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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT COMPILATION

OF VENICE COMMISSION OPINIONS AND REPORTS

**CONCERNING NEW TECHNOLOGIES IN THE ELECTORAL
PROCESS¹**

** This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

¹ This document will be updated regularly. This version contains all opinions and reports adopted up to and including the Venice Commission's 116th Plenary Session (October 2018).

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I. Introduction

This document is a compilation of extracts taken from opinions and reports/studies adopted by the Venice Commission on issues concerning the use of new technologies in the electoral process – from voter registration until the transmission of results. The aim of this compilation is to give an overview of the doctrine of the Venice Commission in this field. This document does not concern questions of access to information and the relationship between media and elections, the latter being subject to a separate compilation.

This compilation is intended to serve as a source of references for drafters of constitutions and of legislation relating to the use of new technologies in the electoral process, researchers as well as the Venice Commission's members, who are requested to prepare comments and opinions on such texts. However, it should not prevent members from introducing new points of view or diverge from earlier ones, if there is good reason for doing so. The present document merely provides a frame of reference.

This compilation is structured in a thematic manner in order to facilitate access to the topics dealt with by the Venice Commission over the years.

Each opinion referred to in the present document relates to a specific country and any recommendation made has to be seen in the specific constitutional context of that country. This is not to say that such recommendation cannot be of relevance for other systems as well.

The Venice Commission's reports and studies quoted in this Compilation seek to present general standards for all member and observer states of the Venice Commission. Recommendations made in the reports and studies will therefore be of a more general application, although the specificity of national/local situations is an important factor and should be taken into account adequately.

Both the brief extracts from opinions and reports/studies presented here must be seen in the context of the original text adopted by the Venice Commission from which it has been taken. Each citation therefore has a reference that sets out its exact position in the opinion or report/study (paragraph number, page number for older opinions), which allows the reader to find it in the corresponding opinion or report/study.

The Venice Commission's position on a given topic may change or develop over time as new opinions are prepared and new experiences acquired. Therefore, in order to have a full understanding of the Venice Commission's position, it would be important to read the entire compilation under a particular theme. Please kindly inform the Venice Commission's Secretariat if you think that a quote is missing, superfluous or filed under an incorrect heading (venice@coe.int).

II. Relevant international standards

A. United Nations and UN specialized agencies

- International Covenant on Civil and Political Rights (1966) (ICCPR), Article 25
- The Universal Declaration of Human Rights (1948), Article 21

B. Council of Europe

- Protocol no.1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3
- Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108), 29 January 1989
- Convention on Cybercrime (ETS 185), 23 November 2001
- Recommendations adopted by the Committee of Ministers, in particular, Recommendation CM/Rec(2017)5, 14 June 2017 on Standards for e-voting; Recommendation CM/Rec(2009)1, 18 February 2009 on Electronic Democracy (e-democracy)
- Code of good practice in electoral matters, Guidelines and Explanatory Report, adopted by the Venice Commission at its 52nd Session (Venice, 18-19 October 2002) (CDL-AD(2002)023rev2-cor)
- Report on the compatibility of remote voting and electronic voting with the standards of the Council of Europe, adopted by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004) (CDL-AD(2004)012)

C. OSCE

- Copenhagen Document, meeting of the Conference on the Human Dimension of the CSCE, paragraph 7

III. Voter registration

45. In addressing previous ODIHR recommendations on developing a centralized voter register to address the above issues, Article 26 of the draft Election Code provides for the establishment of a Single Electronic Voter Register (SEVR) based on the State Information System. According to a generic listing of functionalities in the draft Election Code, the SEVR is meant to facilitate and automatize voter data collection and management processes as well as to eliminate election-day registration. A centralized register could also facilitate the collection and publication of data on the number and type of changes made to voter lists, which has been previously recommended by ODIHR as a means to enhance transparency.

46. The envisaged establishment of a centralized voter register constitutes a positive step. The draft Election Code, however, does not contain sufficient details on which authority will manage the SEVR, on the responsibilities and interaction of the various bodies, on how SEVR will be compiled and updated, and on its use before and on election-day. During the expert visit, the delegation was informed that the processes related to the establishment and functioning of SEVR would be outlined in detail in a regulation being developed by the Cabinet of Ministers. The delegation was also informed that PECs would proceed to a door-to-door campaign in order to check the voter lists and that the inaccuracies would be corrected accordingly online. This additional procedure is welcome but will have to be assessed in light of the next election cycles.

