Mobile Voting as an Alternative for the Disabled Voters

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Abstract: The aim of this presentation is to highlight the common problems disabled voters have during elections and to emphasize the importance of mobile voting in creating a more inclusive, participatory democracy. Results of a qualitative textual analysis of a web-based forum about the experiences of disabled citizens during the 2009 local government elections are used to identify the legal, physical, and emotional problems associated with participating in elections. In the final section, the results of a questionnaire, which was e-mailed to disabled voters, are presented, and it is argued that establishing a mobile voting system for disabled voters may bypass many of the problems affecting this community and that mobile voting may be more efficient when compared to other solutions. It is often suggested that trust building and extensive public relations activities should be designed to prepare the society for new types of voting, and pilot work is recommended for those who need these innovations the most—disabled voters.

1   Introduction

Representative democracy is about representatives who act on the behalf of those who elected them. However, we cannot talk about democratic representation wherever elections have been held. The elections must exhibit universally recognized qualities in order to be labeled democratic. Basically, they need to be general (universal suffrage), free, fair, and secret. Although elections date back to ancient history, these qualities were only achieved after popular struggles in the late 19th century and spread across Europe in the early 20th century. The right to vote was hard to win. People were required to provide information concerning who they were, what their income was, how much tax they paid, or even details about their racial background before they were granted their basic rights as citizens. In some Western democracies, blacks and women were only allowed to vote in the second half of 20th century. Still, free, fair, and anonymous elections seem out on the horizon in many parts of the world.

Winning the right to vote is one thing, but using, or being able to use this right is another? Today, the biggest concern for governments in developed democracies is to increase voter turnout and ensure that every citizen is able to express his or her will at the ballot box. Although there are various legal arrangements in Europe and in Turkey to make it easier for people who have difficulty reaching polling stations, accessibility remains problematic for some sections of society like the elderly or people with disabilities. In the search for more inclusive democracies, technological developments offer valuable instruments such as remote polling via computers, mobile phones, or cable televisions. But these innovations are not without problems, and there is need for extensive work before being able to fully benefit from their potential. Along these lines, this paper focuses on mobile voting and its usability for disabled voters.

Thanks to developing mobile technologies, exciting opportunities have flourished in the public sector. Various services including emergency response, the police force, tax payment, and car parking information are only a few of the mobile services that governments have started to provide for their citizens. However, the implications of these innovations are not limited to public services. From a political perspective, it is not too early to talk about the emergence of *mobile democracy*. Mobile democracy can be defined as using mobile interfaces to improve the relationship between the government and its citizens, and it connotes a move toward a more inclusive and participatory democracy. Of course it would be an exaggeration to claim that democratic ties between the governments and its citizens may be strengthened only with the help of mobile communication devices [BB03]. However, the potential benefits for both parties carry too much promise to be neglected. Mobile devices can reach a great majority of citizens, cutting across dualisms such as wealth, gender, education, age, and regional development level [Ge04] [Ny05]. New types of networks may erode traditional information flow hierarchies and provide fast and effective ways to disseminate and mobilize information [Ca06] [Sr05] [He08] [Su06]. Mobile technologies offer constituents the opportunity to closely monitor their governments, and they provide voters with a channel for being heard [KK04]. On the other hand, governments, political parties, and NGOs would have access the people much more easily than traditional communication channels allow. Thus, it would not be wrong to say that it is crucial to establish the necessary substructures for the coming age of M-democracy and that there is a need to begin pilot schemes to identify country-specific problems as soon as possible.

As the core element of representative democracy is the election, it is logical to say that mobile voting, which can be defined as voting via mobile devices, should be considered one of the most important drivers of mobile democracy. Although an exciting idea, various countries' experiences have proven that mobile voting has many issues that need to be solved before it can be utilized for large-scale elections. It is evident that social, legal, technical, and political problems may pose serious challenges against mobile voting [Bo07] [Sc03] [Jo02] [Lo02] [Mo03]. Furthermore, since many democracies are suffering from ever-declining voter turnouts [GC00], decreasing party memberships [MB01], and distrust in institutions and politicians [Pu00] it is evident that democratic governments need to modernize participation channels according to the changing lifestyles of their societies in order to reach as many citizens as possible.

