



Strasbourg, le 17 juin 2021

GT-DT(2021)2-Consultation informelle

## **COMITE EUROPEEN SUR LA DEMOCRATIE ET LA GOUVERNANCE (CDDG)**

### **GROUPE DE TRAVAIL SUR LA DEMOCRATIE ET LA TECHNOLOGIE (GT-DT)**

#### **RAPPORT DE LA CONSULTATION INFORMELLE**

#### **REUNION PAR VISIOCONFERENCE**

**28 mai 2021**

#### **1. Ouverture de la réunion et adoption de l'ordre du jour**

Le Président, M. Almir Šahović (Bosnie-Herzégovine), souhaite la bienvenue aux membres du groupe de travail à cette réunion informelle. La liste des participants figure à l'Annexe I. L'ordre du jour est adopté tel qu'il figure à l'Annexe II.

#### **2. Projet de lignes directrices du Comité des Ministres sur l'utilisation des nouvelles technologies dans les différentes étapes du processus électoral**

Les trois experts consultants (Mme Ardita Maurer, Université de Zurich, Zentrum für Demokratie Aarau, Gimel, Suisse ; M. Robert Krimmer, ERA-Chair Full Professorship of e-Governance, Skytte Institute, Université de Tartu, Estonie ; et Mme Melanie Volkamer, Karlsruhe Institute of Technology, Allemagne) présentent le projet de lignes directrices qui se compose actuellement d'un préambule et d'une introduction, de 12 principes et d'un glossaire. La présentation se trouve à l'Annexe III.

Les experts soulignent que l'objectif principal des lignes directrices est de répondre à la question de savoir comment les technologies de l'information et de la communication (TIC) pourraient le mieux soutenir le processus électoral à la lumière de la transparence et de la responsabilité, tout en assurant l'intégrité du processus électoral et en renforçant la confiance des citoyens.

Les experts soulignent également que le vote électronique, et les questions spécifiques liées au vote électronique en tant que tel, n'entrent pas dans le champ d'application des lignes directrices, cet aspect étant couvert par d'autres instruments du Conseil de l'Europe.

Dans l'ensemble, les membres accueillent favorablement le projet de lignes directrices, soulignant les avantages d'avoir une équipe interdisciplinaire d'experts pour les développer, et appréciant l'approche technologiquement neutre adoptée. Les membres commentent également positivement la participation à la réunion d'organes d'administration des élections de nombreux Etats membres.

La discussion porte sur les questions suivantes : accessibilité et facilité d'utilisation, sécurité, transparence et équilibre des principes, responsabilité et renforcement des capacités.

Les membres soulignent que **l'accessibilité** et la facilité d'utilisation sont essentielles et saluent le fait que les lignes directrices tiennent compte de l'utilisateur final.

En ce qui concerne la question de la **sécurité**, plusieurs membres soulignent l'importance d'adopter une approche de sécurité par la conception. En outre, les questions relatives à l'open source, au traitement des charges de données supplémentaires, aux systèmes de journalisation et de sauvegarde ainsi qu'aux plans d'urgence sont abordées. Certains membres suggèrent que la cybersécurité soit traitée comme un principe distinct.

Les membres se félicitent du fait que les lignes directrices placent la **transparence** au cœur des préoccupations. Toutefois, des éclaircissements sont nécessaires sur la manière de trouver un équilibre lorsque différents principes entrent en conflit (par exemple, transparence contre protection des données, transparence contre sécurité). Jusqu'à présent, les experts n'ont pas suggéré de critères spécifiques, car, selon eux, cela pourrait aller trop loin.

Les membres soulignent que les lignes directrices devraient refléter le fait que toutes les élections ne sont pas organisées et gérées au niveau national, car dans de nombreux Etats membres, le niveau local est responsable. Les experts précisent que le terme "Etat membre" dans les lignes directrices faisait référence à l'autorité en charge, que ce soit aux niveaux local, régional ou central.

