

Submission to the Commission on Electronic Voting

Introduction

This submission is made on behalf of 'At What Cost?', a campaign against the introduction of electronic voting in Ireland. Founded in January 2004 we are challenging the introduction of electronic voting not just on the basis of the inadequate technical safeguards put in place, but also on more general social and philosophical grounds.

Accuracy

Voting is central to our democratic structures. Because of this, the concerns raised by computer scientists and others in relation to the need for a paper audit trail (omitted in the system being adopted in Ireland) must be taken seriously. Additionally, there are dangers in adopting any system that will necessarily be dominated by experts, forcing lay persons to leave oversight of this democratic institution in the hands of experts. Finally, we are concerned that the huge investment being made is responsible for the lack of systematic attention being paid to issues of usability.

Much of our submission in relation to accuracy will be seen to support the recommendations of the submission of Irish Citizens for Trustworthy Evoting (ICTE), and we endorse that submission insofar as it highlights the deficiencies of the proposed system. In the submission below we complement the technical points raised by ICTE and others by addressing some of the social issues raised in relation to accuracy and secrecy.

It is, frankly, difficult for us to make a detailed submission in relation to the accuracy of the proposed system. A proprietary system, the source code of which is not openly available, we must rely on those documents that have been released to the public, as opposed to being able to test the system itself. Further, those who are not computer scientists must rely on others to evaluate the system for them. We believe that a system that cannot be seen to be accurate cannot be treated as being accurate. It is important that individual voters - be they political activists, computer scientists or others - should be able to ascertain the accuracy of the voting system for themselves, in order to maintain public trust in the electoral system, and we do not believe that this is possible with the proposed system. VVAT would address, in large measure, this deficiency, and we urge that VVAT be implemented before the proposed system is considered for use.

Spoilt ballots and accuracy of expression

The proposed system is deficient in relation to both accuracy and secrecy insofar as it does not allow a voter to spoil his/her ballot, or cast a blank ballot, and to do so in secrecy. Although spoilt and blank ballots are not expressly part of the PR/STV system, they have been possible and present since at least the inception of the 'Australian' (paper) ballot, and as such are part of the custom and practice of the system in use in this country. Spoilt and blank votes (and we consider both important) differ from other votes in that they do not constitute a form of instrumental action, as described by Habermas and others, but rather communicative action that has not been fully determined by the rules of the (voting) system. Although such votes may be interpreted on one level as 'noise' within

the system, on another they form a means by which voters can express discontent, or other emotions, to the political establishment.

We reference here, in particular, the oft-mentioned case of the presidential election in 1990, where 'Dustin the Turkey' is reputed to have gained more votes in one area (Tallaght) than one of the three candidates on the ballot paper. This event drew much media attention, and focused attention on the area, raising the question of why this had occurred, and what the nature of discontent was in Tallaght. Thus, while a single spoilt or blank ballot is generally given little attention, it can be seen that a pattern in spoilage can provide significant information - thus emphasising the important distinction between abstention and a spoilt or blank ballot (and the distinction between a spoilt and a blank ballot).

Given that spoilt ballots are already possible within our existing system, the proposed system is, therefore, reducing the ability of voters to accurately express their opinions and preferences. We note here that this development was not inevitable. There are electronic voting systems that allow 'write in' actions, and so the decision to exclude this possibility was a conscious one. We urge that any electronic system adopted should enable both spoilt and blank ballots, should maintain the secrecy of voters in choosing these options, and should ensure that these votes are counted and noted by observers.

Secrecy, privacy and legitimation

While secrecy of the ballot is guaranteed under the constitution, privacy in voting is not. We are concerned that electronic voting is part of an ongoing process to move voting from the arena of public acts to the private sphere. Voting should be viewed not as a discrete act, but as part of the electoral and political process that serves to legitimate the election of representatives and the government, and more generally to legitimate the political system. We believe that this is being endangered by the move towards electronic voting.

Numerous statements from Ministers and others have treated technology as a linear development, part of a forward march of progress. This is a simplistic, discredited approach, and has resulted in dangerous suggestions in relation to electronic voting being used as a PR tool to demonstrate to potential investors the 'cutting edge' nature of Irish society. We believe that this is an inappropriate application of the electoral system, and runs the risk of damaging public confidence in the electoral system for goals which have nothing directly to do with the electoral system.

For this reason we recommend that electronic voting not be adopted at this time, in any format.

Conclusion

We have recommended:

- That any electronic voting system adopted should incorporate a voter verified audit trail, to allow voters to verify the accuracy of the ballot for themselves

- That any electronic voting system adopted should enable both spoilt and blank ballots, should maintain the secrecy of voters in choosing these options, and should ensure that these votes are counted and noted by observers.
- That, in order to maintain the integrity of the voting system, as a public act - and noting the difference between privacy and secrecy - electronic voting not be adopted at this time, in any format.

We have many other objections to the introduction of electronic voting, but the terms of reference of this submission prevent our raising them at this point. We would earnestly request that the commission, in accordance with its terms of reference, will seek submissions in relation to "the operation and experience of electronic voting and counting at elections" at the earliest opportunity.

For At What Cost:

Andrew Ó Baoill, BSc, MA

A graduate of NUI, Galway (Mathematics) and DCU (Communications), Andrew is currently a Distinguished Fellow and PhD candidate at the University of Illinois (Institute of Communications Research). A former member of the Broadcasting Complaints Commission he is Chairperson of the At What Cost? campaign.

Paul Whelan, B Comm

A graduate of NUI, Galway, with extensive experience of the Irish electoral process, Paul is the Public Relations Officer of At What Cost?

Patrick O'Flaherty

A student at NUI, Galway, Patrick has extensive experience with computer administration and programming on a wide variety of systems. Patrick is the Operations Director of At What Cost?

Brian Foley, BSc, MSc

Graduated from NUI, Galway with a BSc in Maths/Computing; and the University of Edinburgh with an MSc in Informatics. Currently a PhD candidate with the High Performance Systems Group, a group in the Dept. of Computer Science in the University of Warwick. Brian is the Technical Director of At What Cost?