

Electoral management and delivery: AEC key risks and critical steps

Overview

The Australian Electoral Commission (AEC) increasingly faces significant and persistent challenges to its core function - the successful conduct of federal elections.

These challenges arise against the backdrop of the AEC's ageing infrastructure, resource restrictions, and ongoing legislative constraints. Furthermore, community expectations regarding the nature of election services has radically shifted in recent years: the AEC is now grappling with technological, demographic and societal changes that were beyond contemplation of the Parliament when the provisions contained in the *Commonwealth Electoral Act 1918* (the Electoral Act) were enacted. As a result, the AEC is responsible for successfully conducting increasingly complex elections using intensely manual and rigid processes, requiring the use of many tens of thousands of temporary workers, within a high risk environment which has zero tolerance for error.

This submission highlights key critical risks and first steps identified by the AEC to ensure the continued successful conduct of federal elections. The AEC believes that it must, as a matter of priority, address the risks and issues identified in this submission. Failure to do so is likely to result, at a point in the near future, in the current system ('manual' voting, manual counting, and manual administration supported through 30 year old IT systems) no longer meeting community expectations. Such an outcome would undermine trust in the machinery which underpins Australian democracy.

As a matter of record, the AEC is committed to continuing to successfully deliver highly complex federal elections and improve its administration of these elections and ensure efficiency and effectiveness in all its operations to the extent possible. A recent study by 'The Electoral Integrity Project'¹ (University of Sydney and Harvard University) into voter experience at the 2016 federal election found a majority² of Australians expressed confidence in the federal electoral process and were satisfied 'with the AEC's ability to conduct an election, to ensure preferences are counted accurately, and to keep private voting information safe and secure'. These findings are important indicators of democratic health and compare very favourably with similar democracies³. This submission is designed to bring a range of issues to the Committee's attention that, if addressed, should ensure that this success can continue into the future.

Election model

Australia's democratic environment contains unique administrative challenges for the AEC when compared to other electoral management bodies (EMBs). For example, many comparable democracies have the equivalent of fixed term elections (including USA, Canada, Germany, UK, Switzerland, Sweden). Many also have some form of 'precinct' voting (Belgium, Brazil, Greece,

¹ <https://www.electoralintegrityproject.com/the-australian-voter-experience/>

² This was noted by two thirds of the survey respondents.

³ http://www.electoralcommission.org.uk/_data/assets/pdf_file/0009/196767/Winter-Tracker-public-opinion-survey-2015-toplines.pdf

Luxembourg, Singapore, UK, Canada, France, Japan, Poland, India and USA) where voters can, effectively, only vote in one pre-determined polling district.

Additionally, of these countries, noted as offering precinct voting, only Belgium and Australia offer three or more alternative ways of casting a vote to their voters abroad (in Australia this includes in-person, by postal vote or by fax). This, in combination with the absence of additional requirements, such as a voter being required to spend a set period of time abroad, demonstrates that Australia ensures the greatest possible coverage in its enfranchisement of overseas voters.

EMBs which work within a more certain electoral framework, such as those listed above, have significantly advanced notice of when an election is to be held, and where, precisely, electors will vote. Conversely, Australia effectively has non-fixed term federal elections, and makes available a large variety of voting options to Australian electors. This makes the AEC's task of predicting when, where and how a disparate and expanding electorate will vote, extremely difficult. The difficult logistics, planning, geographic and administrative challenges inherent in this task are self-evident, and are made more complex by the prescriptive nature of the AEC's legislative obligations.

These statements are not made to criticise those features unique to Australia's electoral system design, but draw attention to the complexities which exist within Australia in order to successfully deliver elections. They also demonstrate the need for the electoral system to be as robust and adaptable as possible to cope with increasing complexity – including scale.

Increasing size and scale

The size and scale of federal elections has been increasing since 1983 creating added complexity and challenges for the AEC in its planning, preparation and conduct of each federal election. The complexity and challenges are driven by the number of individual activities involved, the size of the eligible voting population and the manner in which electors and other stakeholders engage with the AEC, and the number of candidates and political parties seeking to participate.

