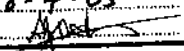
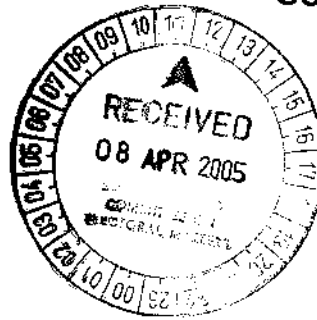


SUBMISSION NO. 132

Joint Standing Committee on Electoral Matters	
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Joint Standing Committee on Electoral Matters

Submission to the
Inquiry into the Conduct of the 2004 Federal Election

Department of Defence
March 2005

Defence Submission
To the Joint Standing Committee on Electoral Matters
Inquiry into the Conduct of the 2004 Federal Election

1. This submission explains the background to the conduct of postal voting for Australian Defence Force (ADF) personnel deployed overseas during the October 2004 Federal election, and makes suggestions as to how aspects of that process could be improved to better support those personnel.
2. The Federal election on 9 October 2004 presented a logistical challenge to both Defence and the Australian Electoral Commission (AEC) to ensure that all ADF personnel, wherever they may be deployed, were given the chance to exercise their democratic obligation to vote. Approximately 2,000 soldiers, sailors and airmen were serving in operational areas across the globe in the weeks leading up to, and during, the election.
3. With the knowledge that a Federal election was due at some time during the year, Defence (Headquarters Joint Operations Command) personnel initiated a series of meetings with AEC staff from March 2004 in an effort to provide deployed ADF personnel with access to appropriate voting arrangements.
4. A process requiring deployed personnel to download, fill in and return by fax a postal vote application (PVA) was decided to be the most appropriate system under the circumstances.
5. Following receipt of the completed PVA at the appropriate state AEC office, a postal vote (ballot papers) would be generated and dispatched to the individual through the Australian Forces Post Office system. On receipt by the individual, the postal vote would be completed, witnessed and then date stamped by the deployed Defence postal clerk prior to its return to Australia through the Australian Forces Post Office system. Completed postal votes had to be received in Australia within two weeks of election day.
6. Defence raised concerns with the AEC throughout the consultation process about the ability of ADF personnel, particularly those on war-like deployments (ie Operation Catalyst), to meet the stringent timings that electoral legislation requires for casting postal votes. The major risk in the process was assessed to be the time required for mail to reach the Middle East Area of Operations (MEAO) and return to Australia (up to two weeks each way). Even with a six-week election campaign, from issue of writ to the day of the election itself, there was little room for delays.

7. Defence undertook a significant information campaign in the weeks before the announcement of the election. Signals were dispatched to all deployed headquarters advising what had to be done by personnel, including timings, to vote during the forthcoming election. On announcement of the election, further signal traffic was dispatched to all areas of operation reminding personnel of the process and of the critical dates to be observed. The AEC operated under an assumption that all deployed ADF personnel could react quickly to the election announcement and start the postal voting process immediately. On that assumption, the AEC had organised that the ADF postal votes would be the first 'job lot' printed by the contractor.
8. A number of factors precluded the ability of individuals to react quickly, including the operational tempo, delays in information dissemination due to operational activities, and access to computer and communications equipment. While Defence agreed to a target that PVAs be returned within the first two weeks of the election campaign, it had warned the AEC that the target might not be achievable because of operational exigencies. Defence could not, and did not, commit to returning all PVAs within the first two weeks of the campaign. PVAs continued to be faxed from the MEAO to AEC offices until days before the election. With a legislative requirement for ballot papers to be posted back to the individual requesting them (taking up to two weeks to make the journey), PVAs faxed after 24 September 2004 had little, if any, chance of resulting in ballot papers being received in the MEAO in time.
9. Effectively, ADF personnel had 24 days following the issue of the writ for the election to return by fax their PVA to be assured of receiving their ballot papers in time to vote. Even so, as the ballot papers could only be printed following the closure of nominations (they were printed on the weekend of 18/19 September 2004) they could not have arrived in the MEAO until the last day or two of September at the earliest.
10. As Defence had no visibility of whether (or when) personnel had returned PVAs, the extent of the delays in the postal voting system were only realised when Defence staff noted the lower-than-expected rate of return of mail from AEC offices up to the end of September 2004. To ameliorate the risk that postal votes would not be received in time, Defence staff negotiated with Department of Foreign Affairs and Trade staff at the Australian Embassy in Riyadh to arrange absentee votes for personnel throughout the MEAO. Voting was undertaken onboard HMAS *Adelaide*, Department of Foreign Affairs and Trade staff visited ADF Task Groups in a number of Gulf States, and absentee votes were flown into Baghdad for distribution and collection by ADF assets. To this end, most personnel in the MEAO were able to vote even though the postal voting arrangements had proven unsuitable. The need to put these contingency plans into effect demonstrates that voting by postal vote alone was insufficient to support deployed ADF personnel.
11. Similar difficulties were experienced in the other two main operational areas (AO), East Timor and the Solomon Islands, due to late receipt of ballot papers. But all personnel wishing to vote in these two AOs were able to do so through either the local consulate, as in the case of the Solomon Islands, or while on leave (or rest and respite in Darwin) for personnel deployed to East Timor. Ultimately, some 90 personnel (or ten per cent) of approximately 900 within the MEAO were unable to

cast their vote. The AEC has indicated that it will not pursue fines against these personnel.