In this paper, it is argued that disabled voters should be the first group of citizens to test the feasibility of mobile voting in Turkey because a large portion of the approximately *four million* disabled voters face innumerable difficulties during an election, ensuring that their political wills are hardly reflected at the ballot box. In order to develop this argument, the first section provides brief information on relevant election regulations concerning disabled voters. The second section highlights common problems faced by disabled voters throughout an election. The third section discusses whether mobile voting could be a viable solution for disabled voters in the light of data obtained from a questionnaire that was e-mailed to disabled voters.

2 Election Regulations Concerning Disabled Voters

Turkey is a representative democracy and, as previously mentioned, there are legal arrangements to ensure free, fair, and anonymous elections for every citizen just as other European countries. According to the Turkish Constitution, every citizen who is older than 18 has the right to vote in elections and on referendums. However, the Constitution and the Law of the Essential Provisions of the Elections and the Elector Rolls (henceforth the Electoral Law), list those who cannot vote and those who cannot be a voter. Soldiers (excluding officers), military students, and prisoners cannot vote in elections, while the incapacitated and those who have been denied public service cannot register. Thus, disabled citizens have elective franchise rights just as any other citizen so long as they meet the necessary requirements.

Articles 36, 74, 90, and 93 of the Electoral Law establish the rules for disabled voters. According to the Article 36 if the voter has a disability, which does not allow the voter to vote, it must be noted during electoral registration. The Article 74 is about the duties of the ballot box commission. It is the responsibility of the commission to "make necessary arrangements to make disabled voters vote comfortably". The Article 90 says that "pregnant, sick, and disabled voters cannot be kept waiting" at the voting queue. According to Article 93 "the blind, the paralyzed, or those with *clearly apparent* physical disabilities may cast their votes with the help of one of their relatives who is from the same constituency or any voter in the absence of any relatives". However, a voter is not permitted to help more than one disabled voter.

When the aforementioned regulations are considered, it is seen that rule makers have tried to overcome the difficulties that may prevent the disabled voters from expressing their political wills at the ballot box. However, as in many areas of life, the actual experiences of disabled voters during an election prove the need for further legislation. In the following section, election day for a disabled voter is depicted using discussions from an Internet forum whose members are either disabled or close friends/family members of disabled citizens.

3   Election Day for a Disabled Voter

One of the advantages of the Internet has been its ability to connect people around the world regardless of race, religion, gender, or any other differences. The Internet has become a fertile place where social networks, friendships, and even social movements blossom faster and participants express themselves more freely than in the real world. Thus, the Internet may be considered a good starting point to investigate the true feelings and opinions of particular social groups.

In this section, the most common legal, physical, and emotional problems that the disabled voters face during the elections are highlighted by using the results of a qualitative textual analysis of a web-based forum[2] about the experiences of the disabled citizens at the latest local government elections. The forum has 21,000 members who are either themselves disabled or are close friends/family members of disabled citizens. The members have different types of disabilities, so it is possible to spot common problems rather than problems associated with a specific type of disability.

Four discussion topics on the forum were selected in order to collect data about the election experiences of the disabled voters. The topics are titled "Place: Republic of Turkey, Event: Local Government Election of 2009, The Victims: The Disabled, Offender: Higher Election Committee", "Political Rights: The Disabled Citizens Who Have Been Denied Their Right to Vote", "Proposal about the Architectural Problems That Restrict Disabled Voters". Forum members talk about their.experiences as pertaining to these four topics,

Four sub-headings are used to illustrate the election day of disabled voters. These include: "Transportation To the Voting Area", "Reaching the Ballot Box", "Casting the Vote", and "Overall Effect of the Election". The experiences of the disabled voters at the election day are discussed at length to highlight what benefits mobile voting would foster.

3.1   Transportation to the Voting Area

The challenges of the election start with the task of reaching the voting area from the residence of the disabled voter. In this phase, we can make an initial distinction between two groups of disabled voters. We can distinguish one group of disabled voters who can leave their houses with or without the help of other people (family members, friends, etc.) or special equipment (wheel chairs, hearing devices, etc). The second group of disabled voters includes those who cannot even leave their houses due to their disabilities.

