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Alternative Voting Methods Through the Example of Postal Voting and E-Voting in Switzerland

Abstract: To many observers, Swiss democracy seems to be complicated and a difficult to understand labyrinth of political institutions that directly involve citizens in the political decision making process. Swiss electoral law enables voters to participate in elections and referendums using one of three instruments: traditional voting (in polling stations), postal voting or electronic voting.

The main thesis of this paper is the predication of how alternative methods of voting, postal voting and e-voting, change the way that Switzerland's direct democracy functions. An analysis of Switzerland's experiences in the use of alternative voting methods in decision-making at federal, cantonal and local levels of the state, seems to be a very interesting project and one worthy of scientific exploration.

Keywords: alternative voting methods, postal voting, e-voting, Switzerland

Słowa kluczowe: alternatywne metody głosowania, głosowanie korespondencyjne, e-głosowanie, Szwajcaria

1. Introduction

Switzerland is the only country in the world where citizens are able to exercise power through the institution of democracy on all three levels of the administration: on the federal, canton and local level. For many observers Swiss democracy is a complex labyrinth of political institutions¹ which is difficult to characterise and unravel, which, apart from state decision making, also serves for citizens' involvement in the decision making process. The Swiss system enables all entitled citizens three forms of participation in elections and referenda. Each voter can exercise their right to vote traditionally – by going to a polling station – but also through postal

1 The Swiss Labyrinth. Institutions, Outcomes and Redesign, J.-E. Lane (ed.), Londyn 2001. Comp: M. Musiał-Karg, Elektryczne referendum w Szwajcarii. Wybrane kierunki zmian helweckiej demokracji bezpośredniej, Poznań 2012, p. 121.

voting². Additionally, federal legislation also permits e-voting as a form of taking part in federal elections and referenda³. E-voting has so far been implemented in three cantons in Switzerland⁴.

The main thesis of this article is that alternative voting methods – both postal and e-voting – will help transform the functioning of direct democracy. This perhaps results from the number of referenda which are incomparably greater than in other countries (an average Swiss may vote in four referenda a year, jointly answering up to 15 referendum questions⁵). It is worth stressing that it was the postal vote rather than the e-vote that had the greatest impact on the electorate (changing the structure of the votes cast). E-voting seems to be modifying rather than revolutionising changes which result from the ability to cast a vote by traditional mail.

The analysis of the experience of the Swiss Confederation on utilising alternative voting methods in the decision making process on various levels of the state administration seems an interesting and worthwhile academic question.

One of the most important research questions presenting itself in this context is the issue of how (and to what extent) the above methods of voting in Switzerland influence the shape of the Swiss direct democracy? Finding an answer to this question is important as, due to the widely debated issue of the crisis of representative democracy manifesting itself through ever lower elections turnout, more and more countries are considering introducing various additional forms of voting. Analysis of the Swiss experience may, in this context, turn out to offer a useful contribution not only at the discussion stage but also during implementation of these new solutions to augment the existing election procedures.

The subject matter of this article is based on research on democracy, especially on voting procedures. Due to the fact that the Swiss Confederation predominantly uses direct democracy it needs to be noted that studies covering this form of exercising power are conducted not only by political scientists but also those involved in constitutional studies. Specialist literature contains works considering

2 This procedure is also provided for through election law in a number of EU countries, e.g. in Austria, Belgium, Denmark, Finland, Spain, Ireland, Estonia, Lithuania, the UK or Germany. A postal vote is also deployed in the United States for those voters who are out of the country on the day of the elections. The vote is enabled and coordinated through American embassies and consulates, whose staff would instruct voters on the correct postal voting procedure, registration and posing the polling card. Głosowanie korespondencyjne za granicą, Ambasada Stanów Zjednoczonych Ameryki, http://polish.poland.usembassy.gov/poland-pl/visa_requirements/gosowanie-korespon-dencyjne-za-granic.html (accessed on: 31.03.2011); Federal Voting Assistance Program, <http://www.fvap.gov/index.html> (accessed on: 31.01.2011).

