



9 January 2013

The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

By email: [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

**Re: Electoral Reform Amendment Bill 2013**

Dear Sir/Madam,

Vision Australia is pleased to submit our views on the Electoral Reform Amendment Bill 2013, with particular reference to the introduction of electronically assisted voting.<sup>1</sup>

We are a not-for-profit organisation and the leading provider of blindness and low vision services in Australia. We also provide services to people with a print disability.<sup>2</sup>

We have contributed to the development and implementation of accessible voting options across several domestic jurisdictions.<sup>3</sup>

In this submission we outline important matters for the Committee's consideration, to provide value to the development and implementation of an efficient and effective, secret and independent accessible system for the 2015 Queensland election.

The key concerns in respect of proposed electronic assisted voting are:

- electronic assisted voting should be offered to as broad a category of voters as possible for 2015 election, particularly for people who will be outside the state on election day, to achieve greatest benefit on the investment;
- automated telephone and internet voting should be made available for 2015 Queensland State election, not just telephone voting;
- New South Wales iVote system represents the most successful option in use today in Australia and it is being expanded.

On the following pages we provide more detail to support our position.

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<sup>1</sup> Electoral Reform Amendment Bill 2013, s121 and 122 amendments

<sup>2</sup> People who cannot effectively read print because of a physical, perceptual, developmental, cognitive, or learning disability.

<sup>3</sup> Australia, New South Wales and Victoria

## Queensland, democracy and participation

Queensland has a long and proud history of leading in the development of democratic processes and systems. Queensland introduced the secret ballot in 1859. In 1914, Queensland became the first Australian State to introduce compulsory voting. The Commonwealth followed in 1924, and by 1942 all Australian States and Territories had legislated for this to occur. In the 100 years of compulsory voting since that time, people who are blind or have low vision have relied on others including family, friends or polling officials for assistance when voting including reading out names of candidates, and physically filling in ballot papers.

The current Electoral Reform Amendment Bill 2013 amendments being considered by the committee seek to broaden the voting method by allowing electronically assisted voting.

This is because the current paper based ballot system represents a significant impediment to people exercising their democratic rights to participate freely and fairly in the democratic process. The paper based system means many people require assistance and cannot be sure their intention has ultimately been exercised:

- There is no secrecy or privacy.
- Voting is not independent.
- Limited ability to ensure the ballot has been correctly filled in.
- Limited ability to check whether the ballot adequately reflects the preference of the voter.

In short, voting with assistance means that voters are denied rights and protections associated with the secret ballot, a significant component of democratic participation.

There are various relevant pieces of International, Commonwealth and State legislation and documents that relate to voting and the paper ballot voting process, notably:

Electoral Commission Queensland Strategic Plan 2013-17, *“Our purpose - We are committed to providing quality electoral services to clients throughout Queensland, and ensuring that our electoral system, especially the right to vote and to vote in secret, is fully accessible to all electors.”*

Commonwealth Electoral Act 1918, s245 *“It shall be the duty of every elector to vote at each election.”*

Queensland Electoral Act 1992, s122(2) *“An elector may vote by writing on a ballot paper the number...”* and s108 *“if an elector satisfies an issuing officer that the elector is unable to vote without help, the elector may be accompanied in the polling booth by another person chosen by the elector.”*

The Commonwealth Disability Discrimination Act 1992, s24 reads, *“it is unlawful for a person who provides services or makes facilities available, to*

*discriminate against another person on the ground of the other person's disability by (a) refusing to provide the other person with those goods or services or to make those facilities available to the other person.”*

Having ratified the United Nations Convention on the Rights of Persons with Disabilities (the Convention), all Australian jurisdictions under the Australian Constitution also have an obligation to protect and promote the rights as set out in the convention.

Article 29 – Participation in political and public life – states that:

*“States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:*

*a. Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:*

*i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;*

*ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;...”*

Article 29 clearly sets out an obligation for the Queensland Parliament to enact laws and to implement policy to enable Queensland electors who are blind or have low vision to exercise their constitutional and human right to democracy in State elections. This again means that the right to cast a ballot independently, in secret free of any other potential influences, and a ballot that is legitimate and verifiable are central to this obligation.

