The Parliament of the Commonwealth of Australia

Second interim report on the inquiry into the conduct of the 2013 federal election:

An assessment of electronic voting options

Joint Standing Committee on Electoral Matters

November 2014
Canberra

Contents

THE REPORT

Foreword

Our voting system has changed and evolved over the 113 years since the first federal election in March 1901. But one thing has remained a constant from the election of the first Parliament to that of the forty-fourth last September. We still vote with a pencil on a paper ballot that is then manually counted.

In recent decades some democracies have moved to a form of electronic voting. The USA has electronic voting machines in many states and Estonia offers electronic voting over the internet.

While one system requires you to still visit a polling booth and the other offers online convenience, advocates argue that both offer faster and potentially more accurate results.

With the close of polls the results are known within minutes rather than hours, days and weeks and arguably without the human error that occurs in the long paper ballot count.

Many think it sounds like a good idea for the next federal election.

No matter your view, this is not feasible.

Even the most ardent electronic voting advocates must recognise that in logistical terms it would be impossible for our electoral authorities to roll it out next polling day which is less than two years away – at the latest.

But what about future elections?

I once simply assumed so, but that was before I had really given it a lot of thought.

After hearing from a range of experts, and surveying the international electoral landscapes it is clear to me that Australia is not in a position to introduce any large-scale system of electronic voting in the near future without catastrophically compromising our electoral integrity.

Machine electronic voting at a polling place is vulnerable to hacking to some degree. This can be mitigated by a system that not only records your vote electronically, but also produces a printed ballot for physical counting and later

verification. In other words, a lot of expense to still visit the polling booth, queue up and complete your vote on a machine rather than a paper ballot.

For this reason, internet voting seems to be naturally the most attractive to many voters. As an election expert from the USA recently said to me: 'when it comes to voting, folks would rather be online than in line.'

But the weight of evidence tells us that at present this is highly vulnerable to hacking.

While internet voting occurs in Estonia, it does not mean that system cannot be hacked. With all the internet security architecture available, the academic experts swear they can, and have proved they can, hack such systems.

In future it is likely, given the turbo-advances in technology, that a system of online electronic voting could be delivered with acceptable safety and security. But even when we reach that time, there should be considerations beyond the convenience it would offer.

Given we complete so many transactions online, I am often asked why voting should be any different. My answer to that is that voting once every three years to determine our democratic destiny is not an everyday transaction.

Not only do we have the right to a ballot; we have rightly enshrined within our system the right to a secret vote. Voting at a booth in a polling place guarantees this; voting over the internet threatens this.

Internet voting would expose some voters to family and peer pressure by removing the individual isolation of voting at a secluded booth and replacing it with voting in a home, a workplace or a public place. It also potentially opens up a market for votes where disengaged or financially desperate voters could be offered money to vote a certain way, which could be verified in a way not possible at a polling place.

This is not to say that we should not be striving to make better use of modern technology, but it is to say that technological convenience must be balanced against electoral integrity.

There are other aspects of our voting process that should be brought into the modern electronic world; aspects that will not compromise the security, sanctity and secrecy of the ballot.

We can progressively replace the paper roll at each polling booth with an electronic interconnected roll. At present every booth within an electorate has an identical paper roll. When you vote your name is crossed off at the polling place you attend. With an interconnected electronic roll, when your name is crossed off and you are provided with a ballot, it will be almost simultaneously crossed off at every other booth. That will reduce the opportunity for multiple voting in your name at other polling places and will reduce administrative errors.

At the same time we should start to introduce electronic scanning of ballot papers. This enables an electronic count, the results of which would be delivered minutes after the close of the polls. The same physical count that occurs now would still be performed for verification.

Such a system would offer faster results, at a manageable cost without any of the risks or comprises of electoral integrity of stand-alone electronic voting. Indeed, it would provide a checking mechanism, providing a measure of surety to the count.

This report makes seven recommendations to this end. Recommendations 1 to 4 call for the roll out of electronic certified lists to all pre-poll centres and mobile voting teams initially, with the eventual introduction to all polling places. The Committee also considers that there is opportunity for this technology to be developed collaboratively and shared with the states and territories.

Recommendations 5 and 6 propose the consideration of electronic counting and storage of ballot papers. This would offer a number of benefits in terms of speed and verification of the count. Should ballots be scanned for counting, they may also be able to be stored digitally. Currently ballot papers are destroyed after a prescribed number of years. If scanned and stored digitally, they could be retained indefinitely and in doing so, capture part of the electoral history of Australia.

Finally, the Committee acknowledges the real benefit of the current telephone assisted voting system that is available to blind and low vision voters and recommends that it be extended to voters with assessed mobility or access issues to provide them with easier access to voting.

I want to place on the record my thanks to the members of the Committee, the Hon Alan Griffin MP, Senator Matthew Canavan, Senator the Hon John Faulkner, Ian Goodenough MP, Hon Gary Gray MP, Senator Chris Ketter, Senator James McGrath, Tony Pasin MP and Senator Lee Rhiannon. Senator Chris Back has also shown great interest in this issue as a participating member.

