

## Introduction

### Background to the inquiry

- 1.1 Electronic voting in the Chamber of the House of Representatives is a matter of long-standing interest to those interested in the operations of the House. Although the Standing Committee on Procedure (the Committee) has conducted two inquiries into the conduct of divisions generally,<sup>1</sup> it has never examined electronic voting in detail.
- 1.2 The topic has become more immediate for several reasons. First, technological advances are resolving many of the reliability and security issues associated previously with electronic voting systems. Second, generational change is producing a cohort of Members of Parliament who expect to operate in a modern technological environment. Finally, the close numbers in the House in the 43<sup>rd</sup> Parliament invite a closer focus on the effectiveness of the processes for handling divisions and the possibilities for improvements. Accordingly, on 29 November 2012, the Committee resolved to inquire into electronic voting in the House of Representatives.
- 1.3 Apart from the two inquiries by the Committee into the conduct of divisions, there have been other relevant inquiries in the context of the Australian Parliament. This chapter summarises the findings of those inquiries before setting out details of the conduct and scope of this inquiry.
- 1.4 At the outset, the Committee acknowledges the truncated nature of this inquiry – resulting from the election timing and a need to conclude

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1 In 1996 and 2003. Details of the inquiries are discussed in paragraphs 1.5 and 1.6.

another inquiry concurrently.<sup>2</sup> It also acknowledges the tentative nature of this report (which might better be regarded as a discussion paper).

## Previous inquiries

### Procedure Committee inquiries

- 1.5 A previous Procedure Committee inquired into divisions in 1996 to examine ways of mitigating the delays caused by the recording of divisions. That Committee declined to examine electronic voting in detail. It concluded that the cost of installing and maintaining an electronic voting system, combined with the time required to develop and install it, precluded its consideration as a viable option.<sup>3</sup> A dissenting report, while acknowledging the costs involved, maintained that an electronic voting system was the most effective way to streamline division procedures.<sup>4</sup>
- 1.6 In 2003 the Committee again reviewed the conduct of divisions and, this time, considered electronic voting in more detail. It was particularly interested in the time taken for divisions and found that, in 2002, approximately 3.6% of the House's time was taken up with divisions. If the ringing of the bells were excluded, the figure was reduced to 2.4%.<sup>5</sup> The Committee considered that, before the technological alternatives and costs of establishing and implementing an electronic voting system were to be examined, the House should 'fully consider the general principle of electronic voting'.<sup>6</sup> The Committee did not recommend that electronic voting be implemented then but that provision be made for the House to debate the topic.<sup>7</sup>
- 1.7 During a study tour in 2006 members of a previous Procedure Committee examined electronic voting systems and procedures in a number of parliaments, including the Scottish Parliament, the National Assembly of France, and the Assembly of Wales.<sup>8</sup> The Committee observed that the 'time-saving benefits of electronic voting were certainly obvious in the

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2 The Committee is currently completing its inquiry into the maintenance of the standing and sessional orders.

3 Standing Committee on Procedure, *Conduct of Divisions*, November 1996, p. 5.

4 Standing Committee on Procedure, *Conduct of Divisions*, p. 16.

5 Standing Committee on Procedure, *Review of the conduct of divisions*, August 2003, p. 7. The House sat for 611 hours in 2002 so these percentages translated into 22 hours 13 minutes and 7 hours 55 minutes respectively.

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

7 Standing Committee on Procedure, *Review of the conduct of divisions*, p. 8-9. We are not aware of any subsequent debate on electronic voting taking place in the House.

