Consolidation of the voting results – a web-based app can be used since 2005 to consolidate the results.

. Randomization of the candidates lists for the ballot - a web-based app can be used.

. Broadcasting time - a web based app is used to distribute the broadcasting time to the candidates lists.

. Several tools have been recently developed to assist electors registration for early voting and voting in a pandemic context.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

The Portuguese voting and accounting system inspires a huge trust on electors and electoral stakeholders and e-voting arises a lot of doubts.

ROMANIA/ROUMANIE

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:

cc) elections?

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

dd) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

ANSWER 1

The Government Emergency Ordinance no. 93/2003 regulated the expression of the vote through electronic means in the national referendum on the revision of the Constitution, for military personnel and police officers who are, during the referendum, in official missions in Afghanistan, Bosnia and Herzegovina, Iraq and Kosovo. The GEO's provisions were limited, ending their applicability after the referendum.

At present, in the elections and referendums in Romania, specific means of electronic voting, as it is defined according to the international standards, are not used in the stage of vote exercising.

However, the implementation of electronic voting (via the Internet) is the subject of several legislative initiatives that are currently on the agenda of the specialized commissions within the Romanian Parliament, and are subject to a future official decision by the legislative forum.

We would like to also mention that Law no. 286/2009 on the Criminal Code, with subsequent amendments and completions, regulated at art. 388 the criminal offence of "Fraud in electronic voting".

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 means are used.

ANSWER 2

Computer systems and applications are used in all stages of electoral processes.

Thus, the Permanent Electoral Authority manages the Electoral Register and the Register of Polling Stations, two essential IT tools in the process of registering voters, assigning them within the polling stations and drawing up the permanent electoral lists.

The Electoral Register is a national informatic system used for the registering and updating of the identification data of the Romanian citizens with the right to vote and the information regarding their assignation at the polling stations. Based on the data from the Electoral Register, the permanent electoral lists are made.

The Register of Polling Stations within the country is a centralized informatical database on the delimitation, numbering, headquarters and equipment of polling stations. At the same time, the above-mentioned systems provide the vast majority of data and information used in the operation of the informatic System on the monitorisation of the voting presence and prevention of illegal voting, a system currently used during the stage of exercise of the right to vote.

The informatic system on the monitorisation of the voting presence and prevention of illegal voting (Hereafter referred to as the System) is managed by the Permanent Electoral Authority, with the support of the Special Telecommunications Service and the National Institute of Statistics and has the following main functions:

- it facilitates the verification of the fulfillment of the conditions stipulated by law for the exercise of the voting right;
- it reports the cases in which the identification data of the voters who are voting appear as already being registered in the System;
- it reports the cases in which the persons who present themselves to vote do not have the right to vote or appear with prohibitions to exercise the right to vote;
- it facilitates the exercise of the right to vote;
- it ensures the uniqueness of the registration in the electoral lists;
- it aggregates statistical data on voter turnout.

The System consists of three components:

- 1) **The Central Informatical System - CIS**, a complex informatical set consisting of database servers, computer application servers, data communications equipment and cyber security incident protection equipment and workstations for the administrator. At the level of physical infrastructure, CIS consists of processing, storage and memory equipment, as well as network interfaces and high performance communications.
- 2) **The computer application for verifying the right to vote - CAVRV**, a computer program that ensures the taking over of the voters' identification data and their comparison with the data registered in the permanent electoral lists. CAVRV has been configured to provide the following main functions:
 - taking over, through scanning or typing, the data of the voters who went to the polls or who applied for the special ballot/voting box;
 - scanning the barcodes typed on the envelopes that contained the votes expressed through correspondance;
 - recording the data of the persons who voted in the system;
 - taking over the signatures of voters who vote abroad on computer terminals;
 - checking the correlations of the data entered in reports by the polling station president;
 - photographing the reports regarding the consignment of the voting results;

- uninterrupted audio-video recording of the operations performed by the members of the electoral bureaus of the polling stations for the counting of the votes.
- 3) **The communications infrastructure and computer terminals in the polling stations**, which contain the following types of communications services and resources:
- existing internet services in the places where polling stations will be organized;
 - data communication services in the networks of mobile telephony operators;
 - special telecommunications services, where the above services are not available.