#### **Vision Australia Recommendation 1 –**

That the committee note the current paper based ballot system does not meet the requirements of various International, Commonwealth and State requirements applying to the electoral process as well as the appropriate provision of services to people with a disability. The Electoral Reform Amendment Bill 2013 allows for electronically assisted voting to help overcome the problem of paper ballots.

### **Category of voters should be as broad as possible**

Vision Australia supports the categories of voters able to elect to use electronically assisted voting to be as broad as possible. The amendment reads,

### **s121A Who may make an electronically assisted vote**

An elector may make an electronically assisted vote if -

(a) the elector cannot vote without assistance because the elector has -  
(i) an impairment; or

(ii) an insufficient level of literacy; or

(b) the elector cannot vote at a polling booth because of an impairment; or

(c) the elector is a member of a class of elector prescribed under a regulation for this section.

*Examples of a class of elector—*

*an elector whose address, as shown on an electoral roll, is more than 20km by the nearest practical route from a polling booth*

*an elector who will not, throughout ordinary voting hours on polling day, be within Queensland.*

This class of electors mirrors that of New South Wales whose categories of electors entitled to use iVote are as follows:

- electors who are blind or who have low vision
- incapacitated or illiterate electors who could not vote without assistance
- voters with a disability (within the meaning of the Disability Discrimination Act 1992)
- rural voters (who live more than 20 kilometres from a polling place)
- electors outside NSW on election day.

The iVote system used in New South Wales represents the most utilised accessible voting system in use in Australia today. The NSW Electoral Commission has released several publications on iVote including a review of 2011 election and its strategy for the 2015 election. These documents contain valuable information and insight, including:

- Higher number of users contributes to success - At the 2011 NSW state election, *“51,103 people registered to use the iVote system and a total of 46,864 actually used it to vote ... That is, the actual number of users was in the order of four times the original estimates. This is a measure of the success of the system.”*<sup>4</sup>
- Mostly used by people outside the state - It is highly noteworthy that the majority of those who voted using iVote did so as they were going to be outside NSW on Election Day, *“... the success of iVote (in terms of its uptake) was mainly driven by people who used it because they were outside of NSW on Election Day. If the iVote system had not been extended to cover people outside NSW, then based on the feasibility study estimates, the 3,600 votes*

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<sup>4</sup> Final iVote report, Allen Consulting Group, July 2011, p19

cast by the other three groups would mean the initiative would fall short of the required 5,000 votes needed to deem it successful.”<sup>5</sup>

- High satisfaction - The 2011 post-election survey carried out in NSW found 94% satisfied, with the main suggested improvement being to extend usage.<sup>6</sup>

It should be noted that, the NSW Electoral Commission found that, “The average cost of the iVote system per vote cast in the 2011 NSW SGE was approximately \$74. Importantly, the actual average cost per vote for this election was significantly lower than estimates calculated prior to the event... **The reduction in cost per vote is due to the higher than anticipated number of users, rather than a reduction in actual costs.**”<sup>7</sup>

Importantly, the NSW Electoral Commission found that iVote costs are ameliorated significantly when eligibility is extended more broadly, and there is potential to become cheaper than traditional voting methods into the future:

“...it is estimated that the use of iVote is not only cost effective when compared to other mechanisms that allow blind or vision-impaired voters or voters with a disability to vote, but, **if future take-up levels are high enough, it may be comparable (or possibly cheaper) than traditional voting methods.** It is noted that increases in the number of votes cast using the iVote system will mean that other voting alternatives are not being used. This has an important ramification for costs, as the actual cost of using iVote will be offset by a reduction of costs associated with reduced usage of more expensive alternatives. As such, the use of iVote may reduce other election costs and add to its cost effectiveness.”<sup>8</sup>

The NSW Electoral Commission Final iVote report recommendations include the following:

- “iVote received a highly positive reception and most users are interested in using it again and would recommend it to other people. Also, many of the suggestions for improving the system were around extending it to other groups/general population. Extending eligibility to the system to other groups or the general population is also likely to result in lower costs per vote. In light of this, **it is recommended that consideration be given to changing the legislation to extend iVote eligibility to other groups (for instance, postal voters) or the general population.**”<sup>9</sup>

New South Wales is moving ahead with iVote to:

a) *Improve enfranchisement of electors who would otherwise not be able to vote independently or have significant difficulty voting using an existing channel.*

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<sup>5</sup> Final iVote report, Allen Consulting Group, July 2011, p19

<sup>6</sup> iVote presentation to NSW Parliament, Electoral Commission NSW, 20 Nov 2013

<sup>7</sup> Final iVote report, Allen Consulting Group, July 2011, p41

<sup>8</sup> Final iVote report, Allen Consulting Group, July 2011, p45

<sup>9</sup> Final iVote report, Allen Consulting Group, July 2011, p50

*b) Improve enfranchisement of electors who would, by virtue of location during the election period, not otherwise be able to vote or have significant difficulty voting using an existing channel.*

*c) Reduce systemic errors in current voting processes. This would include reducing informality in ballots cast, reducing loss of ballot papers in transit between the voter and counting centre, as well as reducing transposition and counting errors.*

*d) Reduce cost of voting and risks of failure associated with the management of declaration voting processes, including postal and attendance based absent voting.<sup>10</sup>*

In short, the success of iVote has been built partly on allowing the broadest possible category of voters to utilise the option.

### **Vision Australia recommendation 2 –**

That the committee support the Queensland Government intention to allow as broad as possible category of voter to use electronic assisted voting to help ensure the success of the introduction of Electronically Assisted Voting. In particular, that the Committee recommends for the 2015 election allowing people living more than 20 kilometres from a polling booth and people who will be outside Queensland on election day to use electronically assisted voting to provide a more cost effective outcome.

## **Which technology to use?**

The issue of which technology can be used to enable electronically assisted voting is reasonably straightforward.

The current iVote system works in a similar manner to internet or automated telephone banking. The system allows eligible electors to apply similar to how they make an application for a postal vote. An elector uses the phone or internet to apply and supplies a Personal Identification Number of 6 digits and is subsequently issued with an iVote number, both of which are then used when voting. The elector can vote independently over the internet or by automated phone through the iVote call centre. The elector can review their completed ballot before submitting it. When using the phone, preferences are read back to the elector using an automated system (ie free from human interaction).

Each day in Australia, millions of Australians use the internet and telephone to move billions of dollars. Internet and automated telephone banking is a relatively well understood, accessible, secure practice that enables people to use familiar forms of technology to independently manage their affairs.

<sup>10</sup> iVote Strategy for the NSW State General Election 2015, NSW Electoral Commission, Nov 2013, p3

In terms of telephone banking, the handset is used to enter passwords and PIN identification, and users interact with automated systems, thereby enabling independence. Internet banking provides better levels of independence as there is no reliance on direct human intervention during the process.

Various trials of electronic assisted voting using just the telephone option have occurred in Australia including by the Australian Electoral Commission, and the Victorian Electoral Commission (VEC) – with mixed results and relatively poor take up options.

For example, a report by the Social research Centre for the VEC in July 2013 found that, *“Electronic voting was available at the 2006 and 2010 Victorian State elections. Despite marketing this service via the blind and vision impaired advocacy groups, press and radio, the take up at the last two Victorian elections was poor, with 199 and 247 electronic votes lodged in the 2006 and 2010 elections respectively.”*<sup>11</sup>

The Queensland Attorney General in his speech introducing the Electoral Reform Amendment Bill amendments on 21 November 2013 stated,

