

**Submission by Dr Brett Biddington AM
to
Joint Standing Committee on Constitutional and Legal Affairs
Inquiry into the conduct of the 2022 Federal Election**

I am pleased to provide this submission to the parliamentary inquiry into the May 2022 Federal election.

This Submission is in two parts. The first part focuses on the process and content of the training that is provided to casual electoral staff and makes other comment about my experience in the 2022 election. The second part is a 'Big Idea' that extrapolates from my experience outlined in Part 1. It proposes a simple way to strengthen Australia's democracy to counter 'fake news' and the other assaults that are being made on our system of government and society more broadly.

The submission is relevant to Terms of Reference 'c' and 'f'.

Background and Qualifications

In the lead-up to the 2022 Federal Election I was employed as a Subject Matter Expert (SME) to assist with the delivery of training to people who were seeking to work as electoral officials in Pre-Poll Centres and on polling day in the Divisions of Bean, Canberra, Eden-Monaro and Fenner.

On polling day I was employed as a Polling Place Liaison Officer (PPLO) in the Division of Bean in the ACT responsible for the Mawson, Farrer, Torrens and Pearce booths.

I have worked previously as an OIC in the 2019 Federal election and the 2020 Eden-Monaro By-Election and as an electoral official in the ACT election in 2021, the NSW Monaro By-Election and the NSW Local Government elections in 2021.

I have an undergraduate degree in Political Science and, in a former life, taught politics and public administration at tertiary level.

PART 1

Training

The focus of this report draws on my training experience and is discussed under two main headings – Online training and Face-to-face Training.

- ***Online Training***

The modules in the online training I was required to study for the PPLO role were informative, clear and well-produced. They served as a useful refresher for the formal processes to be followed by polling place staff.

- **Face-to-Face Training**

The purpose of face-to-face training is to give polling place staff an opportunity to review, in a real setting, the material covered online. The ideal sequence is that online training is completed before the face-to-face session which aims to give reinforcement and the opportunity for staff to seek clarification and to ask questions about any aspect of their duties. The second purpose of face-to-face training is to instil confidence, especially for those assisting in polling places for the first time.

The face-to-face training that I helped to deliver was seriously compromised, in part for reasons beyond the AEC's control – especially with training staff and polling place staff reporting sick, mainly with COVID or flu, at short notice. This created enormous daily, sometimes hourly, challenges for the training operations staff. The small team that carried the brunt of this work deserve plaudits for their persistence, patience and good humour, certainly in their dealings with the people who needed to be trained.

The majority of those being trained face-to-face had not completed their online training and some had not even started, having been notified only hours before of their need to attend face-to-face training.

However, there were systemic issues that demand attention and that can, indeed must, be improved. There were other systemic issues that should not be repeated.

- **The Aim of Training**

For people who have performed duties on election day in the past, training that covers the technical aspects of the processes associated with accounting for, issuing and counting votes is adequate. However, for newcomers, many of whom were somewhat apprehensive and unsure of themselves, the courses as presently structured and delivered, lack context and broader rationale. The 'how', 'what', when and by whom are well explained, but not the 'why'.

Many new staff with whom I dealt came to their role with limited and in some cases no understanding of how the Australian Government works. Knowledge about the role of elections within that structure and why every step in the election process is performed with extraordinary care and diligence was, for an alarming number, limited at best.

Some matters are easily fixed – for example there was reference to 'designated' electors in the face-to-face training (Slide 5 in the OIC and Declaration Officer training) but no definition of a 'designated' elector was provided. Many questions were asked about this. The answer is in the AEC's Glossary but not the training materials. It either needs to be explained or left out.

Most of the questions asked by those being trained in the face-to-face sessions were not about formal processes but rather were about broader polling place expectations and conduct. On these matters, the formal training, except for general guidance about being polite and friendly, says little. Many trainees with experience from previous elections who attended the sessions with which I was involved were more than willing to share their experiences. Unfortunately, the high level of ambient noise at the Queanbeyan Out Posted Centre (OPC), combined with the mandatory wearing of masks to render much good advice and support, inaudible and of limited value.

○ **Course Structure and Content**

The purpose of having an external agent deliver a prepared script, accompanied by Powerpoint slides to ensure a minimum level of consistency of content and proficiency across all training venues across Australia makes sense. However, the structure of the training essentially ignores all that we know from educational research and neuroscience about how people learn. Most effective learning is through story or narrative reinforced by an experiential component – learning by doing. Social distancing protocols seriously compromised the hands-on exercises, leading to even more weight being placed onto the script and its delivery.

