Key Considerations for Implementing Bodies and Oversight Actors

Lead Authors

Ben Goldsmith
Holly Ruthrauff
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FOR IMPLEMENTING BODIES

- To what extent have key electoral stakeholders been consulted openly and widely in the decision making process on the adoption of electronic voting or counting technologies?
- Is the decision making process based on the research into available technologies and judged against clearly identified objectives?
- Does the implementing body have the necessary authority to consider the use of voting and counting technologies?
- Is the decision making process based on a needs assessment that identifies whether there are problems with the current voting or counting process?
- Do products which meet the requirements set out for the chosen technology exist and if such products do exist, has an assessment of their financial feasibility and sustainability of been conducted?

FOR OVERSIGHT ACTORS

- Have the primary reasons for considering the adoption of new technologies been clearly and publicly explained, including which specific problems technology is meant to address?
- Has the decision-making process assessed the current system; proportionality of advantages and disadvantages; costs versus benefits; technical feasibility; EMB institutional capacity; and legality of using e-technologies?
- Have key stakeholders, including parties, civil society, and the media, and the public been informed of the above assessments?
- To what extent have key stakeholders’ support, opposition or other input been considered?

FOR IMPLEMENTING BODIES

- Has it been made clear which institution is responsible for implementing the pilot
Are sufficient financial and human resources available to implement the pilot project?

Does the mandate of the pilot project define the technologies to be piloted, the scale and locations of the pilot, the kind of pilot to be conducted (i.e. in an actual election, or in parallel to an actual election, or for a mock election), and the issues to be addressed and evaluative criteria to be utilized?

Is the timeline for the pilot realistic?

Has a detailed specification for the procurement of the technology been made for use in the pilot projects?

Does the legal framework permit piloting of electronic voting and counting technologies, or are legislative amendments needed to enable the conduct of pilot projects?

Does the pilot project test and challenge the assumptions about the operation challenges of implementing electronic voting or counting technologies, the expected benefits or costs, and the way in which voters, election administrators, political parties and observers interact with and experience the new system?

Has an evaluation plan been developed for the pilot projects, and are the outputs of the pilot project clearly defined?

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Is the process of procuring the pilot technology open and impartial to all vendors?

Does the EMB provide periodic public updates and consultations related to the development and procurement of the pilot technology?

Are voters aware of the existence of and rationale behind the pilot?

Are stakeholders, including observer groups, political actors and voters, permitted and encouraged to observe the pilot process, and are they invited to provide feedback on the piloted technologies during the evaluation process?

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Is the decision to adopt counting or voting technologies based on the successful conduct of a series of pilots in different locations or over a period of time?

Have lessons learned from pilots been acknowledged in the decision?
Are the reasons for recommending adoption, additional piloting or non-adoption of technologies well-documented and made public?

Where adoption has been recommended, has detailed guidance been provided as to the kinds of technology that should be used, technical specifications, implementation steps and a timeline for adoption?

FOR OVERSIGHT ACTORS

Are the reasons for recommending adoption, additional piloting or non-adoption of technologies well-documented and made public?

If decision to adopt is made, is it based on successful pilots in different locations and/or over a period of time? Has the decision taken into account lessons from pilots?

Is the preliminary recommendation discussed (i.e., through consultations) with key stakeholders?

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How broad is participation by recognized technical institutions in the process for defining national standards for implementation of electronic and voting technologies?

Has an expert committee been established to help define the national standards?

To what extent have international/regional standards been considered in the development of national standards?

Do the national standards consider technical features that must be complied with?

Has consensus been achieved among experts on the defined standards?

Have the experiences of other countries been considered in the development of national standards?

FOR OVERSIGHT ACTORS

How transparent and inclusive is the process of defining national standards for electronic technologies? For example, are technical institutions/experts involved, and are public consultations held with civil society, political actors and voters?

To what extent do the national standards comply with have international and...
regional principles, and standards, and best practices been considered in the
development of national standards?

☑ To what extent have existing national technical requirements been taken into
account?

KEY CONSIDERATIONS:
LEGAL AND PROCEDURAL FRAMEWORK

FOR IMPLEMENTING BODIES

☑ Are the electronic voting and counting technologies in compliance with the
constitution and/or electoral legislation?