*“Reforms to maximise voter participation are also proposed in the bill. Provisions to enable electronically assisted voting will be inserted into the act. The government supports offering electronically assisted voting to all Queenslanders, if associated security and integrity arrangements can be assured. In the short term, the priority is to make electronically assisted voting available on a targeted basis for blind and vision impaired voters and voters who require assistance voting because of a disability, motor impairment or insufficient literacy. Electronically assisted voting will, for the first time in Queensland, enable these voters to cast their votes independently and in secret.”*

There is no direct mention of the technology that could be used within the Attorney generals’ speech. Likewise the amendment at sections 121B does not overtly state the technology that could be used to facilitate electronically assisted voting:

**121B Prescribed procedures for electronically assisted voting**

- (1) The commission may make procedures about how an elector may make an electronically assisted vote for an election.
- (2) The procedures must provide for the following—
  - (a) the registration of electors who may make an electronically assisted vote for an election under section 121A;
  - (b) the authentication of each electronically assisted vote;
  - (c) the recording of each elector who uses electronically assisted voting;
  - (d) ensuring the secrecy of each electronically assisted vote;
  - (e) the secure transmission of each electronically assisted vote to the commissioner, and secure storage of each electronically assisted vote by the commissioner, until printing;

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<sup>11</sup> Accessible information and voting services for people who are blind or vision impaired, Social Research Centre, July 2013, p.i

(f) the printing, for scrutiny and counting, of a ballot paper for each electronically assisted vote;

However, in a media release dated 21 November 2013, the Attorney General states,

*“Voting will enter the digital age at the next state election with electronic voting to be made available for voters with disabilities. **Blind and vision impaired voters will be able to phone in their vote** via an electronic assisted voting (EAV) system and physically disadvantaged electors will also be able to cast their vote electronically at selected polling booths. If successful, expanding EAV will be considered.”*

At the 2011 New South Wales election, voters with vision impairment did utilise the automated call centre option - *“...over three quarters of those voters who registered for iVote as they have a disability, because they live in remote locations or because they were going to be outside NSW on Election Day, used the Internet to register. Importantly, however, **47 per of registered iVote users who are blind or vision impaired registered through the call centre. This suggests that the call centre was particularly important for blind and vision impaired users.**”<sup>12</sup>*

It should be noted however that while the automated telephone option was taken up in New South Wales, the internet option has significantly contributed to the success, cost efficiency and expansion of iVote.

According to a report by Allen Consulting Group on the 2011 NSW election using iVote, there are several benefits<sup>13</sup> including:

- it made voting easier
- allowed voting while out of the State
- was more convenient
- helped gain new levels of independence and empowerment

iVote also offered greater convenience to voters as it:

- enable them to vote from home
- enabled them to vote at a convenient time
- eliminated travel time and costs - *“...it is estimated that traditional voting methods took respondents an average of 46 minutes in total to vote (including travel to and from the polling place). In contrast, iVote, on average, is estimated to have taken respondents only 8 minutes in total. Therefore, it is estimated that **iVote saved users an average of 38 minutes by using iVote instead of traditional voting methods.**”<sup>14</sup>*
- enabled more careful consideration of voting options and
- did not require someone to assist in the voting process.

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<sup>12</sup> Final iVote report, Allen Consulting Group, July 2011, p20

<sup>13</sup> Final iVote report, Allen Consulting Group, July 2011, p27

<sup>14</sup> Final iVote report, Allen Consulting Group, July 2011, p46



### **Vision Australia recommendation 3**

That the Committee recommends the Queensland Government include internet voting as well as automated telephone voting in the 2015 Queensland election.

### **Vision Australia recommendation 4**

That the Committee notes that the iVote system in New South Wales represents the most successful option for electronically assisted voting currently in use in Australia today, and it is being expanded. Accordingly, the Committee recommends the iVote system is used as the benchmark for the implementation of electronically assisted voting for Queensland.

