

ROMANIAN MIGRANTS' POLITICAL TRANSNATIONALISM, ALTERNATIVE VOTING METHODS AND THEIR EFFECT ON THE ELECTORAL PROCESS

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Abstract

The present paper continues this debate, discussing possible solutions and reforms that would improve external and out of country voting (OCV), and enhance and enable political participation and representation of the Romanian diaspora. Departing from the perspective of political transnationalism it reinforces the argument of extended citizenship rights for migrants, and analyzes the possibility of introduction of electronic or postal vote and the impact of such changes on the electoral process, drawing comparisons with states that already use similar voting systems.

Keywords: internet voting, online voting, Estonia, diaspora.

Presidential elections and voting problems in the diaspora

The two rounds of presidential elections held in the autumn of 2014 will remain in the memory of many of us for their dramatic turning point and unexpected result. The discriminatory treatment and arrogant tone of the Romanian authorities and their lack of reaction to voters' denied access to polling stations outside of country created much discontent at home and abroad. The Romanian electorate and civil society mobilized and sanctioned in return the government's mishandling and deliberate actions to influence the elections' outcome. Tens of thousands have taken it into the streets of the country's largest cities to show solidarity with their co-nationals abroad who could not cast their votes for the election of a new president (Balkaninsight.com 2014), and created a big wave of support around the candidate running against the prime minister Victor Ponta. This contributed to his victory, marking a tipping point in the history of Romania's democratic elections. For the first time someone belonging to a national ethnic minority in a considerably

conservative East European country has been elected as head of state. This represents not only a change of political tradition but also a change of thinking and representation of politics.

The power establishment seemed to be defeated by someone coming out of the margins of the political system, long time member of an ethnic German political formation, with the significant contribution and support of a large, marginalized part of the Romanian population, represented by labor migrants living in other states of the European Union. Their demands for political representation also resurfaced voices of civic activists, scholars, journalists and members of the political opposition demanding urgent reforms of the electoral legislation and easing of voting access abroad.

Infused by the Romanian authorities' power abuses they reinitiated discussions on topics that have been long time overlooked, such as the introduction of electronic or postal vote and the possibility of voting by Internet, the assembling of an up to date national electoral register that would include all Romanians abroad, and a more transparent financing process for electoral campaigns and candidates. They stressed the need for alternative and technologically enhanced methods of ballot casting that would make participation at the polls less restrictive and more open, and not the least, the need for a better representation of the diaspora.

After series of failed legislative attempts in the past to introduce an alternative voting system that had almost no echo outside the parliament, the nexus between the introduction of remote electronic voting and extended voting rights for Romanians abroad has stirred much necessary debates and research endeavors, as well as legislative projects aiming to modify certain aspects of the electoral legislation. The association recently founded and baptized as M10, grouped around Monica Macovei, former presidential candidate and member of the European Parliament, proposed the special parliamentary commission working on the review of electoral laws a project for the introduction of remote electronic voting that would allow any Romanian citizen to vote from home in any type of elections (Hotnews.ro 2015a). The votes would be cast on similar devices as those used in e-banking and enable voting on internet in a

secured environment. The Center for Study of Democracy, a think tank in Cluj, proposed the Romanian presidential administration a much broader document containing a set of recommendations that would improve the electoral process and assure a more transparent financing of electoral campaigns. The experts working for this organization recommended the completion of the National Electronic Electoral Register and the modernization of voting techniques (CSD 2015, 36-8), and criticized the opaque provisions stipulated in the draft of the electoral law under which electoral candidates could be reimbursed from public funds for their expenses for running for office (Hotnews.ro 2015b). This well documented report influenced the sending of the legislative project back to the electoral commission and the change of several problematic articles. Other legislative projects for the electronic and postal voting have been initiated by members of the center-right parties in the opposition, the National Liberal Party (PNL) and Popular Movement Party (PMP).

The present paper continues this debate, discussing possible solutions and reforms that would improve external and out of country voting (OCV), and enhance and enable political participation and representation of the Romanian diaspora. Departing from the perspective of political transnationalism it reinforces the argument of extended citizenship rights for migrants, and analyzes the possibility of introduction of electronic or postal vote and the impact of such changes on the electoral process, drawing comparisons with states that already use similar voting systems.

New and old concepts

External voting is understood in the terms of an electoral procedure which enables some or all electors of a country who are temporarily abroad to exercise their voting rights from outside the national territory (Braun and Gratschew 2007, 8). Expressions such as out-of-country voting, absent or absentee voting are sometimes used with the same meaning, and they are equally validated by the literature (Ibid.). In spite of having a long history behind, supposedly being used the first time in the Roman Empire (Ellis 2007, 41), external

voting is in fact a new procedure and has been embraced by the majority of the world states that qualify as democracies and constantly hold free elections (Braun and Gratschew 2007, 3).

