

## Citizen-Centric Voting

### **Executive Summary**

This research concerns the methods of vote-casting during elections, as well as measures by governments of democratic nations to provide incentives or compensation for eligible voters to exercise their voting rights. The aim is to critically evaluate methods and undertake comparisons to reveal the resulting impacts of such measures, both in quantitative terms such as the number of voters who cast votes, and qualitative terms such as the level of a nation's overall democratic development. In addition, the study aims to determine the appropriate context in which the aforementioned methods of vote-casting and state incentive measures can be utilized while simultaneously presenting lessons learned regarding formats, methods, and measures previously adopted in Thailand. It is intended that this information can be put to use when considering possible alternatives in the course of developing methods of vote-casting, and the optimal approach to providing incentives or compensation for voters who cast votes during an election in Thailand. The results of the study are as follow.

#### **1. State-Provided Incentives for Voters**

Broadly speaking, states can adopt two types of measures as incentives for eligible voters to show up and cast votes in an election.

1) **Negative Measures:** These measures focus on disciplinary action for failure to vote. Voting is made compulsory; and eligible voters are obliged and "forced" to vote under threat of penalties or sanctions.

2) **Positive Measures:** These measure focus on providing compensation and rewards such as monetary payments and items of value for eligible voters who cast votes.

While some countries have adopted positive measures, this study shows that only a relatively small number of democratic nations have done so. At present, 29 countries employ the compulsory voting model whereas the other 192 nations have adopted the voluntary voting measures. Meanwhile, the positive measures, whereby incentives and compensations are to be

provided for the eligible voters who practically exercise their voting rights, still witnessed a relatively 'insubstantial' number of the countries accordingly, many cases of which boil down to the states in question being in the process of experimentation and/or conducting feasibility studies regarding the positive measures.

This research finds that almost of the nations currently using some compulsory voting scheme also tend to employ it in tandem with enforcement of disciplinary actions. Evidence revealed in this study also shows that countries that adopt compulsory voting and employ negative measures (i.e., punishments) see higher percentages of voters exercising voting rights than countries that adopt lenient negative measures and countries that use voluntary voting. Nevertheless, the option of compulsory voting being employed in tandem with disciplinary actions in earnest might not sit well and thus could also possibly have negative impacts. For instance, if compulsory voting policy is imposed upon the voters who in reality show little interest in politics and who, therefore, have insufficient information concerning type of election, candidates, or political parties, the policy ends up contributing to a large number of spoiled ballots. This phenomenon has been reported to manifest prominently following the adoption of negative measures and compulsory voting. In addition, the burden involved for the state or election organizers to monitor and follow up on violations of election laws, as well as bring violators to justice, can also be costly and cause delays in the election process.

The study suggests that there are two rationales for offering positive measures and compensation and/or incentives for voting: to encourage eligible voters to exercise their voting rights on a voluntary basis; and to compensate voters for cost incurred to participate in voting, such as transportation costs. This study found two main compensation models, both of which have been the subject of studies and experiments, and both of which have been practically carried out: **(1) Monetary payment; and (2) Non-monetary items/rewards**. The latter of involved ranting of political and/or popular privileges beyond basic rights including the right to have direct participation in public decision-making (e.g. taking part in policy-making and legislating, etc.), as well as the right to receive support from state.

The main issue regarding compensation and incentives to be provided for eligible voters who exercise their voting rights concerns the budget for such measures; that is, election organizers must consider the sources of funds for compensation and incentives, as well the appropriate amounts that would be sufficient to make such measures appealing.

## **2. Formats of Vote Casting other than the Traditional Means of Using (Paper) Ballots**

Other than the traditional method of using paper ballots, leading democratic nations use three formats of vote-casting: voting by mail (VBM), electronic voting, and Internet voting.

Voting by mail (VBM) is a means to allow voting by eligible voters who reside somewhere distant from their registered voting location and find it impractical to travel to their polling place. VBM's strong points include: convenience for voters to gain easier access to the ballots (even more convenient than showing up personally onsite); helping enhance the level of public participation via electoral mechanisms; and helping alleviate the administrative and managerial burdens of organizing an election. Therefore, many countries have opted to develop VBM systems to address the problem of lower turnout of eligible voters. However, VBM suffers limitations in terms of assuring secret voting, and building voter confidence that the system will be implemented properly to ensure that vote-counting is accurate and error-free.