3 E-voting is also possible in Estonia.

4 As of January 2015.

5 This state of affairs is the result of firstly, combining the federal and canton or local level referenda and, secondly, putting more than one issue to the vote. In this way during one day a Swiss voter may vote on five or more issues.

purely theoretical questions linked to the direct form of exercising power as well as its practical dimension. Foreign authors,⁶ involved in various aspects of the subject, include: Ian Budge, V. Uleri and Michael Gallagher, Benjamin Barber, R. Hague i M. Harrop, Thomas E. Cronin, David Held or T. Gebhart. Polish authors⁷ of note include: Maria Marczevska-Rytko, Marcin Rachwał, Magdalena Musiał-Karg, Elżbieta Kuźlewska, A. Rytel-Warzocha and Piotr Uziębło. An important aspect of the subject under discussion is the so called Swiss context. Foreign researchers working in this field include: Wolf Linder, Gregory Fossedal, Kris Kobach or Andreas Ladner⁸. Among Polish academics⁹ researching the Swiss Confederation are: Z. Czeszejko-Sochacki, Andrzej Porębski, Michał Tomczyk, Agnieszka Nitszke and Ewa Myślak. The achievements of these researchers form the background to the discussion in this article.

2. Postal vote

The introduction of the postal vote in Switzerland was motivated by the need to reduce the time and cost of accessing polling stations and therefore increase citizen's participation in voting.

The potential to increase the election turnout was a significant factor in introducing the postal vote given that, from the end of the Second World War to the

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- 6 I. Budge, *The New Challenge of Direct Democracy*, Cambridge 1996; *The Referendum Experience in Europe*, M. Gallagher, V. Uleri (ed.), Basingstoke-Londyn 1996; B. R. Barber, *Strong Democracy Participatory Politics for a New Age*, Berkeley-Los Angeles-London 2003; R. Hague, M. Harrop, *Comparative government and politics. An introduction*, Hampshire 2001; Th. E. Cronin, *Direct Democracy. The Politics of Initiative, Referendum, and Recall*, Cambridge, Massachusetts, London 1989; D. Held, *Models of Democracy*, Paperback, Cambridge 1995; T. Gebhart, *Direkte Demokratie und Umweltpolitik*, Deutscher Universitäts-Verlag 2002.
 - 7 M. Marczevska-Rytko, *Idea demokracji bezpośredniej od okresu antycznego do czasów Internetu i globalizacji*, (in:) *Demokracja bezpośrednia. Wymiar globalny lokalny*, M. Marczevska-Rytko, A.K. Piasecki (ed.), Lublin 2010; M. Marczevska-Rytko, *Demokracja bezpośrednia w teorii i praktyce politycznej*, Lublin 2002; M. Rachwał, *Demokracja bezpośrednia w procesie kształtowania społeczeństwa obywatelskiego w Polsce*, Warszawa 2010; M. Musiał-Karg, *Referenda w państwach europejskich. Teoria, praktyka, perspektywy*, Toruń 2008; E. Kuźlewska, *Referendum w procesie integracji europejskiej*, Warszawa 2006; A. Rytel-Warzocha, *Referendum ogólnokrajowe w państwach Europy Środkowo-Wschodniej*, Warszawa 2011.
 - 8 G.A. Fossedal, *Direct Democracy in Switzerland*, New Brunswick-London 2002; K. W. Kobach, *The referendum: Direct Democracy in Switzerland*, Dartmouth 1993; A. Ladner, *Switzerland: Subsidiarity, Power-Sharing, and Direct Democracy*, (in:) *The Oxford Handbook of Local and Regional Democracy in Europe*, J. Loughlin, F. Hendriks, A. Lidström (ed.), Oxford 2011.
 - 9 Z. Czeszejko-Sochacki Z., *System konstytucyjny Szwajcarii*, Warszawa 2002; A. Porębski, *Wielokulturowość Szwajcarii na rozdrożu*, Kraków 2009; M. Tomczyk, *Polityka Szwajcarii wobec Unii Europejskiej*, Łódź 2013; Nitszke, *Zasady ustroju federalnego w państwach niemieckojęzycznych. Studium porównawcze*, Kraków 2013.

1970s each elections have returned an ever diminishing turnout. Given this negative trend, the canton authorities decided to first of all to consider and then to introduce voting by post.

The postal vote was introduced gradually. It was constituted at the federal level in 1965 for the following parts of the electorate: those that were ill, those that on the day of the vote were staying in hospital, those unable to access a polling station due to ill health, for those covered by a military insurance and for those living away from home for the purpose of employment¹⁰.

This form of voting was being introduced in the various cantons from the mid '60s onwards. Most of the associated states implemented postal voting in the 1980s and 1990s. The majority of cantons allowed postal vote by application¹¹.

