

# **The European Union and E-voting**

Addressing the European Parliament's  
internet voting challenge

**Edited by Alexander H. Trechsel  
and Fernando Mendez**

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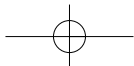
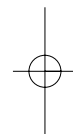
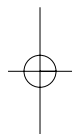
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**To Maxime and Manon  
- future e-voters?**



# Contents

<i>List of figures</i>	ix
<i>List of tables</i>	x
<i>Notes on contributors</i>	xi
<i>Acknowledgements</i>	xv
1 The European Union and e-voting: upgrading Euro-elections FERNANDO MENDEZ AND ALEXANDER H. TRECHSEL	1
<b>PART I</b>	
<b>Political outcomes</b>	<b>27</b>
2 Internet voting and the European Parliament elections: problems and prospects RACHEL K. GIBSON	29
3 E-voting as the magic ballot for European Parliamentary elections? Evaluating e-voting in the light of experiments in UK local elections PIPPA NORRIS	60
4 Second-order elections to the European Parliament: is e-voting the solution? HERMANN SCHMITT	91
<b>PART II</b>	
<b>Legal considerations</b>	<b>109</b>
5 Fundamental and political rights in electronic elections PIERRE GARRONE	111
6 Introducing e-voting for the European Parliament elections: the constitutional problems ANDREAS AUER AND MARIO MENDEZ	124

viii *Contents*

<b>PART III</b>	
<b>Designing e-voting</b>	<b>145</b>
7 Designing internet voting: the potential impact of a pre-voting public sphere on pre-electoral opinion formation	147
RAPHAËL KIES AND HANSPETER KRIESI	
8 Balancing security and simplicity in e-voting: towards an effective compromise?	166
LAWRENCE PRATCHETT, MELVIN WINGFIELD, N. BEN FAIRWEATHER AND SIMON ROGERSON	
<b>PART IV</b>	
<b>Institutional visions</b>	<b>185</b>
9 E-voting, E-democracy and EU-democracy: a thought experiment	187
PHILIPPE C. SCHMITTER	
10 E-voting: a new political institution for the network society? New life for an old democratic procedure	202
KARL-HEINZ LADEUR	
Epilogue: internet voting and democratic politics in an age of crisis and risk	223
STEPHEN COLEMAN	
<i>Index</i>	237

## Figures

2.1	Models	24
3.1	Model of voting participation	69
3.2	UK turnout	71
3.3	Turnout in UK local elections, 1973–2003	72
3.4	Location of English local authorities holding pilot schemes in May 2003	74
3.5	Percentage change in turnout in the May 2003 UK local election pilot schemes	81
3.6	The age profile of voters in UK local authority elections pilot areas	83
3.7	The age profile of voters in UK local authority elections, by type of pilot scheme	84
8.1	Use of the internet for voting, by age	178
8.2	Use of the internet, by socio-economic status	179
E.1	Trust in institutions in the EU member states	224
E.2	Taxonomy of risk relationships	230

## Tables

1.1	E-democracy matrix	5
2.1	Population online in the EU member countries	45
2.2	Demographic and socioeconomic characteristics of internet users across EU member states	46
2.3	Why people don't use the internet, by country	52
3.1	Trends in household access to communication technologies, UK, 1970–2002	65
3.2	Social profile of online community, EU-15, 1996–2000	66
3.3	Models predicting use of the internet, EU-15, 1996 and 2000	67
3.4	Impact of all-postal voting in the 1 May 2003 UK local election pilot schemes	78
3.5	Impact of remote electronic voting in the 1 May 2003 UK local election pilot schemes	80
3.6	Reported voting participation, by age group	82
3.7	Regression models predicting turnout in UK local elections	83
4.1	Participation in European Parliament elections 1979–99	94
4.2	Participation in European Parliament elections: the effects of social structure, political involvement and attitudes towards Europe	98
4.3	Attitudes towards Europe and participation in European Parliament elections: direct impact and effect when social structure and political involvement are controlled for	99
4.4	Sources of pre-electoral information: European Parliament elections of 1999	100
4.5	Sources of pre-electoral information: European Parliament elections of 1999 and subsequent first-order national elections compared	102
4.6	internet as a source of pre-electoral information, according to the age of voters	102
4.7	Internet as a source of pre-electoral information, according to the education of the voters	103
4.8	The use of internet as a source of pre-electoral information and reported electoral participation	103

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xii *Contributors*

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xiv *Contributors*

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xvi *Acknowledgements*

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# 1 The European Union and e-voting

## Upgrading Euro-elections

*Fernando Mendez and Alexander H. Trechsel*

### Introduction

To the reader it may appear somewhat precipitate to raise the issue of e-voting<sup>1</sup> for European Parliamentary elections much less to compile an edited book on the subject. Perhaps it would be more prudent to make progress at the national level before even considering any moves towards offering online voting facilities at the supranational level. The sheer scale of the enterprise – the European Union (EU) is the only supranational democracy that exists today – as well as the logistical complexity, the substantial financial and administrative resource implications, not to mention the considerable technical and security hurdles that would need to be overcome, all suggest that this is, for the time being, an unviable proposition. And let us not forget the problem of the European digital divide that some have argued<sup>2</sup> could, if e-voting were to be implemented, skew political participation towards the more affluent socio-economic groups (both within and among EU member states) given that internet penetration rates vary substantially from Finland in the north to Portugal in the south and from Ireland in the west to Slovakia in the east. So why bother ‘upgrading’ elections that have been described by one prominent observer as decentralised and apathetic affairs in which a small number of voters participate and where barely any transnational deliberation on European issues takes place.<sup>3</sup> There are, as we shall argue, some very good reasons why the e-voting/EU nexus may acquire an increasing significance and this introductory chapter is, in part, a justification for addressing the question of e-voting from an EU perspective.

A first sign as to why e-voting and the European Parliament may become increasingly connected has recently come to the fore. In May 2002 a motion for a resolution on e-democracy and e-citizenship was tabled at the European Parliament by MEPs from eight different transnational political groups. It called on member states ‘to promote electronic voting and, in particular, voting arrangements using e-voting monitored polling stations for the 2004 European elections’.<sup>4</sup> A year later, in September 2003, the UK’s Secretary of State for Constitutional Affairs directed the Electoral Commission, an independent body that reports on electoral issues, to

*2 Fernando Mendez and Alexander H. Trechsel*

recommend electoral regions that would be suitable for e-voting pilots for European Parliamentary elections. Both these events, and the continuing discussions on the issue in the institutions of the EU and its member states, suggest that e-voting could become an item of considerable political discussion. As the UK example illustrates, it is possible that e-voting could slowly creep on to the political agenda of the member states. And to the extent that it does, it is likely that local elections and European Parliamentary elections, which are characteristically low salience elections, will become the focal point for experimentation with e-voting pilots. Thus, it is probable that e-voting for European Parliamentary elections will, for the majority of EU member states, and especially the larger member states, precede e-enabled national elections. This is, of course, unless a remarkable popular demand emerges and a consensus among politicians is achieved on the need to introduce e-voting before the next European Parliamentary elections in 2009, enabling member states to hold full-scale national elections online. Without trying to anticipate trends in e-voting technologies, popular demand among the electorate and the willingness of political elites to introduce new voting modalities, this is unlikely to be the case. Instead, e-voting is likely to be the subject of experimentation with low salience elections (especially local elections, but also European Parliamentary elections) before tackling the riskier enterprise of first-order national elections.

What is also revealing about the two aforementioned examples are the different perspectives adopted. In contrast to the enthusiasm of the promoters of the European Parliament resolution, the report by the UK Electoral Commission states that '[t]he Commission does not recommend that an e-enabled element be included in any pilot scheme, as we believe that no region is ready for such innovation at this stage in the development of the electoral modernisation programme'.<sup>5</sup> This contrast serves to highlight the tension that exists among analysts, pundits and policymakers. Some observers like to focus on the transformative potential of the ICTs and give primacy to the long-term dynamics of e-voting and potential interaction effects with other e-democratic techniques. For others the focus is more pragmatic and short term, such as the significant technical and security hurdles or the logistical and financial costs. These perspectives, however, are not necessarily mutually exclusive and it is possible to be pragmatic about the short term obstacles while acknowledging the transformative potential over the longer term. Incidentally, the main reason for the Electoral Commission's negative verdict on e-voting for the European Parliamentary elections of 2004 was that there was insufficient time given the higher level of complexity of organising regional pilots as opposed to the e-voting pilots that had been previously organised for the May 2003 local elections. Nonetheless, it is helpful to note this distinction between the short-term implementation issues and the potential longer-term institutional implications.