As Table 1 below shows, since 1983 there has been significant growth in the size of the electoral roll – approximately one million new electors are added to the electoral roll every two elections. As a consequence the number of electoral divisions has increased, as has the average number of electors per division and per polling place. Additionally, the number of candidates nominating at each election continues to increase. As a result, the Senate ballot paper, in particular, continues to grow in size (conversely, whilst font size decreases on some ballot papers) presenting challenges for voters in relation to handling, legibility and formal completion, and logistical challenges for the AEC in relation to printing, movement and transportation, and scrutiny.

Table 1. Selected election statistics 1983/4, 1993, 2013 and 2016 federal elections

	1983/4 federal election	1993 federal election	2013 federal election	2016 federal election
Electors on electoral roll	9,372,064	11,384,638	14,712,799	15,676,659
Number of divisions / number of Senators	125 / 64	147 / 76	150 / 76	150 / 76
Average number of electors per division	74,997	77,447	98,085	104,511
Senate nominations	202 [^]	266	529	631
Electors per polling place	1,439 [^]	1,444	1,913	2,297
Number of election staff per 1,000 electors (approx.)	6.5 [^]	5.9	4.9	4.8

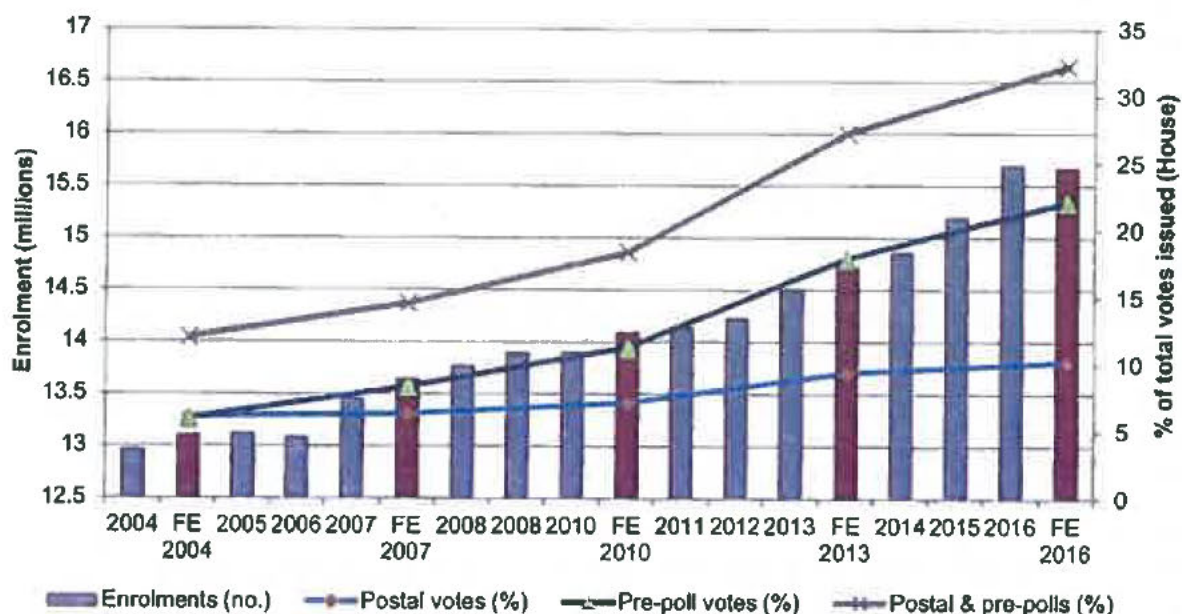
[^] Figures for 1983/4 reflect outcomes at the 1984 federal election following legislative changes in 1983

Continued growth of the electoral roll and changing elector behaviour presents the AEC with challenges and opportunities in meeting community expectations during the conduct of an election.

The Electoral Act enables people to vote during a period of weeks outside their home division almost anywhere in Australia or overseas. As noted in the AEC's main JSCEM⁴ submission, the trend of increased early voting continued at the 2016 federal election reflecting the Australian community's increasing mobility and desire for flexibility in how and where they cast their vote. There is clearly a demand for a range of voter services, which is demonstrated by the fact that pre-poll and postal voting now account for nearly one-third of all votes issued.

Figure 1 shows the increasing number of electors enrolled along with the increasing demand for early voting services. The growth in pre-poll votes issued has been significant, increasing from 5.9 to 22.1 per cent of all votes issued in the past five federal elections.