47. In absence of detailed regulations on the envisaged functioning of SEVR, a comprehensive assessment is not possible at this point. It remains to be seen in practice

and upon the development of additional regulations on how the SEVR serves to improve the quality and accuracy of voter registration. Without prejudices to the content of the future Cabinet of Ministers regulation, consideration could be given to including more detailed provisions into the draft Election Code. This step would be in line with the overall objectives of codification, contributing to the conciseness and integrity, as well as stability of legislation.

CDL-AD(2018)027e *Uzbekistan – Joint opinion on the draft election code, adopted by the Council for Democratic Elections at its 63rd meeting (Venice, 18 October 2018) and by the Venice Commission at its 116th Plenary Session (Venice, 19-20 October 2018) (para. 45).*

40. The Law gives surprisingly broad rights to political parties with a faction in the Verkhovna Rada (Article 24). Such parties are entitled to an electronic copy of the Register edited to show the voter's name, address, date and place of birth and place and conditions of voting. According to the Law, this is done with a view to enhancing 'public control' over the Register: the version of the Register provided to the political parties is to be used to check the Register's completeness and the reliability of voters' registered personal data. The circumstances in which a political party would seek to verify the completeness or reliability of the Register are far from obvious. Political parties tend to act for political motives and the parties may seek to use the Register for partisan purposes, perhaps as a tool for campaigning. The implementation of this provision will need to be monitored with careful scrutiny.

CDL-AD(2007)026 – *Joint Opinion on the Draft Law on State Register of Voters of Ukraine by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), adopted by the Venice Commission at its 71st Plenary Session (Venice, 1-2 June 2007) (para. 40)*

IV. Signature collection for citizens' initiatives

33. Article 13 deals with the collection of electronic signatures. The draft law does not provide for specific forms for collecting digital signatures. The forms provided by the law (Article 11) have thus to be available also for digital signatures. The reference to legislation on the electronic signature, the electronic document, the electronic identification and the reliable services might not be enough. In case of digital signature, the person is identifiable without any need to provide additional information on his or her name, place and date of birth, number of ID card or passport etc. Thus, all the information required for ordinary signature collection and verification (Article 11.3) is not required in this case. *The Venice Commission and ODIHR recommend clarifying which are the exact requirements for digital signatures, with a view to ensuring equal treatment between the collection of classical and digital signatures, and easy access to the process in both cases.*

CDL-AD(2018)026 *Albania – Joint Opinion on the Draft to the legislative Initiative of the Citizens, by the OSCE Office for Democratic Institutions and Humans Rights (OSCE/ODIHR) and the Venice Commission, adopted by the Council for Democratic Elections at its 63rd meeting (Venice, 18 October 2018) and by the Venice Commission at its 116th Plenary Session (Venice, 19-20 October 2018) (para. 33)*

V. Voting process

A. Voter identification

66. In the draft code, as submitted by the authorities on 18 April, a mechanism for electronically collecting the fingerprints of voters at polling stations is provided. The data

collected will be checked for cases of potential multiple voting (Article 75.2). This could help to limit potential voter impersonation and multiple voting, if the system functions properly. The draft code does not clearly define the competences of the various state bodies involved in the collection, storage, and use of this personal biometric data, or the consequences of discovering cases of matching fingerprints. In any case, should any new technologies be introduced in the electoral process, a number of issues should be thoroughly considered, including a risk assessment of the costs, benefits and challenges of introducing such technologies, harmonisation of new provisions with existing data protection laws and standards, but also ensuring trust in the process, necessary check-ups and pilot procedures, proper procedures for procurement, public testing and certification of the equipment, contingency planning if the technology fails, sufficient efforts for training electoral staff, and effective awareness-raising among voters and political parties. If new technologies are to be introduced, it is recommended that a gradual approach to the introduction of such technologies be adopted through pilots over the course of several elections, starting from the upcoming local elections. This would serve as an important measure to enhance confidence in the system and provide opportunities to address technical issues and ensure effective implementation.