Certains membres soulignent la nécessité de **renforcer les capacités** des fonctionnaires dans le domaine des élections, car il est difficile de trouver du personnel possédant les compétences et les aptitudes technologiques nécessaires. Les experts font remarquer que les compétences dont une autorité a besoin sont spécifiques au contexte et ne peuvent pas être répondues de manière générique. La délégation britannique partage un lien avec [l'enseignement du service public à l'ère numérique](#) comme exemple.

Pour le principe 5, il est suggéré de supprimer le mot "notable" avant le mot "interruption", car toute interruption serait pertinente. En ce qui concerne le terme "force majeure", les membres estiment qu'il devrait être clarifié. Dans ce contexte, la Commission de Venise fait référence aux documents énumérés à l'Annexe IV.

Le Secrétariat souligne que l'attente du Comité des Ministres en ce qui concerne la tâche ii) est de recevoir des lignes directrices complètes et applicables à tous les Etats membres et centrées sur les principes généraux, les définitions et les applications, sans entrer dans trop de détails. Il est convenu que le libellé des lignes directrices devrait être révisé et adopté dans une formulation appropriée pour des lignes directrices, en particulier en utilisant le terme "devrait" au lieu de "doit".

Les membres expriment également leur intérêt pour un document supplémentaire présentant des exemples de meilleures pratiques pour compléter les lignes directrices. Le Secrétariat souligne qu'un recueil ou un manuel avec des exemples pourrait être envisagé, en fonction du temps et des ressources disponibles. Toutefois, la priorité devrait être donnée à la finalisation des lignes directrices, étant donné que le document supplémentaire n'est pas un produit à livrer dans le cadre du mandat et ne sera pas soumis au Comité des ministres.

### **3. Conclusions**

Il est convenu que les commentaires et les réactions doivent être envoyés par écrit au Secrétariat qui assurera la coordination avec les experts. Un espace web restreint sera mis en place en temps voulu pour permettre la collaboration. Les membres du groupe de travail ainsi que les participants recevront une invitation une fois l'espace mis en place. Les lignes directrices seront développées par écrit en vue de présenter le projet final pour approbation lors de la prochaine réunion du groupe de travail, puis de soumettre le texte pour adoption lors de la deuxième réunion plénière du CDDG les 29-30 novembre 2021.

Le Secrétariat précise qu'avant que les lignes directrices ne soient soumises au Comité des Ministres, le bureau juridique examinera le texte pour s'assurer de sa cohérence avec le langage du Conseil de l'Europe.

Dan Popescu annonce le départ de Sonia Sirtori, qui assume un nouveau rôle au sein de la Commission des affaires politiques de l'Assemblée parlementaire. Dans l'intervalle, le travail du CDDG sera assuré par lui-même, Christopher Speckbacher, Judith Orland et Isabelle Etter.

### **4. Date et lieu de la prochaine réunion**

La prochaine réunion est prévue pour le 24 septembre 2021, les modalités restant à confirmer.

**ANNEXE I****LISTE DES PARTICIPANTS****Members of the Working group / Membres du groupe de travail****CHAIR / PRESIDENT**

Ambassador Almir ŠAHOVIĆ, Ambassador of Bosnia and Herzegovina to the Netherlands, Ministry of Foreign Affairs of Bosnia and Herzegovina, Sarajevo

**AUSTRIA / AUTRICHE**

Mr Gregor WENDA, Deputy Head of Electoral Affairs Department, Directorate General of Legal Affairs, Federal Ministry of the Interior, Vienna

**FINLAND / FINLANDE**

Mr Markku MÖLLÄRI, Ministerial adviser, Department for Local Affairs and Regional Administration, Ministry of Finance, Helsinki

**GREECE / GRECE**

Mr Georgios CHRYSAFIS, Directorate of Organising and Functioning of Local Government, Ministry of the Interior, Athens

Ms Vasiliki MASOURA, Expert, Directorate of Organisation and Functioning of Local Government

Mr Nikolaos DIKAROS, Head of the Department of Design and Development of Information Systems, Directorate of E-Government