Figure 1: Increasing complexity in the electoral environment 2004-2016⁵



The AEC continues to review polling place locations to ensure that it matches the demand on election day. However, as Table 1 demonstrates, predicting when and where people will vote and estimating patterns and places of attendance is a complex and uncertain science and a number of factors unique to each election can impact on these estimates, as was seen at the 2016 federal election. As a result of a recommendation by the Australian National Audit Office⁶, polling places for the 2016 election were reviewed to better reflect demographics and the increase in pre-poll and postal voting.

⁴ Submission 66, page 27

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

⁵ Proportions of pre-poll votes include pre-poll ordinary and pre-poll declaration votes. Number of enrolments refer to enrolments as at 30 June (in blue) and final enrolment counts for each federal election (in purple).

⁶ Recommendation 1, paragraph 2.52 <https://www.anao.gov.au/work/performance-audit/second-follow-audit-australian-electoral-commissions-preparation-and-conduct>

Modernising through technology

In an electoral context, the AEC's ability to 'embrace technology' is strictly limited by legislative or financial impediments, or a combination of both.

There are two key ways in which technology supports the electoral process – by improving the voter experience (for example, using technology to assist with the act of voting) or to support the electoral process itself which will impact on the efficiency of the process rather than on the voter experience. The success of any deployment of technology into the voting process is determined by the following key elements:

1. integrity and transparency
2. security and secrecy
3. trust
4. reliability
5. impact on voter behaviour
6. cost.

Outlined below are examples of where the AEC has modernised its processes and procedures through the use of technology within the existing legislative and resource constraints and to meet the changing expectations of voters and stakeholders.

eReturn portal

Since 2009, an eReturn portal has been available for participants in the electoral process that have disclosure obligations.

The portal allows parties, individuals and organisations to lodge their disclosure returns on line. Successful lodgement provides users with a receipt which is date and time stamped. This reduces the risk of loss or delays of returns via traditional post or through email.

The portal allows a greater degree of accuracy of information, stepping the user through the authentication of their unique credentials, their disclosure details and electronic sign off.

Electronic lodgement reduces the risk for error with manual data entry, increases autonomy for the participant and provides assurance of security through the use of individual credentials both from the user perspective and the AEC.

The take up rate has increased across the years since implementation, from approximately 36 per cent in the first year to 70 per cent for the 2014-15 financial year.

Online enrolment and update

Voters are able to enrol online or go online to update their enrolment details via the AEC website. At the 2016 federal election, approximately 84 per cent of transactions were submitted online during the close of rolls period (between the announcement of the election and the close of rolls deadline).

Online postal vote application (PVAs)

The AEC has built significantly on legislative changes which came into effect in January 2011 to develop a system to allow voters to apply online for a postal vote.

Online PVAs were utilised for the first time at the 2013 federal election. By the 2016 federal election, approximately 45 per cent of PVAs were received online, reducing the need for manual processing and providing efficiencies in the provision of postal votes to applicable voters.

Electronic certified lists (ECLs)

ECLs are computerised versions of the electoral roll that allow for more accurate and real-time mark off of voters from certified lists. ECLs also provide significant efficiencies in the conduct of the preliminary scrutiny facilitating the examination of postal vote certificates and declaration envelopes containing early, absent or provisional votes to determine whether each person is entitled to a vote. Given the increasing number of postal vote certificates and declaration envelopes to be processed at each election, the use of ECLs is critical to the timely delivery of results.

At the 2013 federal election, the AEC piloted the use of 768 ECLs in selected locations to introduce efficiencies into the process of finding and marking voters off the electoral roll.

At the 2016 federal election, the AEC deployed approximately 1,500 ECLs to be used in high volume pre-poll voting centres, at large polling places (also referred to as super booths) on election day and by remote mobile voting teams in over 40 electoral divisions around the country.

Scanning of postal vote applications

At the 2016 federal election, the AEC introduced, for the first time, the scanning of paper PVAs to maximise the efficiency of processing paper PVAs and the despatch of postal vote packs to voters.

Semi-automated counting: scanning

For the first time at the 2016 federal election, the AEC scanned millions of Senate ballot papers and recorded voter preferences for those papers electronically.

In just over three months the AEC developed, tested, certified and operationalised a new end-to-end solution to count and distribute Senate preferences. The semi-automated process, using scanning and image recognition technology to capture preferences, was developed with a contractor – Fuji Xerox Document Management Services (FX DMS).

