

**Electoral Reform Green Paper
Strengthening Australia's Democracy
Submission
Electoral Commission of Queensland**

STRUCTURE OF THIS SUBMISSION

- Section 1 discusses the problem of declining participation in Australia's electoral system.
- Section 2 advocates enrolment reform, especially the introduction of automatic enrolment.
- Section 3 canvasses possible directions for the reform of the voting system, including the option of internet voting.
- Four recommendations are made in conclusion.

SECTION 1: THE CHALLENGE OF DECLINING PARTICIPATION

The most obvious indicator of the strength and legitimacy of any democracy is participation. There are many different ways that citizens can choose to participate, the most fundamental being to enrol and vote.

Historically, levels of enrolment and voting in Australia have been quite healthy. In recent years, however, there has been a significant decline in participation, especially among young people. Researchers have gone so far as to say that in Western democracies generally we may be witnessing the emergence of a new generation of non-voters.¹ Although young adults may continue to participate in democracy in a variety of other ways (such as support for community movements or interest groups), the electoral process itself seems to be coming less attractive to many, the University of Sydney's *Youth Electoral Study* concluding that

*a strong bond between the idea of voting in a democracy and a citizen's duty to vote does not exist for most young Australians.*²

The major causes of declining participation among young people are said to include the belief that their voice is unlikely to make much of a difference; the perceived irrelevance of politicians, political parties and current political policies; lack of trust in political leaders; and insufficient civics education in schools³ - all factors beyond the control of electoral bodies. That said, making it easier to enrol and vote would at least be a step in the right direction, helping to ensure that electoral 'rules' themselves do not serve as an impediment to participation.

¹ See L. Hill and K. Alport, 'Reconnecting Australia's Politically Excluded: Electronic Pathways to Electoral Inclusion', *International Journal of Electronic Government Research*, v.3. No.4 p.13; M. Fotos and M. Franklin, *Naïve political science and the paradox of voting*, Midwest Political Science Association conference paper, Chicago 20002; L. Hill and J. Louth, *Mobilizing the youth vote and the future of British democracy*, Australasian Political Studies Association conference paper, University of Newcastle 2006.

² M. Print, L. Saha and K. Edwards, *Youth Electoral Study Report 1: Enrolment and Voting* 2004 p. 15.

³ See, for example, Print, Saha and Edwards *ibid*; The Hansard Society (annual) Audits of Political Engagement; White, Brice and Ritchie, *Young People's Politics: Political interest and engagement amongst 14-24 year olds*, Rowntree Foundation 2000; International Idea, *Engaging the Electorate: Initiatives to Promote Voter Turnout From Around the World*, 2006; Hill and Louth, *op. cit.*; Joint Standing Committee on Electoral Matters inquiry *Civics and Electoral Education* 2007.

SECTION 2: ENROLMENT

In recent years the number of persons actually on the electoral roll has clearly failed to keep pace with the number of citizens eligible to enrol, with recent estimates of a deficit as high as 1.2 million. The picture looks worse when taking into account the number of electors enrolled at any point in time for an incorrect address.

Enrolment throughout Australia is for the most part administered by the Australian Electoral Commission (AEC). The current system relies substantially on a process of Continuous Roll Update (CRU) - drawing upon data from a variety of sources - backed up by periodic door knocks. It has been said that this process is remarkably effective at getting electors off the roll (for example if they move house without updating their address details) but sadly lacking when it comes to getting them back on again. Of greatest concern is the number of eligible electors in the 18-25 year demographic – thought to be in excess of 300,000⁴ – who have yet to enrol for the first time. These high numbers of ‘missing’ electors suggest that there are potential gains to be made from modernising the enrolment system.

Given that enrolment is compulsory in most Australian jurisdictions, the respective legislatures and electoral authorities have a clear obligation to make it as easy as possible to comply. This is not the case at present. Electors enrolling for the first time are required to fill out a detailed enrolment form (4 pages long), sign it and return it to an electoral commission, and to repeat this exercise on any and every occasion that they change address. It is clear from the low return rate that the AEC receives on CRU correspondence that many people find this to be an arduous process, a large number of forms seemingly being left to gather dust under fridge magnets. Some would argue that this problem would easily be solved if those who omit to return these forms could bring themselves to fulfil their civic responsibilities. Such comments, while valid, nevertheless overlook the reality of the ever increasing number of eligible electors missing out on their right to vote. Arguing the cause of civic responsibility is unlikely to resolve the issue of declining participation.

Automatic or online enrolment

While the fact that people are enrolled doesn’t guarantee that they will in fact vote, non-enrolment is an obvious disqualification from voting. To maximise the number of eligible voters Australia should move to a system of automatic enrolment such as applies in countries like France and the Netherlands. Upon reaching the eligible age citizens could be enrolled automatically using reliable sources of data that are already in use.⁵ Data from the same trusted sources could be used to alert the AEC whenever an elector moves address, with the electoral roll automatically updated accordingly.