Also, two different tools are also used during the elections: the ***informatical System for the centralization of data from the reports regarding the voting results*** – SCDVR, a system which ensures the automatic totalization of the data from the reports on the recording of voting results, as they have been verified, validated and certified by the electoral offices and bureaus, according to a procedure established by the Central Electoral Bureau, and the ***Application for the centralization of candidacies and distribution of mandates*** (ACCDM), a platform that is used at the level of each constituency electoral bureau and at the level of the Central Electoral Bureau.

Real time voting participation is brought to public knowledge, on each electoral process, through the usage of ***informatical systems for data collection and regular information of public opinion on the presence of the population at the vote.***

Nonetheless, we would also like to mention that the Permanent Electoral Authority uses ***computer applications for the designation, by drawing lots, on the basis of an algorithm, of the presidents of the electoral bureaus of the polling stations and of their deputies, as well as of the computer operators.***

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

ANSWERS 3 AND 4

The Permanent Electoral Authority underlined the need to analyze the methods of exercising the right to vote and to identify solutions that meet the needs of the Romanian society in the conclusions of the "REPORT ON THE ELECTIONS FOR THE PRESIDENT OF ROMANIA IN 2014" noting that: "In European states and beyond, the innovations in terms of voting methods have contributed to the multiplication of alternatives that voters abroad have at their disposal to vote. Thus, voters abroad can vote in advance at the polling

Replies to the questionnaire on member States' experience in relation to e-voting and Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting / Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique [CDDG(2021)27 Addendum]

station, they can vote by correspondance or via the Internet. Given the growing democratic deficit in today's democracies, caused primarily by the low voting turnout, these methods are increasingly seen as an alternative to the tradition of going to the polls in terms of the beneficial effects they have, from the decrease of expenses occasioned by the organization and conduct of elections to the decrease of absenteeism by attracting in the electoral process people who want to vote, but do not have the opportunity to go to the polling station on the election day. (...)

We appreciate that all alternative voting methods involve risks and vulnerabilities that, if not understood and addressed, can have adverse effects on those intended by their implementers. The practices of other states in this matter cannot be automatically transferred in the electoral processes in Romania, a wide debate on the subject being necessary, together with strong information campaigns for the citizens."

The civil society has also conducted studies and organized public debates on the opportunity and implications of implementing internet voting. We mention in this sense the study "PAPER VS. ON-LINE: IS ELECTRONIC VOTING A SOLUTION FOR ROMANIA? ", which makes an analysis of the Estonian model and the Norwegian model of electronic voting implementation.

Within the views expressed on the legislative initiatives on the implementation of electronic voting (via the Internet), the Permanent Electoral Authority specified that the implementation of this alternative method of exercising the right to vote can be materialized at the legislative level after completing mandatory intermediate steps. These should include, first of all, conducting an impact study, prepared with the participation of representatives of state institutions with responsibilities for organizing and conducting elections, IT experts, representatives of civil society and, of course, political parties.

Internet voting must also be tested in pilot projects before being used in national elections. It would be particularly useful, for example, to be used and tested in a by-election or a local referendum. In our opinion, the certainty of the correct functioning of such a system can be acquired only through successive tests.

RUSSIAN FEDERATION/FEDERATION DE RUSSIE

QUESTION N° 1

Does your country currently make use of e-voting in:

- a) elections;**
- b) referenda.**

BALLOT PAPER PROCESSING SYSTEMS

For the time being the electronic voting in the Russian Federation is held with the use of the ballot paper processing systems.

The ballot paper processing systems are intended for the automated reception and processing of the ballot papers, counting of the electors votes, participants to the referenda in the polling station during the holding of elections and referenda of all levels in compliance with the existing legislation; printing of the protocols of a local election commission with the results of voting in all type of elections and recording of the results of voting in all type of elections on the external information-carrying medium.

The ballot paper processing system could be used during the voting several days running.

The ballot paper processing system is used as an integral part of the automation means of the State Automated System of the Russian Federation (hereinafter GAS «Vybory») for the local commissions.

