Are E-petitions a Viable Tool for Increasing Citizen Participation in Our Parliamentary Institutions?

Hon. Linda Reid, MLA

Although some experts have suggested legislatures should be cautious about moving to internet voting until challenges with secrecy and security, voter verification, auditability and cost-effectiveness are addressed, the author suggests that electronic petitions may offer an incremental step toward broader engagement with voters online. This article reviews current e-petitions systems, the difference between qualitative and quantitative systems, technical challenges and the potential benefit of encouraging voter participation. The author concludes by listing the best practices to consider when developing an e-petitions system.

Technological and procedural innovations play a role in the health of our parliamentary institutions. In BC, as in many other jurisdictions, our Legislative Assembly has embraced new technologies — TV broadcast of debates in new digital formats, expanded use of the Assembly website to provide information on parliamentary proceedings and Members' compensation and expenses, and the use of social media to provide timely information on Assembly issues. Since 2004, BC has accepted online submissions as part of committee consultation processes. These measures collectively constitute what we refer to as "e-democracy".

A recent Elections BC discussion paper[1] (see page 24 for a summary of the report by BC Chief Electoral Officer Keith Archer) examined internet voting in jurisdictions around the world, pointing out challenges for e-voting — including issues around secrecy and security, the verification of voters, auditability, and cost-effectiveness. The discussion paper concluded that while e-voting may provide citizens with greater opportunity to vote, pending resolution of these challenges, the risks of e-voting at present outweigh the potential benefits for our province.

An electronic petitions system may offer a bridging opportunity, an incremental step toward broader engagement with voters online that encourages citizens' participation in parliamentary processes, as technology and our processes allow. Indeed, a growing list of jurisdictions already use e-petitions systems, providing a substantial bank of data on development, implementation and best practices for e-petitions systems.

Voter turnout has been in decline across developed democracies around the globe since the 1960s. In Canada, it has dropped from 75 per cent to just above 61 per cent over the last three federal elections. In BC, numbers over the last three elections show turnout falling from 71 per cent to around 55 per cent in the 2013 provincial general election. Implementation of new technologies in the processes of our parliamentary institutions may nurture citizens' engagement by streamlining avenues for participation in legislative processes.

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Improving rates of home internet access provide another reason to consider e-petitions. While internet access is by no means universal, home access rates are increasing all the time. Statistics Canada's *2012 Canadian Internet Use Survey*[2] shows BC and Alberta enjoy the highest home access levels, at 86 per cent, while New Brunswick has the lowest, at 77 per cent. We in legislative bodies ought to join media and commercial sectors in exploring expanded public engagement opportunities made possible through improving internet access. These opportunities hold potential to bring our citizens closer to our assemblies, especially if they are able to appeal to a broad user demographic.

Background

Petitioning by members of the public has been a feature of citizens' interactions with governing bodies since classical times. The first known formal petitions at the Westminster Parliament were presented to Richard II in the late 14th century, with the practice becoming more widespread under his successors. This means petitioning has remained an avenue for citizens to bring their perspectives before parliament in the Westminster tradition for over 600 years. Despite 19th century changes to prevent House of Commons debate on submitted petitions, more than 10,000 petitions were submitted per session to the House over most of the century.

In BC, early Journals indicate petitions received by the colonial Council of Vancouver Island at least as early as 1859, seven years before the Colony of Vancouver Island formalized its union with the newly founded Colony of British Columbia. Today, petitions in BC are tabled in the House by an MLA. As at the British House of Commons, tabled petitions are not debated in the House. Nor is there a formal means in place for referral of a petition for further examination, by a parliamentary committee or otherwise. There is no mechanism in place at present for accepting e-petitions.

Until recently, guidelines for British Columbia's parliamentary petition submission process were only provided within our Standing Orders. Although the Standing Orders have been accessible to the public, they may not have been readily obvious to petitioners seeking guidance. Many tabled petitions have been ruled out of order for failing to meet the prescribed guidelines — for example, if the text of a petition does not appear at the top of each sheet or the petition requests any expenditure, grant or charge on the public revenue.

Petitions guidelines have recently been posted more prominently on our Assembly website. While the guidelines are unchanged, I'm optimistic as Speaker that this small step toward improved accessibility will support petitioner submission success.

Some of BC's more recent experience with petitions has in fact been overseen by Elections BC rather than the Legislative Assembly, under the province's *Recall and Initiative Act*. The act provides registered voters with a process for proposing new laws or changing existing laws through a petition. A successful initiative petition results in the proposed legislation being referred to the Select Standing Committee on Legislative Initiatives, which must then table a report recommending introduction of the draft bill to the House or reversion back to the Chief Electoral Officer for an initiative vote — a public referendum on the proposed legislation.

