

The Bureau of the Congress

**CG-BUR(2020)33-INF23<sup>1</sup>**

7 April 2020

## **Organisation of elections for the posts of vice-presidents of the Chamber of Local Authorities and the Secretary General of the Congress of Local and Regional Authorities**

### **Requirements for electronic voting and alternative options**

*Document submitted to the members of the Bureau of the Congress as a basis for a decision as proposed in document CG-BUR(2020)33-17*

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<sup>1</sup> This document is classified as confidential until it has been examined by the Bureau of the Congress

## **Forthcoming Congress elections**

Two elections were scheduled to have taken place during the cancelled 38th Session of 17-19 March 2020:

- the election of two Vice-presidents in the Chamber of Local Authorities following the loss of mandate of Michalis ANGELOPOULOUS (EPP/CCE, Greece) and the resignation of Cristina MORENO MORENO (SOC/G/PD, Spain);
- the election of the Secretary General of the Congress; the mandate of the current incumbent comes to an end on 30 June 2020.

Since the Congress' Rules and Procedures provide for electronic voting both for the Congress Presidency (Rule 15) and the Secretary General (Rule 96), the Secretariat has been looking into the possibility of holding these elections via remote, electronic voting. As there is no provision specifying procedural aspects of electronic voting in the Congress' rules **a Bureau decision is required** to establish the criteria for the voters list, deadlines and the period of voting as well as the announcement and publication of the results.

Likewise, a Bureau decision would be required for alternatives to the remote voting procedure (as described under "C").

### **A. ELECTRONIC VOTING**

#### **1. The service providers**

Several service providers have been contacted by the secretariat and they presented their proposals for remote electronic voting solutions. They have been asked to present proposals that, in addition to being user-friendly and accessible in five languages, guarantee absolute security throughout the process, total reliability of the result, complete confidentiality of the vote and the protection of members' personal data.

In cooperation with the relevant IT-specialists of the Council of Europe, these proposals are currently scrutinized to ensure that the process would be carried out in accordance with the recommendations of the Council of Europe's Directorate of Legal Advice and Public International Law (DLAPIL). In the framework of the processing of personal data, the Congress, in coordination with the Data Protection Officer at the Council of Europe, will take into account the requirements of the General Data Protection Regulations (GDPR).

#### **2. Security of the process**

Most providers have stressed that, in order to ensure maximum security, a two-stage security process, a so-called double authentication, is advisable. This would be based on two identifiers specific to each member, namely their personal email and personal mobile phone number.

Since 2007, Congress members have had access to an online WHO's WHO database for their statutory activities. They have access, via personal login and passwords, to all the tools for their participation in the sessions, meetings, structures and work of the Congress. The fields required for electronic voting (personal e-mail and mobile phone number) are already included in their WHO's WHO personal file, however, for the time being, approximately 25 per cent of members have not filled in one or other of these fields. Several members would have to provide their personal e-mail address in addition to a general one (e.g. mayor@city.eu) and the secretariat would use the personal one only for electronic voting and not for newsletters, invitations etc. The same applies for personal mobile phone numbers.

Based on a decision of the Bureau, the secretariat would need to ask each member to fill in the requisite information (personal e-mail and mobile phone number) in order to be able to participate in the electronic voting. The data from the WHO's WHO database would be used to create the voters' list for the two elections. Members who do not duly fill in these two fields would thus not actively register for these elections and therefore not be eligible to vote. In the European context both types of voter registration are in place (passive and active). However, this may raise issues concerning the inclusivity and therefore legitimacy of the elections.

The secretariat therefore proposes a two-step approach:

1. Firstly, members would be asked to fill in the requisite fields in the WHO's WHO file. Members would be informed of the purpose to which this information will be put (elections) and reassured as to the data protection of the information sent to the service providers (and kept there only for the duration of the elections) and the security of the WHO's WHO data base where the information will be stored long-term and not be made public. A deadline of 2 weeks would be given to members to update their WHO's WHO data entry.
2. After the 2-week deadline (with reminders by email), the secretariat would assess the number of personal data missing, inform the three Presidents and then the Bureau and the decision would be taken whether to go ahead with the elections or not.  
The Bureau could pre-approve a threshold which it considers to be acceptable and would not undermine the legitimacy of the elections, for example a total of 85% of members' data completed.