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2   www.engelliler.biz

The first group of disabled voters may be considered luckier because their chances of voting, as will be mentioned below, are much higher than the second group. However, the road to the polling station has its own problems. Besides the usual architectural obstacles such as stairs and unsuitable pavements, we can spot particular problems due to the election regulations. First of all, the distance of the voting location determines the type of transportation options. If the voting area is close to the disabled voter, she/he may choose to travel without using public/private transportation, which is less problematic option. However, if the voting location requires transportation, problems start to emerge. In some cases, political parties or NGOs provide transportation for the disabled voters (including voters in elderly care institutions), but this service is often strictly tied to a promise to vote for a particular party and explicitly illegal. Since the law does not allow public institutions to use their resources during elections to prevent influence, municipalities cannot allocate their vehicles, which are also not always suitable for disabled people, to provide transportation for the disabled voters who do not have private transportation opportunities.

The second group of disabled voters, those who cannot leave their houses due to their disabilities, face more difficulties than the first group. The first, and less important, problem for these citizens is the election fine. According to the law, the registered voters who do not vote at elections must pay a fine. However, if the voter can prove that she/he has a legal excuse not to vote, the fine may not be enforced[3]. Therefore, it could be said that when the disabled voter does not wish to vote, since she/he cannot reach the voting area, there should be no problem at all. However, if she/he wishes to vote, the regulations fall short. According to the law, the voter must cast his/her vote in person and cannot appoint a proxy to vote on his or her behalf. Although forum members explain that their relatives had voted on behalf of them in previous elections, this rule seems to have been more strictly enforced in the latest election. In the forum, one of the voters said that he had been voting by proxy for years and had never had a problem. However, in the latest local elections, the Higher Election Commission (YSK) ruled that the disabled voters may not appoint a proxy to vote for them, and those who have already been appointed a guardian (about 400.000 voters) were not sent their voter papers[4].

It is not possible to appoint election officers to visit the houses of those voters who cannot leave their houses due to their disabilities either. Thus, there seems to be no option for them to vote, and it is obvious that some type of remote voting method should be considered for those disabled voters who have the ability to vote but do not have the opportunity to do so.

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[3] Although the election fine has been an instrument to stimulate voter participation, it has not been implemented to this date due to the cost of the process. However, during the presidential and local elections, the government signaled an increase for fines.

[4] It should be noted here that not all of these 400000 citizens are incapacitated in terms of civil law or law of obligations. They need a guardian only for daily transactions such as personal care, banking or shopping since they cannot leave their houses.

3.2   Reaching the Ballot Box

Once the disabled voter reaches the voting area, there remains the arduous task of getting to the ballot box. Many of the ballot boxes are placed at schools that have multiple stories, and many of these schools, which have been designed for *healthy,* young students, do not have proper accessibility options (elevators etc.) for the disabled voters. So there are two alternatives: either the voter may be carried to the ballot box with the help of other voters, or the ballot may be brought to the voter.

Each of these solutions has its own limitations. Some types of disabilities, having fragile bones for example, require special handling, which strangers may not be able to provide without hurting the voters, or perhaps it would be too embarrassing for the disabled voters to ask strangers to carry them to the voting room[5]. This first option is also open to influence, since in some places, members of political parties offer to help disabled voters (of course not without acknowledging their political affiliation), thus breaching election restrictions.

Bringing the voting paper to the disabled voter is an informal solution, and it cannot be done without violating multiple regulations. For example, it is forbidden to take the voting seal out of the polling station, and votes should be cast under the inspection of the ballot box commission. In such cases, the chairmen of the ballot box commission use personal judgment to allow the paper to be sent to the voter, yet this is not regulated clearly. Since the *necessary arrangements* for the disabled voters to vote comfortably, as mentioned in the law, are tied to the personal judgment of the chairman on the ballot box commission, different chairmen may reach different conclusions about similar situations. This variety in practice frequently leads to harsh arguments between the disabled voters and the election officers.

