



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE 2016 ACT ELECTION AND ELECTORAL ACT

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1. About Blind Citizens Australia

Blind Citizens Australia is the peak national representative organisation of and for people who are blind or vision impaired. Our mission is to achieve equity and equality by our empowerment, by promoting positive community attitudes, and by striving for high quality and accessible services which meet our needs.

Our organisation provides peer support, information and advocacy to people who are blind or vision impaired across Australia. We also work to influence change on systemic issues impacting on people who are blind or vision impaired, and provide support and advice to community and government on issues of importance to our members.

Our work is directly informed by lived experience of blindness and vision impairment. Our membership, our Board of Directors and our staff are all made up of people who are blind or vision impaired.

2. Introductory comments

Securing a secret, independent and verifiable method of voting for people who are blind or vision impaired remains at the top of Blind Citizens Australia's policy agenda. To this end, we welcome the opportunity to provide feedback on the inquiry into the 2016 Election and Electoral Act.

With respect to the terms of reference for this inquiry, our submission will focus on strategies to increase voter participation in elections. To inform this submission, we have worked extensively with the President of our Canberra branch and our National Policy Council representative for the ACT to consult with people who are blind or vision impaired across the Australian Capital Territory.

The right of people with disability to be able to access all aspects of democracy on an equal basis with others is articulated in Article 29 of the United Nations Convention on the Rights of Persons with Disabilities. The steps to be taken by state and territory governments to uphold this right are outlined in the National Disability Strategy 2010-2020. Outcome area 2 (Policy direction 2) of the strategy imposes an obligation on governments to remove societal barriers preventing people with disability from participating in the democratic process as equal citizens

We recognise that the ACT was the first state/territory to adopt an electronic voting system to enable people who are blind or vision impaired to cast their vote independently. While we commend Elections ACT for continuing to uphold this standard, the implementation of remote voting would further enhance the participation of a broad cross section of voters across the ACT; including those who are blind or vision impaired. Our submission will explore the concept of remote voting in further detail, while highlighting a number of other issues that arose for voters who are blind or vision impaired in relation to the 2016 election.

3. Appropriateness of the method of electronic voting used for the 2016 election

Blind Citizens Australia commends Elections ACT on the effort taken to provide voters who are blind or vision impaired with a secret, independent and verifiable vote during the 2016 election.

During the election period, voters who are blind or vision impaired were able to cast their vote via an electronic computer system that was available at a number of locations across the ACT. Individuals who required assistance to locate or use an electronic booth generally found Polling Officers to be helpful and adequately skilled in explaining how to use the electronic system. For many people who are blind or vision impaired, however, the process of physically casting a vote from a polling place can still be quite problematic.

3.1. Locating and navigating polling places

It can be very challenging and anxiety-provoking for an individual who is blind or vision impaired to locate, navigate and mobilise around a polling place (with which they are generally unfamiliar) safely and independently. It cannot be assumed that voters who are blind or vision impaired will have someone to assist them to negotiate these challenges; nor should they be forced to rely on this level of assistance.

Below are just a few examples that demonstrate the complexity of the current electoral process for our members:

- People who are blind or vision impaired rely heavily on public transport to be able to access services and facilities within their local communities. It is therefore crucial for polling locations that are utilised during the pre-polling period and on election day to be situated near public transport. One vision impaired voter we spoke with, however, experienced significant difficulty physically finding a pre-polling booth in the city as it was not near public transport and necessitated the crossing of a major road.
- A lack of accessible parking spaces at one polling place meant that another voter, along with their spouse, had to travel to a polling location that was outside their electorate to complete their vote.
- Poor signage [a single sandwich board] made it difficult for a voter with vision impairment to find a pre-polling booth that was located at a local library. The provision of accurate and accessible information in large font with good colour contrast and the presence of a Polling Officer may have prevented this situation.

Because of the high levels of stress and anxiety that can result from some of the above challenges, many people who are blind or vision impaired are left with no choice but to return a postal vote; a process which does not provide a secret, independent and verifiable vote for the vast majority of people who are blind or vision impaired.

