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

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

Introduction

The CDDG is tasked with holding a review meeting on the implementation of the [Recommendation CM/Rec\(2017\)5 of the Committee of Ministers to member States on standards for e-voting](#) every two years.

In preparation of such a review, the Secretariat was instructed to send out a questionnaire to member States on the use of e-voting and possible experience with and implementation of Recommendation CM/Rec(2017)5 to obtain a better understanding of member States' positions and the issues involved.

The questionnaire was circulated to the member States through the CDDG on 11 August 2021 and to the Election Management Bodies through the Venice Commission on 14 October 2021. In response to the questionnaire, by 30 October 2021 the CDDG Secretariat received replies from 32 member States. A compendium of the replies is set out in the Appendix.

Action required

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

APPENDIX

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

Overview of replies

32 member States responded, namely: Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, and United Kingdom.

Question 1

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

a) elections?

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

26 member States replied that e-voting was not currently used.

Four member States (Belgium, Bulgaria, France, Russian Federation) indicated that electronic vote was or had been tested at the national, regional or local level. Two member States indicated that electronic voting was tested for the European elections (Bulgaria, Portugal). One member State (Estonia) indicated that electronic means were used in national and local elections and were centrally managed.

One member State (Bulgaria) indicated that legislation was adopted in 2021, now allowing the use of voting machines. One member State (France) indicated that e-voting was currently foreseen for two electoral events (for French representatives abroad and for consular elections) and that voting machines had been introduced in 2003 in some municipalities, however, a moratorium on expanding the use of machines had been passed in 2008. Currently, the moratorium was under review.

b) referenda?

31 member States replied that e-voting was currently not used in the context of referenda. One member State (Estonia) indicated that electronic means were used in constitution-based centrally managed referenda. One member State (Latvia) indicated that a law has been adopted, allowing internet voting starting no later than 2024 for local 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 voting is used.

Member States indicated that electronic means or tools were used in a range of areas related to electoral procedures. The most common uses were the following:

- registering of voters, or candidates (11)
- counting, consolidation, or tabulation of votes (21)
- transmission of results (24)

In addition, respondents mentioned a variety of fields where electronic means were used ranging from the application for entry on the electoral roll as well as requests for postal votes, verification of signatures, to provision of templates to print ballots and voting lists, tallying votes, checking voting sheets, using scanners for ballot counting as well as publishing voting results and online declaration of election expenses by candidates and political parties. One respondent (Poland) highlighted that electronic means were used solely as an auxiliary instrument.

One respondent (Latvia) indicated that electronic means were being introduced for the collection of signatures in support of national initiatives (e.g., legislative proposals, recall of the parliament).

One respondent (Andorra) indicated that electronic means were being used to follow the counting process in real time in polling stations and thus make the process as transparent as possible.

Several member States indicated that digital tools were used to provide provisional data on election night. However, some respondents stressed that final election results were determined on the basis of the election records in paper form only (Austria, Croatia, France, Germany).

Most respondents mentioned that results were published on a central website. Several respondents indicated that specialised electoral software was in use (e.g., Ireland, Norway, Russian Federation, Slovenia) and that relevant authorities relied on comprehensive IT support system (Sweden). One member State (Ireland) indicated that a specialised software package was used as a guide to returning officers in their decision-making.

One member State (Switzerland) indicated that the use of technical aids required the approval of the Federal Council. One respondent (Romania) indicated that electronic means are used with a view to the prevention of illegal voting.

Question 3

If applicable, please provide information in relation to:

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

Several member States (Bulgaria, France, Estonia, Greece, Ireland, Lithuania, Moldova, Norway, Romania, Switzerland) indicated that they had adopted or were in the process of adopting new laws or updating existing regulations with regards to e-voting.

One member State (Hungary) indicated that conducting an electronic census was one of the steps towards establishing e-voting procedures. Due to the pandemic the electronic census had to be postponed to 2022.

One member State (Romania) indicated that internet voting should be tested in pilot projects before being used in national elections.

One member State (Portugal) indicated that e-voting was considered for voting from abroad and that a test would be carried out to gain further experiences.

Three respondents (Belgium, Estonia, Switzerland) commented that the Recommendation CM/Rec(2017)5 was a useful guide for shaping and further developing the legal, technical and organisational requirements for online voting, among others, with regards to verifiability, security and transparency, vote secrecy and organisational regulation such as the gradual and progressive introduction of e-voting. One respondent (Estonia) mentioned that the development process of the regulation and technical specifications was a constant process.

One respondent (Turkey) mentioned that, in principle, e-voting methods were available for electorate registered in the overseas electoral register and who would vote abroad. However, this system had not been implemented yet.

Question 4

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

The principal reasons for not implementing e-voting solutions include:

- security concerns (8) and cyber risks (3)
- absence of legal basis allowing the use of electronic voting (8)
- absence of political consensus or will (7)
- overall lack of trust in online systems (6)
- inability to (permanently) guarantee secrecy of vote (5)
- costs involved (4)

One respondent (Portugal) indicated that in order to ensure accessibility, e-voting was not implemented, as not everyone had a digital ID or the necessary digital literacy to take part in online voting.

Several respondents indicated that electronic voting had been tested in pilot projects (primarily at local and regional level). Some member State (France, Norway, Romania, Sweden, Switzerland) gave detailed explanations of the findings of studies conducted with regards to the implementation of e-voting pilots and why they were discontinued. Concerns included high level of risk, security, lack of transparency, inadequate quality and testing arrangements.

One respondent (Switzerland) indicated that trials could only be resumed after the national legal foundation has been revised and if the system used at local level complied with the revised regulation. This process was ongoing.

Two respondents (Portugal, Spain) highlighted that public confidence and trust in current paper-based election systems was high, while e-voting raised doubts. Therefore, no changes were foreseen.