

E-BALLOTING CALL FOR EVIDENCE

1. What are the strengths and weakness of the current postal system for achieving the required standards?

- Postal votes are costly for Trade Unions as we have to pay for the voting papers to be delivered and returned via pre-paid envelope. Postal costs have escalated significantly in recent years.
- Postal votes are time consuming and ballot and election timescales have to accommodate postal delivery and return times as well as ensuring the member has sufficient time to complete the form and post it back. E-balloting would be a significant advantage to our members who are increasingly time pressured.
- The current print and postal system relies on a complex supply chain often involving multiple suppliers, for example to print, collate, mail sort and deliver voting papers. When problems arise it is sometimes difficult to pinpoint where the fault lies, and it makes maintaining confidentiality and security a much more complex operation.
- Postal voting offers more challenges from an environmental point of view due to printing on paper and the delivery and return of papers by road transport.
- E-balloting would be far more convenient for our members and offers them an additional choice in how to respond.
- We do believe, however, in this day and age, Trade Unions should be offered choice in how they conduct voting in their ballots and elections and that that choice should factor in cost, convenience to members, and impact on the environment.

2. Please give examples of situations where you aware e-balloting is currently applied. What type of technology is deployed e.g. internet based, telephone based? What has been the impact and how has it been evaluated?

We have been using e-balloting for our non-statutory elections/ballots since 2013 (our Council made the decision to do this in February 2012).

In the main we use third parties (such as Electoral Reform Services Ltd, UK Engage and Mi-Voice)) who are specialists in election/ballot management to do this for us and these companies also act as independent scrutineers.

Members are sent an email by the company containing a secure link to the voting platforms hosted by the third party supplier. We also provide a link to the third party platform from our own website.

Members are increasingly using their mobile phones to access their emails and vote.

Electronic voting also allows our workplace reps to encourage voting by taking round tablets/lpads to show members how it works and to encourage voting on the spot.

Our experience is that the specialist elections/balloting companies are improving their e-services all the time in order to increase engagement and participation in elections/ballots, to optimise the use of technology, and to ensure confidentiality and security. For example, they are using technology to improve engagement with the candidates themselves (through use of video elections statements for example) and offer online nomination portals (making it easier for candidates to be nominated) as well as e-learning tools for campaigning.

We are also using our own website and social media more to promote elections and being able to vote online links naturally to this kind of communication.

We have only used telephone based voting on one occasion and the take up was small. We do however know that it is very useful for reminders. We also routinely roll out member surveys via email to gauge their views and we have found this to be an effective means of capturing data securely and this information is highly useful for informing our strategies in a timely manner.

Our members also frequently communicate with us via social media e.g. Facebook & twitter as opposed to formal communications and this trend is ever increasing.

3. How much do you believe the use of e-balloting for industrial action would increase turnout, if it were available? What other access benefits might it bring?

It is difficult for us to comment on whether e-balloting would increase turn-out in ballots for industrial action or other types of ballots/elections.

We have moved from postal votes to electronic methods to distribute some non-statutory ballot/election papers. However, this move was also accompanied by other changes (for example to our constituencies) and so it is difficult to make a direct comparison.

However, we do believe that it is important to provide more convenient methods of voting for our members in their increasingly busy lives.

We also believe that being able to provide Trade Unions with more choice about voting methods would be a good thing as this would enable them to make better decisions about how best to harness their members' engagement at any given time.

We are also conscious of our responsibility in respect of the environment and believe that a move to e-balloting would be a positive move in this respect.

The cost-reduction is also a significant benefit of e-balloting.

4. Which forms of e-balloting system (telephone/internet) would help ensure access? What evaluations have taken place on the robustness and resilience of different systems to ensure access in a voting context?

We believe that an internet system would ensure greater access than a telephone system again due to convenience and the prevalence of smart phones.

We are reassured by our third party specialist election/ballot companies that they have appropriate security and confidentiality measures in place and have not yet experienced any difficulties or problems in this area. Our own tendering procedures ensure that we only select companies who can demonstrate that they meet relevant quality assurance standards.