Most chapters in this book focus on the short-term horizon although, in the final section, and in line with the distinction identified above, the authors have addressed longer-term dynamics. In many respects the contributors to this book, all of whom are acknowledged specialists in their respective fields, have approached the subject matter from a variety of different yet enriching perspectives. The following disclaimer should, however, be noted at this point: this is a book that has been largely written by social scientists and, as such, it reflects a social science bias in its overarching approach. This does not mean the contributors have necessarily agreed in their prognoses for e-voting, especially where claims with regard to potential increases in participation rates are concerned.

The rest of this chapter will proceed along the following lines: we begin by first mapping out certain conceptual and theoretical issues which we maintain is a necessary precursor to any discussion of e-voting. We then proceed to evaluate in greater detail the e-voting and EU nexus with particular attention directed to the EU's so-called democratic deficit. In the penultimate section we identify four broad issue areas that we contend will have a substantial impact in determining e-voting trajectories within the EU context. The main threads of the argument are then tied together and some further reflections are offered in the concluding section.

### **Conceptual frames**

The issue of e-voting has increasingly become a controversial topic among political commentators, in some cases arousing great passions. But why are we thinking about it? Is it because we believe that by offering citizens new voting tools it is possible to slow down the perceived erosion of participation rates or, more optimistically, turn around the apathy that is said to afflict modern democracies? Or is there an even more ambitious agenda behind the proliferation of 'e' initiatives? In this section we will attempt to place the issue of e-voting within its wider theoretical context by linking it to the concept of e-democracy.<sup>6</sup> To illustrate our line of argumentation, and the theoretical questions that are raised, we will return to the aforementioned motion for a European Parliamentary resolution. The initiative is interesting because it links e-voting with e-democracy and in doing so raises some pertinent theoretical questions. The promoter of the initiative, the MEP Marco Cappatto, declared at the time that democracy was the number one problem for the EU and that on 'the specific issue of "e-voting", the 2004 European elections are the best occasion to implement a project at the European level'.<sup>7</sup> Although his ambitious goals have conspicuously not been realised, the objective of the proposed resolution is straightforward: to harness the democratising potential of information and communication technologies (ICT) to bring decision-making closer to the EU citizen. At first glance this is a desirable and relatively unproblematic objective. It argues that European citizenship ought to imply the

4 *Fernando Mendez and Alexander H. Trechsel*

'right of access' to any public document and meeting via the internet and calls for the Treaties to be amended so that all EU public meetings can be broadcast live and archived on the internet. The aim is to increase executive accountability by employing the *transparency* enhancing properties of the internet to bring the EU closer to its citizens. Furthermore, the proposed resolution stated that citizens should be able to enjoy their rights of European citizenship (e.g. complaints to the Ombudsman, access to the European Court of Justice or petitions to the European Parliament) also through the internet. These and similar proposals are interesting from a theoretical perspective because they raise questions as to whether *Information Rights* could become an increasingly important component of citizenship. More speculatively, could this signal a trend towards an ICT-induced extension of T.H. Marshall's famous trilogy of civil, political and social rights?<sup>8</sup>

Although the proposed resolution is mainly concerned with *transparency* enhancing measures, in calling for e-voting to be implemented for European Parliamentary elections it is raising a conceptually distinct dimension – namely *participation* in the democratic process. Voting in elections is one of the principal mechanisms through which citizens exercise their right to participate in the political process. This is, however, not the only channel available for citizens to express their political preferences. To take an example: since the end of the Cold War, Eastern and Central Europe have witnessed a proliferation of direct democratic mechanisms within the national constitutions of the new democracies. Also over the past two decades, in both the old and the new European democracies, referendums have been frequently held. The debate on whether direct democracy should be promoted is not in any way new. It centres most prominently on the question of *civic competence* and splits political philosophers and theorists. For thinkers such as Bobbio there is simply not enough time in the day for voters to consider all the elements involved in each and every issue put to the vote.<sup>9</sup> It follows that more frequent participation does not mean better informed decision-making. Bobbio echoes thinkers such as Burke,<sup>10</sup> Dahl,<sup>11</sup> Schumpeter<sup>12</sup> and Sartori,<sup>13</sup> in arguing that democracy is best served by strengthening the competitive or representative model of democracy whereby different parties compete for the citizens' vote. For scholars such as Barber,<sup>14</sup> Budge<sup>15</sup> or Kriesi,<sup>16</sup> however, it is difficult to see how citizens could be competent enough to elect their representatives but not competent enough to decide about important policy issues at stake. Also, according to the participatory conception of democracy, it is through exposure to direct democratic decision-making processes that voters will increase their interest in politics and, therefore, their civic competence. Over the last couple of decades normative political theory has further developed the 'quality' dimension of democracy by emphasising the deliberative aspect of democracy. Proponents such as Elster,<sup>17</sup> Fishkin<sup>18</sup> and Habermas<sup>19</sup> argue that deliberation among the

electorate has to be maximised in order to reach 'good' outcomes. The act of voting should not be seen as an end in itself but, rather, as a mechanism through which preferences that crystallise from the process of deliberation are transmitted.

With this admittedly cursory review of some of the major debates in democratic theory we have outlined three (overlapping) visions of democracy, which emphasise distinct representative, participatory or deliberative elements of democracy. This brings us to the question of how ICT and its possible introduction into the political realm could alter current practices of democratic decision-making. An expanding literature on 'e-democracy' has blossomed recently to take up this very issue.<sup>20</sup> To examine these issues further we will offer a definition of e-democracy that will provide the conceptual basis for identifying a series of e-democratic techniques (including e-voting) that aim to promote some of the particular elements of democracy discussed above. This section, which draws heavily on a recent study commissioned by the European Parliament,<sup>21</sup> is highly relevant for our present discussions on e-voting, for the latter cannot, and should not, be discussed in a theoretical vacuum.

We consider e-democracy to consist of all electronic means of communication that enable/empower citizens in their efforts to hold rulers/politicians accountable for their actions in the public realm. Depending on the aspect of democracy being promoted, e-democracy can employ different techniques: (1) for increasing the *transparency* of the political process; (2) for enhancing the direct involvement and *participation* of citizens; and (3) for improving the quality of opinion formation by opening new spaces of information and *deliberation*.<sup>22</sup> We can now build on our working definition of e-democracy and identify some real case examples of the techniques of e-democracy. The matrix shown in Table 1.1 conceptually organises five e-techniques according to the particular aspects of democracy they are intending to promote.

Table 1.1 E-democracy matrix

<i>E-techniques</i>	<i>Aspects of democracy promoted</i>		
	<i>Increasing transparency</i>	<i>Increasing participation</i>	<i>Increasing deliberation</i>
E-access	×		
E-consultation		×	
E-petition		×	
E-voting		×	
E-forums			×

Source: Trechsel, A., Kies, R., Mendez, F. and Schmitter, P. (2003) *Evaluation of the Use of New Technologies in Order to Facilitate Democracy in Europe: E-democratizing the Parliaments and Parties in Europe*, European Parliament, STOA (Scientific and Technological Option Assessment) Report, Directorate-General for Research.

