Submission to the Legal, Constitutional and Administrative Review Committee
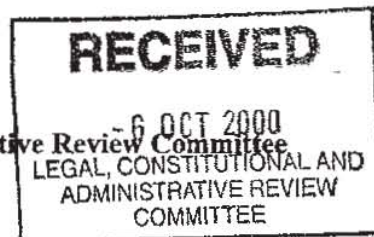
Inquiry into Electoral Fraud

My main argument in this submission is that we can eliminate electoral fraud – the question is at what price. There are very many reforms, techniques and practices that would ensure the integrity of the electoral process but each has a specific cost in terms of both resources and time. It is also clear that there is a trade off between the facility of voting and the potential for fraud. If we make registration and voting relatively easy (to encourage high turnouts and high formal votes) then there is commensurate latitude for deliberate electoral fraud by individuals should they wish to perpetuate such behaviour. On the other hand, if we tighten the processes associated with registration and voting we will make it harder for legitimate voters to cast a valid vote at election times and a lower percentage of the electorate may end up voting. I am not arguing for complacency or for us to turn a blind eye to electoral fraud, rather I am merely pointing out that measures adopted with good intentions in mind may well have the unintended consequence of harming the democratic process in other more substantial ways.

It is apparent that there are four major domains in which forms of electoral frauds can exist or be perpetuated. These are:

- registration and the electoral roll;
- the processes of voting and urging votes for particular candidates (including absentee voting and how to vote practices);
- the ballot and the booth; and
- the counting and reporting processes (including any subsequent appeal processes).

In my view there is potential for fraud and misleading information to be given at each domain. Most attention has been placed on the first two areas as these tend not to involve the Electoral Commission staff or accredited staff. But we should bear in mind that fraud can occur in the domains of the latter two (eg in the presentation of ballots, in people voting for others, in multiple voting at booths, misleading information at booths and in intentional deceptions at the counting and reporting process).

Improvements can be made to the present relatively lax registration and voting procedures by tightening the procedures for citizens to comply with the Electoral Act. Such improvements may include:

- policing the electoral roll to improve the integrity of the roll;
- conduct more house to house scrutiny to ensure the accuracy of the roll with the assumption that lack of verification removes the person from the roll of the roll;
- re-do the electoral roll every say five years to commence from scratch so as to remove any historical or continuing errors;

- perform selective audits and district/seat re-constructions of the roll if specific concerns are raised about electoral malpractices or inaccuracies;
- more extensive cross-checking of the roll against other data bases(eg council rates, property ownership, electricity accounts, taxation records etc);
- the insistence of more ID before citizens are allowed to register for the roll and then to vote at elections (eg a points system for ID information such as banks use over the establishment of new accounts);
- the issuing of specific voter registration cards (possibly with photographs) which voters have to produce at booths before they can cast a vote – and which are surrendered at the booth (and so not able to be reused on the same day);
- the electronic recording of votes which will establish immediately that a particular citizen has voted once and therefore cannot vote again (or someone else vote on their behalf);
- the bar coding of ballot papers themselves tied to the citizen's name which would identify the precise vote in cases where subsequent entitlement to vote was disputed (but this has significant implications for the secrecy of the ballot).

Each of these measures can be adopted – at a cost – and with the likely consequence that the percentage of formal votes cast will be much lower than at present.
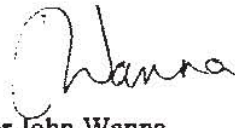
In the first two domains political parties/actors are more involved in assisting/facilitating the electoral process. There is opportunity for fraud here – even if relatively minor in the grand scheme of things. For example where parties line up postal votes and electoral visitor votes it is often possible for party workers to overlook those they know or suspect may be antagonistic to their party, or if they vote to loose the ballots cast for their opponents while forwarding on those cast for their side. Similarly how to vote cards can be bogus and mislead voters of minor parties in casting preferences for parties that the minor party has not endorsed or allocated its preferences to. Some of these practices sit somewhere between misleading behaviour and deliberate attempts to fraud the process. Unless the Electoral Commission staff conduct the entire process such possibilities will inevitably exist.

The main question your inquiry should address, I feel, is what is on balance a best outcome regarding the conducting of free and fair elections. We wish both high turnouts, informal processes of voting, we do not generally as a community carry ID cards, and we tend to take on trust those 'helping' with the electoral process – from party workers to electoral staff to media etc. On the other hand, we do not want to see obvious areas open to electoral fraud and some of the above suggestions would help eliminate these opportunities.

The issue then is how much we want to pay in additional resources to conduct a open and honest electoral process and what unintended consequences will entail from decisions made about tightening access/ID/checking mechanisms over the registration and voting procedures.

I would be happy to elaborate further on any points mentioned in the above submission should your committee so wish.

Yours sincerely

Professor John Wanna   6ᵗʰ Oct 2000

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