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CENTRE UNDER THE CENTRAL ELECTION COMMISSION OF
RUSSIA, AT SESSION II OF THE OSCE SEMINAR ON
ELECTRONIC VOTING ISSUES**

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**The legal basis for electronic voting in the Russian Federation – current
status and prospects for development**

Distinguished colleagues,

As of today there is probably only one international document that can be said to relate to the legal basis for electronic voting (e-voting). That document is Recommendation Rec(2004)11 of 30 September 2004 of the Committee of Ministers of the member States of the Council of Europe on Legal, Operational and Technical Standards for E-Voting, which specifically provides a legal definition of the term “e-voting” as it applies to political elections in which electronic means are used in one or more stages (in any case at the voting stage).

The Recommendation sets out the juridical standards in support of the principles of democratic elections, including when organizing electronic voting, which are designed to ensure the free formation and expression of the voter’s will and, where necessary, his or her personal exercise of the right to vote. In this connection, at any stage in the electronic voting process anything that might compromise the confidentiality of the vote must be eliminated.

The e-voting process must meet certain established technical requirements having to do, for example, with the accessibility of this kind of voting procedure, security (including the protection of the identification data) and, in any case, the inviolability of the results of the vote count for the prescribed period of time.

In this way, in international usage the term “e-voting” is taken to mean the use of technological means for obtaining and counting the votes cast and also for determining the outcome of the election through the use of electronic means.

The electoral legislation of the Russian Federation defines “electronic voting” as voting without the use of paper ballots but with the use of computerized equipment under the State automated system (SAS) known as the “Vybory” (“Elections”) system.

At the same time, Russian law contains provisions that permit the use as stationary ballot boxes, when organizing and conducting elections, of automated vote counting systems, including computerized ballot processing units (BPUs), something that may be regarded as the introduction in Russia of individual elements of an electronic voting system.

For example, the federal laws of the Russian Federation “On the basic guarantees of the electoral rights and right to participate in referendums of citizens of the Russian Federation”, “On elections of deputies to the State Duma of the Russian Federation” and “On elections of the President of the Russian Federation” provide for the possibility of employing BPUs and set out the general procedure for that purpose.

It should be noted that the Central Election Commission (CEC) of the Russian Federation is invested with the authority to deal specifically with particular procedural aspects not governed under federal law. For example, under a CEC ruling of 25 September 2007 instructions were issued regulating the steps and procedures to be followed when using ballot processing units.

Another point to be noted is that the BPU ballot counting systems in Russia automate only the procedure for counting the results by individual polling station. The proposed equipment system operates according to the international election mark-up language (EML) standard so that the BPU can be easily adapted to various voting system versions, with the consequence that they can also be used in the “Vybory” SAS information environment and that the system may be modified in accordance with the customer’s requirements, with a joint patent subsequently issued for the system version thus created.

The provisions contained in Russian legislation are altogether sufficient for the use of ballot processing units and electronic voting units (EVUs) and also for their more extensive practical use during elections in the Russian Federation.

Distinguished colleagues,

In accordance with the federal law “On the basic guarantees of the electoral rights and right to participate in referendums of citizens of the Russian Federation”, electronic voting may be employed in place of voting by paper ballot. In this connection, the total number of polling stations using electronic voting must not exceed one per cent of the number of polling stations, including in referendums, established in the territory in which the elections or referendum are being held. The decision to conduct the voting process using electronic means is taken by the Central Election Commission of Russia or, on its instructions, by the appropriate election commission of the constituent entity of the Russian Federation. The procedure for the use of electronic voting systems during elections or referendums on the territory of the Russian Federation is subject to approval under an appropriate ruling by the Central Election Commission of Russia.

In addition to this, since the autumn of 2008 an experiment has been in progress in the Russian Federation at the initiative of the CEC of Russia involving the partial introduction of remote electronic voting.

The first test of a remote electronic voting system took place in the city of Novomoskovsk in Tula oblast, when, after casting their ballots in the traditional manner, voters were handed a compact disc containing a special program. Once back at home, the

citizens activated the program on their computer, filling in the electronic ballot and sending it to the Central Election Commission's main server.

According to the data obtained through a sociological poll of the voters who took part in this experiment, 71 per cent expressed a positive attitude towards the introduction of electronic voting, with less than 10 per cent taking a negative view of the introduction of this new method.

