

Regulations relating to trial internet voting during advance voting and use of electronic electoral rolls at polling stations on election day during the 2013 parliamentary election in selected municipalities

Laid down by the Ministry of Local Government and Regional Development on 19 June 2013, pursuant to Section 15-1 of the Act of 28. June 2002 No. 57 relating to parliamentary, county authority and municipal elections (the Election Act).

Chapter 1 – General provisions (in Chapter 1 of the Election Act)

Section 1 Objectives

The objective of these Regulations is to facilitate that voters in the 2013 election can elect their representatives to the Storting by casting electronic votes over the Internet. The objective is furthermore to facilitate trial use of electronic electoral rolls at polling stations on election day.

Section 2 Scope of the Regulations

(1) The Regulations apply to trial internet voting during the advance voting period and the use of electronic electoral rolls at polling stations on election day in the following municipalities: Bodø, Bremanger, Fredrikstad, Hammerfest, Larvik, Mandal, Radøy, Re, Sandnes, Tynset, Vefsn and Ålesund.

(2) For the county authorities of Østfold, Møre og Romsdal, Hedmark, Vestfold, Vest-Agder, Rogaland, Hordaland, Sogn og Fjordane, Nordland and Finnmark these provisions will apply when specifically stated.

Section 3 Relationship to the Election Act and Election Regulations

(1) Unless otherwise stipulated in these Regulations, the provisions in the Election Act and Election Regulations shall apply.

(2) The Council of Europe's REC (2004)¹¹ recommendation relating to legal, operational and technical standards for e-voting shall form the basis of these trials, with the following exceptions:

- a) Appendix I Legal standards Items 25 and 32, second to last sentence do not apply.
- b) Appendix II Operational standards Items 40-42, 49 and 52 do not apply.
- c) Appendix III Technical standards Items 87, 88 and 111-112 do not apply.

Section 4 Definitions

The following definitions shall apply in the trials relating to internet voting and use of electronic electoral rolls:

(1) Electoral roll: electoral roll in the Election Act and Election Regulations also means electronic electoral roll.

(2) Ballots: ballot papers in the Election Act and Election Regulations also means electronic ballots.

(3) EVA: the State-owned electronic election administration system that is used to administer the election in municipalities and county authorities.

- (4) Internet voting system: the part of EVA that is used for internet voting.
- (5) Uncontrolled environments: uncontrolled environments mean that voting takes place outside polling stations and without an election official present.
- (6) Controlled environments: controlled environments mean that voting takes place in a polling station with election officials present.
- (7) Authentication: verification of identity, so that the voter may log into the internet voting system.
- (8) Encryption: making information illegible in such a way that the information can only be read by having access to a decryption key.
- (9) Decryption: making encrypted information legible by using a decryption key.
- (10) Return codes: state which electoral list the voter has voted for in the form of a number. The return code will only be understandable for the voter himself or herself, cf. Section 5 (4).
- (11) Internet voting: votes casted electronically over the Internet in uncontrolled environments.

Section 5 Principles

The following principles form the basis of the trials:

- (1) Internet voting voting is a supplement to voting with ballot papers.
- (2) Voters who have cast an electronic vote will be able to vote multiple times, but in such a manner that only one vote will be approved, cf. Section 17.
- (3) An identification and authentication system for logging on to the Internet voting system shall be used, equivalent to a minimum security level of 3.
- (4) After casting their votes, voters shall receive a text message on their mobile phones containing a return code and information about the number of changes made on their ballots. This return code can be checked against their polling cards to ensure that their electronic votes have been received correctly and without any changes in the electronic ballot box. Such messages shall be generated automatically by the system without the system knowing the meaning of the codes.
- (5) Neither third parties, the system nor the election authorities shall be able to obtain knowledge on how individual voters have voted.
- (6) It shall not be possible for third parties, the system or the election authorities to change the votes cast by a voter without this being detected.
- (7) The electoral lists shall be presented to voters in an arbitrary order in the Internet voting system.

(8) Information about how the Internet voting system works shall be made available to the public.

Section 5a Trial election for voters

(1) Voters in trial municipalities shall, for a period of one week at a reasonable time before the ordinary advance voting starts 12 August, be given access to the Internet voting system in order to try out how votes are casted electronically.

