

Openness and Trust

Response to the consultation paper on a policy for electronic democracy

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Introduction

The government's release of the e-democracy consultation paper marks the beginning of what I hope to be a lively and thoughtful debate on the wide number of issues arising from electronic democracy and all that it entails. The government must be congratulated for putting together such a thorough consultation exercise with the use of web sites, discussions and a more traditional document.

The results of the consultation alone will provide interesting insight into the future of online consultation exercises.

In this response my aim is to present opinions and findings formulated after three years spent studying and developing Internet Voting systems. Our Internet Voting system, GNU.FREE, is a part of the Free Software Foundation's (FSF) GNU project and is the only voting system available under the GNU General Public License. I have also worked on behalf of the FSF to represent Free Software views on the committee of the OASIS election services XML standard. My award-winning thesis for a Bsc(Hons) [Computer & Business Studies, Warwick] explored how the Information Revolution is changing the political process.

I have worked with communications technologies for the past 8-9 years; first running a modem-based Bulletin Board System before moving onto the Internet and creating several award-winning sites. Currently I am co-founder, Head of Production and a director of Swing Digital Ltd. a small, Brighton-based, Internet consultancy specialising in online communities especially for alumni. I designed and built Alumni[net], our integrated web community product.

Chapter 2 – In the service of democracy

- **Are we right to focus this e-democracy policy on participation and voting?**

The only relation between these two tracks is the introduction of new technologies. Unless you propose reforming the voting systems, then I would argue that while both issues need consultation they aren't directly related.

- **Do you agree that the two tracks should be separated to allow them to develop independently?**

Absolutely.

- **The Government's current policy is to provide access to the Internet to everyone who wants it and to enable him or her to use it. What more could the Government do to enable everyone to use ICT to play their part in democracy?**

There's a major difference between access and always-on, broadband access. Dial-up access is slow and can be costly. When people move to an always-on connection their usage of the Internet fundamentally changes and it becomes significantly more useful. The government needs to push BT and other suppliers to increase the rate at which exchanges are being converted to accept ADSL while further subsidising alternatives such as satellite broadband. More thought needs to be given to these products, for example the one-user satellite broadband system can only be run with a Windows computer, forcing other users to buy a five-user system at great expense or forgo broadband altogether.

- **An underpinning principle of e-democracy is openness. In what circumstances would it be appropriate to restrict either participation or the ability to view who has contributed or the content of the contributions?**

There are cases such as tip-offs to regulatory bodies, discussions of sensitive matters (e.g. sexuality, teenage pregnancy, drug use) where anonymity and/or other restrictions will greatly increase the likelihood of participation. However long experience from online communities shows that anonymity is not conducive the

successful online debates. The keys to successful discussions on the Internet are:

- Clear ground rules
- Accountability:- “You own your own words”
- A skilled host, at least for the beginning

Thus it could be argued that an online only consultation is probably not desirable. One should allow for anonymous contributions postally, say, and more structured and accountable debate online.

- **What would government and representatives need to do to ensure that the principle of responsiveness is applied? What would the resource implications of this be?**

One of the problems of the online world is that it generates expectations of instantaneous feedback. This would apply as much to government e-participation initiatives as to e-commerce companies. However a holistic view needs to be taken... British subjects have many levels of government responsible to them from council level to regional assembly to Westminster. Subsidiarity should be applied to ensure that queries and requests are directed to the closest possible point of contact.

Clearly the ease of communication that the Internet provides increases the amount of traffic that the government will receive though some advanced techniques can be used to cope with some issues. These include neural network based knowledge-bases which mine the past history of emails to create automatic FAQs and support databases. Users check these before sending an email (some systems force the check) ensuring that common questions don't take up government's time.

However many personalised issues such as a specific benefits or tax question cannot be automated. The government and all its agencies must be prepared to invest in world-class customer support technologies and develop the associated culture required to operate in such an environment. Government staff must become very competent with email and the systems they use must support their requirements so that email don't get lost between the cracks, follow-ups can be tracked with the original email and so on. While this entails significant resources, the potential reductions (over the long term) in other sources of communication

will eventually balance the additional costs. But this must be recognised as a long term trend and not a quick cost-saving gesture.

- **Would an e-democracy charter encourage you to trust online forms of participation (both voting and other forms of participation)?**

I believe most people will regard a charter like most charters, a political document with no teeth. Unless there is a strong authority ensuring that the terms of the charter are adhered to and a body to submit suspected breaches to then the charter is meaningless.

Making what a user should expect explicit is excellent, but there has to be follow-up in case of breaches. This is more serious in voting where the vast majority of users won't even be aware of breaches due to the highly technical nature of electronic voting.