Ms Elli STILIANIDI, Expert, Independent Department of International and European Relations

**ITALY / ITALIE**

Mr Francesco GIUSTINO, Presidenza del Consiglio dei Ministri, Ufficio Attività Internazionali, Roma

**NETHERLANDS / PAYS-BAS**

Ms Amber MECHELSE, Senior Policy Officer Democracy, Democracy Department, Democracy and Governance Division, Ministry of the Interior and Kingdom Relations, The Hague

**UNITED KINGDOM / ROYAUME-UNI**

Mr Paul ROWSELL, Head of Governance Reform and Democracy Unit, Ministry of Housing, Communities and Local Government, London

Mr Gurpal CHEEMA, Policy Adviser, Governance Reform and Democracy Unit, Ministry of Housing, Communities and Local Government, London

**Election management bodies / Organes d'administration des élections****ALBANIA / ALBANIE**

Mr Eugen DUSHALLARI, e-Identification Project Manager of the Albanian Central Election Commission

**ARMENIA / ARMENIE**

Mr Armen SMBATYAN, Secretary, Central Electoral Commission of Armenia

**BELGIUM / BELGIQUE**

Mme Marlies JASPERS, Service Elections

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE**

Mr Goran MIŠKOVIĆ, Secretary General, Central Election Commission

**CROATIA / CROATIE**

Mrs Ivana BELEC, Member of the State Electoral Commission of the Republic of Croatia

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE**

Ms Patricie SOKOLOVÁ, The Department of elections, Ministry of the Interior of the Czech Republic

**ESTONIA / ESTONIE**

Mr Priit VINKEL, Consultant to the Electoral Office, State Electoral Office

**FINLAND / FINLANDE**

Ms Heini HUOTARINEN, Ministerial Adviser, Election Management Body (EMB), Ministry of Justice

**GEORGIA / GEORGIE**

Ms ZHVANIA, CEC Chairperson

Ms Kristina TOLORDOVA

**GREECE / GRECE**

Mr Ioannis, PARASKEVAS, Head of the Department of Data Management and Interoperability

Ms Angeliki BAROUTA, Head of the Department of Elections and Political Parties of the Directorate of Elections

Mr Kosmas CHATZIVASILOGLOU, expert at the Department of Elections and Political Parties of the Directorate of Elections

**HUNGARY / HONGRIE**

Mr Attila PÉTERI, Election expert, National Election Office

**ITALY / ITALIE**

Mr Angelo CIANCIOSI, Centre for Studies on Privacy and New Technologies

Ms Costanza POLLINI, Centre for Studies on Privacy and New Technologies

**LATVIA / LETTONIE**

Mr Ritvars EGLĀJS, Secretary of the CEC

Mr Arvīds BRĀĻS, Head of IT

**LITHUANIA / LITUANIE**

Ms Kristina IVANAUSKAITĖ-PETTINARI, Head of Training and Communication Unit

Mr Darius GAIŽAUSKAS

**LUXEMBOURG**

Ms Anne GREIVELDINGER, Conseiller de Gouvernement, Ministère d'Etat, Service Juridique

Ms Mariza GUERREIRO VICTORIA, Conseiller, Ministère de l'Intérieur, Direction des affaires communales

**REPUBLIC OF MOLDOVA / REPUBLIQUE DE MOLDOVA**

Mr Alexandru BALMOS, Chief of the Information Technologies and Voters Lists Management Division

**POLAND / POLOGNE**

Ms Magda SADLAK, National Institute of Local Government

**PORTUGAL**

Mr João ALMEIDA, Secrétaire de la Commission, Comissão Nacional de Eleições

**SAN MARINO / SAINT-MARIN**

Ms Carlotta ANTONELLI, National Expert

Mr Davide BARTOLINI, IT Expert of the Office of Civil Status, Demographic and Electoral Services

**SERBIA / SERBIE**

Ms Dara GRAVARA STOJANOVIĆ, Ministry of Public Administration and Local Self-Government,