(2) Trial municipalities shall, in an appropriate manner, announce the time of the trial election for voters in their municipalities.

(3) It shall be clearly stated in information for voters that this is a trial version of the Internet voting system.

Chapter 2 – Electoral roll. Polling cards. Issuance of electoral rolls (in Chapter 2 of the Election Act)

Section 6 Electoral roll

The provisions of the Election Act shall apply correspondingly with the following clarifications:

(1) The Ministry shall ensure that an electronic electoral roll is prepared for use in the casting of electronic votes and for marking of voters in polling stations on election day. The electronic electoral roll shall be set up on the basis of the constituencies.

(2) The electoral roll shall not be made available for public inspection in electronic form.

(3) In addition to the opportunity to check copies of the electoral roll made available for public inspection pursuant to Section 2-6 of the Election Act, voters will be allowed to check their own listing on the electoral roll online by authenticating themselves in the Internet voting system.

Article 7 Polling cards and return codes

(1) Section 2-3 (3) of the Election Act shall not apply. The Ministry shall be responsible for the design, production and issuance of polling cards to all voters eligible to vote in trial municipalities on behalf of the electoral committees.

(2) Section 23 (1), (2) and (3) of the Election Regulations shall apply correspondingly with the following addition: Polling cards shall also contain information about return codes, so that voters can verify that their electronic vote has been received correctly and unchanged.

(3) The electoral roll as of 10 July shall be used as a basis for the production of polling cards. The Ministry shall facilitate observation of the printing of return codes and announce a time for this to take place. The polling cards shall be received by the voters no later than the start of ordinary advance voting on 12 August.

(4) After printing, the Internet election committee shall ensure that information in the Internet voting system about which return code corresponds to which electoral list is deleted in a prudent manner. In order to fulfil this task, the Internet election committee may hire an IT

auditor to verify that printing of return codes on polling cards are in accordance with the regulations. The IT auditor shall report to the Internet election committee.

(5) Unused polling cards with return codes which do not reach the voter and therefore are returned to the municipalities or the Ministry, shall be shredded.

Section 8 Preparations for Internet voting

(1) By the end of July, The Ministry shall ensure that installation and basic configuration of the Internet voting system has been carried out correctly in accordance with published system documentation.

(2) The Ministry shall ensure that the software used in the Internet voting system has been built on the basis of the published source code. They shall also ensure that this procedure is followed in the event that changes are made to the system prior to or during advance voting.

(3) The Internet election committee shall ensure that cryptographic keys, which guarantee the secrecy of the votes, are generated and stored in a prudent manner. They shall also ensure that the cryptographic keys, as well as all encrypted information, are destroyed in a prudent manner after the election. The Internet election committee may hire an IT auditor who carries out the task on their behalf. The IT auditor shall report to the Internet election committee.

Chapter 3 – Electoral bodies (in Chapter 4 of the Election Act)

Section 9 Internet election committee

(1) For this pilot a national Internet election committee shall be appointed and shall, on behalf of the trial municipalities, ensure that the Internet voting and counting of Internet votes take place in accordance with the regulations. The Ministry shall appoint members and deputy members. The Ministry shall appoint a chairman for the Internet election committee.

(2) The Internet election committee shall be composed such that the members do not have conflicts of interest which may affect confidence in the election. The Internet election committee shall have nine members with the following composition:

- a) one representative of the The Norwegian Data Protection Authority
- b) one election researcher
- c) one cryptologist
- d) chairmen of the county electoral committees of Nordland, Møre og Romsdal and Vestfold.
- e) one representative of the eligible voters from each of the municipalities of Bodø, Fredrikstad and Re.

(3) The Ministry shall act as secretariat for the Internet election committee.

