

Electoral Reform Brief

Specifically Online Voting & Mandatory Voting

Submitted by Adrian Hodgson, CPA, CA

Summary

Online Voting

It would be ideal if the government took this opportunity to integrate the Electoral system with a new nationalized government login system, allowing different departments of the government to integrate better with the users as well as improving ease of access for citizens.

There is no point in creating a system just for voting; instead creating an engagement tool would be a more effective use of resources. Many different elements are needed to make it useful and worthwhile, while considering the cost that it would take to implement. These could include;

- Secure access;
- Audit verifiability;
- Automatic updates for addresses;
- Ability to contact elected officials;
- Ability to have elected officials blindly contact constituents;
- Ability to provide input to elected officials in an easy to use data format;
- Federal, provincial, municipal governments should all be able to use this tool;
- Extremely clear and punitive mandate for misuse by elected officials;
- Online voting should be opened from advance polls to closing on E-Day.

Implementation of this system should not be done by the lowest bidder and should have a target date of December 31, 2017. This allows time to work out some issues, while using provincial or municipal elections to stress test the system.

Mandatory Voting

Although the concept of mandatory voting is appealing, and there has been some success with it in certain circumstances, forcing people to exercise a right is essentially taking away that right. I would prefer an approach that incentivises people to exercise this right initially. If this does not work to increase the turnout then a punitive measure could be implemented. Decreased tax rate or refunds of carbon tax could be an incentive. An increase in tax rate could be a punitive measure for those who have not voted in consecutive elections.

Other

- Discussion about Australian wildlife and their rule making abilities
- Full Disclosure that I was an Official Agent in the 2015 election

Online Voting

After participating in this past election, as both a volunteer and voter, I could conclude that voting in person is painful.

As I stood around scrutinizing the election system we had, I still could not believe that in 2015 we still did not have the option to vote online.

At this point, I will make the assumption that the committee will propose that an online voting system is to be implemented with the electoral reform. I wholly agree with this conclusion - this portion of the brief will deal with how best to integrate and structure the system. Since October 2015, I have pondered this on a fairly regular basis.

Government Login

The first step for the new system is to think big, while this committee would be only suggesting a system for electoral reform, I believe it would be best to have this system be able to be integrated with other government services. This would be best accomplished by having a federal government website login that could then be connected with other departments in both the federal and provincial levels. Departments such as Canada Revenue Agency, Student Loans, Employment Insurance, Aboriginal and Northern Development Canada, and other agencies would help Canadians in general have better access and reduce the costs associated with these departments. Additionally the potential to reduce fraud within these departments with this type of integration, due to the inability for someone to apply for government programs in multiple provinces.

Electoral Voting System

Specifically for the Electoral system, the best design would be one that has the following elements:

Secure Access

The system must be secure to ensure that malicious attacks do not compromise the integrity of the voting process. The main concern of many persons with regards to online voting relates to the possibility that a technology savvy groups or individual with desires to see a specific result would be able to manipulate the system through a bug or virus, compromising the whole electoral process.

While the risk of this possibility cannot be fully eliminated, the risk can be mitigated to an acceptable level. Best practices and industry standards could be adopted from major financial institutions and the Canada Revenue Agency (CRA), specifically relating to their online access procedures.

Additionally, to prevent multiple accounts from being created and resulting in fraudulent votes, each account should be easy to sign up, but before any voting occurs, the account should be verified. This can be done by linking a cell phone number to the account, similar to how Google and other large companies require this to create new email accounts. To address the proportion of people who do not have cell phones, alternate mail verification could be used. CRA follows this when signing up for their *My Account* or *Represent a Client* services.

The system must also be secured from internal abuse. This specifically relates to the elected officials who have access to such a system. I state below that this system should be used by elected officials to help reach their constituencies, and in turn be reached by the people. It would be a huge slap in the face if there was a way for these elected officials to use this system to obtain emails, names, addresses or even worse data on how they vote or their political affiliations. The main issue is ensuring elected officials do not have information, or an ease of access to their constituents, that their opponents would not have.

