Blind Citizens Australia

Response to the Tasmanian Parliament Joint Standing Committee on Electoral Matters (JSCEM) – Inquiry into the Conduct of the 2024 House of Assembly General Election and 2024 Legislative Council elections

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30th August 2024

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1. Introduction

1.1 About Blind Citizens Australia

Blind Citizens Australia (BCA) is the peak national representative organisation of and for the over 500,000 people in Australia who are blind or vision impaired. For nearly 50 years, BCA has built a strong reputation for empowering Australians who are blind or vision impaired to lead full and active lives and to make meaningful contributions to our communities.

BCA provides peer support and individual advocacy to people who are blind or vision impaired across Australia. Through our campaign work, we address systemic barriers by promoting the full and equal participation in society of people who are blind or vision impaired. Through our policy work, we provide advice to community and governments on issues of importance to people who are blind or vision impaired. As a disability-led organisation, our work is directly informed by lived experience. All directors are full members of BCA and the majority of our volunteers and staff are blind or vision impaired. They are of diverse backgrounds and identities.

1.2 About people who are blind or vision impaired

According to the Australian Bureau of Statistics (ABS), over 4.4 million Australians have some form of disability - roughly equating to 1 in every 5 Australians having a disability, and there are currently more than 500,000 people who are blind or vision impaired in Australia; with estimates that this will rise to 564,000 by 2030. According to Vision Initiative, around 80% of vision loss in Australia is caused by conditions that become more common as people age[1].

Australians who are blind or vision impaired can live rich and active lives and make meaningful contributions to their communities: working, volunteering, raising families and engaging in sports and other recreational activities.

The extent to which people can actively and independently participate in community life does, however, rely on facilities, services and systems that are available to the public being designed in a way that makes them inclusive of the needs of all citizens – including those who are blind or vision impaired.

2. Submission context

This submission is based on existing legislation and frameworks, noting gaps in the fulfilment of requirements laid out in existing documentation. The pertinent acts and legislation are:

- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

- The Disability Discrimination Act 1992 (Cwlth)

- The National Disability Strategy 2021-2031 (this strategy coordinates the implementation of the UNCRPD)

- International Covenant on Civil and Political Rights (ICCPR)

- Electoral Act 2004 (Tas)

- Electoral Regulations 2015 (Tas)

- Local Government Act 1993 (Tas)

- Local Government (General) Regulations 2015 (Tas)

- NSW Electoral Commission Technology Assistance Voting (TAV) Report 2023

Our response is based on extensive consultations with members and other people who are blind or vision impaired over many years, our membership on the Tasmanian Electoral Commission's Working Group on Print Disability, and our ongoing advocacy work in the sector related to ensuring the democratic participation of all citizens who are blind or vision impaired.

Blind Citizens Australia endorses the joint submission made to this inquiry by Disability Voices Tasmania (DVT) and Blind Citizens Australia – Tasmanian Branch. We urge the Committee to adopt the recommendations contained in that submission; but seek to add context of work being undertaken in this area in other jurisdictions across Australia.

3. Blind Citizens Australia's submission

3.1 A Right to Democratic Participation

Australia was the first country in the world to allow citizens to cast their vote anonymously. First implemented in Tasmania, Victoria and South Australia in 1856, and spreading to all Australian

colonies other than Western Australia within three years[2], the 'secret ballot' (or 'Australian Ballot' as it was known at the time) sparked a voting revolution in liberal democracies and soon became a cornerstone of free societies, a central part of the principle of free and equal participation in the electoral process.

Australia's obligations under the International Covenant on Civil and Political Rights (ICCPR) includes Article 25(b) – ensuring the right to vote by secret ballot without distinction or unreasonable restrictions[3]; similarly, Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CPRD) requires governments ensure people with disability can enjoy political rights on an equal basis with others, including the right to vote by secret ballot. Article 29 of the CRPD also requires governments to ensure that voting procedures, facilities and materials are "appropriate, accessible and easy to understand and use" and to facilitate "the use of assistive and new technologies where appropriate"[4].

However, Australia risks lagging behind the international community in ensuring truly equal access to our political system due to the reluctance by governments across the country to adopt measures that would improve accessibility. BCA believes that by refusing to adopt a truly accessible and anonymous voting systems, governments in Australia are failing to meet the commitments to equal political participation made under the ICCPR and CRPD. In addition, failing to have an election process that is accessible to all residents has the potential to result in the formation of a government that does not reflect the needs, interests, and values of the residents it claims to represent.

For too long, this issue has been seen as a zero-sum game between the competing concepts of accessibility and security; but for people who are blind or vision impaired, these issues are intertwined. Ensuring all people can cast a vote accessibly – and that vote is counted secretly and securely – is central to why BCA continues to push for change.

3.2 Accessibility of Existing Voting Methods

Paper Ballots

Dating back to ancient Greece and Rome, the most consistently utilised method of voting has been the paper ballot.[5] People strongly trust the paper ballot because it leaves a physical record of a vote that can be counted by hand. However, for many people who are blind or vision impaired (or with other print related disabilities), this form of voting forces them to rely on another person – a support

worker, a spouse or other family member, or an Electoral Commission staff member – to cast their vote, and trust that person will complete the ballot paper accurately according to their wishes.