The process required the movement of some 14.4 million ballot papers, in over 34,000 transport containers, from over 8,000 polling places, via the divisional out-posted centre, to a 'central senate scrutiny' site in each state and territory. At these sites, operating two shifts, seven days a week, over 800 staff scanned and verified preferences for 631 candidates. Counting and distributing preferences required scanning of 14,406,706 ballot papers and entry of 101,535,258 preferences into the count system by a human operator.

At the 2013 federal election, approximately three per cent of all Senate ballot papers needed to have their preferences manually keyed and verified in the count system, using a blind double data entry process.

Modernisation, especially as it relates to electronic forms of interaction, will better reflect community expectations and allow electors to interact with the AEC in the way they increasingly interact with government and the private sector in the course of their normal day-to-day activities.

Critical risks**IT systems**

While the AEC's funding has been sufficient for the conduct of federal elections within the existing model, there has been no capacity for significant improvement or replacement of systems.

The two AEC IT applications most critical to election management, responsible for election and enrolment management respectively, were first introduced in the early 1990s and have served the agency well for many elections. However, these systems are essentially atrophied, are not agile platforms, and do not provide the AEC with the means to respond appropriately to any changes in the legislative, regulatory, demographic or technology environments. The IT applications used to pay the

AEC's large pool of temporary workforce is similarly aged, inflexible, and difficult to use, requiring extensive manual intervention (particularly in generating reports) and increasing the risk of poor outcomes for those staff. This and other systems are becoming increasingly harder, and commensurately more expensive, for the AEC to maintain and are at the end of their useful life.

These and other related systems are not able to be easily integrated with contemporary mobile platforms, creating an ongoing risk that the AEC cannot meet modern community expectations and results in criticism of the AEC's interactions with the public and our temporary workforce.

Cybersecurity across the electoral environment is a key risk of relevance to the AEC. The AEC works closely with relevant government agencies to ensure its processes and systems operate within a controlled and monitored environment. However, recent cyber security incidents, for example, the incident affecting the 2016 census conducted by the Australian Bureau of Statistics, and ongoing speculation about the recent US Presidential Election, demonstrate the potential catastrophic risk of a failure in this domain.

As a final point in this section, it must be noted that, the 'zero tolerance for error' environment within which elections are delivered demands a high level of operational visibility of voting activities occurring right through the election period. As mentioned in the AEC's main JSCEM submission⁷, the AEC has limited visibility of operations across the country. There is no AEC 'command centre', there is no existing system which enables AEC senior management to have visibility of (or even reliable communication with) polling places and staff working in out-posted centres, and there is no ability to source real time data during the electoral period to monitor the flow of voters (including queues), ballot paper supply, progress of the count, and the progress of critical (sometimes urgent) issues that arise in polling places. Despite this, it is these very metrics which, not unreasonably, the public and other stakeholders expect AEC management to monitor and resolve issues when they, inevitably, arise.

People

The legislative framework, organisational structure and business processes that sit behind the current system for conducting federal elections is reliant on manual processes and human involvement at most points. This presents significant risks for the AEC: not only in terms of the need to scale from an organisation of less than 1,000 people to one of more than 70,000, within less than five weeks (becoming one of the larger organisations in Australia for a single day) but also in terms of the inevitability of human error.

Changes to electoral processes, procedure and legislation, and significantly enhanced accountability requirements, amongst other changes, have made the role of the AEC's temporary workforce more complex (and far more scrutinised) than ever before in Australia's history.

This situation is not unique to Australia. A joint report from a 2015 meeting of the EMBs of seven Commonwealth countries to discuss this issue (Australia, Canada, Kenya, New Zealand, Nigeria, South Africa and the United Kingdom) stated that:

"Election Management Bodies (EMBs) around the world face a periodic challenge: to recruit, train and manage a very large temporary workforce to deliver a time-compressed, highly decentralized electoral process countrywide. For countries represented on the Working Group, the size of this short term workforce varies from 15,000 to more than 715,000 employees, most of whom work only a single day – national election day."