Electronic voting or e-voting is usually mentioned and analyzed in relation to external voting and refers to any procedure or method by which votes are cast through electronic means (IDEA and IFE 2007, 247). Electronic voting can imply remote voting or votes cast in polling stations. Examples include casting votes through Internet, by using Electronic Voting Machines (EVMs) or Direct Recording Electronic Voting Machines (DREs), or their predecessors used at the beginning of the 20th century, the Mechanical-Counting Machines with Lever-Pull or Machine readable ballots (Bureau et al. 2009).

Postal vote is also related to external voting and represents the simple procedure by which an elector completes his or her ballot paper and returns it by post to central authorities in charge of organizing elections (IDEA and IFE 2007, 250).

The concept of diaspora, which seems to be more problematic and contested, is not understood strictly in terms of a historical national community living outside the borders of the state, or as a population that was violently displaced or expelled to another country or territory in a territorial dispute (Bureau 2011, 85). And it is only partially understood in the more recent conceptualization as a population which belongs to a recent emigration process and intends to settle indefinitely in a destination country (Sheffer 2005 [2003], 19-20). It is rather defined in a very broad sense and it covers the entirety of migrant populations bearing the formal status of citizenship of a certain state, with various types of linkages and attachment to their country and home society, without making differentiation in terms of formal integration, migration history, ethnicity or political views.

The Romanian diaspora, a political force worth being taken into consideration

Although Romania has one of the most permissive legislations when it comes to out-of-country voting, and made considerable efforts in the last decade and a half to double the number of polling stations opened abroad for national elections (Burean 2011, 95), there have been serious problems in providing access to polling stations to a larger than ever number of Romanians willing to cast their vote outside of country in the last elections (The Economist.com 2014). The images of large groups of Romanians, mostly migrants residing in western European countries, waiting in line for hours to vote in front of Romanian embassies and consulates abroad, broadcasted by the main international media outlets and extensively distributed on social media platforms have attracted attention and criticism from inside and outside the country. A very large diaspora, such as the Romanian one, with almost 4 million people, has been restricted to vote due to the authorities' lack of capacity and efficiency in organizing elections abroad, or due to an ideologically selective denial of allowing them to exercise their votes (Telegraph.co.uk 2014).

Long time ignored or valorized only for the high amount of remittances sent home Romanian migrants became more visible as in the last two presidential elections as they were capable of influencing the result in a substantial manner and turn the tables in favor of one of the candidates. Enabled by social media and mostly a positive coverage in the Romanian press they strongly made their voices heard as tens of thousands could not enter the polling stations opened abroad and cast their ballots during the elections for president held in the last months of 2014. This engendered a massive mobilization movement against the government coalition and their candidate for presidency, Victor Ponta, and contributed to the election of his opponent, the former mayor of Sibiu, Klaus Iohannis.

In a country that has experienced in the last two decades and a half a pervasive migration process, more than 15% of the active population is engaged in a form of migratory movement making Romanians one of the largest migrant populations moving inside the European Union (OECD and UNDESA 2013). From ethnic migration to irregular migration Romanians developed various practices of

mobility and transnationalism overcoming the economic deprivation they faced in the country, accumulating migration experience and economic resources (Horváth and Anghel 2009). After their status regularization that came with the accession of Romania to the EU they became empowered to demand recognition as fully enfranchised citizens, both in their receiving states as well as in their origin country.

The formal change of status became visible in the increase of participation rate in the national elections held at home. If in the legislative elections of 2004 and 2008 the Romanians abroad participated in a small proportion with 5% or less from their real numbers going to the polls, their numbers almost doubled in the presidential impeachment referendum from May 2007, with 72,156 persons voting in 178 sections opened in embassies and consulates (Căjvăneanu 2009, 102-3). The interest for national elections in the diaspora continued to increase as the second round of the presidential elections of 2009 registered a participation twice as large than 2007, with 147,754 Romanians expressing their options at the polls, voting in a striking majority for the incumbent president, Traian Băsescu, and turning the outcome of a critical election (Burean 2011, 91; Mateescu 2010).

Constantly criticized for their low turnout at the polls and apathy for national politics (Căjvăneanu 2009, 120-1) or courted for votes and support every time elections approached (Angi et al. 2009, 34-5), migrants have constituted into a political force able to influence decisively the result of elections from outside the country (Burean 2011). Even more, they remained salient through out time in their options for right, center-right parties, perceived to be pro reformist and more liberal than the political forces coalesced around the Social-Democrat Party (PSD) (Ibid.). This way, migrants acted not only as an important resource of financial remittances but also a potential resource for development and change, supporting liberal policies and contributing to the democratization process.

