

CORRECTED EVIDENCE

ELECTORAL MATTERS COMMITTEE

Inquiry into the future of Victoria's electoral administration

Melbourne — 14 March 2013

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Ms E. Williams, acting electoral commissioner,

Ms G. Frazer, manager, election services, and

Mr C. Burton, manager, electronic voting, Victorian Electoral Commission.

The CHAIR — Welcome to the public hearings of the Electoral Matters Committee’s inquiry into the future of Victoria’s electoral administration and matters related thereto. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I also wish to advise that any comments you make outside the hearing may not be offered such privilege. Have you read the *Guide to Giving Evidence at a Public Hearing* pamphlet that the committee provided?

Ms WILLIAMS — Yes.

The CHAIR — I ask the three of you to state your full names, your business address, the organisation you are representing and the positions you hold in that organisation.

Ms WILLIAMS — Thank you, Chair. My name is Liz Williams. I am the acting electoral commissioner, and my business address is level 11, 530 Collins Street. I am here on behalf of the Victorian Electoral Commission.

Ms FRAZER — My name is Glenda Frazer. I am the manager of election services for the Victorian Electoral Commission. My address is also level 11, 530 Collins Street, Melbourne.

Mr BURTON — I am Craig Burton, and I am the manager of electronic voting at the Victorian Electoral Commission, Again, I am at level 11, 530 Collins Street, Melbourne.

The CHAIR — Thank you. The evidence you are about to give will be taken down and become public evidence in due course. I ask you to make a verbal submission to begin with, and then I will open it up to questions from members of the committee. Over to you, thank you.

Ms WILLIAMS — Thank you, and good morning, Chair and committee members. The VEC is pleased to contribute to the committee’s inquiry and acknowledges the importance of activities that help to ensure that electoral administration continues to fit community needs and expectations while still maintaining the highest levels of integrity in our elections.

The last two decades have seen significant advances in the way electoral management bodies integrate technology into their processes. Election management systems now assist with nomination processing, postal and early voting, employment, capturing results and electronic roll marking. Electronic counting applications have made proportional representation counts more efficient, and online training facilities have enabled better access to training for our dispersed election officials.

Geospatial and mapping technologies have provided enormous benefits to electoral enrolment and boundary modelling, and assist with local government representation reviews and state redivisions. Websites published by electoral bodies now provide easy access to large volumes of electoral data and resources. The vast majority of technological advances observed in Victoria have generally related to head office and electoral office functions. However, the ways that electors, candidates and political parties interact with electoral processes can also benefit from new technologies and opportunities. Current procedures usually require the download of a form, usually from an internet site, that is completed, filled in and then scanned or data entered back into an electronic database. The VEC continues to explore ways of making these sorts of interactions more efficient.

The VEC has carried out considerable work in the area of electronically assisted voting. At the last two Victorian state elections electronically assisted voting services were provided to electors who would otherwise be unable to vote. The VEC is proposing an improved electronically assisted voting service for the 2014 election, which I am sure the committee will hear more of today.

Community and stakeholder needs are also changing, and electoral administrators need to be ready to adapt where necessary. Recent trends include greater demand for early and postal voting, declining rates of enrolment formality and participation, and an increasingly mobile electorate. The number of electors who are away from their home electorate on election day appears to be increasing. Response rates to mail-outs are on the decline, currently averaging around 25 per cent. Demand for standard mail services is decreasing, and postal agencies are realigning their business priorities accordingly, and in some countries we understand that agencies are considering reducing the number of days that standard mail services are available.

Community engagement with internet and smart phone technologies and the use of social media mean that electronic transactions are also increasing rapidly. There is a greater demand for fast access to a wide variety of election information, data and results. Victoria's population is growing in number and diversity, providing a greater need for electoral engagement and education programs to ensure equality of access to our democratic processes. Health and safety standards are more rigorous than they ever have been, and employee health and safety must be a priority in today's workplaces.