⁷ Submission 60, page 1

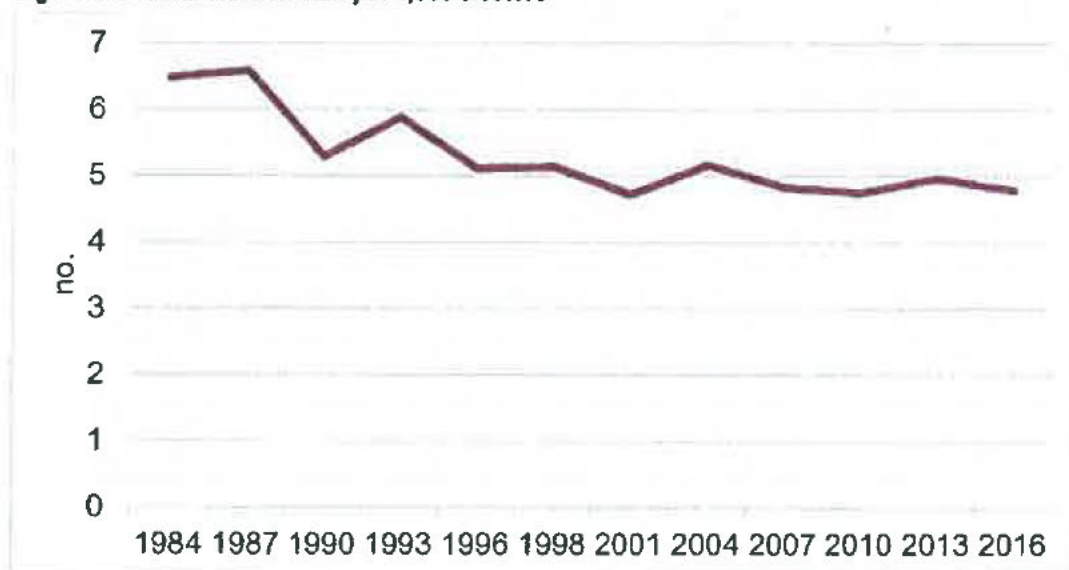
http://www.aprh.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

We can safely say that expecting any new employee to make absolutely no errors during their first day on a job is irrational. For electoral workers expected to master actions related to highly complex, legally prescribed rules, perfection is an even more challenging aspiration.

Yet during a close-fought election, errors in voting administration may lead to legal disputes and intense scrutiny of any procedural non-compliance by election officials, and can potentially result in a court-ordered requirement to re-stage a very expensive electoral contest.⁸

This situation creates numerous issues: permanent and temporary staff are dealing with a significantly increased workload and longer hours which demonstrates significant risks to workplace health and safety, including the AEC's ability to comply with relevant workplace legislation. Furthermore, there is a generalised feeling amongst temporary staff that levels of remuneration no longer match the task. As Figure 2 demonstrates below, the AEC is using a comparably sized temporary workforce to support the conduct of federal elections now with around 15 million voters as it did in the 1990s when there were approximately 9 million voters.

Figure 2: Federal election staff per 1,000 electors⁹



As the Electoral Commissioner stated in his overview to the AEC's main submission, the current model for recruitment and training of the temporary workforce is at the end of its useful life¹⁰. Unless changes are made to the recruitment and training model there are likely to be significant adverse consequences for future federal elections. Perhaps the most visible of those consequences will be an inability of the AEC to meet the Australian community's long held and cherished expectation of 'a result on the night'.

The negative consequences of such a situation could be seen in the days after polling day for the 2016 federal election, where a cacophony of ill-informed media commentary about the 'speed of the count' created an extremely difficult environment for the AEC. The AEC's management needed to keep staff focussed, productive and highly accurate whilst those same staff were being criticised for,

⁸ <http://www.elections.ca/content.aspx?section=abo&dir=int/act/int&document=index&lang=e#ftnref1>

⁹ Staffing figures for some years are approximations only.

¹⁰ Submission 60, page 4

http://www.apf.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

essentially, following the legislation. The consequences for the morale of AEC staff, all of whom had been working for extremely long hours for many weeks without respite was extremely debilitating.

Solutions to this situation are not simple. The size of the workforce, the complexity of the task, the short timeframes, and the zero-error environment combine to make this an intractable problem. Effective solutions are likely to centre on a model that enables the AEC to maintain contact with the core of its temporary workforce throughout the electoral cycle, and thereby spend more time training, assessing and quality controlling this workforce.