- **We have set out several principles for a charter. Are these the right principles? Should the charter include additional or alternative principles?**

Generally the principles are excellent. However I would propose an additional principle for voting: Observability

Voters need to be able to see and understand what is going on so that it is clear that the system is safe and is in fact registering the votes as they intended. Furthermore party officials and other election observers should be able to verify all aspects of the system.

- **How should the Government measure the success of an e-democracy policy?**

For e-participation success can be measured by the percentage of people who perform certain activities online. A more qualitative analysis can be done on the type and quality of submissions to activities such as consultations.

For e-voting it is difficult to define success. The best policy for e-voting may be not to have it. Or it may be to have a very limited use. I believe failure would be to implement a system which voters do not trust and nobody can verify.

Chapter 3 – e-Participation

Citizens and government

- **What are the current strengths and weaknesses of Citizen Space on ukonline.gov.uk?**

It is clean and clear, easy to use and understand.

However each consultation is provided in a different format on a different site with different navigation. Every consultation online should be presented in one standard format and layout. It should be navigable and searchable online and users should be able to add comments to each page (for an excellent example of this technology see <http://uk.php.net/manual/en/function.nl2br.php>).

- **What sorts of information or additional facilities should Citizen Space include?**

Consideration should be given to providing links to media articles and organisations relevant to each consultation. That way someone new to an issue can dive into the historical articles, views expressed and educate themselves.

Better coverage of European issues and how they interact with British legislation issues, such as the current Copyright Directive would help improve understanding of EU issues.

- **What features would encourage you to visit such a government-run site and submit your views to the Government online?**

Improved, standardised access to consultations and their responses. Customised access to local consultation issues, outstanding planning enquiries etc.

- **What would discourage you from participating?**

Excessive spin, politicisation of the issues being presented by the incumbent government. Patchy coverage, particularly if controversial issues were not flagged on the page to reduce interest.

- **Have you participated in previous government consultations? Was this a worthwhile experience?**

Not individually.

- **What features would make you more likely to participate online than through other channels?**

Ease of use. Certainty that submissions online would be treated equally to those received through other channels and were duly taken account of.

- **Are there particular methods of consultation that you would like to see developed by government?**

One of the greatest problems with consultation is just a lack of awareness that issues are being consulted on. Using cross linking between the government's many online properties could help encourage better responses.

Citizens and representatives

- **How would you like to contact Government ministers, MPs and other elected representatives?**

Email, fax, letter and telephone. While some MPs are forcing people to email them through web-based forms I don't regard this as a satisfactory solution, it forces users to give up the advantages of their email programs and the associated features such as archiving, search, attachments etc.

- **What innovations might improve consultation by Parliament and Government on draft Bills?**

See previous responses, but in short improved access, publicity and ability to respond.

- **Are there additional points of information you would find useful on a 'democracy road map'?**

Clear and easy to understand information on how the different branches of government interact. So how the House of Lords and Commons create legislation, the role of the Judiciary, the Privy Council, the EU and so on. This would help people to put consultations in context and also improve their

understanding of who to talk to when raising issues.

- **In your experience have the links between government sites and parliamentary or MPs' sites been sufficient? What additional links would you find helpful?**

No. It should be made easier to create automatic links to all items in Hansard relating to certain people and issues. Linking within departmental sites should also be made easier so that MPs can create links to what they are working on or what they think would interest their constituents.

Political parties

- **Have you contacted any of the political parties via the Internet? If so, was this experience valuable?**

I have had contact. I've also been part of a panel reviewing party websites at the last General Election for Headstar Media. The parties are generally lagging a few years behind current best practice with regards to email and web communication. Specifically their sites are cluttered, hard to navigate and not written with a web audience in mind. Furthermore they often don't provide access to information visitors require or links to it on other sites (such as easy conduits to bills proposed, voting records etc).

I find the most effective way of communicating with MPs is still letter or fax. It is worrying that Tony Blair found it amusing that Paddy Ashdown (when leader of the Liberal Democrats) was working from a laptop. The story is that when Paddy first received an email from Tony Blair it was deleted as staff thought it was a prank email! This indicates the need for a cultural shift, not just a technical fix.

- **Would you participate in a political party's policy consultation via the Internet?**

I've looked at the first few attempts but with the current level of proficiency within parties they are far from effective. With considerable work on the quality of the online consultations I would take part.

- **Are there particular facilities or services you would like to see the political parties providing using ICT?**

I feel that this is up to parties to pioneer, ICT can be used to differentiate them from other less organised competitors. There is so much that parties can do with email and web technologies but with limited resources it is hard to see it ever becoming a major priority.

