



Physical Disability Council of NSW
Ordinary People Ordinary Lives

Submission for Roger Wilkins AO and the NSW Electoral
Commission

Review of the NSW iVote internet and telephone voting system

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW.

Our core function is to influence and advocate for the achievement of systemic change to ensure the rights of all people with a physical disability are improved and upheld.

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship.
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (i.e: self-advocate).
- To educate and inform stakeholders (i.e: about the needs of people with a physical disability) so they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

Introduction

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to make this submission to Roger Wilkins AO and the NSW Electoral Commission (NSWEC) on the review of the NSW iVote internet and telephone voting system.

PDCN is pleased to be able to provide feedback, where relevant to our area of expertise, to the NSWEC on the experiences and views of our members and individuals with physical disabilities when using the iVote system in relation to the following terms of reference:

1. Whether the security of the iVote system is appropriate and sufficient.
2. What improvements to the iVote system would be appropriate before its use at the 2019 State General Election.

Discussion

PDCN actively supports the use of the iVote internet and telephone voting system in NSW. PDCN believes having several options to cast a vote remotely and independently, without physically attending a polling place is essential to ensure individuals with disabilities have equal access to the democratic process.

In line with the Electoral Bill 2017 the NSW Electoral Commission has the statutory responsibility of providing electoral services targeting people with disabilities to guarantee their full participation in the political process and PDCN commends the NSWEC on their commitment to improving the iVote system before its use at the 2019 State General Election (SGE).

People with disabilities make up 18.3% of the Australian population¹ and consequently will be significantly represented amongst individuals who will register as an early voter with the NSW Electoral Commission. Early voters accounted for 25% of the votes cast at the 2015 NSW State Election². Early voters include individuals accessing both postal and technology assisted voting such as iVote, with 6.22% of total votes at the 2015 SGE cast through the iVote system³.

PDCN believes it is essential that the NSWEC make the appropriate provisions for elections to ensure the rights of people with disabilities are upheld and guarantee NSW State General Elections are accessible in person, wherever possible and through postal or technology assisted voting procedures. Additionally, it is vital that participation in elections is facilitated through easy access to information about the electoral process including enrolment, registration for early voting including iVote services, assisted voting and changing personal details on the electoral roll.

The Convention on the Rights of People with Disabilities (CRPD) Article 12: equal representation before the law and Article 29: participation in political and social life guarantee persons with disabilities legal and political rights and the opportunity to enjoy them on an equal basis with others⁴. This includes protection of the right to vote and ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use⁵. The importance of

¹ Australian Bureau of Statistics, Disability, Ageing and Carers Australia: Summary of findings, 2015

² NSW Electoral Commission, Electoral statistics, 04/12/2017, http://www.elections.nsw.gov.au/about_elections/electoral_statistics

³ Ibid, NSW Electoral Commission, 04/12/2017

⁴ United Nations, Convention on the Rights of People with Disabilities (CRDP), p21

⁵ Ibid, CRDP, page 21

recognising and protecting civil rights, such as the right to vote is further confirmed through the National Disability Strategy - Rights Protection, Justice and Legislation, Policy Direction 2 - Remove societal barriers preventing people with disability from participating as equal citizens⁶. Although PDCN fully supports the adoption of iVote, PDCN believes it is essential that physical access requirements are considered for all voting centres to ensure that people with disabilities do not encounter barriers to their participation if they choose to vote in person on election day at a polling place.

A range of issues may make it difficult for an individual to vote in person including the physical accessibility of polling places, weather conditions, illness, geographical isolation and access to transport. The physical access requirements that must be considered in appointing voting centres include the height of registration tables and polling booths, with accessible polling screens available at all polling places. Other factors PDCN feels should be prioritised when appointing voting centres include the availability of accessible parking, the proximity of accessible public transport and accessible bathroom facilities. Furthermore, information on the degree to which each voting centres meets these requirements should be easy to access and clearly provided by the NSW Electoral Commission in a variety of formats.

Reference 1: Whether the security of the iVote system is appropriate and sufficient.

PDCN is unable to comment directly on the security of the iVote system. However, we can report that in research conducted with our members; individuals with disabilities who have previously used the iVote system to cast their vote at a NSW SGE; there is a perception that the system is safe and reliable.

PDCN believes ensuring the security and validity of votes is essential for the community to trust the results of votes collected by electronic systems, such as iVote. PDCN did not have any individuals report concerns or perceived security issues associated with casting their vote using the system. PDCN feels this lack of concern is reflected by the low numbers of individuals utilising the iVote verification service to check their vote. In research conducted by PDCN, none of the

⁶ Commonwealth of Australia, National Disability Strategy, 2011, page 37

respondents who reported using iVote chose to verify their vote. The figures for verification are reported by the NSWEC as 1.7% of votes cast using iVote at the last SGE⁷.

PDCN acknowledges that there is a degree of risk involved with electronic voting as internet browsers may be vulnerable to cyber-attack, fraud or software malfunctions. However, PDCN agrees with the NSWEC that the benefits of iVote far outweigh the low risk it poses to the election⁸. In the interest of supporting the security of the iVote system, PDCN suggests the NSWEC implement strategies to limit the number of individuals who may register for and use iVote. PDCN feels iVote should only be used by individuals for whom the service is a necessity.

In addition, PDCN would like to reiterate that iVote should not negate the responsibility of the NSWEC to provide multiple accessible voting centres in each electorate. PDCN believes that facilitating greater access to polling places for people with disabilities may encourage more individuals with disabilities to vote in person, and ensure continued inclusion in the local community.

