Advancing Democratic Participation in the EU: Exploring Innovative tool of e-voting and Case studies.

ABSTRACT

Amidst evolving political landscapes and challenges to liberal democracies, there is a pressing need to reevaluate mechanisms for citizen engagement within the European Union. As the upcoming European parliamentary elections loom, there is a growing consensus on the necessity for the EU to directly engage with European public opinion, revitalizing the connection between citizens and EU institutions. This paper reports recent proposals examined by the European institutions and its Member States that involve the use of electronic voting and ICT tools for the elections, analysing their benefits, limitations, and challenges. Drawing upon the experiences of countries like Estonia where e-voting has been successfully implemented, this article argues for the adoption of e-voting as a means to enhance accessibility and turnout while maintaining trust in the electoral process. By exploring the potential benefits and challenges of e-voting, this article provides insights into how Italy can overcome barriers to political participation and uphold its constitutional mandate to remove socio-economic obstacles to voting.

Key words: EP elections, European identity, citizens' engagement, Estonia e-voting, Italian case.

Introduction

Peter Mair, a prominent figure in political science renowned for his exploration of profound inquiries regarding the efficacy of our political institutions, posits the concept of the "hollowing of western democracy"(Mair, 2013). This concept revolves around the observed decline in popular political participation across established democracies in Europe. Mair's critical examination focuses on political parties, traditionally regarded as crucial vehicles for societal interests, citizen organization, and governance. His central argument contends that although parties persist, they have become increasingly detached from broader society and engage in a competition devoid of substantive meaning, thus jeopardizing the sustainability of democracy in its current form.

Acknowledging the indispensable role of political parties within the representative democratic model, this discourse underscores the need for innovative approaches to fortify democracy in Europe and foster greater public engagement. It emphasizes the importance of transitioning from the longstanding debate on the democratic deficit towards more pertinent considerations such as leveraging new technologies and evolving public diplomacy strategies. By prioritizing the cultivation of "healthy" parties with enduring policy agendas, the aim is to enhance their electoral prospects while revitalizing democratic participation.

Crucially, the discourse seeks to differentiate between the concept of indifference towards conventional politics and a broader indifference towards democracy itself (Mair, 2013). It recognizes that while citizens may disengage from mainstream political processes, there exists a parallel realm of "sub-politics" where alternative forms of engagement can flourish. Some authors suggested that "what is changing about politics is not a decline in citizen engagement, but a shift away from old forms that is complemented by new forms of political interest and engagement (..) and that civic culture has taken new identities" (Bennett, 1998:744). This perspective aligns with observations that contemporary societal transformations, compounded by economic crises, have reshaped political landscapes both at the national and European levels (Kriesi et al, 2019).

Furthermore, the discourse highlights the inadequacy of current European institutions in fostering a robust European public opinion and facilitating continent-wide discourse. This is exemplified by the declining turnout in European Parliament elections despite the institution's expanded powers, with the notable exception of the 2019 elections (see Figure 1). This trend underscores the pressing need to bridge the gap between Europe and its citizens, advocating for enhanced democratic mechanisms that better reflect and respond to European citizens' opinions and needs.