3.2. Breaches of privacy arising from the 2016 election

Electronic voting terminals, in theory, provided a mechanism for voters who are blind or vision impaired to cast their vote independently. Despite this fact, Blind Citizens

Australia reserves concerns about the extent to which this system allowed users to vote in secret.

The right to privacy is clearly laid out in international human rights law and is further reinforced under the Australian Privacy Principles. The right to a secret vote is also one of the core principles underpinning the Australian democratic process.

People voting via a paper ballot are guaranteed privacy by the physical partitions that separate booths in polling places. In contrast, a number of voters who are blind or vision impaired reported that when voting electronically, they could not guarantee that the terminal was situated in a private location or that a Polling Officer was not looking over their shoulder as they voted.

One voter we spoke with reported hearing voters in a nearby Queue making comments about their preferences, which were displayed on screen. This alerted the individual to the fact that the screen was in full view of passers-by.

In another example, a voter who is blind was in the process of casting his vote after having had a Polling Officer explain how the electronic system worked. Unaware that the Polling Officer was still present, he was alarmed to find the Officer to be looking over his shoulder at what he was doing. The Polling Officer then repeated the selections that were displayed on-screen out loud.

3.3. The need for a voting system that is 100% accessible, secret, independent and verifiable

Blind Citizens Australia greatly appreciates the availability of the electronic system that was in place to allow people who are blind or vision impaired to cast their vote during the 2016 election. For reasons outlined in sections 3.1 and 3.2 of this submission, however, we remain of the view that this system was still not 100% accessible, secret, independent and verifiable.

We assert that a system of remote voting must be made available to better allow people with disability to exercise their right of citizenship, and their compulsory responsibility through the electoral process. This approach is consistent with recommendations put forward by the Australian Electoral Commission in its 2002 report: '*Evolution not Revolution*', which recommended that:

"The Federal, State and Territory Parliaments should amend their Electoral Acts to enable a trial of e-voting to be implemented at Federal, State and Territory elections for:

- Antarctic electors
- Electors in other remote locations
- Electors with a disability
- Overseas electors and
- as an option for the return of postal votes"

While We understand Elections ACT reserves concerns about the security of remote voting, a number of existing precedents severely undermine this argument.

In 2007, the Australian Electoral Commission progressed amendments to the Commonwealth Electoral Act to set up a framework that would allow for electronic and

remote voting to be used during future elections. Remote telephone-assisted voting for voters who are blind or vision impaired was used for the first time during the 2013 federal election. The telephone-assisted voting service was used again during the 2016 federal election, and the Australian Electoral Commission remains committed to ensuring remote voting is available to enhance the accessibility and simplicity of the electoral process for people with disability.

Further, in 2010, the NSW Government adopted The Parliamentary Electorates and Elections Further Amendment Act. This allowed for a system of remote, electronically-assisted voting for people who are blind or vision impaired to be introduced for the 2011 state election. This platform, called 'iVote', allowed voters who are blind or vision impaired to either cast their vote over the telephone or over the internet. The iVote system was used again for the 2015 election in NSW, and now forms a critical component of the electoral process in NSW.

The adoption of remote voting has significantly increased the participation of people who are blind or vision impaired in the democratic process at the state and federal level. When the Australian Electoral Commission trialled remote telephone-assisted voting during the 2013 federal election, for example, 2832 people cast their vote using this Service. During the previous election, telephone-assisted voting could not be done remotely and was only available in 126 locations around Australia, resulting in just 410 individuals casting their vote using the service.

iVote was also an instant success the first time it was used in NSW, as it was utilised by some 47 000 NSW residents. Importantly though, The NSW Electoral Commission has embraced the benefits that a universally designed system like iVote can offer for the broader population. During the 2015 state election, iVote was made available to:

- All voters with disability
- Voters who lived more than 20 KM from a polling centre
- Electors who were overseas or interstate on election day

Not only did this approach align with the recommendations put forward by the Australian Electoral Commission in 2002, but it also resulted in remote voting being taken up by more than 283 000 NSW residents who may otherwise have experienced significant barriers to casting a vote.