## **B. THE ELECTRONIC VOTING PROCEDURE**

### **1. General provisions for the elections of the two vice-presidents and of the Secretary General of the Congress**

The following voting population of Congress members has been identified for the two elections:

- Representatives of the Chamber of Regions: 142<sup>2</sup> (entitled to vote in the SG election)
- Representatives of the Chamber of Local Authorities: 182<sup>3</sup> (entitled to vote in the Chamber and in the SG election)
- Substitutes of the Chamber of Local Authorities: 142<sup>3</sup> (entitled to vote in the Chamber only)

When elections take place during sessions, all candidates are invited to speak for 3 minutes. In order to give candidates this same opportunity to present their candidature they will be invited to send the Secretariat a 3-minute video which will be published on a dedicated web page on the Congress site. For deadlines see below under 2. and 3.

The procedure for e-voting would be as follows:

1. Once the Bureau has agreed to the procedure, all members entitled to vote in the two elections will be informed in the two official languages.
2. All registered voters (ie. those whose identifiers, personal e-mail and mobile phone number taken from the Congress WHO's WHO) will receive an email with instructions on how to proceed on the day when the election window starts. Once members have accessed the service provider's voting site the information will be available in the two official languages and the three working languages. Voters will be able to vote on a user-friendly interface.
3. According to the service providers, an election window of three days [51 hours] seems to be the most adapted to the needs of the elections.
4. Reminder emails will be sent on the two successive voting days to those members on the voting list who have not yet cast their vote.
5. Voters receive a voting receipt (either via SMS or email, this depends on the service provider) as confirmation that their ballot has been taken into consideration.
6. Within 15 minutes of closing the vote all those who have cast a vote will receive the results by email (depending on the service provider).
7. The results will be published on the Congress website within the hour.

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<sup>2</sup> These figures may change slightly with the changes in the composition of delegations, once approved by the rapporteurs / Bureau

**2. Specific provisions for the elections of the two vice-presidents of the Chamber of Local Authorities**

All Chamber members will be informed by the Executive Secretary of the Chamber:

- of the deadlines and technical details of the elections
- the call for candidates for the two posts of Vice-president in the Chamber of Local Authorities and
- the possibility of a presentation video in addition to the presentation documents.

**3. Specific provisions for the election of the Secretary General of the Congress**

The election, as the next step of the procedure of filling the post of Secretary General of the Congress, was not held, as the session was cancelled. The presentation documents of the candidate Andreas Kiefer were published on the Congress website. The procedure therefore continues with the election.

**C. ALTERNATIVES TO THE REMOTE ELECTION PROCEDURE**

If the decision is taken not to go ahead with remote elections, the alternative scenario would be as follows:

With regard to the two vacant seats in the Chamber of Local Authorities' Bureau, these would remain vacant. If the renewal session is postponed to spring 2021, an election could be held at the next session, presently scheduled in October 2020.

With regard to the election of the Secretary General, the Bureau would need to mandate the President to request an extension of the mandate of the current Secretary General from 1 July until 31 December 2020 and to extend it further, as the situation may require.

## APPENDIX I

## Congress of Local and Regional Authorities – election timetable (2 vice-presidents for the Chamber of Local Authorities and Secretary General of the Congress)

Date	Action	Body responsible
Day 1	Bureau members receive request for decision by written procedure, to proceed with remote elections subject to reception of members' personal details (email and mobile phone number). Decision as to pre-approved threshold of member data for launching the elections also requested Deadline for reply – 7 days	Table Office
Day 1	Service provider chosen (subject to decision whether to proceed or not); Internally: contract prepared	Congress Secretariat and relevant CoE experts, approval by 3 Presidents
Day 8	Bureau decision received	
<b>IF THE DECISION IS TO GO AHEAD WITH FIRST STEP</b>		
Day 9	Members asked to fill in personal email and mobile phone number on their Who's Who page – deadline 2 weeks	Table Office
Day 16	Reminder sent to all members	Table Office
Day 18	Reminder sent to all members	Table Office
Day 23	Secretariat reviews data and informs the 3 Presidents (if so decided) whether the pre-approved threshold of member data for launching the elections has been achieved	Table Office
<b>IF THE ELECTIONS GO AHEAD</b>		
Day 23	Contract finalised, signed and sent to service provider	Finance Unit Congress
Day 23	Email sent to all Congress members explaining voting requirements	Table Office secretariat (Congress)
Day 23	<b>CPL ELECTION ONLY</b> Call for candidatures (explaining new voting method) posted	CPL secretariat (Congress)
Day 24-38	If necessary, Electoral Bureau set up (then trained?)	Congress/Service provider
Day 24-38	Model pages, procedures etc validated for voting interface	Service provider/Congress
Day 37	<b>CPL ELECTION ONLY</b> Candidatures received by the CPL secretariat (at least 14 days before <u>publication</u> ) together with CVs, presentation documents and (optional) video with transcript	CPL Secretariat