Section 10 Responsibilities and authority of the Internet election committee

(1) The Internet election committee shall:

- a) ensure that information about the significance of the return codes are deleted, cf. Section 7
- b) ensure that cryptographic keys are handled in a prudent manner, cf. Section 8 (3)
- c) be responsible for decrypting and counting votes, cf. Section 21

- d) sign the records, cf. Section 26
- e) ensure verification of the system by an independently third party, cf. Section 29

(2) The Internet election committee may, if an incident occurs which may result in it being impossible to carry out the election pursuant to the regulations, decide that voters cannot cast votes over the Internet. If such a decision is made, and Internet votes have been cast at this time, the Internet election committee shall determine whether or not to discard these Internet votes.

(3) The Internet election committee shall make their decisions in meetings with a straight majority. Meetings are open to the public.

(4) The Internet election committee is granted cover of travel expenses and compensation for meetings in accordance with government rates.

Chapter 4 – Requirements for handling list proposals (in Chapter 6 of the Election Act)

Section 11 Requirements for the list proposal

Section 6-4 (a) of the Election Act shall apply, with the following clarification:

In addition to the overview of candidates' dates of birth, information may be provided about their address, residence, occupation, telephone number and e-mail address.

Chapter 5 – Ballots (in Chapter 7 of the Election Act)

Section 12 Electronic ballots

(1) The county electoral committees shall prepare electronic ballots in the Internet voting system for all approved election lists for the parliamentary election before advance voting starts on 12 August.

(2) Sections 19 and 20 of the Election Regulations relating to requirements for the content of ballots shall apply correspondingly when the electronic ballots are designed in the Internet voting system.

(3) Section 21 of the Election Regulations shall not apply.

Chapter 6 - Advance voting (in Chapter 8 of the Election Act)

Section 13 Advance electronic voting period

Sections 8-1, 8-2 and 8-3 of the Election Act shall not apply. The following shall apply instead:

(1) Voters who so desire may cast their votes electronically over the Internet (uncontrolled environments) by logging on to the Internet voting system from 12 August at 09:00 hours until the end of Friday, 6 September.

(2) Electronic votes cannot be cast in controlled environments.

Section 14 Conclusion of electronic voting

(1) The advance electronic voting shall conclude at the stipulated time. Voters who are logged on the system at the time when voting concludes shall be notified that their Internet vote must be cast within ten minutes.

(2) Voters who have not cast their Internet vote at the end of these ten minutes, shall be clearly notified that they can no longer vote in advance and that their advance vote has not been registered. These voters shall be directed to vote at the polling station on election day.

Section 15 Registration in the Digital Contact Registry.

(1) Voters who want to cast electronic votes must register in the Agency for Public Management and eGovernment's (Difi's) Digital Contact Registry. They also must consent to submitting this information to the Ministry, in order to receive return codes, cf. Section 16 (4).

(2) Voters who do not want to register must cast their vote by a paper ballot.

Section 16 Internet voting procedure

(1) Section 8-4 (1) of the Election Act shall not apply. The following shall apply instead: Voters shall personally ensure that their Internet vote is cast in private.

(2) Voters shall identify themselves vis-à-vis the Internet voting system through the authentication solution.

(3) After authentication, voters will be allowed to cast their electronic votes. Vote must be cast within 30 minutes. If this is not done, the voter must start over with a new login.

(4) Voters shall receive a text message on their mobile phones when their votes have been submitted, cf. Section 5 (4).

(5) Sections 24a, 27 and 27a of the Election Regulations shall not apply.

Section 17 Entitlement to cast another ballot

(1) Voters who have previously cast an electronic vote may cast another ballot, either electronically over the Internet or with a ballot paper at a polling station.

(2) If a voter has cast multiple electronic votes, the last cast vote shall be approved. A vote cast on paper is final and will annul previous and future electronic votes, if it is approved.

Chapter 7 – Voting at polling stations on election day (in Chapter 9 of the Election Act)

Section 18 Voting at polling stations

(1) Section 9-5 of the Election Act shall apply correspondingly, with the exception of the fourth subsection. The following shall apply instead:

The polling district board shall mark the electronic electoral roll next to the voter's name, both for voters recorded in the electoral roll in the constituency and for voters in other constituencies in the municipality.

(2) Voters who are not in the relevant part of the electoral roll shall deliver their ballot paper to the polling district board, which will affix the official stamp. Voters shall place their votes in the ballot box themselves.

(3) Section 31 of the Election Regulations applies correspondingly to voters who have already cast their vote.