Civic activity

- **Would you use a government-run site to initiate policy discussions? What advantages would such a site hold over independently-run sites?**

If no censorship was permitted and the site was well built with a large amount of supporting information to inform discussions then I might considering participating. But many media organisations, old and new, are already providing spaces to discuss policy. The danger in any of these discussions, government run or otherwise, is that single issue groups can email a link round and simply swamp the discussion preventing a rational debate. Furthermore a policy on how the government would take these discussions into consideration would need to be formulated so it could be understood what impact they would have on future policy.

- **How could the Government use the Internet to engage more thoroughly with individuals and organisations from civil society?**

A key benefit of the Internet is that it provides a remarkable ease of access to information, thereby promoting openness. An Internet saying is that "Information wants to be free". The Government should use the Internet as a catalyst for a greater culture of openness. By provider a larger number of documents including minutes of meetings, attendances to conferences and detailed budgets individuals and organisations from civil society can make more informed submissions to consultations and help hold politicians and departments to account.

- **Are there particular links the Government needs to make or forums that the Government should be participating in or responding to?**

The Government should promote e-government initiatives and share its own experiences with the EU and United Nations to help improve accountability and openness in both organisations.

- **Are there any other e-democracy initiatives the Government should be developing to extend participation?**

An excellent initiative would be to develop a standard toolkit comprising of technology and guidance documents to help any Government body create an effective online consultation or discussion community. This technology should be open source so that there is no cost and the Government should even consider providing hosting at a preferential price or for free so that a large variety of agencies, departments and councils can use these new technologies without re-inventing the wheel or lining the pockets of consultancies.

Capacity building

- **How far should digital citizenship training extend? Are there issues to which special attention should be paid?**

Certainly an overview of the e-government resources available to British subjects should be provided. Context and comparison should also be used to help students understand the unique history of British democracy and how other nations differ. Students should also be given some guidance on campaigning for issues they believe in and the role that NGOs playing in modern civil society.

- **What features should e-democracy centres include?**

Private Internet access (so that people can partake in discussions anonymously or look up a problem on NHS Direct Online without others looking over their shoulder). The centres should also provide advice and space for discussing political and democratic issues. They should be single point to get the latest information on local council, regional assembly and constituency MP activities.

- **What criteria should apply to award schemes for e-democracy?**

Innovation, quality(usability, standards compliance, accessibility), citizen participation and how much effort has gone into helping others benefit from the learning done by the winning body in implementing their e-democracy idea.

- **Are there particular 'pathfinding' schemes that you would like to see developed?**

Any work for Pathfinder projects should remain the intellectual property of HMG and not of commercial organisations. I would like to see a national centre of

excellence for the development of Open Source e-government software tools and best practice which can be shared internationally at no cost.

Chapter 4 – e-Voting

- **What should the priorities be for new pilot schemes?**

It should be noted that the Electoral Commission survey which seems to imply that certain people would be more likely to vote if Internet Voting was highly misleading. I quote from a recent article from my site ([Turning round Turnout](http://www.free-project.org/writings/trt.html) <http://www.free-project.org/writings/trt.html>):-

“In many circles it has been taken as an article of faith that making it easier to vote by increasing the number of channels available to voters will result in significant improvements to turnout ... a lengthy quote from an article taken from The Guardian written by Nick Sparrow, Managing Director of ICM after the 2001 election will help to clarify the issues muddled by post-election reporting:

An Electoral Commission survey conducted during the summer ... [suggests] ... that 66% of non voters would have been more likely to vote if they could have done so by phone and 51% would have voted by post if they had known it was possible to do so and got themselves organised. A neat research outcome for the Commission, whose statutory duties include 'participation in pilot schemes for innovative electoral procedures'.

The Electoral Commission results were based on re-interviews with people previously asked political questions at the start of the campaign. Only 20% of them said they hadn't been to vote, half the proportion that ought to have been found. The technical details explain that there were some differences between the original sample and those they managed to get back to. In particular re-interviews were with people 'more likely to say that they are interested in politics and always vote at general elections'. It seems some who found the subject of the original interview boring were not going to get caught twice.

Nevertheless the results from the 208 non-voters re-interviewed after the election have been reported widely. The survey found that a fifth of non-voters couldn't get to the polling station because it was 'too

inconvenient', 16% were 'away', 15% claimed they were not registered and 11% hadn't received a polling card. According to this research voter apathy is the least important reason for not voting; only 10% of the Electoral Commission sample of non-voters replied that the reason they hadn't voted was because they were 'not interested'. Music to those eager to spend lots of taxpayers' money on 'schemes for innovative electoral procedures'. But the real answer lies with the people the Electoral Commission didn't interview, not with those who decided to participate in the poll.