The technology of the optical scanning is used in the ballot paper processing system– the device is reading the marks made by electors in the ballot paper.

The ballot paper processing system provides with:

- Printing of the protocol with the results of voting with the QR-code;
- Acceleration of the counting of votes;
- Reducing the time for the summing up of the results of voting;
- Elimination of the involuntary errors during the manual counting of votes;
- Prevention of the attempts to rig the results of voting;
- Increasing the level of trust to the results of voting.

The ballot paper processing system is used in the elections of different levels in the Russian Federation since November 2003.

For the time being there are 13863 ballot paper processing systems at the disposal of the local election commissions of the entities of the Russian Federation. The above mentioned number constitutes more than 14% of the total number of the polling stations in the Russian Federation.

The 18 years experience of the use of the ballot paper processing systems enables to draw a conclusion about the increased confidence of the political parties and other participants to the electoral process in the above mentioned technical means of counting of votes.

REMOTE ELECTRONIC VOTING

The experiment with the remote electronic voting (REV) was held for the first time on September, 08, 2019 in the elections of the deputies of the Moscow State Duma of the 7th convocation in three single-seat electoral districts.

On July, 01, 2020 the remote electronic voting was held in the framework of the All-Russian vote on the issue of approval of the changes to the Constitution of the Russian Federation in Moscow and the Nizhniy Novgorod Region.

On September, 13, 2020 the remote electronic voting was held in the by-elections of the deputies of the State Duma of the Federal Assembly of the Russian Federation of the 7th convocation in two single-seat electoral districts: the Kursk Region – the Seym single-seat electoral district № 110; the Yaroslavl Region – the Yaroslavl single-seat electoral district № 194 and in the by-elections of the deputies of the Councils of deputies of the Municipal Districts Babushkinskiy and Marino in the city of Moscow.

On September, 19, 2021 the remote electronic voting was held in the elections of the deputies of the State Duma of the Federal Assembly of the Russian Federation of the 8th convocation and the combined 634 regional and municipal elections in 7 entities of the Russian Federation: the Kursk, Murmansk, Nizhniy Novgorod, Rostov and Yaroslavl Regions and cities with federal status Moscow and Sevastopol.

The remote electronic voting in the Kursk, Murmansk, Nizhniy Novgorod, Rostov and Yaroslavl Regions and the city with federal status Sevastopol was held with the use of the Federal State Information Service «Public Services Portal» (hereinafter the «Gosuslugi» web portal).

The remote electronic voting in Moscow was held on its own platform mos.ru.

The main difference of the remote electronic voting which was held in Moscow and the remote electronic voting held in other regions consisted in the possibility for the voters in Moscow to return to the ballot paper during 24 hours since the first anonymization session, but no more than once every 3 hours, on September, 19, 2021 – until 20.00 Moscow time. The last choice made by the participant to the remote electronic voting is considered to be the final expression of his will.

Statistical data about the remote electronic voting in the elections on September, 19, 2021:

2 801 356 applications for the participation in the remote electronic voting were filed.

2 535 978 ballot papers were issued.

2 480 446 persons voted.

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?

The State Automated System of the Russian Federation GAS "Vybory" is used to automate information processes in the preparation and conduct of elections and referendums, to ensure the activities of election commissions, referendum commissions on the territory of the Russian Federation.

GAS "Vybory" is used at all stages of the electoral process from the moment of publication of the decision to conduct an electoral campaign to the summing up of the results.

GAS "Vybory" is used to automate:

control process:

over the observance of the legislation of the Russian Federation at all levels of elections, referenda;

Replies to the questionnaire on member States' experience in relation to e-voting and Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting / Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique [CDDG(2021)27 Addendum]

