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Ordinance on Political Rights (PoRO)

Section 6a: Electronic Voting Trials

Art. 27a Basic licence from the Federal Council

¹ Trials of electronic voting in federal popular votes require a basic licence from the Federal Council.

² Where cantons apply for a basic licence for the first time, the Federal Council shall grant a licence for a maximum of five ballots.

³ After at least five successive problem-free individual trials in a canton in federal ballots, the Federal Council may permit this canton to use electronic voting in federal popular votes within time, subject matter and geographical limits for a specified maximum period.

⁴ Trials of electronic voting in elections to the National Council in every case require a special basic licence from the Federal Council.

⁵ If the Federal Council grants a basic licence, derogations may be made insofar as necessary from the statutory regulations on voting at the ballot box and postal voting.

Art. 27b Requirements

The basic licence shall be granted if:

- a. the canton guarantees that it will conduct the trials in accordance with federal law. In particular, it must take all effective and appropriate measures so that:
 1. only persons eligible to vote may participate in the ballot (checks on right to vote),
 2. each person with a right to vote has only one vote and can only vote once (one-person-one-vote principle),

3. third parties are unable to systematically and effectively intercept, alter or divert electronically cast votes (reliable reproduction of the genuine expression of will),
 4. third parties are unable to obtain knowledge of the content of electronically cast votes (voting secrecy),
 5. any systematic abuse can be excluded (proper conduct of the ballot);
- b. the Federal Chancellery has established that the requirements for authorisation under Article 27e paragraph 1^{bis} are met.

Art. 27c Application

The application for the basic licence must include:

- a. an assurance that the trial will be conducted in accordance with federal law and that a feasible concept has been prepared for the financial and organisational measures required to conduct the trials;
- b. the relevant cantonal provisions that have been enacted;
- c. details of the system that will be used and its operational modalities;
- d. the maximum percentage of the cantonal electorate to be included in the trials;
- e. in the case of two or more trials, the number of the ballots or the maximum duration for which the basic licence should be granted.

Art. 27d Content of the basic licence

The Federal Council shall specify in the basic licence:

- a. the federal ballots or the maximum duration for which electronic voting is authorised;
- b. the period in which electronic voting may be made possible;
- c. the geographical area and the part of the electorate for which electronic voting is authorised.

Art. 27e Authorisation by the Federal Chancellery

¹ A canton that has received a basic licence must submit an authorisation request for electronic voting to the Federal Chancellery prior to every ballot.

^{1bis} The Federal Chancellery shall specify the requirements for granting authorisation and in particular the requirements that apply to the electronic voting system and its operation.

² Authorisation shall be granted if the requirements mentioned in paragraph 1^{bis} are met.

³ If, when considering an application for authorisation, the Federal Chancellery concludes that the requirements are not met, it shall inform the canton concerned and justify its assessment.

⁴ If the canton concerned does not agree with the Federal Chancellery's assessment, the Federal Chancellery shall submit the application to the Federal Council for a decision.

⁵ Electronic voting in federal ballots is only permitted if it is possible to vote electronically on all the proposals being voted on and all the elections in the ballot concerned in the geographical areas concerned.

Art. 27^ebis

Repealed

Art. 27^f Limits

¹ A maximum of 30 per cent of the cantonal electorate may be authorised to participate in electronic voting; at the same time a limit of 10 per cent of the entire Swiss electorate must not be exceeded.

² The Federal Chancellery shall consider regularly whether the limits set in paragraph 1 need to be modified to reflect developments in the field of electronic voting.

³ Swiss persons abroad who are eligible to vote and voters who cannot cast their votes without assistance because of a disability are not included when calculating the limits.

Art. 27^g Voters with disabilities

¹ The process of electronic voting must be organised so that the needs of voters who cannot cast their votes without assistance because of a disability are taken into account.

² When the requirements for electronic voting are being implemented, the Federal Chancellery may make concessions for these voters provided security is not seriously compromised thereby.

Art. 27^h Protection against manipulation

¹ The electronic voting systems must be designed and operated so as to prevent any manipulation of opinion when voting. In particular, it must be possible to exclude systematic manipulative content from being displayed on the device used for voting during the voting process.

