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**5th EUROPEAN CONFERENCE
OF ELECTORAL MANAGEMENT BODIES**

“DISTANCE VOTING”

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REPORTS

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OPENING REMARKS

Luc van den BRANDE
Chairman of the Council for Democratic Elections

Dear Minister, ladies and gentlemen,

It is a pleasure for me to address you in my capacity as Chair of the Council for Democratic Elections of the Venice Commission on the occasion of the 5th European Conference of Electoral management bodies. I am glad that this important event is taking place this year in my home country, Belgium.

Elections are a cornerstone of any democracy. The activities of the Council of Europe in the electoral field are manifold and under the responsibility of a number of bodies of this organisation. These bodies are: the Parliamentary Assembly, the Congress of Local and Regional Authorities of the Council of Europe, the Directorate General of Political Affairs and the Venice Commission. All these bodies are conducting a number of election-related activities.

As you already know that electoral law is one of the central fields of expertise of the Venice Commission. It has given opinions on electoral legislation in a number of countries in Europe over the years.

Two political bodies of the Council of Europe, the Parliamentary Assembly and the Congress of Local and Regional Bodies, found the Venice Commission's advice important enough to establish of joint body with the Commission, and this joint body is known as the Council for Democratic Elections.

The Council for Democratic Elections is made up of representatives of the Venice Commission, the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe. In addition, the Office for Democratic Institutions and Human Rights regularly takes part in the Council's work as an observer.

The Council for Democratic Elections has also encouraged the European Parliament, the European Commission, the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE), as well as the Association of European Election Officials (ACEEEO), to join in its work as observers.

Opinions on electoral legislation and on other election-related matters are first dealt with by the Council for Democratic Elections before they are submitted for consideration and/or adoption to the Plenary session of the Venice Commission. We are convinced that a preliminary discussion of these issues within a body composed of representatives of different Council of Europe bodies and other international institutions would bring enormous added value to the final document.

Within the Council of Europe, we deal with a wide range of issues and are fully aware of the importance of distance voting. It is a serious challenge to any electoral management body, since it involves procedures whereby “votes are cast “in an uncontrolled or non-supervised environment”. It requires particular attention to a wide range of issues, such as technical security of the vote, special procedures for transmission of the information, logistical and political arrangements if voting is organised abroad, informing the voters and other.

Some countries present here today have had different models of distance voting for a number of years. With the advance of new technologies, new possibilities are open to explore. However, it is essential that, in opting for any given model, the basic principles of free and fair elections are preserved.

I am sure that our discussions here over the next two days will not only concentrate on different national experiences, but will also help to identify and further promote existing good practices. The Council for Democratic Elections considers that the European conferences of Electoral management bodies make a very important contribution to the development of electorate standards and should be encouraged to be more active in this area. We are therefore looking forward to the results of your discussions and possible recommendations today and tomorrow.

Thank you very much for your attention.

AN OVERVIEW OF SPANISH ELECTORAL SYSTEM IN 2007 AND 2008 ELECTIONS

Jose Luis VIEDMA
Sub-director of the Electoral Census Office
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The Spanish Electoral Administration

The Spanish electoral administration is an independent administration, composed by qualified members elected among high tribunal judges and university teachers.

It's a hierarchical organization formed by the Central Board (permanent) and the Provincial and Zone Boards (which, together to the polling stations, are formed for attending each electoral process).

It is engaged to supervise the purity of the electoral processes, according to the Electoral Law. It has the capacity to establish instructions, to resolve disputes, to put punishments and to certify the final results. Moreover, it is responsible to direct and supervise the activities of the Electoral Census Office.

The Electoral Census Office(OCE)

This Office is part of the Spanish Statistical Institute, where is formed the Population Registers of people resident in Spain and the Spaniards living abroad, the most important sources of the Electoral Census. It is recognized as an independent administration.

The Electoral Census has the registrations of people with vote's right, mainly, 18 years old and no disable to vote:

- Spaniard voters with residence in Spain.
- Spaniard voters living abroad.
- UE citizens for municipal en European Parliament elections and citizens of countries whit a Treaty wit reciprocity in municipals elections.

Electoral Census is permanent and the inscription compulsory.

It is updated monthly with the information sent from other administrations: councils personal data and residence's address in Spain, consulates the same for the Spaniards living abroad, Civil Register information about deaths, acquisitions and lost of nationality and changes on names, surnames and sex, Interior Ministry for ID cards for Spaniards and foreigners and Justice's Tribunals for sentences of disability to vote.

Spanish electoral voting system

In addition to elaborating the Electoral Census, the OCE is responsible of making the voters' lists for the councils. Consulates and polling stations, resolving registration claims, expediting of registration certificates, attending to mailing vote and elaborating copies of electoral census for the candidatures, autonomous communities and electoral boards.

The vote is optional.

The Spanish electoral legislation admits only postal voting as alternative to personal voting in the polling station that corresponds to the voter in the election's day. This is an option for voters residents at Spain sending an appliance to the OCE through the Spanish postal offices. Otherwise, the Spanish residents abroad only can vote by mail, in general without asking for it.

COMPLAINTS AND APPEALS PROCEDURES IN THE COUNCIL OF EUROPE MEMBER STATES

André KVAKKESTAD
Lawyer, Norway

The Article 3 of Protocol no. 1 to the European Convention on Human Rights is the main basis when stating the European standard on election and electoral matters. Article 3 of Protocol No. 3 reads as follows:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature”.

Together with this article one need to take into consideration the laws and traditions that have developed within Europe. This also is a part of the European standards.

To be able to reach a democratic society one need to invest in the trust of the democratic system within the population. A democratic society is only possible if the society it selves finds it the best way to govern and to make decisions regarding disputes and priorities.

If one wants to have trust on also have to be credible. Then the question is how to get this credibility. In order to give ones decisions credibility one can make them controllable and even appealable. First one need to establish what decision has been made and then one can decide up on the question on the decision being the right one or not.

The more important a decision is the more in need one is for transparency and the possibility for a second opinion thru a system of appeal. This has a direct link to the trust of decisions and the governing of a country.

When it comes to the question of complaints and appeals one do see that the traditions within Europe differ quite a lot. This has to do with historical circumstances when created, and to the developing of principles and needs.

One will see that in older democracies where the laws and practices has not changes for decades, or even longer, there is more reluctance to give other bodies of state the right to intervene into the election results and appeal procedure, then in newer democratises. This has to do with a different view on the question on the need for parliamentary independence on the one hand and the need for check and balance on the other hand.

The complaint and appeal procedure must be understood within the trust invested in the court system and the government at the time of legislation.

Another question is if legislation given at a certain historical time is to be regarded as satisfactory to day. My opinion is that as times go by and standards develop, also older democracies has to adopt to the time and standards of today and not use history to defend the need of yesterday.

I would like to show the large difference within Europe regarding complaint and appeal procedure by giving some examples. There are probably other examples that could have been given, but it has not been too easy to get a good overview on the practices of all member states of the Council of Europe.

It is important for me to underline that the countries chosen is not an indication that there systems are regarded as being particularly problematic or otherwise particularity good examples.

For sure there are European standards and not a European standard. The question might be if there is any kind of standards at all. Then one has to ask one self if there at least ought to be some kind of guidelines or common ground to build some kind of standard.

Norway

When it comes to parliamentary elections, the basis for the procedure for making a result valid is based on the Constitution § 64. There it is stated that every elected Member of Parliament shall be given an accreditation that will be validated by the Parliament it selves.

This means that complaint regarding the election and the electoral process at the end is being decided up on by the Parliamentarians that consist of those elected in the contested election.

The right to make the preliminary decision up on whose list to accept and the tabulation of local results is the regional assembly by its executive committee. This is a 100% political body.

There is no part for the courts to take part in questions regarding the electoral process or the election result. The conduction, decisions and appeals are only dealt with by political bodies. This is so even if the political bodies can ask there administrations for some advise.

Any voter has the right to complain on every aspect of the electoral process. That means that complaints can be based up on questions on registration of the parties' lists, the organisation of the election, the right to vote, observed violations on Election Day or counting and tabulation.

The problem is that it might not be finally decides up on until after the new elected parliament meets for its first seating.

Example:

In 2001 there was a situation where 2 different groups that argued regarding who could use the name of the party and then hand in the legal party list. This happened in many of the regions and constituencies. It was also clear that the one losing would contest the result of the election. One also saw that it could happen that constituencies accepted lists from the different group.

The question was then to be handled by the regional assembly. The assembly knew that there decision would be contested, so they asked the ministry to give an advice. The ministry was reluctant to do so. This was due to the fact that they might be asked by parliament to give a legal opinion for the final decision. So it looked like being a rather likely situation that one could have a new election due to the reluctance to get a clear decision.

After the regional assemblies had taken there decision the ministry decided to give some guidelines anyway. This then resulted in regional assemblies changing there decisions that had already been made.

As expected the decisions of the regional assemblies were contested and had to be decided up on by the newly elected parliament.

The Parliament decided that the decisions of the regional assemblies made after recommendations from the ministry were correct and a new election then was not necessary.

It would be difficult to speculate in what had happened if the ministry had not given the advice in advance.

1981

In 1981 there were problems regarding the early voting. There were a number of ballots that had been accepted as valid that should not have been invalidated.

The margins in two constituencies/regions were so close that it could have inflicted up on the result.

The Parliament then decided to have a new election in two of the constituencies/regions. The result was a change of one Member of Parliament.

Another problem was that the new election was conducted in December so the Parliament went on without a clear result in 2 of the 19 constituencies for more than two months.

1993

In the constituency of Oslo there were quite a few less ballots than voters signed of in the voter list. After several days a ballot box with some hundred ballots turned up.

This was regarded by Parliament as not sufficient to hold a new election.