Given that electors can be fined for not voting, each elector would need to be advised whenever a change was made, but this would surely cost much less to administer than the current system (with the added benefit, for by-elections and local government elections, that the electoral roll would be close to 100 per cent complete and accurate at all points in time, avoiding the significant fluctuations that currently occur).

⁴ The AEC estimates that at the close of rolls for the 2004 Federal election only 82% of eligible people in this age group were enrolled compared with an average of 95% across other groups.

⁵ Data from, for example, transport and education authorities and some local councils are already accessed by the AEC as part of the CRU process. Checks of education data would guard against the enrolment of international students who are not Australian citizens.

Should the respective legislatures decide against automatic enrolment, as an absolute minimum consideration should be given to allowing changes of address to be recorded online or by telephone. It would be a relatively simple matter for each elector, during their next enrolment transaction (providing Proof of Identity at that point if required), to register a 'secret question' (similar to current online banking systems) that would enable them at any time thereafter to go online, verify their ID and change their enrolled address. The online system would immediately confirm for the elector that the change had been made.⁶ Anyone who failed to update their details in this way could be identified through data matching as currently occurs and be contacted, not by letter, but in a more 'modern' way (perhaps of their own choosing) such as by SMS or email, with an invitation to go online to update their details (which presumably would elicit a better response rate than is achieved through current mail outs).

Other ways to encourage higher participation would be to allow enrolment at polling booths (with suitable ID) on election day, such as occurs in parts of the United States and is currently under consideration by the New South Wales Parliament, or to extend the Close of Rolls deadline much closer to polling day as is the case in New Zealand.

National uniformity

There is one important caveat to the above. Whichever enrolment system is ultimately adopted it is clearly desirable for all Australian jurisdictions to head in the same direction, to avoid the confusion for electors which can result if the rules in a given State or Territory are different from those in place at Federal level, or where an elector moves from one State to another.

National uniformity could be further enhanced through the creation of a national enrolment authority as in New Zealand. This authority could have a governing board comprised of all electoral commissioners across Australia, including the Australian Electoral Commissioner, with responsibility for both roll maintenance and education and awareness activities.

VOTING

Although the trend towards declining participation will not be halted just by making changes to Australia's electoral laws, every bit helps. A number of recent studies have suggested that a greater level of participation would be achieved by expanding the available voting options, making use of popular forms of electronic media. On the one hand, the Youth Electoral Study reported that some 45 per cent of Australian year 12 students considered voting to be 'a waste of a Saturday'.⁷ On the other, tapping into networks with which youth in the 'digital age' are already engaged may make the voting process much more attractive and accessible, enabling electors to vote at whatever time during the election period is most convenient.

Electronic voting can take a number of different forms, such as recording votes on stand alone computers or similar machines in polling places, internet voting and intranet voting. Although the use of voting machines in polling booths has generated

⁶ The system could provide the elector with a history of transactions, which would guard against unauthorised changes going unnoticed.

⁷ Report No. 1, *op. cit.* p.15

negative reactions in some countries⁸, a higher degree of public confidence has been achieved in Australian jurisdictions such as the ACT.⁹ From an Australian perspective, the issues surrounding the deployment of voting machines seem to be more about cost, remoteness and the spread of population. To load, test, despatch, set up, operate and subsequently retrieve the number of voting machines that would be required in areas as large as New South Wales, Queensland, Western Australia and South Australia would be a huge logistical exercise, even more problematic for jurisdictions which do not have fixed term elections.

Internet voting appears to be a more viable option in the longer term. When the idea of online voting has been raised in the past, however, some Australian electors and politicians have responded cautiously. While there is a level of acceptance that the internet could make voting more accessible for many electors, concerns have been expressed about the potential for electoral fraud.

Against that, the available technology has advanced dramatically in recent years. Internet voting (using encryption similar to that used for online banking) has already been trialled in a number of countries, such as Estonia. Encryption systems that have recently been trialled in some countries for stand alone voting machines in polling booths also have the potential to improve the security of online voting. For example between 10-13 November Brazil's Superior Electoral Court conducted a 'public hacking contest', inviting a total of 38 IT experts divided into nine teams to try to violate the system of voting machines that has been developed in preparation for that country's 2010 general election. None were able to crack the codes used in the encryption system.¹⁰ Similar security measures could be applied to internet voting.

To trial the latest technology and in order to build up public confidence over time, internet voting could be introduced incrementally, beginning with electors who are currently disadvantaged either in regard to access or the secrecy of their vote. Firstly, following the model employed in countries such as the Netherlands and the United States, internet voting could be offered as an alternative to postal voting for electors in remote areas, overseas electors and military personnel in war zones, averting the difficulty these electors can face in receiving and returning their ballot material in time to be counted.

