



Response to “In the Service of Democracy: a consultation paper on a policy for electronic democracy”

Introduction

EURIM is an all-party parliament industry group concerned with the politics of the Information Society. It has over a hundred parliamentary members (including Ministers and Front Bench Spokesmen) and over seventy corporate and associate members as well as over a hundred observers from Government Departments and the Public Sector. EURIM has conducted two studies on consultation mechanisms and found consensus on the need to greatly improve consultation processes with regard to the formation and implementation of UK and EU policy at every level. It has not studied the issues of electronic voting but discussion of these in other contexts (e.g. personal identity and the authentication of transactions with government) has revealed a range of views ranging from enthusiasm, provided the known problems can be overcome, to deep scepticism.

Improving the Quality of Consultation

The forward by the Leader of the House of Commons states that the primary concern of the consultation is “with the democratic dimension, rather than the *e* in *e-democracy*. Unfortunately much of the subsequent paper is taken up with the *e* rather than the need to improve democratic participation (both quality and quantity) whether by electronic means or otherwise.

The agreement within EURIM on the need to improve participation and lack of agreement on electronic voting appears to reflect the current state of informed debate. It therefore appears to be a good policy to separate the use of on-line media to improve consultation processes from the issues of electronic voting.

Some EURIM members have extensive experience with organising, and/or responding to, on-line consultations. Their views on the value of on-line discussions, as opposed to the value of using on-line media to promote more informed discussion in conventional forums, are mixed. The main technology specific recommendations on which there was consensus with EURIM (see appendices) were on the need to widely publicise the electronic availability of consultation papers and relevant background material, via a common, well-promoted, user-friendly, interface. There was also a need to similarly publicise the outcome of consultations, including the effect of the responses on that outcome.

EURIM welcomed the policy of those departments which place responses on their websites, using an agreed anonymous version if required. A number of EURIM members have been involved in consultations where some of the key submissions would not have been made without guarantees of anonymity. The most common reason was fear of reprisal against those who had good reason to be afraid. The use of the Internet to enable such individuals, or their support groups, to submit evidence without others being aware that they had done so can be invaluable provided that the provenance of those submitting is also known, but not publicised.

The resource implications of openness and responsiveness are non-trivial. The recent on-line consultation organised by the Hansard Society on the Communications Bill has been regarded as a success but those responsible were barely able to handle the 500 short submissions received. For comparison there were over 3,500 responses to the White Paper which preceded the Draft Bill (over 3,000 from members of one pressure group alone). Some years ago one EURIM Parliamentary

member received over 30,000 e-mails on a single well-publicised issue. Today the volumes might be very much higher.

The concept of an e-democracy charter is interesting but needs to be put into the context of the Fifth Report of the Select Committee on Public Administration: "Mapping the Quango State". The growing use of framework legislation and devolution of powers to un-elected bodies (including industry regulators) entails a need to review approaches to consultation at all levels, not just for primary and secondary legislation and local government. Only 3% of Non-Governmental Bodies are required to consult the public although another 11% do so (Para 38). The e component should be only part of a *democracy* charter for all organisations with devolved legislative or statutory powers:

The recommendations in EURIM [Briefing 30](#), "Making a Reality of Consultation" were:

- Open, public and published consultation processes should be mandatory for all organisations with powers devolved from Parliament or other directly elected assemblies.
- The current Cabinet Office guidance, identifying which proposals and decisions should be subject to consultation, should be strengthened and extended and be monitored by the Select Committee on Public Administration.
- All consultation exercises and their results should be made available to the relevant Select Committee and other elected representatives (MPs, MSPs, Councillors etc).
- Select Committees might also wish to consider taking active oversight of specific consultation exercises.
- There should be easy access to all documents via the *UK online* website (and avoiding the use of lengthy URLs). Their existence should be drawn to the attention of all interested groups and individuals as well as through the press. Publicity should also be given to the outcome of consultations, including the effect of the responses on that outcome.
- Consultation documents should be drafted in plain language and be candid about the objectives of the exercise. They should state clearly whether the consultation is about ends or means. Wherever possible the focus should be on ends.
- Consultation costs should be fully budgeted for any policy initiative and take into account the risk that not consulting effectively may lead to wasted spend and ineffective or counter-productive policy. Thought should also be given to the costs incurred by those who respond.
- Departments should be encouraged to share consultations and results. Wherever practicable they should co-ordinate plans for consultation exercises to minimise the burden on respondents.
- All departments and agencies should produce annual forecasts of the consultation exercises they expect to carry out (including estimated timetables) so those likely to be affected can plan the work needed to provide an effective response. Only in exceptional circumstances should consultations be carried out if they are not on the list.

The measure of success is not the number of electronic submissions but the enhanced public support for the more effective and efficient policies which should result from using the results of improved consultation (not just electronic) to improve the quality of decision and implementation at all levels - including the 85% of Non Departmental Government Bodies which do not currently consult on the exercise of their devolved powers.

There are also issues for Parliament itself. Earlier this year EURIM recommended that the Joint Scrutiny Committee on the Communications Bill make all evidence submitted to the Committee and the parallel Departmental Consultations (save where confidentiality was requested by those submitting) available on-line as soon as it was received - so as to stimulate debate. The on-line consultation organised by the Hansard Society was a success, although there are some practical lessons to be learned.

The failure to make all evidence available is said to have been because of procedural rather than technical issues. If so, there is a need for debate on whether these are still valid. There is also a need to discuss the case for enabling the on-line discussion of proposed amendments at committee stage so that potential problems can again be picked up early, ideally before positions become entrenched.

E-Voting

A number of EURIM members had experience of electronic voting systems (including as election monitors in other parts of the world) before the UK pilots. Unsupervised electronic voting (e.g. from home over the Internet) may be no more open to abuse than postal voting but the known problems are such that none of the EURIM members with practical experience remains other than cautious.

There is support for making it more convenient to vote by allowing voters to do so at any polling station, via mobile polling booths or via supervised kiosks in public places (e.g. Post Offices or Supermarkets). The key issue is that of supervision to ensure that the vote is indeed private and not observed, recorded or monitored, let alone dictated, by anyone else - whether a member of family, nursing home staff or anyone else. None of the current technology proposals for remote voting appears to adequately address this issue.

There also appears to be strong support in principle for the on-line updating of the electoral register as part of a new generation of one-stop-shop systems for those moving home and for regular validation against other files (including those of the main credit reference agencies) to reduce known inaccuracies and abuses - some long standing. It has been said that the very low turn-outs in some inner city wards are more a reflection of the scale of inaccuracies in areas with transient populations or high resident turnover than of the apathy of those currently resident.

In general there is a concern that the uncritical adoption of Internet voting and mass roll-out of postal voting will serve to bring the electoral system into disrepute and further damage, rather than enhance, democratic participation.

Conclusion

EURIM members appear to be strongly supportive of the use of the Internet to help promote more effective consultation (both on-line and off-line) and divided regarding the promotion of electronic voting.