

Strasbourg, 8 March 2019 GT-ED(2019)2

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE**

**(CDDG)**

**WORKING GROUP ON E-DEMOCRACY**

**(GT-ED)**

**REVIEW MEETING ON RECOMMENDATION** **CM/Rec(2017)5**

**ON STANDARDS FOR E-VOTING:**

**PRELIMINARY EXCHANGE OF VIEWS**

Secretariat Memorandum

prepared by the

Directorate General of Democracy

Democratic Governance Department

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**Introduction**

The terms of reference of the CDDG for the biennium 2018-2019 include specific task iv (see document GT-ED(2018)1):

“*In the field of e-democracy,*

* *in accordance with Recommendation* [*CM/Rec(2017)5*](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2017)5) *on standards for e-voting, hold a review meeting on its implementation in 2019;*
* *develop guidelines on e-democracy as a toolkit;*
* *oversee the implementation of the priority “building democracy online” of the Internet Governance – Council of Europe Strategy 2016-2019*.”

As indicated in the terms of reference for the working group on e-democracy presented at its first meeting on 27 November 2019, a review meetingon implementation of Recommendation [CM/Rec(2017)5](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2017)5) of the Committee of Ministers to member States on standards for e-voting, in cooperation with the expert working group from the Division of Electoral Assistance, is foreseen in the course of 2019. However the implementation of the Recommendation, adopted in July 2017, is still in a very early stage.

Article 2 of the Preamble to Recommendation CM/Rec(2017)5 states that it is foreseen “… to regularly update the provisions of the Guidelines accompanying this recommendation;”.

The Ad-hoc Committee of Experts on legal, operational and technical standards for e-voting (CAHVE), had proposed a time-frame of two years before considering updating the text if necessary. The first two year period will come to an end in July of 2019.

On 2-5 October 2018, the Third International Joint Conference on Electronic Voting took place in Bregenz (Austria) where international experts on e-voting met. The need to bring the text up to date was not discussed and technological, legal and operational developments in relation to e-voting have not evolved so significantly as to render either the recommendation or the guidelines contained therein obsolete. At this point in time it would thus not appear necessary to start the process of review in a text.

In light of the fact that insufficient information and feed-back on the implementation and application of the recommendation is available at this time, it is proposed that the Bureau follow the developments and inform the CDDG in due course so that it can decide on appropriate action to be taken in relation to the review meeting.

Meanwhile however, given the ever increasing role and use of new technologies and proliferation of digital applications in virtually all aspects of life and to ensure that adequate follow-up is given to the task assigned by the Committee of Ministers, the CDDG could wish to consider following the practices in relation to e-voting and the implementation of Recommendation CM/Rec(2017)5 in member States.

With a view to informing the Committee of Ministers, the Working Group on E-Democracy might therefore wish to consider whether it would be desirable to invite member States to express their position on the use of e-voting and

* if e-voting is used by a member State, to share their experience in relation to areas where electronic voting is used, the applicable legislative framework and the implementation of the Recommendation as applicable;
* if e-voting is not used in a member State, to communicate whether or not measures or initiatives are envisaged to allow e-voting in the future or possible reasons that constitute an impediment to the introduction of e-voting.

**Action required**

The working group of the CDDG is invited to examine the information presented and to formulate its recommendation to the Bureau of the CDDG in relation to the proposal to invite member States to outline their position on the use of e-voting.