## 6 *Fernando Mendez and Alexander H. Trechsel*

Below we offer some concrete examples of e-techniques that have been recently proposed or implemented with an explicit EU dimension. The European Commission's much cited White Paper on Governance, for instance, aims to promote openness and transparency by providing more online information about all stages of EU level decision-making.<sup>23</sup> In a similar vein, the motion for a European Parliamentary resolution discussed above was chiefly concerned with implementing e-access techniques for promoting a 'right of access'. Both aim to promote, via ICT, the first dimension of the matrix, i.e. transparency. The motion for a European Parliamentary resolution also mentioned participatory enhancing techniques such as e-voting and e-petitions. But there are other participatory enhancing techniques that have been the subject of discussion. During the EU Convention on the Future of Europe e-consultation techniques were adopted to 'involve citizens' as called for by the December 2001 Laeken Declaration.<sup>24</sup> Interestingly, in relation to the third dimension of the matrix, the Laeken Declaration also called for *deliberative* initiatives in order to help foster a European public area. The internet was also mentioned as a possible means for achieving such a goal. Nonetheless, the e-forum element (the Futurum website)<sup>25</sup> that was developed did not emerge as a convincing hub of discussion, while the EU Convention President's web-chat was a rare example of interactivity.<sup>26</sup>

In sum, unlike e-access or e-forums, which aim to increase transparency or deliberation, the technique of e-voting is, from a normative perspective, principally conceived as a tool for enhancing participation. But this would be a rather limited and unimaginative conceptualisation. One of the central arguments of this section is that e-voting should be part and parcel of a wider move towards harnessing the democratic potential of ICT.<sup>27</sup> As such, and certainly over the longer term, it is possible to envisage interacting and mutually enhancing combinations of e-techniques that aim to promote, for instance, participation and deliberation. The Kies and Kriesi contribution (Chapter 7) is precisely one such attempt to link the two via the innovative concept of a virtual pre-voting sphere.

### **The democratic deficit and e-voting**

Following the previous section's mainly abstract and normative level discussion of democratic ideal types, we will now move down the ladder of abstraction to focus on the concrete and contentious example of EU level democracy. It would be somewhat untenable not to take up, in a volume that seeks to address e-voting for Euro-elections, the topic of the much touted 'democratic deficit' that is said to characterise the EU polity. The term, first coined in 1979 by David Marquand,<sup>28</sup> has acquired a pre-eminent status in the standard lexicon of EU political affairs. Journalists, politicians, academics and other political pundits use the term

indiscriminately, as do Europhiles and Eurosceptics in support of particular viewpoints as to the future trajectory of European integration.

To summarise the vast literature on the democratic deficit two sources to the so-called problem can be identified: first, the European Parliament as the sole directly elected body among the four major institutional players (the others being the Commission, the Council and the European Court of Justice) has a weak popular input. Moreover, its elections are second order events where the relatively small number of citizens that bother to vote select among national parties on the basis of national issues and little discussion of European issues takes place. It is the European executive (principally the Council of Ministers and the Commission) rather than the European Parliament that is responsible for legislation. This is supposed to contrast with other political systems where the parliament is the legislator, leading to a situation in the EU where the executive is both legislator and executive all in one. Second, because of the supremacy of EU law over national law the high-ranking national officials who meet in the Council of Ministers and deliberate behind closed doors over European issues have had their powers increased. Put simply, the structure of the European polity strengthens state executives to the detriment of their respective parliaments.

Why has the label 'democratic deficit' become so popular, especially in the scholarly literature? Of late there have been a number of influential responses to this question. Mény, for instance, argues that the term has become a powerful catchword that can be manipulated by both Eurosceptics and Europhiles alike.<sup>29</sup> There is certainly some truth to this observation. Curiously, both Europhiles and Eurosceptics share a similar diagnosis, in terms of the existence of a purported democratic dysfunctionality, although they, of course, differ with regard to the normative prescription they offer. For the former the solution lies in addressing the first source of the problem identified above and replicating the rules and practices of national democracies so that the EU polity comes to resemble this well-understood political species. For the Eurosceptics the focus is on the second source of the problem and the solution lies in strengthening – and limiting any further erosion of – the role of the national state.

Crucially, when analysing the democratic deficit the benchmark that is used acquires a considerable significance. It is invariably the case that the benchmarks used when comparing the EU are those of national democracies. Is it surprising, therefore, that when comparing the EU to well-established national democracies it will tend to fare badly? Zweifel argues to the contrary, indeed, that when comparing the EU with 'model' democracies such as the US and Switzerland along seven established scales of democracy, the EU performs admirably.<sup>30</sup> Zweifel's conclusion is clear: although there is obviously much room for improvement, the EU does not suffer from a democratic deficit any more so than do the most advanced national democracies. This is echoed by Mény for whom

8 *Fernando Mendez and Alexander H. Trechsel*

the European system does not suffer from a democratic deficit, but rather from a ‘democratic’ overload: majority rule applies only partially and when it is formally used it is, usually, where a consensus has previously been reached. Veto points are everywhere . . . checks and balances are too many rather than too few.<sup>31</sup>

Moravcsik goes one step further in arguing that part of the problem is that the EU tends to be judged, not so much in comparison to other democracies, but against *ideal types*.<sup>32</sup> Therefore, it is not surprising the EU fares badly when using such criteria and that it may appear remote to European citizens. What, then, is the relevance of e-voting to this discussion? Is there a link between the democratic deficit and e-voting? In other words, could the introduction of e-voting help to combat the so-called democratic deficit? Having suggested that the democratic deficit is a slippery term we would be very cautious in postulating any connection between the two – at least in the short term. According to the empirical analyses offered by both Norris and Schmitt (see Chapters 3 and 4), introducing e-voting for the European Parliamentary elections is unlikely to have a significant effect on turnout rates let alone tackle the democratic deficit. To be sure, if e-voting is accompanied by what Schmitter<sup>33</sup> refers to as e-politicking then it is possible that the EU could be brought closer to European citizens – but for the moment that remains a much longer-term agenda. Although e-voting is frequently discussed and promoted as the solution to the problem of low voter turnout, it is more likely that falling turnout is a symptom of dissatisfaction with what is on offer rather than the costs of participation. Focusing on technology as the solution could obscure the argument. E-voting for European Parliamentary election will not, as Norris has argued elsewhere,<sup>34</sup> provide a digital panacea to what is, in essence, a structural problem. We will return to these issues that are raised by calls for further democratisation of the EU polity and how to go about it using ICT when we address future institutional visions for the EU below.

### **The European Union and e-voting: some of the major issues considered**

E-voting is a complex and multifaceted issue that will, at a first stage, certainly raise more questions than answers. How such questions are addressed will be crucial in shaping the prospects for introducing e-voting for European Parliamentary elections. To aid us in tackling these thorny issues we will introduce a distinction, drawing on economic theory, between two types of effects. Economic theory has distinguished between two types of trade impacts that result from the introduction of preferential trading arrangements: (1) short run or static effects and (2) long run or dynamic effects. We can use a similar conceptualisation and apply this heuristic understanding for distinguishing between the possible effects of introducing

e-voting arrangements. To continue with the trade analogy, the static or short run effects could include the immediate political impact, the necessary legal adaptations, the potential administrative efficiency gains etc. as suppliers and consumers adjust their behaviour and benefit from the new voting technologies. Over the long run, institutional impacts could also be expected as a result of the dynamic gains and interaction effects of introducing e-voting and other e-democratic techniques as conceptualised above.

In the remainder of this chapter we identify three largely short run issues that spring up including: (1) the possible *political outcomes* (especially in terms of effects on participation rates); (2) the major *legal considerations* e-voting raises; and (3) how to best go about *designing e-voting* systems. These three issues tend to have an *ex ante* dimension but there is also a fourth issue which centres on the potential dynamic effects of introducing e-voting as part of a wider strategy to exploit the democratic enhancing potential of ICT. We refer to this as (4) *institutional visions*. One of the added benefits of approaching the subject matter in this fashion is that we will adopt the same structure as the book and in each section introduce the reader to the major and overlapping themes that are subsequently explored by the contributors to this volume.

