

Introduction

- 1.1 Following the loss of ballot papers during the 2013 federal election, there has been significant public discourse about potential technological improvements to our electoral system that would reduce the likelihood of a repeat of such events and other systems problems from occurring.
- 1.2 There can be little disagreement with the idea that the electoral system needs to harness the technology available to it, and there are many aspects of the electoral system where these reforms can be introduced, including building capability in electronic support for voting.
- 1.3 Chapter 2 of this report argues that the best first steps towards modernising the electoral system in this context should be through electronic support systems – expansion of electronic certified lists (an electronic roll); digital count of ballot papers; and digital storage of ballot papers, online advice and support to inform electors of voting and to provide online support for electors with a disability.
- 1.4 These are all mechanisms that will enhance and improve the electoral system. They have an inbuilt layer of scrutiny, maintain the sanctity of the ballot, enhance electoral integrity and, critically, can begin to be readily implemented at the next election.
- 1.5 In the wake of the lost ballot papers fiasco at the 2013 Western Australia Senate election, there have naturally been calls for a move beyond this to electronic voting. One argument here is that, as the Australian public is comfortable with digital technology, a move to electronic voting should be straightforward:

The Saturday Age suggests the controversy surrounding the AEC provides an opportunity to improve Australia's democracy. We believe the Government should commission an expert inquiry with a view to introducing electronic voting, preferably in time for

the next federal election. After all, digital technology has revolutionised so much, and people have become comfortable and confident banking, shopping and storing private information online. A secure system operating only within authorised facilities would be a relatively straightforward exercise.¹

- 1.6 This report undertakes an extensive consideration of electronic voting. Chapter 3 surveys the experience of national and international jurisdictions with electronic voting. This analysis makes it clear that, rather than Australia being left behind by not having widespread electronic voting in place, many jurisdictions are abandoning the decades of significant investment in this technology due to high maintenance costs, as well as secrecy and security concerns.
- 1.7 Chapter 4 assesses proposals to implement electronic voting in Australia. This assessment identifies significant questions over the capacity of an electronic voting solution to be both cost-effective and protect the security and sanctity of the ballot in the Australian context.
- 1.8 The report concludes, irrespective of one's philosophical view about electronic voting, that there can be no widespread introduction of electronic voting in the near term without massive costs and unacceptable security risks.
- 1.9 Any use of technology in association with the electoral process must have the principle of the sanctity of the ballot at its core, including upholding the right to a secret ballot and ensuring transparency in the counting process.
- 1.10 The Committee acknowledges that, following the events of the 2013 federal election, the Australian Electoral Commission (AEC) is undergoing a period of significant organisational reform and re-evaluation of standard operating procedures that will improve its delivery of the electoral system. The recommendations in this report will enhance the AEC's efforts to improve its service delivery.

Terms and definitions

- 1.11 The term 'electronic voting' broadly describes a variety of practices and technologies that can facilitate voting, recording and counting. The term extends to systems in which the act of voting occurs with the assistance of electronic technology; where votes are recorded, captured or stored electronically; and where votes are loaded into a computerised counting system to determine election results.

1 *Saturday Age* editorial, quoted in Democratic Audit of Australia, *Submission 116*, p. 5.

- 1.12 In this report, ‘electronic voting’ is used to refer to technology associated with the act of voting, and ‘electronic support for voting’ is used to refer to electronic mechanisms which support the electoral process more generally.
- 1.13 Electronic support for voting includes:
- **Electronic certified lists** – where a computerised electoral roll is produced for use in polling places or with mobile voting teams. This electronic support solution allows for more accurate and real-time mark-off of voters from certified lists, as well as faster processing of declaration votes.
 - **Electronic counting and scanning** – systems can be developed that allow for either manual electronic entry of ballot papers (such as is currently done for below-the-line Senate votes) or automated scanning of ballot papers where vote data is entered via intelligent software recognition (such as is used in the Australian Capital Territory).
 - **Online enrolment and update** – where a voter can enrol for the first time online, or go online and update their enrolment details. This is especially advantageous during the close of rolls period at the start of an election, as immediate updating of details significantly lessens the administration of updating systems from paper forms.
- 1.14 The act of electronic voting encompasses all of the following:
- **Electronically-assisted voting** – allows blind or low vision voters to complete a ballot paper with the assistance of an operator or audio prompts delivered via the telephone or through an electronic voting machine. Such electronically-assisted voting was trialled in the 2007 federal election and has been a feature of recent federal elections as well as elections in three states and territories in recent years.
 - **Isolated static electronic voting** – involves using computers or custom-built electronic voting machines which are configured as stand-alone devices or are connected together on an isolated local area network but which are not linked to the broader internet. This form of remote electronic voting was trialled by the AEC in conjunction with the Australian Defence Force (ADF) in 2007. In this trial, ADF personnel on overseas deployments were able to access a secure computer network that enabled them to cast their vote.