The Netherlands

When dealing with elections regarding the National Assembly (the House of Representatives) the result is ratified by the Electoral Council.

When the electoral Council has made its decision the questions of complaints is a matter for the National Assembly it selves. A decision made there is not open for an appeal to any court of law.

Any voter can complain at the polling station where some irregularities might have happened or at a later stage when there is a public session of ratifying the electoral result by the Election Council. Voters can also report violations and irregularities to the National Assembly itself.

The National Assembly can decide upon reports of violations that they find is of importance regarding the election. The National Assembly is free to do make their decision upon their own understanding of the need for action.

Some violations regarding elections are also dealt with in the Dutch Penal Code. This has no direct implications or effect linked to the question of the result of the election.

If someone is charged on the basis of violation regarding electoral matters, this is being dealt with by the standard judiciary processes related to penal law.

Sweden

Sweden has a system where the final decision is made by a board consisting of political members and at least one judge: The Election Review Board. This board is appointed by the Swedish Parliament after the general election.

There are no courts involved in the decision upon electoral matters.

Sweden earlier had the decision regarding the elections made by The Supreme Administrative Court. The main reason to the change was a wish for a speedy procedure and result regarding complaints and appeals.

As a principle Sweden also wanted complaints and appeals regarding the elections to be under the democratic pillar of the elected parliament.

At the same time one also got the possibility to have political knowledge into the deciding body. This might take into the consideration the fact that there can be situations where measures can be needed to be taken even if it by strictly legal definitions does not. Elections by a large need the trust of the public as the main guideline.

When it comes to the political appointments there is different views within the political parties on the question of political members ought to be active politicians or not. This results in a mix within the board. The only clear rule regarding who is able to be elected is that the chairman has to be or to have been a judge, and not a member of parliament.

Every person that is in the voter list can appeal the decision regarding the result of the election. The same right goes to political parties that have participated in the specific election.

Appeals should be handed in within 10 days of the announcement of the final result of the election.

There have been 70 cases of complaint regarding parliamentary elections since 1975. The Election Review Board has found some irregularities, but none so serious that re-election was needed.

The only example where one concluded that there was a need for a new election was not in a general election. In 2002 there was a re-election in a municipal assembly due to five votes not delivered from the Post to the Election Committee. The margin in the first result was 1 vote!

Germany

When it comes to federal elections the Federal law on Scrutiny of Elections provides that it is the Parliament/Bundestag that is having the main responsibility. This means that the parliament do decide up on there own case.

The procedure in Parliament is that one establishes a special committee which is composed of Members of Parliament. This committee then prepares the cases for the Parliament to make the decision.

The decision of the Parliament then may be subject to an appeal to the Federal Constitutional Court.

The reason for the procedure that the Parliament is part of the process is historical. It goes back to 1871 when Parliament won this right from the then governing monarch.

Who can appeal?

To be able to contest the result and to bring the case in for the Parliament one needs to be a eligible voter, the Federal Returning Officer that oversees the election one of the 16 state returning officers or by the President of the Parliament.

When it comes to appealing the Parliaments decision to the Federal Constitutional Court the possibilities are more limited. Here the appeal has to be made by the person that brought the case in to Parliament with an additional support by 100 signatures from other people that has the right to vote. By the members of the Parliament the right to appeal is limited to the person that has lost the seat due to decision of the Parliament or to a group of parliamentarians that count for at least 10 % of the total members in Parliament.

When?

For the formal protest on the election result to be taken into consideration by the Parliament, it has to be handed in to Parliament within 2 month after Election Day.

The appeal up on the decision of Parliament has to be handed in and specified within 2 month after the decision that is challenged was made in Parliament.

The total timeframe of the process means that a final decision might not be made for more then 4 month after the day of election. If it then is to be called for a new election the time is running fast.

Czech Republic

In the Czech Republic it basically starts with the State Electoral Commission issuing certificates up on the elections in the two chambers of parliament.

Then the decision of the State Electoral Commission can be brought in for the Supreme Administrative Courts. There decision can then again be appealed to The Constitutional Court.

Who can file a case?

The right to complain is given to every single person that is registered with the right to vote in the region/constituency where the result is being challenged.

The right to complain is also given to every participating candidate either with in a political group, coalition or as an individual candidate.

When?

The complaint has to be handed in within 10 days from the result of the parliamentary election is made official. Then the Supreme Administrative Court has 20 days to make a decision up on the given complaint. The Constitutional Court do not have any timeframe within to make their decision.

Estonia

In Estonia the National Electoral Committee verifies the result of the election in the country.

The result can be appealed to the Supreme Court.

Who can appeal?

Every voter that finds their right to have been violated is in a position to complain and thereby appeal the decision of the National Electoral Committee. As a parallel the right to take a case to the Supreme Court is also given to a candidate or a political party that fin there right violated.

When?

When the result of the election has been officially declared, the appellant has the relatively short timeframe of 3 days to contest the result.

The National Electoral Committee can within 3 days review there decision regarding the complaint.

The Supreme Court then has a timeframe of 7 working days from receiving the appeal to deliver their final decision.

Some numbers

From 2002 there have been 83 cases of complaint to the National Electoral Committee where they themselves have changed the result wholly or partially in 11 of these appealed cases.

71 cases have been handled by the Supreme Court, and out of them 9 cases have been ruled in favour of the appellant wholly or partially.

Serbia

In Serbia the Republic Electoral Commission is the certifying body regarding parliamentary elections. The result has to be stated within 96 hours after the closing of the polling stations.

An appeal can be filed to The Supreme Court of the Republic of Serbia.

The procedure is that the complainant files a complaint to the Republic Electoral Commission who then reviews the matter. Their decision on admitting or dismissing the complaint can be appealed to the Supreme Court.

Who can file a complaint?

Every voter that is enlisted in the list of voters has the right to submit a complaint regarding violation of his/her rights regarding the election.

A candidate or a submitter of an electoral list is also entitled to submit a complaint if their rights have been violated.

When?

In Serbia there is quite a strict timetable regarding appeals and decisions.

An appeal must be handed in within 48 hours of the receipt of a decision of the Republic Electoral Commission regarding violations in the electoral procedure, the Court then has to make a decision also within 48 hours. Regarding certification on mandates the time frame for the Supreme Court is within 72 hours.

Bosnia and Herzegovina

In Bosnia and Herzegovina, the Central Election Commission, (in accordance with Article 2.9 of the Election Law of BiH,) shall be competent to establish and certify results of all direct and indirect elections set forth by this Law.

The first instance to review the complaint is the Central Election Commission itself. Then one can appeal the decision made by the Commission to the Appellate Division of the Court of Bosnia and Herzegovina.

Who can appeal?

In accordance with the Election Law of BiH, the voter and political entity, whose right, laid down by the Election Law, was violated, may lodge a complaint with the Election Commission.

(I have not seen that there is any change in who can appeal to the Supreme Court of Bosnia and Herzegovina.)

When?

A complaint to the Central Election Commission has to be handed in within 48 hours following the violation committed.

The Central Election Commission then has to deliver their decision within 48 hours from receiving the complaint.

In the second-instance proceeding, an appeal shall be lodged with the Appellate Division of the Court of Bosnia and Herzegovina within two days from the day of receiving the decision of the Central Election Commission of BiH on the application of this Election Law.

Austria

Austria got an Electoral reform in 2007.

This reform is described in general in the report from the 4th European Conference of Electoral Management Bodies.

The National Electoral Board consists of members from all political parties represented in the National Council. The minister of the Interior is the chairperson. There are also 2 members from the judiciary. If any electoral figure is challenged any party that is running in the election concerned can file an objection to The National Electoral Board.

The timeframe is three days after the announcement of the figure that is challenged. One has to deliver a statement on which bases and ground the complaint is based up on.

The National Electoral Board then have to make a decision and announce the correct result immediately.

Complaints and appeals that are related to other parts of the electoral process then the figures have to be put forward before the Austrian Constitutional Court. The court is only to decide up on matters that have been brought to them by a permissible application.

Only groups and parties that have been running in the election are able to file a complaint with the Austrian Constitutional Court.

Complaints can only be put forward to the Austrian Constitutional Court after the official publication of the results has been given by the Federal Electoral Board. Then the timeframe for complaints is 4 weeks.

If an illegality could have inflicted up on the result there should be an annulment of that result. In that case new election has to be held within 100 days.

If the election is of the National Council, the National Council remains until the new final election result is announced. A new president does not take office until the final result is announced.

All electoral complaints and appeals are to be dealt with after the election has taken place. There is no possibility for decision to be made at an earlier stage.

Croatia

The relevant electoral commissions that certify the electoral results is the State Electoral Commission at the parliamentary and presidential elections.

The State Electoral Commission of the Republic of Croatia decides on complaints in the first instance. In the second instance, the Constitutional Court of the Republic of Croatia decides on appeals.

Who can appeal?

Under Article 83 of the Law on Elections for the Croatian Parliament, complaints to the State Electoral Commission for irregularity during the candidacy procedure or during the election procedure (and that includes the certifying of electoral results) may be submitted by every political party, bearers of the independent lists, candidates for members of Parliament, at least 100 voters or at least 5% of the voters in the electoral unit where the elections are being held.

If the electoral list or the candidate for the representative of a national minority was proposed by several political parties, the complaint is considered regular even if only one political party submitted it.

When?

The time limit for complaints and appeals is 48 hours from the time when the decision on certifying electoral results is published.

The State Electoral commission also has to make their decision up on the complaint within 48 hours.

Cyprus

In Cyprus the Constitution has some Articles that directly concern the appeals of election results. They have established an Electoral Court as I understand is the Supreme Constitutional Court.

Article 85 of the Constitution provides that:

“Any question with regard to the qualifications of candidates for election and election petitions shall be finally adjudicated by The Supreme Constitutional Court”.