Figure 1. Voter turnout in the European Parliament Elections from 1979 to 2019[1].
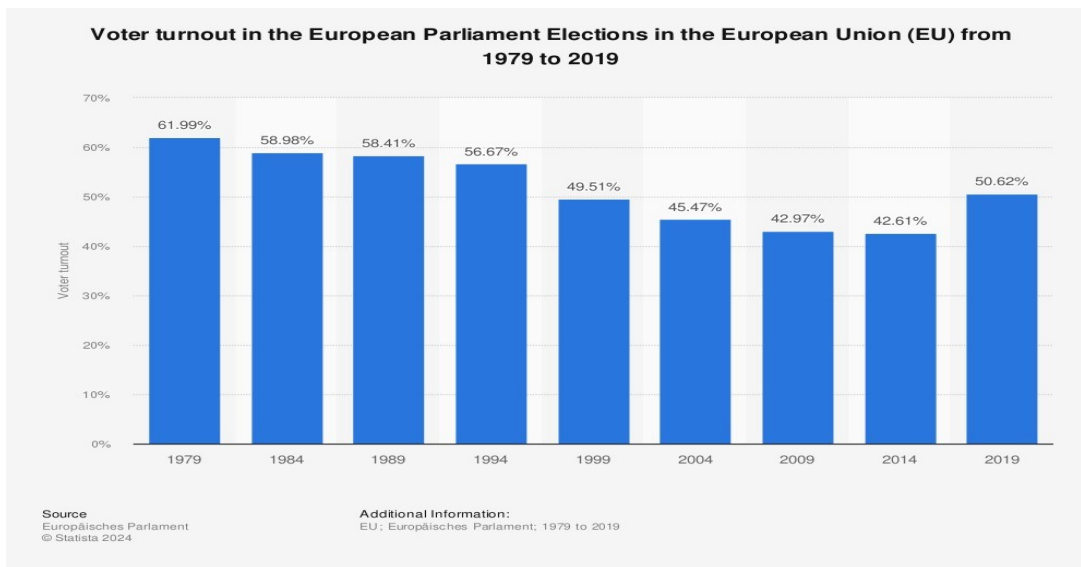
2024 European Parliamentary elections: increase voter turnout with new voting tools.

The proper functioning of a democracy, the citizens' trust in democratic institutions, and the genuine representativeness of these institutions primarily depend on citizen participation in elections and referenda. A system is democratic if public decisions (laws, decrees, and other measures) are made directly by citizens (in referenda) or by individuals chosen through free voting to represent them. Therefore, participation is not only a democratic value to be upheld but also a practical mechanism for the effective functioning of democracy. Institutions are supported and respected by citizens who believe in them and can identify with them, largely because they have contributed to shaping them, directly or indirectly. The 2024 European Parliament election is scheduled to be held from 6 to 9 June. It will be the 10th parliamentary election since the first direct elections in 1979, and the first since the departure of the United Kingdom from the European Union. It arrives at a time when, more than ever, the strength of democratic systems operating in Europe is being called into question, and solutions are urgently sought.

In June, Europeans will elect their Parliament through 27 different electoral systems. Amidst the vibrant political campaigns, these systems will play a crucial role in ensuring free and fair elections. Voting is mandatory in five Member States—Belgium, Bulgaria, Luxembourg, Cyprus, and Greece.

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[1] Source: https://results.elections.europa.eu/en/turnout/0017.png

Thirteen out of the 27 EU countries offer the option to vote by post, while only three countries—Belgium, France, and the Netherlands—permit voting by proxy, where someone else votes on your behalf. Nearly half of the EU countries allow voting from abroad at embassies or consulates. Notably, only one country permits e-voting, which involves the use of electronic means for both casting and counting votes. This includes e-voting machines at polling stations, optical scanners for registering and counting paper ballots, and remote e-voting via the internet.

The rationale for internet voting is straightforward: anyone with a computer and an internet connection can vote at their convenience. This method is particularly promising for engaging young voters and is also beneficial for citizens living, working, or stationed abroad, as well as those in remote locations. However, for internet voting, or any alternative voting methods like early or absentee voting, to be successful in any electoral jurisdiction, it requires a supportive legal framework, technological infrastructure, and political culture. The jurisdiction must have laws and procedures that allow for various forms of voter authentication, such as signature matching, and accommodate different voting times to account for ballot transit via mail. Security requirements are also crucial (Alvarez et al., 2007). To effectively implement internet voting, clear rules must be established for voter authentication, system usage periods, and ballot tabulation. Additionally, the internet voting platform itself must be secure. While internet voting might seem innovative, many of its characteristics are not entirely new. Postal voting, which is popular in several European countries, introduces two features that are fundamental for internet voting: a designated voting period and the ability to vote remotely. The type of internet voting discussed here incorporates these features, with the only revolutionary aspect being the ability to cast ballots remotely via the internet (Alvarez et al., 2008).

