

# **Our Response**

To the Electoral Pilots at the C.E.P and Local  
Elections Consultation Paper

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### Introduction

This consultation response should be taken within the context of *The uncertain nature of elections to come*,<sup>1</sup> our analysis of the Electoral Commission's evaluation of the 2003 pilots and ODPM's responses. This response should also be considered along with our sceptical view of the increases in participation that e-voting might deliver. The 2003 pilots showed an average change in turnout of -0.71% for the remote e-voting pilots and -2.8% for the kiosk pilots<sup>2</sup>.

ODPM notes on page 5 of the consultation paper that no evidence of any security failings was found during the pilots. Yet anyone reading the Electoral Commission's report will be left in no doubt that, as in 2002, there were insufficient measures in place to discover serious attempts at fraud. Thus the lack of evidence of fraud is not reassuring, it may merely indicate a failure to implement adequate detection.

Remote electronic voting is widely understood to be the most challenging form of electronic voting to deliver, logistically as well as in terms of security and privacy. Nevertheless this consultation continues down a path many other nations including Brazil, Belgium and Eire have chosen to reject. It is hoped that the Project's unique position in having developed a Free Software Internet voting system and worked with OeE through OASIS to create the EML standard will be recognized and the following responses accordingly taking into account.

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<sup>1</sup> Available at [http://www.free-project.org/writings/uncertain\\_elections.pdf](http://www.free-project.org/writings/uncertain_elections.pdf)

<sup>2</sup> See [http://www.free-project.org/writings/2003\\_pilots\\_turnout.html](http://www.free-project.org/writings/2003_pilots_turnout.html) for more.

## **Responses to the Consultation Questions**

*Q1 Comments are invited on these arrangements and their practicability.*

No rationale is given to explain how a massive constituency with a new voting system (as far as the e-pilots are concerned) can be realistically served with a secure, reliable and verifiable e-voting system in around six months. The only argument put forward by HMG seems to be that this is building on the work of previous pilots. However these were on a much smaller scale with simpler voting systems and even then serious problems were encountered. Meeting the timetable under 2003 pilot requirements would be an incredible challenge. If the Government accepts the Electoral Commission's recommendations then the Project does not believe that it will be possible to achieve the timetable as currently detailed. As the date of the election cannot be changed the Project suggests that e-voting is not piloted for these elections.

*Q2 Comments are welcomed on the funding implications for local authorities at these elections.*

If the pilots are to proceed the Project suggests more detailed accounting of the costs incurred by local authorities and suppliers should be recorded. In this way any subsidization by suppliers and use of indirectly related budgets by authorities can be monitored to gain a true understanding of the costs involved.

*Q3 Comments are welcomed on these proposed arrangements including on the practicability on having an e-element as described in one of the pilot regions.*

Considering the historically low turnout of elections to the European Parliament the Project is of the opinion that postal ballots are particularly at risk of misuse. Furthermore the Project regards the implementation of a Security Statement as being totally inadequate for protecting a ballot paper from personation. Security and authentication in postal ballots remains largely unresolved and unsatisfactory. The

Project also is concerned that the legality of voting from home, either postally or electronically, has not been addressed in this consultation paper. This leaves the election open to a legal challenge which could cause havoc.

Our response to Q1 indicates our deep concern over the practicality of introducing an e-element to the pilots. We are also concerned by the implications of combining an all-postal ballot with e-voting. This raises serious and complex voter management issues to prevent double voting. By keeping all channels open for the entire voting period managing double voting is made more challenging whilst the lack of polling stations on the final day could seriously undermine a citizen's right to vote in the case of a postal strike combined with technical problems (either accidental or through denial of service attacks).

This will be a high profile test on a whole new scale for positions in an institution (the EU) which is highly contentious to a large minority. This significantly increases the likelihood of concerted attacks being attempted on the electoral procedures. No matter how simple ODPM may believe the e-pilot would be made (4.9) a three-channel election which is entirely based on remote voting will be highly vulnerable and an extremely difficult challenge. At present the Electoral Commission feels that ODPM do not have sufficient resources or technical expertise to manage such an endeavour and nothing within the consultation document addresses these concerns.

Proportional voting systems have many benefits but the openness of their count is of vital importance. E-voting already poses major challenges to the openness of the count and the ability for candidates and voters to verify the process. This needs to be addressed before a pilot proceeds as counts during the 2003 pilots could not be properly scrutinised and lacked clear procedures.

*Q4 How do you think the publicity for the elections might best be achieved?*

Publicity needs more standardisation. Over such a large constituency it may be best for the Electoral Commission to play a role in managing the design and content of instructional leaflets. Having each authority work on their own campaigns will

result in a hodge-podge of inconsistent messages across a single constituency. This will also make the jobs of party activists, who play an important role in voter education, more difficult as they travel around the chosen constituency campaigning. Nevertheless local authorities will have 'on-the-ground' knowledge to help whoever manages the publicity target specific niches.

This is a wider issue and the political parties, media, EU and other interest groups should be brought together as soon as possible to discuss the challenges and possibilities available in improving awareness of European elections.

*Q5 Have you got any suggestions as to how the evaluation of pilots might be facilitated?  
What difficulties might local authorities face?*

If the Government is going to build trust in the systems used a major effort needs to be made to keep the evaluation and assessment of the pilots as open as possible. All reports should be published, public verifiability should be enforced and independent monitors (if possible depending on legislation) should assess the entire election process including the count.

Authorities, like ODPM, lack the resources and skills to fully get to grips with what the suppliers are up to. This makes managing and evaluating their progress particularly challenging. The relevant authorities need to take action as soon as possible to ensure that they will have access to staff or independent consultants with sufficient knowledge to hold suppliers to account.

## **Conclusions**

While the Project welcomes the opportunity to participate in this consultation, the document is light on detail and fails to address the issues raised by the Electoral Commission's evaluation of the 2003 pilots. Serious concerns over the reliability, robustness, security, verifiability and openness of the voting systems remain. Additionally the proposals suggest a potentially vast constituency and a voting system yet to be piloted. This is a major challenge in an extremely short timescale. The potential benefits are minor, yet the risks to the legitimacy of the election are incalculable. Certainly a detailed risk assessment should have been included in the consultation if stakeholders are to provide a decent judgement of whether to proceed.

Based on our unique experience of e-voting and reports from pilots around the world the Project strongly urges HMG not to proceed with an e-voting pilot for the 2004 elections, it would be a costly disaster waiting to happen.

**The Author**

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