Article 145 further provides that:

“The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on any election petition, made under the provisions of the Electoral Law, with regard to the elections of the President or the Vice-President of the Republic or of members of the House of Representatives or of any Communal Chamber”.

Who can appeal?

An election petition may be presented to the Supreme Court by the Attorney General or any one or more of the following persons:

By electors whose names appear on the register, persons claiming to have had a right to be returned or elected at such election or a person alleging to have been a candidate at such election.

When?

An election petition must be filed within one month from the date of the publication in the government gazette of the results of the elections. The Supreme Court does not have a timeframe to operate within, but the tradition is that they handle appeals speedily.

Conclusion remarks:

As one does see there is diversity in almost all aspects of the procedure regarding the electoral process related to the official results, handling of complaints and the decisions up on appeals.

One also can see that the period of time from a complaint is handed in to the competent body, and until a final decision up on the matter is to be given differs in a quit large manner.

There is no European standard regarding the question of having an independent body to decide up on complaint and appeals. What one might see is that newer democracies do weigh the principle of having a decision made by an independent body the most, and that older democracies weighs in the tradition of the independence of the parliamentary bodies.

One still has to ask the question if there ought to be some kind of European standard or guidelines regarding complaints and appeals on electoral matters.

Then one might have to figure out what kind of needs do one have in the society of today. Is there some guarantees that is regarded as so important that they have to be baked into some kind of common European understanding of fair handling of complaints and appeals in electoral matters?

POSTAL VOTING & VOTING FROM ABROAD THE AUSTRIAN PERSPECTIVE

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Deputy Chair of the Austrian Federal Electoral Board

1. Introduction to the Austrian Electoral System

Austria is a democratic republic whose law emanates from the people. Its head of state is the Federal President. Austria is composed of nine autonomous provinces named Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg, and Vienna. The country's size is approx. 84.000 km² with a population of over 8,000,000 inhabitants.

The nine provinces have specific executive powers, but no separate court system, and maintain provincial parliaments with select legislative powers. They have their own provincial electoral authorities and electoral legislation. The federal parliament is bi-cameral. It comprises a lower chamber (National Council) and an upper chamber (Federal Council). For nation-wide elections, specific federal laws are in force. Basic principles and provisions governing elections on all political levels are laid down in the Federal Constitution.

Nation-wide elections are:

1. National Council Elections (= National Parliamentary Elections)
2. Presidential Elections
3. European Parliamentary Elections

The following presentation only concentrates on elections held on the federal level. Elections on the provincial level (provincial parliamentary elections and municipal elections) will not be covered.

2. Distance Voting in Austria

As this presentation deals with “postal voting and voting from abroad”, it becomes apparent that we speak about “remote voting” or “distance voting” (in contrast to voting at a polling place). When discussing matters of distance voting, the following key questions are to be asked:

- Can I vote from abroad?
- Do I have to be an expatriate?
- How can I vote from abroad?

However, distance voting is not necessarily limited to casting a ballot from outside a country. In fact, Austrian legislation provides for means of remote voting from both within the confines of Austria and from abroad.

This was not always the case. Rather, today’s postal voting system, which will be discussed in greater detail below, is a result of constant developments in the field of election facilitation that dates back to the 1920s.

Some major milestones regarding remote voting were:

- 1923: Introduction of voting cards (to be used at polling places other than the home polling place)
- 1949: Introduction of voting in „institution precincts“ (hospitals, prisons,...)
- 1984: Introduction of voting before „flying electoral commissions“ (mobile commissions visiting persons who otherwise could not vote, particularly elder or bed-ridden voters)
- 1990: Introduction of voting from abroad (for Austrian expatriates *and* Austrian citizens abroad on election day)
- 1998: Facilitation of voting from abroad (only one witness needed)
- 2007: Introduction of “real postal voting“; subscription of voting cards for expatriates
- 2009: Facilitation of postal voting before the EP Elections

The introduction of “voting from abroad” in 1990 deserves a closer examination. Until then, Austrian citizens being abroad on polling day (no matter whether they were expatriates or simply on business trips or holidays) were unable to participate in an election. The Austrian Constitutional Court held in 1989 that Austrian citizens abroad could not be excluded from the electorate. As a consequence, article 26 paragraph 6 of the Federal Constitution (“B-VG”) was amended in the following way:

“(…) Casting the ballot before an electoral authority is not obligatory when voting from abroad in a national council election, a presidential election, or when participating in a referendum.(…)”

By passing this amendment, the Austrian lawmaker created a provision that enabled remote voting in an uncontrolled environment for the first time. Voters had to order a voting card but could only cast their ballot from abroad and with the attestation of two witnesses (since 1998 of one witness), who had to be (an) Austrian citizen(s). Alternatively, a notary public or a representative of an Austrian mission or unit abroad were also authorized to render the attestation. The ballot could be mailed or otherwise delivered to the competent election authority. While the media and the public often called this system “postal voting”, it was clearly less than a full postal vote. The Austrian Constitutional Court repeatedly expressed concerns about the introduction of “real” postal voting.

In one decision the Constitutional Court held:

“(…) Accepting postal voting in Austria is contrary to the present holdings of the Constitutional Court and would require an amendment of art. 26 of the Constitution. (...) It is considered questionable whether a voter, given his individual personal conditions and life circumstances, is able at all to cast a vote secretly when using postal voting. The ex-post written confirmation of a voter that (s)he cast the vote personally and unobserved – such as in Germany – must be considered insufficient. (...)”

Notwithstanding, the Austrian lawmaker decided to introduce full postal voting within the framework of the 2007 Electoral Reform and thereby followed the Constitutional Court’s opinion to amend the Constitution.

3. The 2007 Electoral Reform in Austria

The Austrian Government, which came into office on 11 January 2007, named a revision of the electoral provisions as one of their main priorities. In March 2007 the first draft of a bill was prepared by the Federal Ministry of the Interior. Subsequently, the bill was passed by the Federal Government and submitted to the National Council for further treatment. The Electoral Amendment Act 2007 was adopted by the National Council on 5 June 2007. Following the promulgation in the Federal Law Gazette, the revised electoral laws went into force on 1 July 2007.

In addition to introducing “real” postal voting (no witness or attestation was needed any more), the 2007 Electoral Reform in Austria brought about the following main changes:

- Age limit for exercising the right to vote was lowered to 16
- Age limit for standing as a candidate was lowered to 18
- Facilitation of voting from abroad
- Allowing international election observation missions by OSCE
- Extension of the legislative period from 4 to 5 years (after the next election)
- Enlargement of the Federal Electoral Board (= National Election Commission) – since 1 September 2007 all parties represented in the National Council hold seats in the highest electoral commission (in the past, according to the d'Hondt rule, only larger groups were represented in the electoral board)

4. Real Postal Voting in Austria

In accordance with the prerequisites the Constitutional Court had stressed in its holdings, article 26 paragraph 6 of the Federal Constitution („B-VG“) was amended as follows:

“(…) Voters who are likely to be unable to cast their vote before an electoral authority on election day, e.g. due to absence, health reasons or because of staying abroad, can exercise their voting right by postal voting upon application and by giving a reason. The voter's identity has to be furnished in a credible way. By signing an affidavit, the voter has to declare that (s)he cast the vote personally and secretly. (...)”

The new system of postal voting in Austria enables voters to cast their ballots remotely from both within the confines of Austria and from abroad. They all use the same voting card and fall under the same time regime. Instead of searching for a witness, they merely have to sign an affidavit declaring that they cast the ballot personally and secretly.

In order to take advantage of postal voting, a voting card has to be ordered by the competent municipality. Voting cards are not only issued when exercising postal voting but in a variety of cases:

- When voting before an electoral commission for voting cards (in every Austrian municipality);
- When voting in an „institution precinct“;
- When voting before a „flying“ electoral commission;
- When voting via mail from anywhere in Austria (postal voting);
- When voting via mail from abroad (postal voting) or via embassy/consulate/military unit.

Voting cards are issued upon application beginning with the day of announcement of an election until the 4th day before election day (upon written request) or the 2nd day before election day (upon personal application). A picture ID-card is required as a means of identification. For written applications, a digital signature or some kind of preliminary proof (e.g. a photocopy of the ID-card) has to be provided. The law demands that a reason for issuing a voting card be furnished (e.g. absence from home, health reasons, being abroad). Once a voting card was issued, it symbolizes the voting right. Therefore, even if a voter decides not to cast a ballot remotely but to go to the home polling station on e-day, the voting card has to be brought to the polling place.

The newly designed voting card consists of

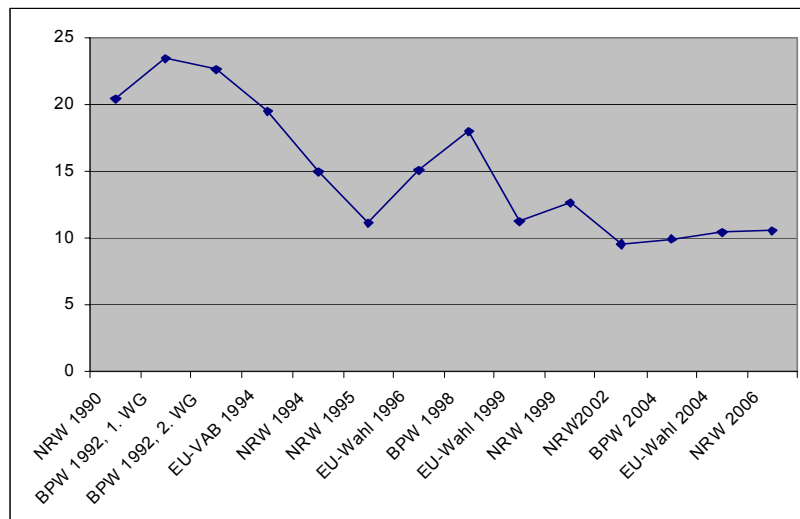
- an outer envelope (optional);
- the voting card itself (i.e. a large white envelope with room for the affidavit);
- the voting envelope;
- the official ballot sheet.

