LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE 2016 ACT ELECTION AND ELECTORAL ACT
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Submission 12

Name – Vision Australia

Vision Australia Submission

Response to the Inquiry into the 2016 ACT Election

Submission to:	Members of the LA Select Committee on the ACT Election Review **c/o Mr Andrew Snedden** Committee Secretary
Date:	30 June 2017
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Introduction

In the following submission, we represent the views of our clients as they relate to full participation in the electoral process. Our submission is part of our continued efforts to campaign for accessible, secret, independent and verifiable voting processes for people who are blind or have low vision across all Commonwealth, State and Territory jurisdictions, as part of a mainstream implementation, adoption and operation of a 21st century voting method.

Eligible Australian citizens who are blind or have low vision have a fundamental constitutional and human right to cast aa secret, independent and verifiable vote in a manner comparable to their sighted peers in all Australian elections. The right to a secret ballot is woven into the fabric of Australia's political and constitutional history, and it is recognised internationally by various United Nations instruments, including the Universal Declaration on Human Rights and specifically in Article 29 of the Convention on the Rights of Persons with Disabilities.

Our submission specifically responds to the Select Committee's third term of reference "*increasing voter participation and encouraging political activity*."

For Vision Australia, the NSW iVote system is current best practice in accessible, secret, independent and verifiable voting for the blindness and low vision community. We outline our recommendations and position in the following paragraphs. We submit the following comments to the Select Committee in the hope that they will lead to a realisation of this right in future elections.

Vision Australia recommendations

Vision Australia asks that the Legislative Assembly Select Committee on the ACT Election Review recommend:

1. That the ACT Electoral Commission be directed to develop, without delay, automated telephone and web-based voting options, in line with the Electoral Council of Australia (ECA) telephone voting standard and along the lines of the NSW iVote system enabling a voter to vote from any place, for implementation in the next ACT election due to be held in 2020.

2. That the ACT Electoral Commission consider implementing a human assisted call centre voting option, as a component of automated telephone and web-based (iVote) voting options, to provide more choice in accessible solutions for people who are blind or have low vision.

3. That when accessible voting options such as automated telephone and web-based options are developed and implemented, they are available for use for the full period allowed for voting including the pre-polling period and on Election Day.

4. That the ACT Electoral Commission strongly emphasise to political parties and independent candidates that they have a social and legislative responsibility to ensure that party platform information, candidate information and 'how to vote card' information is made available in a range of accessible formats to people who are blind or have low vision.

Background: Accessible Voting for people who are blind or have low vision

Our comments regarding the conduct of the 2016 ACT election deal with several aspects that are of particular relevance to voters who are blind or have low vision. Although voters who are blind or have low vision are members of the general community and therefore have an interest in all aspects of elections and electoral campaigns, the nature of blindness and vision impairment means that there are consequences for particular aspects of the process, including the casting of a vote and in accessing information in order to cast an informed vote.

Vision Australia, along with other organisations in the blindness and low vision sector, continues to work collaboratively with Australian governments and parliaments, seeking the enactment of necessary legislation and the provision of sufficient resources to facilitate the development and continuation of equitable voting practices in Australian elections. These include electronically assisted voting, which is based on terminals that provide output in enlarged on-screen text, synthetic speech and refreshable braille that allow a vote to be cast and preferences assigned; telephonically assisted voting, where voters can use their home telephone to interact with an automated system that records votes and preferences by means of menu selections; and online voting where votes are cast using an accessible website.

The Electronically Assisted Voting Option in the 2016 ACT Election

For the 2016 ACT election, people who are blind or have low vision were able to cast a vote by means of electronically assisted voting. Votes were cast using **special direct recording and enumeration (DRE) kiosks located in selected pre-polling centres during the pre-poll period and on Election Day. These kiosks have various audio and visual features that make them accessible to people who are blind or have low vision, although it is worth noting that they did not support refreshable braille and were therefore unusable by people who are deafblind. ACT Elections employed support staff to assist with processes such as scanning barcodes.**

We were pleased that ACT Elections did not restrict access to the kiosks to people who are blind or have low vision. Our conviction is that voting systems should be both accessible and inclusive. The Auditor-General's Report on the 2016 ACT election notes that the last five elections have seen a steady increase in the uptake of electronic voting, from 9% of total votes in the 2001 election to 33% in the 2016 election.

Electronic voting was only available at six out of eighty polling centres on Election Day; the majority of electronic votes were cast during the pre-poll period.

The Auditor-General's report suggests that removal of current restrictions on pre-poll voting will lead to a further increase in electronic voting, and given its limited availability on Election Day, increasing the geographical availability of electronic voting infrastructure seems warranted. Thus, the Report recommends that Elections ACT should develop a strategy to foster an increase in electronic voting.

We are aware that a number of people who are blind or have low vision and who voted using the kiosks in the ACT election felt that their privacy was compromised because their voting activities were displayed visually and could therefore be seen by anyone who was standing near the kiosk. The rest of the community would not regard such a situation as being consistent with their human

right to a secret, independent and verifiable vote. Future implementation of electronic voting kiosks will need to address these privacy and security concerns.

