e-**balloting**

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foreword

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As someone who is perhaps more immersed in the field of electronic voting than the average person, I find it astonishing that the idea of workers being able to vote online for strike action is seen as a controversial and contentious issue by many members of our Parliament.

Online voting is widely used across the world for many member-organisations and corporations, the results of which can have far greater consequences on society than any industrial action ballot could or would have. Even here in the UK, all of the major political parties provide an online voting option for their members in key votes, such as the selection of their leaders. It seems bizarre and unjust that our governing parties could take advantage themselves of the benefits of online voting but deny that option for ordinary workers who are members of trade unions.

With regards to security, as set out in this document and in our 2016 *Secure Voting* report, which will also be submitted to the Knight Review, it is clear that whilst online voting presents challenges, it also presents a number of opportunities to secure the process more robustly than the existing system. However, it is also very important for the review to recognise that the level of risk for trade union ballots is much lower than any Government or political party election. It is incredibly unlikely, for example, that a London Underground strike action ballot would be subject a to state-sponsored cyber-attack. Trade unions, therefore, should not be required to have unnecessarily stringent security measures enforced upon them.

WebRoots Democracy welcomes that the Government has sought to explore the potential of e-balloting for unions, and we very much hope that the outcome will be to recommend that workers in the UK should be allowed to vote online in strike ballots.

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executive summary

Purpose and background

The evolution of work in the UK and around the world is changing with the advances in technology and the role of the internet. It isn't limited to office workplaces, but to manufacturing, catering, and the high street. You only need to walk into a supermarket to see how technology is changing the nature of work and society. In 2017 and beyond, the position that workers should be forced to stick with an out-dated, expensive, and increasingly unusual method of participation for strike ballots, is untenable.

It is in the public's best interest for our trade unions to be strong, modern, and democratic. For them to be so, their methods of participation need to adapt not just to the modern world but to the modern minds of the workers that they represent.

In response to Sir Ken Knight's review on the potential of electronic balloting for trade unions, WebRoots Democracy has produced this report to answer a number of the queries set out in the scope of the review and to make the case for trade union modernisation and accessible balloting procedures. A number of the responses build upon our 2016 report, *Secure Voting: A guide to secure #onlinevoting in elections* which will provided alongside this submission.

Recommendations

1. The Government should legislate to allow trade unions the option of holding ballots on strike action, or other issues of concern for members, online.

2. The Government should avoid introducing procedures for unions to follow that would make ballots more difficult or expensive to administer than is currently the case.

3. The Knight Review should recognise that trade unions face a significantly lower level of risk of cyber-security attacks than parliamentary or political party elections.

4. The Knight Review should consider the potential of trialling the concept of 'repeat voting' to help guard against intimidation to vote a certain way by employers or colleagues.

5. The Knight Review should emphasise the need for disability access to any e-balloting platform to be considered at the beginning of the design process and not as an after-thought.

6. The Knight Review should call upon the Government to invest in cyber-security training for all workers in the UK to help reduce the risk not just in industrial action ballots, but in the workplace more generally.

About this version

This is an archived, second edition version of the E-balloting submission. The formatting of this version differs to the previous edition published in 2017, however the content remains the same.

For any queries please contact hello@webrootsdemocracy.org.

digital-by-default

strike ballots

digital-by-default strike ballots

What are the strengths and weaknesses of the current postal system for achieving the required standards?

With regards to safeguards on voter identification; vote receipt confirmation; voter intimidation; vote-buying; secrecy; and accidentally spoilt ballots, postal voting is not necessarily a stronger method when compared to online voting. This was set out in our 2014 report, *Viral Voting*[1], in the following table.

Safeguard	Polling booth	Postal	Proxy	Online
Secure ID	✗	✗	✗	✓
Vote receipt confirmation	✓	✗	✗	✓
Re-cast vote	✗	✗	✗	✓
Disincentive to vote-buying	✓	✗	✗	✓
Secret ballot	✓	✗	✗	✓
No accidental spoilt votes	✗	✗	✗	✓

In the current postal methods of voting, there is no strong check on ensuring that the person opening and completing the ballot papers is the person for which it was intended. Trust is involved that a) the papers are delivered to the correct address on time and b) the correct person receives the papers. With online voting, it would be possible to include voter identification on-screen, similar to how GOV.UK Verify[2] works which is what the Government uses for online services. For trade unions, it could be something as simple as a pre-registered email address and password.