After experiences made during the 2008 National Council Elections, the lawmaker decided to simplify the voting card's layout. In March 2009, a new law was passed on the occasion of the upcoming Elections to the European Parliament, which provides for an improved voting card for the EP Elections.

The reasons for invalidity of a voting card being used for postal voting are covered in exhaustive lists in the National Council Elections Act and the European Parliamentary Elections Act.

§ 60 paragraph 3 of the National Council Elections Act ("NRWO") prescribes that a postal ballot be void if:

1. the affidavit on the voting card has not or provably not been signed by the person entitled to vote;
2. the affidavit is lacking the date, in case of voting on election day also the exact time;
3. the affidavit has been signed after the closure of the last polling station on election day;
4. the voting card has not been delivered by mail, or in case of voting from abroad neither via mail nor via an Austrian Representation or an Austrian Unit to the district electoral authority; or
5. the voting card has not arrived at the competent electoral authority on the eighth day after election day until 2 p.m.



The 2008 National Council Elections revealed that a number of voters unintentionally failed to include the date or time when signing the affidavit. Besides, the compulsory delivery by post did not satisfy everybody as, until 2006, there was no legal requirement how the voting cards had to be delivered (many voters took them to the competent electoral authority themselves after returning from abroad). Therefore, the new law passed on the occasion of the upcoming Elections to the European Parliament in March 2009 introduced a revised affidavit, which only requires the voter's signature and no date or time. Besides, the mandatory delivery by mail was omitted.

While these amendments currently only apply for the European Parliamentary Elections Act, it is more than likely that they will also be included in the National Council Elections Act ("NRWO") before the 2010 Presidential Elections as the Federal Presidential Elections Act refers to the "NRWO" in terms of postal voting. The introduction of postal voting in the Austrian Federal Constitution in 2007 forced the provincial legislation to allow postal voting for elections on the provincial level as well. While provincial provisions might be more liberal at times, they must not draw tighter limits than the Federal Constitution.

5. Some Statistics

a. Remote Voting in Austria (ballots cast outside of polling places)

1990 to 2006:	701,989
2008:	403,714
Total:	1,105,703

b. Voting Cards not included in tally (1990-2006)

As the graphic shows, the number of voting cards not included in the tally was over 20% when voting from abroad was introduced in 1990. In later years, due to various improvements of the voting card and additional steps to facilitate the procedures, the numbers dropped to slightly over 10%. Nevertheless, it was not before the 2007 Electoral Reform and the introduction of real postal voting that the number of ballots not included fell to only 6.96% (see table under b.).

c. Early Elections to the National Council (30 September 2008)

The early elections on 30 September 2009 showed the first nation-wide use of postal voting in Austria. Before that, postal voting had already been exercised on three occasions:

- Municipal Elections in the City of Graz on 20 January 2008 (1st time ever in Austria)
- Provincial Elections in Lower Austria on 9 March 2008
- Provincial Elections in the Tyrol on 8 June 2008

6. Comparison: Postal Voting in Austria and Germany

The Austrian postal voting system was partly shaped after the German model. Nevertheless, there are some clear differences: In Austria, postal ballots have to be with the electoral authorities on the 8th day after the election. In Germany, ballots have to arrive on polling day at the latest. Besides, in Austria the voting card and additional material is available and sent out around the 20th day before the election. In Germany, the voting material is already sent out around the 35th day before the election. Moreover, no mail is delivered in Austria on Saturdays while Germany still enjoys mail delivery on Saturdays and all German public post boxes are emptied due to a special agreement on the Saturday before an election.

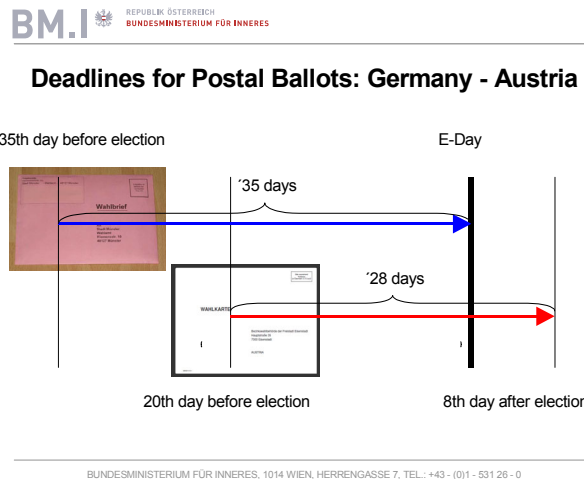
The below chart visualizes the disparity:

Voting Cards issued (for all purposes)	586.451
Voting Cards sent abroad	28.151
Use of Postal Voting (in Austria and from abroad)	403.714
Postal Ballots included in tally	375.634
Postal Ballots not included in tally	28.080 (6,96 %)
Total Turnout	78,8 %
Postal Voting Turnout	7,5 %

On another note, in Germany the postage for postal ballots is paid by the Government. During the 2008 National Council Election in Austria, postage was not paid by the Federal Government but had to be covered by voters individually. The before-mentioned new law passed on the occasion of the upcoming Elections to the European Parliament in March 2009 assures that any postage arising from the use of postal ballots at the 2009 EP Elections will be paid by the Austrian Government. It is likely that these amendments will also be extended to the National Council Elections Act (“NRWO“) before the Presidential Elections in 2010.

7. Evaluation of Postal Voting and Outlook

After the 2008 Elections to the National Council the experiences with the first



nation-wide use of postal voting were diligently evaluated by the Federal Ministry of the Interior. Some of the questions raised were whether the layout of the voting card was too complicated; whether the reasons for invalidity proved suitable; whether the modus of exclusive postal delivery should be changed; who should cover the postage; When the postal ballots should arrive at the electoral authorities at the latest (risk of manipulation?) and where postal ballots should be counted in the future.

In March 2009 some of these points (particularly concerning the layout, the invalidity reasons, the postal delivery issue, and the postage issue) were already revised by the Federal Parliament in order to facilitate postal voting during the European Parliamentary Elections. However, as the 2009-2014 Governmental Programme demands a broader review of postal voting, a large electoral reform affecting other election acts is planned for the autumn of 2009.

LE VOTE A DISTANCE EN BELGIQUE

Stephan DE MUL
Chef du Service des Elections
Service Public Fédéral intérieur, Belgique

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3. Perspectives
4. Conclusion

Quelques statistiques

- Nombre des citoyens belges résidant à l'étranger : 560.000
- Inscrits dans un poste diplomatique : 355.000
- EU : 60 %
- Europe (non EU) : 2 %
- Afrique : 12 %
- Asie : 5 %
- Amérique du Nord : 13,5 %
- Amérique centrale et du Sud : 5,5%
- Océanie : 1,5%

1. Le vote des ressortissants belges résidant à l'étranger pour les élections européennes

Le vote pour les ressortissants belges résidant à l'étranger a été introduit pour la première fois par une loi du 27 février 1984 et elle concernait l'élection du Parlement européen.

Le vote n'y est pas obligatoire et le citoyen belge doit faire une demande auprès de son poste diplomatique ou consulaire de carrière au plus tard 60 jours avant le jour du scrutin.

La demande est successivement examinée par le Ministère des Affaires étrangères pour le contrôle des conditions électorales et par le Ministère de la Justice pour vérifier si le demandeur n'est pas exclu ou suspendu de son droit de vote.

La demande arrive enfin au bureau électoral spécial institué au Ministère de l'Intérieur.

La seule manière pour exprimer son vote est le vote par correspondance.

Les tâches du bureau électoral spécial, composé d'un magistrat qui préside et de fonctionnaires du Ministère de l'Intérieur qui l'assistent, sont principalement au nombre de deux :

- l'arrêt de la liste des électeurs belges résidant à l'étranger
- l'envoi des bulletins de vote et la réception de ceux-ci.

Après réception des bulletins de vote, ceux-ci sont dépouillés dans le collège électoral choisi par l'électeur et les résultats sont consolidés avec les résultats des votes exprimés par les électeurs résidant en Belgique.

Chiffres de participation :

- 1994 : 1.452 électeurs
- 2004 : 215 électeurs.

Il est à rappeler que l'objectif de la Directive européenne de 1993 est de renforcer la citoyenneté européenne en permettant l'exercice du droit de vote et d'éligibilité aux élections du Parlement européen pour les citoyens de l'Union résidant dans un État membre dont ils ne sont pas ressortissants ; objectif visiblement rempli pour les citoyens belges résidant dans d'autres États de l'Union qui privilégient manifestement le vote dans leur pays de résidence.

2. Le vote des ressortissants belges résidant à l'étranger pour les élections législatives fédérales

➤ La loi du 18 décembre 1998

C'est seulement en 1998 que le législateur belge a organisé une procédure de vote à distance pour les élections législatives fédérales.

L'électeur belge résidant à l'étranger devait se faire inscrire sur un registre spécial des électeurs. L'inscription y était temporaire et ne valait que pour une élection.

La seule manière pour exprimer son vote était le vote par procuration. Le mandataire votait dans la dernière commune de résidence du Belge résidant à l'étranger ou dans sa commune.

Les caractéristiques de cette procédure sont la lourdeur administrative et le coût :

- délivrance d'un acte de notoriété pour prouver le lien de parenté du mandataire et d'un certificat de vie datant de 15 jours avant l'élection
- coût de la procédure : 200 €.

Chiffres de participation :

- 1999 : 18 électeurs.

➤ La loi du 7 mars 2002

Vu les résultats de la participation en 1999, un changement total va être effectué par la loi du 7 mars 2002. La procédure du vote des Belges à l'étranger va être totalement modifiée et les résultats seront probants.