Day 37	<b>SECRETARY GENERAL ELECTION ONLY</b> Presentation video in En/FR received from candidate for SG (at least 14 days before publication)	Table Office
Day 51	Publication of the presentation documents and videos (Chambers and SG election) on dedicated webpage (14 days before elections)	
Day 62	List of voters closed	Table Office
Day 63	Updated list of voters sent to service provider (2 days before election)	Table Office
Day 65 - 1st Election day [9.00 CET]	Start of election window, email with access code/link and instructions sent simultaneously to all voters by service provider	Service provider
Day 66 - 2nd election day [9.00 CET]	2nd email (reminder) sent automatically to voting population that has not yet voted	Service provider
Day 67 - 3rd election day [9.00 CET]	3rd email (reminder) sent automatically to voting population that has not yet voted	Service provider
Day 67 [15.00 CET]	Close of election window. Email with election results sent automatically after 10/15 minutes (or after intervention of electoral bureau tbd) to all voters and to Congress Table Office	Service provider/ Electoral bureau ??
Day 67 [by 7.00 CET]	Results published on Congress website/news	Communication Unit (Congress)
Day 67 [17.00 CET]	Confidential data destroyed (same day as election closes? To be confirmed with service provider)	Service Provider

## APPENDIX II - E-VOTING STANDARDS

**Recommendation CM/Rec(2017)51 of the Committee of Ministers to member States on standards for e-voting  
(Adopted by the Committee of Ministers on 14 June 2017 at the 1289th meeting of the Ministers' Deputies)<sup>3</sup>**

[...]

### I. UNIVERSAL SUFFRAGE

1. The voter interface of an e-voting system shall be easy to understand and use by all voters.
2. The e-voting system shall be designed, as far as is practicable, to enable persons with disabilities and special needs to vote independently.
3. Unless channels of remote e-voting are universally accessible, they shall be only an additional and optional means of voting.
4. Before casting a vote using a remote e-voting system, voters' attention shall be explicitly drawn to the fact that the e-election in which they are submitting their decision by electronic means is a real election or referendum.

### II. EQUAL SUFFRAGE

5. All official voting information shall be presented in an equal way, within and across voting channels.
6. Where electronic and non-electronic voting channels are used in the same election or referendum, there shall be a secure and reliable method to aggregate all votes and to calculate the result.
7. Unique identification of voters in a way that they can unmistakably be distinguished from other persons shall be ensured.
8. The e-voting system shall only grant a user access after authenticating her/him as a person with the right to vote.
9. The e-voting system shall ensure that only the appropriate number of votes per voter is cast, stored in the electronic ballot box and included in the election result.

### III. FREE SUFFRAGE

10. The voter's intention shall not be affected by the voting system, or by any undue influence.
11. It shall be ensured that the e-voting system presents an authentic ballot and authentic information to the voter.
12. The way in which voters are guided through the e-voting process shall not lead them to vote precipitately or without confirmation.
13. The e-voting system shall provide the voter with a means of participating in an election or referendum without the voter exercising a preference for any of the voting options.
14. The e-voting system shall advise the voter if he or she casts an invalid e-vote.
15. The voter shall be able to verify that his or her intention is accurately represented in the vote and that the sealed vote has entered the electronic ballot box without being altered. Any undue influence that has modified the vote shall be detectable.
16. The voter shall receive confirmation by the system that the vote has been cast successfully and that the whole voting procedure has been completed.

<sup>3</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680726f6f](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680726f6f)

17. The e-voting system shall provide sound evidence that each authentic vote is accurately included in the respective election results. The evidence should be verifiable by means that are independent from the e-voting system.