A review of the script for OIC, 2IC and PPLO training and also for Declaration Vote Issuing Officers indicates the problem. The first substantial slide (Slide 4 in the deck for both training courses) was the question “When would you issue a *provisional* declaration vote?” This begged the question, “What is a declaration vote”, or even more generally, “What types of votes may be cast at a federal election”?

Even before that explanation there might have been some more helpful paragraphs along these lines.

Thank you for agreeing to assist the AEC in the forthcoming federal election. We [the AEC] anticipate that in the voting period in the order of 17 million Australians will cast their votes. In Australia voting is compulsory and in the order of xx% of eligible voters are expected to cast their votes via Postal Ballot, Pre-Poll ballot or at a polling place on election day.

At the Pre-Poll Centres and on election day, we will be issuing two types of votes: ordinary votes and declaration votes. Our course today focuses on declaration votes.

On election day some voters who are visiting from interstate may come to your booth. You will need to send them to a polling place that caters specifically for interstate voters. Some other voters are likely to come to your booth who cannot be issued with an ordinary vote but whom you can help by issuing them a declaration vote.

The AEC operates on the principle that every adult person who attends a polling place on election day is entitled to vote. The job of every polling official, of every one of us, is to do our utmost to issue the relevant ballot papers to the voter. Our task is not to determine whether a person may or may not vote but to accept at face value the voter’s claim that they are entitled to vote. A situation may arise when the voter’s claim is not apparent to us or when more complex circumstances mean that an ordinary vote is not or should not be issued. In these circumstances we should issue a declaration vote instead.

Declaration votes are issued to the following categories of voters:

- *The voter is from a different electoral division WITHIN you State/Territory*
- *The voter is a SILENT, ITINERENT or DESIGNATED voter*
- *The voter’s name cannot be found on the electoral roll*
- *The voter’s name has been marked on the roll as having already voted*

- *Polling officials are not satisfied as to the voter's identity.*

In all cases, we take additional steps to ensure that the voter is issued a valid set of voting papers and that they are given every opportunity to cast a valid vote.

Beyond the content of the text, another critical point in effective instruction is to use the active and not the passive voice. The script provided to the trainers was mostly in the passive voice. This might be appropriate for conversations in and between public officials but is antithetical to effective instruction where an aim is to encourage involvement, commitment and 'buy-in' from participants.

- **The Division Finder**

The script provided to trainers to explain how to use the Division Finder was a further example where, for people new to the election process, a small amount of explanation would have eliminated many questions. Many of those I helped to train had not thought about the practical implications of electoral boundaries. In some cases whole suburbs towns and districts are within the one Division. There is no need to look further than the first section of the Division Finder. In some cases a particular road or street marks the boundary between Divisions – odd street numbers are in one Division and even street numbers are in the other. Then there are cases where the Division boundary cuts streets in two with numbers 1 to n in one Division and numbers n+1 to the end of the street in another.

A couple of graphics, with accompanying text in the training script, to demonstrate this point would have saved time and avoided considerable confusion.

- **The TCP Count**

A third area where a little more explanation would have helped to overcome uncertainty is the TCP count. Many of the novices I trained were confused until I said that typically in urban areas, but not always, the two preferred candidates nominated by the AEC for the purposes of the count only, are from the Liberal and Labor parties. One of these candidates, on the basis of historical data, is most likely to win the seat. The preferences being distributed are often those of minor party and independent candidates. The trainees understood this language because it accorded with their experience. The TCP count sheet became real to them. I am aware that the AEC, quite rightly, plays the straightest of bats, in terms of strict political neutrality in its training materials. In doing so, by not using the language of the non-expert who has signed up to help, the training objective can be compromised as with this example.

Given the large number of independents elected to the new Parliament, a more carefully crafted script that explains the TCP count may well be vital in future elections.

There are counter-intuitive elements to the TCP count. Some of those when completing the training exercise looked for the second preference (number 2) on the ballots of the candidates whose preferences were being allocated. The trainees did this in spite of the clear instruction to look for the higher preference (which may or may not have been the second preference) with respect to the preferred candidates advised by the AEC. The second confusing aspect for many is that the lower number

and not the higher number, indicates the preferred candidate. The logic is clear but many brains seem to be wired to think that bigger is better – leading to errors in the training exercise and possibly on the election day count as well. The explanation in the training materials assumed an understanding of the electoral process that many whom I trained, returning staff and first timers, simply did not have.