Recent discussions, at the EU level, to modernize and implement democratic participatory practices have focused on adopting electronic voting. This initiative gained momentum after the release of the 2020 EU Citizenship Report[2], in which the Commission committed to discussing remote voting practices, particularly electronic voting (e-voting), as part of the European cooperation network on elections. The report also emphasized using online tools to facilitate electronic democratic participation while addressing security and confidentiality concerns. Moreover, on May 3, 2022, the European Parliament adopted a draft legislative act proposing to replace the Act of September 20, 1976, (Electoral Act) with a new Council Regulation on the election of EP. The draft urged Member States "to consider the possible introduction of complementary enhancing tools such as advance physical voting and proxy voting, as well as electronic and online voting, in accordance with their own national traditions, taking into account the Council of Europe's recommendations in those areas". Adding that "difficulties can be overcome by a common regulatory framework and procedure in which the highest standards of data protection, election integrity, transparency, reliability, secrecy of the vote are guaranteed" [3].

Several European countries have conducted Internet voting trials over the past decades, including Belgium, United Kingdom and France, but the only nation that has advanced the farthest with the deployment of internet voting has been Estonia. Since 2005, Estonia has implemented e-voting,

[2] "EU Citizenship Report 2020 Empowering citizens and protecting their rights", url:https://commission.europa.eu/system/files/2020-12/eu_citizenship_report_2020_-_empowering_citizens_and_protecting_their_rights_en.pdf
[3] European Parliament legislative resolution of 3 May 2022 on the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision (2020/2220(INL) – 2022/0902(APP)) https://www.europarl.europa.eu/doceo/document/TA-9-2022-05-03_EN.html#sdocta1

which has led to increased voter turnout due to its accessibility, flexibility, and time efficiency. The e-voting system was introduced with the aim of enhancing voter participation by simplifying the voting process. When Mart Laar became Estonia's Prime Minister in 1999, he prioritized IT development despite initial opposition to ID cards from both political opponents and the public. Laar's administration pushed through the measure, and by 2001, Estonia had introduced X-Road, a government database connection. This open and decentralized system links various services and databases through a combination of technical, legislative, and organizational frameworks, facilitating government-level interconnectivity (Tsahkna, 2013).

Consequently, in 2002, Estonia launched the electronic ID card as the primary identification document for citizens and residents. Besides serving as a physical ID, this card supports secure authentication and legally binding digital signatures for nationwide online services. Over the past two decades, Estonia has established a comprehensive, secure digital infrastructure that integrates IT solutions into government administration, enhancing administrative capacity and creating a user-friendly environment for citizens and businesses. For instance, 94% of Estonians file their taxes electronically via the e-Tax Board in under five minutes, company registration online takes just 18 minutes, and annual financial reports can be submitted electronically. Given this extensive e-infrastructure, e-voting is a logical extension for conducting elections in Estonia (Tsahkna, 2013).

The first election, in October 2005, was for local offices and the second election, held in March 2007, was for parliamentary elections at the national level. In 2005, 1.9 % of voters voted using the Internet, by 2007 that had grown to 5.4% of voters and in 2009 European Parliament elections grew to 14.7%. In the parliamentary elections of 2011 almost a quarter of the voters used the e-voting (see Figure 2) and it was reported that around 16 per cent of e-voters said they probably would not have voted had internet voting been unavailable. Strikingly, in the 2023 general elections, just over half of Estonians cast their ballots online, but it took nearly thirty years for just over 300,000 citizens to use the Internet in elections. [4]

Figure 2: Voter turnout in general elections in Estonia from 2005 to 2011[5]

Years	2005 Local elections	2007 Parliamentary elections	2009 European Parliament elections	2009 Local elections	2011 Parliamentary elections
Percentage of e-votes	1.9	5.9	14.7	15.8	24.3
Number of voters	502,504	555,463	399,181	662,813	580,624
Voter turnout (%)	47.4	61.9	43.9	60.60	63.50
E-votes from abroad	N/A	2%	3%	2.8%	3.9%
E-votes from abroad	N/A	51 states	66 states	82 states	105 states

The Estonian case is remarkable owing to its political past. "Estonia was leapfrogging, going from a Soviet republic in 1989 to one of the most advanced democratic systems, in terms of the way they handle votes, in only 16 years," said Professor Alexander H. Trechsel, who led a Council of

[4] Dougall, D. M. (08/03/2023). "Estonia election: i-voting comes of age in the world's 'digital republic' with record ballots" Euronews.next. available at the link: https://www.euronews.com/next/2023/03/08/estonia-election-i-voting-comes-of-age-in-the-worlds-digital-republic-with-record-ballots
[5] Source: Estonian general electoral Committee. From: Tsahkna, A.-G. (2013). E-voting: Lessons from Estonia. European View, 12(1), 59-66. https://doi.org/10.1007/s12290-013-0261-7