☑ Are suggested electronic voting and counting technology solutions in line with
international and emerging standards?

☑ Is the timeline for preparation of voting and counting systems clearly outlined in the
legal framework?

☑ Are requirements included for the testing of voting and counting technologies prior
to their use in the elections?

☑ Is an audit trail legally mandated, and if so, is the nature of the audit mechanism
specified and is the type of audit, timeframe and scale of audit clearly identified?

☑ Have conditions under which audits and recounts are to take place been identified?

☑ Are there specifications for dealing with a situation in which the audit produces a
different result than by an electronic voting or counting machine?

☑ Does the legal framework include specifications for how electoral data will be
stored, and the timeframe and procedures for deletion of electronic data in
accordance with existing data protection legislation?

☑ Does the legislation address identification/authentication issues if they are being
incorporated into the electronic voting process?

FOR OVERSIGHT ACTORS

☑ Are the electronic voting and counting technologies in compliance with the
constitution and/or electoral legislation? Are they in line with international and
emerging standards?

☑ Is the appropriate secondary legislation in place to accommodate the
implementation of electronic voting and counting and the processes associated with
such technologies?

☑ Are transparency mechanisms included and clearly defined in the legal framework,
such that oversight actors have sufficient access to the new processes associated with the technologies?

☐ During the electoral legal framework reform process, has the election management and/or legislative committee consulted political parties and civil society on the ways in which the legislation needs to be changed?

☐ After the legal framework has been revised, have parties and civil society been briefed on the reforms enacted pertaining to election technologies?

KEY CONSIDERATIONS:
DESIGN REQUIREMENTS

FOR IMPLEMENTING BODIES

☐ Do the general requirements set out for an electronic voting and/or counting system address issues of secrecy, transparency, accountability, usability/accessibility and security?

☐ Is there a process to ensure consultation and solicit feedback on the general requirements for an electronic voting or counting system?

☐ Do existing products meet the requirements or will a new system need to be designed?

☐ Does the system maximize the ability for all voters to cast their ballots in an accurate, effective and efficient manner?

☐ Does the system meet existing standards on usability and accessibility?

☐ Are external factors such as the environmental conditions in which the equipment will be required to function and the reliability of the power supply throughout the country been considered for the design requirements?

☐ How will equipment be transported and stored and do these considerations impact the design of the equipment?

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☐ Is the process of defining design requirements inclusive by, for example, seeking the input of various stakeholders, including political parties and civil society?

☐ Are there specific requirements to ensure that the systems are developed in a manner that maximizes the usability for all voters and the access afforded to groups of voters who may normally struggle to participate in the electoral process, such as voters with visual impairments, hearing impairments or motor difficulties, as well as
illiterates or those from minority language groups?

- What tests and/or research, if any, have been conducted to assess the usability and accessibility of equipment? Was it conducted among voters from diverse demographics and among those who may normally struggle to participate?
- Is the work of developing technical requirements made available to the public?
- Are the experts responsible for developing design requirements mandated, and are they required to disclose any affiliations with interested parties (i.e., potential vendors)?

**KEY CONSIDERATIONS:**
**PROCEDUREMENT, PRODUCTION AND DELIVERY**

**FOR IMPLEMENTING BODIES**

- Do the procurement documents for e-voting or e-counting hardware include technical specifications that detail key issues required of vendors including types of technology, security and authentication mechanisms, environmental conditions, accessibility requirements, software and source code requirements?
- Does the Request for Proposals outline expectations regarding intellectual property rights agreements; division of responsibilities between vendor and EMB; specifics of electoral system that equipment has to address; specifics for security of voting or counting equipment; hardware and software requirements for results production and dissemination systems; and maintenance and storage requirements.
- Is the evaluation criteria detailed in the Request for Proposals?
- Does the procurement process put in place mechanisms to ensure that all steps of the process are transparent and engage electoral stakeholders at appropriate steps in the process?
- Is sufficient time allocated for the procurement process to meet transparency and inclusiveness goals?
- Is there sufficient time allocated for the EMB to come to terms on a contract with the selected vendor?
- Does the contract vehicle contain specific benchmarks for timely delivery of equipment and services from the selected vendor, as well as clearly defined penalties for failure to meet benchmarks?
- Are contractual agreements made publicly available?