Despite a rapidly changing world, a number of features of our elections have not changed significantly. In general, electors still complete paper ballots, which are usually counted by hand. Many premises used as voting centres still do not meet accessibility standards. State and local government elections continue to rely on the availability of reliable and efficient, large-scale postal services. Election day officials still work very long hours — around 15 hours or more. Despite our best efforts to provide adequate breaks, unpredictable events on election day can mean that many election officials have not had sufficient rest before they drive home.

Importantly there continue to be high levels of confidence in the integrity of our elections as we consider and respond to communities' needs and expectations. This principle cannot be overlooked.

Serious consideration must be given to the long-term implications for elections in Victoria if the current trends continue.

In its submission the VEC has considered options for decreasing the reliance on postal services for Victorian elections, but they are options that would involve legislative change. We have also provided our views on the current advantages and disadvantages of internet voting. While it is the VEC's view that there are risks involved with the introduction of internet voting in Victoria at this point in time, we must continue to explore this area as the landscape is continually changing.

While electors attending early voting centres interstate and overseas are currently able to access electronic voting facilities, the VEC has recommended extending legislation to enable electors attending early voting centres within Victoria to have similar access. This will enable electors who are unable to vote without assistance, who currently are eligible for electronic voting, to be treated in exactly the same manner as other electors at early voting centres. It will also increase the number of votes captured electronically and will consequently build confidence in the integrity of the VEC's electronic voting systems.

The VEC looks forward to further contributing to this inquiry so that Victoria can remain positioned to take advantage of new opportunities and technologies in delivering a high standard of electoral administration. We are happy to take questions from the committee.

The CHAIR — I will begin. We heard this morning from Dr Teague that there is some concern from her point of view about the integrity of electronic voting and electronic voting systems. I asked Dr Teague about the integrity of the ballot draw, which is conducted by the VEC via computer. I could be wrong, but I think she expressed some concerns that the integrity of that draw via computer may also be open to a degree of abuse. Do you have a response to that? Is there any particular reason that the VEC conducts the ballot draw with a computer? My recollection from the last federal election is that the AEC goes back to the barrel and the balls. Is there any particular reason that the VEC has chosen to go down this particular path?

Ms WILLIAMS — Yes. The VEC has been conducting electronic ballot draws for some time now; I think it dates back even to 2002. One of the main reasons for introducing the electronic ballot draw was to enable ballot papers to be available shortly after the close of nominations. In Victoria we have close of nominations at midday, and early voting currently needs to be available from 4.00 p.m. on that day, so the time taken to consolidate all the results of ballot draws done manually across the state in a timely fashion was not possible without the introduction of an electronic ballot draw.

We have had no issues with the integrity of that draw. The code that has been put in place to enable that function to happen has been independently audited and has received approval from independent auditors in terms of the randomness of the draw. Once ballot draws happen across the state, within hours ballot papers can be available in every electoral office should early voters need to complete an early vote.

Mr SOMYUREK — As previously discussed — and we have corresponded with you in relation to this matter — we are interested in the upward trend in early voting. You have previously assured the committee that

you will be conducting further research. I am wondering how that research is going and what form it will be taking.

Ms WILLIAMS — We did some research after the 2010 state election, and that research is included in our submission to this inquiry, and it shows that early voters in the main were indicating that they were working on election day, that they were away from their home electorate on election day or that there were some for reasons of illness. There was another ‘other’ category in there. It is an area that we will continue to work on. In all the by-elections that have happened since 2010 we have also ensured that our election officials are asking electors to orally declare that they are eligible for early voting, and we have had spot checks in place to make sure that that has happened. That is the work that has been done.

For the current Lyndhurst by-election we will have information on the website, as recommended by the committee at the last inquiry, that provides some examples of situations where an elector may be unable to attend a voting centre on election day during the hours of voting that would indicate that they are eligible for early voting.

Mr SOMYUREK — It is almost like you are saying anecdotally that more people are working on the weekends, more people are sick on the weekends or more people are not quite — —

Ms WILLIAMS — This was based on research conducted by Colmar Brunton after the 2010 state election, and these were the responses that people responding to that survey gave them.