It is likely that people who are blind or have low vision who did not use the kiosks sought assistance from staff at polling centres, or from family and friends. It is also probable that some people did not vote at all because they felt that none of the available options upheld their human right to a secret, independent and verifiable vote.

Recent developments in technology demonstrate the effective provision of accessible solutions that achieve this desired independence, secrecy and verifiability. Our view is that the iVote system, as used in NSW, is the current benchmark for accessible voting, and that it should be introduced without further delay in all future state and federal elections, including the ACT.

The iVote System

After successful lobbying by the blindness and low vision community, the NSW Electoral Commission introduced 'iVote' in time for the 2011 State Election. iVote is a form of remote electronic voting that records votes over the internet or by telephoning a call centre and using the telephone keypad. For the blindness and low vision community it represents a fully accessible means of recording their vote independently and in complete secrecy. An independent report of the iVote operations described its implementation as 'highly successful', with significantly high satisfaction levels, and registration and voting being relatively problem free.

Advocating for this progressive change benefitted the broader community – the iVote system provides access to online voting during pre-polling and on election day for:

- o those with vision impairment or other disability,
- o for people living more than 20km away from a polling place,
- o or for those who are interstate or overseas on Election Day.
  Extending the use of iVote has not only achieved maximum benefit from the system for the broader community, but has also ensured that economies of scale keep costs to a minimum.

Voters can use a computer, smartphone or telephone system, depending on their personal preference. The system makes use of processes which are already familiar to the community.

Importantly, iVoting also provides the option of speaking with a call centre operator for those people who prefer to be assisted when placing their vote. The automated telephone voting option uses pre-recorded voice prompts and allows the voter to use the keypad on their telephone to make selections and express their voting intentions. This option is similar in concept to the automated telephone banking facilities that are widely used in the banking sector. For those in the community who are less familiar with automated banking, or who may seek the assistance of a human, the telephone voting option within the iVote system also provides for a human assisted component, delivered by a call centre.

The internet-based option allows voters to vote using an internet-enabled computer via a secure website. The internet-enabled option is able to be operated independently and used by voters at their discretion including at their home using their preferred screen reading or enlargement

software. The web form is designed to meet the Australian Government's web accessibility standards (which are the Web Content Accessibility Guidelines 2.0 developed by the World Wide Web Consortium), which means that all members of the community including people who are blind or have low vision who use this technology, can vote using screen-reading software or screen enlargement software.

In the last two NSW elections, security for both the telephone- and internet-based options was provided by a two-stage registration process, wherein the voter chose their own six-digit PIN, which was combined with a numeric code provided by the NSW Electoral Commission. Using their PIN, a voter could save their partially-completed ballot and resume at a later time, and once completed and submitted, a receipt number was issued that could be used to check to make sure that the vote had been counted.

The growing popularity of this approach is evident – in 2011, 47,000 people used the iVote system to cast their vote and in the 2015 NSW election this figure increased to 284,000. The number of blind or low vision voters using iVote increased eight-fold by 2015 (2011 = 668, 2015 = 5,296). Vision Australia continues to engage in activities to promote the NSW iVote system. The suite of accessible voting options it provides makes available a range of choices for our clients that supports the various needs of people who are blind or have low vision, and the broader community more generally.

The iVote internet and telephone voting system allows people to vote who, through disability or location, would otherwise find it difficult if not impossible to do so. iVote also future proofs our electoral system against the very high likelihood that postal voting will no longer be available one or two election cycles from now; the rising cost of mail (a recent increase of 40% just occurred) coupled with decreasing service levels will mean postal voting will not be a viable option. The NSW Electoral Commission is pleased with the public acceptance of the iVote system. Some 283,669 electors voted using iVote, with 97% reporting, through an independent survey, that they were satisfied or very satisfied with iVote.

In the final report on iVote (July 2011), the Allen Consulting Group concluded: The NSW iVote system…used in the 2011 state election had an average cost per vote cast of $74 compared to an average cost of all votes cast of $8. This cost per vote reduces significantly as the system is scaled up to 200,000 voters using the system, with an estimated average cost per vote being approximately $24".

In an Overview Report of the 2015 iVote system, prepared by the NSWEC and Scytl Secure Electronic Voting, the organisation who delivered the platform, a comparison was made between iVote figures and postal vote figures for the 2011 and 2015 state elections. Whilst the number of people choosing to use the iVote system grew substantially from 46,864 to 283,669, those making use of postal votes diminished from 245,295 to 203,577.
These figures support the observations made by the Allen Consulting Group that increased use in electronic voting could reduce reliance on other methods, and represent a further cost saving. The use of the iVote system, where made available to postal and absentee voters, also leads to more promptly announced election results, especially in highly contested electorates.