Postal voting has been regarded as a popular channel for broadening and was used for the recent mayoral referenda wherever possible. But in correspondence, Professor Thrasher [from the University of Plymouth Elections Centre] told me that by 'my latest reading of research from abroad even all-postal ballots (the biggest impact upon turnout) tend to fall away after the initial burst of enthusiasm. In other words the effects don't last that long... the parsimonious model suggests that it's to do with novelty value.' Add to this the comments by Anthony Painter in The Guardian 'Technical changes don't have much effect on voting levels. Changes to postal voting procedures meant that half a million more people voted by post than in 1997. But these weren't new votes. The vast majority were simply regular voters taking advantage of an alternative and convenient voting method.' These views would appear to confirm that such innovations are not treating the root causes of the turnout problem - no quick fixes.

Furthermore a MORI poll for the Institute of Citizenship found that, at most, 2% more British citizens would vote when informed that they could vote by post, compared to recording their intention to vote without the knowing about the postal option. New channels are clearly not a solution to turnout problems."

If we can forget turnout then I would argue that there needs to be a discussion of whether we actually *need* to add other types of voting channel. Clearly the existing system works and all voters can understand its underlying fundamentals resulting in their confidence in its efficacy.

The Rt Hon Robin Cook MP has pushed the agenda for electronic voting but he has no basis of understanding how complex and difficult it is to achieve secure, private and reliable electronic elections. Furthermore it is in the interest of

commercial providers to say that their systems are ready for use and cannot be compromised. However, due to 'commercial confidentiality' they will not reveal the detailed working of their systems. Furthermore, while no evidence of fraud has been found in any of the pilots this is no guarantee that fraud was not perpetrated. Surely the 'best' fraud is one that isn't detected.

If new voting pilots are to proceed then I would argue for the following priorities:

- Totally re-evaluate the security architecture for postal ballots, current methods are provably insecure and subject to major abuse. Furthermore the public are not confident in their privacy or security when using postal ballots.
- Examine the current security of standard paper ballots, especially with regards to the authentication of valid voters when they arrive at a polling station.
- More thought and experimentation should go into counting systems. A recount with the same counting system only validates the reliability of the counting machine – not veracity of the results. Alternative systems from a different source should be used to verify a disputed result, or even all results.
- Evaluation pilots for electronic voting in polling stations only. This should be done with extreme care to the openness of the system, the amount of control commercial organisations have and the observability of the workings of the entire system by third parties and election officials.

Voting with text messages or remotely via the Internet should not be considered for pilots. Text messaging is insecure, unreliable and is seen to trivialise voting. Furthermore I have been informed by persons closely involved with the text messaging pilots that they themselves believe it is insecure and unrealistic to expect it to be used in general elections. The difficulties in providing secure and private remote electronic voting are so numerous and have been discussed in detail in many reports and debates. These problems cannot be simply be resolved with existing technology for an acceptable expenditure. The complexity of the average Windows or Macintosh computer provides numerous security holes as does the average web browser. (Take for example the recent very serious vulnerability in Microsoft Internet Explorer's implementation of SSL, the fig leaf most sites and voting system use to claim that communications are secure. This bug could allow a third party to claim to be the authenticated, secure

voting site and prevent a user's vote being recorded while stealing their credentials such as a PIN code. See <http://online.securityfocus.com/archive/1/286290/2002-08-08/2002-08-14/2d> for more)

Thus I would argue for pilots into more secure postal voting and tentative steps into electronic voting in polling stations. All other steps are too risky.

- **Is it important for Government to set standards for e-voting systems?**

Yes. Especially if the Government wants to prevent lock-in by commercial suppliers. Furthermore if in the future the Government would like to provide online voting from any polling station anywhere then a standardised communications system is required to allow different voting interfaces and counting system to securely transmit votes while maintaining the privacy of the voter. This is a very tricky problem and was never truly solved in the OASIS election services XML committee.

Furthermore the Government should set minimum levels for the security, reliability and privacy of a voting system. Additionally the government should state that any provider interested in supplying a UK election must provide all source code and hardware to independent verification. Any changes to the code or hardware MUST be re-verified otherwise the system cannot be used. Election officials, party representatives and NGOs should have access to verify all aspects of the system and the third-party verification report.

- **What other elements of infrastructure should the Government consider providing in order to support the roll-out of electronic voting?**

If polling station voting is going to feed directly, over the wire, to counting servers then improved power and Internet connectivity will be required for a large number of locations around the country. However it would be significantly more secure to either create a separate secure network or manually carry stored votes to a central counting centre.

Remote Internet voting should not be considered for at least the next decade.

- **What issues should Government and the political parties consider with regard to electronic communication with voters during elections?**

These should be regulated in the same careful, responsible way as offline advertising. Unsolicited email should be banned and third-party organisations should not be allowed to lobby for a party to bypass any political rules agreed for elections that apply only to political parties.

At the same time an overly heavy hand may kill any innovation online before it occurs. Specifically party websites should be given a free reign to experiment as long as they keep within current laws.

The FREE e-democracy Project

<http://www.free-project.org>