Ms RYALL — I have a question about information prior to voting for the first time, if you like, and getting the understanding within the disability community. It might be hearing impairment, visual impairment, the need for bilingual people at particular booths or whatever the case may be. Some issues have come up in relation to the use of VEC-sponsored YouTube videos and other videos that might be helpful through the use of technology for people to get a better understanding, particularly for ethnic communities but also vision impaired. Is that something you are doing at this time, or is it something that might be on the agenda?

Ms WILLIAMS — Something we have embarked on and will continue is providing accessible information that is visual for members of the community to assist with an understanding of the electoral process. We have an audio-visual package called *Voting is for Everyone*. We partnered with Scope to look at some of the barriers to enrolling and voting and to assist people within that group to understand their rights and how they would go about the process. We have that available on our website and via a YouTube clip, and our education team do go out to these communities to workshop some of these activities. But we are working more and more on getting short clips — short very visual and easy-to-follow clips — that we can make available via YouTube and on our website.

Ms RYALL — Is there a thought on text-to-speech so that visually impaired people can still hear, essentially?

Ms WILLIAMS — Yes.

Ms RYALL — Sorry, they cannot see it, so can it be electronically transmitted, if you like, as speech, as opposed to visual?

Ms WILLIAMS — That is right. We take all those matters into consideration for the blind, for people with visual impairment and for the deaf, so that the highest accessibility standards are met on all the materials that we provide on our website.

Ms RYALL — Just on that, in relation to the multilingual issue, or the many languages issue, from a YouTube perspective, is that available or is that something you would be considering?

Ms WILLIAMS — It is not something that we have available at the moment, but it is certainly an area that we are considering.

Mr SOMYUREK — I am interested in access for the deaf. What technology do you use to transmit to the deaf? I do not believe that speech-to-text technology is really that accurate at the moment. What technology do you use for the deaf?

Ms WILLIAMS — For the deaf we have Auslan videos that explain the process of enrolling and voting. That is available on our website as well, where we have an Auslan interpreter in a visual information clip, if you like, specifically for the deaf community.

Mr SOMYUREK — Okay.

Mr TARLAMIS — In terms of the materials that the VEC makes available, how many products do you have that deal with specific languages? Are most of the products available in different languages, or only certain ones?

Ms WILLIAMS — Most of the products that we have are available in many languages, usually up to 20. Certainly our electronic voting solution which is proposed for the 2014 state election considers the 20 most common languages. All of our advertising materials have language translations or language pointers to VITS translation services. Our website also has links to VITS numbers.

Mr TARLAMIS — Do you place specific ads in ethnic media — newspapers and stuff — as well?

Ms WILLIAMS — Yes, we do, and on ethnic radio as well.

The CHAIR — Do you have any comments on any submissions that have been submitted to this inquiry?

Ms WILLIAMS — Chair, what we can do if the committee agrees — it was our intention, we are happy to do it — is provide written comments on any submission where we think some information might be of use to the committee. If you are happy for us to do that after the hearing, we are happy to do it. We have done that in the past for previous hearings, where we have provided some comments in relation to some of the suggestions that have been put forward by other submitters and what implications there may be from an administrative point of view.

Mr SOMYUREK — More specific to the Chair's comments, what is your view on the systematic preservation of ballot papers for further examination?

Ms WILLIAMS — Yes, that was one area that we were going to provide comment on. Our view is that it would come with enormous administrative overhead. We have over 6 million ballot papers that go into storage after a state election. They occupy about 3500 cubic metres. Access to those papers would need to be done under supervision of our officials. So I guess consideration would have to be given to that administrative overhead and whether that is in the public interest.