BC's Chief Electoral Officer has approved nine initiative applications since 1995, with applications addressing a wide range of topics, from electoral reform to balancing the provincial budget. Only one initiative petition obtained the required number of signatures to pass — a petition that challenged the 2010 implementation of a harmonized sales tax (HST) in the province. Public anger over the HST, manifested partially through the initiative petition process, resulted in a referendum that reversed the implementation of the tax which provided a clear example of the role petitions may play in influencing government policy.

Comprehensive guidelines covering the initiative process are readily available through the Elections BC website. Because the initiative process can result in the petition and draft bill being considered by the Select Standing Committee on Legislative Initiatives, as well as the possible introduction of a draft bill in the House, interest groups with substantial reach across the province have tended to favour the initiative process in conjunction with delivering petitions to the House. Like the Legislative Assembly, Elections BC does not accept e-petitions.

Current E-petitions Systems

E-petitions systems operate in local, regional, national and international jurisdictions across the globe, with some systems now in operation for as long as 15 years. For example:

- The Parliament of Queensland, Australia, has accepted e-petitions since August 2002. An original 12-month trial quickly evolved into an ongoing system, and their e-petitions system works in close parallel with their paper-based system

Provided

Expanding Internet access has the potential to bring our citizens closer to our assemblies, writes BC Speaker the Hon. Linda Reid. She suggests e-petitions might be a bridging device before considering more complicated processes such as Internet voting.

- The Parliament of Scotland's e-petitions system has been in place since 1999 — virtually since the genesis of the Assembly. Scotland's process represents a key part of its parliament's commitment to increasing transparency, participation and openness in government
- In Britain, the House of Commons is now embarking on what is at least its second generation e-petitions system, after the House took over from a previous iteration run by the government out of 10 Downing Street
- Other e-petitions systems can be found in a number of municipalities in Norway; in the regional parliament of Wales; in the United States and South Korea; and at the European Parliament
- In Canada, Quebec and the Northwest Territories have working e-petitions systems

Parliamentary vs. Non-Governmental Systems

There is an important distinction to be recognized between e-petitions systems established and administered by parliamentary institutions and less formal e-petitions systems run by non-governmental organizations. Online services like Avaaz, Change.org, and others, provide people with the tools to create and distribute e-petitions. A Change.org petition demanding review of a bullying suicide case in Nova Scotia recently played an important role in the government's decision to call an independent review of the case.

As parliamentarians, we might reflect upon the wisdom of leaving e-petitions processes in the hands of non-governmental groups like Change. org. While providing an avenue for the delivery of public perspectives on issues may be a central goal of e-petitions systems administered by both non-governmental and parliamentary bodies, public institutions may choose to place a higher priority on verifiability and auditability than would non-governmental groups.

If parliamentary institutions have practical, transparent and auditable e-petitions system requirements in place, these requirements may exert pressure on private organizations to maintain similar quality in their own efforts — if they wish to present their petitions to parliamentary bodies. As an end result, parliamentarians could count on consistent quality in tabled petitions.

E-petitions System Precedents

With many e-petitioning processes in place for a decade or more, there is a substantial and increasing body of data by which to measure successes and challenges encountered in administration of e-petitions systems. This also means a good deal of material to help us develop best practices.

Administration — Quantitative vs. Qualitative

In January 2013, the White House responded to a now infamous petition on its "We the People" e-petitions site demanding that the US begin building a real-life Death Star by 2016, after the petition surpassed the 25,000-signature threshold required for a formal response. Citizens' enthusiasm for online petitions drove the White House response threshold from an initial 5,000 to 25,000 signatures. Then in January 2013, following the success of initiatives like the Death Star petition, the requirement was raised to its current 100,000 signatures.

The British House of Commons has also set its threshold at 100,000 signatures, with additional checks in the system. Petitions crossing the 100,000 participant line must be sponsored or "championed" by an MP before being referable to the House Backbench Business Committee, which may then schedule a debate on the petition topic in the House. Note that it is not required to schedule such a debate. In many cases, the committee has not in fact been allocated adequate time in the House to allow for such debates to occur. Broader implications of this "bottleneck" warrant a little further consideration when it comes to transparency of, and voter confidence in, the process.

The Welsh and Scottish parliaments use systems that rely on admissibility criteria and use no signature threshold — a qualitative rather than quantitative approach. Any matter judged by the petitions committee to be of valid concern to citizens, regardless of the number of signees, may be acted upon by the committee, which has a range of options for action at its disposal.

Protection from Undue Influence by Lobby Groups, etc.