12. The legislative restrictions on the release of PVAs for an election before the issue of the writ prevented Defence from proactively assisting deployed personnel to vote. Defence raised with the AEC the possibility of providing hard copy PVAs to personnel about to deploy, with instructions for use once an election had been announced, but was informed that this was not possible without legislative change.

Recommendation One

Defence recommends that the Committee endorse priority legislative change to enable personnel deploying on operations to register as general postal voters prior to departure.

13. This would allow the AEC to distribute ballot papers to deployed personnel as soon as an election was called, removing the need for deployed personnel to take further action to receive ballot papers.

14. Defence understands that New Zealand allows its citizens to download ballot papers from the internet three weeks before the election day, which can then be posted or, apparently, even faxed, back to New Zealand by 1900 hrs on the day of the election.¹ This arrangement for receiving ballot papers would remove what was, in the case of personnel deployed to the MEAO, a process that took up to four weeks.

Recommendation Two

Defence recommends that the Committee investigate the New Zealand model:

- a) for distribution of ballot papers via the internet; and
- b) the return of ballot papers via facsimile.

15. Defence notes that Canadian defence force personnel are able to cast votes at overseas polling stations between 14 and 9 days before the election day.² A similar arrangement has been available to ADF personnel in the past but was not employed during this election in lieu of postal voting arrangements. Given the difficulties experienced in the application of a postal voting process to the MEAO, Defence recognises that no one voting mechanism would necessarily be suitable across all operational environments. In future, Defence will work with the AEC to carefully consider which voting mechanisms, including the use of polling stations, will be most appropriate in each operational environment.

Recommendation Three

Defence notes that, where the operational environment allows, the provision of polling stations would be a useful alternative for deployed ADF personnel.

¹ Information taken from the Election New Zealand site: <http://www.elections.org.nz/votin/overseas.html>

² Information taken from the Election Canada site: <http://www.elections.ca/content.asp?section=gen&document=index&dir=end&lang=e&t&textonly=false&textonly=false>

16. Both of the above voting methods, however, involve the transport of physical ballot papers through an operational area. In the case of the MEAO, the transport of physical ballot papers through a war zone required significant force protection measures and put personnel at risk. This could have been avoided had electronic means of voting been made available to deployed personnel.

17. During the consultative process, Defence staff asked the AEC whether any investigations into the ability of personnel to vote electronically had ever been undertaken. They were advised that no investigation had been made as yet. Given the advance of secure communications and the risks associated with the attempts to apply traditional voting methods in a war zone, Defence believes that electronic voting warrants investigation in order to provide a safer, and more effective, alternative.

18. Defence could provide operational, technical, and information security advice and assistance to the AEC in the investigation and development of a technical solution that would overcome the risks to ADF personnel in a war zone while ensuring the integrity of the voting process to the satisfaction of the Government.

Recommendation Four

Defence recommends that the AEC, with the advice and assistance of Defence, investigate and, where appropriate, develop and trial electronic voting systems that would support ADF personnel in operational environments while ensuring the integrity of the voting process.

19. The problems encountered in the October 2004 Federal election were not insurmountable. They occurred because of a reliance on postal communication (which could be, and often was, fragmented) between Australia and operational areas, including a war zone.

20. Deployed ADF personnel operate in environments that can make reliance on postal voting methods ineffective and, in some cases, dangerous. Defence believes that ADF personnel require access to a range of voting methods more suitable for the environments in which they operate and that those methods may include electronic voting and enrolment prior to deployment.

21. Defence will continue to consult with, and assist, the AEC in working towards solutions to this issue.



Australian Government
Department of Defence
Coordination & Public Affairs

Minute
Ministerial and Executive Support

ASMES 39 /2005

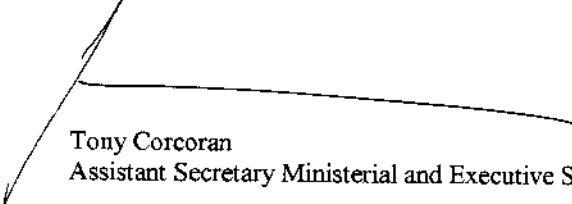
Ms Beverley Forbes
Secretary
Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600

Dear Ms Forbes

Please find attached Defence's submission to the Joint Standing Committee on Electoral Matter's Inquiry into the Conduct of the 2004 Federal Election. This submission has been approved by the Minister for Defence.

If you have any queries, please contact me on (02) 6265 4414

Yours sincerely



Tony Corcoran
Assistant Secretary Ministerial and Executive Support

4 April 2005