A more general comment, which applied to the TCP exercise and to the ballot paper reconciliation aspects of training as well, is that many, possibly most, of those being trained lacked confidence with numbers. Even if the trainees grasped and understood the logic of the arithmetic, some were reluctant even to write the numbers in the relevant places on their exercise sheets for fear of making a mistake. This is thought to be more a question of confidence than capability. There is no ready way to overcome this problem but it is noted. It may help to explain why some counts take so long to complete after 6.00pm.

- **Materials and Equipment**

The training area at the Queanbeyan OPC was well-stocked. Most importantly, there were enough copies of the relevant Election Procedures Handbook (EPH) for all who were trained to be given their own copy of the relevant EPH. Unfortunately, as the training progressed from late April until 19 May, some of the materials became jumbled which presented challenges for trainers and SMEs alike. Locating the correct materials for any given course in the 30 minutes nominally allocated for setting up was a constant challenge.

Only one of the two data projectors in the training area had the necessary cords and connectors to permit compatibility with the computers of some of the trainers. For many of the sessions in which I was involved, we used my own data projector and computer because we knew they worked.

- **Facilities**

The training area at the Queanbeyan OPC was simply unacceptable. Indeed, it was an embarrassment and suggested that the AEC really did not care much about the quality of the training beyond being able to say that it had been done. The level of ambient noise from the Riverside Plaza, from trolleys moving polling place materials and from the operation of the Pre-Polling Centre meant that the trainers had to shout to be heard. Trainees, wearing mandated masks, could not be heard when they asked questions and when concurrent training sessions were being run, the two trainers had to compete against each other to be heard. The surface of the floor was uneven, presenting trip hazards. A less suitable venue for training is difficult to envisage.

- **Trainers**

I worked with four trainers. One, had a very soft voice. She simply could not be heard above the noise described above. She had considerable prior experience at elections so we swapped roles for several sessions because I have a loud voice.

Another is a former secondary school teacher and he applied his classroom experience to good effect, although was still constrained by the environment.

The third could certainly be heard. She stuck closely to the script and was engaged and engaging.

The fourth became increasingly disengaged as the training proceeded, discouraged by organisational confusions and the terrible training environment.

COVID caused some training sessions to be small and others to be considerably over-subscribed. Some sessions had 30 or so trainees. Social distancing was inevitably compromised as was the quality of training. Those at the back struggled to hear the trainer and the SME struggled to provide the additional encouragement and support that is a tenet of the face-to-face training experience.

- **Assessment of Effectiveness**

To the extent that the script was covered, the AEC is able to say hand on heart, that the staff who worked at Pre-Polling Centres, as well as those who were OICs, 2ICs, PPLOs and Declaration Vote Issuing Officers, received face-to-face training in preparation for the roles they occupied in the election.

Just how effective was this training is another matter. Almost all of those I helped to train were involved and interested. A small number were manifestly unsuitable for the roles they had been allocated and I can only hope that others helped them through their roles on election day.

- **Recommendations**

With respect to training of future election officials, the following recommendations, on the basis of my experience mainly at the Queanbeyan OPC, are made:

1. Assume that those being trained know little about the structure of government in Australia, the electoral system as a whole, and specifically about how polling places work. Recast the script for training courses by:
 - a. Adding context and rationale; and
 - b. Using the active voice and, where possible, the pronouns of inclusion and commitment (we, us, our) rather than those of exclusion (you, they, their).
2. Invest in training areas that are fit for purpose – such as rooms at a university or TAFE – specifically set up for adult education with relevant facilities on tap.
3. Revisit the selection criteria for trainers – to add a criterion about election experience/exposure and teaching/training experience as well. Given the breadth and complexity of federal elections, to mandate such criteria may prove counterproductive. A more realistic approach may be to advertise these criteria as desirable.

The PPLO Experience

On election day (21 May), I was the PPLO responsible for four booths – Pearce, Torrens, Mawson and Farrer in the Division of Bean.

The OICs at each of these booths had prior experience and no major issues were encountered during the day.

The OIC Return

The OIC's with whom I worked and others who have contacted me since, all complained that the OIC Return is still confusing with specific pages difficult to locate when needed. I

noted that since the 2019 election some improvement has been made with forms being categorised behind tabs. Even so, several OICs still added tabs to pages to which they considered they needed rapid access.

Explicit training on how to navigate the OIC's Return may assist OICs and the AEC as well – especially if the post-election operational review reveals recurrent errors in OIC Returns across numerous Divisions.