**SLOVENIA / SLOVENIE**

Ms Helena KAVČIČ

**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE**

Mr Martin GAJDOŠ, General State Advisor, Department of Elections, Referendum and Political Parties, Section of Public Administration, Bratislava

**SPAIN / ESPAGNE**

Ms Ana Cristina LÓPEZ LÓPEZ, Joint Deputy Director General of European and International Relations, General Secratry of Territorial Coordination  
Ministry of Territorial Policy and Civil Service, MADRID

Ms Vanessa SÁNCHEZ, Technical Advisor. Directorate General of Internal Policy and Electoral Processes, Directorate General of Internal Policy. Ministry of the Interior, MADRID

**SWEDEN / SUEDE**

Mr Carl-Niclas ODENBRING, Swedish Election Authority

**SWITZERLAND / SUISSE**

Mr Beat KUONI, Chancellerie Fédérale

Mr Oliver SPYCHER, Chancellerie Fédérale

Mr Julien FIECHTER

**UKRAINE**

Mr Sergiy POSTIVYI, CEC member

**UNITED KINGDOM / ROYAUME-UNI**

Mr Daniel SCHLAPPA, Head of Policy Team, Defending Democracy, Elections Division, Cabinet Office, London

Mr Guy DAWS, Cabinet Office, London

Ms Hannah SHAW, Cabinet Office, London

**PARTICIPANTS / PARTICIPANTS****CONFERENCE OF INGOS OF THE COUNCIL OF EUROPE / CONFERENCE DES OING DU CONSEIL DE L'EUROPE**

M. Didier SCHRETTTER, Representative of the INGOs at CDMSI and CAHAI

**CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRES DES POUVOIRS LOCAUX ET REGIONAUX DU CONSEIL DE L'EUROPE**

Mr Roman CHLAPAK, Governance Committee / Commission de la Gouvernance

Mr Adam DRNOVSKY, Co-Secretary of the Governance Committee / Co-Secrétaire de la Commission de la gouvernance

**RAPPORTEUR ON DEMOCRACY AND TECHNOLOGY / RAPPORTEUR SUR LA DÉMOCRATIE ET LA TECHNOLOGIE**

Mr Peter ANDRE, Senior Expert for Legal Affairs, Ministry of Interior, Wien, Austria

**EXPERT-CONSULTANTS / CONSULTANT-EXPERTS**

Ms Ardita DRIZA MAURER, Juriste, LL.M., Consultante indépendante, Droits politiques et nouvelles technologies de vote, Suisse

Mr Robert KRIMMER, ERA-Chair Full Professorship of e-Governance, Skytte Institute, University of Tartu, Estonia

Ms Melanie VOLKAMER, Karlsruhe Institute of Technology, Germany

**SECRETARIAT**

Ms Sonia SIRTORI, Head of the Democratic Governance Division / Cheffe de la Division de la gouvernance démocratique – Secretary of the CDDG / Secrétaire du CDDG - Directorate of Human Dignity, Equality and Governance / Direction de la dignité humaine, de l'égalité et de la gouvernance, Directorate General of Democracy / Direction générale de la démocratie

Ms Judith ORLAND, Democratic Governance Division / Division de la gouvernance démocratique – Directorate of Human Dignity, Equality and Governance / Direction de la dignité humaine, de l'égalité et de la gouvernance, Directorate General of Democracy / Direction générale de la démocratie

Ms Isabelle ETTER - Assistant / Assistante

**Other Secretariat participating in the meeting / Autre Secrétariat participant à la réunion**

Mr Daniel POPESCU, Head of Democracy and Governance Department / Chef du Service de la démocratie et de la gouvernance – Directorate of Human Dignity, Equality and Governance / Direction de la dignité humaine, de l'égalité et de la gouvernance - Directorate General of Democracy / Direction générale de la démocratie

Mr Gaël MARTIN-MICALLEF, Division of Elections and Political Parties – Venice Commission