² Voting by proxy is prohibited.

Art. 27ⁱ Verifiability and plausibility of electronic voting

¹ The cantons shall ensure that the correctness of the processing of the votes and of the results of the electronic vote are verified.

² They shall check the plausibility of the results of the electronic vote.

³ The Federal Chancellery regulates verifiability and plausibility checks.

⁴ If irregularities are detected during verification or the check on plausibility, the number of defective votes must be ascertained or it must at least be possible to estimate the extent of the effects on the result of the count.

Art. 27j Reliability of electronic voting

¹ The cantons must take all effective and appropriate measures to guarantee that the ballot can be conducted and concluded correctly.

² They must in particular guarantee that until validation of the result no votes are irretrievably lost.

Art. 27k

Repealed

Art. 27k^{bis} Use of an externally operated system

A canton without its own system may:

- a. enable its voters to cast a vote electronically using a system operated by another canton;
- b. use the services of a private company to conduct electronic voting.

Art. 27l Examination of the system and the operational modalities

¹ An examination of the system and of its operational modalities is required:

- a. before a new system is used;
- b. when any fundamental change is made to the system or the operational modalities;
- c. at regular intervals.

² The examination shall be conducted by independent entities. These shall review whether:

- a. the Federal Chancellery's requirements are met;
- b. the security precautions and the electronic voting system comply with the state of the art.

³ The Federal Chancellery shall specify the regular intervals and regulate the details of the examination and specify the requirements for the independent entities.

⁴ It shall specify which examinations are the responsibility of the Federal Chancellery and which are the responsibility of the cantons.

Art. 27^{bis} Public availability of information on the system and its operation

¹ The cantons that conduct trials shall make details of the functionality and security features of the electronic voting system and its basic operational processes available to the public.

² They shall ensure that the following information is published:

- a. the documentation on the system and its operation;
- b. the source code of the software;
- c. the development process documentation;
- d. evidence that the machine-readable programmes were generated from the published software source code.

³ The above is subject to the provisions in the legislation on freedom of information and data protection.

Art. 27^{ter} Public involvement

¹ The Federal Chancellery and the cantons that conduct trials shall ensure that the public and experts are involved.

² In particular, the cantons shall provide incentives to encourage the public and experts to participate in improving the electronic voting systems.

Art. 27m Provision of information to voters and publication of the results of electronic voting

¹ The cantons that conduct trials shall inform voters in generally understandable terms about the organisation, technology and procedure for electronic voting. They shall indicate how to proceed if problems occur, and explain how verifiability works.

² All important official procedures relating to the conduct of ballots using electronic voting and the corresponding documentation must be made available to voters' representatives.

³ The cantons shall publish the results of votes cast using the electronic voting channel in federal elections and votes. The results must be published in such a way that voting secrecy is preserved.

Art. 27n and 27n^{bis}

Repealed

Art. 27o Involvement of independent experts and the academic community

¹ The Federal Chancellery and the cantons shall call on independent experts to assist them in carrying out their work, provided this is expedient and contributes in particular to strengthening trust in electronic voting and improving the security of the electronic voting channel.

² The Federal Chancellery shall arrange for the involvement of the academic community in the trials and may also:

- a. commission research work, in particular in relation to social science and technical aspects;
- b. collect data on the use of electronic voting or have it collected by the cantons.

³ It shall in particular ensure that trials with electronic voting are investigated as to their effects, in particular effects on the trends in voter turnout and on voting habits.

⁴ The cantons shall provide the Federal Chancellery with anonymous statistical information on the use of electronic voting after every trial. If they conduct more extensive accompanying surveys, they shall inform the Federal Chancellery of their results.

Art. 27p

Repealed

Art. 27q Trials for signing federal popular initiatives electronically

The Federal Council may approve trials for signing federal popular initiatives electronically subject to the requirement that all effective and appropriate measures be taken to guarantee checks on right to vote, voting secrecy and the correct allocation of all signatures and to be able to prevent the risk of targeted or systematic abuse.