Electronic Voting Machines

Electronic voting machines (also known as voting kiosks) have become one of the most popular alternative methods of voting around the world[6]. The most common type of electronic voting machine is the Direct Recording Electronic (DRE) machine, which stores votes directly to a hard drive or other storage medium. An alternative method known as 'ballot markers' are very similar to DREs, except they produce a paper ballot rather than storing the vote electronically, and require a voter to insert a blank ballot into the machine prior to voting.

In recent years there have been significant advances and improvements to mobile voting kiosks that are designed to support voters with a variety of disability types. These newer model kiosks, some of which are already in use in other jurisdictions around the world and in limited trials in Australia, often incorporate a range of accessibility features. Most kiosks provide a digital interface with options to increase magnification or otherwise alter the display to a voters preference, headphones for voters who require audio options, and either large button controllers or a telephone-style keypad that can be overlayed on the display for voters who are unable to use touchscreens. Some also provide built in scanners and printers to allow voters to print out, check and scan in their ballot once they are satisfied with their selection. Some even allow voters to make their voting choices ahead of time on a device of their choosing, then use QR code readers to transfer those voting preferences to an official ballot. Many of these are built using ultra-light materials, and are designed to be portable - which means there is the potential for them to be used to support voting in regional and remote areas[7].

Because votes cast using kiosks are recorded and stored on locally owned infrastructure, and are not transmitted via public networks, they are considered to be more secure than internet voting. Importantly, these kiosks can be designed to be "end-to-end verifiable", which allows an elector to confirm their vote was "cast as intended, recorded as cast and counted as recorded"[8].

BCA recognises the roll that voting kiosks (such as the VI-Vote system) will likely play in the future landscape of voting in Australia; but notes that while they have the potential to improve the accessibility of elections, this will only occur if people with disability are involved and the design and testing of such devices.

Telephone Voting

The option of human-assisted telephone voting has been adopted widely across Australian jurisdictions in recent years, and Tasmania remains an outlier in not utilising this voting system for parliamentary elections.

While each electoral commission have their own unique systems in place, the process for using human-assisted telephone voting remains broadly the same across jurisdictions:

- After an election has been called, an eligible voter registers by calling the dedicated telephone service and receiving a unique ID number.

- During the voting period, the voter calls the telephone service again and provides their ID number. The voter casts a vote by disclosing preferences to election official who manually fills out a paper ballot.

- A second election official observes the first staff member completing the ballot paper and confirms it reflects the voter's instructions.

While this system of voting does go some way into protecting the anonymity of the voter, it does little to allow a voter who is blind or vision impaired an opportunity to verify their ballot has been entered correctly. Ultimately the voter is still forced to trust that election staff are recording their voting preferences correctly and will not change anything before the ballot has been submitted.

BCA believes telephone voting is an important stop-gap measure in ensuring people who are blind or vision impaired can vote accessibly, but believes Technology Assisted Voting can go further.

Internet Voting

Australia has limited experience with online systems of voting. The 'iVote' system was introduced in 2011 for use in NSW state and local council elections to support people who are blind or vision impaired to vote. The iVote system allowed voters to cast their vote by internet (through a computer, smartphone or tablet) or by telephone using an automated (not human assisted) process. This provided voters who are blind or vision impaired with a range options for voting that may suit their particular accessibility needs.

At the time of its introduction, it was estimated there were about 70,000 voters in NSW who were blind or vision impaired[9]. iVote was also expected to benefit people with other disabilities (around 330,000 voters) and people in remote locations (around 6,500 voters) who had difficulty attending a polling station and casting a vote in the same way as other NSW voters[10].

Since 2011, iVote has enabled thousands of voters who are blind or vision impaired, and many more voters who have other disabilities or circumstances that make it difficult to access a polling station, to cast their votes independently and participate equally in NSW elections. NSWEC analysis since 2011 has shown increasing uptake of iVote and 'a high degree of satisfaction among electors who used iVote' as well as reporting that about 10% of electors who used iVote would not have been able to vote had iVote not been available[11]. In the 2015 election alone, nearly 5000 people who are blind or vision impaired used iVote to cast their ballot.

The process for voting using iVote involved the following steps:

- An eligible voter could register online or through the iVote registration call centre, set a PIN and receive a vote ID.

- Once voting started, the voter could log into iVote online or by telephone, using the PIN and vote ID. The voter casts their vote using that device (which they are likely to already be familiar with and have personalised to their needs) without assistance from another person.

- To ensure their vote has been recorded correctly, the voter could contact the verification server and provide their PIN, vote ID and vote receipt number at any time after a vote is cast and before voting closes. The vote is read aloud by text-to-speech technology.

- At the end of the election, the receipt numbers are uploaded to the iVote website and voters can check that their votes were counted in the total by searching their receipt numbers.