In previous correspondence to the Australian Electoral Commission about the OIC Return, I have likened the document to a combination of a pilot's cockpit checklist (the mandatory actions necessary to operate an aircraft safely) and the flight manual which helps aircrew to resolve unscheduled problems as they arise. I think the time-based logic of the Return is correct – before 8.00am, between 8.00am and 6.00pm, and after 6.00pm. More tabs, perhaps pointing to thematic areas such as personnel, ballot papers, seals, and packaging materials might assist especially those who are new to OIC/2IC responsibilities.

I have wondered whether the OIC Return could be placed on a Tablet with time-based prompts and alerts and a touch screen menu. Maybe a pilot at a forthcoming State election or a by-election could provide an opportunity to test and evaluate such a system. The question would become what if the tablet malfunctioned?

The PPLO Return

The PPLO Return needs work. As it stands, this Return is little more but a pro-forma risk reduction activity for the AEC. If complaints are made about the conduct of voting at a particular polling place, the AEC can refer to the PPLO's Return and demonstrate, assuming the PPLO has done their job, that the booth was functioning satisfactorily (or if there were a problem that it had been addressed on the day).

To ask a PPLO to assess more than 100 separate aspects of a polling place's performance is unrealistic. It becomes a quite meaningless 'tick and flick' exercise rather than a tool for management and oversight. I used the PPLO return as an *aide memoire*, using the headings, and not necessarily the individual marking criteria to check on the performance of the booths for which I was responsible. I made a number of relatively small but important suggestions to a couple of OICs but saw my role as mainly one of encouragement and mentorship during the day and evening.

I am aware that several of the PPLOs who were responsible for booths in the ACT had no previous election experience at all. This was not a desirable situation but was an inevitable, unavoidable and foreseeable consequence of COVID. Surprisingly, therefore, there was no specific training provided for PPLOs which led to very uneven performance. One OIC of a booth in Bean has complained to me that her PPLO was barely sighted and when he did appear he created tension between voters and booth staff that was unnecessary and pointed to inexperience and lack of understanding of his role. His interventions placed the reputation of the AEC at risk. This may have been an isolated incident – one might hope so. However, the AEC did expose itself to systemic risk in accepting as PPLOs, people with no experience and no dedicated training. At the heart of the problem is the unavoidable tension between the demands for compliance and the demands for mentorship, support and, just occasionally, direction. Future training of 2ICs, OICs and PPLOs would be strengthened if this tension were called out and explained. Vignettes can be developed that demonstrate the competing demands and that can be discussed. There is no right answer, but time

management, empathy and judgement might be emphasised as prerequisites for success as a PPLO.

Broader Observations

- **The impact of COVID: Voter Flow**

COVID-19, as noted above, had a major impact on the conduct of this election. I spoke to two AEC observers at Pearce about some of the impacts of COVID. Their interest was voter flow and they were concerned that voters were sitting down, as a matter of course, at the ordinary issuing tables where chairs had been placed for the use of older and infirm voters. In fact, many voters of all ages used the chairs to be on the same facial level as the issuing officer who was wearing a mask. This allowed for effective and clear communication – face-to-face, mask/masks notwithstanding.

If COVID is to be an enduring characteristic of Australia's social landscape for years to come, we may well end up encouraging people to sit down when having their names marked off the roll and their ballots issued – something to ponder for the future.

- **The impact of COVID: Venue Suitability**

In a COVID world, smaller polling places such as Mawson and Torrens, in my direct experience, may need to be no longer used in future elections. With the best will in the world, clearly marked 1.5m apart queueing points etc, both of these centres (Mawson especially) became quite congested at times. The queue controllers and hygiene officers did their best but people would simply prop and chat as they were moving from the issuing table to the voting screen or from the screen to the ballot box.

- **House of Representatives Ballot Paper**

Several OIC's complained that the House of Representatives ballot papers did not easily tear along the perforated strip at the base of the stub. Some papers tore. Perhaps a design tweak can be made to ensure that the ballot paper comes away from the stub more readily in future.

- **A Valid Vote in the Senate**

Confusion exists around the Senate paper and what constitutes a valid vote. Two frequently asked questions were:

- 1 If we are only electing two senators in the ACT, why must I number six preferences above the line or 12 below?
- 2 Why is a '1' above the line not sufficient? If I place the number 1 against a candidate or party above the line I am stating clearly that I agree with the preference allocation that the person/party for whom I have voted has recommended. Why must I add five further numbers?

Clarity about this point would assist voters and Inquiry Officers at future Senate elections.