Electronic voting: In addition to VBM, many leading democratic nations are trying to develop online/electronic devices and technologies to facilitate vote-casting by the general public in elections and referenda in order to reduce and offer solutions to limitations and problems associated with traditional means of voting with (paper) ballots. Paper ballot voting requires printing ballots in great numbers and transporting ballots to and from polling stations under deadlines; time is "wasted" in these processes, and there are issues of corruption in voting and vote-counting, as well as delays in counting votes and processing results. The introduction of electronic means of voting as an avenue of public participation is also beneficial in helping narrow linguistic gaps and allowing disabled voters conquer time and space when casting votes, as well as being of use to voters in general in terms of privacy.

However, electronic voting is likely to remain questionable in terms of reliability, precision, and security; after voters have finished the process of casting votes and their votes have been recorded and become part of the system, voters could possibly doubt whether the vote as it was recorded is the same as it was cast. In addition, electronic voting could inspire more complex or severe corrupt behaviors during elections than that associated with traditional ballots, at least in the minds of skeptics among the general public. For instance, there could be concerns about corruption in the design and manufacture of electronic voting machines in order to benefit unscrupulous parties; there could be interference by hackers; there also could be concerns about the electronic machines malfunctioning. Therefore, regardless of how advanced the technologies could possibly be, it is necessary for one to take into account how to ensure transparency, effectiveness, and efficiency of vote-casting based upon the principle of democracy.

Internet voting: Internet voting is another means of electronic voting but the four Internet voting models differ from general electronic voting in regard to the high efficiency of casting votes.

(1) the ballot is cast over an Internet connection using a ordinary desktop or notebook that is not under the physical control of election officials

(2) Internet voting could allow votes to be cast through onsite computers made available for the purpose of voting at the polling station, with authorized election officers officially providing supervision. Eligible voters could choose to cast their votes at the nearest, or most convenient election venue.

(3) Internet voting could allow votes to be cast through onsite computers available for the purpose of voting at any valid polling place with authorized election officers officially providing supervision.

(4) Internet voting could allow votes to be cast through onsite computers especially available for the purpose of voting exclusively within the constituency where eligible voters' are officially registered.

The significant strong points of Internet voting include making the right to casting votes become more widely accessible across regions, especially when taking into account of the ongoing trend of domestic and/or international professional relocation upon. Thus, Internet voting could be useful in

facilitating voters' relocations, domestically and abroad, especially for voters living on military bases foreign countries. In addition, Internet voting has proven beneficial to the disabled by enabling them to cast votes on their own. In the case of early voting as commonly practiced in certain countries, Internet voting could possibly help maintain confidentiality and security of ballots more effectively than traditional means of storage. However, the challenges facing election organizers when opting for Internet voting lie in proving that it actually improves voter turnout quantitatively and qualitatively, and the relatively large financial investment in the system at the initial phase. It is also of great importance to create confidence among the general public regarding the system's accuracy.

The researcher would like to make some observations concerning voting by mail, online voting, and Internet voting.

1. All three formats only supplement traditional means of vote-casting by eligible voters because at the end the general public remains most familiar with the supposedly more reliable, time-honored, traditional means of going to polls and casting votes using (paper) ballots.
2. Each of the three formats requires a framework of infrastructure and administration different from that of the traditional means of vote-casting. For instance, voting by mail requires an efficient postal system to deliver a (paper) ballot from the electoral organizer to the voter's address and to return the marked (paper) ballot back to the organizer. An effective storage system also is required to securely store the ballots until the counting period. To enable online voting and Internet voting, an appropriate IT system is required.
3. All three formats keep records of constituency registration for use when voters ask to use one of the voting formats prior to election day. Election organizers are required to prepare lists of those who have made prior requests, specifying the voter's full name, contact mailing address (not email), as well as considerably constituency information for the purpose of identity authentication in order to prevent identity theft during online voting and Internet voting period.

### **3. Suggestions for the Policy on Developing the Appropriate Formats of Vote-Casting and Compensation for Eligible Voters to be implemented by the State in Thailand**

Regarding the suggestions regarding the aforementioned policy, the researcher presents the following: **1) Principle, 2) Practice to be carried out so as to develop the formats of vote-casting, 3) Options.**

#### **3.1. Principle**

In terms of principle, this study suggests five points pertaining to the development of formats of vote-casting and compensation for eligible voters to be implemented by the state in Thailand.

