

Governments should consider the consequences when they decide whether to adopt Internet voting

 democraticaudit.com/2016/07/05/governments-should-consider-the-consequences-when-they-decide-whether-to-adopt-internet-voting/

By Democratic Audit UK

2016-7-5

*It sometimes seems to be a matter of when, and not if, online and remote voting will become available across advanced democracies. A combination of loyalty to the traditional model of voting that is generally still used, and concerns about privacy and security continue to hold back its wider application – despite successful trials in Estonia. Here **Jo Saglie and Signe Bock Segard** discusses the findings of Norway's recent e-voting trials, and argue that hat governments should consider the consequences when they decide whether they shall adopt Internet voting or remote voting in general.*



The secret ballot is largely undisputed as a democratic principle. What this principle means in practice, however, may be contested when voting takes place outside the polling station in a so-called uncontrolled environment, i.e., remote voting including Internet voting, postal voting and telephone voting. Remote voting transfers the responsibility for vote secrecy from the authorities to the voters. The popular understanding of the principle of the secret ballot, therefore, becomes crucial, because this may influence whether voters actually keep their vote secret.

The secrecy of the vote has two aspects. First, it requires that voters are able to cast their votes in private, unobserved by anyone. Second, it requires that no one is able to break the anonymity of the vote at a later stage. Even though both aspects are important, we focus on the former. Voter attitudes towards the privacy aspect have received little attention in the literature on remote voting. The secrecy of the vote is usually taken for granted, and questions about this issue are therefore rarely asked in surveys.

The issue was brought to the fore in two Norwegian Internet voting trials. The first trial with Internet voting in Norway included 10 municipalities in the 2011 local election. Two years later, a new trial was held in 12 municipalities at the 2013 parliamentary election – the 10 municipalities from the 2011 trials and two new ones. More than 250,000 eligible voters had the opportunity to cast an Internet vote in 2013. The Internet voting trials were controversial, and

a new government decided to discontinue the trials in 2014.

Even though there will not be any Internet voting in Norway in the foreseeable future, the trial experience may shed light on how voters understand the principle of the secret ballot in a context of remote voting. We used a representative population survey in the trial municipalities to explore public opinion on the principle of the secret ballot as well as Internet voting. Moreover, we explored how citizens applied the principle of ballot secrecy to concrete situations; in the survey, we developed different scenarios and asked the respondents whether they perceived these situations to be acceptable or not.

In the Norwegian case, public opinion was strongly in favour of Internet voting. At the same time, there was solid support for the principle of the secret ballot. To combine these two positions might be tricky, for citizens as well as policy-makers. Internet voting transfers – at least partly – the responsibility to safeguard the secret ballot from the state to the individual voter. The question is whether the voter is ready to accept this responsibility. The state may provide an elaborate set of security mechanisms to help the voter to keep his or her vote secret. The Norwegian authorities provided security mechanisms for Internet voting that represent considerable progress, compared to postal voting. The fact that a paper ballot cast in a controlled environment always cancels previous Internet votes was a measure to ensure the secret ballot. There is still a question of whether the voters actually use these mechanisms when they are needed. This freedom of choice will not present a problem for most voters, but groups of vulnerable voters may be more exposed to undue influence than others or may choose to consciously sell their vote.

Our focus was not on these vulnerable voters, but rather on whether Internet voting affects how the principle of the secret ballot is understood among the general public. Our aim was to explore what we call the grey zone between a secret ballot and a criminal offence. In this grey zone, we find situations such as a family sitting together on the sofa at home and casting their votes. Each family member can see how the others are voting, but there is no pressure to vote in a specific manner. This is hardly covered by the prohibitions in the penal code against undue influence and the sale and purchase of votes, but it does breach the principle of the secret ballot. It might not be a grey zone in legal terms, but it is in normative terms.

Our survey data support the argument that Internet voting may affect the political culture in a way that makes the secret ballot less of an absolute requirement, and indicate that the popular understanding of ballot secrecy differs from the legal understanding. The results indicate that the principle of ballot secrecy is challenged when it is put to the test of concrete situations. Buying and selling votes is not only a punishable offence, but it is also seen as illegitimate by the citizens. Citizens are also sceptical of attempts to influence or pressure others, or letting others vote on one's behalf. When such elements are absent, many are willing to accept that voting is observed by others. This does not necessarily mean that they *themselves* would let anybody see how they voted, but indicates that a breach of the norm of ballot secrecy will not be met with social sanctions.

Regardless of legal regulations, people may ask why they should not be able to decide for themselves whether they want to cast their votes unobserved, as long as they retain freedom of choice. Internet voting may thus lead to social practices that differ from what is common when voting is carried out in so-called controlled environments.

What are the implications for the future of Internet voting? Our answer would be that governments should consider the consequences when they decide whether they shall adopt Internet voting or remote voting in general. One possibility is to accept a less strict understanding of ballot secrecy and to adjust legal regulations to align with people's understanding. Another possibility is to refrain from the deployment of Internet voting technology in order to maintain the traditional social practices concerning ballot secrecy. In any case, the options and their effects should be thoroughly discussed.

This post is based on the following paper: Saglie, Jo and Signe Bock Seggaard (2016): 'Internet Voting and the Secret Ballot in Norway: Principles and Popular Understandings', Journal of Elections, Public Opinion & Parties (26),

2: 155–169

This post represents the views of the authors and not those of Democratic Audit or the LSE. Please read our comments policy before posting.

—

Jo Saglie is a Researcher at the Institute for Social Research, Oslo, Norway. He can be emailed at jo.saglie@socialresearch.no

Signe Bock Seggaard is a Researcher at the Institute for Social Research, Oslo, Norway. She can be emailed at s.b.segaard@socialresearch.no