The Romanian state should reinforce and support the linkages that they maintain with their home country not only because they are a resource from where obligations (such as financial remittances and

taxes) could be extracted (Bureau 2011, 86), or through which it could foster cooperation and promote national interests in foreign countries, but also because they are part of the community of citizens. In this case the state has to assure its legitimacy and their representation, irrespective of their territorial residence or other forms of state affiliations. As they represent a large share of the active population of Romania, which becomes more mobile than ever, migrants embody also a valuable human capital and financial resources that could be successfully invested their home country. They could contribute in creating employment opportunities in the local economy of their communities of origin, in developing social and cultural projects, or in transferring scientific and technological know-how, as well as democratic and participative values (Waldinger 2014).

Transnationalization of citizenship

Migrants are not territorially unbounded nomads moving and living in empty lands or in a void of state authority and power (Bauböck 2007; 2002). As they move across borders and territories they carry with them to a certain extent the franchise of the polities of which they resorted, combining external and internal statuses and affiliations (Idem 2003, 703). As political participation and representation rights are not negotiable and once granted they are irreversible and cannot be retracted in any democratic state (Idem 2007), the transnational ties and spaces resulting from the overlapping political communities and institutional arrangements which migrants belong to should not cancel out or limit such rights and actions but rather extend and enlarge them (Idem 2002, 14-15).

A major role in creating and supporting such venues of political transnationalism or transnational citizenship (Idem 2007) belongs to the states and their political leadership. Instead of disconnecting citizenship from membership in bounded political communities (Idem 2002, 24), states should approach them from the perspective and logic of positive rights that need to be put into place in the stronger sense of entitlements and public services that grant citizens

the opportunity and possibility to exercise such rights, and make the entire electoral process much more open, accessible and fair (Idem 2007, 2407). Organizing registration, printing ballots, making electronic voting machines available, and opening a sufficient number of polling stations abroad should become standard democratic procedures for all democratic states in a world of increased mobility and global spanning economic and social processes.

The transnationalism literature has for a long time maintained the assumption that only poor or peripheral states engage in diaspora politics and extend citizenship rights (Gamlen 2006, 3). State-led policies and measures of encouraging transnational political participation and institutionalizing migrant political practices at home (Østergaard-Nielsen 2003, 761) have been analyzed from the perspective of world-system theory and neoliberal politics, and explained as an economic process between states who offer such opportunities and rights in exchange of control over migrants financial resources and capital (Itzigsohn and Villacrés 2008; Goldring 2002). Political theory analyzing transnational political processes tends to break this line of argumentation (Bauböck 2003). Although there is evidence that states who seek diaspora engagement policies and construct models of transnational citizenship tend to cluster in the southern hemisphere and are mostly emergent economies, it is also true that they are not all poor and that such practices are much more diverse and used by many of the established democracies and richer states (Gamlen 2006, 20).

There are three categories of states identified by practices of diaspora engagement: exploitation states which extract obligations without extending rights; generous states, which extend rights without extracting obligations; and engaged states which offer rights in exchange for obligations (Ibid., 21) And there is a clear tendency of most of the states of the world to transnationalize citizenship, using both ethnic and civic models, with a stretch on all geographical regions of the globe (Ibid., 23).

Although states have different reasons and motivations in extending citizenship, from a normative standpoint there should be no

conditionality between the amount of remittances and investment in the home country and enfranchisement. Citizenship rights cannot be monetized and negotiated by financial means, and should not be determined by the formal incorporation and economic success one has in his or her host country, or by the amount of money a person sends back home, as citizenship makes no differentiation in terms of income and is not a tradeable asset. In the same vein citizenship and the exercise of fundamental rights should not be territorially confined, although this principle bears serious limitations as it depends on bilateral agreements and states compliance to international norms, as not all states share the same political principles and recognize the same citizenship rights.

This line of reasoning does not endeavor to bring arguments and build a foundation for post-national citizenship rights nor is an attempt to perpetuate methodological nationalism within transnational migration studies or confine diaspora studies by conceptualizing it inside the realm of common ancestry and national politics (Glick Schiller 2007, 18). It rather aims to show how the transformations in the positioning of states in global fields of power and capital affect the way migrants maintain transnational connections (Ibid., 6), and how states can reinsert themselves in such webs of power and transnational political processes and extend the franchise and political representation of migrants.