**FOR OVERSIGHT ACTORS**
Do the procurement documents cover everything that is required from the technology provider (see above)?

Is the overall procurement process conducted in an impartial and transparent manner?

Is the bidding process open to all vendors and competitive?

Are the criteria for evaluation defined before the procurement process and communicated in the bidding document?

Is the evaluation process transparent, and does it provide sufficient written documentation that allows observers to determine whether decisions were made strictly on the basis of the evaluation criteria?

Does the selected vendor have any links to and/or conflicts of interest with relevant public officials, political leaders, candidates and/or parties?

Are contractual documents made available to the public, so that observers can monitor the extent to which vendors comply with their obligations during the process?

Does the contractual arrangement ensure that the EMB will remain in control of the relationship with the vendor and that the vendor is accountable to the EMB? Similarly, is the role of the vendor vis-à-vis the EMB clearly defined?

Is the contractual timeline realistic? What are the obligations of vendors if the timeline or other terms are not met?

KEY CONSIDERATIONS:
SECURITY MECHANISMS

FOR IMPLEMENTING BODIES

Have the advantages and disadvantages of open source code versus proprietary code been fully considered in the design process?

Is a mechanism in place to control access to voting or counting machines? Does the control mechanism include recording and reporting of access to the machines that is outside of standard operating procedures?

Is the data held on electronic voting or counting machines protected through encryption?

Are procedures in place to ensure the security of decryption keys and to establish when and how the decryption of data takes place?

Is the encryption of voting data maintained when it is transmitted or transported?
from individual electronic voting or counting machines to the tabulation system for generation of results?

FOR OVERSIGHT ACTORS

- Does the system only allow access for authorized users, and is that access provided in a secure manner?
- Is the physical security of machines, including data ports, protected from would-be attempts to manipulate the machines? Are party agents and election observers able to monitor any intervention that affects the system while voting and counting being conducted?
- Is the secrecy of the vote maintained, such that votes are not linked to voter identification information?
- Are there mechanisms, such as hashes, to ensure the software loaded onto machines can be verified as the EMB-tested and approved version?
- Is voting data encrypted to ensure it can be securely transmitted or transported from individual machines to the tabulation system? Is there a mechanism, such as a digital signature, to ensure that data transmitted to the tabulation system is from a legitimate source?

KEY CONSIDERATIONS:
RECRUITMENT AND TRAINING OF PERSONNEL

FOR IMPLEMENTING BODIES

- Has an analysis of the staffing needs associated with the project been conducted at both national as well as the regional, local, and polling station levels for staffing needs?
- Are levels of access to systems appropriately defined for external technicians that may be hired to assist in the process?
- Is training for personnel at all levels based on cooperation with the equipment supplier in order to develop in-house capacity to conduct trainings?
- Does the process include a training of trainers to build internal capacity?

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- Is the EMB staffing plan adequate for successfully implementing electronic voting
and counting technologies, and are staffing plans made available to oversight actors?

☑ If outside technicians or consultants are involved, are their roles clearly defined and transparent?

☑ Do election officials, including at the polling station level, have sufficient understanding of the technologies, allowing them to clearly explain the voting and counting process to voters?

☑ Does the EMB have a long-term goal and plan to self-administer all aspects of electronic voting and counting in future elections?

☑ Do oversight actors, including parties and observer groups, have access to EMB trainings and training materials, allowing them to assess the adequacy of training, provide recommendations and build their own understanding of the technologies?

**KEY CONSIDERATIONS:**

**PROJECT AND RISK MANAGEMENT**

**FOR IMPLEMENTING BODIES**

☑ Has a project management body been established?

☑ Are measures in place to ensure that project staff time can be sufficiently devoted to the project in the presence of other responsibilities?

☑ Has a detailed plan and timeline that sets out each stage of the project as well as the deadlines to be met been drafted? Is there some flexibility built into the plan in case some activities take longer than anticipated?

☑ Has a full management plan been developed?

☑ Will the plan be reviewed on a regular basis by the project management body to ensure that targets are being met?

☑ Is a broader consultation group with a wide range of interests and organizations represented also involved in the process of implementing the project?

**FOR OVERSIGHT ACTORS**

☑ Is the project management body inclusive and diverse so as to involve a broad set of skills in implementing electronic voting and counting?