- for the nomination and registration of candidates;
- for the implementation of the initiative to hold a referendum;
- for the formation and spending of funds from electoral funds, referendum funds;
- for accounting of the forms of ballots and absentee ballots;
- for the work of the Central Election Commission (hereinafter CEC) of Russia and the election commissions of the entities of the Russian Federation with appeals, received during the preparation and conduct of elections and referenda in the Russian Federation;
- for accounting of campaign materials; the activities of election commissions for the formation of electoral districts, taking into account data on the number of voters and the norms of electoral legislation;
- over summing up the preliminary results of voting;
- of cryptographic display of voting results, election results, referendum;
- distribution of deputy mandates;
- of prompt submission of data on the course of preparation and conduct of elections and referenda on the Internet;
- for preparation of reports at any time of the campaign;
- for formation and maintenance of the voter register;
- of submissions from the GAS "Vybory" database for posting on the GAS "Vybory" Internet portal, which includes the website of the CEC of Russia and the websites of 85 election commissions of the entities of the Russian Federation, information on planned election campaigns, candidates, public associations, process and preliminary results of voting on all elections and referendums held on the territory of the Russian Federation;
- of provision of digital services on the Internet portal of the CEC of Russia to inform participants of the electoral process.

Also, the following innovative tasks are currently being implemented with the use of the GAS "Vybory":

- collection of signatures in support of the nomination of candidates, lists of candidates put down from the portal of the "Gosuslugi" web portal.

Mechanism "Mobilevoter" means voting in the place of presence, meaning that when voters are registered in one place but live in another they are provided with possibility to submit an application using the Gosuslugiweb portal, Multifunctional center for providing state and municipal services, territorial electoral commission or precinct electoral commission.

The State Automated System (GAS "Vybory") has a many-level territorially delivered structure and complies the structure of electoral commissions of the Russian Federation: the Central Election Commission, 85 electoral commissions of entities of the Russian Federation and more than 2800 territorial electoral commissions are equipped with complexes of instruments of automatization.

The GAS "Vybory" have a highly protected information and technological structures, united software and unified procedures of information processing in all levels.

The results of elections are inputted into the system in territorial electoral commissions and then via protected communication channels are sent to the electoral commissions of the entities of the Russian Federation and in parallel to the CRC of Russia.

The relations, originating during preparing and conducting elections, referendum while using and developing the GAS "Vybory" are regulated by the Federal Law, adopted on January, 10, 2003, № 20-FZ "On the State Automated System of the Russian Federation (GAS "Vybory").

QUESTION N° 3

If question 1 is applicable? Please provide information in relation to:

- a) the relevant legislative and regulatory framework for e-voting;**
- b) implementation of Recommendation CM/Rec (2017) 5 on standards 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**

Paragraph 32, 35, Article 68 of the Federal Law, adopted on July, 12, 2002, of N° 67-FZ "On Main Guarantees of Electoral Rights and Right for Participation in Referendum of Citizens of the Russian Federation".

Paragraph 11, Article 66 of the Federal Law, adopted on January, 2003, of N° 19-FZ "On Election of the President of the Russian Federation".

Paragraph 13, Article 78 of the Federal Law, adopted on February, 22, 2014, of N° 20-FZ "On Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation".

Instruction on procedure of usage of technical tools for counting votes – complexes of processing electoral ballots 2017 during elections and referendums, held in the Russian Federation, adopted by the Resolution of the CEC of Russia, adopted on February, 8, 2018 N° 139/1148-7.

The Remote Electronic Voting (REV) during the elections, scheduled for September, 19, 2021, was provided in accordance with Paragraph 14, Article 64 of the Federal Law "On Main Guarantees of Electoral Rights and Right for Participation in Referendum of Citizens of the Russian Federation", adopted on July, 12, 2002, N° 67-FZ (further Federal Law N° 67-FZ), part 17, Article 81, adopted on February, 22, 2014, of the Federal Law "On Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation" (further the Federal Law N° 20-FZ), the Procedure of the Distance Electronic Voting During the Election, scheduled for September, 19, 2021, adopted by the Resolution of the CEC on July, 20, 2021, N° 26/225-8.

Besides the documents mentioned in Moscow the REV during the election, scheduled on September, 19, 2021, was conducted in accordance with the Federal Law, adopted on May, 23, 2020, N° 152-FZ "On conducting experiment of organizing and implementation of Remote Electronic Voting in the Federal City of Moscow", the Law of Moscow, adopted on May, 19, 2021 N° 11 "On amending in separate laws of the City of Moscow and conducting experiment of organizing and implementation of Remote Electronic Voting during the elections in the government bodies of Moscow, local self-government bodies in the city of Moscow in 2021".