Table 1. The introduction of postal vote in Switzerland

Canton / abbreviation	Limited postal vote		Universal postal vote	
	By application	Without the need to apply	By application	Without the need to apply
Argovia / AG	01.01.1967			01.01.1993
Appenzell Outer / AR	01.0.1967			24.05.1988
Appenzell Inner / AI				11.06.1979
Basle-County / BL	01.05.1962			01.07.1978
Bazylea-City / BS	13.06.1976			30.12.1994
Berne / BE	01.01.1967	01.05.1970		01.07.1991
Friburg / FR	19.09.1966		01.09.1976	23.05.1995
Geneva / GE	25.06.1950			01.01.1995
Glaris / GL	01.01.1967			01.07.1995
Grisons/ GR	01.01.1967			01.01.1995
Jura / JU	01.01.1979			01.05.1999
Lucerne / LU	01.01.1967		01.12.1978	01.10.1994
Neuchâtel / NE	01.01.1967		26.04.1995	01.01.2001

10 Bundesgesetz über die Einführung von Erleichterungen der Stimmabgabe an eidgenössischen Wahlen und Abstimmungen vom 25. Juni 1965, art. 5 ust. 1; por. S. Luechinger, M. Rosinger, A. Stutzer, The Impact of Postal Voting on Participation. Evidence for Switzerland, "Swiss Political Science Review" 2007, No 2, p. 171.

11 S. Luechinger, M. Rosinger, A. Stutzer, The Impact of Postal..., *ibid.*, pp. 171-172.

Nidwald / NW			20.12.1979	29.06.1994
Obwald / OW	01.04.1974		01.07.1978	01.12.1995
Schaffhausen / SH	22.03.1968			01.08.1985
Schwyz / SZ	08.10.1971		01.03.1992	01.01.2000
Solothurn / SO			01.01.1981	01.01.1985
St. Gallen / SG	01.06.1967			01.05.1979
Ticino / TI	01.12.1998			15.04.2005
Thurgovia / TH	01.01.1967	01.09.1978		01.08.1985
Uri / UR	04.06.1967			01.01.1995
Vaud / VD	07.02.1979		01.01.1990	25.03.2002
Valais / VS	01.10.1972		01.10.1996	01.01.2005
Zug / ZG	01.07.1969			01.04.1997
Zürich / ZH	17.12.1995		01.01.1985	01.10.1994
SWITZERLAND	01.01.1967			15.12.1994

Source: S. Luechinger, M. Rosinger, A. Stutzer, *The Impact of Postal Voting on Participation. Evidence for Switzerland*, „Swiss Political Science Review”2007, No 2, p. 173.

The dates when the postal vote was introduced in the various regions of the Confederation are presented in Table 1. At the federal level, a universal postal vote was introduced towards the end of 1994. Until then it was available in the following cantons: Argovia, Appenzell, Basle – district, Berne, Lucerne, Nidwald, Schaffhausen, Solothurn, St. Gallen, Thurgovia and Zürich. It needs to be borne in mind that different parts of Switzerland introduced this system at different times, starting from 1978 (Basle) up to practically just a few weeks before the federal decision (postal vote was introduced in Zürich 1994).

After the universal postal vote was enabled at the federal level some cantons took the decision that those eligible could only vote by post after making an application or after requesting that voting materials are sent to them. In those cantons where the postal vote was universally enabled, the appropriate voting materials were sent out automatically to all eligible to vote.

Nowadays a postal vote at both federal and canton level is universally available to all citizens of Switzerland eligible to vote. Before the vote, all receive an election package including ballot paper(s) which can be ticked and either sent by post or put in the ballot box at the polling station. Cantons have a statutory duty to ensure a simple and easy procedure for the postal vote. They are also obliged to pass legislation which

guarantees control over eligibility to vote, ensuring the ballots are secret, counting all votes and preventing misuse¹².

The analysis of the share of the postal vote against other forms of voting (at the polling station or by proxy) have indicated that the share of postal vote has been steadily increasing over the years accompanied by the corresponding steady decrease in the number of voters voting traditionally, at the polling station¹³.

In summary, it is necessary to highlight the two seemingly most significant facts linked to the use of postal vote as a tool for participation in direct democratic procedures.