Our own IT system has as stated above, issued and received several mass email surveys without difficulty and we have been able to analysis and interrogate those results confidentially.

5. In what circumstances might e-balloting be more or less secret when compared to postal voting?

Our evidence to date has not shown any difference between postal or e-balloting when it comes to secrecy/confidentiality.

The key to the integrity of a secret ballot is in the processes and procedures around it. Whether or not it is by post or electronic is irrelevant in many ways as both require measures and procedures to be put in place in order to maintain secrecy.

For the majority of our elections/ballots, whether email or postal, we use an independent scrutineer to manage the ballot and provide assurance on the secrecy and confidentiality.

Where we have conducted indicative polls or surveys ourselves we generally use a bulk email system which generates the results data in an anonymised fashion and it is not possible to identify how specific individuals have voted. This would not be possible if members submitted their votes by post in ballots organised by ourselves.

Occasionally we conduct small elections or ballots internally by email, rather than using the bulk email system, but these are conducted via our Governance team whose own processes and working standards ensure that the results are kept confidential. Again, in this respect, there is no difference between using post or email as the processes around confidentiality are the same.

6. What mitigations can be employed to ensure that under e-balloting, hacking of the system, even if successful, would not allow the identity of a vote to be revealed? Have such mitigations been evaluated?

To ensure there is no under e-balloting Trade Unions must ensure their membership records are as accurate as possible and are capable of interrogation to allow those entitled to vote in any industrial action ballot to be identified.

As part of our tendering processes for third party election management companies we request assurance, by demonstration of compliance with relevant standards for example, that the identity of the vote is confidential.

We also maintain our own policies and procedures in respect of transmitting and accessing data to ensure that we comply with data protection legislation, and employ an Information Security and Compliance Manager to safeguard our responsibilities in that area.

In addition we are continually upgrading our own systems to minimise any risk and ensure security of our systems.

7. Would e-balloting increase the scope for intimidation and undue influence (being forced to vote, and being forced to show which way someone had voted, and being forced to vote in a certain way?)

We do not believe e-balloting would increase the scope for intimidation or undue influence and would enable our members to vote in a place of their choice which is secure to them using their phone for example.

8. How do you believe technology has evolved or will evolve to address the risks set out above?

We can only comment on our own technology and as stated above we are continually taking steps to upgrade our systems to capture our member information securely.

9. How will e-balloting change the scope for industrial action and how does that affect the public interest?

We have no evidence that e-balloting would change the scope for industrial action and it is difficult to comment on its potential impact given the new thresholds that have been introduced. For the avoidance of doubt, the RCN is of course mindful of the public interest especially so in relation to health services, and we believe that industrial action should only be taken when absolutely necessary and when no other resolutions have been found.

10. Are there other risks or challenges associated with e-balloting, not identified above? How might they be mitigated?

Any risk of decreasing turnout would be mitigated by improved communication and publicity of any ballot. We don't believe there are any other risks or challenges associated with e-balloting.

11. How might other non-technological processes need to be change, such as the role of the scrutineer, if e-balloting were made available for industrial ballots?

The traditional role of the independent scrutineer has been to ensure Trade Unions have complied with the necessary statutory requirements in relation to industrial action. We don't anticipate that role will change if e-balloting were to be introduced; the scrutineer would still have to provide a report of that nature but would have to do so with reference to the technology used to support the ballot instead.

12. What costs are associated with the technological options around e-balloting and also non-technological mitigations?

It is our experience to date that the costs of e-balloting are significantly less than of balloting conducted by post and the key saving is in the cost of postage.

The costs associated with e-balloting are various and cover the technology needed to ensure secure and confidential services, as well as costs around innovation and optimisation of voting platforms to ensure compatibility with a range of devices and to make them engaging.

Finally, we would like to point out that these questions have been primarily focussed on the use of e-balloting for industrial action. However, Trade Union legislation also requires the election of the Trade Union Executive to be conducted by post. We would like to ensure that a move to e-balloting covers these elections as well as industrial action ballots.