- Grandes caractéristiques de la procédure

Tout d'abord, le vote devient obligatoire comme pour les Belges qui résident en Belgique.

Dorénavant, ils ont le choix entre 5 manières de pouvoir exercer leur droit de vote :

- Vote en personne en Belgique
- Vote par procuration en Belgique
- Vote en personne au poste diplomatique
- Vote par procuration au poste diplomatique
- Vote par correspondance

Le choix de la commune en Belgique dans laquelle le Belge de l'étranger souhaite être inscrit comme électeur, choix qui va conditionner la circonscription électorale et donc les candidats pour lesquels il pourra voter, est totalement libre. Il n'y a aucun critère objectif qui influence ce choix.

- Formulaire d'inscription

Entre le premier jour du huitième mois et le quinzième jour du cinquième mois qui précèdent la date fixée pour le renouvellement ordinaire des Chambres législatives, chaque poste diplomatique ou consulaire de carrière transmet aux Belges inscrits en son sein un formulaire de demande d'inscription.

Au moyen de ce formulaire, le Belge résidant à l'étranger indique la manière selon laquelle il entend exercer son droit de vote et la commune belge dans laquelle il souhaite être inscrit comme électeur.

Au plus tard le premier jour du quatrième mois qui précède celui de l'élection, le Belge résidant à l'étranger dépose en personne ou renvoie par courrier au poste diplomatique ou consulaire de carrière dans lequel il est inscrit, le formulaire et, le cas échéant, la procuration, dûment complétés datés et signés.

Après avoir procédé à la vérification des conditions de l'électorat dans le chef du demandeur, les postes diplomatiques ou consulaires de carrière transmettent le formulaire et, le cas échéant la procuration qui y est annexée, via le Service Public Fédéral Affaires étrangères, à la commune choisie par le Belge résidant à l'étranger, au plus tard le premier jour du troisième mois qui précède celui des élections.

- Confection des bulletins de vote

La liste des électeurs est transmise au président de chaque circonscription électorale qui est le responsable de la confection des bulletins de vote.

L'arrêt définitif de la liste des candidats se déroule en Belgique le 24^{ème} jour avant l'élection, le 20^{ème} jour si une procédure d'appel est introduite contre une candidature.

Le nombre de bulletins de vote est calculé sur base du nombre d'électeurs en Belgique et à l'étranger.

- Procédures de vote

- a) Vote en personne en Belgique

La convocation électorale est envoyée aux électeurs belges résidant à l'étranger par la commune où il s'est inscrit comme électeur. Le jour des élections, il se rend au bureau de vote en Belgique.

- b) Vote par procuration en Belgique

Le mandataire doit être un électeur de la commune choisie pour être électeur. Le jour de l'élection, le mandataire muni de la procuration vote au nom de l'électeur belge résidant à l'étranger.

- c) Vote en personne au poste diplomatique

La convocation électorale est envoyée aux électeurs belges résidant à l'étranger par la commune où il s'est inscrit comme électeur. Le jour des élections, il se rend au bureau de vote installé au poste diplomatique ou consulaire de carrière. Il y reçoit un bulletin de vote de la circonscription électorale choisie.

- d) Vote par procuration au poste diplomatique

Le mandataire doit être un électeur dans le même poste diplomatique ou consulaire de carrière pour être électeur. Le jour de l'élection, le mandataire muni de la procuration vote au nom de l'électeur belge résidant à l'étranger.

- e) Vote par correspondance

Le bureau principal de circonscription électorale transmet le bulletin de vote à l'électeur belge résidant à l'étranger à son adresse personnelle.

L'électeur émet son vote et remplit un formulaire d'identification. Il transmet en retour les documents au bureau de circonscription.

L'enveloppe électorale doit, pour pouvoir être acceptée, arriver au bureau principal avant la fermeture des bureaux de vote en Belgique

Vu que l'envoi de l'enveloppe électorale commence à partir du 20^{ème} jour avant l'élection, les délais sont vraiment très courts pour que l'électeur puisse renvoyer son bulletin dans les délais. L'utilisation des services postaux nationaux ne permettrait sûrement pas de respecter ces délais.

Il a par conséquent été décidé de recourir à une firme privée de courrier express (DHL) tant pour l'envoi et le retour des bulletins de vote utilisés dans les postes diplomatiques que pour l'envoi et le retour des bulletins de vote du vote par correspondance.

→ Retour à temps des bulletins du vote par correspondance : 69 % en 2007 (66 % en 2003)

- Coût de l'opération : 1.915.000 €.

- Dépouillement des bulletins de vote

- a) Vote en personne ou par procuration en Belgique

La procédure est identique que pour les électeurs résidant en Belgique.

- b) Vote en personne ou par procuration au poste diplomatique

Les bulletins de vote sont rapatriés en Belgique et sont transmis au bureau spécial de dépouillement mis en place par les Affaires étrangères.

Le dépouillement est effectué par circonscription et les résultats sont transmis à chaque bureau de circonscription qui les intègre aux résultats des votes émis en Belgique.

- c) Vote par correspondance

Les bulletins de vote arrivés au bureau principal de circonscription dans les délais sont transmis à des bureaux de dépouillement établis en Belgique et les résultats sont mêlés avec les résultats des électeurs de Belgique.

Chiffres de participation + statistiques (élections du 10 juin 2007)

- Participation : 122.000 électeurs (115.000 en 2003)
- Choix de la manière de voter :
 - Vote par correspondance : 63, 5%
 - Vote par procuration en Belgique : 18 %
 - Vote en personne au poste diplomatique ou consulaire : 12 %
 - Vote en personne en Belgique : 6 %
 - Vote par procuration au poste diplomatique ou consulaire : 0,5 %

3. Perspectives

- Registre permanent des électeurs

Afin de simplifier la procédure du choix des électeurs belges de l'étranger de leur manière de voter et de leur commune de rattachement (nombreux courriers et envois, à chaque élection, trop longue), il faudrait créer un registre permanent des électeurs tenu par les postes diplomatiques ou consulaires, comme cela est le cas dans les communes de Belgique.

- Convocation par les postes diplomatiques

Le poste diplomatique ou consulaire de carrière doit jouer le rôle de la commune pour les Belges résidant à l'étranger ; il devrait donc également envoyer les convocations électorales.

- Vote par Internet

Le vote par Internet devrait constituer une bonne alternative pour le vote par correspondance, tant au niveau des coûts que de l'effectivité du vote, surtout vu les délais très courts que prévoit la procédure électorale belge.
Mais il n'y a pas à court terme de projet en la matière.

4. Conclusion

Les opérations liées au vote à distance sont souvent complexes et posent de nombreux challenges aux administrations électorales.

La fixation des procédures du vote à distance doit constituer un compromis entre ce qui apparaît comme souhaitable et les contingences d'autres facteurs du processus électoral traditionnel.

L'important est que les procédures administratives et les calendriers de ces procédures ne limitent pas l'exercice par les citoyens qui vivent à l'étranger de leur droit soit parce que les formalités sont trop fastidieuses ou complexes, soit parce que les délais sont trop courts ou inappropriés.

L'histoire du vote à distance en Belgique illustre parfaitement cette affirmation lorsque l'on compare la procédure électorale instaurée en 1998 et celle de 2002 et la participation qui est passée de 18 à plus de 122.000 électeurs.

REACHING CITIZENS ABROAD AND PERSUADING THEM TO REGISTER AND TO VOTE

Peter WARDLE
Chief Executive
Electoral Commission of the United Kingdom

Background

The United Kingdom (UK) is a parliamentary democracy. The UK Parliament, often referred to as the Westminster Parliament, is a bicameral legislature. The House of Commons is a directly elected chamber whose 646 members are elected from single member constituencies using the first past the post system. The House of Lords is a non-elected chamber which includes directly appointed peers (called “life peers”), some hereditary peers, bishops of the Church of England and the Law Lords (the highest court of appeal).

The UK also conducts elections to a number of other legislatures using other electoral systems. Members of the European Parliament are directly elected every five years. Certain powers have been devolved from the UK Parliament to the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, and elections to these three bodies are held every four years. Significant powers are also exercised by local government, which is directly elected across the UK. In Greater London, a separate authority consists of a directly elected Mayor and Assembly.

The UK operates a common law legal system. Electoral law has evolved over time since major reforms in the mid-1800s. Elections in the UK are run by Returning Officers, who are independent officers of the Crown. These individuals are usually senior local government officers. The UK-wide Electoral Commission, established in 2000, has powers to provide advice and assistance to both the government and parliament, and to Returning Officers, and to set standards of performance for Returning Officers, but no power to direct Returning Officers in the conduct of their duties.

A person must be on the electoral register held by their local Electoral Registration Officer (also an independent officer of the Crown) to vote in any UK elections. Although it is legal not to be on the electoral register, it is an offence not to respond to a request by an Electoral Registration Officer for

information for the purposes of the electoral register. Voting at elections is not compulsory.

The latest statistics indicate that there are approximately 45.2 million people on the electoral register across the UK.

The UK Electoral Commission published a report in 2005 titled *Understanding Electoral Registration*, following extensive research into the state of electoral registration in the UK. The report estimated that non-registration among the eligible household population in England and Wales in 2000 stood between 8% and 9%, suggesting that approximately 3.5 million eligible people were missing from the electoral register; at the time, approximately 39.5 million people were on the electoral register in England and Wales (the research did not cover Scotland and Northern Ireland). The report also indicated that some groups, including young people, students, recent home movers and people from certain ethnic minority communities, were less likely to be registered to vote. The Electoral Commission runs an extensive programme of public information campaigns within the UK to encourage voter registration, with a particular emphasis on these groups. Electoral Registration Officers are also committed to taking steps to improve the rate of voter registration.