Inadequate funding to invest in the future

While the AEC's funding has been sufficient to conduct federal elections within the existing model, the funding the AEC receives for its ongoing operations (i.e. during non-election periods) is insufficient for long-term sustainability. IT legacy systems continue to exist and cannot be modernised, the AEC is unable to invest in modern logistical and event management systems, and processes and significant people time is spent on 'filling the gaps' between various business systems that cannot talk to each other.

The funding for the AEC's ongoing operations is consumed by people costs (60 per cent), property costs (15 per cent) and information technology costs (15 per cent). Property costs are influenced by legislative requirements to have an office per division. This requirement also drives the AEC's people costs, with the majority of the AEC's permanent workforce being located in this network of offices. The remaining 10 per cent has little discretion with postage costs being a significant cost that is highly driven by legislative requirements and which has increased significantly in recent years.

As noted in the AEC's JSCEM submission¹¹ a comprehensive funding review was conducted in 2011 by the Department of Finance found that the AEC was under-funded. This review delivered an additional \$16 million per year in ongoing funding, all of which has been eroded by subsequent government efficiency dividends and savings initiatives. There is a significant systemic risk for the AEC from the increasing complexity of federal elections, however, opportunities to reduce the complexity, reduce the risk, reduce the cost and improve the integrity, efficiency and effectiveness of the conduct of elections. It is too late to try and harness these opportunities during the conduct of a federal election: rather, they require investment and development between elections, and the AEC funding model is not designed to support such an approach.

Legislative constraints

The Electoral Act is extremely complex and prescriptive. As a result, the AEC cannot quickly adapt to meet community expectations. Any failure of the AEC and its staff to comply with the requirements of the Electoral Act can result in an "illegal practice" (see subsection 352(1) of the Electoral Act) which can then lead to an election being voided by the Court of Disputed Returns.

The following examples demonstrate the extent of the prescriptive nature of the Electoral Act.

- Legislative constraints mean the AEC cannot easily invest in technology or make changes to procedures which might make elections more efficient and strengthen integrity. Compliance with the prescriptive requirements of the Electoral Act results in even minor changes to processes needing to be engineered in a less than optimal fashion. For example, the AEC has previously examined whether ballot box tabulators could be used on ballot boxes similar to what occurs in the United States to assist in the counting and reconciliation process. However, section 233 of the Electoral Act requires that an elector is required to "fold the ballot paper so as to conceal his or her vote" before placing the ballot paper in a ballot box. This requirement negates any benefit of the AEC using a tabulator on a ballot box.

¹¹ Submission 66, page 4

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

- The extremely prescriptive nature of the Electoral Act in relation to formality, scrutiny and recounts compels the AEC to conduct a complex initial count, then fresh scrutiny and an additional recount process where there are close seats. The results of any decision on the admission of challenged ballot papers into the count is required to be written on the back of each ballot paper and there is no restriction placed on the number of times that individual ballot papers can be challenged during this process. This prescriptive process can impact on the timely delivery of the result of the election and the eventual formation of government.
- Legislative complexity also challenges a cornerstone of electoral integrity: the accuracy of the roll. Legislative restrictions on the AEC's power to remove electors from the roll, where it has been determined they are not eligible, in a timely and efficient manner, have the potential to impact on the integrity of the electoral roll and therefore the results of an election. The processes for enrolment and the lodging of objections to enrolment are largely paper based and involve significant manual interventions.
- As long as a paper-based or a paper-supported election model is used, complex logistics arrangements will be necessary. This complexity is added to be the requirements contained in the Electoral Act that ballot papers must be moved to the elector's home Division so that decisions on the formality of ballot papers can be made by that Divisional Returning Officer. In addition, the Electoral Act currently only enables the AEC to have one Divisional Returning Officer in each Division who is then required to make numerous decisions on the admission of declaration envelopes and the formality of votes marked on the ballot papers.

A principles-based approach governed by regulations would provide the relevant Minister and the Electoral Commissioner with greater flexibility to amend and improve processes by regulating rather than amending the Electoral Act between elections.

Critical steps

The AEC's main JSCEM submission¹², identified four broad areas for possible improvement. This section builds on these as a series of critical first steps (potential mitigation strategies) to address some of the key risks identified in this paper to ensure the continued successful conduct of federal elections.

Addressing unnecessary prescriptions and other technical issues within the Electoral Act

The AEC has provided the JSCEM with recommendations¹³ for 34 legislative amendments to the Electoral Act that essentially remedy errors, out-dated provisions and anomalies in the legislation and do not involve any change in policy. Some amendments relate to the *Referendum (Machinery Provisions) Act 1984* (Referendum Act) to align it with the Electoral Act.

