



PARLIAMENT of AUSTRALIA
HOUSE of REPRESENTATIVES

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Sub no: 1
R. Megawsky

Ms Catherine Cornish
Secretary
House Standing Committee on Procedure
Parliament House
Canberra ACT 2600

Dear Ms Cornish

INQUIRY INTO ELECTRONIC VOTING

Thank you for your invitation to provide background information for the Committee's inquiry into electronic voting in the House of Representatives Chamber. I note that you have not requested a detailed submission at this time, but rather information regarding what might be considered as the major issues surrounding the topic. I hope that the attached short paper might be of some assistance to the Committee in its work.

I would be pleased to provide further assistance to the Committee should you so wish.

Yours sincerely


Bernard Wright
Clerk

ELECTRONIC VOTING IN THE HOUSE OF REPRESENTATIVES CHAMBER

BACKGROUND PAPER

The possibility of instituting some form of electronic voting in the House of Representative chamber has been examined over many years. Indeed in the design and construction of the new Parliament House, provision was made for future installation of electronic voting equipment in the new building should the House decide to pursue this option.¹ Electronic voting has been discussed in three previous reports of the House Standing Committee on Procedure.² While other options for reform of voting in the chamber have been introduced as a result of these reports, the question of electronic voting has not been finally decided.

The issues discussed in previous reports remain valid today – issues around the reasons for introducing such a system i.e. what are the perceived benefits that it would bring for parliamentary proceedings, the financial cost of any system, the type of system that would be desirable, the security of any such system (including what provisions are there if the system should be unavailable for any reason), and finally the impact that electronic voting might have on the culture of the chamber. Each of these is discussed briefly below.

WHAT ARE THE BENEFITS OF ELECTRONIC VOTING?

Advocates of electronic voting have pointed to the savings in time that moving to such a system would give to the House. At present, after the ringing of the bells and assembly of Members in the chamber, votes are recorded manually by the tellers on sheets of paper containing all the names of Members. The results are cross checked against a head count undertaken by the Clerks to ensure final numbers tally, and then the results are handed to the Speaker who advises the House of the result of the division. The teller sheets are then sent to the Table Office where the results are transcribed into a database for electronic insertion in the Live Minutes and the Votes and Proceedings. While the results are known immediately in the chamber, the outside checking work allows for any discrepancies in the teller sheets to be corrected before final publication more widely. The checking process undertaken by the Table Office may delay publication of the full lists for varying amounts of time, as does the manual entry of results into the division database.

Using electronic voting, the bells would still need to be rung, but there are potential savings in terms of the time taken by the tellers in recording the votes of Members present. In the 2003 Procedure Committee report, there was analysis of the time spent on divisions (see Table 1 below), with the conclusion being reached that as the bells would still need to be rung, the time saved on the actual counting may be more modest than originally thought.

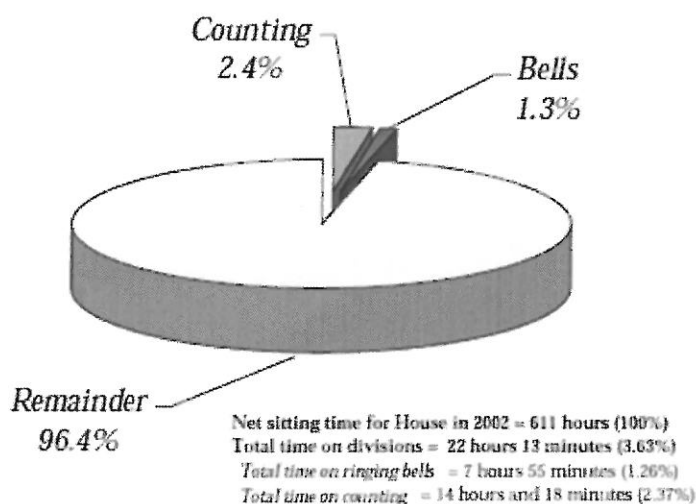
¹ See for example, Joint Standing Committee on the New Parliament House, *Planning for the Senate and House of Representative Chambers in the New Parliament House*, 1985.

