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Electronic voting for Swiss people living abroad – a look at the past and the future.

With the coming into force on 1 January 2008 of changes to the political rights of Swiss abroad, the cantons are required to centralise their electoral registers. These measures will help to create the necessary conditions that will allow all of our compatriots abroad to vote online.

Background

E-voting allows voters to participate in elections and plebiscites via the Internet and to sign initiatives and referenda electronically. The e-voting project owes its origins to the Federal Council's 1998 strategy to create an information society in Switzerland, and to

parliamentary initiatives in 1999 and 2000. The Federal Chancellery is responsible for implementing the project.

In 2002, the Federal Council submitted a preliminary report to parliament on the risks and opportunities of e-voting and its realisation in Switzerland. Parliament then gave the Federal Council the go-ahead to revise legislation accordingly, and to carry out pilot projects with the aim of determining the feasibility of e-voting in Switzerland.

Pilot projects

Between 2003 and 2005 the Federal Chancellery carried out projects in cooperation with three pilot cantons – Geneva, Neuchatel and Zurich – based on contractual agreements negotiated between these cantons and the Federal Council. Voting rights had to be verified and the secret ballot guaranteed before the pi-

lot projects could be approved. Safeguards against misuse of the e-voting system had to be in place. Each of the systems developed by the pilot cantons also had to be tested at least once in a federal referendum.

In 2003, Geneva became the first canton in Switzerland to allow its electorate to vote online in a federal referendum. Electronic voting was subsequently used seven times for federal referenda in selected communities in the three pilot cantons. All of these tests proved successful and went without a hitch.

Follow up

In 2006 the Federal Council concluded in a second report on the e-voting trials that e-voting was feasible in Switzerland. Parliament took note of this second report and approved the legal amendments required to further develop e-voting also for Swiss voters abroad.

The know-how gained from the pilot projects has been made available to all Swiss cantons. Cantons interested in the tried-and-tested systems can adopt one of the developed systems or combine elements of different systems under federal supervision. They must, however, meet the costs themselves. They must also apply to the Federal Council for approval to test e-voting in federal elections.

The amended legislation that provides for the development of e-voting also allows the cantons of Geneva, Neuchatel and Zurich to continue using the practice in federal referenda. The Federal Council can authorise the cantons to use e-voting for a certain period – subject to restrictions on when, how and where

it is used – provided at least five successive trials have been successfully carried out and the system is not changed.

The trials are restricted to no more than ten percent of the electorate (494,000 citizens throughout Switzerland) until the end of the legislative period in 2011.

What about the Swiss abroad?

Up to now, Swiss citizens living abroad have not had the opportunity to vote online, primarily for security reasons. Even with today's IT standards, there is still a risk of data misuse during transfer. Complex organisational, technical and legal precautions have to be in place before e-voting can be adopted. This is the only way to guarantee a secret ballot for Swiss voters abroad when they vote online, and to prevent votes from being manipulated, changed or misdirected. Some foreign states do

not allow encrypted data to be sent electronically, while others monitor Internet traffic. It is not simply a matter of providing Swiss voters abroad with voting documents. The technical systems and processes also have to work perfectly. This includes the relevant technical security measures and system modifications.

The electoral register issue

Direct democracy in Switzerland has evolved over the centuries to meet different regional needs, which explains why the electoral registers vary widely from one canton to another. There are significant differences, not only between the cantons but also between the 2,700 communities. These individual electoral registers have worked

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"Swiss Review" is sent free of charge to all adults registered with a Swiss representation abroad. As a result, households with several adults receive several copies of the magazine, which has a significant effect on our costs.

Among other things, "Swiss Review" provides information about important political events and developments in Switzerland. The "Notes from Parliament" section contains information on changes to legislation and the rights and obligations that directly concern and affect Swiss nationals living abroad. The dates of federal referenda and elections are also published.