Verifiable

With the current paper voting process, each party is allowed to scrutinize the process and ensure that there is no manipulation of the vote through physical inspections at voting stations. This is not possible to do with electronic voting, which causes a concern and question. If the voting is to be completely confidential, a process must be in place to check whether voter A's vote really went to party X without asking voter A who they voted for. Under a normal audit circumstance, you would take a sample of votes and voters and trace both ways to ensure the system is working as it should. This becomes a serious problem when the auditor is not allowed to know who voted for whom.

Possible solutions to this issue;

- Issue a PDF/Printable receipt after the vote is cast that is serialized and that can be email/mailed in for those who wish to keep their vote secret. This will allow them the option to ensure that their vote is counted. The auditor then can trace the paper serialized number to the electronic submission.
- Allow the voter the option, at the time of voting, to waive their right to a secret ballot for audit purposes. Personally, I would have no issue with an auditor contacting me to verify the process if they were held under a non-disclosure agreement. However, this could result in possible fraudulent phone calls, much like the CRA must deal with on a regular basis.

Automatically updates your riding/other political zones

Another functionality of the online system would be that the voter registry remains fairly up to date - preventing a significant amount of issues with regards to wrong addresses, which was a huge issue during voting, and a commonly cited reason it takes so long to vote. Also the system using your postal code could automatically assign you to your correct riding, district or other political zone. As a voter, it improves your ability to contact the correct elected official.

An option is to have cell phones link to the Electoral Account and use their postal codes to update to the website once a week, month or quarterly whichever would be most efficient. This would require the cooperation with cell phone providers (I assume) to be processed. The other option would be to have the ability to update it yourself in your account settings, but this could result in a significant amount of incorrect allocations to ridings. This data could be corrected annually with the information provided from tax filings.

Engagement Tool

This system should be the main avenue to engage elected officials during the other 1,460 non-election days, and allow them to blind contact their constituencies. The tool should have the ability for the voter to contact their elected official; without disclosing their email address or other aspects that could be data mined for political purposes later on.

There should be a critically clear set of rules relating to the use of this tool to contact their constituencies. The lack of clarity in these rules could result in the misuse of the tool for non-engagement purposes, such as political fundraising, voter identification, or other purposes.

To deter any negligence, a significant penalty should be applied to anyone found using the engagement tool for non-engagement purposes. For example, a financial penalty could be a portion or all donations to their Electoral District Association or their campaign (for a set time period prior to and following the misuse) be forfeited to Elections Canada as ineligible donations.

Terms and conditions for this tool should be placed on the website, and should be required to be read by both the voter, so they know to report any misuse, and by the elected official. I would recommend that the elected official need to agree to it every time they sign in, but the voter only agrees when they sign up.

The tool should inactivate the ability to contact constituencies once the writ drops or once an election is called for provincial/municipal. Additionally, any emails sent out by other users within an election period would be reviewed by Elections Canada to ensure that MP A is not sending emails about supporting MLA B whose ridings overlap significantly.

The tool should also have a significant use for the elected officials beyond being able to contact their constituencies. The tool could be updated on a national level for legislation that is being voted upon federally and provincially, with links to the supporting documentation. Voters could then vote through their accounts on what they believe is the correct course of action. This would give the elected official accurate data of what percent of voters voted through the website and how they voted. The elected official would not be bound to this vote and could also indicate the way they intend to vote. It would also be interesting if this system was also used by the government in how they vote for legislation. This could then integrate easily with the system to publish their vote to their constituents.

Email blasts from the system would be useful if they could be set to legislation that the voter can personally identify as significant to them. For example, I would want an email for any legislation

that would have an effect on technology, but I would not want to have emails sent to me about zoning regulations for my municipality. This would ensure that the voter is only sent information that is relevant – increasing political engagement.

Implementation

The above denotes the reasons and benefits of such a tool - however, implementation is a distinctly separate challenge.

I have worked with many different government departments, but I have found one commonality across the board. When a contract is being posted for private industry, it is almost always the lowest bid that is accepted. This could definitely be a skewed view, however, I would highly recommend that you do not choose the cheapest way to implement this. Emphasis should be placed on ensuring the integrity of the system, with a minimal amount of bugs, and with enough time to stress test the system.

