Strasbourg, 14 November 2022

CDDG(2022)16
Item 7 of the agenda

EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE (CDDG)

PREPARATION OF A REVIEW OF IMPLEMENTATION OF THE RECOMMENDATION CM/REC(2017)5 ON STANDARDS FOR E-VOTING

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

Draft Concept note

As per its terms of reference, the European Committee on Democracy and Governance (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. So far, two review meetings took place, in 2019 and 2021.

The reviews demonstrated that while some member States were in the process of introducing or up-dating legislation on e-voting, most member States are currently not using e-voting solutions. Reasons mentioned for not implementing e-voting solutions include security concerns, lack of public trust, costs, and lack of political consensus. At the same time, member States indicated that information and communication technologies (ICT) were increasingly being used throughout the electoral process. In particular, member States are digitalising various processes within the Election Administration, including such aspects as e-identification of voters and e-counting.

For the next review meeting to be held in 2023, the CDDG agreed at its 14th plenary session to further develop the format of the review and to include the newly adopted Committee of Ministers' Guidelines on the use of ICT in the electoral process in the scope of the review.

To prepare for the third review, the CDDG proposes to organise a one-day thematic conference in June (e.g., 16 June tbc) in collaboration with the Division of Elections and Participatory Democracy. The conclusions of the conference would then be presented and discussed during the second CDDG plenary in 2023.

Title: E-voting and use of ICT in elections: taking stock and moving forward

Proposed thematic subjects

1) Taking stock of the implementation CM/Rec(2017)5 on e-voting
   - Summary of replies from questionnaire (baseline)
   - Highlighting best practice and lessons learned
   - Need for updating any provision?

2) Discussion about challenges related to implementation of e-voting solutions
   - Secrecy of the vote
   - Data protection and privacy issues
   - Securing and protecting critical infrastructure
   - Capacity building of stakeholders
   - Auditing and transparency of e-voting solutions

3) CM/Rec(2017)5 on e-voting and Guidelines on use of ICT in electoral processes in context of election observations
   - Presentation of updated Office for Democratic Institutions and Human Rights from the Organization for Security and Co-operation in Europe (OSCE/ODIHR) Handbook "Observation on new voting technologies"
   - Relevant issues identified by recent PACE and Congress election observations

4) Ways forward
   - Opportunities for monitoring and cooperation activities: taking into account increasing use of e-voting (e-ID of voters, e-counting), and in particular of ICT in electoral process
   - Discussion about cyber security in elections and impact of algorithms and AI-based solutions in the electoral process (with a possible presentation of results of EMB conference from the Venice Commission)
   - Conclusions to be presented at CDDG plenary

The aim of the conference

   - To take stock of the current implementation of the Recommendation on e-voting and the use of the Guidelines on ICT in the electoral process in member States and discuss best practice and challenges
   - To identify areas to be developed further as well as cooperation opportunities; and
   - To assess the impact of new technologies, such as Artificial Intelligence (AI), in this field
   - Recommend ways forward

Audience and format

The conference would bring together a wide range of stakeholders including Election Management Board (EMB) representatives; CDDG members; government officials dealing with (digital) democracy, elections and/or e-government at different levels; legal, policy and digital experts; academics and practitioners.

Potential partner organisations include Venice Commission, PACE, Congress, OSCE/ODIHR, International Foundation for Electoral Systems (IFES) and others.

Format to be decided (in person only; hybrid; online only).