☑ Has the project management body made its detailed plan and timeline available to the public so that stakeholders can hold management bodies accountable to targets and deadlines?

☑ Does the project management body produce periodic progress reports for the public, and/or are stakeholders invited to attend certain meetings to be briefed on
progress?
- Has the EMB conducted a full security risk assessment, taking into account technical, logistical and legal issues that could arise?
- Has the risk management plan been made public so that stakeholders may provide input?

KEY CONSIDERATIONS:
VOTER EDUCATION AND INFORMATION

FOR IMPLEMENTING BODIES

- Has a comprehensive plan for educating and informing voters about the new technologies been developed and have sufficient resources been allocated to conduct voter education and information activities?
- Does the public outreach strategy include detailed information about how to vote as well as how the overall system works?
- Have strategies been developed for how to react to stakeholder comments or media stories about the voting and counting technology?
- Is a set of Frequently Asked Questions (FAQ) available for reference to election commissioners, senior managers and public relations personnel that include responses to common and often-repeated criticisms of electronic voting machines?
- Are opportunities available for the public to engage with the new voting equipment in person in the pre-election period?
- Are targeted efforts in place to address voter education for specific populations such as the elderly, minority ethnic/language groups, and youth?
- Is voter information available at polling stations?
- Are polling officials sufficiently prepared to answer any questions about the voting machines?

FOR OVERSIGHT ACTORS

- Has the EMB developed a comprehensive plan for voter education, including sufficient time and resource allocation?
- Does the EMB strategy for voter education identify target audiences and incorporate a variety of media sources and other mediums through which those target audiences commonly consume information?
- Has the EMB provided opportunities for citizens to engage with the new voting
Has the EMB made extra efforts to engage target groups, such as the elderly and disabled, via specialized voter education messages and campaigns? Have voters from minority language groups received voter information in their language?

Have civil society groups actively engaged in voter education efforts themselves, and have they received the necessary technical information on the new technologies from the EMB to produce effective voter education materials?

Have civil society assessed the adequacy and effectiveness of EMB public outreach efforts? Has any public opinion polling been conducted to gauge the readiness of voters?

FOR IMPLEMENTING BODIES

- Is the EMB aware of the environmental conditions that should be addressed when storing the electronic voting or counting equipment?
- Are suitable storage locations available, and are these storage locations guarded and do they have appropriate and clearly identified access control systems?
- Is a maintenance schedule for the equipment established and implemented?
- Is all access to the storage location logged and explained?
- Are the electronic voting and counting machines configured before the elections so that they are programmed for the type of elections being conducted and the political entities on the ballots?

FOR OVERSIGHT ACTORS

- Has the electronic equipment been stored in a secure location between elections in a manner that prevents unauthorized tampering?
- Are party representatives and observers allowed to monitor routine access to stored electronic equipment?
- Do observers and party observers have access to monitor the process of configuring and upgrading machines before elections?
- Are the checking, maintenance, upgrade and configuration of equipment conducted by the EMB or the vendor? If by the vendor, does the EMB have the capacity to properly oversee these processes?
FOR IMPLEMENTING BODIES

- Are necessary levels of testing of the electronic voting and counting systems going to take place, including, as recommended, acceptance testing, performance testing, stress testing, security testing, usability testing and source code review?
- Are any external independent actors involved in the review process?
- Is there a plan in place to conduct full system testing sufficiently in advance of the elections?
- Is access to the source code also made available to independent experts and stakeholders to check for errors or malicious code?
- Will a certification process be conducted by an authority independent of the EMB to provide independent assurance that the electronic voting or counting solutions meet a certain set of standards?
- Have sufficient time and resources been allocated for the testing and certification process to address any issues that are identified during these processes?

FOR OVERSIGHT ACTORS

- Which tests are conducted?
- Does the EMB conduct the tests or does the vendor? If the vendor, does the EMB remain engaged and provide oversight of the process?
- Are tests conducted sufficiently in advance of elections so that any problems encountered can be addressed?
- Is the source code for the electronic technologies open source? If not fully open source, do observers and party representatives have sufficient access to inspect the source code, including not being restricted in reporting their analysis of its content by the use of any non-disclosure agreements? For their part, election observers and parties should ensure they have the capacity and/or expertise to comprehensively inspect the source code.
- Are all test reports available for review by political actors and observers?
- Is an independent certification process conducted, and, if so, are the processes and results publicly available?
FOR IMPLEMENTING BODIES

☒ Are a sufficient number of technicians available to provide assistance, either on the premises, on call or via telephone hotlines should officials have any problems with the set-up, initialization and function of voting and counting equipment?