Europe-funded team researching e-voting in the country[6]. Studies on the Estonian case have clearly shown that Internet voting simplifies and speeds up the process and significantly lowers the cost of political participation, especially for citizens living further from ballot stations. At the same time, some pre-existing conditions have contributed to the great success of the Estonian case, namely the wide coverage of Internet access, the effective large-scale digitization of government services in general, and the small size of the electorate. It is fundamental to take those variables into account when approaching the idea of wider implementation[7].

Unfortunately, at the EU level, a unified approach to electronic voting is lacking due to several limitations on its implementation. Starting from the assumption that the European Electoral Act establishes that electoral voting tools for European elections must align with national voting systems and traditions, the framework of a general implantation of e-voting system requires huge efforts on building trust in technology and addressing concerns about potential vulnerabilities and risks. Issues such as accessibility, data protection, potential fraud, vote secrecy, and ballot security are closely tied to the lack of uniformity in the digitization process of public administration and services among member states. This necessitates diverse approaches toward the common goal. However, the challenge of achieving a common ground of technological advancement can serve as a significant motivator for countries lagging behind in this regard. Moreover, the importance of internet voting has become evident, particularly in situations such as natural disasters or pandemics, where accessing certain polling stations may be difficult. Internet voting offers potential advantages, including more accurate electoral counting, reducing the risk of human error, and improving accessibility for individuals with disabilities. Undoubtedly, certain preconditions must be met to transition to an e-voting system, and creating these conditions will be a lengthy process. However, a cooperative approach could be pivotal in expediting progress toward this goal.

For instance, although historically voter participation in Italy was notably high, the noticeable decline in recent years in voter turnout, accompanied by a rise of abstentionism, indicates growing disillusionment toward the democratic process and disengagement among the electorate. This issue is particularly concerning when compared to other leading democratic nations, which have implemented more effective measures to encourage voter participation and reduce barriers to voting (see Figure 3). The Italian case perhaps represents the opposite reality when compared to the voting system and electorate engagement of Estonia, whose e-voting implementation underscored the potential of leveraging technology to facilitate voting and promote democratic participation.

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[6] *Internet voting a success in two European countries*. European University Institute. (n.d.). https://www.eui.eu/news/2013/02-12-internetvotingasuccessintwoeuropeancountries
[7] Trechsel A, (2016) "Potential challenges of e-voting in the European Union", Directorate- General for internal policies, https://www.europarl.europa.eu/RegData/etudes/STUD/2016/556948/IPOL_STU(2016)556948_EN.pdf

Figure 3. Comparison of existing provisions in the 27 EU Member States[8]

Member State	Voting permitted abroad	In person*	By post	By proxy	Internet voting
Belgium	✓	✓	✓	✓	
Bulgaria	EU Member States only	✓			
Czechia	Not possible **				
Denmark	✓ **	✓			
Germany	✓		✓		
Ireland	Not possible **				
Greece	✓		✓		
Spain	✓	✓	✓ **		
Estonia	✓	✓	✓		✓
France	✓	✓		✓	
Croatia	✓	✓			
Italy	EU Member States only	✓			
Cyprus	✓	✓ **			
Latvia	✓	✓	✓		
Lithuania	✓	✓	✓		
Luxembourg	✓		✓		
Hungary	✓ **	✓	✓		
Malta	Not possible **				
The Netherlands	✓		✓	✓	
Austria	✓		✓		
Poland	✓ **	✓			
Portugal	✓	✓			
Romania	✓	✓			
Slovakia	Not possible **				
Slovenia	✓	✓	✓		
Finland	✓	✓	✓		
Sweden	✓	✓	✓		

Italy's limited efforts to address involuntary abstentionism stand in stark contrast to Estonia's proactive measures. Inadequate policies to eliminate barriers to voting undermine the practical realization of the principles enshrined in the first three articles of the Italian Constitution, which emphasize democratic participation and representation. Additionally, the aging population in Italy presents unique challenges. Over seventy years, the number of seniors aged 75 and over has increased significantly, with many suffering from mobility issues that hinder their ability to vote. There are also significant numbers of working and studying individuals who reside outside their voting districts, making it difficult for them to participate on election day. It has been calculated that involuntary abstention affects an estimated 4.9 million Italian voters (10.5% of the electorate) who work or study in locations different from their residence. Of these, 1.9 million voters (4% of those entitled to vote) would require more than 4 hours of travel to and from their place of residence.