There has been an online edition of "Swiss Review" since 2003, and the regional sections have also been available electronically since January 2007 under "Regional news": www.revue.ch

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perfectly well until now. But smaller communities now find it difficult to provide the technical infrastructure needed to allow their residents to vote online. It is therefore indispensable to draw up standardised electoral registers dedicated to Swiss abroad in one location per canton, in order to make e-voting available for Swiss citizens living abroad. Only seven cantons currently keep such centralised systems for Swiss abroad: Lucerne, Zug, Basel-Stadt, Appenzell-Innerrhoden, Vaud, Neuchatel and Geneva.

The legislation requiring cantons to centralise their electoral registers entered into force on 1 January 2008. The cantons now have 18 months to amend their laws. This process will be completed by mid-2009 at the earliest, unless a cantonal referendum opposing the changes is called. Once the cantons have amended their laws, the individual communities must implement the changes. This will involve the definition and construction of interfaces, programming, data transfer, and carrying out checks (between communities as well as between communities and cantons) to ensure everything has been completed and is working properly.

The Federal Department of Foreign Affairs is supporting the Federal Chancellery and the cantons so as to speed up the introduction and make it also available to Swiss abroad. The federal authorities are currently working closely with the canton of Neuchatel, which aims to offer its citizens living abroad the option of voting electronically at one of the next referenda. The 05/07 edition of "Swiss

Review" featured a report on this.

Outlook

The Federal Council does not want to be over-hasty in rolling out e-voting and has therefore decided to put security before speed. There must not be any risk that one day a federal referendum has to be repeated due to flaws in the e-voting system. Expensive compensation claims from campaigning organisations would be the consequence. Even more importantly, the confidence of our citizens in our system of direct democracy would suffer immense damage.

Electronic voting will therefore be introduced in stages. The first stage is to standardise the electoral registers in line with federal requirements, and then to introduce e-voting for referenda. The next stage will see the introduction of e-voting for National Council elections. Then, and only then, will the most complex stage be implemented, enabling the electronic signing of people's initiatives and referenda.

Further information on the e-voting project can be found at: www.bk.admin.ch/themen/pore/evoting/index.html?lang=de

Fair taxation for everyone

The Swiss Social Democratic Party launched a federal popular initiative campaign in November 2006 entitled "Fair taxation – stop misuse of tax competition," otherwise known as the fair taxation initiative.

The initiative concerns very high income and assets.

A new subsection 2bis to be incorporated into article 129 of the Swiss Federal Constitution would introduce a minimum tax rate on the high incomes and assets of people living alone, which would be at least 22 percent for incomes over CHF 250,000 and at least 0.5 percent for assets over CHF 2,000,000. These rates may be increased for people living in the same household.

The initiative also aims to prevent tax rates being reduced as incomes or assets increase: in other words it would not allow anygressive tax models. This would bring an end to the misuse of tax competition at the expense of people on low and average incomes. Although the initiative provides for a minimum tax rate, it allows the cantons and communities to determine their own taxation policy up to a taxable income of CHF 250,000. Hence the minimum threshold tax rates could also be exceeded.

New sections 8 and 9 would also be added to article 197 of the transitional provisions of

the Federal Constitution. These would require the necessary legislation to be enacted within three years of adopting the new article 129 subsection 2bis. In case of delay the Federal Council would have to establish the implementing provisions by decree. The cantons would also be given a time frame within which to amend their constitutions.

A new transitional provision to article 135 of the Federal Constitution would also be created to govern financial equalisation between the cantons. Cantons that were obliged to amend their tax rates and systems in line with the new article 129, subsection 2bis, and collected more taxes as a result, would have to make additional contributions under the system of financial equalisation among cantons.

PEOPLE'S INITIATIVES

No new initiatives have been launched since the last issue. Signature forms for current initiatives can be downloaded from www.admin.ch/ch/d/pore/vi/vis_1_3_1_1.html

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