Reference 2: Whether the transparency and provisions for auditing the iVote system are appropriate.

Reference 3: Whether adequate opportunity for scrutineering of the iVote system is provided to candidates and political parties.

PDCN feels we do not have the expertise to comment on these terms of reference.

Reference 4: What improvements to the iVote system would be appropriate before its use at the 2019 State General Election.

PDCN believes the use of the iVote verification service to confirm the accuracy of votes cast through iVote is key to identifying technical errors or security issues. The multi-layer security detection framework employed by the NSWEC to ensure the integrity of the iVote system relies

⁷ NSW Electoral Commission, Response from the NSW Electoral Commission to security allegation, 22/10/2015, p3

⁸ Ibid, NSW Electoral Commission, p4

on the verification process, where voters can confirm their vote was cast correctly and report any anomalies.

PDCN recommends reforms to the iVote system, including the iVote verification service before the next SGE in 2019. PDCN would like to see the process streamlined to ensure there is a significant increase in the number of constituents who verify their vote. As mentioned previously, this figure was only 1.7% at the 2015 SGE⁹.

The current iVote internet and telephone voting system requires the elector to complete a three-step process: registration, voting and verification. The verification step is not compulsory and entails the elector recording a receipt number, together with their iVote number and pin. The elector must then access a verification website or telephone service during the election period. PDCN has been informed by members that this process may present difficulties for individuals with disabilities who may not be able to record these details independently, making the process more cumbersome and less autonomous.

The verification service is an essential component of any electronic voting process as it ensures the security of the system is monitored. Verification plays a role in identifying issues with the accuracy of votes cast. Upon verification, if an individual finds their details are not correct, the elector can phone the iVote call centre, re-register and re-vote. The number of irregularities reported by individuals who have used iVote indicate any issues with the system and will be a catalyst for further investigation by the NSWEC.

PDCN recommends rebranding the iVote internet and telephone voting service to increase the number of electors who utilise the verification service. PDCN recommends the verification service be endorsed as a mandatory step in the voting process. In addition, PDCN recommends the NSWEC guarantee any changes to the iVote system are accessible and easy to navigate. PDCN suggests any changes to the iVote process should be broadcast widely in the community, include targeted promotion to the disability sector and the option of training for individuals likely to utilise the new system who may require additional support.

⁹ Ibid, NSW Electoral Commission, p3

PDCN represents a cohort who have lower levels of computer literacy, in comparison to the general population and this will need to be considered if postal voting is phased out in future election cycles. Although the iVote internet and telephone voting system is designed with accessibility requirements in mind, PDCN feels it will be necessary to continue accessible options that are less reliant on technology. This will guarantee there are no barriers preventing people with disabilities from casting their vote without visiting a polling place. This is particularly important in rural and regional areas of NSW where individuals may have limited access to accessible voting centres, accessible transport and limited telephone and internet access.

The NSW Electoral Commission has expressed interest in the views of recurrent iVote users on the provision of electoral information by political candidates and political parties prior to elections. In a survey conducted by PDCN, respondents were asked if they felt they missed out on receiving information because they do not vote in person at a polling place. The response overwhelmingly suggested this was not a concern for the iVote users.

PDCN also asked respondents if they would be comfortable with politicians and political parties in their electorate sending political information to them prior to the election, or the NSW Electoral Commissioner sending this information on their behalf, and we do not feel we had enough responses to comment on this.

However, as an organisation we have some concern with the access this would give to political parties on the private contact details of vulnerable or socially isolated persons, and would ourselves lean towards allowing only the Electoral Commissioner to be the distributor of this information on behalf of all political parties (and this may also reduce the amount of perceived 'junk mail' if this was done in one packaged email).

PDCN recommends that the NSW Electoral Commission take further steps to enhance public awareness of the iVote internet and telephone voting system. PDCN believes targeted promotion to community and disability groups would be beneficial, particularly covering any changes that may be instigated by this review, in the current process for registration, voting and verification.

PDCN believes that all electoral information, including enrolment information must be easy to understand, written in plain English and available in hard copy upon request. Furthermore, to

ensure accessibility information should be presented in a variety of formats including AUSLAN, large print, easy English, audio, braille, rich text format and captioning available on all video materials. In addition, the design and content on the NSWEC website must be easy to navigate to ensure individuals regardless of computer literacy are able to successfully access information, including information concerning accessibility and services provided by the NSWEC for people with disabilities.

Recommendation: The NSW Electoral Commission ensure the provision of accessible voting centres in all electorates. Accessibility considerations must include proximity to accessible transport, provision of accessible bathrooms, the height of registration tables and polling booths and the availability of accessible polling screens.

Recommendation: The NSW Electoral Commission promote the iVote verification service as a required step in the voting process.

Recommendation: The NSW Electoral Commission increase public awareness of the iVote internet and telephone voting system with targeted promotion to community and disability groups.

Recommendation: The NSW Electoral Commissioner be the distributor of information on behalf of political parties prior to NSW State General Elections to ensure the privacy and security of elector's personal details.

Recommendation: The NSW Electoral Commission ensure all electoral information, including enrolment information and information regarding accessibility must be easy to understand, written in plain English and available in hard copy upon request.

Recommendation: The NSWEC ensure all electoral information and materials are provided in various formats, including AUSLAN, large print, easy English, audio, braille and rich text formats. This must include information on the physical accessibility of voting centres and services provided by the NSWEC.