Similar to polling booths, under postal voting, there is no simple way to confirm that a vote cast was received at the other end. Once a voter has posted their ballot in the mail, they are then required to trust that the vote will arrive at the right place at the right time. They never receive confirmation that their vote was in fact received. Under online voting, a voter can receive on-screen confirmation that their vote was cast and received immediately.

An additional, and novel, safeguard online voting has is the potential to have 'repeat voting'. This means that a voter could re-cast their vote multiple times, with only their last vote counting. This is the system used in Estonian parliamentary elections. Repeat voting acts as a safeguard against vote-buying and intimidation. Under postal voting, a corrupt individual could theoretically pay individuals for their unmarked postal ballots, and then easily commit voter fraud. There is also potential for voter intimidation with postal voting, as a family member or colleague could force an individual to vote a certain way and watch over them as they do it. Repeat voting can reduce the impact of vote-buying and intimidation to nil. The concept can only work at low cost with an online voting option.

The idea of a 'secret ballot' is also arguably more intact with online voting than it is under postal voting. Whilst postal voting can make use of double envelopes, separating the voter's details from the actual vote, it does not have safeguards against someone watching over the voter's shoulder as they vote. As mentioned earlier, repeat voting can provide safeguards against this threat. Additionally, online voting systems make use of a similar double envelope encryption of the vote, as is set out in our 2016 Secure Voting report.[3]

A weakness of existing methods of paper balloting which is not highlighted enough is the risk of accidentally spoilt ballots. This is particularly a problem where there are more than one candidate or one option that individuals can cast a vote for. For example, if a voter is only allowed to vote for a single option, but accidentally votes for more than one, that vote is voided without the voter ever being informed. With an online system, voters can be blocked from accidentally spoiling their ballots in this manner.

Please give examples of situations where you are aware e-balloting is currently applied. What type of technology is deployed, e.g. internet based, telephone based? What has been the impact and how has it been evaluated?

Online voting is deployed in statutory and non-statutory elections around the world. In the UK, every major political party uses online voting for their own internal elections. In the 2015 Labour leadership contest, 343,995 people voted online.[4] This represented 81% of the total vote. Also in 2015, the Conservative Party implemented online voting for the election of their 2016 London Mayoral candidate. Prior to Andrea Leadsom withdrawing from the Conservative leadership contest, the next Prime Minister of the United Kingdom was due to be elected with online voting. Should the Labour Party be successful in a future election under its current leader, it will be the case that online voting played a direct role in the selection of a future Prime Minister.

Other political parties which are known to use online voting include the Scottish National Party, the Liberal Democrats, and the Green Party.

Countries which use online voting in statutory elections include Australia, Estonia, and Switzerland. Pages 46 to 48 in our 2015 report, Viral Voting, set out more details of countries which have used electronic voting in elections.

In 2015, 280,000 votes were cast online in elections in New South Wales, Australia. This had a 97% satisfaction rate and was available for vision impaired voters, voters with disabilities, and voters abroad. Voting is compulsory in Australia. 10% of users said they would not have voted had they not been able to do so online, representing a significant impact on voter turnout.[5]

The impact should be evaluated by surveying voters and non-voters on whether they would have voted had they been/not been able to do so online. A YouGov poll commissioned by WebRoots Democracy last year estimated that an additional 1.2 million younger voters would have voted in the EU referendum had they been able to do so online.[6]

Undoubtedly, the major political parties in the UK have concluded that the benefits of online voting outweigh the costs with regards to their own internal party elections. The principle and method of online voting for a political party and a trade union is virtually identical. The argument that there should be a higher threshold for trade unions due to the impacts on society strike action can have, does not stack up unless the argument is that politicians and political parties have no impact upon society. It would be illogical and, arguably, hypocritical for politicians to block trade unions from deploying online voting if they have deployed it themselves.

How much do you believe the use of e-balloting for industrial action would increase turnout, if it were available? What other access benefits might it bring?

It is difficult to estimate how much online voting would increase turnout in industrial action ballots without better data and polling, however there are clear accessibility benefits which should be recognised. Workers who would benefit the most will be those who have vision impairments and disabilities.