8 Standing Committee on Procedure, *Learning from other parliaments: Study Program 2006*, August 2006, p. 22.

parliaments visited'. It also learnt that many of the issues that had been of concern in the early days of electronic voting were no longer relevant, for example: Members being uncertain of the question, recording the wrong vote, or arriving in the Chamber without their voting cards, had all been addressed.<sup>9</sup>

## Other inquiries

- 1.8 Apart from the Committee's own inquiries into electronic voting a number of other inquiries provide useful information although they relate to chambers that are different from the House of Representatives. As far back as 1982, Mr K.A. Bradshaw, the then Clerk Assistant of the House of Commons of the United Kingdom, undertook an extensive examination of voting methods, including electronic voting. Mr Bradshaw's survey included the views of 43 national parliaments.<sup>10</sup>
- 1.9 Overall Mr Bradshaw was satisfied that electronic voting systems improved the efficiency of the division process. He was particularly impressed with the reliability of the electronic voting systems available and with the time savings gained by their use.<sup>11</sup> He noted that openness of the parliamentary process was enhanced by the display of information and results of voting on display panels.<sup>12</sup>
- 1.10 However, Mr Bradshaw cautioned that the systems could be open to abuse by Members casting a vote on behalf of another Member.<sup>13</sup> He also indicated that the introduction of an electronic voting system could lead to an increase in the votes called for.<sup>14</sup>
- 1.11 In 1990 in response to a resolution of the Senate the President presented a paper on electronic voting. The paper weighed the advantages and disadvantages of electronic voting systems and provided a limited review of the systems in operation elsewhere. The paper identified two advantages of electronic voting. It would:

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9 Standing Committee on Procedure, *Learning from other parliaments: Study Program 2006*, pp. 22-23.

10 KA Bradshaw, 'Methods of Voting', *Constitutional and Parliamentary Information*, 3<sup>rd</sup> series, no. 132, 4<sup>th</sup> Quarter 1982. The study was undertaken for the Inter-Parliamentary Union. A questionnaire was circulated to members of the Association of Secretaries General of Parliaments and Mr Bradshaw based the report on the 43 responses received. It is perhaps worth noting that the United Kingdom House of Commons does not have electronic voting. Its 650 Members vote by passing through 'Aye' or 'No' lobbies on either side of the Chamber, or by using ballot papers in the case of deferred divisions.

11 Bradshaw, 'Methods of Voting', p. 220.

12 Bradshaw, 'Methods of Voting', p. 223.

13 Bradshaw, 'Methods of Voting', p. 223.

14 Bradshaw, 'Methods of Voting', p. 224.

- save some of the time spent in divisions; and
- allow the speedy production of a record of divisions which could be incorporated into the Journals and Hansard electronically.<sup>15</sup>

1.12 However, the paper concluded that in the case of the Senate, the time savings in both instances would not be substantial enough to warrant the expected cost of implementing electronic voting. The paper also identified some disadvantages:

- it would remove part of a pause in the proceedings which is often convenient;
- activities which now take place during the count may be transferred to other components of the time spent on divisions, so that little time would in fact be saved;
- the current practice of Senators sitting to the right or left of the Chair has some advantages which would be lost; and
- more divisions may be called.<sup>16</sup>

1.13 The paper was referred to the Senate Procedure Committee for consideration and, in its subsequent report, that Committee stated that the Senate 'should not make a decision on electronic voting at this stage' and advised that it would continue to monitor the issue.<sup>17</sup> The Senate has not considered the matter further.<sup>18</sup>

1.14 In 1993 the then Speaker, the Hon Stephen Martin MP, undertook a study tour to examine electronic voting systems in several parliaments. He was accompanied by his senior adviser, the Clerk of the House and two technical officers from the Parliamentary Information Systems Office (PISO). The report prepared by Mr Martin provides a comprehensive survey of the systems observed, including technical details. The Speaker summed up the possible advantages and disadvantages of electronic voting for the House:

*Advantages*

- a saving in the time of the House and its Members;
- the immediate availability in both electronic and hard copy form of complete details of a division, with the ability to have this information electronically incorporated in the official record of the proceedings (the Votes and Proceedings) or *Hansard* report and its storage for future use;

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15 The Senate, *Electronic Voting*, 1990, p. 8; 08/05/1990, J.18.

16 The Senate, *Electronic Voting*, p. 11.

17 Senate Procedure Committee, *Second Report of 1990*, December 1990, p. 1.

18 *Odgers' Australian Senate Practice*, 13<sup>th</sup> ed., 2012, p. 287. However, *Odgers* indicates that the original paper has been updated for the benefit of Senators.