In traditional Westminster-style systems, tabling of petitions in the House is an end in itself. If a petitions process becomes more responsive, with a range of actions by parliament and/or government available and more resources invested in follow-up, it becomes increasingly important to ensure valuable — and limited — time and resources are allocated for debate on topics of genuine public interest, and not on the priorities of small special interest or lobby groups. Several systems make use of a petitions committee, allowing for close oversight and support during the development and active stages of a petition, and providing bona fide petitioners with every opportunity for success.

Direct and Indirect Access to Parliament

One central goal of an e-petitions system can be to improve both direct and indirect access to government or parliament, where "direct" means petitioners submit petitions directly to legislative bodies (like the White House "We the People" system) and "indirect" means petitions can be submitted only through a sponsoring member of the legislative body (as at the British House of Commons). As another option, petitions to the Scottish Parliament are submitted to the Public Petitions Committee by anyone — anywhere in the world, in fact. The Members of the Scottish Parliament who comprise the committee then consider merits and relevance of the petition on a qualitative level before moving forward with action.

Technical Challenges

One technical issue addressed in different ways by various jurisdictions is the verification of petitioner names. This auditability is substantially less complex — and is perhaps less critical — than has proven the case with full-blown e-voting systems. Queensland requires no petitioner name validation. There is a requirement that petitioners provide an email address, but addresses are not checked. This protocol may seem surprising, but it mirrors their paper petitions process, where no verification is required unless fraud is suggested.

By way of contrast, the UK uses a three-part verification process, requiring (1) affirmation of UK residency and a valid address; (2) entry of randomly generated words, designed to block automated systems from signing petitions; and (3) sending of information to a valid email address containing a link for petitioners to follow to verify their signature.

Another technical challenge worth considering lies in collection of signatures on the internet. Raising support online requires very different skills from the type of canvassing associated with paper petitions.

Because the challenge of collecting signatures online has proven virtually prohibitive in some jurisdictions, it may prove worthwhile to consider providing support for petitioners on this crucial piece of the petitioning process when designing a system.

Costs of Development and Operation

Providing voters with direct participation in parliamentary processes can require a substantial investment. For example, Elections BC reported $34,808,125 in expenses to administer the province's 2013 general election — $10.96 per registered voter for this opportunity to participate in the election process. In its study of e-voting, Elections BC found e-voting systems cost the same or more to administer than traditional paper ballot voting systems. By contrast, setup and administration of e-petitions systems provide an increased number of opportunities for participation in parliamentary processes at a fraction of the expense.

Quebec has a population of around 8.1 million people. The Quebec National Assembly's system for start-up, administration and signing of e-petitions was implemented in 2010 at a cost of approximately 800 person-days of work.

The Northwest Territories has a population of about 43,500. Start-up costs for the Northwest Territories e-petitions system were in the neighbourhood of $4,000 with an annual administration cost of approximately $800 — amounting to nine cents per capita for start-up and two cents per capita for annual administration.

The UK has a population of around 63 million. The House of Commons e-petitions site was built by an in-house IT development group in eight weeks at a cost of £80,700. Annual staffing costs are currently estimated to be around £67,500. This represents a cost of £0.00128 per capita for setup, and a little less for annual staffing. It's noteworthy that these actual setup and operating costs fall in marked contrast to estimates for a system proposed by the House of Commons Procedure Committee in 2008, which suggested £500,000 to build the system and £750,000 in annual administration costs — still far more cost effective than something like administering a general election.

Given population and system variation from jurisdiction to jurisdiction, these examples aren't directly comparable; however, they do give a general picture of the relative cost effectiveness of investing in an e-petitions system as part of a strategy to encourage political engagement and participation.

Voter Participation

Do electronic petitioning systems necessarily stimulate broader voter engagement and increased political participation? Data indicates e-petitions systems do not in and of themselves create broader participation. However, supported by internet access rates, I would argue that e-petitions systems hold a healthy potential to facilitate participation if citizens do become engaged with the processes of their parliamentary institutions.

Several of the systems mentioned have had remarkable uptake. The UK Parliament reportedly received 22,000 e-petitions in its first five months, compared to an average of 316 per session over the preceding 20 years. As mentioned above, both US and Westminster systems had to adjust signature thresholds to compensate for enthusiastic uptake.

Keith Archer, Chief Electoral Officer in BC, recently asserted that there is no compelling evidence that online voting systems result in greater participation.[3] Likewise, research shows jurisdictions like Queensland and Germany have seen little change in either the number of petitions or overall signatures following introduction of e-petitions systems. With the increasing rates of home internet access discussed above, one thing is clear: while an internet-based system doesn't necessarily mean more people will participate, it certainly means greater numbers have an option to participate from the convenience of their homes.