CDL-AD(2016)019-e – Armenia – Joint Opinion on the Draft Electoral Code as of 18 April 2016, endorsed by the Council of Democratic Elections at its 55th meeting (Venice, 9 June 2016) and by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016) (para. 66)

39. Identity controls at the polling station, which should not undermine the secrecy of the vote, are made more efficient through the issuance of specific voters' ID documents; the use of biometric measures to identify duplication in records; the adoption of anti-counterfeiting measures for identity documents; the on-line verification of the identity of voters; controlled destruction of identification documents which remain unclaimed by citizens. [...]

CDL-AD(2015)040 Summary Report on Voters residing de facto abroad, adopted by the Council for Democratic Elections at its 53rd meeting (Venice, 17 December 2015) and by the Venice Commission at its 105th Plenary Session (Venice, 18-19 December) (para. 39)

32. Classical measures against double vote imply the control of the identity documents of the voter at the polling station. In order to make the right to vote effective, a number of countries recognise several documents as valid – for example, an identity card or a passport, since a number of people have only one of them. They may even admit that the same person holds two passports. Moreover, the validity of some documents can be unlimited or the use of expired documents be admitted: recognising voters through their photo is therefore not always easy. This makes the identity control insufficient to prevent fraud in case the electoral lists are not fully reliable. Identity control is a full guarantee against impersonation only if each voter is provided with a specific document, as is the case in Mexico or in the Dominican Republic. Fraud is made more difficult if supplementary measures are taken against the falsification of identity documents, for example by the use of biometrical data, or if two identity documents are requested (Argentina).

[...]

34. When a centralised electoral register is available (and reliable), an on-line verification of the identity of voters in this register also prevents double vote. This system, which is applied in Republic of Moldova, implies the introduction of the 13 digits personal identification number from the voters' ID in the on-line application. The check-in request is sent, through internet connection, to the CEC server in order to check if the respective voter voted or not.

CDL-AD(2015)040 Summary Report on Voters residing de facto abroad, adopted by the Council for Democratic Elections at its 53rd meeting (Venice, 17 December 2015) and by the Venice Commission at its 105th Plenary Session (Venice, 18-19 December 2015) (paras. 32 and 34)

66. Additionally, an entire range of privacy and data protection concerns are raised as Article 213(3) of the draft Code requires the system to identify voters and ensure that only voters with the right to vote are able to vote. In order to do this, the system will have to process and store personal data, which invokes the application of numerous standards for the processing of personal data through electronic means. The limited text of these articles is insufficient for establishing legal and technical guarantees required before electronic voting is introduced and before personal data is processed by the system. Further, the introduction of electronic voting should be done gradually and through piloting it in a limited number of polling stations, with contingency plans for backup voting arrangements should the electronic voting system fail. The Venice Commission and the OSCE/ODIHR recommend electronic voting not be introduced without addressing these issues and drafting legal text that is specific and detailed. The introduction of electronic voting based on the text of Articles 212-214 should be carefully reconsidered.

CDL-AD(2014)001 Joint Opinion on the Draft Election Code of Bulgaria, by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission, adopted by the Council for Democratic Elections at its 47th meeting (Venice, 20 March 2014) and the Venice Commission at its 98th Plenary Session (Venice, 21-22 March 2014) (para. 66)

B. Electronic voting methods

Footnote 77: Article 145 (33) of the Act on Supplementary Provisions (26.05.2016) provides machine voting in the 2019 European Parliamentary elections in case the previous experimental remote voting is conducted successfully. It remains unclear whether the decision on future remote voting shall be made by the CEC or parliament itself. In the former case it should be stipulated clearly, as the use of such mechanism is a core issue of election procedure which has to be provided clearly in law, based on the Code of Good Practice in Electoral Matters, (item II.2.a). In principle, the idea to undertake experimental remote voting is in line with OSCE/ODIHR recommendations to have pilots before deciding on the increased and binding usage of new voting technologies.

(See OSCE/ODIHR Limited Election Observation Mission Final Report, Republic of Bulgaria. Early Parliamentary Election, 5 October 2014, p. 8; OSCE/ODIHR Needs Assessment Mission Report, Republic of Bulgaria, Presidential Election 2016, p. 6).