(4) Votes shall always be counted in the constituency in which they are received.

Section 19 Contingency procedures

(1) In the event of a power outage or loss of communication with the electronic electoral roll, the contingency procedures in this provision shall be enacted immediately.

(2) All votes shall be placed in a separate contingency envelope.

(3) Voters shall, in private, fold their ballot papers so that it is not possible to see the voter's vote. Voters shall deliver their ballot papers to the polling district board, which will affix the official stamp. After the ballot papers have been stamped, the voters shall personally place them in a ballot paper envelope, close it and hand it over to the polling district board. The polling district board shall place the ballot paper envelope, along with the polling card, in a contingency envelope. Voters shall place the contingency envelopes in a separate ballot box themselves.

(4) Section 39 a of the Election Regulations shall apply correspondingly.

(5) If communication with the electronic electoral roll is re-established or the power returns, the contingency procedures shall be discontinued, and voters shall be marked in the electronic electoral roll in the ordinary manner.

(6) Votes received in contingency envelopes shall be sent to the electoral committee for approval. If a municipality starts the election on Sunday, 8 September, these votes shall be delivered and checked by the electoral committee before voting starts on election day, Monday, 9 September.

Section 20 Requirements for contingency envelopes

(1) The contingency envelope must be clearly distinguished from the other election materials. The contingency envelope shall be orange and the text "contingency envelope" shall be printed on it.

(2) The Ministry shall be responsible for the production of contingency envelopes, and shall distribute them to trial municipalities.

Chapter 8 - Checking the casting of votes and ballot papers, counting, registration, etc.

§ 21 Decrypting electronic votes

(1) The Internet election committee shall supervise the decryption of the electronic votes.

(2) In order to ensure that no individual is in a position to decrypt votes, each of the members shall be assigned parts of keys, which must be combined with the other members' parts to decrypt cast votes.

(3) At least six members from the Internet election committee must join together in order to construct the decryption key.

(4) The Ministry shall stipulate a specific time when the Internet election committee will meet to receive the key parts.

(5) Decryption of electronic votes shall start after the conclusion of the election at 21:00 hours on election day, cf. Section 22.

Section 22 Approving votes and ballots

(1) Section 10-1 (3) of the Election Act shall not apply. The following shall apply instead: Electronically cast votes shall be checked during preparation of votes for decryption pursuant to Section 22. Votes that are not checked during this count shall be checked before the final count pursuant to Section 23.

(2) Section 10-1 of the Election Act applies correspondingly, with the exception of Sections 10-1a and 10-1 (1) litra d), e) and g) for votes cast electronically.

(3) If a voter has cast a vote using a ballot paper during advance voting or at a polling station on election day, this vote shall be approved if the terms in Sections 10-1 or 10-2 of the Election Act have been met. If the voter has only submitted electronic votes, the last vote cast shall be approved if it satisfies the terms in Section 10-1 of the Election Act.

(4) Section 10-3 of the Election Act, with the exception of (1) litra a), shall apply correspondingly for approval of electronic ballots.

Section 23 Preliminary count of received electronic votes

(1) Section 10-5 of the Election Act shall not apply for votes cast electronically. The following shall apply instead: After the end of voting on election day, the received electronic votes shall be decrypted. The electronic votes shall be prepared prior to decryption. This preparation shall be carried out as close to the decryption time as practically feasible.

(2) During the preparation, corrections shall be made for votes from voters who, at the time of preparation, have had their advance votes or ballot paper votes from polling stations on election day approved. Corrections shall then be made for votes from voters who have cast multiple electronic votes. The remaining electronic votes shall be decrypted.

(3) Publication of the preliminary results of cast electronic votes shall take place as soon as practically feasible after decryption.

(4) Final corrections and the result of the electronic voting shall be prepared in connection with the final count.

Section 24 Final count. Registering corrections on ballots

(1) Section 10-6 of the Election Act shall apply with the following clarification: After the electoral committee has finished the final count of votes cast on paper, the electoral committee shall add the approved votes cast electronically.