☒ Are specific procedures and contingency plans in place for the possibility that a voting or counting machine does not work and cannot be fixed?

☒ Is it clear who has access to machines in any given situation, and is there a process for properly documenting any access in the polling station protocol?

☒ Will safeguards such as authentication codes and tamper proof seals be used on any external ports?

☒ Are closing procedures to be carried out by polling officials clearly defined with the relevant command to close voting or counting on each machine?

☒ If individual tally sheets are produced, will the results be aggregated into a polling station results protocol?

FOR OVERSIGHT ACTORS

☒ How have observer groups and political parties had to change their election day strategies to effectively monitor new technologies on election day? Do they have the necessary technical expertise?

☒ Are machines secure during and after the transfer from storage to the polling location until voting starts? Are observers permitted to observe the delivery of equipment?

☒ Is there a demonstration to show that no votes have been recorded in the machine prior to the start of voting?

☒ Do polling officials follow procedures for set-up, processing of voters and closing the polling station, and do observers have access to all of these processes?

☒ Is secrecy of the vote ensured, both through the polling station arrangement and the way that assistance is offered to voters?

☒ If problems with equipment arise, are polling officials or authorized technicians capable of resolving them efficiently, according to procedures, and without interrupting the voting process?

☒ Is access to the equipment and sensitive materials sufficiently secure, controlled and recorded?

☒ How accessible and usable are electronic machines for voters? In particular, what are the experiences of special groups, such as disabled, elderly, illiterate or minority language voters?
Are printouts for each voting or counting machine posted outside the polling station, together with the overall results protocol for the polling station? Are party representatives and observers given copies of results printouts or at least permitted to copy the figures?

Are electronic voting and counting machines activity logs available for observers?

How has the implementation of new technologies affected the conduct of voting? Have any new problems been introduced that were unforeseen, and if so, how did the EMB respond?

KEY CONSIDERATIONS:
TABULATION

FOR IMPLEMENTING BODIES

Is results transmission simultaneously conducted through more than one channel?

Is the path of results transmission clearly defined?

Is the tabulation process designed to be transparent for party representatives and observers, and is the tabulation publicly available in a verifiable format?

FOR OVERSIGHT ACTORS

Are sufficient security measures in place to prevent interference with the electronic transmission process?

Are polling station level results published on the Internet in an easily-verifiable format?

Is the tabulation process at all levels fully transparent for party representatives and observers? For example, can observers witness the data being uploaded or entered into the tabulation computers?

How has the announcement of results changed with the implementation of new technologies (i.e., are results announced more quickly?), and how does this affect the post-election political dynamic and overall public confidence?

KEY CONSIDERATIONS:
CHALLENGES AND RECOUNTS

FOR IMPLEMENTING BODIES
Does the legal framework clearly define who can lodge a challenge against the results, to which body the challenge should be lodged, in what circumstances an investigation will be conducted and in what situation a recount of the results will occur?

Do deadlines for responding to challenges reflect the fact that counting and tabulation processes are likely to be much faster using electronic voting and counting equipment?

Does a voter verified audit trail exist as the basis for a recount?

Is there a process in place for adjudicating blank ballots or ballots that cannot be read by scanners?

Are clear legal guidelines in place for what steps should be taken if the original and recounted results do not match or are not within a certain margin of error?

FOR OVERSIGHT ACTORS

Does the legal framework clearly define who can lodge challenges against results, to which body the challenge should be lodged, and in what circumstances and investigations will be conducted, and in what situation a recount of the results will occur?

Is there a voter verified paper audit trail in place that can serve as the basis for a recount?

If relevant, is there a clear process for adjudicating ballots that cannot be read by scanners, and are stakeholders allowed and encouraged to oversee this process?

Do the legal guidelines clearly establish what must take place in instances where recounted and original results do not match sufficiently?

Are audit reports made publicly available?

Does the court or adjudicating body have sufficient IT capacity to effectively rule on election technology-related cases?