### ***Political outcomes***

A first and very obvious starting point, if one wishes to discuss political outcomes, is whether a noticeable political will actually exists among European and member state policymakers to offer the electorate new voting mechanisms such as e-voting. Absent the political will, the result can only be failure. Unlike other e-democratic initiatives, such as e-forums, which have a bottom-up element and can develop in the absence of public authorities, the implementation of e-voting requires a top-down element – financial, logistic, and changes in electoral law to name but a few. However, there is a more fundamental question regarding the role of public authorities. By introducing an ICT element into the electoral process there is a danger that the state may become uncomfortably dependent on the skills and resources of private organisations. It would be difficult to envisage the implementation of e-voting systems without some degree of involvement from the private sector. This begs the question of whether the organisation of democratic elections has to be the exclusive obligation of the state and whether underlying parts of the electoral process can be outsourced to private organisations. For some member states the involvement of private intermediaries in the electoral process could be problematic, for others it may be less so. Opponents of e-voting have pointed out that the state should keep its monopoly position with regard to the organisation of elections and any type of public–private partnership should be avoided. Our position, however, is that the potential involvement of the private

10 *Fernando Mendez and Alexander H. Trechsel*

sector is not the real issue. The private sector's involvement in politically sensitive areas is already a common feature of the contemporary political and economic environment. The array of physical assets and services deemed essential to the functioning of modern societies is overwhelmingly run and owned by the private sector. For instance, certain aspects of defence are subcontracted to private organisations and so, too, is the provision of water or energy (electricity and nuclear). If aspects of the provision of defence and security can be outsourced to private organisations and the entire telecommunications and energy sectors, which were once publicly owned, can be left in private hands, it is not so inconceivable to imagine a private input in the organisation of elections. The authority of the state can always be imposed by regulating private industries (e.g. through a liability regime) as it already does for the telecommunications sector and all the above mentioned examples. We would argue that disagreements over the potential involvement of the private sector in the organisation of elections tend to skirt or obscure the real issue which is one of confidence and trust in the electoral system. Without confidence in the electoral system the legitimacy of election results would be thrown into doubt. The question ultimately becomes one of trust in the state<sup>35</sup> and whether the majority of citizens have confidence in the state to organise, count and validate the vote. As our examples demonstrate, citizens have, on the whole, accepted the delegation of certain tasks to the private sector in areas such as the provision of defence and security or nuclear energy that are potentially as sensitive as the organisation of elections.

Assuming the political will can be generated and a minimum degree of confidence can be ensured, the most likely scenario is that the individual member states will take the lead in the implementation of e-voting for Euro-elections, as demonstrated by the UK initiative discussed above. This is not surprising; indeed, it would be surprising if the EU were to take a prominent role in the implementation of e-voting – at least during the initial stages. The role of the EU as a facilitator is, however, a much more realistic possibility and one that would be consistent with the increasingly discussed new policy instrument, the EU's open method of coordination (OMC). To date, the interest of EU policymakers has been mixed – apart from the proposed European Parliament resolution sponsored by the Radicals and financial support via the 5th and 6th Framework Programmes for R&D efforts – very little has been achieved in the area of e-voting and e-democracy.<sup>36</sup> For the moment, the EU's flagship information society policy, the eEurope Action Plans,<sup>37</sup> are overwhelmingly concerned with e-government issues. But the EU's institutions are not the only supranational organisations with a potential interest in e-voting. Recently, the Council of Europe has begun a formal consultation procedure with its member states with a view to developing European standards for e-voting. A multidisciplinary ad hoc group of specialists was established in February

2003 and the Council of Europe is expected to adopt a Recommendation in mid-2004.<sup>38</sup> In sum, the issue of e-voting is slowly but surely moving onto the political agenda even though progress, to date, has been rather piecemeal.

In Part I, *Political Outcomes*, the authors have focused primarily on the short-term considerations that introducing e-voting could have in the context of European Parliamentary elections. That is not to say that conclusions about the longer term are not proffered (e.g. the need for structural reform of the EU to make elections more decisive) but, rather, that the main focus has been on the short-term considerations (e.g. financial, logistic and security concerns and possible effects on turnout). Gibson's chapter profiles the main variants of e-voting that are currently available to policymakers and assesses the case for their use for the next European Parliamentary elections. Based on the evidence to date, Gibson argues that while the technology would almost certainly deliver a boost to turnout, principally by making voting more convenient, the logistical, financial and legal implications make any immediate move to e-voting unrealistic. In charting the e-voting landscape, Gibson provides us with some taxonomic clarity when differentiating between different e-voting systems. The crucial point stressed is the greater security problems that exist with the more open (and convenient) remote internet voting systems.

In her chapter, Norris takes on the claim that e-voting will enhance convenience with the possibility to strengthen electoral turnout and enhance citizen engagement – especially for the younger generation. Norris draws on evidence from the results of the UK's pioneering e-voting experiments for the May 2003 local elections. The elections, as with those for the European Parliament, are characteristically low salience and turnout is usually low. The evidence Norris presents suggests that compared to postal voting, remote e-voting proved to be far less effective in increasing participation rates. E-voting, according to Norris, is unlikely to prove a 'magic ballot' and if introduced would only probably have a modest impact upon the younger generation. Until elections for the European Parliament are perceived to matter and citizens believe they can make a difference to policy outcomes, Norris concludes, participation rates will tend to remain low.

The conclusion Norris draws about the need to make European elections more decisive is a theme explored in greater depth by Schmitt. He echoes Norris in questioning the claim that e-voting will increase turnout for European Parliamentary elections. There are certain structural issues – the subject of Schmitt's empirical analysis – that cannot be resolved by the mere introduction of e-voting. Schmitt asks a straightforward question: do people abstain from European Parliamentary elections because of Euro-hostile attitudes, e.g. they disagree with the EU and European integration? If the answer is yes then it logically follows that the introduction

12 *Fernando Mendez and Alexander H. Trechsel*

of e-voting will not have an impact on the attitudes of this portion of the European electorate. The answer he provides is that nowhere do Euro-hostile attitudes play a role in the decision to participate in Euro-elections. Instead, he points to the lack of excitement and the shortage of any dramatic consequences that explain the 'second-order' logic of European Parliamentary elections. So could e-voting alter the picture? Schmitt is sceptical as e-voting cannot provide a cure against electoral boredom and the lack of visible consequences that characterise Euro-elections. However, on a more upbeat note, Schmitt's second route of empirical analysis explores the current use of the internet as a source of pre-electoral information for both European Parliamentary elections and first-order national elections. Surprisingly the internet is, on average, almost as 'popular' as public meetings, the latter having constituted the most typical forms of electoral campaigning for European political parties.

**Legal issues**

It should come as no surprise that any attempt to expand existing voting modalities, would raise various legal complications. Chief among these are the tensions that are capable of being provoked with internationally enshrined fundamental rights. Indeed, in a recent contribution, Birch and Watt have come down against the introduction of e-voting precisely because they find it to be inconsistent with a secret ballot.<sup>39</sup> But such a stance is problematic for it implies that the law, whether it be international or otherwise, is completely rigid and unable to adapt to changing circumstances. It is a logic that if followed through to its conclusion renders innovations such as postal voting equally vulnerable. The danger from remote voting, including postal voting, appears to be that the voter could be susceptible to undue pressures, e.g. in the home or at the workplace, to vote for a particular candidate. There is certainly a possibility that instances of undue external pressure could occur. Yet, it is equally possible to imagine solutions such as reversible voting, an option that is available to Swedish voters and that allows them to alter their votes within a specified time period, which would reduce the perceived dangers. We believe there is a problem in framing the issue in such binary terms and, furthermore, that this has tended to be a largely UK-centric debate. Indeed, in a report published by the UK Department of Constitutional Affairs on the implementation of e-voting, a number of international declarations and protocols are highlighted that

call into doubt whether any form of remote voting, by electronic or other means, would be legal in an international context . . . until this position is clarified, the issue of secrecy and the UK's obligations under international protocols remains a significant barrier to the implementation of RVEM [remote voting by electronic means].<sup>40</sup>

This argument, if taken to its logical conclusion, implies that European countries such as Finland, Switzerland and others, all of which offer postal voting, are in danger of violating international human rights norms. Surely, however, there is a middle ground whereby legal problems can be taken on board without precluding e-voting (or postal voting) experimentation. It is in this vein that the contributors to the legal section of this volume have taken up aspects of this debate.

In his chapter, Garrone underscores the need to ascertain the compatibility of any electoral innovations with the five cardinal principles of Europe's electoral heritage. The principles he enumerates are: (1) universal suffrage; (2) equal suffrage; (3) free suffrage; (4) secrecy of the ballot; and (5) direct suffrage. All of these principles are enshrined, explicitly or implicitly, in international treaties such as the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights. Garrone considers the various ways in which the introduction of e-voting could clash with these principles that lie at the heart of the European electoral tradition. The conclusion he draws is that if e-voting is introduced as a supplementary voting mechanism these core principles would not be undermined.