Currently the VEC captures all upper house preference data electronically, so that information is available to those who wish to use that. In the lower house we currently do not have electronic data capture of preferences, other than what is captured electronically. What we would like to see in the long term is the capture of, and our aim would be to try to capture all, lower house preferences electronically so that there would be full transparency: all ballot paper preference data for the lower and upper houses would be available for those who wish to cut, slice and dice it in any way they like in terms of analysis. It would provide full transparency on the election. I see a time when, if we could increase the number of votes captured electronically, even marginally, we could data enter the remaining lower house ballot papers and still be able to deliver a result within similar time frames to what we do now. At the moment we would need to data enter all of them; it may delay the calculation of the results. But there will come a time soon, and in 2014 we may even conduct a pilot in an electorate — we could do it perhaps at a by-election — when we look at the feasibility of capturing lower house ballot paper data electronically, and then it would all be available.

Mr SOMYUREK — What happens to the ballot papers at the moment?

Ms WILLIAMS — Ballot papers at the moment go back to our store at Maribyrnong, which is about to move to Tullamarine, and they remain there, as required by legislation, until after any period for dispute of returns has passed, and then they are destroyed.

Mr TARLAMIS — Just a follow-up question on that, if there were conditions to make them available, and you could deal with the administrative arrangements and things like that, would that actually require a legislative change, or would there just be an administrative change within the VEC to allow that to happen, based on certain conditions?

Ms WILLIAMS — I would expect that it would require a legislative change, but I can confirm that and get back to you.

Ms RYALL — Liz, in your verbal submission before you mentioned that you were advocating for a legislative change. Can you elaborate a little bit more on that please?

Ms WILLIAMS — Currently the act provides that electronic voting facilities can be provided to electors who are interstate or overseas, but they must attend an appointed voting centre. It is not a remote solution; it is a supervised solution. Within Victoria the group that are able to vote electronically are those electors who are unable to vote without assistance. We provide those electronic facilities at early voting centres because of the necessity to have a set-up period, and have a centre operating for more than a day for that particular group. At the moment an elector in that category who is eligible to vote electronically has to declare that they are unable to vote without assistance. By broadening it to anyone attending an early voting centre being able to vote electronically — the systems are there anyway — it would mean that they are treated in exactly the same way as everybody else. That would require legislative change, and it would mean that we would need to broaden the category of electors who are able to vote electronically. Currently overseas and interstate they can, but for early voting they cannot in Victoria.

The CHAIR — Liz, returning to my first question about the ballot draw, if you were to revert to the balls in a cage, how long would you need, or what would be the earliest time you would be able to have ballot papers printed if the ballot draw was conducted in that way?

Ms WILLIAMS — At the moment, on the 25-day timeline — I might throw this to Glenda in a minute to assist with this question — we do ballot paper printing over the weekend; we would have enough ballot papers probably by the Monday. But I will ask Glenda to correct me, if I am wrong. But there are also the risks — and they have been experienced by electoral commissions in the past — where the bingo balls fall out of the cage, or what have you. It can create some complaints. In answer to your question, it would be on a Monday after a close of nominations on a Friday. Is that right, Glenda?

Ms FRAZER — To a degree, yes, Liz, it is. The difficulty we would experience is that not only do we have to have ballot papers within each district for early voting to commence, we have to have sets of ballot papers for all districts prepared, printed, collated and dispatched overseas at 45 locations — and interstate as well — for them to also commence early voting on the Monday. If we delayed the printing because of the manual process at the moment we could probably get through all of the ballot draws within 2 hours, which means if we start ballot draws at 1 o'clock, by about 3 o'clock we would have to have the artwork ready to be QAed and be at the printer within the next couple of hours to start printing that night. What we experienced previously is that the more you do a manual draw, the longer it takes to do all that. We probably would not have anything to the printer until the early hours of the following morning, and a 12-hour lag is quite a big lag when you have to print so many papers and get them so far afield. It would have quite a big impact, not only for Victoria but also for interstate and overseas to be able to provide services as soon as early voting opened.

The CHAIR — I am showing my ignorance here, and probably not for the first time, but I am struggling to understand why there would be such a difference in time between a computer printout and a manual draw if you have three or four candidates on a ballot paper. If you were to send that through to head office, I would not have thought it would make much difference whether it was printed out on a computer or even written by hand; it would still have to go through the same process of production.

