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**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

**QUESTIONNAIRE
ON NEW TECHNOLOGIES AND THE DIFFERENT STAGES
OF THE ELECTORAL PROCESS**

(as modified and approved by the CDDG at its 12th plenary meeting)

Secretariat Memorandum
prepared by the
Directorate General of Democracy
Democratic Governance Division

BACKGROUND

The task

In its terms of reference for 2020-2021, the European Committee on Democracy and Governance (CDDG) has been asked to develop standards on new technologies and the different stages of the electoral process (including voter registration, transmission and tabulation of results, etc.) in the form of a Committee of Ministers' recommendation or guidelines. This work should follow up the Secretary General's reports on the State of Democracy, Human Rights and Rule of Law and take into account the outcome of the 129th Session of the Committee of Ministers in Helsinki as well as the work of the Venice Commission in this area.

At its 12th plenary meeting, the CDDG indicated that Committee of Ministers' Guidelines would be the most appropriate format.

The material scope of application of the draft guidelines

The Council of Europe is the only international organisation having set regulatory standards in the area of digitalisation of the electoral process, namely in the area of e-voting. The Committee of Ministers of the Council of Europe adopted the first recommendation on e-voting in 2004.¹ This text and its accompanying Guidelines were repealed and replaced by Recommendation (2017)5 on standards for e-voting,² which extended the definition of e-voting to include e-counting. The recommendation is supplemented by Guidelines, which should be regularly updated.

Recommendation (2017)5 does not cover the use of digital solutions in stages of the electoral cycle other than e-voting, defined as above. E-solutions for the following stages are, therefore, excluded from its scope of application (when they are implemented independently of an e-voting system):

- Registration of voters and candidates,
- Provision of voter information,
- Vote tabulation,
- Transmission of results,
- Audit/verification of results.

1 [Recommendation of the Committee of Ministers of the Council of Europe Rec\(2004\)11 on legal, operational and technical standards for e-voting](#) and the associated Guidelines on certification and transparency

2 [Recommendation CM/Rec\(2017\)5 on standards for e-voting](#)

The present questionnaire aims primarily at collecting information on these areas, with a view to support the preparation of the new recommendation/guidelines. Furthermore, updated information concerning the practice of e-voting (included e-counting) may be provided, although it will not be the main focus of the work under way.

The questionnaire should be read in conjunction with the attached paper by Ms Ardita Driza Maurer, expert consultant.

QUESTIONNAIRE

When examining your replies, the Secretariat of the CDDG may need to contact you for further enquiries or clarifications. To that end, we would appreciate that you provide your contact details:

Author of the reply

- Country: [Republic of San Marino](#)
- Organisation / Election Management Body (EMB): **State Electoral Office**
- **Translation:** [Interpreters and Translators Office of the Republic of San Marino](#)

Questions

1. In which stages of the electoral cycle are digital technologies used (see the attached paper by Ms Ardita Driza Maurer)? What kind of digital technologies are used? Does the use of digital technologies in the electoral cycle follow an overall digitisation strategy?

The State Electoral Office manages several stages of the electoral process through a dedicated IT programme for the management of the electoral process.

Following the division into stages of the paper attached to the questionnaire, digital technologies during the electoral process are used as follows:

Legal framework - Projections of the data concerning voters and/or the total San Marino citizens or residents are processed on spreadsheets divided by polling station and by sex or age or other criteria aimed at the requested extractions. The objective is to have projections concerning voters with respect to the impact of the new electoral regulations being discussed. The data are obtained through the IT programme for the management of the electoral process used by the Office and through operations for the processing of the entire citizens' database, on which SQL extractions are performed.

Planning and preparation - The planning of the tasks involved in the elections is carried out first of all by compiling on spreadsheets a schedule of the main electoral tasks provided for by the electoral laws.

The procedures for identifying and appointing, by means of drawing lots, polling station chairpersons and poll-watchers are carried out by means of spreadsheets equipped with the necessary random numbering mechanisms, while their training/preparation is carried out not only by means of a special face-to-face meeting, but also by e-mailing explanatory documents and facsimiles of the official documents in PDF format.

Training and education - The "technical" information is provided to voters primarily through the forwarding to each of them of the document known as "HOW TO VOTE" and the facsimiles in pdf format prepared by the Electoral Office, for use by the official websites of dissemination/training/education of voters and all citizens.

Registration - The computerised electoral archive is updated annually. General voters lists are updated starting from the electoral database by printing from the management programme. Copies in pdf format are sent to Consulates and Embassies of the Republic in protected form.

The registration of political parties and candidates and the verification of their requirements is managed through the entry of participants in the IT programme for the management of the electoral process.

Voting cards are prepared through software processing starting from the updated electoral archive, accompanied by lists on spreadsheets, also obtained through the IT programme for electoral management.

The registration of polling station chairpersons and poll-watchers eligible under the electoral laws, the appointment and assignment of the polling station, the printing of notices of appointment and the management of withdrawals and replacements are entirely managed through the same software mentioned above.

Election campaign - The information required by political forces are also made available on the dedicated Internet and institutional website intended for the specific elections.

Voting operations - At the time being, voting operations are not carried out through IT tools. **Election results** - The data concerning votes cast are transmitted by fax and email to the Data Collection Centre of the Ministry of Internal Affairs and to the Electoral Office.