CDL-AD(2017)016-e Bulgaria – Joint Opinion on Amendments to the Electoral Code, adopted by the Council for Democratic Elections at its 59th meeting (Venice, 15 June 2017) and by the Venice Commission at its 117th Plenary Session (Venice, 16-17 June 2017) (Footnote 77)

36. Effective measures in favour of voters abroad imply making their registration and the exercise of their right to vote as easy as possible, if necessary by multiplying the number of polling stations and voting methods (including postal, internet and proxy voting). If no precautions are taken, there is however a risk of electoral fraud. This is typically the case if

registration is possible at the polling station on Election Day or if the list of documents for voter identification is broad. The risk is actually much higher in-country, through impersonation, than abroad. Here again, the more extensive the list of admitted identity documents, the higher the risk of fraud.

CDL-AD(2015)040 Summary Report on Voters residing de facto abroad, adopted by the Council for Democratic Elections at its 53rd meeting (Venice, 17 December 2015) and by the Venice Commission at its 105th Plenary Session (Venice, 18-19 December 2015) (para. 36)

65. Articles 212-214 of the draft Code allow for “machine voting” by “using electronic communication means and data processing” should a voter so choose. Although this procedure of voting is, in principle, compatible with the Code of Good Practice in Electoral Matters, this compatibility depends primarily on adequate provisions, through national legislation and practice, of the prescribed conditions, taking particular account of technical and social conditions. Although Article 213 provides a list of some general principles for this alternative form of voting there is no guarantee that these general principles will be implemented with specific rules that are fundamental to genuinely democratic elections held by secret ballot. In this respect, the Committee of Ministers of the Council of Europe has highlighted in its Recommendation (2004)¹¹ on legal, operational and technical standards for e-voting that “e-voting shall be as reliable and secure as democratic elections and referenda which do not involve the use of electronic means”.

66. Additionally, an entire range of privacy and data protection concerns are raised as Article 213(3) of the draft Code requires the system to identify voters and ensure that only voters with the right to vote are able to vote. In order to do this, the system will have to process and store personal data, which invokes the application of numerous standards for the processing of personal data through electronic means. The limited text of these articles is insufficient for establishing legal and technical guarantees required before electronic voting is introduced and before personal data is processed by the system. Further, the introduction of electronic voting should be done gradually and through piloting it in a limited number of polling stations, with contingency plans for backup voting arrangements should the electronic voting system fail. The Venice Commission and the OSCE/ODIHR recommend electronic voting not be introduced without addressing these issues and drafting legal text that is specific and detailed. The introduction of electronic voting based on the text of Articles 212-214 should be carefully reconsidered.

CDL-AD(2014)001 Joint Opinion on the Draft Election Code of Bulgaria, by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission, adopted by the Council for Democratic Elections at its 47th meeting (Venice, 20 March 2014) and the Venice Commission at its 98th Plenary Session (Venice, 21-22 March 2014) (para. 65-66)

62. Article 60 of the Electoral Code provides for electronic voting by electors who are – on voting day – on diplomatic service in diplomatic and consular representations of the Republic of Armenia, as well as members of their families residing abroad with them and having the right to vote. The introduction of electronic voting – especially when conducted in an uncontrolled environment, as indicated by the CEC – should only be an alternative means to voting in a controlled environment. Remote electronic voting is particularly controversial because it cannot guarantee secrecy and it cannot be observed through the methods commonly applied to observation of voting in the controlled environment of a polling station. The adequacy of electronic voting in situations where confidence in the impartiality of the election administration is limited should be carefully evaluated. Should there be a decision to implement electronic voting, its legal basis should be drafted in an equally detailed and accountable manner as for traditional voting in a controlled environment. The Armenian

authorities should carefully examine the need for Internet based voting against the alternative of organising polling stations at the consular offices on election day for this small group of voters.