Usage of the Ballot Paper Processing Systems (BPPS) and the REV is conducted in accordance with Recommendation CM/Rec(2017) 5 on the Standards of the Electronic Voting.

In connection with usage of a BPPS in Instruction on procedure of using technical tools for counting the votes - the ballot paper processing systems 2010 and 2017 during elections and referendums, held in the Russian Federation were amended and added accordingly.

The Procedure of remote electronic voting during the elections, scheduled on September, 19, 2021, adopted by the Resolution of the CEC of Russia on July, 20, 2021, N° 26/225-8 was amended and added accordingly.

SLOVAK REPUBLIC/REPUBLIQUE SLOVAQUE

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:

oo) elections?

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

pp) referenda?

The Slovak Republic does not make use of e-voting at all.

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

There is an interdepartmental working group created at Ministry of Interior of the Slovak Republic which is analysing constitutional challenges and security risks of electronic voting for the citizens of the Slovak Republic located abroad at the time of elections.

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 means are used.

Digital technologies are used only in transmission and tabulation of voting results from the manual counting of votes at polling stations. Transmission and tabulation of voting results is done via the special electoral software created by the Statistical Office of the Slovak Republic, which is used by electoral commissions and professional summarising units.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

yyy) the relevant legislative and regulatory framework for e-voting;

zzz) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

aaaa) specific issues you may have encountered;

bbbb) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

N/A

QUESTION 4

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

There are still too many unresolved issues mainly related to security of voting procedure while maintaining the constitutional requirements for elections, such as maintaining the secrecy of voting while ensuring that a particular voter's ballot is counted correctly, retrospective auditability in case of suspected manipulation of voting procedure, vulnerability to cyberattacks, voter coercion, etc.

SLOVENIA/SLOVENIE

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:

ii) elections? **No.**

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

jj) referenda? **No.**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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? **It is used for transmission of voting results.**

If so, please provide additional detail on areas in which electronic means are used.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

QUESTION 4

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

Several amendments of the electoral legislation have been prepared in last few years, but all attempts to introduce online elections or e-voting were unsuccessful, as information security experts pointed out the problems that arise in this regard. Also there is not enough of political consensus required to adopt amendments of electoral and referendum legislation, as is Slovenia a two-thirds majority is required for the adoption of this legislation.

**SLOVENIA (State election commission of the Republic of Slovenia)/SLOVENIE
(Commission électorale nationale de la République de Slovénie)**

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:

qq) elections?

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

rr) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

ANSWER 1

The Republic of Slovenia does not conduct e-voting.

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 means are used.

ANSWER 2

The Republic of Slovenia uses information support for candidacy procedures, information support for electoral tasks for the conduct of elections or referendums and information support for the publication of election results and referendum results.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

cccc) the relevant legislative and regulatory framework for e-voting;

dddd) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

eeee) specific issues you may have encountered;

ffff) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

ANSWER 4

Legislation does not provide for e-voting.

SPAIN/ESPAGNE

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:

oo) elections?

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

pp) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

Currently, in Spain, electronic voting is not used and this possibility is not contemplated for the moment.

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 means are used.

Although electronic voting is not used in Spain, telematic means are used in the electoral context, in particular:

A) In many procedures of the electoral process. For example, in the application for certain voting procedures, such as postal voting, which can be requested with an electronic certificate, in the management of the candidacies presented in each electoral process, and in the final count by the Electoral Administration, in the consultation of the electoral roll?

B) In the management of the electoral process. Thus, telematic procedures are used for the management of the electoral roll, for the management of the electoral budget, for the management of the electoral material, for the obtaining of provisional data on election night.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

qq) the relevant legislative and regulatory framework for e-voting;

rr) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

ss) specific issues you may have encountered;

tt) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

As question 1 is not applicable, this question is not answered.