Without repeating all of the information previously provided that original submission, the most critical amendments in order of priority are:

- Recommendation 16: Forwarding of declaration votes (section 228).
- Recommendation 14: Remove requirement to produce PVAs at preliminary scrutiny (schedule 3).
- Recommendation 17: Opening ballot boxes and packaging and parcelling (subsections 273 and 274).

¹² Submission 66, page 5

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

¹³ AEC submission number 66.9

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

- **Recommendation 3: Remove elector from the roll where added incorrectly (section 105)**

These amendments would correct unforeseen difficulties in processes, improve procedures and enhance the integrity of the electoral process.

Modernising the system used to support the conduct of elections

1. Investment in the AEC's IT systems to allow for upgrade and/or replacement, cross-system integration, and operational visibility to ensure they are future proofed.

As previously mentioned, the AEC's two main election IT systems have been in use since the very early 1990s. Accordingly, urgent investment in IT systems is required to allow for upgrade or replacement and cross-system integration – including systems to provide operational visibility of election time activities. The use of an electronic polling management system to support voter services and the integrity of the electoral process would:

- enable external monitoring of queue time
- monitor votes issued and ballot paper stocks
- support efficient and accurate vote issuing
- reduce queuing
- increase integrity.

For example, at the 2016 ACT election, the ACT Electoral Commission's Information Technology (IT) system allowed it to monitor activity and ballot paper stock at every polling place in real time – a system also used during the last Northern Territory election. As mentioned in the AEC's main JSCEM submission¹⁴, while the AEC faces additional issues of scale, geographical dispersion and internet access, having the financial capacity to implement such a system would be a significant contribution in ensuring smooth-running elections.

2. A pilot of the use of scanning technology to capture the preferences of HoR ballot papers.

The Electoral Act specifically authorises the 'computerised scrutiny' of Senate ballot papers, however there are no equivalent provisions that authorise the use of an electronic method to undertake a scrutiny of House of Representatives (HoR) ballot papers.

The AEC notes that the JSCEM's November 2014 report assessing electronic voting options concluded that:

- the introduction of electronic counting, scanning and storage of ballot papers (along with expanded use of electronic certified lists) offered potential for a quicker process with greater accuracy, harnessing existing technology
- use of this technology would not only support the electoral process, but, as with ECLs, had the potential to assist in building community confidence in the use of technology for elections, and
- there was little risk associated with scanning ballot papers, and it would be an enhancement by providing a further verification process to the manual count.

The scanning of Senate ballot papers was successfully introduced at the 2016 federal election.

¹⁴ Submission 66, page 1

http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/Submissions

3. Implementation of online candidate/party nomination and payments system

Candidates, parties and the AEC would all benefit from an online facility to complete all nomination transactions online – including payment. It would streamline the nomination process, reduce administration and the risk of administration errors and reduce the risk of printing errors on the ballot paper.

Under current arrangements the AEC cannot accept nominations online or by email. The Electoral Act strictly prescribes candidates must submit their nomination form via fax or provide it in person to the AEC. Each nomination for the House of Representatives and the Senate must be accompanied by a deposit paid by cash or a cheque drawn by a bank or other financial institution on itself. Handwritten or faxed copies of nominations can be difficult to read and may increase the risk of details being entered incorrectly.

Nominations provisions, unlike other electoral procedures such as enrolment, are exempt from the operation of the *Electronic Transactions Act 1999* (the ETA). Removing this exemption would allow the ETA to apply so that anything which can be done in writing can be done electronically in writing.

For the 2016 federal election, 1,625 candidates nominated for a total of 226 vacancies, compared with 1,717 candidates at the 2013 election and 1,198 candidates in 2010, noting 2013 and 2010 were half-Senate elections.

4. Expansion of the use of ECLs for the next electoral event or beyond

The AEC believes ECLs offer significant benefits in supporting the conduct of a federal election and the process and technology is scalable to a far broader deployment, however further work and investment is required to be able to achieve this.

The use of ECLs has been more broadly considered by a working group of the Electoral Council of Australia and New Zealand (ECANZ) to provide options and recommendations to the Electoral Council of Australia and New Zealand (ECANZ) regarding implementation of electronic mark off across jurisdictions.