CDL-AD(2011)032 – Joint Final Opinion on the Electoral Code of Armenia, adopted by the Council for Democratic Elections at its 38th meeting (Venice, 13 October 2011) and the Venice Commission at its 88th Plenary Session (Venice, 14-15 October 2011) (para. 62)

49. Paragraph 11 of the transitional provisions of the draft Election Code provides for testing of voting via the Internet for five polling stations within and five sections outside Bulgaria during the upcoming presidential elections. While remote voting via the Internet and other forms of electronic voting are generally considered compatible with the standards of the Council of Europe, this compatibility largely depends on whether adequate technical security has been provided and social conditions in the country have been taken into account. As electronic voting via the Internet is an alternative voting channel to paper-based voting, its legal basis has to be drafted in an equally detailed and accountable manner. The Code does not sufficiently describe the voting process, the setup, the testing, and the opening and closing of electronic voting via the Internet nor does it provide for data destruction or how observation of these procedures will be enabled. Including five polling stations outside Bulgaria adds considerable complexity to the project, as they include voters with voting rights from more than one constituency. This is not only organisationally challenging, but also challenges the secrecy of the vote in cases where only few votes are received for a specific constituency. The Constitutional Court declared that the provisions on Internet voting contradict the Constitution, thus provisions of paragraph 11 of the transitional provisions of the Code do not apply. Following the Constitutional Court decision, on the 2 June, the National Assembly also repealed paragraph 14 (2) of the transitional provisions that required the CEC to adopt a procedure for the experimental electronic voting via the Internet for the 2011 presidential election. These are welcome changes.

CDL-AD(2011)013 – Joint Opinion on the election code of Bulgaria, adopted by the Council for Democratic Elections at its 37th meeting (Venice, 16 June 2011) and the Venice Commission at its 87th Plenary Session (Venice, 17-18 June 2011) (para. 49)

iv. electronic voting should be in conformity with Committee of Ministers' Recommendation Rec(2004)11 on Legal, operational and technical standards for e-voting. In particular, it should be used only if it is safe, reliable, efficient, technically robust, open to independent verification and easily accessible to voters; the system must be transparent; unless channels of remote electronic voting are universally accessible, they shall be only an additional and optional means of voting;

CDL-AD(2007)008rev-cor, Code of good practice on Referendums, adopted by the Council for Democratic Elections at its 19th meeting (Venice, 16 December 2006) and the Venice Commission at its 70th plenary session (Venice, 16-17 March 2007) (para. I.3.2.a.iv.: Freedom of voters to express their wishes and action to combat fraud)

16. The paragraph on electronic voting has been brought into line with the new standards introduced by the Council of Europe through the adoption of Recommendation Rec(2004)11 of the Committee of Ministers on legal, operational and technical standards for e-voting (point I.3.2.a.iv).

CDL-AD(2007)008rev-cor, Code of good practice on Referendums, adopted by the Council for Democratic Elections at its 19th meeting (Venice, 16 December

2006) and the Venice Commission at its 70th plenary session (Venice, 16-17 March 2007) (para. 16 of the Explanatory Memorandum)

66. Based on this analysis of non-supervised postal voting, we can also develop similar standards for e-enabled voting. Consequently, electronic voting is neither generally permitted by human rights nor ruled out a priori. Instead, its acceptability depends on the legal, operational and technical standards implemented in the procedure. In order to establish specific standards, it will be necessary to compare the precautionary measures for e-enabled voting with those for postal voting. Insofar as a potential recommendation set out security measures comparable with those for postal voting, e-enabled voting could be compatible with the European standards in this area and with Article 3 of Protocol 1. In this context, it is necessary to ensure that the confidentiality of electronic voting is guaranteed by measures comparable with those applicable to postal voting, especially by preventing data manipulation, protecting anonymity to prevent possible disclosure of the elector's wishes, and by maintaining the authenticity and integrity of the votes cast.

67. The Venice Commission's Code of Good Practice contains a clarification that could serve as a guideline. According to the explanatory report (see § 42), certain precautions are needed to minimise the risk of fraud, for example by enabling the voter to check his or her vote immediately after casting it. It is important to ensure that ballot papers are designed in such a way as to avoid confusion. In order to facilitate verification and a recount of votes in the event of an appeal, it may also be provided that a machine could print votes onto ballot papers; these would be placed in a sealed container where they cannot be viewed. There should also be some kind of device for mixing the ballot papers so that if it proves necessary to open the container for checking, papers cannot be linked to particular voters – for example, those turning out early or late in the day.