- **Internet voting** – this can be split into various categories:
 - ⇒ *static internet voting* – requires the voter to be present in a polling location, using a dedicated computer or network to access the relevant internet page to cast their vote. This model is most similar to the current form of voting in that it allows the electoral authority to maintain control over the hardware or network used to vote and the environments in which votes are cast.
 - ⇒ *mobile internet voting* – where, for example, the electoral authority organises mobile polling teams to visit voters in their homes or certain localities with portable devices connected to the internet which voters then use to vote. This allows the electoral authority to maintain control over voting hardware and the circumstances in which a voter exercises their franchise, while utilising the portability of electronic technologies to maximise voting accessibility.
 - ⇒ *remote internet voting* – the most expansive model of internet voting and what is most commonly meant by the term ‘internet voting’. Remote internet voting allows the voter to cast their vote from any device with internet access. In this situation there are significant difficulties with verifying voter identity, or whether a voter may be casting their vote in secret and free of coercion. The electoral authority also has very little control over the hardware and associated software used by the voter and almost no control over the environment in which voting occurs.

Previous parliamentary comment on electronic voting

- 1.15 Previous Electoral Matters committees have considered the issue of electronic voting at some length, both in reviews of specific elections and independent inquiries. This Committee, along with its predecessors, have approached this issue with a view to balancing the enfranchisement of the electorate with the security and cost-effectiveness of the ballot. As such, previous inquiries have consistently found that while there are benefits to electronic voting, these benefits do not outweigh security concerns and the cost.²
- 1.16 In its report on the 2004 federal election, the Electoral Matters Committee of the 41st Parliament the Committee stated:
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2 Joint Standing Committee on Electoral Matters, June 2003, *Report of the Inquiry into the conduct of the 2001 federal election, and matters related thereto*, Canberra, pp. 267-268; Joint Standing Committee on Electoral Matters, September 2005, *Report of the Inquiry into the conduct of the 2004 federal election and matters related thereto*, Canberra, pp. 257-258.

attendance at a polling place [is] a key contributor to Australia's democracy. If all Australians were given the opportunity to vote remotely, the Committee believes one of the best features of Australia's voting system would be removed. Therefore, even if it is technologically possible, the Committee has no desire to see widespread remote electronic voting introduced at any time in the future.³

- 1.17 In the Electoral Matters Committee of the 42nd Parliament in its 2009 report on the 2007 election electronic voting trials for blind and low vision voters and remote Defence personnel, the Committee found that the cost was unsustainable and that the administrative obligations on Defence personnel were significant and unreasonable. The Committee recommended that the trials be discontinued.⁴
- 1.18 Notwithstanding these reports, there has been some parliamentary support for the implementation of electronic voting. In 2013, the House of Representatives Standing Committee on Regional Australia tabled its report on the use of 'fly-in, fly-out' workforce practices in regional Australia. In examining the enfranchisement of remote workers, the Committee recommended that electronic voting be implemented, stating that 'electronic voting may be the most accessible method of providing access to these workers to vote.'⁵

Conduct of this inquiry

- 1.19 The Committee has examined electronic support for voting and the merits of electronic voting in the context of its wider inquiry into the conduct of the 2013 federal election, referred by the Special Minister of State on 5 December 2013. As part of that referral, the Minister requested the inquiry specifically analyse the issue of electronic voting.
- 1.20 Given the commentary on the issue of electronic voting in the media, amongst participants in the inquiry, and more generally in the national and international electoral context, the Committee decided to produce an interim report on electronic voting and electronic support for voting. This

3 Joint Standing Committee on Electoral Matters, September 2005, *Report of the Inquiry into the conduct of the 2004 federal election and matters related thereto*, Canberra, p. 271.

4 Joint Standing Committee on Electoral Matters, March 2009, *Report on the 2007 federal election electronic voting trials*, Canberra.

5 Standing Committee on Regional Australia, February 2013, *Cancer of the bush or salvation for our cities? Fly-in, fly-out workforce practices in regional Australia*, Canberra, p. 129.

early response will also enable the Australian Government to respond to the Committee's recommendations well before the next federal election.

- 1.21 The Committee has conducted public hearings and private briefings on this issue as part of the hearing and meeting programme undertaken for the overarching 2013 federal election inquiry. All transcripts and submissions are available on the Committee's website⁶ and a full listing will be included in the final report.

6 <aph.gov.au/em>.