3.1.1. The principle that the state should take into account the general public and adopt a people-centered format to facilitate vote-casting by eligible voters from all walks of life, including those unable to physically travel to the polls, in order to make it convenient for members of the general public to exercise their right to vote.

3.1.2. There should be diversity in formats in order to have methods specifically designed to cater to each group of constituencies' needs and wants while introducing technologies to facilitate and increase the opportunity for the general public to participate through more efficient and economical channels with respect to government expenditures on electoral administration.

3.1.3. Four combinations of actions concerning implementation of negative and/or positive measures are possible with the aim of at increasing eligible voters' exercise of their voting rights: (1) imposing only negative measures; (2) imposing only positive measures; (3) imposing both negative and positive measures; (4) not imposing any measures whatsoever on grounds that a voter's choice to exercise the right to vote is a matter of civil rights and thus should be voluntary. Whichever option is chosen, election organizers are required to facilitate the process of vote-casting by providing for diverse formats.

3.1.4. It is necessary to prepare voter lists and/or constituency databases, as well as inform voters that they must register and have their identities verified. This is of great importance and must be done because in order to exercise any voting options all eligible voters among the general

public are required to officially request the privilege of casting their votes. The voter list should include information and details that illustrate that anyone who suffers the limitations of being unable to make it to the polls in person; in addition, strict measures against invasion of privacy. Last but not least, the database or voter list must be of use to help determine the appropriate formats of vote-casting to be carried out by eligible voters, as well as cover all constituencies.

3.1.5. There must be rules and regulations to make all offered voting formats in addition to the traditional casting of ballots at polling stations available in practice.

### **3.2. Practice**

The research team suggests the state implement the following measures concerning vote-casting formats and incentives, in accordance with the principles addressed in the preceding section.

3.2.1. Identification of people-centered target groups to determine and facilitate formats of vote-casting consistent with the needs and wants of the general public.

The state should account for the general public in establishing people-centered formats of vote-casting to enable eligible voters to go to the polls in a convenient way to exercise their voting rights, since the highest goal is to facilitate all constituencies to vote. The term “people who are unable to travel to the polls” means eligible voters who are unable to make it to the polls or are otherwise unable to cast their votes for the following reasons: 1) physical limitations and health problems (e.g. the elderly, the disabled, and patients who are unable to travel); 2) residential limitations (e.g. residence being located outside the constituency, or the voter is away on election day); 3) occupational limitations (e.g. workplace being distant, being in a situation that prevents travel on election day, or naval officers being stationed in international territorial waters); 4) linguistic or communicational limitations (e.g. degree of literacy or the ability to converse in foreign languages); or 5) other personal limitations.

**Therefore, identification of target groups, especially those who are unable to travel to polling stations, will be useful for helping to more**

**effectively inform the design of formats of vote-casting and electoral administration in accordance with the needs and wants of the target groups.**

**3.2.2. Databases and voter lists covering all constituencies must be used to help determine the appropriate formats of vote-casting.**

Election organizers must identify all target groups of eligible voters among the general public, especially those who are unable to make it to the polls, and provide vote-casting formats accordingly. Therefore, it is imperative that voter lists and databases of constituencies be compiled and properly maintained. The voter list must cover all constituencies and should include information and particulars concerning the limitations of those who are unable to make it to the polls in person in order to help determine the appropriate formats of vote-casting.

However, the detailed information required for the preparation of the database or voter list of the constituencies must be obtained by the election organizers upon a voluntary basis. The database must contain only accurate facts, all of which must be voluntarily provided by eligible voters themselves. In addition, eligible voters must have the right to instantaneously add, modify, and/or correct their own information and to revoke permission for others to use the database. In addition, strict measures against invasion of constituencies' privacy must be imposed by the election organizers in order to prevent identity theft; election organizers must use the most current technology available and maintain the accuracy of the database.

**3.2.3. Positive measures should not be taken as a means of rewarding the eligible voters who exercise their voting rights**

The research team is of the opinion that positive measures should not be taken as a means of enticing and rewarding because such inducements are not truly effective in terms of increasing the number of constituents who exercise their voting rights, not to mention the possibility that the measures could possibly result in election organizers being subjected to criticism for allegedly becoming involved in offering remuneration.

**3.3. Options**

The researcher offers comments on the following points.