Internet voting seems like an undeniably attractive option for people who are blind or vision impaired; however, it is not a silver bullet. Given Australia's notoriously bad internet connectivity in regional, and remote areas, a reliance on online voting has the potential to disenfranchise many voters if they experience internet outages during an election period. In addition, system failure in online voting can have significant impacts.

3.3 Voting in the 2024 Tasmanian Parliamentary Election

We refer the Committee to the Submission from DVT and BCA – Tasmania to learn more about the specific experience of voters in these elections; however we wish to highlight our disappointment with the predictable obstacles faced in these elections for many people with disability, especially those who are blind or vision impaired.

Voting in these elections took place primarily using pencil and paper ballots. However, in addition to paper ballots, a singular method of Technology Assisted Voting (TAV) was also offered in the form of 'VI-Vote' terminals. It is important to provide voters (with and without disability) with as many choices of location as possible when casting their ballot in person, and it is presumably for this very reason the TEC operated 14 pre-poll centres in the week before polling day. It is therefore unacceptable that there were only three locations across the state with VI-Vote terminals during the pre-poll period (one in each electorate), and three (different) locations on election day. Further, we received feedback from voters who are blind or vision impaired that attempted to use these terminals about the range of difficulties they experienced, for example, that one of the terminals turned off and had to be turned on again by TEC officials. It is extremely concerning that a TEC official cast the resultant ballot even though the voter was not physically present at the time.

There was no option for telephone voting for people with disability, despite this being made available for voters who were interstate or overseas for the election, including a specific carve out for Antarctic electors – leading BCA members to observe that if you are blind, it would be easier to vote from the South Pole than in metropolitan Hobart.

3.2 A Fit For Purpose System

It is clear there is no simple one-size-fits all approach to the provision of accessible voting. Instead, BCA is calling on all governments around Australia to work proactively with people who are blind or vision impaired to co-design and develop a system – or more accurately a suite of systems working together – that offers a multifaceted approach to accessible voting. These systems should provide a voting experience that can accommodate different accessibility requirements at the same time as ensuring security and performance.

BCA acknowledges that the implementation of iVote in NSW was not without its challenges; however, iVote has demonstrated the capability and promise of Technology Assisted Voting (TAV). We were encouraged that in 2023, the NSW Electoral Commission conducted a comprehensive review into TAV[12]. BCA broadly supports the recommendations in this report, and urges this Committee to consider it as a starting point for a discussion about a modernisation of Tasmania's voting system.

We appreciated the report's recognition of the need for a multifaceted approach to accessible voting. Operator-assisted Telephone Voting can remain a useful mechanism for many people who are blind or vision impaired, though many of our concerns about a truly secret ballot would be alleviated with the addition of automated telephone Interactive Voice Response (IVR) solutions using keypad

responses. Internet and kiosk voting (already being used in Tasmania) can also be woven into the tapestry of co-designed solutions. Emerging technologies, such as voice response software, should be considered in the longer term.

We were encouraged by the report's recognition of the 'material irregularity' that may arise when even a single eligible voter is denied access to TAV due to technical difficulties. We do recognise the need to balance this against the likely erosion of public trust in democratic processes if such technical difficulties invalidated an election. As we have noted in other submissions to similar inquiries across Australia, BCA welcomes the opportunity to work with the government in developing a suitable legislative response.

We also support the recommendation in the Final Report of the TAV Review for a common national election technology system. We encourage intergovernmental efforts to develop a nationally consistent TAV system that provides multiple options for voters who are blind or vision impaired to vote independently, secretly and verifiably. A national approach would allow the states, territories and Commonwealth to pool resources for the purchase, operation and maintenance of expensive equipment like kiosk voting machines. This would foster electoral consistency and inclusivity for all Australian voters, regardless of their location.

State and territory electoral commissions would also benefit from the cyber security expertise and resources at the disposal of Commonwealth agencies. Cyber security considerations are paramount in the development and operational integrity of internet voting, the accessibility and convenience of which makes it the preferred voting solution for many people who are blind or vision impaired.

However, it is essential to note that any such national approach does not remove the need for the Tasmanian Electoral Commission, and the Tasmanian Government, to continue to provide secret, independent and verifiable voting options for people who are blind or vision impaired. Even while collaborating with other states, territories and the Commonwealth on a new national approach, we urge the government to continue to set a pace for electoral reform in the state.

4. Recommendations

BCA supports and endorses the recommendations made by DVT and BCA – Tasmania for immediate reform of Tasmania's voting system.

In addition, in order to provide equal access to voting to all voters who are blind or vision impaired, and to improve the electoral participation of people with disability in future elections, BCA makes the following recommendations:

1. Explore how the recommendations of the NSW Electoral Commission TAV Review could be applied to a Tasmanian context to ensure voters who are blind and vision impaired can engage fully in the democratic process.

2. Commit that any TAV system implemented in the future will provide a voting platform that can accommodate different accessibility requirements at the same time as ensuring security and performance.

3. Ensure the blind and vision impaired community, as well as the broader disability community, is consulted and involved in the development and implementation of any such system to ensure it is fit for purpose.

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