The NSW Government's iVote system remains the only system in Australia which is considered by our members to be 100 per cent secret, independent and verifiable. It is this platform that we would like to see Elections ACT work towards for all future elections. We understand that the provision set out in the Australian Capital Territory Electoral Act may impose some limitations on Elections ACT's ability to implement a method of remote voting without first seeking legislative amendments. This should not, however, be used as an excuse not to pursue the roll out of remote voting for future elections.

Article 4 of the Convention on the Rights of Persons with Disabilities imposes an obligation on the ACT Government To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention; including the right to Participation in political and public life. The Federal and NSW Governments have already shown that it can be done, and we urge the ACT Government to follow suit.

Recommendation:

Elections ACT must progress the adoption of any necessary legislative amendments to allow for the future implementation of remote electronic voting. These amendments should be progressed as a matter of urgency to ensure remote electronic voting can be made available during the next ACT election, and should allow for the following three mechanisms to be put in place:

- The option of casting a vote over the telephone using automated key prompts to provide a user experience that is 100% secret and independent.
- The option of casting a vote over the telephone by speaking to a human operator, to provide flexibility for people with cognitive impairment who may have difficulty with an automated system.
- The option of casting a vote securely over the internet using an interface that is fully screen reader accessible.

4. Other outstanding issues

4.1. Information about pre-polling locations

One voter we spoke with had visited the Elections ACT website to find out where his nearest pre-polling centre was located. A federal pre-polling location had been listed on the website, resulting in the individual attending this location under the assumption that it would allow them to complete a pre-poll vote for the ACT election. While they were eventually redirected to the correct location, this caused the individual a significant degree of inconvenience.

4.2. Voting Information for family & carers of a person with disability

An information leaflet entitled ‘Enrolment and voting for people with disability: Information for families and carers’ was made available in the lead up to the 2016 ACT Election. The leaflet was intended to provide information for families and carers about enrolment and voting for people with disability.

The language and tone of this leaflet seems to be more concerned with discouraging people with disability from voting than providing information and advice about how to facilitate the voting process. It is inappropriate to place the onus upon a carer or family member to decide whether or not a person with disability is able to vote. This disempowers the person with disability and leaves this responsibility open to misuse.

More targeted information must be made available to people with disability in language and formats that are appropriate to their needs. This information should help people with disability to better understand the electoral process and ensure they are given every opportunity to exercise their rights on an equal basis with others.

Information that is specifically targeted towards families and carers should encourage them to empower people with disability to vote, and equip them with the tools to support them to do so. As outlined in Section 3.3 of this submission, however, the electoral

process would be made easier for many people with disability through the implementation of remote voting.

4.3. Handling of complaints

In our conversations with ACT voters who are blind or vision impaired, we spoke to one individual who had lodged a complaint with Elections ACT in relation to a pre-polling location. This individual felt that his complaint had simply been brushed aside and had not been taken seriously.

If Elections ACT truly wishes to increase voter participation, it must adopt a robust and transparent system for investigating and responding to complaints about the electoral process. Information about the process for lodging complaints should also be promoted to the public, and should be made available in formats that are accessible to people who are blind or vision impaired.

5. Conclusion

BCA appreciates the opportunity to contribute to the inquiry into the 2016 ACT election and Electoral ACT.

Over the past decade, our organisation has been heavily involved in the roll out of remote voting at the federal level and in NSW. We would therefore welcome the opportunity to engage in a dialogue with Elections Act about the implementation of a similar system for future territory elections. We have provided our recommendation pertaining to this matter again below for your reference.

Recommendation:

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- The option of casting a vote over the telephone using automated key prompts to provide a user experience that is 100% secret and independent.
- The option of casting a vote over the telephone by speaking to a human operator, to provide flexibility for people with cognitive impairment who may have difficulty with an automated system.
- The option of casting a vote securely over the internet using an interface that is fully screen reader accessible.

We thank the Select Committee for taking the time to consider our comments. Furthermore, we look forward to working with Elections ACT to strive towards securing a truly accessible, independent, secret and verifiable method of voting for people who are blind or vision impaired.