Ms WILLIAMS — Chair, if I can add something there, it does add another quality assurance step. If the ballot draw is conducted by computer and the code has been audited and it is shown to be a random draw, as soon as we have officials who need to record the ballot draw order from a piece of paper and send it through, we need to have an extra quality assurance step in there to make sure the translation of those numbers from draw to paper to computer is exactly accurate. So it is that quality assurance step across all of the electorates that takes some time.

The CHAIR — So is each ballot draw independently audited?

Ms WILLIAMS — No, the code that drives the draw is independently audited.

The CHAIR — Okay.

Mr TARLAMIS — I remember one instance at a ballot draw I attended where they basically pressed the button and there was no change. There was then a whole debate about whether or not the button had actually been pressed or whether they would take that as given and all that sort of stuff, so it was a bit of an interesting conversation. I believe we made a recommendation in our last report that proposed moving the early voting time from that day to the Monday because of the problems.

The CHAIR — My concern is purely the transparency of the process. From a personal perspective — and having been subject to both systems over an extended period — I just feel more satisfied in the integrity of the process having seen the old system with the balls in a cage, then the pressing of a button and something happening somewhere and up it comes. As we know, the system does not just have to be transparent, it has to be seen to be transparent, and I think that probably settles a lot of minds as to the fact that the right thing has been done all the way through. If we were to shift the first voting day to the Monday, that probably would remove a large degree of the problem that you, Glenda, have expressed.

Ms FRAZER — Possibly not for interstate; it would still obviously hit those issues with the interstate and overseas provision of ballot papers. Might I just point out, Chair, with the upper house too, the ceremony of the ballot draw is quite complicated compared to a manual draw for the lower house. The system has been built to deal with that because it is actually a three-part draw for the upper house, so the ceremony is quite complex. Having it all built into the logic means there is then no having to second-guess ‘Which part of the draw do I do now?’ because of the ordering we have to follow as per the law. I think that would be the actual ceremony period of the ballot draw, which would be quite extended if we had to go back to do a manual three-part draw, especially for the upper house.

Ms WILLIAMS — Chair, in terms of transparency, we are conscious that you can get situations where, as Mr Tarlamis said, the draw positions do not change, particularly if you have a two or even three-candidate field. We have worked on the presentation of the draw. It is visual, it is there at a public event, and it has slowed down a bit now so that you can see they have moved out of the starting blocks, if you like, and have then landed in the random positions that are a result of the draw.

In terms of transparency, we can provide the code that is associated with that random draw; we can make that available on our website and we invite the committee to have a look at audit reports if they wish in terms of the audit of that code. Certainly the certificates provided by the auditors are available to all participants in the election.

Ms RYALL — I just have one point to make on that. How often are the audits done, and what is the verification process or evidence that it is in fact doing what it is intended to do?

Ms WILLIAMS — In terms of our testing?

Ms RYALL — Yes.

Ms WILLIAMS — Again we test multiple draws over and over again to see what the distribution is. Over a period of time you would expect that each draw would provide a random result of numbers. We conduct frequent tests time and again to show that no one number is getting an advantage over the other.

At the moment the draws happen out at an election office. We get them to print out the result of their draw in the office and fax it through to us. We see what comes down from the computer and we match it so that they are the same, so there is that step in the process as well. We have an audit of the code in the lead-up to every election, so it is not something that we rely on from one election to the next; we have changes to our systems between elections and so we get pieces of code reaudited.

Ms RYALL — Just on your IT systems, does the VEC have penetration testing — Craig, this might be your area, I am not sure — of your IT systems and have there been any threats or identified penetrations?

Ms WILLIAMS — We do have penetration testing and, no, we have had no threats.

Ms RYALL — Okay, so nothing is getting through?

Ms WILLIAMS — No.

Mr TARLAMIS — With regard to community engagement, you mention in your submission that you are planning an expansion of the VEC's Passport for Democracy program in schools. Can you tell us a little bit about that?