² House Standing Committee on Procedure, *Conduct of divisions*, November 1996; *Review of the conduct of divisions*, August 2003; and *Learning from other parliaments: Study Program 2006*, August 2006.

Table 1—Total and average time for divisions by type (2002)

<i>Type of Division</i>	<i>No.</i>	<i>Bells Hr, min, sec</i>	<i>Counting Hr, min, sec</i>	<i>Total Hr, min, sec</i>	<i>Average Hr, min, sec</i>
<i>1 min</i>	59	0:59:00	3:20:29	4:19:29	4:24
<i>4 min</i>	101	6:44:00	11:09:33	17:53:33	10:38
Total	160	7:43:00	14:30:02	22:13:02	8:20

Figure 1—Proportion of House time spent on divisions (2002)



Source: House Standing Committee on Procedure, *Review of the conduct of divisions*, August 2003, p. 20.

The most recent division figures (for 2012) reflect a similar trend in terms of time spent on divisions: the average time spent on counting divisions was 8:10m (compared to 8:20m in 2002), with divisions taking up 3.92% of House time over the year (compared to 3.7% in 2002). The quantum of possible savings identified in 2002 remains similar. The Committee may wish to consider if this modest saving in time would be commensurate with the possible cost.

Other benefits that might arise from a change to the voting system include having an electronic display of the question before the House. This would benefit not only Members but also those watching proceedings from the galleries. In addition, the post-division entry of results into a database would be avoided, and may provide a slightly quicker release of the voting details into the Live Minutes.

HOW WOULD ELECTRONIC VOTING WORK IN PRACTICE?

In 1994, in the report of an inspection team led by the then Speaker, Hon Stephen Martin MP, it was recommended that an electronic voting system should have the following

characteristics:

- Personal identification cards or some other means by which the system would recognise each individual Member;
- Voting only possible from the House of Representatives chamber (ie 'remote voting' by Members, for example from their offices, should not occur);
- The House retain the traditional voting method of 'ayes' to the right of the Chair and 'noes' to the left of the Chair, with the display panels recording how each Member has voted regardless of where he or she actually sits in the chamber for a division;
- The installation in the Chamber of two display panels providing a diagrammatic layout of the Chamber showing the normal seat of each Member (the report noted that the advice of the building architects should be sought on the location and aesthetics of these panels); and
- Provision on the panels for the display of the question being divided upon and the tallies of the votes recorded for and against the question.³

Given the configuration of the chamber, with no desks provided for the front bench, special arrangements would need to be put in place for the ministry and shadow front bench.

The system would need to allow for a vote to be 'opened' for a period, and then closed to allow for the results to be tabulated. The period for the vote would need to be sufficient to allow for a Member to correct his or her vote if they incorrectly recorded it (for example, corrections to the vote only permitted within one minute of casting the initial vote). The Committee may also wish to consider whether the current system of ringing the bells, locking of the doors and then the voting to commence should be retained. Should Members be able to come to the chamber in response to the bells, and cast their vote immediately? Should Members be required to remain in the chamber until the votes have been tallied and the result declared? Will the traditional 'ayes to the right of the chair, noes to the left' system be retained, as proposed by Speaker Martin. If not, and Members can vote at their own or indeed any desk or voting point, this may cause some confusion on the part of Members who have not been following the debate closely due to other commitments, and who may not know how their party is voting.

Most overseas parliaments using electronic voting have a facility to allow a Member to record an 'abstain', as an alternative to voting 'aye' or 'no'. The Committee may wish to consider whether any system introduced should have this, as this is not an option under current Standing Orders.

How secure would an electronic voting system be?