The Committee has already completed an extensive series of hearings in relation to this inquiry and this is the second interim report issued. Over the course of the twenty hearings to date and in reviewing the 207 submissions received, the Committee has worked collaboratively and in an impartial manner to ensure that the best outcomes have been met.

Technology is moving at a rapid pace. The Committee believes that we should be utilising it to ensure that the systems underpinning how we vote are sound and that persons with disabilities have easy access to the vote. In doing so, we will harness that which enhances our electoral integrity, not that which endangers it.

Hon Tony Smith MP
Chair

Membership of the Committee

Chair   Hon Tony Smith MP

Deputy Chair   Hon Alan Griffin MP

Members   Ian Goodenough MP   Senator Matthew Canavan (from 1 July 2014)

               Gary Gray MP   Senator the Hon John Faulkner

               Alex Hawke MP (to 14 July 2014)   Senator Chris Ketter (from 1 July 2014)

               Tony Pasin MP (from 14 July 2014)   Senator Helen Kroger (to 30 June 2014)

                                              Senator James McGrath (from 1 July 2014)

                                              Senator Lee Rhiannon

                                              Senator Anne Ruston (to 30 June 2014)

                                              Senator Memhet Tillem (to 30 June 2014)

Participating members for the purposes of the inquiry into the 2013 federal election (as at 18 November 2014)

Senator Chris Back
Senator Cory Bernardi
Senator Catryna Bilyk
Senator Carol Brown
Senator Joe Bullock
Senator David Bushby
Senator the Hon Doug Cameron
Senator the Hon Kim Carr
Senator the Hon Jacinta Collins

Senator the Hon Stephen Conroy
Senator Sam Dastyari
Senator Sean Edwards
Senator David Fawcett
Senator Alex Gallacher
Senator the Hon Bill Heffernan
Senator David Leyonhjelm
Senator Sue Lines
Senator the Hon Joe Ludwig
Senator the Hon Kate Lundy
Senator the Hon Ian Macdonald
Senator John Madigan
Senator John Madigan
Senator Gavin Marshall
Senator Anne McEwen
Senator Bridget McKenzie
Senator the Hon Jan McLucas
Senator Claire Moore
Senator Ricky Muir
Senator Deborah O'Neill
Senator Barry O'Sullivan
Senator Nova Peris
Senator Helen Polley
Senator Linda Reynolds
Senator Anne Ruston
Senator Zed Seselja
Senator Lisa Singh
Senator Dean Smith
Senator Glenn Sterle
Senator Anne Urquhart
Senator John Williams
Senator the Hon Penny Wong
Senator Nick Xenophon

Committee Secretariat

Secretary	Dr Nicholas Horne (from 7 August 2014)
	Dr Glenn Worthington (to 3 July 2014)
Inquiry Secretary	Siobhán Leyne
Technical advisor	Jeff Norris
Administrative Officer	Jessica Ristevska

Terms of reference

On 5 December 2013, the Special Minister of State,
Senator the Hon Michael Ronaldson, requested the Committee to conduct an
inquiry with the following terms of reference:

> That the Joint Standing Committee on Electoral Matters inquire into and
> report on all aspects of the conduct of the 2013 federal election and matters
> related thereto.

List of abbreviations

AEC   Australian Electoral Commission

ADF   Australian Defence Force

ECANZ   Electoral Council of Australia and New Zealand

ECL   Electronic certified list

EVM   Electronic voting machine

IDEA   Institute for Democracy and Electoral Assistance

NSWEC   New South Wales Electoral Commission

TSE   Tribunal Superior Eleitoral (Brazil)

List of recommendations

2 Electronic support for the electoral process

Recommendation 1

The Committee recommends that the Australian Government adequately resource the Australian Electoral Commission to deploy electronic certified lists where possible to all pre-poll voting centres and to all mobile voting teams at the next federal election.

Recommendation 2

The Committee recommends that, after the next federal election, the Australian Electoral Commission undertake a full cost benefit analysis of utilising electronic certified lists at all polling locations based on a permanent investment in the relevant technology and/or the development of a platform that can be accessed from any networked computer, with a view to full implementation at future elections.

Recommendation 3

The Committee recommends that the Special Minister of State propose to the states and territories that the further development of electronic electoral roll mark–off systems be undertaken in a collaborative approach to facilitate the sharing of resources.

Recommendation 4

The Committee recommends that relevant sections of the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984*, be amended to allow for the expansion of the use of electronic certified lists as a form of approved list for marking electors who have been issued a ballot paper.

Recommendation 5

The Committee recommends the Australian Electoral Commission develop and trial the electronically-assisted counting of ballot papers at all pre-poll centres for the next federal election.

Recommendation 6

The Committee recommends that the Australian Government investigate the feasibility of digital storage of scanned ballot papers to replace storage of paper ballots.

4   The use of technology in Australian elections

Recommendation 7

The Committee recommends that the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* be amended to allow for expansion of the current assisted telephone voting system to include people with assessed mobility or access issues for the next federal election.