- **Negative measures whereby civil rights are to be revoked**

Adopting revocation of civil rights as a negative measure raises the possibility of citizens being deprived of legitimate civil rights, and disputes over the revocation decisions. Therefore, in making decisions to revoke rights in whole or in part, all aspects, academic and practical, of the matter should be considered. Fines could be imposed as penalties.

- **Lack of facilitation of the process of notification in case of no shows**

The research team is of the opinion that the stipulations of the Organic Act on Election of House of Representatives Members and Selection of Senators, B.E. 2550 [2007] (Section 24) and the Local Administrative Election Act, B.E. 2545 [2002] (Section 35, Paragraph 2; Section 36) that require that the reason for not voting must take the form of formal letter or the official form provided by the Election Commission of Thailand (ECT), and must be submitted in person by the eligible voters or the voter's authorized representative, or by mail to the Office of the ECT are insufficient to facilitate eligible voters who cannot vote in an election. Therefore, according to the research team, additional channels should be provided, possibly taking advantage of technological advancements.

- **Legal enforcement of the new formats of vote-casting only upon (paper) ballots**

The Constitution B.E. 2550 [2007] prescribed that paper ballots are to be utilized for the election of members of the House of Representatives in accordance with Section 93 and for that of the Senate in accordance with Section 112, thus officially resulting in the organic law to follow suit for both lower- and upper-house elections so as in the the Organic Act on Election of House of Representatives Members and Selection of Senators, B.E. 2550 [2007] (Parts 7 and 8), as well as for use in local elections as stated in the Local Administrative Election Act, B.E. 2545 [2002] (Section 6 and Section 7). This represents a

restriction whereby other formats of vote casting are not permitted by law.

- **Counting the votes and manual counting**

Both the House of Representatives Election and the Senate Appointment Act, B.E. 2550 [2007] (Part 8) and the Local Administrative Election Act, B.E. 2545 [2002] (Section 7) forbid the use of machines and/or tools in counting and processing votes, thus rendering impractical the formats of electronic voting and internet voting.

- **Local election cannot be implemented outside the constituency, or use early voting**

According to the Local Administrative Election Act, B.E. 2545 [2002], local elections is neither allowed to be implemented outside the constituency nor for early voting.

- **Lack of people-centered characteristics or specific facilitation for certain groups of eligible voters**

Despite the efforts to legislate measures concerning facilitation for certain groups of eligible voters, including the elderly and disabled, as witnessed in Section 69 of the House of Representatives Election and the Senate Appointment Act, B.E. 2550 [2007], the results have not amounted to much in reality due to vote-casting limitations and problems in terms of practicality; therefore, there are many disabled voters left to their own devices and deprived of any practical means of making it to the polls.

- **Using the database of constituents based upon the house registration kept by the Department of Provincial Administration, Ministry of Interior**

Using the database of constituents obtained from the Ministry of Interior means that the ECT lacks detailed information regarding eligible voters, which could be used by the ECT to identify which groups are voting less and/or which groups may need special assistance—especially the elderly, the disabled, and those

working outside their home constituencies, and discover how best to eliminate barriers and motivate these citizens.

Therefore, to address the issues highlighted in this study, new approaches to formats of vote-casting should be introduced to increase diversity and address the needs and wants of the general public better than relatively obsolete formats. However, our alternative suggestions do not include any of the positive measures with respect to providing compensation or incentives for eligible voters who exercise their voting rights by going to the polls because such measures are not truly effective in helping to increase the number of eligible voters who cast their votes.

There are five options regarding alternative appropriate formats of vote-casting in Thailand.

First option: The adoption of a people-centered format of vote-casting and measures to provide incentives for eligible voters to cast votes only upon paper ballots.

Second option: The adoption of a people-centered format of vote-casting and measures to provide incentives for eligible voters to cast votes upon paper ballots by going to polling stations or by mail (non-email).

Third option: The adoption of multiple people-centered and formats of vote-casting and measures to provide incentives for eligible voters abroad to cast votes in elections.

Fourth option: The adoption of multiple formats of vote-casting and measures to provide incentives for eligible voters in Thailand and abroad to cast votes on a voluntary basis in elections.

Fifth option: The adoption of multiple people-centered formats of vote-casting and measures to provide incentives for eligible voters in Thailand and abroad to cast votes in elections.

Each and every options should play a vital role in helping to improve the quality vote-casting formats, thus making it more convenient for electoral voters to vote in an election and referendum while enhancing the effectiveness of electoral administration and management, as well as allowing

for electoral outcomes that should be more accordant with the principle of democracy.

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