Garrone's analysis, which is mainly concerned with the identification of the principles that underpin Europe's electoral heritage and the extent to which the introduction of e-voting would pose significant or new legal problems, paves the way for the legal analysis conducted by Auer and Mendez in the chapter that follows. They explore two particular legal problems that an e-voting agenda would need to tackle. The first is the need for an appropriate legal basis. Essentially, they argue that if the political will exists, then the legal basis for e-voting will ultimately not be an obstacle. However, Auer and Mendez show themselves sensitive to political practicalities and recognise that generating the political will for action at the Community level is an ambitious goal which does not seem attainable any time soon. The possibility of a domestic response, well within the remit of the member states powers and an avenue that is being contemplated to varying degrees by several member states, is considered rather more realistic. They suggest that a pioneering agenda at the domestic level for the European Parliamentary elections is likely to heighten the political salience of e-voting, and it is then that we might expect this matter to gain a foothold on the European agenda. In short, the position advanced is that e-voting can be expected to be state-driven at the domestic level and it is here that the catalyst for action at the Community level will be found.

The second legal problem explored in the Auer and Mendez chapter is e-voting's relationship with fundamental rights. While this issue had also been explored in Garrone's chapter, Auer and Mendez opt for a different approach that focuses on three specific aspects of the fundamental rights problematic and brings forth the complicated relationship between

14 *Fernando Mendez and Alexander H. Trechsel*

rights enshrined in the ECHR and the Community legal order. The main problem they foresee is a potential clash with the principle of a secret ballot enshrined in the ECHR. While there appears to be a scarcity of legal doctrine on this matter, they nonetheless suggest that it is not very plausible to expect fundamental rights objections, as yet unsubstantiated, to stand in the way of a project that hopes to go some way towards tackling the extant climate of political disinterest.

***Design issues***

As countless reports maintain,<sup>41</sup> one of the major concerns for the design of e-voting systems is the security dimension. At the risk of extreme oversimplification, security issues can be approached from two perspectives: from a technology or a social perspective. On the one hand, technologists are evidently the best placed to evaluate the systemic security risks of e-voting systems. On the other hand, social scientists have some understanding of electoral systems and voting behaviour but are prone, much to the consternation of technologists, to downplay or simply assume away the sizeable security risks. This seems to generate one of the major fault lines that typify current debates on the feasibility of e-voting. By merging two hitherto separate spheres, technology and crime in the context of elections, imagery of hackers and cyber criminals exploiting insecure networks to the detriment of an unsuspecting electorate is conjured up. To the perplexed observer caught up in the cross-winds of this passionate dispute the effect must be most mystifying. If one is able to conduct sophisticated online financial transactions, such as e-banking or online trading, then why not so for online voting? Technologists are certainly right in arguing that the security standards for internet voting must not be conflated with those that apply to e-commerce or financial transactions. They tend to make two points, first such arguments fail to acknowledge the risks of online financial transactions and, second, the security standards for online voting need to be of a much higher level than for financial and commercial transactions. As one recent report argued 'e-commerce grade security is not good enough for public elections'.<sup>42</sup> While not precluding the eventual deployment of secure online voting systems, the technologist prefers to argue that there is still a very long way to go before the necessary security standards are developed.

For the technologist, the internet is an inherently insecure network and a potential vector for distributed denial of service attacks, viruses, Trojan horses, worms and so forth. On the other hand, those that emphasise the social dimension do not necessarily dispute this conception, but argue that risk – as in other social spheres – must be managed. There is a danger that in framing the issue of risk, some technologists have tended to resort to an idealised or romanticised vision of democracy. Along the course of its long history democracy has fundamentally changed in scope and in

scale. As underlined by Dahl, one of the foremost democratic theorists of our times, the very term 'democracy' can be devoid of meaning if its variations over time and space are not considered.<sup>43</sup> Those specific 'technologies of democracy' that have been used for transmitting, collecting, counting and communicating the will of the people have undergone a transformation over time and the notion that an ancient Athenian would comprehend, let alone regard as democratic, current electoral practices is debatable. The practices that determine how political representatives campaign for votes, how they are elected and the method by which those votes are collected, authenticated, tallied up and the results announced to the general public would be anathema to ancient practices of democracy. Current electoral practices are not sacrosanct and neither do they represent a failsafe expression of the peoples' will, mistakes and abuses do occur. Thus, the question becomes whether the benefits heralded by proponents of e-voting outweigh the security risks. Social and political choices, rather than technological ones, will determine what is deemed by a society to be an acceptable and tolerable degree of risk for a given activity. The implication of living in what has been referred to by Beck as the 'risk society' is that risk is a by-product of the enhanced opportunities and choices that are available to us.<sup>44</sup> The repercussions of technological advance in chemistry, nuclear energy, genetic engineering or computer sciences have acquired a social dimension and the same will be no less true for ICT induced changes in the practice of democracy.

Recently, in the sphere of policymaking, the question of the security of cyberspace has acquired national security proportions.<sup>45</sup> Nowhere is this more the case than in the US. Therefore, it is not surprising that the US has also been the source of some of the most negative reactions to the possibilities for introducing online voting. Not only is it one of the most technologically dependent and advanced nations on earth but it also combines this with a reverential attachment, on the part of its citizenry, to its democratic institutions. Yet, what is deemed an acceptable risk in one society is not the same for another. And what holds true for the US may not be applicable to the EU or its member states. This is already true for environmental standards or for the public acceptance of genetically modified organisms, even when based on similar scientific evidence. There is no a priori reason to expect e-voting to be dissimilar. In many respects the risk dimension to e-voting is already being framed differently in the various national contexts where it has been the subject of discussion and public study. From a comparative public policy perspective this is hardly surprising, even societies that are similar in economic, social and political structures can produce radically diverging conceptualisations of risk, especially where the risk in question touches on issues that are deemed basic to a society's conception of itself.

In Chapter 8 Pratchett *et al.* address the social dimension to risk and also identify a fundamental design dilemma for e-voting, namely how to

16 *Fernando Mendez and Alexander H. Trechsel*

balance security while, at the same time, enhancing simplicity and convenience of use. They argue that achieving this balance is one of the fundamental problems facing the development of e-voting. There is a temptation, on the part of system designers, to build and develop ever more sophisticated security measures (such as biometric devices, firewalls and other measures to prevent hacking etc.) that virtually prevent all but the most determined attack. The problem, however, is that the designers of e-voting systems need to recognise that if widespread use is to be achieved, they must be simple and convenient. Not all voters have access to state of the art technology and many lack cognitive familiarity with complex security requirements.

Based on focus group research Pratchett *et al.* draw attention to the ‘cognitive capacity’ problem. The research findings that Pratchett *et al.* cite suggest that users may find the implicit rules and norms of computer systems difficult to absorb. For instance, clicking a mouse-button or using a tab or return key, while straightforward for those who use computers frequently, are much less obvious for those not accustomed to using computers. The lesson to draw from the focus groups is the importance of the principle of simplicity. The key to striking a balance, according to Pratchett *et al.*, is to distinguish between authentication on the one hand and verification, tally and audit on the other. While proponents and critics of e-voting have focused on authentication issues, Pratchett *et al.* argue that it is much better to put in place a strategy based on effective verification, tally and audit procedures that do not sacrifice simplicity in favour of sophisticated technical solutions. In fact, such a strategy more closely resembles current electoral procedures.

Similarly, in Chapter 7, Kies and Kriesi identify a further design dilemma that could significantly affect the democratic consequences of implementing e-voting. On the one hand, the introduction of e-voting is commonly justified in terms of increasing the *quantity* of participation. Yet, on the other hand, there needs to be a counterbalance to risks concerning the potential erosion of the *quality* of participation. From a democratic theory perspective there is a real danger that e-voting could signal a descent down a slippery slope towards push-button style democracy with voters becoming increasingly disconnected from the body politic and encouraged to vote according to their own individual interests. One way out of this conundrum for Kies and Kriesi is to introduce what they have labelled a ‘virtual pre-voting sphere’. Indeed, they provocatively argue that, from a normative perspective, it is the only way to proceed if the introduction of e-voting is intended to increase not only the *quantity* of participation but also its *quality*.