QUESTION 4

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

There are several reasons why electronic voting is not used in our electoral system. Firstly, there is a great confidence in the electoral process and its proper functioning. And secondly, in a context in which cyber-attacks are increasing and intensifying, the implementation of electronic voting must have all the security guarantees and there are still many unresolved issues in this area. On the other hand, it should be taken into account that in Spain the provisional canvass is carried out in a very agile way, so that the data are available in a short period of time from the closing of the polling stations. Specifically, in the case of the General Elections, the results, with a percentage close to 100% of the votes counted, are known within three hours after the polling stations close.

SWEDEN/SUEDE

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:

uu) elections? NO

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

vv) referenda? NO

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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?

NO, but voting results are continuously reported on the Election Authority's website.

If so, please provide additional detail on areas in which electronic means are used.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

ww) the relevant legislative and regulatory framework for e-voting;

xx) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

yy) specific issues you may have encountered;

zz) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

The possibilities for introducing e-voting in general elections, elections to the European Parliament and national referendums has been considered by the 2011 Election Law Committee. In its final report E-voting and other election issues (SOU 2013: 24), the committee did not submit a proposal for electronic voting but proposed that a new committee be appointed with the task of further considering the conditions for introducing an e-voting system and relevant security requirements. A new committee has not been appointed.

*Replies to the questionnaire on member States' experience in relation to e-voting and Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting /
Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique
[CDDG(2021)27 Addendum]*

SWEDEN (Swedish Election Authority)/SUEDE (Autorité électorale suédoise)**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:

ss) elections? **No.**

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

tt) referenda? **No.**

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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?

Yes.

If so, please provide additional detail on areas in which electronic means are used.

In Sweden we have a comprehensive It-support system for tracking and printing voting cards, tallying votes (that are counted manually), tracking candidates and political parties, providing templates for printing ballots and voting lists, providing real-time statistics to media and so on.

QUESTION 3

N/A

If question 1 is applicable, please provide information in relation to:

gggg) the relevant legislative and regulatory framework for e-voting;

hhhh) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

iiii) specific issues you may have encountered;

jjjj) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

QUESTION 4

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

E-voting hasn't been on the political agenda in Sweden, properly. In Sweden we have a decentralised and analogue voting system, in regards to both the voting process and the ballot counting. Proponents of e-voting haven't made a case to our politicians as to which parts of the election process would significantly improve if such measures were introduced.

SWITZERLAND/SUISSE

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:

uu) elections?

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

In Switzerland, the Confederation and the cantons have been conducting trials with online voting for more than 15 years. Online voting is part of Switzerland's e-government strategy, present since 2000, as a joint initiative between federal and cantonal authorities. The overall approach has been one of a gradual introduction of online voting, with strict requirements on security, verifiability and transparency. Online voting is an additional voting channel and voters can always choose to vote in person at the polling station or to vote by mail.

Since 2004 and in over 300 trials, a total of 15 cantons have allowed certain groups of citizens to cast their ballots online in federal elections and popular votes on national level. The cantons are responsible for elections and popular votes on regional and local level and are therefore free to provide online voting in regional or local elections and votes according to cantonal legal requirements. If a canton is permitted to offer online voting for a national election or vote, online voting must be provided for all regional and local elections or votes taking place at the same time.

No trials have been conducted since May 2019. Trials can only be resumed after the Federal legal foundation has been revised and if the system the cantons choose to use complies with the revised regulation. The work is ongoing. Also refer to Question 3.

vv) referenda?

See above

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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 means are used.

In elections, electronic means are used mainly for recording (in some cases), consolidation and tabulation of votes and for the transmission of voting results. Voter registers are generally maintained electronically.

In referenda, some cantons and municipalities additionally use scanning and optical mark recognition technology (e-counting) in order to record/count votes. According to the Federal Act on Political Rights (art. 84), election and popular vote procedures that use technical aids require the approval of the Federal Council.

QUESTION 3

If question 1 is applicable, please provide information in relation to:
 kkkk) the relevant legislative and regulatory framework for e-voting;

The Swiss laws provide a legal basis for trials with online voting. The Confederation can permit the cantons to offer a part of their citizens online voting if strict requirements under federal law on security, verifiability and transparency are met. The trials with online voting are currently restricted to a maximum of 10 per cent of the country's electorate and, with the current systems and certifications, to a maximum of 30 per cent of the cantonal electorate. These limits do not apply to Swiss citizens living abroad.