Lack of information about the different types of disabilities may sometimes lead the chairmen to make insufficient decisions too. For example, one of the forum members explains that the chairman of the ballot box did not believe that he was 97% disabled as he did not see anything externally wrong with the voters (since the disability of the voter was not *clearly apparent* as mentioned in the law).

The forum participants also complain that the ballot box commissionaires may be quite anxious due to fear of allegations of fraud or official complaints of other parties' representatives, and thus they do not give permission to send the paper to the voter.

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[5]   According to the forum members, this is especially a greater problem for the young female voters. One of the young female forum members tells that she was too embarrassed to be carried by her father, while another member says he was able to vote but it was much harder for his sister, and that they do not think she will vote in the next election.

3.3   Casting the Vote

At the zenith of the voting process, voters are expected to use a seal, which is stamped onto the voting paper. This is also not an easy thing to do for some of the disabled voters. For instance, blind, spastic, paralyzed, and amputee voters need help to cast their votes. The regulations allow one relative of the disabled voter or one voter from the same ballot area to help. However, in this case, the secrecy of the vote is being lost, and the disabled voter may not be able to assert her/his real will due to the pressure of the bystander (the helper may cast the vote as she/he wishes or manipulate the voter)[6].

3.4   Overall Effect of the Election

The forum members provide a clear picture of the election's end. Some members of the forum were able to vote without any difficulty since they were enrolled at an accessible polling station located on the first floor of a school. Some of them feel they were lucky just to reach the ballot box, even though their votes had been improperly cast, violating election regulations. While others say, they had been too embarrassed or frustrated that they do not think they will ever bother casting a ballot again. Those who were not able to vote, feel that they have been denied their right to vote, and hence their right to be an active citizen; they believe that none of the political parties or public institutions, including the Higher Election Commission, are willing to solve their problems.

It would not be an exaggeration to say that the elections, which represent the pinnacle of the democratic process, may turn into a nightmare for many disabled voters. Such experiences may lead to the further isolation and alienation of these citizens, and naturally, these problems should not be neglected in a proud democracy.

4   Is Mobile Voting a Viable Option for Disabled Voters?

In this section, the viability of mobile voting for disabled voters in Turkey is discussed with the help of the results of a questionnaire, which was e-mailed to forum members. The sample set consisted of approximately 40 disabled people; therefore, the data are not well suited for extrapolation and making generalizations. However, they may be used to provide clues about some of the obstacles facing mobile voting. In the future, there is certainly a need for a large-scale, and if possible, comparative work in different political cultures about disabled voters' attitudes about remote voting types.

Before analyzing the opinions of the disabled voters about mobile voting, it would be beneficial to provide some information on the responses of disabled voters when asked an open-ended question about what proposals they had for helping disabled citizens during elections. The most frequent answer to this question was architectural

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[6]   A visual impaired respondent writes that if mobile voting should be possible, the blind voters would at last be 100% sure of which party they voted for.

accessibility. Fourteen respondents said it was the best solution to locate ballot boxes at easily reachable places such as school gardens or schools that have elevators. Four respondents said special public transportation should be available during elections, while four respondents wanted election officers to visit the houses of those who cannot leave their houses due to a disability or age.

It is logical to claim that increasing the accessibility of ballot boxes should be the first priority for the administration. In fact, there is a prime ministerial circular order that aims to make all public buildings and transportation vehicles accessible to disabled citizens by the year 2012 (R.G. no: 26226, 12.07.2006)[7]. However, this is a valid proposal only for those who can actually leave their houses and not for those who must stay at home. Furthermore, uneven distribution of the disabled voters among neighborhoods, districts or villages makes it hard to allocate special ballot boxes at every voting area, too. Appointing teams of election officers to visit the disabled voters at home seems to suffer from the same disadvantages due to geographical dispersion. Thus, increasing the accessibility for those who can manage to reach the voting area and legalizing proxy voting for heavily disabled citizens can be considered primary solutions. However, surprisingly, it is important to note that none of the respondents favored proxy voting as an alternative. Clearly the respondents were keen on voting in person rather than trusting someone else, as they could never be completely sure of their vote.