Through the introduction of a pre-voting sphere, which would accompany the introduction of online voting, the authors hope to address fears of a potential decrease in the quality of the vote. In order to support their

argument they draw on recent 'opinion formation' theories and employ Habermasian notions of the 'public space' as their normative reference point. Kies and Kriesi's basic thesis is that a pre-voting site has the potential to improve the quality of democratic choices by raising the quality of citizens' opinion formation through the provision of pluralistically organised information and opportunities for deliberative exchange. While the authors are keen to operate at a higher level of abstraction, their normative conceptualisation is especially pertinent to the plurilingual and multicultural context of the EU.

### ***Institutional visions***

In this last part we move beyond short-term effects and attempt to highlight some of the dynamic effects that could accompany the introduction of e-voting over the longer term. What are the institutional implications of greater e-democratic experimentation within an EU context and how will this affect our institutional visions for the future of the EU polity? These questions raise fundamental issues regarding the nature of the European integration process. In this section we will begin by identifying an ontological dualism in EU studies and then probe the implications of further e-politicking for each of these institutional visions. The ensuing discussion is contingent upon some rather major assumptions, namely that there is a drive towards further EU democratisation and that e-techniques are considered as potential solutions.

One of the major sources of the intellectual difficulties that surround discussions about the EU has been, at root, an ontological question. On the whole we are accustomed to organising phenomena in terms of classes or categories. The problem with the EU, however, is that it does not fit easily into any of the conventional frameworks for understanding political phenomena. It has features of a treaty-based international organisation, yet, unlike such bodies, it possesses a wide jurisdiction and its laws are supreme over its member states. It evidently carries weight in international politics but frequently does not speak with a 'single voice' and lacks the traditional instruments of force that are considered basic for exerting international influence. Moreover, it has certain institutional attributes that resemble the internal institutions of a nation state but lacks the most elementary attribute of a state – an enforcement apparatus of its own. It is not surprising then that some view the EU as a *sui generis* phenomenon and a unique political experiment. For others, however, the EU may have certain unique attributes but it is, nonetheless, a functioning political system with a set of formal rules, a separation of powers among its institutions and what some see as an emerging bicameral legislature in the forming. Hix, one of the leading exponents of this latter view, has stated the dualism as follows:

18 *Fernando Mendez and Alexander H. Trechsel*

if the EU is a unique animal, it will be difficult to compare it to other creatures (and new theories will be needed to understand how it behaves). But, if it is only a strange variant of an already well understood species, it can be compared with other members of the species (and theories that explain how the species behaves will also apply to the EU).<sup>46</sup>

The key issue to underline here is that our empirical conception of the EU will affect our normative prescriptions – and, ultimately, our institutional visions. If the EU is but a strange or ‘sick’ variant of a well understood species we would profit from looking and perhaps even importing features of ‘healthier’ variants. This is the view of Hix, for whom the antidote is to introduce greater political competition. If, on the other hand, the EU is a new political species then we may need to envisage new conceptualisations of the member state/EU nexus and identify novel forms of horizontal linkages among EU actors including its citizens.

Let us now introduce the ICT and e-democratic element into this equation. It would seem that there is more scope for innovative e-democratic type experimentation if one favours the *sui generis* view. This is the institutional vision taken up by Schmitter, one of the leading proponents of this view, in Chapter 9. We will, therefore, focus on the first vision and try to imagine the e-democratic implications. For Hix<sup>47</sup> the solution lies in offering EU voters more choices. One of the missing ‘democratic’ components is the connection between EU level parties and voters, few of whom know of the existence of European level parties or their policy platforms. Furthermore, at no point do EU voters have the opportunity to choose between rival candidates for EU executive office or rival policy agendas, since the process of electing MEPs is not an electoral contest about the content or direction of EU policy but, instead, resembles mid-term judgements on the performance of incumbent national parties.<sup>48</sup> One of Hix’s proposed institutional reforms is to introduce electoral competition by allowing, for example, EU voters to choose the Commission president, either directly or indirectly.<sup>49</sup> Other scholars, such as Papadopoulos, favour the introduction of more direct democratic mechanisms for the EU.<sup>50</sup> Unlike Hix, who favours the strengthening of party competition, Papadopoulos draws on the Swiss case to argue for referendums and other direct democracy procedures, such as popular initiatives, for Europe-wide issues. Both these institutional visions stem from a similar ontological position concerning the reality of the EU political system and where to look for solutions to classic problems of legitimacy and accountability.

Though neither author mentions e-democratic tools explicitly, they could be relevant to the institutional visions of both. This does not in any way downplay the major obstacle of finding the necessary political will and consensus to institute such reforms. While Hix’s vision could be more easily implemented without recourse to e-voting or other e-democratic tools

(although we would argue that some of his ideas could certainly be facilitated by these), it is with regard to Papadopoulos' vision that e-democratic tools could be most useful and complementary. His institutional vision, if implemented, spans all the dimensions of e-democracy as we have presented it. A future in which pan-European popular initiatives and direct democratic votes are a prevalent feature of the EU political landscape is difficult to envisage without some corresponding increases in transparency (e.g. timely access to legislative proposals) and deliberation (e.g. a common public space for EU citizens to discuss the *same* issues). This institutional vision would certainly lend itself to the type of e-politicking that we have identified throughout this chapter.

In Chapter 9, Schmitter offers an institutional vision with features including novel democratic mechanisms for holding EU leaders accountable to their citizens. Schmitter focuses on what he refers to as 'e-politicking via ICT' and its potential for further democratisation of the EU. For him, ICT is such a powerful force that in the long term it will have to affect the practices and, eventually, the values of democracy in Europe at all its multiple levels. He begins by introducing some provisos that need to be addressed before an e-voting agenda can be properly advanced. These include progress on the resolution of security and digital divide issues as well as member state commitment to democratisation and some commonly agreed and coordinated rules for 'e-politicking'. With these in place, Schmitter identifies a series of e-politicking techniques including e-voting for elections and for referendums. The latter, he suggests, should be drafted by the European Parliament and need not be binding at an initial stage. E-vouchers, which could help to foster new public spaces by allowing European citizens to express their intensities about passions and interests, could also be introduced. Finally e-contacting, where citizens reveal their identities and are informed or notified if certain issues come up, represents another potentially rewarding ICT facilitated mechanism. In sum, Schmitter argues that as we enter a more overt phase of European political integration there may be a willingness to resort to novel democratic mechanisms and that the properties of ICTs make it especially appealing for the EU context and for overcoming problems of scale, distance and the diversity of languages and cultures. Moreover, by e-politicking via ICT the EU would identify itself as a modern, innovative and forward thinking polity.

In the final chapter, Ladeur adopts a more sociologically oriented perspective. Echoing Manuel Castells' theorisation of the network society,<sup>51</sup> Ladeur's emphasis is on discontinuity. For him, the sphere of politics will not be immune to the dramatic transformations that are occurring in the social and economic realms. To this end, his chapter identifies some of those transformative changes that are affecting the way society and the economy are organised as network structures increasingly replace hierarchies. He argues that the implications for politics and the way governments

20 *Fernando Mendez and Alexander H. Trechsel*

and citizens interact are equally profound. From Ladeur's perspective, introducing e-voting would constitute far more than the implementation of a new voting procedure. Instead, it could form an integral component of an instituted reform providing EU citizens with more strategic decision-making power. More flexible voting methods would allow voters to assign a more 'informative' and complex message to their vote enabling a more differentiated communication flow between political parties and voters. Such new flexible voting forms may generate a new interest in democratic participation, but also contribute towards the emergence of virtual constituencies as a result of the devaluation of the territorial attachment of citizens.

### **Instead of conclusions: some *amuses-bouche***

It would be *maladroit* for us to offer 'conclusions' before allowing the reader to savour the dishes our authors are about to offer. One certainly does not serve *le dessert* before *le plat principal*. Instead, the purpose of this introduction has been to describe what has whetted our appetites and provide a flavour of the intellectual offerings each of the contributors has brought to the table. We would not wish the reader, at this early stage, to lose their appetite and therefore prefer to offer, instead of conclusions, some modest *amuses-bouche*. Besides, a most welcome *digestif* is provided in the Epilogue by Stephen Coleman.