Secondly, internet voting would provide a means of ensuring that people with disabilities, such as blind and vision impaired electors, can exercise their democratic right to a secret vote. At present this right is denied to many voters¹¹ by virtue of their need to seek assistance when filling out their ballot paper. Limited trials of special voting machines for blind and vision impaired electors were conducted at the most recent Victorian and Federal elections. The take-up was limited, however, either because of the difficulty in getting to one of the (few) designated centres, or because it

⁸ For example, the concerns associated with some electronic voting machines used in the 2000 United States presidential election.

⁹ P. Chen, R. Gibson and K. Geiselhart, *Electronic Democracy? The Impact of New Communications Technologies on Australian Democracy*, Democratic Audit of Australia, Report No. 6, 2006 p.64

¹⁰ http://yro.slashdot.org/story/09/11/14/1936200/Hackers_Fail_to_Crack_Brazilian_voting_machines

¹¹ For example, an estimated 480,000 Australians are vision impaired in both eyes, with over 50,000 legally blind. The level of blindness in Australia is projected to increase by 73% over the next two decades.

can take longer to vote with these machines than with assistance. The Electoral Commission of Queensland's consultation with peak disability groups indicates that many people with disabilities already have special computer equipment in their own homes which would provide them with the ability to vote independently and in secret, if online voting were available.

Subject to the success of trials in the above areas, the next step would be to give all electors the option of voting online should they so wish. Hill and Alport point to increases in participation of several percentage points in European countries where e-voting has been trialled, referring to a nationwide survey of over 4000 Swiss citizens in 2003 and 2004 which found that young adult abstainers considered being able to vote online an incentive to vote.¹² With wider availability, the internet could also assist in improving participation for non-English speaking voters by reducing the level of informal voting. Research conducted by the AEC indicates that being from a non-English speaking background is the single highest determinant of informal voting in federal elections.¹³ While internet voting systems should not be designed to prevent electors from casting an informal vote if they so wish, they would at least alert electors if the way they had filled out their ballot paper was not valid, reducing the level of inadvertent informality.

Two points are made in conclusion. Firstly, a study of the status of electronic voting by a number of senior Australian electoral officials concluded as early as 2002 that

*the technology is now sufficiently mature to support trials of e-voting in Australia.*¹⁴

It is submitted that technology available to ensure public confidence in the integrity of such trials is now even more advanced.

Secondly, drawing upon the same report,

*Australia has always been a leader in electoral democracy. Australians need to be aware that other jurisdictions are now taking the lead on the e-voting issue.*¹⁵

Countries such as Estonia and Brazil are cases in point.

Early voting

The trial of electronic voting options will take time to deliver and assess. It is already, apparent, however - as the Commonwealth's Joint Standing Committee on Electoral Matters has noted¹⁶ - that there has been a substantial increase in the level of pre-poll voting at both Federal and State elections. For a variety of reasons, such as work

¹² Citing D. Braendli, *The scope of e-voting in Switzerland*, E-voting and Electronic Democracy international conference paper, Seoul 2005

¹³ Hill and Alport, *op. cit.* citing G. Dario, *Analysis of informal voting during the 2004 House of Representatives election*, AEC, Research report no. 7, 2005.

¹⁴ C. Barry, P. Dacey, T. Pickering and T. Evans, *eVolution not revolution Electronic Voting Status report 2*, 2002 p. 2.

¹⁵ *Ibid*, p. 20.

¹⁶ *Report on the conduct of the 2007 federal election and matters related thereto*, 2009 chapter 7

commitments and lifestyle choices, voting at a polling booth on election day is no longer convenient to many electors. Some jurisdictions have simplified the pre-poll process, allowing electors to fill out their ballot papers as ordinary votes. For Commonwealth and Queensland elections, however, electors are still required to cast a declaration vote, which slows down both the voting and counting processes.

The Electoral Commission of Queensland believes that any electors wishing to vote early at a pre-poll centre *within their electoral district* should be entitled to do so by means of an *ordinary vote*, with no requirement to make a declaration. This is an immediate step that can be taken both to bring about harmony between electoral jurisdictions and ensure that the electoral system is responsive to electors' needs.

RECOMMENDATIONS

- That a system of automatic enrolment (for both first time electors and changes of address) be introduced uniformly across Australian jurisdictions
- That a National Enrolment Authority be established, with a governing body including electoral commissioners from all jurisdictions.
- Internet voting trials be conducted for electors with disabilities, electors in remote regions and overseas electors (including military personnel), with a view to making internet voting available as an option for all electors.
- Any jurisdictions yet to do so should make provision for electors wishing to cast a pre-poll vote within their own district to do so as an ordinary vote, without the need to make a declaration.