**Interpreters / Interprètes**

Ms Clarissa WORDSDALE  
Ms Rémy JAIN



**ANNEXE II**  
**ORDRE DU JOUR**

**1. Ouverture de la réunion**

Accueil par le Président du groupe de travail

Présentation par le Secrétariat

**2. Projet de lignes directrices du Comité des Ministres sur l'utilisation des nouvelles technologies dans les différentes étapes du processus électoral**

- Présentation générale du projet de lignes directrices par Mme Ardita Driza Maurer, Université de Zurich, Zentrum für Demokratie Aarau, Gimel, Suisse
- Présentation des lignes directrices spécifiques par :
  - Mme Melanie Volkamer, Institut de technologie de Karlsruhe, Allemagne
  - M. Robert Krimmer, Président d'ERA, Professeur titulaire de gouvernance électronique, Skytte Institute, Université de Tartu, Estonie
  - Mme Ardita Driza Maurer, Université de Zurich, Zentrum für Demokratie Aarau, Gimel, Suisse

Questions et réponses

Contribution par les participant-e-s

*[GT-DT(2021)1-Consultation informelle + Addendum]*

**3. Prochaines étapes**

Présentation par le Secrétariat

**4. Conclusions**

### ANNEXE III

#### PRESENTATION (anglais uniquement)

## What have we done so far?

- Preliminary study “New technologies in the electoral cycle. Guidance from the CoE”
- Questionnaire to countries (incl. EMBs) (Dec.2020-Jan.2021)
  - Open questions on use of ICT, regulatory aspects, plans to extend, difficulties, procurement, resources & in-house competences, public scrutiny & indep.verification, int.cooperation, COVID19
  - Detailed sub-questions, e.g. on regulatory aspects (ensuring compliance, level of detail of regulation, regulation of specific aspects e.g. usability, confidentiality, transparency, cybersec., controls and responsibilities, etc.)
- First presentation of results of the questionnaire (GT-DT, 8 Feb.)
  - Compendium of replies (125 pp collated info from 24 MS)
  - Summary of replies (20 pp consolidated info by issue)
- Detailed discussion of results + first proposal for Guidelines (CDDG, 16 Apr.)
- **Presentation of the draft Guidelines (GT-DT, 28 May)**
- Consultation (June/July), consolidation (July-Aug.), presentation (Sept.)

## Presentation of the draft Guidelines

- Preamble, Scope, Core principles of democratic elections (Introduction)
- **Guidelines (1-12)**
- Glossary

Considerations about specific stages of the electoral process and considerations about the use of specific technologies are not part of the Guidelines.

Work on these parts may take place in the future (e.g. merge with “summary of replies”) and they may be eventually shared with the WG however for information only.

## Presentation of the draft Guidelines

- Scope of the Guidelines
  - do not address e-voting (EVM, i-voting, e-counting)
  - do not address opinion formation (campaigning)
  - address use of ICT in all other steps of the electoral process (~75 types of documents and processes backed by ICT identified by questionnaire, incl. EMS, register/ing, signing in support of issues/candidates, training and accreditation, authentication of voters, processing of results)
- Aim of the Guidelines: integrity of the electoral process and citizens' trust in it
  - trustworthiness of the ICT solution and integrity of results
  - perception of trust and trust-building measures
- Regulatory levels
  - distinguish "interpretation of principles" from "technical implementation"
  - involve the legislator/regulator whenever questioning the principles
  - ensure fair balance (interpretation of conflicting principles) that respects the essence of all relevant principles

## Melanie Volkamer

Guideline 1 - Requirements

Guideline 2 - Usability

Guideline 9 - Evaluation

Guideline 10 - Risk Management

**1. Member States shall ensure that ICT solutions respect the principles of democratic elections and referendums; and other relevant principles ...**

**... and shall develop requirements that fully reflect the principles.**

- Conflicting principles
  - no (ICT) solution reflects all principles to 100%, all have their advantages and disadvantages
  - Important to define the degree to which principles have to be met at minimum
  - Note on the importance of assumptions in the security context: one needs to know all the assumptions that need to be in place to meet each of the principles → deduce how realistic these assumptions are / what are the remaining risks → decide whether acceptable or not. → important to define which assumptions are acceptable and which not
  - Important to define in general explain how to deal with conflicting principles
- Related to transparency
  - Describe process / people involved for deducing technical requirements, degree to which they are needed to be met, ...