We would like to highlight two areas that we believe are especially pertinent for current debates, the *variability of e-voting arrangements* and the *supply and demand side* of the e-voting equation. With regard to the former, cross-national variations in e-voting arrangements across the EU are to be expected. There are many factors that could produce divergences not only in the perceived feasibility of implementing e-voting and the type of e-voting technique developed but also, crucially, in its political and social effects. Differences in existing constitutional and electoral law provisions, diverse political cultures and traditions of democracy, and varying degrees of willingness to experiment with complementary forms of e-politicking, are just a few examples of the factors that will impact on the type of e-voting arrangements that could emerge. This explains why analysts, including the contributors to this volume, disagree on the impact of e-voting, such as its likely effect on turnout. The problem is that e-voting in Democratic Primary elections in Arizona is not the same as e-voting in UK local elections, which, in turn, is not e-voting in Geneva local referendums and will certainly not be e-voting for European Parliamentary elections. Both the UK (May 2003 local elections) and the Geneva (Anières and Cologny referendums in 2003) e-voting trials were spectacularly uninspiring with regard to the possibilities for using the internet as a platform for promoting deliberative interactions among website visitors. This is particularly surprising for the canton of Geneva, which had tested its system

on a sample of internet users and found that a sizeable majority were in favour of more interactive elements.<sup>52</sup> Perhaps these rather unimaginative pilots are simply the product of the embryonic stage at which we find ourselves in connection with e-voting experimentation. The variability of solutions, multiplied by the variability of electoral, social, juridical, technological and political contexts leads to a very large number of possible outcomes, effects and developments. Any discussion about introducing e-voting for the European Parliamentary elections has to take this variable geometry into account.

Let us now underline the supply/demand side of the e-voting equation. As we have noted above e-voting pilots have been promoted in a top-down perspective. Public authorities, in close collaboration with private organisations, have supplied e-voting solutions in order to test the technological feasibility of the system and to measure e-voting's impact, especially on turnout. In addition, many governments have announced – rather prematurely, as it has turned out – their desire to implement e-voting for local, regional, national and EP elections.<sup>53</sup> There is a distinctive fad element to these hasty public announcements as governments strive to be seen at the vanguard of what Schmitter, in his chapter, refers to as 'politico-technological innovation'. Many of the governments that have promised to offer e-voting have very quickly realised the technical, logistical and political complexities that will need to be overcome and, in direct contrast to the very public displays with which the initiatives were announced, have quietly delayed the trials. The other side of the equation is, of course, the demand side. The big and rather elusive question is whether there is any popular demand for such e-techniques. Reliable data are hard to come by on this issue and what should be noted is that popular support for e-voting is not the same as demand. We can, however, look to the field of e-government in Europe. Some countries, such as Ireland and Finland, offer their citizens a wide array of possibilities for conducting online transactions with the state, despite the fact that only a minority of citizens use or even wish to be offered these solutions. In other countries, such as Belgium and the Netherlands, the situation is the exact inverse, where a popular demand exists that is above the EU average although the e-government offer is less developed than the EU average.<sup>54</sup> More prescriptively we would argue that the bottom-up demand aspects should be taken into account by the promoters of e-voting solutions. While it may be legitimate to offer new additional features in the absence of a strong demand, as the latter could self-generate once citizens are exposed to the measures, the inverse is sub-optimal. In contexts where a high demand for e-voting exists,<sup>55</sup> civic demand and the supply of policy outputs could, over time, be brought into congruence. As we have already noted above, this also applies to the refinement of e-voting systems, for example by providing more deliberation enhancing platforms when a demand for the latter can be clearly registered.

22 *Fernando Mendez and Alexander H. Trechsel*

This book is about one of the latest changes in the ‘technology of democracy’ and how it may impact on one of the core mechanisms of democratic participation: voting. The idea of injecting a novel element into the process of election has predictably spawned controversies and speculations about the future of democracy. Positions have been taken and, as we have argued above, major fault lines have emerged. But this book has attempted to go further by expressly drawing attention to an EU dimension. To date, however, European citizens have not been offered the means for casting their vote in European Parliamentary elections via the internet. Indeed, for most observers the topic of e-voting and the EU is, in fact, a *non-sujet*. In this book, and this introductory chapter in particular, we have argued to the contrary and, whether member states knowingly intend it or not, e-voting is an issue likely to generate political attention at multiple levels of EU governance, from the local to the regional and from the national to the supranational. But, perhaps more importantly, the subject of e-voting has raised issues that go to the very core of contemporary governance and brought to our attention questions of democratic theory and legal scholarship as well as the social dimension to technological risk and the potential institutional impacts of political experimentation via ICT. How long e-voting for European Parliamentary elections will remain in the hypothetical realm only the future will tell us. It is plausible that in 2009, the next scheduled meeting of the European electorate, some voters will be able to cast their vote over the internet. However, it is just as plausible that this will not be the case. The goal of this volume is simply to prepare us for the journey by bringing together a number of authors who have thought about this journey very carefully by reflecting upon previous experiences. Undoubtedly, they have raised more questions than answers but then this is an inevitable, although not regretful, consequence of the multifaceted subject they are addressing.

**Notes**

- 1 Throughout this chapter we will use the term e-voting to refer to all forms of remote voting over the internet. Chapter 2 by Gibson addresses in greater detail all the major issues related to the definition of e-voting and its different forms.
- 2 See Norris, P. ‘E-voting as the Magic Ballot? The impact of internet voting on turnout in European Parliamentary elections’, paper presented at the conference on E-voting and the European Parliamentary elections, European University Institute Florence, May 2002.
- 3 Moravcsik, A. (2002) ‘In defence of the “Democratic Deficit”: reassessing legitimacy in the European Union’, *Journal of Common Market Studies*, 40 (4): 603–24.
- 4 See the Press Release of the Transnational Radical Party, the sponsors of the initiative. Available at: [www.coranet.radicalparty.org/pressreleases/press\\_release.php?func=detail&par=1634](http://www.coranet.radicalparty.org/pressreleases/press_release.php?func=detail&par=1634).
- 5 See the UK’s Electoral Commission’s Recommendation, December 2003, for the electoral pilots at the June 2004 elections. Available at: [www.electoralcommission.gov.uk](http://www.electoralcommission.gov.uk).