As part of any system, the integrity of the votes must be paramount. To this end, each Member would need to have either a PIN, a token of some kind, or be authenticated via a biometric check, to cast a vote. In the 2012 World e-Parliament report, 67% of those legislatures using electronic voting used a voting button system from assigned seats, with 10% casting their vote at designated voting stations. In terms of authentication, 56% of

³ House Standing Committee on Procedure, *Conduct of divisions*, November 1996, p. 4.

respondent parliaments had identification through a card or token; 20% used some form of biometric identification; and only 6% used a password system⁴.

Whatever option is chosen for the House, there would need to be sufficient robustness in the system to prevent votes being cast by colleagues on behalf of another Member, as has occurred on a small number of occasions in overseas jurisdictions. There would also need to be some backstop should a Member attend a division and find they did not have their token, or could not recall their PIN, if that was the authentication system in use.

As noted earlier, any system would also have to have a mechanism for a Member to correct his or her vote within a specified period of time.

WHAT WOULD IT COST?

The original estimates for an electronic voting system for the House of Representatives were in the vicinity of \$2 million over a three year period (including ongoing support costs).⁵ The Procedure Committee's 2003 report noted that the 'underlying technology, the options available and the acquisition and recurrent costs are all changing apace. It is impossible to provide applicable information unless it is known when, if ever, electronic voting might be introduced'.⁶ In its 2006 study tour report, the Procedure Committee noted that the system used by the Scottish Parliament (a legislature of a roughly equivalent size as the House of Representatives) was reported to have cost £45,000 initially, with an annual retainer to cover ongoing support.⁷ In calling for the introduction of electronic voting for the UK House of Commons in 2010, the Green Party indicated a system could be around £400,000.⁸

In the absence of clear support for the proposal from the House, the Department of the House of Representatives has not undertaken any detailed investigation of the likely cost of such a system. With advances in technology and a reduction in cost of applications and associated hardware (for example, the cost of display screens which we believe was a significant component of the original estimate), it is likely that the cost would be much more modest than the 1994 estimates. The final cost would largely depend on the functionality and specifications of the system. The Committee will need to judge whether the benefits that might accrue from such a system are worth the potential financial outlay, and whether a current cost/benefit analysis might support the introduction of electronic voting.

TECHNOLOGICAL ISSUES

There are a range of different systems used internationally for the recording of a formal vote in a legislature by electronic means. These include:

⁴ Global Centre for ICT in Parliament, *World e-Parliament Report 2010*, Figure 4.12: Methods of authentication for electronic voting.

⁵ Figure quoted in House Standing Committee on Procedure, *Conduct of divisions*, November 1996, p. 4, based on figures contained in the report by Speaker Martin in 1994.

⁶ House Standing Committee on Procedure, *Review of the conduct of divisions*, 2003, p. 7.

⁷ House Standing Committee on Procedure, *Learning from other parliaments*, 2006, p. 23.

⁸ "Green: Parliament e-voting would save £30k per week" – on line article by Ben Woods, 26 November 2010, at www.zdnet.com/-3040090993 - accessed 28 February 2013.

- Each Member having access to a voting system at their desk which allows them to record affirmative, negative or abstain responses on the question before the chamber;
- Alternatively, several points in the chamber where Members can lodge a vote (voting stations);
- Access via either a personal PIN, a card or some biometric check (e.g. fingerprint scan) that identifies the Member;
- Results displayed in the chamber – either on a board showing the vote cast by each individual Member by name, or a result showing totals of those voting Aye, No, or Abstain.

As noted above, provision was made for cabling when the chamber was first constructed. With the growing use of WIFI, it is not clear the extent to which those conduits would be required. However, there would need to be voting 'boxes' installed at each Members desk and some facility installed for those seated on the front benches. As has occurred with other changes to the chamber, there would also need to be consultation with the architects and 'design integrity' officers in the Department of Parliamentary Services, to ensure that any changes do not adversely impact on the overall design of the chamber.