Registration and voting arrangements for UK citizens living abroad

There are also concerns regarding electoral registration rates among UK citizens living abroad. UK citizens are spread across the world with the largest populations living in Australia, the USA, Spain, France, New Zealand and Canada. Although estimates of the number of UK citizens living abroad vary, an independent think-tank, the Institute for Public Policy Research, has estimated the number at 5.5 million. Although not all UK citizens overseas are eligible to vote (see below), there are only around 13,000 overseas electors on electoral registers across England and Wales. There is a good deal of focus on how to close this gap.

To be eligible to register as an overseas elector the applicant must be a UK citizen who has lived in the UK within the previous 15 years and who was on an electoral register while living in the UK. He or she is eligible to be on the register of the area in which they were registered before leaving the UK. (If they were below the minimum age for voter registration when they left the UK, they can register in the area in which a parent or guardian was registered.) The applicant must provide evidence of their citizenship (a UK passport number), and their application must be witnessed by another British citizen

living in the same country who is not a member of their family. (This person does not need to be registered to vote in the UK or even eligible for the electoral register.) Overseas voters must re-register every year.

Those registered as overseas electors can vote in elections to the UK Parliament and elections of UK Members of the European Parliament. They cannot vote in local government elections or elections to the Welsh Assembly, Scottish Parliament and Northern Ireland Assembly. They may choose to cast their vote in one of three ways:

- In person, if they happen to be in the UK on polling day;
- By post. Postal votes can be applied for up to 11 working days before an election. However, the short time between the issuing of postal ballots and the close of polls (as little as 4 working days) makes postal voting impractical for most overseas electors;
- By proxy (the overseas elector designates a person living in the UK to vote on their behalf at a polling station or by postal vote). Proxy votes can be applied for up to 6 working days before an election. This is the most reliable method of voting for overseas electors, but of course involves another person in casting the vote.

The UK does not allow overseas electors to vote in person at British embassies in their country of residence. This is principally because the UK has no provision for counting votes which arrive after polling stations have closed.

Members of the armed forces serving overseas can register under a separate category which is open to them only. Their registration lasts 3 years (as opposed to the one year period for standard overseas electors) and can be renewed throughout their service career. Armed forces voters can take part in all elections and have the same absent voting options as overseas voters, with the same issues applying.

Electoral Commission work to reach UK citizens living abroad

The UK Electoral Commission carries out public information campaigns directed at UK citizens living abroad. These campaigns aim to educate UK citizens abroad of their registration rights, and the voting options available to them. The Commission increased the scope and budget of these campaigns from 2007 to include a wide range of communication channels.

The channels used for the campaigns include

- Press advertising in a number of titles aimed at British citizens living in Australia, Canada, Cyprus, France, Germany, Spain, and the USA.
- Online advertising on the expatriate sections of UK newspaper websites and the UK sites of search/email portals such as Yahoo and AOL. This advertising is “IP targeted”, meaning that it only appears to people using these sites from outside of the UK.
- Direct mail sent to UK citizens living overseas.
- Posters and leaflets displayed in UK embassies abroad.
- Media relations work to encourage editorial coverage in publications and websites targeted at UK citizens living abroad.

All channels encourage people to visit the UK Electoral Commission’s public information website – aboutmyvote.co.uk – where information on registration (including overseas voter registration forms) and voting options is available.

The Electoral Commission has had notable success with these initiatives but it is clear that UK citizens living abroad are a particularly difficult group to target and engage through public information campaigns. Key campaign results for the past 2 years are as follows:

2007

- More than 15,000 visits to aboutmyvote.co.uk from outside the UK during the campaign – more than one third of all visits to the site during this period
- Nearly 10,000 clicks on our online advertising
- Editorial coverage achieved through media relations work reached an estimated 3.1 million UK citizens living abroad
- More than 2,300 overseas voter registration forms downloaded

2008 (evaluation of this campaign is still in progress)

- More than half the visitors to aboutmyvote.co.uk during the campaign period were from outside the UK
- Over 20,000 visits to the ‘overseas voter’ page of the site

Summary

There are significant barriers to participating in UK elections while living abroad, including the fact that voting in UK embassies abroad is not an option, and the practical difficulties involved in getting votes to the count in time for most overseas electors. These barriers can lead to disengagement among UK citizens living abroad, presenting a challenge to the Commission's efforts to encourage voter registration among this group. There are also difficulties due to the fact that this group is spread widely throughout the world, and the limited channels available to reach them.

Against the backdrop of these difficulties, we have experienced some success in engaging UK citizens overseas through our public information campaigns. The UK Electoral Commission will continue to build upon this success as we approach the 2009 European Parliamentary election and General Election to the UK Parliament (which must take place by June 2010). We will also need to continue to work with partners such as the UK's Ministry of Justice and Foreign and Commonwealth Office and the Royal Mail (postal service) to improve access for overseas electors.

VENICE COMMISSION'S OPINIONS AND THE ISSUE OF DISTANCE VOTING: ARE COMMON STANDARDS POSSIBLE?

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I. Introduction

When I was invited to lecture on the issue of distance voting, I wondered which one could my contribution be. As you know, public discussion about electoral laws is usually focussed on some politically brilliant issues. Therefore, lawyers, Political Scientists, professors, journalists, politicians and citizens in general often have and firmly express sound opinions about the advantages or disadvantages of this or that electoral formula, about the size of the electoral districts, and so on. All those issues show that different countries have very different models, responding to different historical, cultural and political traditions.

Nevertheless, there are other elements of the electoral systems which are usually disregarded in the public debate... unless they pose any relevant problem. Because, in particular, the “procedural” elements are usually seen as merely “technical” issues, that are left to experts. It is so even when we all know that they are basic elements (possibly, the basic elements) for the working of the whole system. In other words, different democracies may afford very different electoral formulae (majority or proportional), very different procedures (one or two-rounds systems), very different designs of electoral districts, of ballots (blocked or not, with gender quotas or without them...). But democracy as a whole cannot bear the bad working of these “procedural” elements which, even when often disregarded, are fundamental for the basic function of making people to trust on the system. In negative terms, it is obvious that if the electoral procedure rises doubts about the accuracy of voters lists, about the possibility of manipulating votes, about the secrecy of the vote and, in sum, about the result of the elections, people may be led to believe that the result of the match has been previously arranged and, in sum, that their authentic will has not been respected and the final winner may not be the real winner. And so, the working of the whole democratic system would be at risk.

II. Some general ideas

According to the drafting of the programme, the question I am supposed to answer here, making reference to the Venice Commission opinions, is: are common standards about distance voting possible? And, even when I am sure it will not be a surprise for you, I must anticipate that my answer is “yes, but...”. In the following minutes, I will try to expose some general ideas that, in my opinion, have to be taken into account when trying to understand the meaning of the question, and therefore the extent of the answer.

1. Some reflections about the meaning of distance voting

The first point is, obviously, what do we mean when we talk about distance voting. In general sense, this term might refer to all methods which allow voters to cast their votes outside the premises of a polling station, so including a variety of procedures such as postal voting, remote electronic voting through Internet, absentee voting, proxy voting, voting with mobile boxes, early voting or voting in embassies. But I think these procedures are so different that they do not allow a common analyse, further than underlying their special nature.

I think that it is much more useful to distinguish between procedures which allow voting “in an uncontrolled or non-supervised environment” and those others that, even when the vote may be cast outside the polling stations, require the voters (or their proxies) to cast their vote in some kind of polling stations or, better to say, “in a controlled or supervised environment”, in presence of election officials.¹ Therefore, I will use the words distance voting, in a strict sense, to make reference to all those methods in which votes are cast “in an uncontrolled or non-supervised environment”, thus basically including postal voting and remote electronic voting through Internet.

Of course, these two procedures may pose different questions, and can be separately analysed; but, on the other side, they share some basic features that may be globally considered. This is precisely the criterion assumed by the Venice Commission within the Multidisciplinary Ad Hoc Group of Specialist

¹ Report on the compatibility of remote voting and electronic voting with the standards of the Council of Europe (CDL-AD(2004)012), adopted by the Venice Commission at its 58th Plenary Session (March 2004), on the basis of a contribution by Mr. Christoph Grabenwarter (Substitute member, Austria), paragraph 23.

on legal, operational and technical standards for e-enabled voting set up by the Committee of Ministers of the Council of Europe in February, 2003. And that is the reason why the Venice Commission expressed, in September of the same year, “its willingness to render an opinion on remote voting, taking into account the traditions of remote voting in member States and current developments in e-enabled voting”. The result of this task was the Report on the compatibility of remote voting and electronic voting with the standards of the Council of Europe, adopted in March 2004, based in a questionnaire which was replied by thirty countries (hereinafter, the Commission’s Report on remote voting).²

Consequently, I will not consider here other methods such as early voting, voting in embassies, proxy voting, absentee voting or even voting with mobile boxes.... All of them share some elements with the previously mentioned methods, and particularly allow voters to cast (or to delegate) their vote outside the ordinary or general polling stations. In that sense, they all could be considered as “distance voting” procedures in a wide sense. But, from a different perspective, they show a basic difference with respect to those methods previously seen, because they all require the votes to be cast in a controlled context, be it in what could be considered as “special” polling stations (early voting, mobile boxes, embassies), or under a procedure whose basic elements are under authority control.

2. Some reflections about the functions of distance voting

The second point refers to the particular functions of these procedures. In other words, why distance voting methods are foreseen, what are their specific functions, and why the common procedure of personal voting in the polling station premises cannot fulfil them in a satisfactory way.

These questions are of course linked to the very principles of democratic suffrage. In other words, and to put it in clear terms, the answer has to be found looking at what the Venice Commission has called, in its well-known Code of good practice on electoral matters, “the principles of Europe’s electoral heritage”, which are “universal, equal, free, secret and direct suffrage.”³ In very simple terms, it could be said that the “distance voting”

² Ibidem, paragraphs 1 and 49.

