

**Mr Michael Remmert (*Project Manager, Integrated project "Making democratic institutions work" Council of Europe*):**  
**"Towards European standards on e-voting: The Council of Europe's draft recommendation on legal, operational and technical aspects of e-voting"**

The Council of Europe is a pan-European inter-governmental organisation with 45 member states, covering virtually the entire continent of Europe, thus representing 800 million Europeans. It seeks to develop common democratic and legal principles through standard setting and a culture of co-operation. With regard to new information and communication technologies, the Council of Europe has developed minimum standards in areas that are of concern to all member states, from cybercrime to data protection. It constantly highlights the importance of the human and democratic dimension of communication and promotes e-inclusion and the empowerment of citizens in a democratic information society in such a way as to take advantage of opportunities and prevent risks, which may result from the new information and communication technologies.

Against this background, the Council of Europe has set up a committee, which is currently preparing a set of European standards on the legal, operational and technical aspects of electronic voting (e-voting). After some exploratory work in 2002, the first meeting of the Multidisciplinary Ad Hoc Group of Specialists on legal, operational and technical aspects of e-voting (IP1-S-EE) was held in February 2003. The Ad Hoc Group is supported by two subgroups, one dealing with legal and operational aspects of e-voting, the other with technical aspects.

The standards on e-voting are being prepared in such a way as to be accepted and applied by governments and industry alike. The Council of Europe is preparing standards at three levels:

*Legal standards*, reflecting the fundamental principles of elections enshrined in international legal instruments.

*Operational standards*, regarding basic matters of organisation and procedure with regard to e-elections, which ensure the respect of the fundamental legal standards.

*Core technical standards*, which are required to deliver operational standards in a secure and cost-effective manner while ensuring interoperability across devices and enabling control at any stage of the election process.

The Ad Hoc Group uses the following working definition of the term 'e-voting': "A political election or referendum that involves the use of electronic means in at least the casting of the vote".

The key assumption adopted by IP1-S-EE is that e-voting has to be as reliable and secure as any traditional means of casting a vote that is in compliance with the fundamental principles of democratic elections (universal, free, equal, secret and direct elections).

The standards will cover all the elements of an e-enabled election, i.e. the notification of an election, voter registration, candidate nomination, voting, calculation of results, and audit.

Some Council of Europe member states are already using or propose to use e-voting methods for a number of purposes, including:

- bringing voting into line with new developments in society and the increasing use of new technologies as a medium for communication and civic engagement;
- delivering voting results quickly and reliably;
- enabling voters to cast their vote from a place other than the polling station in their district;
- facilitating the participation in elections of all those who are entitled to vote, and particularly of citizens residing or staying abroad;
- improving access to the voting process for voters with disabilities or other cases of reduced mobility;
- increasing voter turnout by providing additional voting channels;
- reducing, over time, the overall cost of conducting an election;
- improving governments' bargaining position with regard to electronic election equipment and services by the adoption of international interoperability standards.

Despite the above-mentioned potential benefits of the introduction of e-voting, it should be noted that modernising how people vote will not, per se, improve democratic participation. Failure to do so, however, is likely to weaken the credibility and legitimacy of democratic institutions.

As long as e-voting is not universally available, it should not replace the traditional way of casting a paper ballot in a polling station, it should remain an optional and additional channel. It should be considered to provide the electorate with opportunities for multi-channel voting, i.e. a combination of traditional paper ballot, kiosk/poll site e-voting and remote e-voting, in order to maximise benefits for citizens who have access to, and are confident in using new technologies without penalising those unfamiliar with such systems.

Only e-enabled voting systems which are efficient, secure, technically robust and readily accessible to all voters will build the public trust to such an extent as to make it feasible to hold large-scale e-enabled elections.

In order to ensure the privacy and equality of suffrage, it must be ensured that only persons who are entitled to do so vote at an e-enabled election, no voter casts his/her vote more than once, and each vote validly cast is only counted once when election results are calculated.

The compliance of e-voting systems with secrecy requirements should be ensured according to the following principles:

- Any authentication procedure must be such as to prevent the identity of the voter being disclosed to others;
- Voters must be given access to particular electronic ballot boxes in a number sufficient to protect the identity of any individual voter using the ballot box;
- No ballot shall be disclosed in any manner during the administration of the election, or afterwards, that permits the voter who cast the ballot to be identified.

Finally, specific and satisfactory solutions must be put into place in countries where the electoral system allows voters to change a previously cast postal vote on election day (e.g. Sweden), or where a judicial authority is authorised by law under specific circumstances to ascertain by whom, where and by what means any ballot was cast (e.g. United Kingdom).

Once adopted, the Council of Europe standards for e-voting will be applicable to e-enabled voting systems in controlled environments (polling stations, mobile kiosks etc.), but also to remote e-voting (internet, telephone, etc.). The standards could be used by member states as benchmarks for the setting-up of e-voting systems and the evaluation of pilot projects. They should be valid in a long-term perspective and irrespective of changes in technology.

It is expected that the Committee of Ministers of the Council of Europe will be able to adopt a Recommendation to member states on e-voting in 2004.

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