Firstly, a significant share of voters engage in new voting methods, which are supplementary to the traditional methods of taking part in elections. This is borne out by data: in the majority of cantons the leading method of casting a vote in elections and referenda is postal vote. It is possible to conclude that in almost all Swiss cantons the majority of voters vote by post. It is said that approximately 80-90% of votes are cast by post. Only in Ticino and Valais does voting at a polling station enjoy a majority¹⁴. Secondly, research by Swiss academics (S. Luechin, M. Rosinger, A. Stutzer) proves that the introduction of the postal vote in Switzerland has visibly (and statistically significantly) contributed to the increase in the turnout at general elections and referenda. The long term trend for the turnout in Switzerland indicates an average increase of 10%. Given how frequent the referenda are in this small European country and the diversity of questions put to the vote this result seems significant¹⁵.

3. E-voting

Switzerland is an example of a European country which pioneered the process aiming at the implementation of a voting system based on the usage of new technologies. Due to the dynamic development of these technologies and the diminishing general elections/referenda turnout, the Swiss government started to consider utilising ITC as part of holding a referendum as early as the 1998. Nowadays Switzerland uses three systems of e-voting:

12 Bundesgesetz über die politischen Rechte vom 17. Dezember 1976 (Stand am 1. Februar 2010), art. 8 ust. 1, Die Bundesbehörden der Schweizerischen Eidgenossenschaft, <http://www.admin.ch/ch/d/sr/1/161.1.de.pdf> (date of access: 8.10.2012).

13 VoxIt: The Standardized Post-Vote Surveys. Neuchâtel: SIDOS, za: S. Luechinger, M. Rosinger, A. Stutzer, The Impact of Postal..., *ibid*, p. 175.

14 M. Musiał-Karg, Elektoniczne referendum w Szwajcarii..., *ibid*, p. 171.

15 S. Luechinger, M. Rosinger, A. Stutzer, The Impact of Postal..., *ibid*, p. 191.

Geneva E-voting System, Zürich E-voting System and Neuchâtel E-voting System. All three are based on using e-voting as part of the decision making process at the local, canton and federal levels.

Currently the majority of Swiss voters cast their votes in referenda and elections by post. This form of distance voting is already a standard practice in Switzerland and, according to experts, has helped Swiss voters accept the next new participation method – the electronic vote¹⁶.

The systems of electronic voting used in the Confederation are examples of remote voting by internet. Elections and referenda where it is possible to vote through the means deployed there should be called e-elections or e-referenda as system being developed in Switzerland are based on utilising the Internet in voting procedures.

All three projects to a differing degree consider utilising modern technologies enabling voting in elections and referenda through the internet. Currently most cantons use the Zürich system, followed by the Geneva system. The *Neuchâtel E-voting System* is only used in its own canton. It is worth bearing in mind that referendum and election procedures differ in each federal state. In order to meet the varying needs of Swiss cantons it was decided that three different systems of e-voting should be developed and introduced. Systems used in Geneva and Zürich cantons are only used for voting. In contrast, the system used in Neuchâtel canton offers a broad spectrum of administrative services and voting by internet is just one aspect of how the system can be used.

The primary aim of introducing e-voting was providing the electorate with an additional voting platform and enabling the future use of an electronic signature when submitting applications related to a people's initiative, a referendum or registering candidates before general elections.

In a January 2002 report on the possibility of e-voting and associated risks and opportunities the Federal Council highlighted the reasons for introducing e-voting in Switzerland: adjusting voting procedures to the changes in Helvetian society, adding an innovative form of participating in referenda and elections that is attractive to voters, making it easier to take part in general elections, a potential for increasing turnout, better protection for the principle of equality of a democratic vote (the one person one vote principle) in light of breaches apparent with traditional forms of participation in elections and referenda¹⁷.

16 D. Braendli, The scope of e-voting in Switzerland, E-Voting and Electronic Democracy: Present and the Future – An International Conference, Seoul, South Korea, March 17-18 2005, p. 2.

17 Bericht über den Vote électronique Chancen. Risiken und Machbarkeit elektronischer Ausübung politischer Rechte vom 9. Januar 2002, Bundesblatt nr. 4, 29. Januar 2002, s. 645-700 (BBl 2002 645), Bundesblatt, Die Bundesbehörden der Schweizerischen Eidgenossenschaft, www.admin.ch/ch/d/ff/2002/645.pdf (date of access: 15.06.2014).

It is worth highlighting that the federal structure of the state, the complexity of the electoral system in Switzerland and the institutions of direct democracy developed like nowhere else in the world make the use of e-voting tools particularly attractive to those voters¹⁸.