## **Internet challenges can be overcome**

*“Internet voting raises a number of additional security concerns compared to other forms of electronic voting. For example, it has been argued that:*

- *an internet voting system may be vulnerable to outside attack;*
- *there may be an increased possibility for voter fraud given that voting no longer takes place in a controlled impartial environment;*
- *in the absence of a national identity system, proving voter identity in the case of internet voting is a major security issue; and*
- *there would be a possibility for widespread ‘flooding’ of the internet voting site, leading to system failures.<sup>15</sup>*

These challenges are not unique to the voting system and are present in various IT systems operated by government and corporate agencies with significant responsibility in maintaining security, integrity and trust. The current iVote system is successfully managing these challenges.

## **The principle of universal access**

We recognise an important part of the democratic process involves the public nature of polling day itself where the community is actively engaged and participating in the day’s activities. Therefore, in addition to the ability to vote using the internet from anywhere, we seek that electronic accessible voting systems be available at the polling stations during the voting period. This would facilitate participation in the public polling day election process while providing the necessary facility to allow independent and secret voting.

We do not necessarily believe it would be necessary to have an internet based system available at the polling station (although it would provide benefits), but having at least a dedicated couple of telephones available to undertake automated telephone voting would be reasonable and appropriate, with some conditions and practical considerations attached.

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<sup>15</sup> Internet voting in Australian election systems, Electoral Council of Australia and New Zealand, September 2013, p29

Some conditions that could apply would include needing to make a declaration of eligibility or pre-registration (which could also be done at the polling station via the automated phone process), but the logistics can be worked out depending on the nature of the legislative allowance for the system.

We strongly believe that while there are significant benefits to the convenience of accessing the system in one's own home or wherever a voter may happen to be, it is also important to ensure that universal access principles are upheld and enable an elector who is blind or have low vision to also access the system at the same time and in the same manner as other electors. An important part of democracy is community, and an important part of community is about coming together and having shared experiences. This would also foster, for example, parents who are blind or have low vision may also feel a responsibility to teach their children about their civic duty and democracy by bringing their children along to a polling centre to vote.

## **Our way forward will benefit everyone**

Vision Australia has campaigned strongly to allow people who are blind or have low vision to cast a secret ballot, without assistance. We will continue to urge for the day when a person who is blind or has low vision can exercise their democratic right.

As ever, many of the things which we campaign for are of wider benefit to the community. The inclusion of accessibility principles and practice into the voting system will bring individual and community benefits.

Vision Australia believes there are valuable insights to be gained by looking closely at the features of the iVote system in NSW which represents the most independent and user friendly method developed to date within Australia.

The clear benefits of iVote are:

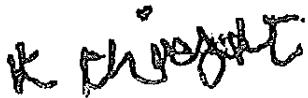
- Is independent and secret, it is automated, does not require someone to assist in the voting process, and meets community expectations around democratic participation
- Enables more careful consideration of voting options
- Provides new levels of independence and empowerment
- Makes voting easier and more convenient for a range of people who face challenges in travel to unfamiliar or inaccessible places including by enabling them to vote from home and at a convenient time
- Uses existing technology and similar processes that are familiar to the community, eg similar to telephone and internet banking
- Eliminates travel time and costs
- Allows voting while out of the State and overcomes logistic constraints some people face to access a voting booth on election day
- Is quicker than traditional voting
- Is becoming relatively cheaper as more people use it and has the potential to become even cheaper than existing methods

- Has the potential to eliminate problems that arise with the paper process, including matters raised during the recent Federal election concerning ballot security, counting, challenged votes
- Is trusted, secure and verifiable.

We strongly urge the Committee to put forward recommendations that take account of the iVote system and the experience gained in NSW being applied to the future Queensland approach.

Vision Australia is very willing to appear before the committee to speak further on these matters. Should you require further information or submission from Vision Australia, please do not hesitate to contact Ms Liz Jeffrey on 07 3727 2282 or [Liz.Jeffrey@visionaustralia.org](mailto:Liz.Jeffrey@visionaustralia.org).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Knight'.

**Karen Knight**  
General Manager  
Vision Australia

## **Summary of recommendations**

### **Vision Australia Recommendation 1 –**

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