After highlighting some drawbacks of possible solutions, we may ask whether mobile voting could be a viable option for them. The answer to this question depends on the attitudes of the voters and the governments. On the government side, the main problems are said to be identification and privacy issues. Yet, it could be claimed that the enthusiasm of the state for e-government applications makes electronic voting one of the possible methods of voting. In 2003, electronic voting was added to the electoral law as a method of voting along with postal voting, although it is only for the citizens who live abroad. Additionally, it could be claimed that Turkey has accumulated enough experience in e-government services to overcome any identification and privacy issues. Turkey, as a candidate for the European Union (EU), and as a partner involved in e-government agenda of the union, has been eager to invest in e-government projects since the 1990s with programs like E-Turkey and E-Transformation Turkey. In 2010, Turkey's rate of providing twenty e-government services, as determined by the EU, was 88,75%, above the average of the other twenty-seven countries (84,28%). Some of the services offered via the e-government portal (www.turkiye.gov.tr) are also accessible through mobile phones. Legal basis of electronic signature and mobile signature have already been established, and they are used for formal transactions in areas like banking and commerce. Thus, it is possible to claim that mobile voting is not out of reach from a technical point of view.

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[7] Unfortunately, it seems the architectural accessibility remains a problem as of 2012 due to lack of resources.

On the other hand, mobile voting is not all about technical feasibility. People may simply not like the idea of voting through a mobile phone, in which case an immature initiative may end up in disappointment. It is this aspect of the problem that this paper aims to focus on hereafter. In order to investigate disabled voters' opinions about mobile voting, a questionnaire was e-mailed to disabled voters who are either members of the forum or members of disability associations. The questionnaire involved 16 expressions, which aimed to investigate the opinions of respondents about whether they believed the necessary social, and technologic substructure for mobile voting existed in Turkey, as well as expressions about the opinions on the fairness and secrecy of mobile voting. The respondents were asked to choose one of five options (Totally Agree, Agree, Undecided, Disagree, Absolutely Disagree) about the expressions. Table 1 shows the properties of the respondents, while Table 2 shows the frequencies of the answers for each of the expressions.

		Frequency	Percent	Valid Percent	Cumulative Percent
Age	20-29	9	22,5	22,5	22,5
	30-39	19	47,5	47,5	70,0
	40-49	9	22,5	22,5	92,5
	50+	3	7,5	7,5	100,0
	Total	40	100,0	100,0	
Gender	Female	17	42,5	42,5	42,5
	Male	23	57,5	57,5	100,0
	Total	40	100,0	100,0	
Disability Ratio(%)	-25	1	2,5	2,5	2,5
	26-50	8	20,0	20,0	22,5
	51-75	19	47,5	47,5	70,0
	76-90	5	12,5	12,5	82,5
	91+	7	17,5	17,5	100,0
	Total	40	100,0	100,0	

Table 2: Properties of the Respondents

	Absolutely Disagree	Disagree	No opinion	Agree	Totally Agree
I have to overcome numerous obstacles at elections.	10,0%	2,5%	2,5%	32,5%	52,5%
I believe there is adequate technologic infrastructure for SMS voting in Turkey.	17,5%	12,5%	17,5%	27,5%	25,0%
SMS voting is not appropriate since it would imprison disabled voters at home at the election day.	22,5%	42,5%	12,5%	12,5%	10,0%
Turkish society is ready for SMS voting.	20,0%	25,0%	12,5%	25,0%	17,5%
SMS voting is not appropriate since the voter would be open to external pressures.	17,5%	32,5%	17,5%	12,5%	20,0%
Voter turnout would be higher if SMS voting were possible.	2,5%	5,0%	10,0%	40,0%	42,5%
I do not think SMS voting is appropriate since I do not believe the votes will remain secret.	15,0%	30,0%	15,0%	25,0%	15,0%
SMS voting is not appropriate because of security reasons (viruses, hackers etc.).	17,5%	25,0%	27,5%	15,0%	15,0%
Whatever the technology, it would not compensate sealing the stamp on a paper.	35,0%	37,5%	10,0%	7,5%	10,0%
My family or my friends would interfere if SMS voting from home were possible.	40,0%	37,5%	2,5%	15,0%	5,0%
I could pay a reasonable fee if SMS voting were possible.	25,0%	22,5%	5,0%	27,5%	20,0%
SMS voting is unfavorable since mobile phone operators may manipulate votes.	15,0%	17,5%	17,5%	25,0%	25,0%
I could easily use my mobile phone if SMS voting were possible.	2,5%	12,5%	7,5%	17,5%	60,0%
I do not want to vote whatever the technology since the votes do not change anything.	57,5%	15,0%	7,5%	7,5%	12,5%
I would prefer to vote by fixed phone, mail or fixed computers rather than mobile phones.	12,5%	22,5%	30,0%	17,5%	17,5%