KEY CONSIDERATIONS:
POST-ELECTION AUDITS

FOR IMPLEMENTING BODIES

Does the legal framework make clear how the audit process takes place, the number of locations, the ways in which the locations are selected and informed, when the audit takes place, the people who may be present during the audit, how the results of the audit are reported, and the consequences of any difference between electronic and paper records?
Is a randomly selected sample of locations chosen for audits, and only informed after the close of polling or counting?

Will audits take place as soon as possible after the election?

FOR OVERSIGHT ACTORS

✓ Is there a way to compare the electronic and auditable versions of the results to confirm whether the technologies worked properly and to verify the results, such as through the use of a voter verified paper audit trail?

✓ Is a random manual audit conducted, during which the audit trail is manually counted and the results compared to the electronic results generated in a random selection of polling stations? Is it conducted as soon as possible after the election, and is it fully observable by election observers, the media and political party and candidate agents? Are the results made publicly available?

✓ If a difference is found during the audit, is there a robust process to determine the cause of the difference and to address the cause(s) to the extent possible?

KEY CONSIDERATIONS:
EVALUATION OF SYSTEM

FOR IMPLEMENTING BODIES

✓ Is a comprehensive post-election system of evaluation in place, and are the responsibilities for this evaluation clearly defined (for example, between project management committee, another oversight body, or independent consultants)?

✓ Are resources available to commission post-election surveys and focus groups to collect information about voters’ experiences using the technology?

✓ Does the evaluation focus on the original objectives of the project, and to what extent they have been achieved with the adoption of the electronic voting or counting system?

✓ Are issues such as efficiency, usability, accessibility, accuracy, security, and cost among others considered in the evaluation?

✓ Are the number of complaints received about the electronic voting or counting system and the nature of these complaints also evaluated?

✓ Will interviews be conducted with voters, election officials at various levels, candidate and party representatives, election observers and journalists?

✓ Will post election evaluation reports serve as the basis for post-election roundtable discussions among stakeholders about the project?
How will the findings from the evaluation be used to improve the process in the future, in time for the next election cycle?

FOR OVERSIGHT ACTORS

- Does the evaluation of the electronic technologies involve a broad range of stakeholders, including election officials, party representatives, observers, and voters?
- Are evaluation reports made available to the public?
- Have election officials facilitated any post-election dialogues or other mechanisms to provide stakeholders an opportunity to offer recommendations for future improvements?
- Is there an EMB mechanism in place for tracking the implementation of stakeholder and evaluator recommendations ahead of the next election cycle?
- Have oversight actors evaluated their own efforts to monitor the new technologies and have they shared their findings with the EMB and the public?
- Are oversight actors preparing to assess and adapt their own methodologies in relation to future electronic voting and counting implementation plans?

KEY CONSIDERATIONS:
INTERNET VOTING

FOR IMPLEMENTING BODIES

- What measures have been taken to build trust among stakeholders and especially voters in the development of the internet voting system?
- What technical solutions have been put in place to respect the secrecy of the vote?
- As an important goal of electronic voting technology, what efforts were made to ensure and enhance accessibility across all voter groups?
- How have traditional and new stakeholders been included throughout the design and implementation process of internet voting?
- Is there proactive engagement with those opposed to internet voting in order to address their concerns?

FOR OVERSIGHT ACTORS

- What limitations do observers and parties face in assessing the integrity of internet voting? Are there alternative strategies they can adopt to monitor the process?
- What measures have been taken to ensure voters have a solid basis to trust
internet voting systems? What level of trust do voters have in the system as a result?

☑ Do all stakeholders support the adoption of internet voting, and if not, how have concerns been addressed by the authorities?

☑ How does internet voting affect accessibility for different communities, who may have highly unequal internet access? If inequities are created, are there alternative (i.e., traditional) means by which voters disadvantaged by internet voting can cast their ballots? Has the accessibility of traditional voting methods been improved to compensate for the improved accessibility for internet voters?

☑ To address the reduced transparency associated with internet voting, are responsibilities separated among those administering elections for different stages of the internet voting process?

☑ To what extent is the secrecy of the vote protected? For example, do voters have the opportunity to repeat and cancel their votes? Is the online voter authentication secure? Are the voting servers secure? How has this security been demonstrated to the public?