- 6 For a similar argument see Coleman, S. (2002) *Elections in the 21st Century: From Paper Ballot to e-Voting*, London: Electoral Reform Society. Available at: [www.electoral-reform.org.uk/publications/books/exec.pdf](http://www.electoral-reform.org.uk/publications/books/exec.pdf).
- 7 See Press Release of the Transnational Radical Party, op. cit.
- 8 We owe to Philippe Schmitter this insight concerning the notion of 'Information Rights' and its link to T.H. Marshall. Marshall laid out the three elements for developing what he described as full citizenship. These were civil rights (individual liberty, freedom, right to free speech, and the right to own property), political rights (the right to participate in the political process) and social rights (a degree of economic and welfare security based on 'prevailing' living standards). See Marshall, T.H. (1965) *Class, Citizenship, and Social Development*, Cambridge: Cambridge University Press.
- 9 See Bobbio, N. (1987) *The Future of Democracy. A Defence of the Rule of the Games*, Minneapolis: University of Minnesota Press.
- 10 See Whale, J. (2000) *Edmund Burke's Reflections on the Revolution in France*, Manchester: Manchester University Press.
- 11 Dahl, R.A. (1956) *A Preface to Democratic Theory*, Chicago: Chicago University Press.
- 12 See Schumpeter, J.A. (1976) *Capitalism, Socialism and Democracy*, London: Allen and Unwin (5th edn).
- 13 Sartori, G. (1973) *Democratic Theory*, Westport: Greenwood Press.
- 14 Barber, B. (1984) *Strong Democracy. Participatory Politics for a New Age*, Berkeley, Los Angeles and London: University of California Press.
- 15 Budge, I. (1996) *The New Challenge of Direct Democracy*, Cambridge: Polity Press.
- 16 Kriesi, H. (1998) *Le système politique Suisse*, Paris: Economica (2nd edn).
- 17 Elster, Jon (ed.) (1998) *Deliberative Democracy*, Cambridge: Cambridge University Press.
- 18 Fishkin, J. (1991) *Deliberation and Democracy. New Directions for Democratic Reform*, New Haven and London: Yale University Press.
- 19 Habermas, J. (1992) *Faktizität und Geltung: Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*, Frankfurt am Main: Suhrkamp.
- 20 See, for instance, Nixon, P. and Johansson, H. (1999) 'Transparency through technology: the internet and political parties', in B.N. Hague and B.D. Loader (eds) *Digital Democracy*, London: Routledge; Davis, R. (1999) *The Web of Politics*, Oxford: Oxford University Press; Wilhelm, A.G. (2000) *Democracy in the Digital Age: Challenges to Political Life in Cyberspace*. New York: Routledge; Coleman, S. and John, G. (2001) *Bowling Together: Online Public Engagement in Policy Deliberation*. Available at [www.bowlingtogether.net/about.html](http://www.bowlingtogether.net/about.html).
- 21 See Trechsel, A., Kies, R., Mendez, F. and Schmitter, P. (2003) 'Evaluation of the use of new technologies in order to facilitate democracy in Europe: E-democratizing the parliaments and parties in Europe', European Parliament, STOA (Scientific and Technological Option Assessment) Report, Directorate-General for Research.
- 22 See Trechsel, A. *et al.*, op. cit.
- 23 For a useful critical overview of the White Paper see Scharpf, F. (2001) 'European governance: common concern vs the challenge of diversity', *Jean Monet Working Papers*. No. 6/01 Symposium: The Commission White Paper on Governance. Available at [www.jeanmonnetprogram.org/papers/01/010701.html](http://www.jeanmonnetprogram.org/papers/01/010701.html).
- 24 The Laeken Declaration is available at [www.euconvention.be/static/LaekenDeclaration.asp](http://www.euconvention.be/static/LaekenDeclaration.asp).
- 25 See the Futurum website [www.europa.eu.int/futurum/index\\_en.htm](http://www.europa.eu.int/futurum/index_en.htm).
- 26 See Trechsel, A. *et al.*, op. cit.
- 27 See Coleman, S. (2002) op. cit.

24 *Fernando Mendez and Alexander H. Trechsel*

- 28 Marquand, D. (1979) *Parliament for Europe*, London: Jonathan Cape.
- 29 Mény, Y. (2003) 'De la démocratie en Europe: old concepts and new challenges', *Journal of Common Market Studies*, 41 (1).
- 30 Zweifel, T. (2002) '... Who is without sin cast the first stone: the EU's democratic deficit in comparison', *Journal of European Public Policy* 9 (6).
- 31 See Mény, op. cit., p. 9.
- 32 See Moravcsik, A., op. cit.
- 33 See Chapter 9 by Schmitter.
- 34 See Norris, P. (2002) op. cit.
- 35 On the issue of trust and the state see in particular Giddens, A. (1990) *The Consequences of Modernity*, Stanford: Stanford University Press.
- 36 Nonetheless, according to the study by Trechsel *et al.* (2003) op. cit., the European Parliament has one of the highest scores in terms of the e-democratic potential of its parliamentary website.
- 37 For further information on the eEurope action plan see the Commission's website at [www.europa.eu.int/information\\_society/eeurope/2005/index\\_en.htm](http://www.europa.eu.int/information_society/eeurope/2005/index_en.htm).
- 38 For ongoing works on the topic of e-voting within the Council of Europe see the relevant integrated project 'Making democratic institutions work' at [www.coe.int/t/e/Integrated\\_Projects/democracy/](http://www.coe.int/t/e/Integrated_Projects/democracy/).
- 39 Birch, S. and Watt, B. (2004) 'Remote electronic voting: free, fair and secret?', *Political Quarterly* 75 (1).
- 40 See pp. 5–6 of the report by the UK Department of Constitutional Affairs on the implementation of e-voting. Available at: [www.dca.gov.uk/elections/e-voting/pdf/e-summary.pdf](http://www.dca.gov.uk/elections/e-voting/pdf/e-summary.pdf).
- 41 See, for instance, Internet Policy Institute (2001) *Report of the National Workshop on Internet Voting*. Available at: [www.nsf.gov](http://www.nsf.gov); Public Administration Select Committee (2001) *First Report 2001–2002*, London: HMSO; see California Internet Voting Task Force (2000) *A Report on the Feasibility of Internet Voting*. Available at: [www.ss.ca.gov](http://www.ss.ca.gov).
- 42 See p. 7 of the Serve Study by Jefferson, D., Aviel, R., Simons, B. and Wagner, D. (2004) *A Security Analysis of the Secure Electronic Registration and Voting Experiment (SERVE)*. Available at: [www.servesecurityreport.org/paper.pdf](http://www.servesecurityreport.org/paper.pdf).
- 43 Dahl, R. (1991) *Democracy and its Critics*, New Haven and London: Yale University Press.
- 44 See Beck, U. (1986) *Risikogesellschaft. Auf dem Weg in eine andere Moderne*, Frankfurt am Main: Suhrkamp.
- 45 See the report, US Whitehouse (2003) *National Strategy to Secure Cyberspace*. Available at: [www.whitehouse.gov/pcipb/cyberspace\\_strategy.pdf](http://www.whitehouse.gov/pcipb/cyberspace_strategy.pdf).
- 46 Hix, S. (1998) 'The Study of the EU II: the new governance agenda and its rival', *Journal of European Public Policy*, 5 (1).
- 47 For an extended and cogent discussion see Hix, S. (1999) *The Political System of the European Union*, Basingstoke: Macmillan.
- 48 See Hix, S. (2002) 'Why the EU should have a single president and how she should be elected', paper for the Working Group on Democracy in the EU for the British Cabinet Office. Available at: [www.personal.lse.ac.uk/HIX/Working%20Papers/Why%20the%20EU%20Should%20Have%20a%20Single%20President.pdf](http://www.personal.lse.ac.uk/HIX/Working%20Papers/Why%20the%20EU%20Should%20Have%20a%20Single%20President.pdf).
- 49 See Hix, S. (2002) op. cit.
- 50 See Papadopoulos, Y. 'Democratising the European Union à la Suisse, or is the addition of some (semi) direct democracy to the nascent consociational European federation just Swiss folklore?', paper presented at the conference Towards a federal Europe?, European University Institute, Florence, June 2003. See also

*Upgrading Euro-elections* 25

- Papadopoulos, Y. (2003) 'Cooperative forms of governance: problems of democratic accountability in complex environments', *European Journal of Political Research*, 42 (4): 473–502.
- 51 Castells, M. (1996) *The Rise of the Network Society*, Cambridge: Blackwell Publishers.
- 52 The canton of Geneva tested its system on 449 internet users with the right to vote, a sizeable majority of whom were in favour of linking the e-voting platform to more political parties and public authorities via hyperlinks and in favour of hosting online forums on the official web site. See Christin, Th. and Müller, R. (2002) *Analyse quantitative du test Alpha Ter: Evaluation par questionnaire du système de vote par internet*, Geneva: c2d, University of Geneva. Available at: [www.ge.ch/chancellerie/E-Government/doc/rapport\\_alphater\\_evoting.pdf](http://www.ge.ch/chancellerie/E-Government/doc/rapport_alphater_evoting.pdf).
- 53 A good example is the Estonian government's announcement, in 2002, to e-enable the 2003 General Elections. However, this project remained *lettre morte*.
- 54 See Trechsel, A. (2003) 'Perspektiven zur e-democracy in der EU', in H. Muralt-Müller, A. Auer and Th. Koller (eds) *E-voting*, Bern: Stämpfli, pp. 374 ff.
- 55 Such a demand could be gauged, for example, in a survey in the canton of Geneva. See Kies, R. and Trechsel, A.H. (2001) 'Le contexte socio-politique', in A. Auer and A.H. Trechsel (eds) *Voter par internet? Le projet e-voting dans le canton de Genève dans une perspective socio-politique et juridique*, Geneva, Basle, Munich: Helbing & Lichtenhahn. Available at: [www.ge.ch/chancellerie/e-government/doc/Voter\\_par\\_Internet.pdf](http://www.ge.ch/chancellerie/e-government/doc/Voter_par_Internet.pdf).