The systems of e-voting operating in Switzerland differ in structure but the most important steps (stages) of casting votes using these systems look very similar. Having a polling card containing data for use in e-voting, the voter, after entering their user ID or the number of the polling card, chooses their answer to a referendum question, then enters a PIN code from the polling card and a password concealed on a scratchcard and submits the vote. At the end of the procedure they receive a confirmation that the vote has been cast.

It is important to add that, despite the initial intention of introducing different electronic voting channels in elections and referenda, the only currently enabled method of participation is through the internet. Voting through a mobile (offered as part of the *Zürich E-voting System*) was abandoned after very small uptake of this form of participation.

Map 1. The extent of the use of e-voting systems in Swiss cantons



Source: *E-voting. Joint Federal-Canton project, information booklet on e-voting*, Bundeskanzlei, Berno 2012, p. 6.

The two systems developed and introduced by the French speaking cantons are operating on the basis of centralisation – with the confederate states playing the leading role; they also have the ownership of the project. In ZÜRICH the operating system stresses the role of the local authorities, who organise the vote at the local

18 A. Ladner, G. Felder, L. Schädel, From e-voting to smart-voting – e-Tools in and for elections and direct democracy in Switzerland, „Working Paper de l’IDHEAP” no. 4/2008, p. 2.

level and then pass the results to the canton. The extent of the use of e-voting in Swiss cantons is shown on Map 1.

The system of electronic voting has been implemented in thirteen member states of the Swiss Confederation. The following cantons (apart from Geneva, Zürich and Neuchâtel) are participating in the joint federal/ canton project: Argovia, the city of Basle, Berne, Friburg, Grisons, Lucerne, Schaffhausen, Solothurn, St. Gallen and Thurgovia. The majority of cantons have decided to implement the Zürich solutions. *Zürich E-voting System* is used in Argovia, Friburg, Grisons, St. Gallen, Solurthurn, Schaffhausen and Thurgovia. In turn, the Geneva project has been adopted in the city of Basel, Bern and Lucerne. With the exception of Neuchâtel, none of the confederate states are using the *Neuchâtel E-voting System*. This is undoubtedly due to the fact that the adoption of this system would require the use of the entire *Guichet unique* platform, which would be a multi-dimensional project.

The issues discussed in this article raise several important questions. First of all, Switzerland is a leader in terms of the volume of referenda conducted there with the possibility of casting an e-vote. Secondly, the number of cantons interested in implementing e-voting has been systematically growing – the current number of cantons taking part in the project stands at thirteen confederate states. Thirdly, the Swiss experience so far indicates that e-voting does not significantly alter the turnout in referenda. On-line voting is chosen mainly by voters who regularly participate in referenda and elections¹⁹. Fourthly, the opportunity to vote through the internet is taken up by a large group of voters who had previously been voting by post²⁰.

4. Conclusions

The solutions adopted in the Swiss Confederation concerning the participation of eligible voters in general referenda and elections form an interesting case study against the backdrop of other European countries (with the exception of Estonia²¹).

As previously mentioned, from the point of adopting the postal vote on the federal level, in 1994 this form of participation in elections and referenda had become an important part of the Helvetian electoral system. The Swiss have appreciated this form of participation mainly due to the ease of opportunity to vote at a convenient (designated) time and place. The positive attitude of the Swiss towards postal voting is still evident today; something that is borne out in the structure of votes cast in referenda or elections, with the majority of these being postal votes.

19 Th. Christin, A. Trechsel, Who votes via the Internet? A scientific approach to polling in Carouge and Meyrin. Analysis of questionnaires on voting via the Internet in the communes of Carouge and Meyrin (Geneva), Geneva State Chancellery, September 2004, p. 17.

20 *Ibidi*.

21 Estonian voters can also vote electronically.

Despite the fact that postal vote is the most frequently chosen method of partaking in elections, e-voting, and more specifically voting by internet, enjoys a growing popularity, especially among the Swiss abroad. Without a doubt this form of participation of the electorate has become a vital determinant of the functioning of today's direct democracy in Switzerland. The introduction of e-voting (as previously the postal vote) has made it easier for voters to participate, bringing direct democratic procedures ever closer to the citizens.

In summary, it is worth highlighting that the Swiss experience with utilising alternative forms of voting may be a valuable indicator both during consideration and during adoption of alternative voting methods in other countries. It would seem that the Swiss practice in terms of e-voting and the postal vote may be a very useful platform to determine the direction of development of the procedures for participation in general elections/referenda in Europe and worldwide.

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