³ Code of good practice on electoral matters, adopted by the Venice Commission at its 52nd Plenary Session (October, 2002), Guidelines, I.

tries to strengthen and to make real in practice the principle of “universal suffrage” but, at the same time, has to deal with some important difficulties basically linked to the principles of “free and secret” suffrage. And, with respect to the principle of equal suffrage, distance voting has two different, and somehow contradictory, effects.

Certainly, the principle of universal suffrage is possibly the main reason to justify, explain and/or demand these voting methods. In a few words, and according to the already mentioned Venice Commission’s Code of good practice in electoral matters, this principle means that “all human beings have the right to vote and to stand for elections.”⁴ Therefore, as another recent Venice Commission opinion puts it, “it is a key element of modern democracies”, whose value is so fundamental “that all possible measures should be taken to uphold this right.”⁵

In that context, it is clear that the different forms of “distance voting” (in a wide sense, and therefore including other methods which are not considered here) have particularly aimed at, and have been especially used to, solving what has been called the “de facto disenfranchisement”, that is, the fact that electoral legislations may deny the right to vote to “a substantial part of the electorate due to a lack of special voting provisions” for “citizens abroad” or for “voters who are hospitalised, homebound, imprisoned or temporarily away from their homes.”⁶ The idea is obvious: if democracy implies that all citizens have the right to vote, and the electoral laws in force provoke that many citizens cannot vote due to different circumstances, the very concept of democracy is at risk.

From a different perspective, it is clear that distance voting, while favouring universalisation of the vote, also may be said to affect the principle of equal suffrage, which according to the Code of good practice requires “each voter to be normally entitled to one vote, and to one vote only.”⁷ In this sense, this alternative methods may create a “procedural” difference between those who

⁴ Ibidem, I, 1, 1.1.

⁵ Report on electoral law and electoral administration in Europe. Synthesis study on recurrent changes and problematic uses (CDL-AD(2006)018), adopted by the Venice Commission at its 67th Plenary Session (June, 2006), on the basis of a contribution by Mr. Michael Krennerich (Expert, Germany), paras. 54 and 60.

⁶ Ibidem, paras. 57-59.

⁷ “Explanatory report”, point 11.

are obliged to use one of these procedures (be it the “ordinary”, or the exceptional), and those who possibly can opt between them (in no way, of course, use both of them, by casting two votes). In any case, that difference seems quite minor, and clearly justified by the fact that they give more voters the equal- possibility of exercising their right to vote.

3. Some reflections about the problems of distance voting

A) General remarks

In sum, the different instruments that have been previously recalled essentially aim at handling this problem of the de facto disenfranchisement. But they do it in different ways, and so they pose different problems. In general, it could be said that, by definition, those methods which imply voting in a controlled or supervised environment make easier to safeguard, through different means, the other “principles of [our] electoral heritage”. For instance, mobile boxes may be more or less accepted or criticized, but they are –or, at least, they should be– accompanied by several members of the polling station commissions, so moving the guarantees with the voting box. Similarly, early voting or voting in embassies do imply an organization through special polling stations... In sum, it is possible, and more or less easy, to make sure that the vote is secretly, and thus freely, cast.

That is not always the case with those other, “remote” or “uncontrolled” voting forms. When the vote is prepared at home (be it into an envelope that has to be posted, or through new technologies such as Internet), there are not effective safeguards against pressures or threats on the voter. He (or she) may personally go to the Mail office to ask for the necessary documents, and to send his or her envelope. He/She may, of course, choose the ballot and put in into the envelope, or press the computer’s button at home, but there is not a supervised environment, an institutionalised procedure making sure that he/she has been able to make his/her electoral choice personally and, therefore, freely, making sure the possibility to keep it in secret. That is the reason why, according to the Venice Commission’s Report on remote voting, in 2004 many countries did not foresee postal voting.⁸ And others allowed it just for exceptional cases (for citizens living abroad, for certain elections and/or referenda), or just through

⁸ According to the *Report*, remote voting was not authorised in eleven Council of Europe countries: Albania, Azerbaijan, Bulgaria, Croatia, Cyprus, the Czech Republic, Latvia, Moldova, Poland, San Marino and Turkey.

particular procedures (including, in particular, the need of witnesses, as in Sweden).⁹

In fact, and according to the Report, “only few countries do not restrict the conditions under which unsupervised remote voting is available”. More precisely, only four countries (Germany, Spain, the United Kingdom and Switzerland) permit postal vote “without restrictions”, so setting up a really alternative method to the traditional voting procedure in the polling stations.¹⁰

B) In particular: the problems of voting through Internet

These reflections are particularly important at a moment when technological advances have developed new procedures (and especially the idea of remote voting through Internet), which are commonly regarded as new ways to make possible “real” democracy, making it easier for citizens to participate in collective decisions and, particularly, in elections. In fact, the commonly spread new concept of “e-democracy” usually rests on the idea that new technologies will allow more participation, higher electoral turnouts and, therefore, “more” democracy.

In that sense, remote e-enabled voting (especially, through Internet) responds to the same needs, ends and functions that remote voting by mail. But there is an evident and major difference between these two methods: voting by mail has always appeared as a –more or less- exceptional procedure, especially because it usually is more difficult and more uncomfortable for the voters. In that sense, it may be at most an alternative method for individuals, but not an alternative voting system as a whole. Whilst the wide extent of new technologies, whose use is very easy, has given birth, for the first time in history, to the idea of an e-democracy which is not only complementary, but may even be alternative, to the “traditional” democracy.

To put it in brief, the idea of “distance voting democracy” may be opposed to the traditional “presence voting democracy”. And, in principle, it may seem that its implementation would make much easier the process of voting, so increasing the popular participation in elections and, on the whole, the universal nature of the suffrage.

⁹ Austria, Belgium, Greece, Italy, Netherlands, Norway or Sweden foresee it for citizens abroad; Italy or France, for certain elections and/or referenda.

¹⁰ Quoted in footnote 1, paragraphs 27 to 51.

Of course, we all know that this idea is attractive, but it is also risky. After all, the search of higher participation of the people, and thus the procedures to make real the principle of “universal suffrage” cannot forget the basic safeguards of personal freedom. Suffrage has to be universal, but also must be free. And, following the Code of good practice in electoral matters, “secrecy of the ballot is one aspect of voter freedom, its purpose being to shield voters from pressures they might face if others learned how they had voted”. Therefore, “secrecy must apply to the entire procedure and particularly to the casting and counting of votes.”

The main problem is that the safeguards of secret vote provided by the ordinary voting methods in the polling stations do not apply to distance voting forms in non-supervised environments. In the case of postal voting, it has already been said that many countries just do not authorise it, or do it in very strict and controlled conditions. But the problem is much harder to solve when we look at Internet voting (or at other possible methods, such as voting by SMS).

Certainly, a first difficulty arises from the fact that this method is not usually presented as an exceptional, complementary and thus limited voting method, as the postal voting, but as a potentially alternative one. This feature may seem secondary, because it might be argued that is merely potential and not real, but it makes necessary a much more cautious approach: it is perfectly thinkable and even evident, that the implementation of such a system, if successful, would be a powerful argument to replace the present voting procedures.

But, at least in my opinion, there is a second and much more relevant problem which has to be handled when we analyse Internet voting. This problem may seem purely theoretical, but has very practical implications, which have to do with the very nature of the suffrage, and of the whole democratic system. In brief, the problem is that this voting procedure implies an absolutely new framework, and that its potential generalisation could affect, and put in risk, some basic foundations of democracy, which are often disregarded in the analysis. For instance, it could imply what I have sometimes called the “privatisation of democracy”, which is just another way of looking what others have described as “democracy in pyjama.”

The point is that distance voting enabled through Internet, at least as it is usually presented, implies removing the act of voting from the public sphere. Certainly, we are not talking about voting with electronic devices in polling stations, which would be a merely different procedure of voting in a controlled or supervised environment. The main difference of Internet voting, and one of its main virtues, is that it allows voters to cast their vote wherever they are, provided they have Internet access.

This possibility would permit voters to vote, for instance, at home, and using their own computers. Something indeed very attractive, but which implies – at least, if it is put into practice massively- the very end of the public framework which at present surrounds the whole election. In other words, if voting through Internet means something else than putting computers together in new polling stations (or to create new polling stations around different computers in different places), it opens the gate to voting in a strictly private framework, using private means such as privately owned rooms and computers. And it implies, above all, to make almost impossible any kind of publicity. If “my home is my castle”, the realm of privacy, voting at home necessarily implies absolute lack of publicity and of any effective safeguard of secrecy and freedom.

This private framework, which is hard to separate from the idea of Internet (or SMS) distance voting would create absolutely new conditions for the process of decision-making. Out of the polling station, far away from the polling station commissions, from the candidates’ representatives, from the election observers’ sight... In sum, out and far away from any “controlled” or “supervised” environment, public guarantees are very unlikely to work. And we can even think about the psychological constraints which act on the voter’s will, and which may even affect to the foundations of democracy.

In fact, democracy means government by the people. And the term “people” only make sense in the public sphere (the assembly, the Greek *ekklesia*). In democracy, the people as a political subject is formed by individuals who are legally called to act together, through public procedures (elections, referenda, and some others) which are publicly known and whose working is guaranteed by public authorities. It therefore implies collective decision-making, in such a public context which fosters the public responsibility, making thus possible to make decisions within the public sphere, which affect to the whole community. In this sense, the concept of democracy is essentially linked to the public sphere, where the people exist; and does not make sense in the private sphere, where only individuals can be found.

All these reflections have to be taken into account when trying to define common standards on this issue. And that is what the Venice Commission has done in the various opinions which have dealt with it, in general terms or with reference to any particular cases.