The legal requirements can be found under the following links:

- [Federal Act on Political Rights \(article 8a\)](#)
- [Ordinance on Political Rights](#) (articles 27a-q; available in German and French only)
- [Federal Chancellery's Ordinance on Electronic Voting and its annex](#)

IIII) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

Switzerland has been involved in drafting the Recommendation CM/Rec(2017)5 and finds the Recommendation a very useful instrument to shape and further develop the legal, technical and organisational requirements for online voting. The Recommendation has been used as a guideline and basis for the legal and technical framework, which reflects the Recommendation's principles and goals. These are for example the requirements regarding verifiability, security and transparency, vote secrecy and organisational regulation such as the gradual and progressive introduction.

mmmm) specific issues you may have encountered;

In the past few months and years, the following issues have arisen and subsequent decisions have been taken:

- As of June 2019, the canton of Geneva has withdrawn its online voting system due to a delay in the project planning and unforeseen additional costs.
- The source code of the Swiss Post's system with full verifiability due to be introduced in 2019 was published. Researchers discovered security-relevant flaws in the source code. One of the security issues also relates to the individual verifiability and thus concerns the

system previously used by the cantons. The Swiss Post's system was therefore not available for the popular vote of 19th May 2019. The Swiss Federal Chancellery (FCh) has no indication that these flaws have resulted in votes being manipulated in previous ballots.

- The FCh conducted an independent review of the Swiss Post's current system with individual verifiability and further flaws were discovered. The Swiss Post withdrew its individually verifiable system in July 2019.

- In December 2018, the Federal Council opened consultation proceedings on an amendment to the Political Rights Act, which would have ended the trial phase and introduced online voting as a regular voting channel. The consultation revealed that a clear majority of the cantons and political parties support the introduction of online voting in principle. However, recent events lead most of the political parties and some cantons to the conclusion that the time is not right for ending the trial phase. Therefore, the Federal Council decided in June 2019 not to proceed with the revision of the Political Rights Act at this time.

Update 2021:

In June 2019, the Federal Council commissioned the FCh to work with the cantons on redesigning the online voting trial operations. This decision was based on the results of the aforementioned consultation as well as the difficulties related to Swiss Post system in 2019.

The Federal Council mandate states that the redesign of the trials should have the following objectives:

1. Further development of the systems
2. Effective control and oversight
3. Increasing transparency and trust
4. Stronger connection with the science community

The mandate also requires the FCh to look at whether current federal legislation needs to be amended.

Based on the Federal Council mandate, on 29 November 2019 the Steering Committee Vote électronique (SC VE) set up a task force, which was mandated with drawing up measures for the redesign and relaunch of the trials. In drawing up the basis for the redesign of online voting, the FCh, with the participation of the other members of the task force, conducted a dialog with experts from academia and business circles. The external experts commissioned by the FCh included computer scientists, cryptographers and political scientists. They helped the task force to establish the action required and to identify the issues concerning possible redesign measures. The final report of the SC VE can be found [here](#).

The involvement of experts from a range of specialist areas led to a wide-ranging discussion of where action needs to be taken and of possible solutions. This provided the task force with a sound basis for its work. The feedback from the experts was positive; they welcomed being involved in the dialog. Furthermore, they were in favour of the dialog

Replies to the questionnaire on member States' experience in relation to e-voting and Recommendation CM/Rec (2017)5 of the Committee of Ministers on standards for e-voting / Réponses au questionnaire sur l'expérience des Etats membres dans le domaine du vote électronique et de la Recommandation CM/Rec (2017)5 du Comité des Ministres sur les normes relatives au vote électronique [CDDG(2021)27 Addendum]

between the public authorities and academic circles continuing. The focus was on technical issues in particular; in future, the social and societal aspects of online voting will be considered to a greater extent. The summary of the dialog with the experts can be found [here](#).

nnnn) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

At its meeting on 28 April 2021 the Federal Council decided to open the consultation procedure for the redesign of electronic voting trials. The Ordinance on Political Rights (PoRO) will undergo a partial revision and the Federal Chancellery Ordinance on Electronic Voting ("VEleS", OEV) will be completely revised. This is intended to create a new, stable basis for online voting trials. The final report of the SC VE was used as one of the foundations for drafting the respective regulations. The consultation ended on 18 August 2021. The draft ordinances (draft for the non-binding English version) submitted to the public consultation can be found [here](#). The same documents as well as the results of the consultation can be found [here](#) (French, German, Italian).