Recently, this data transmission system has been integrated, on an experimental basis, with a system for entering and transmitting data on the votes cast, through the use of an IT programme specifically developed for this purpose. The official registration of the votes cast and the preparation of data on the results of the elections, to be published on the dedicated institutional website, are carried out through the State's Intranet network.

After the elections - Electronic storage of election materials produced during all stages of the process occurs throughout the process at the time the election materials are produced. Once the deadlines provided for by law have expired without any election appeals having been lodged, or once any appeals have been finally decided upon by the competent institutional bodies, the paper material produced is materially destroyed.

2. How are the following issues addressed in regulations, guidelines, contracts or internal procedures of or applicable to the Election Management Body (EMB) or their partner organisations:
- a. Human rights-centred use of Information and Communication Technology (ICT) in the electoral field
 - b. Detailed requirements stemming from human rights are necessary to regulate the use of ICT in elections
 - c. Usability of ICT
 - d. The interplay of data protection and requirements relating to the secrecy of the vote
 - e. Transparency
 - f. Cybersecurity issues, including risk strategies, protection measures, verification possibilities, and contingency planning
 - g. Control, enforcement and accountability requirements
 - h. Issues related to resources and to co-operation with the private sector should be addressed.

If so, provide details and comments (how are these issues regulated)?

In the field of human rights, in particular with regard to the secrecy of the vote, Qualified Law no. 1 of 5 August 2008 prohibits the use of cell phones and/or digital

cameras both in the entire building in which polling stations are established and inside polling booths. Indeed, before voting, voters must hand over to the polling station chairperson all objects that they may carry, under penalty of nullity of the vote. In addition, violation of this prohibition is punished by a specific criminal provision.

- 3.** Are there any plans to extend the use of digital technologies and, if yes, in which stages of the electoral cycle? Can you specify what type of technology is envisaged? And are there any plans for reviewing the relevant regulations or introducing new ones?

The Electoral Office will soon be equipped with a new IT programme to manage the electoral process. This will enable a greater extension of ICT to the entire electoral process: for example, with the new procedure the voter lists, currently in paper format, will be in electronic format and will be used by the polling stations also or exclusively in electronic format. Similarly, it will be possible to record the turnout of voters at various times during the election day by means of computerised/automated counting mechanisms: for these and other measures a specific legislative intervention will be necessary.

For the specific purpose of extending the use of digital technologies to the electoral process, a "Working Group for the Computerisation of Procedures in Referendum and Electoral Matters" was established by means of Congress of State Decision no. 16 of 13 June 2019.

- 4.** Have any significant difficulties arisen from the use of digital technologies in specific stages of the electoral cycle in the past? How were these difficulties resolved?

No significant difficulties have arisen from the use of ICT at our disposal.

- 5.** Has the COVID-19 pandemic had an impact in the field of elections? For instance, has it given rise to a public debate on the organisation of elections in general or as regards the introduction of new technologies in elections? Have changes in the electoral system been introduced to ensure the organization of elections during the pandemic? If yes, were these changes introduced considered effective?

COVID-19 had a real impact in the field of elections: local elections, which were supposed to take place in June 2020, were postponed to the fall of that year. They were then held regularly on 29 November 2020.

Considering technological aspects and their expanded use due to the pandemic, the State Electoral Office received and sent many communications related to the organisation of elections only via certified electronic mail (TNotice) and traditional mail.

In addition, some meetings of the Election Commission were held via conference call.

Considering other aspects, special Covid polling stations composed of medical and nursing personnel specifically trained in electoral functions were set up to collect votes in the Hospital or other public facilities or at the home of people with COVID or placed in fiduciary isolation or quarantine.

The establishment of Covid special polling stations - which took place through emergency legislation amending ordinary electoral laws - and the organisation of Covid voting, were considered effective in ensuring that all citizens could effectively exercise their right to vote.

6. What are the regulations applying to procurement as regards the provision of digital technologies by private companies?
7. Are resources made available for the use of digital technologies adequate?

Human resources must be adjusted in terms of number and skills according to the level of introduction or application of digital technologies to the electoral process.

8. Would you find an added value in greater exchange of information/ guidance in this area, at international level?

Absolutely. International exchange of information and cooperation are always useful.

9. Is there any additional information that you would like to provide, in relation to any stage of the electoral cycle?
10. Additional specific aspects on which delegations may want to provide information:

- a. Does the EMB hire and involve personnel with a background in computer-science, engineering or a related field at drafting regulations, guidelines, contracts and procedures? What is their mission?

The Electoral Office relies on a computer expert responsible for the management of the electoral IT archive and the related ordinary and extraordinary tasks required, as summarily described in the answer to question 1.

- b. How are the systems, the operational infrastructure as well as the operational and maintenance procedures scrutinized? Is public scrutiny supported for example by publishing the source code of custom software? What are the roles of the EMB and other organisations (e.g. organisations on lower levels of government) at enforcing compliance with security-sensitive requirements? /

- c. Are there any system-independent procedures defined to verify the correctness of critical data held and computations performed by the systems in question (e.g. digitalised votes, counting, tabulation, election results; voter register)? Other sectors of the Public Administration dealing with ICT aspects of the electoral process are the IT, Technology, Data and Statistics Office and San Marino IT Cooperative (Cis Coop), a private law company that has concluded an agreement with the State.