USE OF ICT IN ELECTORAL PROCESSES

FEEDBACK FROM 24 COUNTRIES
ON USE AND REGULATION OF ICT IN ELECTIONS

and a

FIRST DRAFT PROPOSAL FOR GUIDELINES

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Overview

- **Questionnaire on the use of ICT in electoral processes**

  (Dec. 2020 Feb. 2021)

- **First draft proposal for Guidelines**

  (CDDG 16 April 2021)

- **Work towards a finalized draft proposal for Guidelines**

  (GT-DT June 2021)

Questionnaire ICT in electoral processes

- Open questions on use and regulation of ICT in electoral process

- Answers offer an up-to-date overview of the factual, legal, technical situation w.r.t. use of ICT in electoral processes

- *"Compendium of replies"*, **125 pp** (collated info. by country)

- *" Summary of replies to the questionnaire"*, **20 pp** (consolidated info. by issue)

Questionnaire ICT in electoral processes

- **Questions investigated**

1. Actual use of ICT
2. Regulatory aspects
3. Plans to extend
4. Difficulties encountered
5. COVID-19 issues

6. Procurement
7. Resources
8. International cooperation
9. Additional information
10. In-house competences, Public scrutiny and Independent verification

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Questionnaire ICT in electoral processes

- **For some issues, several sub-questions were asked**

E.g. Regulatory aspects:

a. *Ensuring compliance with higher-level principles*

b. *Level of detail of regulation*

c. *Regulation of usability*

d. *Regulation of confidentiality and data protection*

e. *Regulation of transparency*

f. *Regulation of cybersecurity, risk strategies, vérifications, contingency procedures*

g. *Regulation of control and accountability*

h. *Resources and regulation of cooperation with the private sector…*
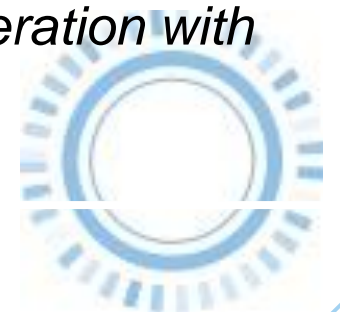
Questionnaire ICT in electoral processes

- ## 24 countries replied to the questionnaire

|		
Austria	Hungary	Serbia
Belgium	Latvia	Slovakia
Bosnia & Herzegovina	Lithuania	Slovenia
Croatia	Luxembourg	Spain
Czechia	Moldova	Sweden
Estonia	Norway	Switzerland
Finland	Poland	United Kingdom
Greece	Romania	+ San Marino

Questionnaire ICT in electoral processes

- ICT solutions used in electoral processes *other than e-campaigning, e-voting and e-counting which are out of scope*

  - Some 75 different types of e-documents and e-processes were identified

  - All electoral processes are concerned, from planning and preparation, to voting day, to post-election activities

  - All electoral stakeholders are concerned: voters, parties, candidates, election administration staff, observers, media, translators, dispute resolution bodies…
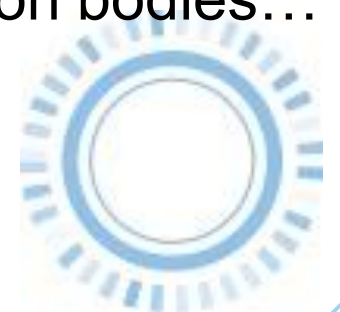
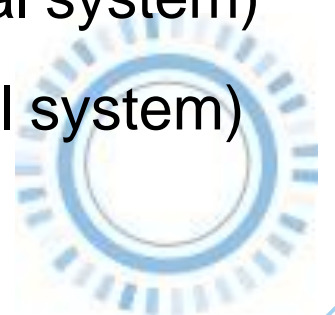# Questionnaire ICT in electoral processes

- **Some trends**

  - E-registers and e-registering options

  - A trend to develop a central system to handle all digital operations.
    Such EIS or EMS comes with several subsystems which deal with electors, parties, candidates, observers, party agents, electoral staff, results, etc.

  - Connection of polling stations to the central system

  - Use of voter authentication "smart" devices to scan voter's ID doc.
    (MRZ or biometric information)

Questionnaire ICT in electoral processes

- **Some challenges encountered so far**

  - A specific strategy on use of ICT in elections is missing in most cases

  - Digital literacy is needed

  - Targeted DoS attacks on dedicated infrastructure (e.g. for results' transmission) or jamming connections btw polling station and a central system or bottlenecks created by users…

  - Keeping under control the large number of users (e.g. of the central system)

  - Secure electronic exchange platforms (e.g. polling station – central system)
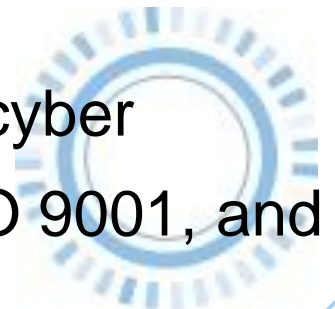
Questionnaire ICT in electoral processes

- **The way ICT solutions are (not) regulated varies a lot**

  - No regulation at all; Regulation which only indicates the objectives of the use of ICT; Detailed regulation (e.g. law on election information system)…

  - Regulation which prohibits certain uses of ICT (e.g. e-identification, e-voting); Regulation which imposes use of some ICT (e.g. to enable certain minorities to vote…)

  - Fragmented regulation (electoral procedures are regulated in individual electoral laws) Fragmented regulation (under the responsibility of local or central Gvt.)

  - Regulation by reference to a similar field (e.g. e-voting); Regulation by reference to specific areas (e.g. registers, data protection, security information, etc.)