External voting and migrant political participation

In the sense of entitlement to vote from outside the country, two thirds of 115 countries and territories allow all their citizens access to external voting, while one third partially restrict it, accounting for more than half of the world democracies, if in this case democracy is defined by the minimal conditions of holding multiparty elections and granting universal suffrage (Braun and Gratschew 2007, 3). However, this measure is not sufficient to enable and encourage transnational political participation. Some countries have adopted provisions for allowing external voting but have not yet implemented them (Ibid.), while others implemented them in a

manner that makes registration and ballot casting difficult, costly and arduous (Fierro, Morales, and Gratschew 2007, 19-20). Certain polities encourage participation from abroad and allow contestation while others restrict participation and keep contestation to a minimum, considering that because of the physical distance migrants have from their origin country they should influence domestic politics only to a limited extent (Green 2007, 90).

In order to cast an external vote migrants are usually required the same conditions for electoral registration and voting that apply in the home country, and the entitlement to vote is generally linked to citizenship, age, and residency (Ibid.). Some states require their citizens living abroad minimal conditions to register and cast their votes, while others impose supplementary conditions. For example Bosnia and Herzegovina, Estonia, Norway, Poland, South Africa and the United States all give their citizens living abroad the right to register and vote without any condition to the amount of time one has spent outside the country (Ibid., 93). On the other hand, states like Germany, New Zealand or the United Kingdom impose limits on their external voters (Ibid.). Most of the states allowing external voting organize polling stations in consular offices and embassies, and demand their external electors a preliminary application to register before voting, in order to keep the electoral register up to date (Ibid.). Countries such as Iraq, Namibia, Norway and Sweden allow their citizens abroad to vote in national elections without previous registration (Ibid., 100). In the case of Romania, citizens voting out of country are automatically registered in a national electoral data base and do not have to make any other application in their host country, but have to fill a form when entering the polls in which they state that they did not cast more than one vote in the current elections.

Several countries that do not have general entitlements for their citizens to vote from abroad have granted special provisions for citizens who hold specific positions and occupations, such as working in the diplomacy, in the military, or as public officials (Ibid., 94-5). Countries like Lesotho and India grant such provisions to diplomats, public officials and their employees working in

diplomatic missions, while the Republic Ireland provides it to diplomats and armed forces (Ibid.). Other countries such as Senegal, constrained by the reduced resources to organize elections, condition the voting from abroad to the registration of a minimum number of 500 electors in each state where they have diplomatic missions (Vengroff 2007, 105).

Although voting rights should not be deliberately restricted to any person that holds a citizenship status of a democratic polity, provisions of voting from abroad are often conditioned by the resources states dispose of to organize elections simultaneously inside and outside their territory. The procedures of external voting require supplementary costs and administrative creativity from authorities, who have to assure similar access to registration and polling to all citizens entitled to vote, with a fair degree of security and privacy (Thompson 2007, 113). External voting is also conditioned by the time and resources that migrants have and mobilize in turning out at the polls in their host countries, and by their access to information and interest in the domestic politics of their origin country.

There is actually widespread evidence that not all migrants take part in transnational political activities (Itzigsohn and Villacrés 2008), and that their turnout in the national elections of their origin country is usually very low (Burean 2011). Most of the states who offer OCV provisions require their citizens the presence at the polling stations and very rarely they put in place alternative voting systems that would simplify and facilitate ballot casting or remote voting. Electronic remote voting or postal voting represent accessible alternative voting methods that could be used in enhancing and encouraging participation from abroad and possible solutions for reducing election organization costs. There are however many who question their virtues and raise concerns on their security and their contribution in reducing costs and increasing access to voting, even though many established democracies use them at a national level, and large, populated democracies such as India depend on them for assuring equal voting access to its citizens and organizing elections by democratic standards.

Alternative voting methods around the world

Despite their long history and contestation there is little agreement and scarce research on the viability and security of electronic voting, and few references to postal voting and its effect on political participation. Criticized by governments, political parties, scholars and journalists for their lack of transparency and security vulnerabilities (especially the electronic vote has received a good deal of criticism), as it happened in Estonia (The Guardian.com 2014), France (Libération.fr 2014), or Ireland (Tribune.com.pk 2015), they became much demanded by the civic society and the out of country electorate in the case of countries with a large active migrant populations such as India, Mexico, Romania or Poland.