Part 1: Summary and Conclusions

As for previous elections, this was an enjoyable and worthwhile experience and, I look forward to participating in future elections. COVID-19 presented many challenges and caused considerable disruption however, this was understood and accepted by most people with whom I had contact. Indeed, I sensed an amazing spirit of goodwill and tolerance in the training environment and in the booths on Polling Day. Towards the close of polling one Party worker told me that in the 30 years that he had been handing out how to vote cards, he had never experienced a more friendly atmosphere at a polling place. This must be taken as a measure of success and of the strength of Australian democracy.

My singular operational level criticism was the unsuitability of the training environment at the Queanbeyan OPC. This fundamentally compromised the effectiveness of the training that we in the training team were able to provide. The AEC's formal boxes may have been ticked but the quality of the training that we sought to deliver was severely hampered by the ambient noise, 'din' is a better word, against which we were forced to compete.

Some improvements to the content of the training have been suggested in this report – to provide rationale in some places by answering the 'why' question. Many, if not most novice electoral staff, irrespective of their age, are not well informed about the structure of Government in Australia nor of the electoral process. I would encourage the AEC to assume that polling place staff have at best rudimentary knowledge of these matters and to redesign the content of future training programs on this basis. Hand in hand with this comment, the AEC is encouraged to recast the training scripts into the language of instruction from that of bureaucratic procedure – to embrace the active voice to gain buy-in and commitment. Elections are a team activity. Let's deliberately embrace the language of teams in the training environment.

PART 2

A 'Big Idea'.

In 2000, Malcolm Gladwell published his monograph, *The Tipping Point: How Little Things Can Make a Big Difference*. Gladwell defined a [tipping point](#) as "the moment of critical mass, the threshold, the boiling point."¹

At the 2022 election the AEC employed more than 100,000 casual staff most of whom were the interface between the voters and the AEC at Polling Places across the nation. About 17 million Australians were eligible to vote. In ratio terms, there was one casual AEC employee for every 170 voters or 0.06% of those eligible to vote served as electoral officials.

A point that I made repeatedly to those I trained was that our role as electoral officials could be reduced to two fundamental points – **reverence** for ballot papers and **respect** for voters. This simple mantra seemed to strike a chord with many trainees. Especially for those new to the electoral official role, it provided purpose and rationale for the vital procedural elements of the training.

Gladwell makes the point that all mass movement begin with a small number of individuals speaking of their experience to others, who speak to others, who speak to others. It's a

¹ Gladwell, M. *The Tipping Point: How Little Things Can Make a Big Difference*, Abacus, UK, 2001.

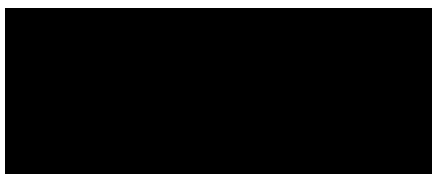
geometric progression. Absent context, about the processes of accounting for ballots and why the sanctity of the ballot box is so important, my sense (unfortunately I do not have quantitative data to back this up) is that many people whom I helped to train will have talked to their friends about their less than suitable training experience when, with just a little more thought given to the content of their training, they could have talked about the values that our electoral processes uphold.

Political and community leaders know full well that liberal democracy across the world is under assault. Misinformation, 'fake news' and perceived selfish and self-interested behaviour by political leaders are factors contributing to voter disenchantment and disengagement and that are placing the institutions and conventions that are the basis of our government at risk.

My 'Big Idea', which, is really quite modest, is to apply tipping point principles to the delivery of training to officials at future elections by simply adding a small section to the training that answers the question, "Why do elections, that are scrupulously conducted, matter?" In the elections in which I have been involved, the answer to this question has been assumed. My experience indicates that the assumption is no longer valid.

On a regular and repeated basis, more than 100,000 Australians are assembled across the nation to run national elections. Let us think of these people not merely as process workers but as advocates or exemplars for the democratic system of government. Let us give them language and examples, through their training, that allows them to talk to friends and others about the importance of the processes they perform to the health of our system of government. This conversation extends beyond the processes of securing, issuing and counting ballots. It's a discussion about confidence in our institutions of government. My intuition, borne from hands on experience, suggests that these sorts of conversations may readily, rapidly and effectively, counter those forces that are challenging the foundations of our government and our society.

I would be pleased to elaborate to the Committee any of the points raised above.



Brett Biddington AM PhD
Canberra

M: [REDACTED]

E: [REDACTED]

3 September 2022.