**2. Member States shall ensure the usability and accessibility of ICT solutions in use in the electoral process by applying a human centric approach.**

- Definitions
  - Usability: Efficiency, Effectiveness, Satisfaction for any user interface (ISO 9241)
  - Accessibility: Various groups to be addressed
- Degree that need to be met should be defined according to G-1 and made transparent
- Human centric approach for usability and accessibility
  - i.e. having future users involved through the decision and design process
  - (e.g. through semi-structured interviews, focus groups, mockup feedbacking)
  - incl. post election feedback
  - Documentation of effort (& make it transparent)

**9. Member States shall organise an evaluation of the ICT solutions used in the election process by independent experts.**

- Note: Focus on before first usage
- Decisions to be made:
  - Only selected experts can evaluate or everyone because documents/source code/... is made public
  - Which frameworks to be used for which type of requirements (different experts for different requirements)
- Ideal security evaluation framework for product:
  - Two independent entities for the evaluation and the certification;
  - Clear definition of the target of evaluation
  - Clear definition of assumptions required to meet requirements
  - Evaluation assurance level
- Evaluation of the infrastructure and processes (e.g. for security aspects: ISO 27001)
- Usability and Accessibility evaluation (see G-2)
- Evaluation and certification reports for transparency
- Define how to deal with changes after the certification / procedures in place

**10. Member States shall conduct a continuous risk management of the ICT solutions used in the election process.**

- Be aware of remaining risks and document decisions (transparency)
- Relevant in different phases
  - For the requirement engineering: risks that come with degrees/assumptions G-1
  - Before start using it:
    - Results from evaluations G-9
    - Includes having emergency plans for while using it
  - During using it: at least: Document and discuss 'unusual' cases
  - After using it
    - audits of the election management board system
    - collect user feedbacks
  - In preparation of future elections
    - discuss how to avoid risks happening during the election in future
    - discuss how to improve

## Robert Krimmer

Guideline 3 - Capacity of MS

Guideline 12 - Outsourcing

Guideline 4 - Integrity of Elections

Guideline 7 - Transparency

### **3. Member states shall build and retain the necessary capacity to assess, introduce and manage the use of ICT solutions in the electoral process.**

- Capacity of EMBs include having administrative and technical capability to plan, implement and administer ICT solutions
- Further this includes having trained human resources, the necessary tools, and overall resources, including enough time
- This requires essential investment into education and training of the human resources of an EMB
- The essential goal of this is, not having to outsource the core processes of an election to a private entity.

### **12. Member States shall be ultimately responsible, also in cases where private stakeholders are involved.**

- The ultimate responsibility lies with the MS, thus has to develop the requirements for the ICT solution, as well as ensuring in the essential contract that the contracted entity has to fulfil the same standards and expectations that are put to the MS.
- It is clear, that even if processes in the electoral process are outsourced and/or subcontracted, the provider needs to respect and fulfil the same requirements as the MS.

**4. Member states shall ensure the integrity and authenticity of the information provided by ICT solutions in use in the electoral process. Procedures shall be put in place to detect and, if possible, correct any errors or unauthorized intervention.**

- The aim for the operation of any ICT solution in the electoral process is to do so without any errors and thus to ensure the integrity of the election.
- The organisation of the election should provide for accurate checks and balances throughout on all levels of the election.
- Errors can occur because of failure of the system, programming errors, malpractice, as well as intentional hacking and manipulation by outside actors
- It is essential, to provide for an accountable and transparent procedure on how to touch a running system, correct any data, or change/replace a malfunctioning system