QUESTION 4

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

No trials have been conducted since May 2019. Trials can only be resumed after the Federal legal foundation has been revised and if the system the cantons choose to use complies with the revised regulation. The work is ongoing. Also refer to Question 3.

TURKEY (Supreme Election Council)/TURQUIE (Conseil électoral suprême)

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:

ww) elections?

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

xx) referenda?

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

a) No

b) No

To use the e-voting method of domestic electorate requires to be made legal arrangements. It is possible for the electorate registered in the overseas electoral register to cast their votes abroad, using the e-voting method in Presidential and Legislative Elections and Referenda, in the scope of Article 94/A of the Law No. 298, Law on Basic Provisions of Elections and Voter Registers. However, the e-voting method has not been implemented to date.

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 means are used.

In the elections held; balloting committee writes a minute according to the results of the ballot box, and signs it physically in front of those present, gives a copy of the signed minute to the political party representatives singly, and announces one copy by hanging it in the ballot box area. The chairman and at least two members of the balloting committee delivers the minute of the ballot box results to the District Election Board physically.

The District Election Board records the minute data showing the results are sent from all ballot boxes in its district electronically. On the other hand, the Board scans the minutes of the ballot box results and the counting tables, and computerizes them into the Electoral Informatics System.

The data entered digital by the District Election Board is taken by the Provincial Election Board and sent to the Supreme Election Council (SEC) by combining on a provincial basis. By the SEC, the data are consolidated digitally and the election results are announced.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

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

The legal arrangements regarding e-voting are available for electorate registered in the overseas electoral register and who will vote abroad. Article 94/A of the Law No. 298, Law on Basic Provisions of Elections and Voter Registers, makes the e-voting method possible for voters abroad. Because of the aforementioned e-voting method has not been implemented yet, it is not possible to provide information about the problems encountered.

QUESTION 4

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

In regard to the voting of overseas electorate; it is determined by Supreme Election Council, separately or combined implementation of voting methods either using electronically or at ballots or customs considering the type of elections and conditions of country, by taking the opinion of Ministry of Foreign Affairs.298-94/A

There is a legal infrastructure for overseas electorate to vote by e-voting method in Turkey, and it will be possible to use the e-voting method in elections with the decisions to be taken by the authority in this direction.

To use the e-voting method for domestic electorate necessitates legal arrangements in this direction

UNITED KINGDOM (Electoral Commission)/ROYAUME-UNI (Commission électorale)

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:

yy) elections?

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

No

zz) referenda?

No

If the event e-voting is not currently used but being considered, thank you for providing additional information (e.g.: reasons for consideration, stage of planning, solutions under examination etc.).

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?

Yes

If so, please provide additional detail on areas in which electronic means are used.

Electronic vote counting of ballot papers has been used at Scottish local government elections since 2007 and for the Greater London Authority (London Assembly and Mayoral) elections since 2000.

QUESTION 3

If question 1 is applicable, please provide information in relation to:

ssss) the relevant legislative and regulatory framework for e-voting;

tttt) implementation of Recommendation CM/Rec(2017)5 on standards for e-voting;

uuuu) specific issues you may have encountered;

vvvv) regulatory or legislative changes in relation to e-voting as a result of your experience or any such changes that may be envisaged.

Not applicable

QUESTION 4

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

We understand that the current UK Government has no plans to introduce e-voting at elections. E-voting was piloted at local government elections between 2002 and 2007 under provisions in the Representation of the People Act 2000, but there has been no further piloting since then. The Electoral Commission's statutory evaluations of e-voting pilot schemes highlighted wider issues associated with the underlying security and transparency of e-voting solutions and their impact on the electoral process, together with the cost effectiveness of the technology.