III. The Venice Commission Opinions: are common standards possible?

Effectively, the Council of Europe's European Commission for Democracy through Law has adopted some opinions that are relevant to this issue. The evident common point of departure is Article 3 of Protocol I to the European Convention of Human Rights: "the High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."¹¹

According to the established case-law of the European Court of Human Rights, this provision "refers not only to the positive obligation to organise free elections using secret ballot, but also guarantees the individual right to vote and to stand for election", so including universal and equal suffrage.¹² With respect to the organisation of elections, the main text of reference has an essentially substantial content: "elections should be organised in such a way as to ensure free electoral choice. They should also take place in circumstances that ensure the secrecy of the ballot". Therefore, "the contracting States enjoy a wide margin of discretion in deciding the conditions for universal suffrage and the electoral system", with the obvious restriction that "these conditions and limitations should serve a legitimate purpose and should not be disproportionate."¹³

¹¹ In similar terms, article 21 of the Universal Declaration of Human Rights sets up that "1. Everyone has the right to take part in the government of his country, directly or through *freely chosen* representatives (...) 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and *genuine elections* which shall be by universal and equal suffrage and shall be held *by secret vote or by equivalent free voting procedures*". And article 25 of the International Covenant on Civil and Political Rights Every affirms that "every citizen shall have the right and the opportunity... without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through *freely chosen* representatives; (b) *To vote* and to be elected *at genuine periodic elections* which shall be by universal and equal suffrage and shall be *held by secret ballot, guaranteeing the free expression of the will of the electors*".

¹² Report on remote voting, para. 6.

¹³ Ibidem, pp. 8 and 11.

Consequently, the legal international framework is essentially made of substantial criteria. The basic point is that elections must be free, something which require the secrecy of the ballot. The States are thus relatively free to organise them, through electoral systems that may differ, and which do differ, but that have to ensure that requirements.

In its attempt to draw some procedural specifications from the principle of free suffrage, the already mentioned Venice Commission's Code of good practice in electoral matters departs from an evident, although sometimes ignored, idea: freedom of voters requires, firstly, that "voting procedures must be simple". After that, the public nature of the election and the consequent responsibility of public authorities, justify the establishment of an "ordinary" voting method, which tends to be universalised: "voters should always have the possibility of voting in a polling station", where "counting should preferably take place."¹⁴

Only in a secondary and subsidiary place, the Code affirms that "other means of voting are acceptable", provided that they respect some strict conditions. In particular, and within the scope of these reflections, the Code makes reference to "postal voting", and "electronic voting". In both cases, it sets up a general rule: they "should be used only if [they are] safe and reliable". A requirement which primarily affects to the different means used to permit the vote, so that in the case of postal voting the features of safety and reliability apply to "the postal service"; while electronic voting itself has to be "safe and reliable."¹⁵

The material content of those principles is developed in the "Explanatory report" of the Code. Thus, "postal voting", which "would take place under a special procedure a few days before the election", "should be allowed only if the postal service is secure –in other words, safe from intentional interferences- and reliable, in the sense that it functions properly". While "electronic methods... are secure if the system can withstand deliberate attack; they are reliable if they can function on their own, irrespective of any shortcoming in the hardware or software."¹⁶

¹⁴ Code of good practice on electoral matters, adopted by the Venice Commission at its 52nd Plenary Session (October, 2002), "Guidelines on elections", I, 1.3.2. i), ii) and xii).

¹⁵ Ibidem, iii) and iv).

¹⁶ "Explanatory report", paras. 38, 39 and 43.

In any case, the aim and the initially exceptional nature of postal voting is underlined when the Code admits that its extent “may be confined to people who are in hospital or imprisoned or to persons with reduced mobility of to electors residing abroad”, always making sure that “there is no risk of fraud or intimidation”, thus underlining its main problems in practice. Even more, it should not “be widely encouraged if problems with the postal service are added to other difficulties.”

In conclusion, the Code says that postal voting is “permitted in countries throughout the western world, but the pattern varies considerably”, so that it “may be widespread in one country and prohibited in another owing to the danger of fraud.”¹⁷ In application of these criteria, for instance, the Report on remote voting affirms that this method “should not be encouraged in the new democracies given the problems with their postal services, in addition to all the other difficulties inherent in this kind of voting, including the heightened risk of family voting”, even when it may be cautiously admitted, in exceptional and limited cases, “subject to certain precautions.”¹⁸

With respect to electronic voting, the Code of good practice contains an additional element, justified because of the utilization of new technologies. Therefore, “the system’s transparency must be guaranteed in the sense that it must be possible to check that it is functioning properly”. Apart from that, the Report considers that it “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.”¹⁹

Beyond that, procedural specifications may be difficult. For instance, after underlining the need of safety and reliability, the Code adds that “In particular, voters should be able to obtain a confirmation of their votes and correct them, if necessary,”²⁰ whilst the Report considers that, “for example, by enabling the voter to check his or her vote immediately after casting it”. In my personal criterion, that additional guarantee may be more or less convenient or usual, but it should not become a normative or prescriptive standard necessary for the

¹⁷ Ibidem, 38.

¹⁸ Loc. Cit., para 17.

¹⁹ Report on remote voting, para. 66.

²⁰ Code of good practice on electoral matters, adopted by the Venice Commission at its 52nd Plenary Session (October, 2002), “Guidelines on elections”, I, 1.3.2. iv). “Explanatory report”, para. 43.

whole procedure to be acceptable. In fact, in the ordinary method of voting the voter can never check his vote after casting it. Consequently, that requirement of giving voters a confirmation could function as normative standard only if it was limited to a moment previous to the effective casting of the vote. The confidence on the system must rely on the existence of controls on the whole (software, hardware, personal means).

Apart from that, there is nothing to say about the mere possibility that “in order to facilitate verification and recount of votes in the event of an appeal, it may also be provided that a machine could print votes onto ballot papers”, which “would be placed in a sealed container where they cannot be viewed.”

IV. Conclusions

In conclusion, and according the Code of Good Practice on Electoral Matters, the Report on remote voting²¹ and the Report on Electoral Law and Electoral Administration in Europe,²² we may conclude that:

1. Voting procedures must be simple, and voting in a polling station appears as the basic, necessary one: “voters should always have the possibility of” using it. Therefore, “other means of voting are acceptable”, but in principle they are complementary.
2. “A distinction has to be made between remote voting [or distance voting] in a supervised environment and... in a non-supervised environment, and above all voting by mail. The first form... is a common feature of a great number of Council of Europe member States. The second... is less common and subject to many national peculiarities subject to traditions in voting systems”.
3. In any case, this second form “has also become common practice in a number of Member States in recent years. However, only few countries do not restrict the conditions under which [it] is available”: permitting it “only for votes cast abroad, in some cases even it is explicitly subsidiary to voting in embassies, etc.”
4. This data show the “impossibility of identifying a single form of (non-supervised or supervised) remote voting as the “European rule”. Nonetheless,

²¹ Paragraphs 49-51.

²² Paragraphs 151 and 153.

even non-supervised remote voting is available today in one form or another in half of the countries considered... And certain measures exist to promote personal and secret suffrage. These constitute a common European standard and are consequently contained in the Venice Commission Code of Good Practice in Electoral Matters”.

5. Therefore, the Venice Commission’s final answer to the question about whether common standards are possible may be the following: “The institutionalisation of postal voting and e-enabled voting is, in principle, compatible with the Code of Good Practice. On the other hand, their compatibility depends primarily on adequate provision, through national legislation and legal practice, of the prescribed conditions, taking particular account of technical and social conditions”.

6. All that said, the adequate provisions must ensure that any kind of distance voting has to be “safe and reliable”. And, given that in these procedures may provoke “serious irregularities”, they “require additional, and in many cases improved, efforts to prevent fraud, special voter education programmes, and extra training for members of election committees”, paying “special attention... to guarantee the secrecy of the vote when introducing new voting technologies”.

7. In other words, and I initially anticipated, “yes, but...”. Yes, because with respect to the issue of distance voting, as with the voting itself, common standards are possible, and basically affect to its substantial requirements: its function seems to be complementary of the ordinary procedure of voting in a polling station. It has to be safe and reliable, so to permit the vote to be free and, consequently, secret (or secret, to be free). And the whole procedure has to be transparent, so making sure that its working may be known and tested, something which may pose problems when dealing with instruments such as the postal system or the electronic devices which are to be utilised, so justifying a very cautious approach.

8. But once those elements are ensured, more common standards are difficult to define, and the national legislation has a wide margin for fulfilling those substantial principles, according to different national traditions.

The Fifth European Conference of Electoral Management Bodies – “Distance voting” was organised by the Venice Commission in co-operation with the Elections Unit of the General Direction of Institutions and Population, Federal Public Service, in Brussels, on 20 - 21 November 2009. The issues which were addressed during the conference included the recent elections in Member States (focusing on problems of distance voting and action taken to remedy them), as well as the Comparative report on complaints and appeals procedures in the Council of Europe Member States, the means of reaching citizens abroad and persuading them to register and to vote, the latest developments in the field of e-voting in the Council of Europe Member States.



La 5^e conférence européenne des administrations électorales - « le vote à distance » - a été organisée par la Commission de Venise en coopération avec le Service des Elections, Direction générale Institutions et Population, Service public fédéral, à Bruxelles, du 20 au 21 novembre 2008. Les questions débattues pendant cette conférence incluaient les récentes élections dans les Etats membres (plus particulièrement les problèmes rencontrés durant le vote à distance et les actions menées pour y remédier) ; le rapport comparatif sur les procédures du contentieux électoral dans les Etats membres du Conseil de l'Europe ; les moyens de contacter les citoyens vivant à l'étranger, de les persuader de s'inscrire et de voter, les derniers développements en matière de vote électronique dans les Etats membres du Conseil de l'Europe.