The results of the Novomoskovsk experiment were regarded as successful, and on 1 March 2009 the experiment was extended to cover five constituent entities of the Russian Federation, namely the Volgograd, Vologoda, Tomsk and Vladimir oblasts and also the autonomous okrug of Khanty-Mansi.

According to the findings of a survey covering the entire country conducted by the All-Russia Centre for the Study of Public Opinion in September and October of 2008, 34 per cent of Russian citizens reveal a generally positive attitude towards the idea of electronic voting, 24 per cent of them being "rather positive" and 10 per cent "absolutely positive". Half of those polled (48 per cent) regarded negatively the introduction of this new method, with 23 per cent of them "more or less negative" and 25 per cent "absolutely negative".

These figures are in line with the results of a poll carried out in 2007 among the citizens of Austria, a country where electronic voting has not been introduced even on a trial basis.

On 19 February 2009 Mr. Vladimir Churov, Chair of the Central Election Commission of Russia, discussing at a meeting with representatives of the Internet community and the Internet media issues connected with the Commission's experiment involving electronic polling of voters by means of the Internet in the city of Novomoskovsk, stated that the results of that experiment would provide the basis for the proposal to enshrine in law the possibility for voters to cast their ballots using the Internet and other modern technological means. In this way, electronic voting should become an alternative for those persons who rarely find their way to a polling station.

Distinguished colleagues,

When speaking of the prospects for the further development of the legal basis for electronic voting, it must be kept in mind that at the present time Russian federal legislation lays down specific preconditions for remote electronic voting, but that those provisions are clearly insufficient.

It would appear that the realization of this idea will require the introduction of substantial changes in the electoral laws.

For example, with a view to introducing remote electronic voting during elections and referendums in the Russian Federation it is proposed that the conceptual framework used in federal laws should be supplemented by a definition of the term "external technical means of electronic voting" to mean a technical means that is not part of the array of the automation facilities available under the "Vybory" SAS arrangements and that can be employed for electronic voting using the special software of the "Vybory" system.

It is further proposed that the legal definition of “electronic voting” should be so expanded as to refer to voting through the use of external technical means. It should be specified that the form of the electronic ballot, including the manner in which the information contained in it is represented, is subject to approval by the Central Election Commission of Russia in accordance with the requirements stipulated by that Commission.

In addition, the criteria governing the selection of the polling stations for elections and referendums at which there is to be electronic voting involving the use of external technical means need to be specifically defined. Voting of this kind might usefully be provided at polling stations in localities that are remote or difficult to reach or at stations located outside the country.

It is also proposed that the technical reliability of the voting equipment and of the related software be ensured through a procedure of mandatory certification based on general requirements adopted under federal law.

It is similarly necessary to provide guarantees ensuring the observance of the legal requirements regarding voting and the counting of votes using an electronic voting process, and also security guarantees with regard to the manufacture, delivery and installation of the electronic voting equipment and the associated programs.

Where electronic voting is used, the voting and ballot counting procedure and the procedure for establishing the outcome of the polling must provide a method of voter identification that excludes the possibility of a person’s voting more than once and that also permits a recounting of the ballots cast.

Should the possibility of and procedure for electronic voting using external technical means be given legal expression in the basic electoral laws, it will be necessary to properly regulate under law the use of the “Vybory” system.

In conclusion, I should like to note that on 25 September 2008 the Central Election Commission of Russia approved a concept for the further development of the “Vybory” State automated system to the year 2012, in which, specifically, there is provision for:

- A study of the legal aspects involved in remote voting in faraway or hard-to-reach localities in the Russian Federation and beyond its borders, involving the use within the “Vybory” system of new and advanced information technologies in the electoral process (voting via the Internet, mobile telephone and the “voter’s mobile terminal”);
- Research into the technical feasibility of remote voting and the monitoring of the observance of the electoral and referendum rights of citizens of the Russian Federation, including through the use of Russian satellite communication systems and the global navigation satellite system (GLONASS) for remote and hard-to-reach localities in the Russian Federation and beyond its borders;
- The introduction of an electronic digital signature for use in electronic document-handling in “Vybory” SAS subsystems.

All of the aforementioned measures are seen as essential if there is to be a qualitative breakthrough with respect to speed and accuracy in determining election results and in optimizing the work of the 100,000 precinct election commissions in the Russian Federation.

Thank you for your attention.