**7. Member states shall ensure transparency of the election and the ICT solutions used.**

- This includes publication recommendations as outline in the previous slides
- The aim is to inform the stakeholders about the ICT solution, including the introduction into the election (elaborating the strategy, assumptions underlying the decision, feasibility, procurement of the solution, evaluation, source code, etc.), its operation, as well as the post-election assessment of its use
- This includes also provide access to observers
- Transparency measures should also include provisioning of structure data about the election process, such as open data

## Ardita Driza Maurer

Guideline 5: Availability and reliability

Guideline 6: Confidentiality and data protection

Guideline 8: Alternative low-tech solution

Guideline 11: Use of ICT in case of *force majeure*

**5. Member states shall ensure the outmost availability and thus reliability of the ICT solutions in use in the electoral process, so that no (noticeable) interruption of the election process occurs.**

- Decide the level of availability/reliability and make it transparent (e.g. 99% availability, means 1 min in every 100 min no availability)
- Availability and reliability are closely linked to the quality/trustworthiness of the ICT solution
- Furthermore, procedural measures should be foreseen by MS:
  - Before starting operation, satisfy itself that the ICT solution is genuine and operates correctly
  - Procedures for installing updates and corrections during operation
  - Information in case of incidents (those responsible for operating the equipment immediately inform the competent authority...)
  - Fallback solutions (e.g. alternative channels/supports) and recovery plans to ensure availability of data and election continuity (e.g. availability of registers' information, continuation of voter authentication, of results' transmission, etc.) even in case of failures or attacks on the ICT solution

**6. Member states shall ensure the secrecy, respectively the confidentiality, of information stored within the ICT solutions, as required by election and data protection laws.**

- Nexus between electoral legislation and data protection legislation
- Electoral law does address secrecy or confidentiality of voting, but usually contains no specific provisions on protecting other data such as information found in different registers or in the protocols for transmission of results
- Data protection requirements (e.g. data minimisation, privacy by design, etc.) apply, as a minimum
- Data protection considers election-related information as “sensitive”
- According to data protection regulations, processing “sensitive information” requires the adoption of specific measures
- MS need to consider whether such specific measures are necessary. If yes, these should be included in electoral legislation

**8. For the case where the proposed e-solution is not universally accessible by all potential users, Member States shall provide an alternative non-ICT-based solution.**

- Identify all potential users of the document/process backed by an ICT solution
- Consider whether the ICT solution is accessible to all of them (see G. 2 on definitions of usability and accessibility)
- If not, envisage the use of an alternative low-tech solution to ensure universal access to the document/process in question
- If parallel low- and high-tech solutions are used, regulation should clarify the conditions for using them and the legal value of results produced by them in case where a user has access to both of them

**11. Member States prepare for situations where “force majeure” might impact the conduct of elections and shall proactively address the possible use of ICT solutions in such a situation.**

- Builds upon current developments in MS following experiences with elections held during COVID19 pandemic
- Proactively address the challenges to the organisation of elections if similar situations occur in the future
- Aim: avoid rushing to introducing ICT on a short notice. Prepare in advance for such possible use and organise it in accordance with the Guidelines



**ANNEXE IV**

**COMMISSION DE VENISE-LISTE DE DOCUMENTS**

Page **Les états d'urgence - quelles normes ?**

[https://www.venice.coe.int/WebForms/pages/?p=02\\_EmergencyPowers&lang=fr](https://www.venice.coe.int/WebForms/pages/?p=02_EmergencyPowers&lang=fr)

Document **Respect de la démocratie, des droits de l'homme et de l'état de droit en situation d'état d'urgence : réflexions**

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2020\)005rev-f](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)005rev-f)

**Compilation of Venice Commission Opinions and Reports on States of Emergency** (en anglais seulement)

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2020\)003-f](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)003-f)

**15e Conférence européenne des administrations électorales, conclusions**

<https://www.coe.int/fr/web/electoral-management-bodies-conference/conclusions-emb2018>