Response to iVote by People who are Blind or have Low Vision

After the 2011 NSW state election, Vision Australia contacted, or was contacted by, clients to find out about their experience using iVote. As with the other categories of iVote users, the feedback from Vision Australia clients was overwhelmingly positive. The following comments are typical:

> *"I was very pleased to have the opportunity to vote independently and in secret at the NSW State election."*

> *"I used the telephone system, as with the large ballot papers for the upper house it was much quicker and easier for me than the internet."*

> *"I view the system as the best one I have ever used. It provided me with complete independence and I did not have the discomfort of having human intervention in the process. I was able to vote from the convenience of my office, completely in private, and take as long as I wanted to - the benefit of saving and coming back to the vote was very much appreciated. I look forward to this system being in place again at the next State election and encourage other organisations to use the system."*

> *"I found using the telephone keypad to be a very easy way to record my votes for the lower and upper houses of the NSW Parliament when voting in the 2011 State election. As a blind person I found the phone keypad to be much easier to use than is a computer. Please retain the phone option."*

The ACT Electoral Commission should continue to make accessible solutions available during the pre-poll period and on Election Day, but not in the limited way that is the current practice with electronic voting infrastructure. While some people will choose to cast a pre-poll vote, others want to participate at the same time as the rest of the community.

We know that some of our clients, at past elections, took their children to polling centres so that the family as a whole could discuss the election process and how it was conducted, and also so that their children could learn that having a disability does not preclude community participation. People who are blind or have low vision are part of the general community and must have the option to engage with the rest of the community in shared activities. It is therefore important that some voting options are made available at polling places on election day even if accessible options are provided that allow people to cast pre-poll votes and to vote from home. Equally, we feel that partners and spouses of voters who are blind or have low vision should be able to take up an accessible voting option so that family cohesion and activity is maintained.

Vision Australia notes that the next Territory election in the ACT is due on 17 October 2020. We urge that the Committee recommend and move to implement the necessary legislative changes including those relating to the category of voters as well as any required changes to process that would allow an iVote system to be implemented including enabling the ACT Electoral Commission to make the necessary decisions and successfully undertake planning and resource activities to implement an iVote system which offers accessible internet and telephone voting to all Territorians.

Access to Election-Related Information

We note from the ACT Electoral Commission Report discussion that making accessible information available prior to voting centred around how to cast a vote, and where a vote could be cast: material that the Commission is responsible for producing.

While we acknowledge the investment of the Commission in this regard, we do draw the Select Committee's attention to the fact that governments and electoral authorities, as well as political parties and candidates, have an obligation to make available in formats accessible to our clients, any information pertaining to the electoral process that they make available to the general community. This information includes information regarding electoral roll matters or other electoral authority information; information about an election; how to vote cards; all advertising material on all communication channels such as news media, social media and any other web-based platform; and policy brochures.

Generally speaking, party and candidate information continues to be inaccessible for voters who are blind or have low vision…

> *"I decided to vote above the line, but wanted to know who the party I was voting for would be distributing their preferences too. I was unable to access this information because the "ticket" and "how to vote" card were presented online as an image-only PDF file that represented a completed ballot paper. This was completely inaccessible to me and I was not able to find an alternative presentation."* (Source: Vision Australia client feedback on 2013 Federal Election)

While we realise that the ACT Electoral Commission is not directly responsible for the activities of political parties and candidates, the Commission nevertheless does have an influential and persuasive role in promoting best practice in accessibility. The lack of a legislative mandate should not be used as a justification for inaction. We therefore recommend that the ACT Electoral Commission strongly emphasise to candidates and parties, for example, during general briefings, that candidates and parties have a social and legislative responsibility to make their materials accessible to everyone, including people who are blind or have low vision.

The right to be informed about candidate and party choices, what they mean, what the candidates stand for and the consequences of preferential voting, is also crucial to full and equitable participation. Further, it is within the parties and candidates' interest to ensure their material is effectively communicated to the entirety of the voting public. In this respect, improving knowledge of voting options would be within the Commission's purview of engaging all eligible voters in the democratic process.

Conclusion

Once again, we appreciate the opportunity to submit comments to the Select Committee on issues that are of relevance to our clients and the community of Australians who are blind or have low vision. Being able to participate fully, independently and with dignity in all aspects of the electoral process is a necessary step towards the realisation of the human and constitutional rights of people who are blind or have low vision. The NSW iVote model demonstrates that technologies exist to ensure that the fundamental rights of all citizens are upheld in a sustainable, cost-effective and efficient way, and we hope that the Select Committee will act now to bring this technology into the ACT election sphere.

We would be happy to expand on any of the comments we have made in this submission, or to respond to any questions members of the Committee have about the issues raised.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include:
- Registered provider of specialist supports for the NDIS and My Aged Care
- Aids and Equipment, and Assistive/Adaptive Technology training and support
- Seeing Eye Dogs
- National Library Services
- Early childhood and education services, and Feelix Library for 0-7 year olds
- Employment services, including national Disability Employment Services provider
- Accessible information, and Alternate Format Production
- Vision Australia Radio network, and national partnership with Radio for the Print Handicapped
- Spectacles Program for the NSW Government
- Advocacy and Engagement, working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 27,500 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of the Organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of the Organisation to the Board and Management. Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia (BCA), to strengthen the voice of the blind community.