I recommend implementation sooner, rather than later. As I have suggested above, this system could be used significantly more than just a vote once every four years. If this system was implemented by December 31, 2017, this would give almost two years of the system running before a federal election. This would hopefully result in a significant amount of the bugs being fixed, and allow for stress testing with provincial and municipal elections before the federal election.

If this system is implemented quickly before an election, with less than a year and no stress testing from other smaller elections, it will be disastrous. The best industry to look at for this would be the video game industry. Many games come out and the servers are unable to handle the stress of hundreds of thousands or millions of people logging on at the same time. The servers crash and it takes days or weeks to correct.

To prevent this outcome, I would recommend that the voting system allow people to vote at any time between the first advance polls and the close of the polls on Election Day. This will not eliminate all the server-side stress on E-Day, but will help reduce it.

Mandatory Voting

The idea of mandatory voting has been implemented with fairly positive results in places such as Australia. However, there have also been places where it has been implemented and the electoral system becomes more of a joke, this was best summed up by John Oliver of Last Week Tonight here; <https://youtu.be/-n6hvPP06Rs>

As he states, when you force people to do something, they resent it. This is obviously not the intention of the mandatory voting. If the need to get voters to turn out at a higher percentage is a major objective of the committee, the two different approaches can be summed at as the carrot or stick approaches.

Stick Approach

The stick approach makes it obligatory to vote through legislation, and penalizes those who do not abide, essentially taking away the right to vote and replacing it with the requirement to vote. Although this is intended to ensure that the government represents the people in the best possible way, it is still forcing people to do something that in its current state can be difficult to achieve.

Possible penalties could include a fine, jail time, a reduction of benefits received from government programs, banishment, or an increased tax burden. The most likely being a fine.

The system would also need to recognize the ability to abstain from voting as a legitimate option to avoid the stick.

I recommend that the stick approach is not implemented at this time due to the difficulties with the current voting system. However, I would recommend that the stick approach is re-examined in a decade or two, once the new system has been implemented and the voter turnout for the new system can be assessed. I also believe that the stick approach should not be implemented without an online voting system.

Carrot Approach

With the carrot approach, incentives are given to encourage participation in the voting process. This incentive would need to be enough to entice voters to take the time to vote, but not enough to damage the electoral system or be too costly.

Possible incentives could include the ability to vote on legislation through the engagement tool, a refundable tax credit, a small reduction of your tax rate, or a partial refund in the carbon tax.

Although this is not mandatory voting, this would incentivise people to vote, which would hopefully have the same effect as making it mandatory to vote. Additionally, if the systems were integrated, the CRA could determine if you voted and apply any tax related benefits directly to your filing, rather than requiring voter disclosure on the return.

I recommend that the carrot approach is used initially to increase voter turnout. A possible stick clause could be that if you do not vote in two consecutive elections, either provincially or federally, you will have your tax rate increased slightly for the corresponding jurisdiction.

Other Comments

The composition of the subcommittee is concerning to me. As I have worked with different parties on federal and provincial levels, I have noticed one thing that is consistent regardless of the party, is that the party comes first. This is concerning as it feels that the parties are being represented but the people are not. I am happy to see that efforts have been made to ensure that all the parties are represented, and as I have never met any of the members, I would like to believe that all members are thinking of the people first rather than the party first.

The analogy may seem harsh, but this almost feels like five different packs of dingo making a suggestion on the best rules for babysitting.

The main reason I have these doubts are due to the Elections Act of Canada. The Act makes it nearly impossible for anyone to be elected that is not part of a political party, and if you want to be nominated by a political party you need to do as the national party's agenda says. The issue with this is that your constituency may want you to vote against the party in a specific circumstance. When push comes to shove where is the loyalty going to go, to the party or to the people?

Full Disclosure

Although it is likely this will not affect how this brief are read, I feel it necessary to disclose that in the most recent election I served as an Official Agent for a candidate from the Conservative Party of Canada who was subsequently elected as MP. Although I held this position, I do not believe it affects any details or opinions within this brief. Regardless, I did want to ensure that this was disclosed to avoid any appearance of bias or favoritism to a specific party's agenda.