Many of the world countries mentioned above that practice the extension of the electoral franchise for their citizens residing abroad or with double citizenship have created simplified and technology enhanced methods of ballot casting and counting that would allow their citizens to choose the methods of exercising their voting rights in national elections. However, the process of technologically upgrading ballot casting and counting and extending out-of-country voting is advancing at a slower pace than the transnational flows of people in mobility and their demands of representation and enfranchisement. Some established democracies such as Austria, Finland, Germany, and Norway have introduced such technologies but stopped using them, while others, such as India made them legally binding and use them at a national level (TheAtlantic.com 2014), but restrict their use from voting from abroad (Thevotingnews.com 2015). Countries such as the United States have a long history in using electronic voting, where voting machines used for elections can be traced back to 1892 (Bureau et al. 2009, 53-55), but did not extend the procedure and technology at a national level or outside the borders for their OCV electorate (Goldsmith and Ruthrauff 2013, 29-30). France and Estonia have introduced electronic voting and voting by internet and use them alternatively with paper ballot casting, but still need to perfect them and fear their vulnerabilities. Smaller and more fragile states like Republic of

Moldova have recently endeavored to construct an electronic system of voting starting with a national electoral electronic register that has enabled the state electoral authority to better organize free and fair elections, while preparing to introduce a fully operation electronic voting infrastructure by 2018, despite the country's population reduced connection to Internet (Hotnews.ro 2014). Romania has had only one use of electronic voting, rapidly put in place in 2003 for the military forces and staff serving in mission in Afghanistan, Bosnia and Herzegovina, Iraq and Kosovo, enabling them to vote in the referendum regarding the review of the Constitution (Stiripesurse.ro, 2015). Any other attempts or projects for the introduction of alternative voting systems have been dropped or impeded since then, even though this first trial has proved to be completely functional and viable.

Postal voting is currently used in many countries of the world and it is considered to be as old as the first postal service. Switzerland has already established a tradition with its frequent referenda in which it made possible that ballots could be filled at home, before the end of the week when most suffrages are held, and sent by mail to the electoral authorities (Braun 2007, 230). Postal vote functions usually as an alternative method of ballot casting, electors being able to choose the way in which they cast their vote. There are however exceptions in the case of some states of the US federation which became universal vote-by-mail states in their endeavor to cut election costs. Oregon and Washington use it for all types of elections and praise their virtues, although there is still much contestation on their safety and real contribution in reducing costs and making voting accessible (Governing.com 2011). Other consolidated democracies such as Austria, Belgium, Canada, Denmark, Italy, and Sweden as well as younger democracies such as Bosnia and Herzegovina or Fiji use postal voting in alternative ballot casting formulas (IDEA and IFE 2007, 234-45). Poland has introduced the procedure of voting by mail for its external voters, and other countries restricting voting from abroad allow their diplomats and military forces to cast their ballots by mail in their missions abroad and send it to their home country. The United Kingdom has delivered a lot deal of criticisms in

the last years towards postal vote after observing constant and continuous electoral fraud in the Birmingham constituency (Telegraph.co.uk 2015a), making the issue of alternative voting by mail even more puzzling.

Technical and normative assessments of electronic voting

From the different varieties of electronic voting the present undertaking looks mainly at remote electronic vote or voting by Internet, which is the only relevant one in enhancing participation and representation of the diaspora. There are countries which use electronic voting devices or electronic voting machines (EVMs) on an extended level, but require their citizens the presence in a polling station and ballot casting in a voting booth. Brazil, India, Philippines, South Korea, and the United States are successfully using various models of EVMs or machine readable ballots (Bureau et al. 2009, 55-6) without having any electronic remote voting system implemented. While certain countries which used EVMs dropped them for reasons of security, such as The Netherlands, other countries such as Bhutan, Nepal or Namibia, inspired by their success in neighboring India borrowed and imported such machines for their own legislative elections (TheAtlantic.com 2014). Although there is much discussion today and various proposals for electronic voting are drafted in many countries around the world the dynamics of adopting this voting method remain nevertheless weak.

Before discussing the technical aspects of electronic voting or postal voting and weighting their benefits and challenges it should be emphasized that such voting methods are usually used alternatively and do not replace completely the paper ballot casted at the polls. Their purpose is to offer a wider range of possibilities to cast a vote and facilitate participation from distance, and offer an increased access to the polls to large democratic societies.

Electronic voting always implies and requires the use of technology and electronic devices or machines (Goldsmith and Ruthrauff 2013, 23), irrespective if casted in the supervised environment of the polling station or in the friendly milieu of the house. Electronic

voting machines or devices usually enhance both the vote casting and the ballot counting. There are also electronic procedures when votes are cast on paper and counted by machines which can electronically read the ballots and digitalize them on a memory card (Bureau et al. 2009, 60-1). However, not all technologically enhanced voting requires electronic registration and authentication (Goldsmith and Ruthrauff 2013, 59-60). Some of the processes offer the possibility of registering in an electronically automated way, while most of the time electoral registration is done by filling paper registration forms and making the proof of a valid ID card to a public authority or electoral observer.