An alternative option

At present the tellers mark off those voting using a pen and paper system, ticking those voting either 'aye' or 'no', and marking any absentees. The Committee may wish to consider, as an alternative to a full electronic voting system, whether there may be some advantage in developing an application for use by the tellers using tools such as iPads. The tellers could select names from a prepopulated list, with the result tallied concurrently. When the count has finished, the results would be sent to the Speaker and Clerks' laptops, and to the Table Office for recording in the Live Minutes. Whether this would result in savings during the actual count is not clear, but it may assist in a slightly quicker provision of the results of divisions beyond the chamber as the actual count will be electronic.

PROCEDURAL AND CONTEXT ISSUES

Divisions are an important facet of the parliamentary day – a time when the policy divide is most evident. There is a certain theatrical aspect to the ringing of the bells and the summoning of Members to the chamber. The drama is heightened when there is the possibility of Members crossing the floor, or, when free votes are held, the way in which individual Members vote is the object of considerable scrutiny. Concern has been expressed that this would be lost in moving to electronic voting.

The other disadvantage mentioned is that divisions allow an opportunity for a pause or 'cooling off' period in the proceedings, and the very valued opportunity for Members to gather and perhaps have a quiet word to ministers or colleagues may be lost.⁹ There is also

⁹ See for example Middlebrook, J., *Voting methods in parliament*, Association of Secretaries General of Parliaments, Constitutional and Parliamentary Information, 2003, p. 3; and the presentation by Senator P Calvert, President of the Senate, to the 35th Presiding Officers' and Clerks' Conference, July 2004, *Ringing the bells: Some observations on electronic voting systems*.

the possibility that electronic voting may lead to Members calling for additional divisions. The tactical use of divisions (where there is a time limit on debate and divisions are used to fill up that time preventing the question being put by the Chair) may also be limited by a quicker division process.

The use of technology in the chamber has increased in recent years, with the Speaker and many members now using various electronic devices to assist them in their work. The introduction of electronic voting may be seen as another step towards a less paper-based chamber operation, provided that it has the general support of the House.

In considering a proposal for electronic voting, in 1988 the UK House of Commons Modernisation Committee rejected it because no one alternative to the existing system had any great support among Members:

It is clear from the response [to a questionnaire on voting methods] that no one alternative to the present system commands any great support and that all of them are regarded as unacceptable by between 46 and 65 per cent of Members who replied. By contrast the present system is preferred by an absolute majority (53 per cent) of respondents and is acceptable to 70 per cent.¹⁰

In its 2003 report, the Procedure Committee concluded:

The committee's view is that all Members should be allowed to express a view before the House reaches an in-principle position on electronic voting. This can best be achieved by debating the proposal in the House.¹¹

The Procedure Committee may find it useful to try and gauge the attitude of Members to such a proposal as part of its deliberations.

SUMMARY

As a preliminary question, the Committee may wish to consider what the advantages and disadvantages might be of instituting some form of electronic voting.

Advantages identified to date may be summarised as follows:

- Modest saving in the time of the House and its Members;
- The immediate availability of results for incorporation into the Votes and Proceedings and Hansard – and elimination of the work of tellers and Clerks in recording and checking of votes and the subsequent work outside the chamber in processing the teller sheets;
- Ability to show on the electronic display panel the question or other matter before the House;
- More statistical information on voting results being available for analysis;
- Ease of distribution of information.

¹⁰ House of Commons Modernisation Committee, *Voting Methods*, HC 779, June 2008.

¹¹ House Standing Committee on Procedure, *Review of the conduct of divisions*, August 2003, p. 8.

The disadvantages include:

- Cost of implementation may not justify proceeding;
- Loss of an opportunity for a pause or 'cooling off' period in the proceedings;
- Loss of the theatre or drama of the vote – under current practice with 'ayes' to the right and 'noes' to the left of the chair, it is apparent immediately how people voted;
- confusion for Members who have not been able to follow proceedings in not knowing which way their party is voting;
- May encourage Members to call for additional divisions;
- Concerns about the impact of introducing these systems due to the heritage status of the buildings and chambers.

The Department welcomes this new inquiry into electronic voting, and would be pleased to assist the committee in any further way in its deliberations.

Clerk's Office
April 2013