Inquiry into the Electoral Commission of Queensland's online publication of the preliminary and formal counts of the votes cast in the 2020 quadrennial local government election and the Bundamba and Currumbin state by-elections held on 28 March 2020.

Submission No 019

This submission comes from Together branch of the ASU. Our union represents workers in the public sector who work for the Electoral Commission of Queensland (ECQ) and other Queensland government agencies.

This inquiry into the online publication of preliminary and formal counts of the votes cast and results on election night for the Local Government elections of 2020 and state by-elections is an important opportunity to thoroughly examine one of the most damaging public failures of the ECQ since its creation. Members of Together, particularly our members at ECQ, both comprehend and feel the public's concerns keenly and are determined to assist the inquiry to better understand the causes of this failure so that it is not be repeated in future elections as the Queensland public must have confidence in the integrity of their own electoral system.

To that end, our members provide this submission through their union office regarding the cause of the issues with publication of results.

We know the speedy reporting of preliminary results on election night helps to promote the public's understanding, confidence and participation in our electoral system. The failure to publish election results in close to real time is acknowledged as a fundamental breach of the Commission's responsibilities during elections. The early and accurate reporting of vote counts is a foundational concern for election administration bodies around the world and the reasons for this should be easily understood by members of the Legal Affairs and Community Safety Committee (the Committee). While staff of the Commission fully accept this, they feel that focussing solely on this issue would fail to take into account the many and varied contributing factors and problems that lead to the scenario under review. Essentially, we believe a question that should be foremost in the Committee's mind should be:

How did ECQ get to this point?

Information and communication technology systems, applications and support services are a crucial platform for the ECQ to perform its electoral functions. At the Local Government election of 2020 and state by-elections the ECQ used a brand new Election Management System (EMS). The EMS was built by a contractor (Konnech) and a dedicated and separate Gateway project team with significant input from ECQ staff. The first full version of the EMS was delayed and finally dropped in August/September of 2019. Commission staff raised concerns at this time about the apparent deficiencies in the EMS and the timing of its deployment in relation to essential staff training for election officials. Many of the concerns with the EMS and its deficiencies were rejected outright by the ECQ's senior management.

Training of the key election officials for the election went ahead on the early and changing versions of the EMS. As the training progressed the EMS was being constantly upgraded and revised as a result of unresolved issues that became apparent as it was being used. User Acceptance Testing (UAT) on the EMS was haphazard and very limited. In most cases significant defects were in evidence and noted, but many of the identified defects remained unaddressed in the subsequent round of testing. A common response to concerns raised was that "This will be fixed in the next version of the system". However, the promised fixes to the EMS did not occur in many cases. By way of example in the last round of UAT, one module of the EMS had 27 defects recorded against it, many of these ongoing unresolved defects were classified as either 'Critical' or 'Severe'. Senior staff in the project team with little or no election experience made determinations on what defects needed to be addressed as a priority and what did not.

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In January and February of 2020 key temporary election staff (i.e. Returning Officers) were given further training on the latest update of the EMS over a two day period. Feedback from participants on that training was that the EMS training lacked operational depth due to the trainers not having any election experience, and that many key areas of electoral events were skipped over due to EMS issues during the training program. During early 2020 further versions of the EMS were being deployed weekly. The deployment of new EMS versions continued right through the election.

During the election itself, commencing in late February, not a single module of the EMS worked as it should have. The EMS was often off-line while it was upgraded or as a result of a system failure. As a result, the older system, that it was to have replaced was activated. The older system filled functional gaps in the EMS in such critical areas as ballot paper production and postal vote data. If the decision to not use EMS for results had been taken earlier, then the older system could have been configured to perform this function. The old system (i.e. SEMS) had provided timely and accurate election results for the ECQ since its creation in 2008.

On the Wednesday 25 March 2020 (less than 3 days before polling) day senior election staff with the ECQ were called together and it was announced that EMS would not be used for the publishing of election results. Instead, a yet to be completed 'manual' system would be deployed for election results. This new system was built on 'SmartSheets' with Returning Officers entering results into a web-based spreadsheet. The data collected in this new and untested way was to be verified against expected results and then published on the ECQ website. There was no broad (certainly none was visible) testing of the new system and the 'training material' in its use was only deployed a day ahead of polling day of the election.

At that time our Commission staff in the field are fully engaged in dealing with voting issues and the management of COVID 19 related matters such as the Commissions new directives to candidates and scrutineers. It is little wonder that election staff in the field were confused about the processes being used by the ECQ for results on polling night.

Summary

To summarise, we believe that the failure to publish results of vote counts on polling night was the by-product of a rushed and poorly managed deployment of critical election infrastructure – namely the EMS. Elections rely on stable and reliable infrastructure to enable administrative bodies (Electoral Commissions) to deliver the required election critical tasks within immutable timelines.

Commission staff readily acknowledge that the ECQ must seek to safely and continually upgrade information and communication technology to satisfy our client and stakeholder needs and to support the ECQ to discharge its electoral statutory obligations. However, the ECQ entered the election with an unfinished, untested and unfamiliar EMS, which still contained known critical defects. Few, if any staff, both permanent and temporary were properly trained in its use. To have to institute a manual 'work-around' on the eve of polling day for election results invited the unprecedented system failure that unfolded on election night on 28 March 2020.