The remote electronic voting is newer and different than most automated voting procedures used across the various states mentioned above. It requires without exception an Internet connection and it is supposed to facilitate remote voting for those not able and not willing to cast their ballots at polls. It requires also an electronically and digitally alphabetized population that trusts such voting methods and a strong political consensus for implementing them (Pârvu 2015). The trust and consensus should derive from the widespread acknowledgment and recognition that technology may offer benefits over traditional methods of voting and counting (Goldsmith and Ruthrauff 2013, 21).

The guide on implementing and overseeing electronic voting and counting methods and systems, assembled by the International Foundation for Electoral Systems in collaboration with the National Democratic Institute and published in 2013 identifies several benefits of this method, where the most important are the elimination of costs and logistics involved with paper ballots, the improvement of accessibility to voting, and easy conduct of complex elections (Ibid., 21-2).

Like all alternative voting systems electronic voting and voting by Internet bring many challenges and pose technical problems (Ibid.). The e-voting implementation guide identifies some of these challenges such as the fact that voting on electronic devices outside polling stations offers less transparency, it poses questionable security problems of the voting and counting process, questionable

ballot secrecy, and difficulties for the illiterate and poorly technologically alphabetized voters (Ibid.).

Although there are obvious positive contributions of the electronic voting and voting on Internet the concerns related to security and fraud seem to be prevail and resurface every time this method is brought into discussion. This is why it is important that before introducing the procedures of remote electronic voting, decision-makers should organize consultations with the civil society, academics and scholars, IT specialists and other stake holders, and not the least, with the electorate, and obtain a broad political consensus and support, and discuss its benefits and shortcomings (Pârvu 2015, 4).

The next step in implementing and using electronic voting requires a good coordination between electoral authorities, electoral commissions and bureaus from different constituencies and authorities in charge with supervising communication infrastructure, and IT companies designing and implementing the voting system, and those auditing the procedure (Ibid., 6).

Of course, as the illustrating case of Estonia shows, nothing can happen without a valid and functional electoral register which could be accessed and updated electronically, and ID cards which can be easily scanned and used by electors to register and to be identified online. This requires also a performant public administration and infrastructure and well trained public officials.

Estonia has been the first country in the world to use Internet voting at the national level and has progressed tremendously today in this direction, with 30% of ballots being cast online in previous elections (Springall et al. 2014, 1). Estonian citizens use bio metric ID cards and they can be offered special additional SIM cards which can be used for logging online to vote, pay taxes or access different public service available on Internet (Pârvu 2015, 6). With the help of a card reader similar to those used in e-banking they can authenticate and enter the voting application with a PIN number that is generated every time an operation takes places (Springall et al. 2014, 2).

After registering online citizens can vote in advance of few days before the polling stations are opened. What is interesting is that the voter can change his mind several times and effectively cast multiple votes (Ibid., 3). However there is only one vote registered - the very last one that was computed in the program before the ending of the voting by internet period, while all the others have been revoked (Ibid.). A person who has sent his vote by Internet cannot vote again at a polling station (Pârvu 2015, 6). The same principle applies to all countries using remote electronic voting.

On-line voting requires downloading and installing an application that was specially designed and secured for the elections taking place. The application contains a scanning function that identifies the IP address of the user and scans his computer for viruses and malware. The voter runs the application and receives the list of candidates. For registering and centralizing votes cast online the Estonian system is again illustrative, where there are usually four servers used for supporting such a procedure (Springall et al. 2014, 3-4). The application mediates between them and the user. The Vote Forwarding Server has already sent the list of candidates to the voter and received his option with the identification and data of the person who cast the vote. The votes are then transferred to a Vote Storage Server with the help of a Log Server. The votes are then copied on a DVD and anonymized and transmitted to an off-line Counting Server where they are counted (Ibid.). The principle by which the electronic vote on Internet works is that of the double envelope (Pârvu 2015, 7). In the first step when the vote is cast it is directly sent in an envelope, with the name of the voter attached to it. It is then extracted from this envelope without the name of the voter and transferred anonymously in the second step to another envelope (Ibid.). It is then opened and counted with the other votes.

Following the same system used in Estonian elections, we can see that there are solutions for counterfeiting fraud, bearing limitations but still feasible. Voters can easily verify if their votes have been registered and correctly quantified with the help of a QR code generated after the vote has been cast, and scanned with an application installed on the mobile phone (Ibid., 8). Verifying the

votes and casting procedure is very important and crucial to the success of electronic voting by Internet. A mishandling of the voting procedure or electoral fraud could be easily detected if 1% of electors verify their votes (Ibid.). Estonia also allows citizens to assist the procedure of opening and counting electronic votes, which is usually held in the Parliament building. Norway used a similar voting verification system with a paper card containing numeric keys which is offered by mail to every person registering to vote online (Ibid., 8). Every key corresponds to a party and they are generated individually, for every voter, who receives a message on his mobile phone with a code that should correspond with his voting options, after sending the vote online (Ibid.). Estonia on the other hand makes available to its citizens a web page containing numeric fragments of the source code that was used for creating the voting application, which can be used to verify different stages of electoral process (Ibid.). It has received criticism for not publishing the entire code online, but criticisms has been deemed unrealistic as publishing the entire code would have caused serious threats to the online voting system (Ibid.).