18. The system shall provide sound evidence that only eligible voters' votes have been included in the respective final result. The evidence should be verifiable by means that are independent from the e-voting system.

#### **IV. SECRET SUFFRAGE**

19. E-voting shall be organised in such a way as to ensure that the secrecy of the vote is respected at all stages of the voting procedure.

20. The e-voting system shall process and store, as long as necessary, only the personal data needed for the conduct of the e-election.

21. The e-voting system and any authorised party shall protect authentication data so that unauthorised parties cannot misuse, intercept, modify, or otherwise gain knowledge of this data.

22. Voters' registers stored in or communicated by the e-voting system shall be accessible only to authorised parties.

23. An e-voting system shall not provide the voter with proof of the content of the vote cast for use by third parties.

24. The e-voting system shall not allow the disclosure to anyone of the number of votes cast for any voting option until after the closure of the electronic ballot box. This information shall not be disclosed to the public until after the end of the voting period.

25. E-voting shall ensure that the secrecy of previous choices recorded and erased by the voter before issuing his or her final vote is respected.

26. The e-voting process, in particular the counting stage, shall be organised in such a way that it is not possible to reconstruct a link between the unsealed vote and the voter. Votes are, and remain, anonymous.

#### **V. REGULATORY AND ORGANISATIONAL REQUIREMENTS**

27. Member States that introduce e-voting shall do so in a gradual and progressive manner.

28. Before introducing e-voting, member States shall introduce the required changes to the relevant legislation.

29. The relevant legislation shall regulate the responsibilities for the functioning of e-voting systems and ensure that the electoral management body has control over them.

30. Any observer shall be able to observe the count of the votes. The electoral management body shall be responsible for the counting process.

#### **VI. TRANSPARENCY AND OBSERVATION**

31. Member States shall be transparent in all aspects of e-voting.

32. The public, in particular voters, shall be informed, well in advance of the start of voting, in clear and simple language, about:

- any steps a voter may have to take in order to participate and vote;
- the correct use and functioning of an e-voting system;
- the e-voting timetable, including all stages.

33. The components of the e-voting system shall be disclosed for verification and certification purposes.

34. Any observer, to the extent permitted by law, shall be enabled to observe and comment on the e-elections, including the compilation of the results.



35. Open standards shall be used to enable various technical components or services, possibly derived from a variety of sources, to interoperate.

## **VII. ACCOUNTABILITY**

36. Member States shall develop technical, evaluation and certification requirements and shall ascertain that they fully reflect the relevant legal and democratic principles. Member States shall keep the requirements up to date.

37. Before an e-voting system is introduced and at appropriate intervals thereafter, and in particular after any significant changes are made to the system, an independent and competent body shall evaluate the compliance of the e-voting system and of any information and communication technology (ICT) component with the technical requirements. This may take the form of formal certification or other appropriate control.

38. The certificate, or any other appropriate document issued, shall clearly identify the subject of evaluation and shall include safeguards to prevent its being secretly or inadvertently modified.

39. The e-voting system shall be auditable. The audit system shall be open and comprehensive, and actively report on potential issues and threats.

## **VIII. RELIABILITY AND SECURITY OF THE SYSTEM**

40. The electoral management body shall be responsible for the respect for and compliance with all requirements even in the case of failures and attacks. The electoral management body shall be responsible for the availability, reliability, usability and security of the e-voting system.

41. Only persons authorised by the electoral management body shall have access to the central infrastructure, the servers and the election data. Appointments of persons authorised to deal with e-voting shall be clearly regulated.

42. Before any e-election takes place, the electoral management body shall satisfy itself that the e-voting system is genuine and operates correctly.

43. A procedure shall be established for regularly installing updated versions and corrections of all relevant software.

44. If stored or communicated outside controlled environments, the votes shall be encrypted.

45. Votes and voter information shall be kept sealed until the counting process commences.

46. The electoral management body shall handle all cryptographic material securely.

47. Where incidents that could threaten the integrity of the system occur, those responsible for operating the equipment shall immediately inform the electoral management body.

48. The authenticity, availability and integrity of the voters' registers and lists of candidates shall be maintained. The source of the data shall be authenticated. Provisions on data protection shall be respected.

49. The e-voting system shall identify votes that are affected by an irregularity.