The report found that regardless of the individual level of success experienced, no EMB is currently planning to scale back its commitment; instead all plan to either maintain or enhance the reach and/or scope of their existing individual solutions.

All jurisdictions agree that using ECL devices at all issuing points would be highly beneficial however all agree that the high cost of devices and logistical complexities of deployment are significant blockers to achieving that goal. Despite this, the AEC seeks to increase the usage of ECLs at the next federal election but will need significant financial support to do so.

Looking beyond the next federal election, it should be noted that there is no current desire to develop a common application platform across EMBs. Instead, it was recommended that any initiative considered by ECANZ should attempt to deliver a substantial new electoral management capability, one which is currently not available across jurisdictions today. Examples of such initiatives might include:

- electronic certified list mark-off through the use of BYOD devices.
- electronic certified list mark-off facilitated by identification scanning using low cost devices either supplied by the electoral management body or BYOD.
- electronic mark-off and automated ballot paper issuing facilitated by self-service kiosks.

5. Engagement of temporary election workforce

The AEC has previously expounded, at length, on the increasing difficulty and extreme risk involved in using a large, lightly trained temporary workforce as the main staffing component in the delivery of a highly complex federal election.

As outlined in this submission, this critical risk is not unique to the AEC, and shared by other EMBs around the world. To date, the AEC and other EMBs have used three main mitigation strategies to deal with this risk:

- simplify procedures to the extent possible within the existing framework
- simplify materials to the extent possible within the existing framework
- standardise (nationally), and
- expand the scope and content of training within the limited period available.

At best, these have been holding strategies which have enabled the AEC to cope with a rapidly changing electoral environment, and dramatically increased stakeholder expectations.

There is a large turnover of temporary staff at each federal election, with around 50 per cent of the temporary election workforce being new at each federal election. However, there is significantly less turnover of what could be considered 'senior' temporary staff – Officers in Charge, Polling Place Liaison Officers and others. Given the retention rate of those positions is approximately 80 per cent, the AEC believes there may be a solution, at least in part, by focusing on that group.

In essence, the AEC believes that the future model of temporary staffing for electoral events must revolve around a core group of better trained, assessed, and quality controlled electoral staff with whom the AEC is in more or less permanent contact. This would mean conducting training and assessments for those staff for a few days each year to ensure that they are capable of fulfilling key roles at election time. Given there are around 7,000 polling places, it would mean establishing a pool of, say, 10,000 people and mandating that all senior polling officials must come from that group.

The model proposed above would provide the AEC with a more or less continuously trained workforce able to cope with the complexities of Australia's electoral system, including non-fixed term elections, and the ability to more easily adapt to any legislative changes in each electoral cycle. It would be possible to reduce the costs of this proposed approach by, for example, sharing this pool of trained temporary staff with the state and territory electoral commissions, and relying on technology for at least part of the training. However, there will be a cost involved, and the AEC will need to be financially supported in implementing such a change.

Footnote

A pilot of electronic voting

It may seem odd, in a paper dealing with the future of the machinery of elections not to mention 'electronic voting' – a topic which receives significant media, public and other stakeholder commentary. Of course, the AEC stands ready, if asked, to implement some form of trial of electronic voting. However, in what may be seen as a counter intuitive move, the AEC does NOT recommend a trial of EV for the next election. The costs, risks and time available do not portend a successful outcome of what would be a highly complex project.

The broad term electronic voting (EV) refers to the use of electronic technology to assist with the act of voting; however, it should be noted this is not limited only to internet voting, and also includes EV in the polling place. EV is distinct from systems where electronic mechanisms are used to underpin the administration of the process: for example, electronic certified lists (ECLs) or automated vote counting.

The AEC trialled electronic voting for identified groups, including blind and low vision voters at the 2007 federal election. The Joint Standing Committee on Electoral Matters (JSCEM) of the 42nd

Parliament considered this trial in its report on that election; the JSCEM found that the cost was unsustainable. The JSCEM recommended that the trials be discontinued. Currently, telephone voting is available for blind and low vision voters.

The last time the JSCEM examined this issue in detail was in 2014. In essence, the JSCEM report sounded a strongly cautionary note regarding EV, and noted the significant (potentially catastrophic) risks and very high costs associated with this form of voting.