(2) Section 10-6 (2) of the Election Act shall not apply. The following shall apply instead: During the final count, corrections shall be made for votes from voters who have had their advance votes or ballot paper votes from polling stations on election day approved, as well as

corrections from voters who have cast multiple electronic votes, if this was not done in connection with the preliminary count pursuant to Section 22.

(3) Section 10-6 (4) first sentence of the Election Act shall not apply. The following shall apply instead: In Østfold, Møre og Romsdal, Hedmark, Vestfold, Vest-Agder, Rogaland, Hordaland, Sogn og Fjordane, Nordland and Finnmark, the county electoral committee shall accept corrections to the electronic ballots registered by the municipalities.

(4) All ballots submitted on paper shall be scanned in the final count, including blank ballots and rejected ballots.

Section 25 The county electoral committee's control of county elections

(1) Section 10-8 of the Election Act shall not apply for electronic ballots. The following shall apply instead: Approved and rejected electronic ballots for the parliamentary election shall be delivered electronically to the county electoral committee via EVA.

(2) Section 10-9 of the Election Act shall not apply for votes cast electronically. The following shall apply instead: The county electoral committees shall accept the result of the number of approved votes from electronic voting in the municipalities, including registered ballot corrections, before the election results are final, cf. Section 25 (2).

Section 26 Registration and publication of the Internet voting result

(1) The Internet election committee shall record (minute) the result of the counting of internet votes. The result shall be listed by municipality and distributed across the different electoral lists. The records shall be signed by the members of the Internet election committee and submitted to the respective municipalities.

(2) Section 10-7 of the Election Act, cf. Section 41 of the Election Regulations, shall apply correspondingly with the following clarification: The municipalities shall also register the result from the Internet voting count specifically in accordance with data received from the Internet election committee and add this to the other advance votes before the result is sent to the county electoral committee. The number of contingency envelopes received shall be registered separately.

(3) The Ministry shall ensure that the Internet voting results are made available to the general public.

Chapter 9 – Ownership of and requirements for the electronic election system. Security. Right of access and review

Section 27 Ownership and operative responsibility

The Internet voting system and the electronic election administration system are owned, operated and administered by the State.

Section 28 Security

(1) The requirements for the solution (infrastructure, servers, data in the system, routines, roles, access, technical documentation, testing, schedules, back-up routines, etc.) shall be available to the general public on the website evalg.dep.no.

(2) Those who have been designated by the Ministry to receive access to the central infrastructure, servers and election data shall be listed in a separate document.

(3) The chosen authentication solution shall have a minimum security level of 3, as this is specified in the Guidelines for public enterprises that provide electronic services and online interaction - Framework for authentication and non-repudiation in electronic communication with and in the public sector (FAD 2008).

Section 29 Verification

(1) The Internet voting system shall generate mathematical proofs to confirm that votes are stored and counted correctly. The proofs shall be made available to third parties for verification.

(2) The Internet election committee shall ensure that the mathematical proofs for correctness and integrity that are generated by the counting process are checked and verified by an independent third party.

(3) The Internet election committee shall consider applications from parties or groups who run lists in the election who want to carry out said verification on an independent basis. Those who have carried out such verification shall document and submit the result to the Internet election committee.

Section 30 Right of access and review

(1) Documentation as to how the system is constructed and how it works, including detailed specifications and architecture documents, shall be made available to the general public on the website evalg.dep.no.

(2) The source code shall be published on the Internet and be made available for download. The Internet voting system's source code shall be made publicly available no later than 1 June. If changes are made to the source code after this date, the changes shall be made publicly available as quickly as possible and before they are implemented.

(3) After a voter has voted, the voter shall have the opportunity to check that the system has correctly registered his or her vote, cf. Section 16 (4).

Section 31 Storage, disposal and destruction of data

(1) Section 15-2 of the Election Act shall apply correspondingly with the following clarifications:

The Ministry shall ensure that electronic ballots are stored until the end of the term of office. The Ministry shall ensure that the electoral rolls are stored for two terms of office.

(2) The Ministry shall ensure that encrypted personally identifiable data in the Internet voting system are deleted by 31 December 2013.

Section 32 Entry into force. Repeal

These Regulations shall enter into force immediately and shall be repealed on 31 December 2013.