There are however founded criticisms of the online voting. Observing elections where electronic voting by Internet has been used, electoral design and IT specialists have found evidence that security measures are not always respected. When members of Expert Forum (EFOR), a think tank based in Bucharest and specialized on public policy and public governance reform, participated in observing legislative elections in Estonia in March 2015 they noticed operators using used memory sticks for transferring the votes from one server to another, the use of email platforms such as Gmail, the typing of codes directly from sheets of paper that were sometimes spread in front of the computer with observers around, the lack of standardized procedures for operators, observers allowed to film and photograph in the first place and forbidden in the following days (Ibid., 9). A group of observers composed by scholars from the University of Michigan, Ann Arbor, and researchers and activists from Open Rights Group, UK, also related about serious flaws of the Internet voting procedures in

Estonia after their visit in Tallinn during elections held in 2013. Anomalous situations that occurred were handled in ad hoc and sometimes discretionary manner, procedures were changed several times while observation was taking place, and sometimes voting security was seriously put to test when from the two operators required to perform backup and updates only one was present, overcharged with work and leaving the security of the system on the integrity of only one member (Springall et al. 2014, 4). There were also many security lapses that could lead to malware and alteration of voting process. Operators working for the electoral authority downloaded software and performed pre-election setup process over unsecured Internet connections, operations have been performed on personal, "unclean" computers, and votes have been transferred to the counting server on a USB sticks, making the entire process and system exposed to electronic frauds and attacks (Ibid., 5). Insufficient transparency has also been signaled. Apparently observers were also allowed to film and take photos in the first place and banned afterwards. Operators were said to have intervened on the process and avoid reporting on funny outputs registered on the servers (Ibid.). Besides the observed mishandling and flaws of the electronic voting procedure there are many other who remain in the space of the voters' house. Voters can have problems in protecting their electronic signature and ID and avoid Trojans that would hack their connection and authentication and modify their voting options. They can also have problems in using the card reader or registering online and understanding the functioning of the voting mechanism.

Authorities and voices supporting remote electronic voting counterfeited the retractors of voting by Internet, by pointing to the fact that, in the first place, there is no ballot casting procedure completely insulated from fraud or mishandling. They argue that each citizen is responsible for his vote and should pay equal attention to potential threats and attempts of fraud. The right to vote should be protected not only by the state but also by citizens themselves, who should exercise it with maximum responsibility and integrity. Further on, electronic voting by Internet is seen as safer than paper ballot casting due to the possibility of easier tracking of digitized votes with the

use of software and better security measures offered by the online environment. The comparison with the e-banking system is very common, and it aims giving the remote electronic ballot system more credibility. Voters have the option to revoke their actions and cast a vote again in a repeated manner until the end of e-voting period, if the first one was directed wrongly, hacked or if one of the candidates simply became undesirable. In the third place, they argue that remote electronic voting increases accessibility and offers every citizen the possibility to vote, reducing the restrictions of space and time. In the case of Estonia, which has 14% of all Estonians living in foreign countries, this has reconnected the diaspora with its home state, although only a small percentage of them voted from abroad (Maaten 2007, 228). The same argument applies to similar countries with a large diaspora. Even though not all of them vote the existence of an alternative in hand is intrinsically positive.

Some considerations about postal voting

Postal voting is already a widespread method around the world and it requires less elaboration and preparation than electronic voting or voting by Internet. Usually voters have to fill an application in order to register in an electoral register and receive the form that will become the ballot paper, the documentation accompanying the ballot, and the special envelopes which will be used to send the vote by mail to the electoral authorities (Vollan 2007, 212). This type of vote can be easily observed and secured as the processes previous to the vote casting are handled by public officials organizing elections and all the forms are issued and published in advance on a typified paper support. However, because of postal voting spreading over a longer period of time the voting process can become hard to observe and exposed to fraud (Ibid.). With all its limitations, postal vote remains in use in many democracies and very few of them gave up this alternative voting method.