CDL-AD(2004)012 – Report on the compatibility of remote voting and electronic voting with the standards of the Council of Europe, adopted by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004) (paras. 66-68)

I.3.2.iv. electronic voting should be used only if it is safe and reliable; in particular, voters should be able to obtain a confirmation of their votes and to correct them, if necessary, respecting secret suffrage; the system must be transparent;

CDL-AD(2002)023rev2-cor, Code of good practice in electoral matters, Guidelines and Explanatory Report, adopted by the Venice Commission at its 52nd Session, Venice, 18-19 October 2002 (para. I.3.2.iv.: Freedom of voters to express their wishes and action to combat electoral fraud).

42. Several countries are already using, or are preparing to introduce mechanical and electronic voting methods. The advantage of these methods becomes apparent when a number of elections are taking place at the same time, even though certain precautions are needed to minimise the risk of fraud, for example by enabling the voter to check his or her vote immediately after casting it. Clearly, with this kind of voting, it is important to ensure that ballot papers are designed in such a way as to avoid confusion. In order to facilitate verification and a recount of votes in the event of an appeal, it may also be provided that a machine could print votes onto ballot papers; these would be placed in a sealed container where they cannot be viewed. Whatever means used should ensure the confidentiality of voting.

43. Electronic voting methods must be secure and reliable. They are secure if the system can withstand deliberate attack; they are reliable if they can function on their own, irrespective of any shortcomings in the hardware or software. Furthermore, the elector must

be able to obtain confirmation of his or her vote and, if necessary, correct it without the secrecy of the ballot being in any way violated.

44. Furthermore, the system's transparency must be guaranteed in the sense that it must be possible to check that it is functioning properly.

CDL-AD(2002)023rev2-cor, Code of good practice in electoral matters, Guidelines and Explanatory Report, adopted by the Venice Commission at its 52nd Session, Venice, 18-19 October 2002 (paras. 42-44 of the Explanatory Report)

VI. Vote counting and transmission of results

102. Article 57 of the draft Election Code provides for a novel practice of copies of PEC result protocols being submitted immediately upon completion of counting procedures to the respective DEC's "by means of information and communication technologies". While potentially contributing to the efficiency of results tabulation processes, any provisions for the use of technology need to be accompanied with detailed elaborations in the law on the technical solutions used and the procedures to be followed. These should cover, among others, aspects related to procurement, testing, auditing and public access to the technologies used. ODIHR and the Venice Commission therefore recommend providing the draft Election Code with detailed provisions and the procedures to follow on the technical solutions used for voting, counting and tabulation processes.

CDL-AD(2018)027 Uzbekistan – Joint Opinion on the Draft election code, adopted by the Council for Democratic Elections at its 63rd meeting (Venice, 18 October 2018) and by the Venice Commission at its 116th Plenary Session (Venice, 19-20 October 2018) (para. 102)

31. The final factor of any election manipulation analysis is knowledge of the adversaries and their capabilities. An adversary could be a ruling party that seeks to stay in power; it may be a presiding officer in a polling station, who would like to alter the result; or it might be a foreign nation state that seeks to disrupt the government or install its own friendly government. If the ruling party is under suspicion for election manipulation, their capabilities generally exceed those of any single presiding officer, so they could in principle do much greater damage to the election outcome. The use of electronic election technologies might enable a single actor (including a foreign power) to completely control election results, absent a durable, tamper-evident, voter-verified paper trail that is used to check the electronic results by a rigorous audit.

CDL-AD(2018)009 Report on the identification of electoral irregularities by statistical methods, taken note of by the Council for Democratic Elections at its 61st meeting (Venice, 15 March 2018) and the Venice Commission at its 114th Plenary Session (Venice, 16-17 March 2018) (para. 31)

67. The Venice Commission's Code of Good Practice contains a clarification that could serve as a guideline. According to the explanatory report (see § 42), certain precautions are needed to minimise the risk of fraud, for example by enabling the voter to check his or her vote immediately after casting it. It is important to ensure that ballot papers are designed in such a way as to avoid confusion. In order to facilitate verification and a recount of votes in the event of an appeal, it may also be provided that a machine could print votes onto ballot papers; these would be placed in a sealed container where they cannot be viewed. There should also be some kind of device for mixing the ballot papers so that if it proves necessary to open the container for checking, papers cannot be linked to particular voters – for example, those turning out early or late in the day.