Online voting would enable vision impaired workers to be able to cast a secret ballot independently. This is set out in more detail in our recent Inclusive Voting report.[7] All trade union ballots should be made accessible to workers with vision impairments. When there is technology out there which can overcome these accessibility barriers, there is no need to bar them from independently voting with the enforcement of postal balloting.

Equally, voters with other disabilities are currently locked out of strike ballots due to the postal-only system. A 2010 report, 'Polls Apart' by disability charity, Scope, described postal voting as 'fundamentally inaccessible' for voters with disabilities and stated that online voting has 'considerable' potential.[8]

For workers who are either working abroad or on holiday away from their home address, online voting would provide a medium for them to cast their vote on strike action.

The potential drivers for increasing voter turnout amongst other individuals would be familiarity and similarity with other services they use day-to-day such as online banking and email. For example, computer based workers are more likely to pay attention to an email arriving in their inbox for which they would receive a notification, than an envelope which may land on their doorstep amongst other letters, newspapers, and takeaway advertising. The convenience of being able to vote wherever and whenever they like and to easily encourage their colleagues to vote via email and social media could also drive up turnout.

Which forms of e-balloting system (e.g. telephone/internet) would help ensure access? What evaluations have taken place on the robustness and resilience of different systems to ensure access in a voting context?

In order to ensure the secrecy of the ballot is retained, any telephone system would have to be automated and if we are to introduce an automated system, it would make little sense to overlook the internet in favour of landline telephones which are an increasingly outdated form of communication.

A remote, online voting system provides an accessible method of voting for strike action in a way that is fit for 21st century. With fixed electronic terminals, the full advantages of accessibility are not achieved for workers with disabilities or those posted abroad for example.

What mitigations can be employed to ensure that under e-balloting, hacking of the system, even if successful, would not allow the identity of a vote to be revealed? Have such mitigations been evaluated?

The system and database used for the distribution of voter information should be separated physically and electronically from the database used to store votes cast on the online voting system. This ensures that the voter's identity is separated from their voting preference but allows in the event of queries or challenges, for the authorities to investigate and if need be invalidate the votes from a particular voter.

In addition, properly implemented encryption should prevent the details of a voter from being exposed. If the correct forms of salting, hashing, and encrypting online details are followed alongside strong passwords, then the identity of a vote should be safe from modern brute-force password cracking techniques.

Similar risks exist under postal balloting. If checks and balances are not properly implemented, it would be possible to link a vote cast in a postal ballot back to the identity of the voter. With online voting, it would again be a case of not just ensuring that the security infrastructure exists but that sufficient checks and balances are put in place and that these are implemented fully.

Further details on the intricacies of online voting security can be found in our Secure Voting report which will be submitted to the Knight Review alongside this document.

Would e-balloting increase the scope for intimidation and undue influence (being forced to vote, and being forced to show which way someone had voted, and being forced to vote in a certain way)?

With the introduction of the concept of repeat voting, the scope for intimidation and undue influence would be reduced drastically compared to postal balloting. However, even without the introduction of repeat voting, the scope for intimidation is likely to still be smaller with e-balloting as the vote could be password protected or require voter verification, which does not exist to the same extent with postal balloting.

How do you believe technology has involved or will evolve to address the risks set out above?

In recent years, cyber-security has risen right to the top of the political agenda in not just the UK and in the public sector, but across the world and in the private sector. It is therefore clear that there will be, and has already been, huge investment in not just creating more secure digital infrastructure, but in educating users on how to use the internet safely.

However, as with any risk online or offline, the threats constantly evolve and the same should be true of any mitigation strategy. It would therefore be unwise to specify in legislation a fixed process or digital infrastructure for trade unions to use for an online voting system. Any online balloting system that is introduced should have the scope to be fluid, regularly updated, and strengthened in order to effectively combat the cyber-security challenges of the future.

How will e-balloting change the scope for industrial action and how does that affect the public interest?

It is difficult to see how e-balloting could change the scope for industrial action, however, through increased participation, it could increase the perceived democratic legitimacy of any decisions taken on industrial action which can only be positive for society.

Strong and active trade unions are in the public interest of any civilised society, therefore modernising them in this way with e-balloting and reducing barriers to participation for workers can only be a good thing.

references

references

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