Unfortunately, studies suggest that the largest demographic of e-petition participants at present (examining German, Scottish and Queensland examples) is similar to that of traditional petitions — middle-aged and older men with above-average formal education. So while a potential for streamlining participation exists, we have work to do to in engaging demographic groups that are typically reluctant to participate in legislative processes.

Encouraging Voter Participation

The Hansard Society suggests that key elements in encouraging participation include (1) clarity around the process itself and (2) public understanding of available outcomes.[4] In other words: What can a petition accomplish, and what can it not be expected to accomplish? Petitioner satisfaction improves when petitioners understand how their submissions fit into broader parliamentary processes.

It is important for petitioners to receive sound information regarding realistic expectations with respect to outcomes. The UK government suggests

e-petitions are an easy way to influence government policy in the UK, yet clear explanation of what that influence might comprise is not explicit. By contrast, a study of the Scottish Public Petitions Committee "revealed that the administration's discretionary power was frequently used to approve of formally inadmissible e-petitions. Moreover, the personal support and advice provided by the administration have positive effects on the overall acceptance and assessment of the e-petition system by the petitioners…. Through these personal contacts, overly optimistic expectations on the likely outcome of an e-petition can be put into a more realistic perspective."[5]

Who is the petitioner engaging through their petition — government or parliament? Will petitions be directed toward an executive-focused, Westminster-style parliament or to a committee with significant powers for action on petitions? Is the system set up so that petitions receive government responses with a clear link to policy-makers? Or is it set up primarily to prompt debate on petition topics — through committee inquiry, debate in the chamber, informally, or otherwise? Whichever the case, petitioners who trust the transparency of the process tend to be more satisfied with the results, whether their petition is successful or not. This is a key finding to consider.

Summary and Conclusions

Research shows that creating an e-petitions system will not automatically result in improved citizen engagement or participation. But a well-crafted e-petitions system is comparatively economical and can provide voters with an accessible tool to encourage awareness of legislative affairs and stimulate political engagement more generally.

Here are some best practices to consider when developing an e-petitions system with voter engagement and participation as a priority:

- Provide a clear and transparent petition process to encourage realistic petitioner expectations
- Provide technical support to enable petitioner success
- Consider whether responsibility for receiving petitions should be: assigned to a parliamentary committee with clearly stated powers to act on petitions; tabled at parliament by a sponsoring member of the legislative body; or submitted to some other parliamentary or government body in your jurisdiction
- Consider whether a qualitative or quantitative threshold for action on petitions, or a combination of both, would work better for your jurisdiction
- Provide clear guidelines about committee, parliamentary, and governmental obligations to respond to petitions.

As the longest-serving current Member of British Columbia's Legislative Assembly, I have participated on both governing and opposition sides of the House. For now, though, I speak primarily from my perspective as Speaker — as a parliamentarian, motivated to support and strengthen our democratic institutions in BC through improved transparency and increased accountability in our parliamentary bodies.

Faced with trends of declining voter turnout and general disengagement from politics across developed democracies, we parliamentarians must concern ourselves with opportunities for reform and for evolution in our institutions, aimed at engaging voters and building relationships with demographic groups traditionally less inclined to participate in parliamentary processes.

In BC, we may certainly wish to consider an electronic petitions system as an addition to the e-democracy measures now in place. Despite the complexities of ensuring clarity and transparency, and the challenge of finding ways to encourage participation by underrepresented demographics, an e-petitions system offers a relatively low cost, low-stakes opportunity for refining current processes — especially compared to more complex, higher-stakes options such as development of a system for e-voting in general elections.

I look forward, with interest, to further study and discussion on the development — and especially successes — of e-petitions systems in jurisdictions around us, as well as other opportunities to enhance the effectiveness of parliamentary institutions.

Notes

1   *Independent Panel on Internet Voting: Recommendations Report to the Legislative Assembly of British Columbia.* http://www.internetvotingpanel.ca/docs/recommendations-report.pdf

2   Statistics Canada. *Canadian Internet Use Survey, 2012.* http://www.statcan.gc.ca/daily-quotidien/131126/dq131126d-eng.htm

3   "Voice of BC, July 10, 2014." http://vimeo.com/100449283. Between approximately 25:00 minutes and 30:20 minutes.

4   Hansard Society. *What's Next for e-petitions?* http://www.hansardsociety.org.uk/wp-content/uploads/2012/10/What-next-for-e-petitions.pdf

5   Ralf Linder and Ulrich Riehm. "Electronic Petitions and Institutional Modernization. International Parliamentary E-Petition Systems in Comparative Perspective," *Journal of eDemocracy and Open Government.* 1:1, 2009, p. 6. Viewed at: http://www.jedem.org/article/view/3