Ms WILLIAMS — Yes, we currently have 100 out of the 600 secondary schools signed up to our Passport to Democracy program. We are working to expand that. The department of education has indicated its support for providing some professional development for teachers in the use of our Passport to Democracy program. At the moment we are recruiting a new education officer who will assist in rolling that out. We have already had a number of inquiries this year about additional schools wanting access to that material. Our aim is to provide teachers with support so that they can run it independently without us having to support them as closely, and that is progressing very well.

Mr TARLAMIS — Also on community engagement, how far advanced is the pilot Democracy Ambassadors program with the African communities?

Ms WILLIAMS — We have been working on that pretty much for probably the last 12 months or so now, but more recently through our CALD advisory group and in particular the ECCV. We had a draft proposal out for consultation and that consultation has meant some re-engineering of the proposal, if you like. We are at that point now, so we are virtually at a point where we are finalising the program and will be ready to roll it out this year. It is progressing very well. The input we have had from our advisory group has been terrific.

Ms RYALL — Just back on the penetration question, if there was found to be successful penetration, what would be the process of the VEC? What would you do immediately? What is the process?

Ms WILLIAMS — The process is to look at and evaluate what impact it has had in terms of confining which parts of the system it has touched. Then we would just have to work through it step by step. We have not been in a situation where anyone has got through to the VEC — —

Ms RYALL — Is there a defined process for the 'what if', I guess is what I am asking?

Ms WILLIAMS — The variations would be many in terms of the 'what if'. We would shut down and consider where and what has been impacted. It would be an analysis of the problem before we could work out what the solution would be.

Ms RYALL — Yes, I understand. It is more, 'These are the steps we would undertake if a penetration occurred' rather than the detail of what was affected, 'These were the steps ...'. Is that available? And what would happen if that happened in the lead-up to and during an election? Is it clearly defined, is what I am asking?

Ms WILLIAMS — It will be in our risk strategy, the details of which I do not have with me, but we can provide that to you. It would be to isolate the problem in the first instance so that nothing further could happen, and you could evaluate the circumstances quite clearly and transparently.

Ms RYALL — Yes, and then assess the impact of what has occurred and whether stuff needs to be redone?

Ms WILLIAMS — Yes.

Ms RYALL — I am just mindful of the fact that the dependency is a lot greater on electronic systems these days. We have seen some pretty big stories of organisations having fairly robust systems penetrated.

Ms WILLIAMS — Exactly.

Ms RYALL — I am just thinking in terms of the clarity of your process in the event of something like that happening to you.

Ms FRAZER — Yes. Might I add something? In our risk strategy, we would look at where we are in the electoral process. Obviously we still have manual processes that we can fall back on. If a possible breach occurred, we would look at where we are in the electoral cycle and then implement manual processes where we needed to. So we have that as a backup as well.

Ms RYALL — And then checking the integrity of the data that is already in there?

Ms FRAZER — Correct.

Ms RYALL — It is more just the process rather than the detail?

Ms FRAZER — Yes.

Ms WILLIAMS — In dealing with these sorts of issues, whether they are electronic or even manual, we need to design our processes to be able to respond to those risks. It is so critical for the electoral administration to define exactly where the problem starts and finishes and what impact it has on the overall election.

Ms RYALL — Agreed.

Ms WILLIAMS — At a minimum we want to reduce the impact in terms of having to conduct any election again, let alone a whole state election.

Ms RYALL — Absolutely. My question was more about whether the process is clearly defined so that it can be enacted at the snap of a finger; that was really the intent of the question.

Ms WILLIAMS — Yes.

Ms RYALL — Thank you. If we could have that information, that would be terrific.

Ms WILLIAMS — Sure.

The CHAIR — Thank you very much for coming in to have a chat with us today. The committee appreciates the cooperation of the VEC enormously. We look forward to working with you on this inquiry, and on many others in the future. As I am sure you are aware, you will receive a copy of the transcript within a fortnight. If you could check it for any typing errors and correct those errors. If there are none, we do not have a problem. If you could refrain from making any changes to anything else, that would be marvellous as well. Thank you very much. Have a very pleasant day.

Ms WILLIAMS — Thank you, Chair; thank you, committee.

Committee adjourned.