  - Receive support by a central agency (e.g. Digitalisation Agency)…

Questionnaire ICT in electoral processes

- **Examples of how cybersecurity is regulated**
  - Cyber security of electoral systems is assessed and protected not by the EMB but by the national authorities responsible for this area
  - Risks analysis is carried out by the national authorities responsible and often is not addressed specifically for the field of elections
  - Countries with e-voting may have more election-specific cybersec. provisions
  - General legislation on cybersecurity, cooperation with national cyber security center, certification against International standards (ISO 9001, and the ISO/IEC 27000 Family of Standards), are some etc.
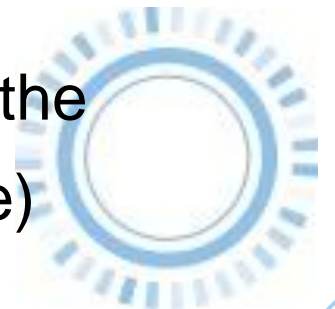
Questionnaire ICT in electoral processes

- **Examples of how transparency of ICT solutions is regulated**

  - Transparency is not an issue for EMBs but for other bodies

  - Despite general transparency laws, counting/tabulation software is hardly disclosed and is covered by copyrights, business secrets

  - Experts are appointed by Parliament, to monitor all use of ICT in all election processes. Publication of findings, reports…

  - Some online services are available in open source…the source code of other back-end systems is classified to maintain system security.

  - Publication of all source code ?

Questionnaire ICT in electoral processes

- **Some conclusions from the questionnaire**

  - Guidance on regulating ICT which is compliant with the principles of the European Electoral Heritage is welcomed

  - Several countries would welcome detailed and more practical information: e.g. detailed models that would present alternative scenarios, so that MS may choose accordingly; exchanges about tools, etc.

  - Guidance should aim to enable administrations of all levels to fully assume their responsibilities of ensuring that ICT respects the principles for democratic elections (European Electoral Heritage)

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First draft proposal for Guidelines

- First draft "*Proposed Structure for the Draft Committee of Ministers' Guidelines on Use of ICT in Electoral Processes in Council of Europe Member States*"
(April 2021)

First draft proposal for Guidelines

- **First draft : structure of the future guidelines**
  - Preamble, scope and core principles
  - Guidelines applicable to all stages of the electoral process (1-13) inspired by Rec(2017)5 on standards for e-voting
  - Guidelines applicable to specific stages of the electoral process (A—N)
  - Guidelines applicable to the use of specific technologies (O-Q)
  - Glossary
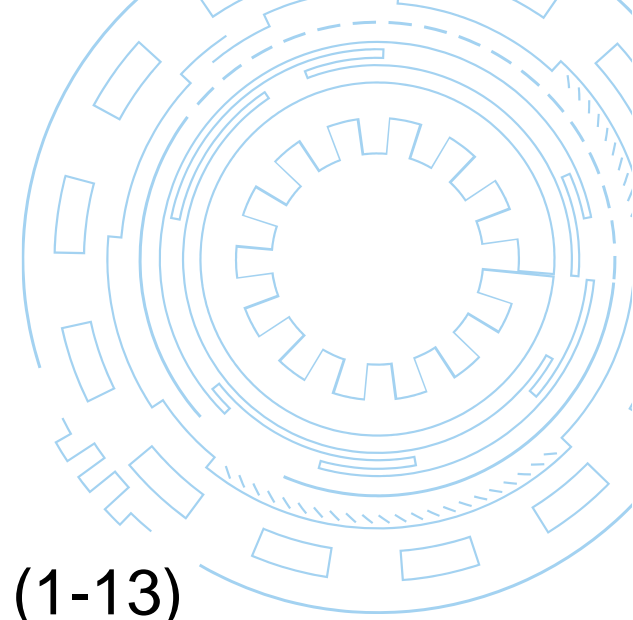
First draft proposal for Guidelines

- **Preamble, scope, core principles**

  - Aim of the Guidelines: integrity of the electoral process, citizens' trust

  - Reference to relevant int. obligations, recommendations, standards…

  - Reference to core principles for democratic elections (European Electoral Heritage), including universal, equal, free, secret, direct elections and
    certain basic conditions necessary for the application of principles

  - Scope: the Guidelines on ICT in elections complement
    existing Recommendation and Guidelines on e-voting and e-counting

First draft proposal for Guidelines

- **Guidelines applicable to all stages of the electoral process**
  - Inspired by Rec(2017)5 on standards for e-voting
  - Respect for the principles and develop requirements that fully reflect the principles
  - Main requirements: usability and accessibility, integrity and authenticity, availability and reliability, confidentiality and data protection, transparency and observation, analogue processes to ensure universal suffrage, control and security, risk, ICT introduced in emergency contexts, PPP, responsibility

First draft proposal for Guidelines

- **Guidelines applicable to specific stages of the electoral process**

  - E-registers and e-registering

  - E-signing

  - E-publication of election information

  - E-transmission of data btw MS

  - E-transmission of data btw central-regional-local election authorities

  - E-training, e-accreditation

  - E-backed voter authentication and registration of participation

  - E-backed processing, transmission, consolidation, verification… of results

  - E-backed dispute resolution systems

  - Other post-election obligations

First draft proposal for Guidelines

- **Guidelines applicable to the use of specific technologies**

  - Cloud

  - Biometrics

  - Blockchain

  - ?

- **Glossary**

Work towards a finalised draft proposal

- **Finalize the draft proposal**

  - Work on the structure and proposals (ongoing)

  - Written consultation of national experts (ongoing)

  - Meeting to discuss with national experts (May)

  - Present a draft proposal to the WG GT-DT (June)