A study by the Department for Institutional Reforms, which analyzed the reasons for involuntary abstention in Italy, revealed that Italy, unlike other analyzed EU countries (Austria, Belgium, Denmark, Estonia, France, Germany, Ireland, Netherlands, Portugal, Czech Republic, Slovakia, Spain, and Sweden), has not approved any of the identified alternative voting methods (as of the time this research was published). The research highlighted that other EU countries offer various voting options to those far from their place of residence or facing difficulties in reaching their polling stations. While electronic voting is unique to Estonia, other methods like absentee

voting and early supervised voting are more widespread, albeit with varying degrees of adoption.[9] The analysis of the wide range of measures that other European countries have adopted to promote democratic participation and combat abstentionism represents a solid benchmark for Italy to evaluate the possibility of implementing tools that other countries have had in place for years and to finally concretely seek to increase voter turnout.

In Italy, national elections were held last September 25, 2022, and once again, almost 5 million Italian people outside their municipality of residence had objective difficulties exercising their right to vote. Among these people, more than 750,000 are students, and the imbalance mainly affects southern Italian regions, where almost 2 million people no longer live in their municipality of residence. However, a significant milestone has been reached for the upcoming European elections in 2024. For the first time, Italian out-of-town students will be able to vote without having to return to their municipalities. This change comes thanks to the proposal of the current ruling political party and the advocacy efforts of the national NGO "The Good Lobby," alongside the German "Guerrilla Foundation." The petition called "Io Voto Fuori Sede" reached the Italian Chambers and led to the approval of a law (in a pilot phase) just in time for the next European Parliamentary elections. This development represents a first positive step in advancing democratic participation. However, it is crucial to extend these provisions to out-of-town workers to ensure that all citizens can exercise their right to vote.

Finally, with regard to remote electronic voting, the Ministry of the Interior has recently initiated a feasibility study to define the technical requirements for an electronic voting system. However, additional technical evaluations are ongoing to address potential risks, especially considering the current international political climate, which does not rule out the possibility of hacking attempts. This initiative reflects Italy's cautious yet progressive approach toward modernizing its voting system. By addressing the technical and security challenges, Italy can work towards implementing a robust electronic voting system that ensures the security and integrity of the electoral process while facilitating greater voter participation.

Conclusion

As technology becomes increasingly significant, it's crucial to acknowledge not only its potential benefits but also the possible challenges it may bring. Alongside security concerns, issues such as transparency, verification, and infrastructure deficiencies must be considered. However, the primary concern in implementing e-voting is public trust and acceptance. Trust in the electoral process is fundamental for a functioning democracy. However, according to the Estonia cyber expert Oliver Väärtnõu, who believes that technology will unquestionably become a standard feature in all elections, "Trust is critical in voting. People don't distrust the technology as much as they distrust their governments".[10] Moreover, the introduction of new technological tools to enhance electoral participation at the national level will undoubtedly lead to greater participation at the EU level as well. Internet voting in the upcoming European Parliament elections, along with other initiatives aimed at fully addressing barriers to voting – besides the traditional paper voting, would improve the inclusiveness of the electoral process, ensuring that every citizen's voice is heard. Additionally,

[9] White paper "Per la partecipazione dei cittadini. Come ridurre l'astensionismo e agevolare il voto,Dipartimento per i rapporti con il Parlamento", April 2022, url: https://www.riformeistituzionali.gov.it/media/1423/scheda-sintesi-libro-bianco-20-aprile.pdf
[10] Elci, A. (2024, March 5). "What is e-voting, which countries use it and how secure is it?". Euronews. https://www.euronews.com/next/2024/03/05/future-of-electronic-voting-uncertain-amid-biggest-ballot-year-in-history

it could potentially increase voter turnout and the number of citizens actively participating in e-democracy activities at the pan-European level.

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