CDL-AD(2004)012 – Report on the compatibility of remote voting and electronic voting with the standards of the Council of Europe, adopted by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004) (para. 67)

42. Several countries are already using, or are preparing to introduce mechanical and electronic voting methods. The advantage of these methods becomes apparent when a number of elections are taking place at the same time, even though certain precautions are needed to minimise the risk of fraud, for example by enabling the voter to check his or her vote immediately after casting it. Clearly, with this kind of voting, it is important to ensure that ballot papers are designed in such a way as to avoid confusion. In order to facilitate verification and a recount of votes in the event of an appeal, it may also be provided that a machine could print votes onto ballot papers; these would be placed in a sealed container where they cannot be viewed. Whatever means used should ensure the confidentiality of voting.

CDL-AD(2002)023rev2-cor Code of good practice in electoral matters – Guidelines and Explanatory Report adopted by the Venice Commission at its 52nd session (Venice, 18-19 October 2002) (para. 42 of the Explanatory Report)

VII. Reference documents

CDL-AD(2018)027 Uzbekistan – Joint opinion on the draft election code, adopted by the Council for Democratic Elections at its 63rd meeting, Venice, 18 October 2018 and the Venice Commission at its 116th Plenary Session, Venice, 19-20 October 2018

CDL-AD(2018)026 Albania – Joint Opinion on the Draft to the legislative Initiative of the Citizens, by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission, adopted by the Council for Democratic Elections at its 63rd meeting, Venice, 18 October 2018 and by the Venice Commission at its 116th Plenary Session, Venice, 19-20 October 2018

CDL-AD(2017)016 – Bulgaria – Joint opinion on amendments to the electoral code, adopted by the Council for Democratic Elections at its 59th meeting, Venice, 15 June 2017 and the Venice Commission at its 111th Plenary Session, Venice, 16-17 June 2017

CDL-AD(2016)019 – Armenia – Joint Opinion on the draft electoral code as of 18 April 2016, endorsed by the Council of Democratic Elections at its 55th meeting, Venice, 9 June 2016 and by the Venice Commission at its 107th Plenary session, Venice, 10-11 June 2016

CDL-AD(2015)040 – Summary Report on Voters residing de facto abroad, adopted by the Council for Democratic Elections at its 53rd meeting, Venice, 17 December 2015 and by the Venice Commission at its 105th Plenary Session, Venice, 18-19 December 2015

CDL-AD(2014)001 – Joint Opinion on the Draft Election Code of Bulgaria, by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Venice Commission, adopted by the Council for Democratic Elections at its 47th meeting, Venice, 20 March 2014 and the Venice Commission at its 98th Plenary Session, Venice, 21-22 March 2014

CDL-AD(2011)032 – Joint Final Opinion on the Electoral Code of Armenia, adopted by the Council for Democratic Elections at its 38th meeting, Venice, 13 October 2011 and the Venice Commission at its 88th Plenary Session, Venice, 14-15 October 2011

CDL-AD(2011)013 – Joint Opinion on the election code of Bulgaria adopted by the Council for Democratic elections at its 37th meeting (Venice, 16 June 2011) and by the Venice Commission at its 87th plenary session (Venice, 17-18 June 2011)

CDL-AD(2007)026 – Joint Opinion on the Draft Law on State Register of Voters of Ukraine by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) adopted by the Venice Commission at its 71st Plenary Session, Venice, 1-2 June 2007

CDL-AD(2007)008rev-cor, Code of good practice on Referendums, adopted by the Council for Democratic Elections at its 19th meeting (Venice, 16 December 2006) and the Venice Commission at its 70th plenary session (Venice, 16-17 March 2007)

CDL-AD(2004)012 – Report on the compatibility of remote voting and electronic voting with the standards of the Council of Europe, adopted by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004)

CDL-AD(2002)023rev2-cor, Code of good practice in electoral matters, Guidelines and Explanatory Report, adopted by the Venice Commission at its 52nd Session (Venice, 18-19 October 2002)