Ways ahead for implementing alternative voting systems in Romania

If Estonia is usually looked at as the 'Holy Grail' of electronic voting and its successes and failures are imagined by the other states as a possible blueprint for their own roadmap towards the implementation of a similar system, it should be taken into account that each state has its own economic, social and cultural characteristics and specific administrative weaknesses or political problems. Thus, the Estonian model could only be replicated to a limited extent (Pârvu 2015, 13). Even though remote electronic voting uses electronic devices and tokens it should not be taken and implemented simply as employing a gadget or a user-friendly software as there is no ideal model that can be applied to every country, as not every country works the same. Every state should adapt, design and implement the electronic voting system in accordance with its own needs, structural problems, and resources.

In the case of Romania remote electronic voting or postal voting seem indeed necessary from the perspective of the large diaspora and large numbers of migrants who have to be assured an easy access to voting in the elections of their home country, and be offered the possibility of casting their votes on Internet or by mail, without having to make endless lines and wait a day in front of embassies and consulates. But it raises serious problems in implementing such a system at a certain standard of security, safety and accountability from the perspective of logistic conditions and resources that Romania dispose of. For alternative voting to work it is crucial to have in the first place a performant administrative system and institutional infrastructure. For the electronic vote this should comprise a clear evidence of all its electors and the creation in advance of an electronic data base and registration procedure that would enable anyone entitled to vote to authenticate and send his vote online. Unfortunately Romania is still standing far from this achievement. The previous presidential and legislative elections have resurfaced the problems that authorities have in keeping a clear evidence of the number of citizens and persons having the right to vote. What should be a basic function of a state becomes simply too arduous for the Romanian administration. Postal voting does not require automatically an electronic register but requires an increased

capacity of verifying the authenticity of ballots and keep track of multiple votes and fraud. As it was shown by the presidential elections of 2014 and 2009, or by the legislative elections of 2012 there have been many cases when the existence of electoral fraud was evident with votes cast on supplementary lists that overpassed the number of those inscribed in the permanent lists, and the public officials doing little to investigate and limit such practices. It was proved that they even encouraged maintaining on the register's lists voters that have naturally disappeared and they were no longer going to vote, in order to use their ballots and cast them in their own benefit. In this context postal vote leaves an even wider space for mishandling and maneuvering votes.

Another constraint in introducing alternative voting systems is represented by the reduced technologic alphabetization and participative culture of Romanian electorate. If Estonia or other Scandinavian states have a high penetration of Internet networks and usage, and a better understanding of electoral procedures and registration formalities, Romania has a reduced Internet use among the population, in spite of the existent infrastructure and powerful broadband, and citizens that are far less knowledgeable about the democratic mechanisms and practices of which they dispose. Internet vote would be used and understood mostly by the young population and possibly avoided by the older electorate. This could contribute in widening the divisions and cleavages that have been created by previous elections between the young, urban and more liberal population and the more conservative electorate. Nevertheless, the remote electronic vote and the postal vote are not meant to replace the paper ballot but come in the help of those seriously constrained to express their options at polling stations. From this reason the supplementary costs the state should support for introducing an alternative system are justified, as it is evident that the state could not cover the entire Romanian population abroad with polling stations and registration infrastructure, in the situation when voting is usually done in the building of diplomatic missions or cultural centers and assisted by the Romanian staff working there. Internet

voting or postal vote should be a tool that would offer equal chances to every citizen to take part in the democratic electoral process.

It seems feasible that the implementation of an electoral register, of voting application and security software could be realized and developed in partnership with one of the numerous IT companies and developed in one of the IT centers in Romania. A public-private cooperation that would benefit from the existent technologic and IT resources could produce satisfactory results with the condition that the Romanian state remains consequent in its intentions and does not stop or postpone the project, as it happened with the e-government portal that was long time advertised but which remains only partially functional. Producing at first a trial electronic voting application that would be used in a less important round of suffrage, such as a referendum, could be a possible start (Pârveu 2015, 13), but a failure of a pilot project could undermine the credibility of an ensuing undertaking of putting in place any kind of alternative voting system.

With all difficulties and drawbacks associated with the implementation of an alternative voting system such a reform should be brought more often into discussion, and policy makers, scholars and civil activists should start negotiations and build consensus on a future policy, weighting its advantages and limitations. Public consultations should follow and the electorate should be informed about each stage of the project and about the costs included. Even though the introduction of an alternative voting system based on remote electronic voting would take time and it will need continuous refinement after its incipient phase, such an undertaking should not be delayed anymore. The digitalization of democracy should not be avoided or treated like a useless and costly project that would devoid the electoral process of meaning and significance. The reduction of costs on the long term, the minimization of counting mistakes and flaws, and the increase of choices that would bring the ballot closer to the voter (Telegraph.co.uk 2015b) are sufficient arguments to initiate the implementation of a remote electronic voting system.

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