Table 3: Frequencies of the Answers for the Expressions (%) (N:40)

Although these results are not suitable for making generalizations, they may be used to illustrate risks and opportunities for mobile voting in Turkey. To start with, it is evident that the respondents are eager to use their voting rights, and they believe their votes count. 72.5% of the respondents reject the idea that they would not vote even if mobile voting were possible since they did not believe their votes would change anything. However, a great majority of the respondents (85%) say that they have to overcome many obstacles to exercise their voting rights on election day. At this point, the answers of the respondents provide clues as to whether mobile voting would alleviate problems for them and other voters. More than half of them (52,5%) believe technologic infrastructure for mobile voting is adequate and a large majority (82,5%) think that voter turnout would increase if mobile voting were possible, and 77,5% of them say they can easily use mobile phones for voting if SMS voting were possible. In addition to that, 77,5% percent of the respondents reject the idea that their families or friends would interfere or try to affect their votes, which may be regarded as one of the greatest risks associated with mobile voting.

However, mobile voting is not without problems. The respondents have suspicions about the freeness, fairness, and anonymity of mobile voting, interestingly enough, not because of the technology itself but because of negative impressions about society and corporations. 50% of the respondents agree that SMS voting is inappropriate because mobile phone operators would manipulate votes, which is a higher percent than those who are suspicious due to viruses or hackers (30%). Thus, it could be claimed that an immature implementation of mobile voting may be open to trust attacks, which is a greater risk as trust among citizens are already problematic.

Summing it up, it is possible to claim that the technological infrastructure in Turkey is developed enough to support mobile voting for those who need it to gain real access to polling stations. This would bypass many of the legal, architectural, and practical problems that are faced on election day. The respondents' answers show that disabled voters can easily use this technology. Mobile phones have a wide range of accessibility options when it comes to accommodating disabilities. In addition, respondents' answers cast general doubt on what many view as a disadvantageous aspect of e-voting: suspicions about the secrecy of the votes. Most of them do not think their family members or friends would interfere if mobile voting were possible. It is also true that there are trust issues that need to be solved. For those who cannot trust new voting types, mobile voting could simply be an option. However, the most important trust issue seems to be about the political culture and the role of private sector.

5   Conclusion

As a burgeoning technology, mobile voting is, like any youngster, full of potential rather than accomplishments. The foremost consideration about mobile voting seems to be trust issues, not about the technology itself but rather the democratic culture of the country. If voters do not trust other citizens, their governments, or private corporations, they would refuse to use any innovation, no matter how new technology could simplify things for them.

It could be argued that a significant proportion of the disabled voters in Turkey have to overcome many obstacles on election day to make their voices heard. Although there are legal regulations to make things easier for them, real life experiences make them feel left out. There are a number of alternatives for disabled voters. Proxy voting and increasing accessibility of the ballot boxes seem to be primary options that could be achieved in a short time. Mobile voting by SMS or other such devices may be considered a strong alternative for disabled voters in Turkey too. The legal and technological basis of such an endeavor already exists in Turkey. However, trust building should be a primary task, and a long-term agenda should be set to prepare the society for new voting types (esp. about public-private partnership, establishing clear security protocols, and extensive PR activities). In this process, pivotal work could be designed to target social groups such as disabled voters or young voters, groups which may be more enthusiastic about mobile/electronic voting or which need these innovations to their rights as citizens.

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