- the ability to show on the electronic display panel the question or other matter before the House; and
- electronic recording of voting results leads to far more statistical information being available for analysis.

### *Disadvantages*

- the loss of an opportunity for a pause or 'cooling off' period in the proceedings which can often assist in the smoother transaction of later business;
- if Members vote from their own places in the Chamber instead of the traditional 'ayes to the right, noes to the left', it would not be readily apparent to the gallery or television observer how a particular Member voted;
- the possibility of one Member voting for an absent colleague or other similar abuses;
- the possibility of additional divisions being called for because of the availability of the equipment; and
- the significant cost involved particularly of installation.<sup>19</sup>

1.15 The report concluded that, in the interests of efficiency, it was reasonable to support a proposal to install an electronic voting system in the House. The recommendation set out a detailed plan to instigate the process and ensure that the concerns raised in the report were addressed.<sup>20</sup>

1.16 In 2003 the then Clerk of the House, Mr Ian Harris, as President of the Association of Secretaries General of Parliaments, circulated an informal questionnaire on electronic voting to 64 parliaments. Of the 53 parliaments that responded, 32 used an electronic voting system.<sup>21</sup> The questionnaire canvassed issues including:

- financial aspects;
- technological issues;
- security issues; and
- procedural or context issues.<sup>22</sup>

1.17 The responses highlighted similar advantages and disadvantages to those identified in the reports reviewed above. Concerns were expressed over the technical reliability and effectiveness of electronic voting systems and their security.<sup>23</sup> On the other hand, there was positive feedback on time

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19 House of Representatives, *Electronic Voting: Report of inspection of equipment used in the parliaments of Belgium, Denmark, Finland, Sweden and the United States of America and in the European Parliament building in Brussels*, October/November 1993, p. 19.

20 House of Representatives, *Electronic Voting*, pp. 31-32.

21 J Middlebrook, 'Voting Methods in Parliament', *Constitutional and Parliamentary Information*, No. 186 2<sup>nd</sup> half-year 2003, pp. 40-41.

22 Middlebrook, 'Voting Methods in Parliament', p. 41.

23 Middlebrook, 'Voting Methods in Parliament', pp. 43-45.

saved during divisions by the use of electronic voting and the immediate availability of results of divisions both to the Chamber and the public.<sup>24</sup>

## Scope of the inquiry

- 1.18 The Committee acknowledges the work of previous Procedure Committees as well as Speakers, Clerks of the House of Representatives, and the Senate. Their reports have provided extensive case studies and background on the experience of parliaments in establishing and using electronic voting systems. They also identified the advantages and disadvantages of such systems.
- 1.19 Previous Committee reports have not examined the topic in detail nor considered the practical implications of developing, installing and maintaining an electronic voting system in the Chamber of the House. Rather they have focussed more generally on conducting divisions.
- 1.20 It is time to undertake an in-depth inquiry into the desirability and feasibility of establishing and maintaining an electronic voting system. Unfortunately time constraints have required the Committee to limit this inquiry to an examination of the information available in the public domain and a review of the evidence from previous inquiries, supplemented by written submissions to this inquiry.
- 1.21 The Committee wishes to use the information and evidence it has gathered – limited as it is – to identify the major issues involved and prepare this report that can be the foundation for a comprehensive inquiry by a future Procedure Committee.

## Terms of reference and conduct of the inquiry

- 1.22 The terms of reference were published on the Committee's website and written submissions invited. The formal terms of reference provide for the Committee :

To inquire into and report on the conduct of divisions, including but not limited to:

- (a) the procedures for counting and reporting the vote using an electronic voting system;
- (b) the possible use of electronic voting in the Chamber of the House of Representatives; and
- (c) the cost of establishing and providing such a service.

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24 Middlebrook, 'Voting Methods in Parliament', pp. 46-47.

## Structure of report

- 1.23 Chapter 2 considers the current process for conducting divisions and then examines electronic voting systems.
- 1.24 Chapter 3 discusses – in a necessarily general way – the use of an electronic voting system in the Chamber, including procedural and contextual issues, cost and design and heritage concerns. It also suggests some of the issues a future in-depth inquiry may wish to consider.