

Electronic voting in the Chamber

Introduction

- 3.1 ‘Divisions are an important facet of the parliamentary day – a time when the policy divide is most evident.’¹ With this statement the Clerk of the House of Representatives highlighted the essence of divisions. They encapsulate the very public nature of decision-making by those who are elected to the House in our system of government. This perspective is the foundation for what the Clerk characterises as the ‘paramount’ issue with any voting system: the integrity of the votes.²
- 3.2 The Clerk’s submission canvassed the principal issues, including procedural issues, and the potential benefits and disadvantages of electronic voting. He also noted the long history of consideration of electronic voting in the Chamber of the House and stated that the design and construction of Parliament House provided for installation of such a system in the future.³
- 3.3 The Secretary of the Department of Parliamentary Services (DPS) stated that there appears to be no difficulty implementing an electronic voting system in the House of Representatives Chamber from a technological perspective. However technological issues were not canvassed in any detail in the submission. The Secretary referred to the major limitation not being technological capability, rather, the willingness to break from tradition.⁴

1 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 5.

2 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 3.

3 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 1.

4 Ms Carol Mills, Secretary, Department of Parliamentary Service (DPS), *Submission 2*, p. 3.

- 3.4 This chapter deals with the procedural and contextual issues that may affect the process of divisions and the traditional operation of the House and briefly identifies additional topics that will need further consideration in any future inquiry: cost and design and heritage concerns.

Procedural and contextual issues

- 3.5 Procedural and contextual considerations include:
- the importance of visibility in the way Members vote;
 - the provision of a ‘cooling off’ period in the current method of voting;
 - the loss of the current opportunity for discussion with colleagues, particularly Ministers during divisions; and
 - the possibility of more divisions due to the ease of voting.

Members seen to be voting

- 3.6 The introduction of an electronic voting system to the House may reduce the visibility of Members’ voting decisions.⁵ Currently, Members can easily be seen as they move to either side of the Chamber to indicate their decision. Speaker Martin recognised this aspect and recommended that the current process be retained if electronic voting were introduced.⁶ Ms Judith Middlebrook noted that this process is seen as ‘having symbolic value in terms of Members publicly supporting a particular decision’.⁷
- 3.7 There is already in divisions a public aspect: not only are decisions by Members visible but, by their nature, the decision-making processes engage the audience – the Australian public – in the immediacy of the democratic process.

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.⁸

5 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. 24.

6 House of Representatives, *Electronic Voting*, p. 31.

7 J Middlebrook, ‘Voting Methods in Parliament’, *Constitutional and Parliamentary Information*, No. 186 2nd half-year 2003, p. 45.

8 Mr Bernard Wright, Clerk of the House of Representatives, *Submission 1*, p. 5.

- 3.8 The Secretary of DPS stated that in many ways electronic voting is seen as a natural element of more open and efficient parliaments.⁹
- 3.9 Reference has already been made to the Clerk's regard for 'the integrity of the votes' as 'paramount'.¹⁰ Retaining visibility in the way Members vote would be some counter to concerns that an electronic voting system might enable misuse of votes or fraudulent votes. While Speaker Martin conceded that theoretically it is possible for a Member to cast a vote (electronically) for an absent colleague he considered the possibility very low.¹¹ Ms Middlebrook reported in 2003 only two cases in which a vote was cast by someone other than the Member.¹² Mr Bradshaw noted that in the United States House of Representatives, where members use voting stations rather than voting from their own seats (thus providing an opportunity for fraud), there had never been an instance of it occurring.¹³
- 3.10 Speaker Martin considered peer pressure was sufficient to discourage abuse of the system.¹⁴ Bradshaw made two suggestions to prevent fraud: Members should not be able to share their voting cards with others and the time allocated for voting should only be sufficient for each Member to cast their own vote.¹⁵
- 3.11 From time to time, opinions are expressed about the potential efficiencies of Members and Senators being able to vote from their offices *outside* the Chamber, that is, remotely. The President of the Senate identified the difficulties:
- it could well give rise to de facto proxy voting, by Senators leaving their cards with other persons;
 - misunderstandings as to the question to be determined, more accidental results and more disputed results would probably occur;
 - party whips would be unable to check on those voting and to arrange and adjust pairs quickly as they do now in the chamber; and
 - voting would no longer be a public act requiring the personal appearance of every Senator voting, and this could lead to an

9 Ms Carol Mills, Secretary, DPS, *Submission 2*, p. 2.

10 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 3.

11 House of Representatives, *Electronic Voting*, p. 25

12 Middlebrook, 'Voting Methods in Parliament', p. 44.

13 KA Bradshaw, 'Methods of Voting', *Constitutional and Parliamentary Information*, 3rd series, no. 132, 4th Quarter 1982, p. 223.

14 House of Representatives, *Electronic Voting*, p. 16.

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

adverse public perception and probably would be politically unacceptable.¹⁶

- 3.12 Speaker Martin had found in 1993 that none of the parliaments visited 'would countenance any suggestion that Members should be able to cast their votes from locations outside the Chamber'.¹⁷ In 2006 the Committee found a similar sentiment prevailed in the parliaments it visited. None had considered 'any form of remote electronic voting'.¹⁸

'Cooling-off' period

- 3.13 Another recurring concern about the impact of electronic voting is the loss of a pause or 'cooling-off' period in proceedings that is provided currently by 'physical' divisions and the time they take. The opportunity for 'cooling off' was noted by the Clerk¹⁹ and by Speaker Martin who considered (in 1993) that the time taken for the division:

... proved a useful circuit-breaker allowing strongly aroused emotions to be calmed and leading to improved proceedings in the House after the division.²⁰

- 3.14 Many reports refer to this although, in his submission to the Committee's 1996 inquiry, the then Clerk of the House suggested:

... that the vast majority of the divisions called for in recent times is "pro-forma" or routine in nature and generally it is difficult to see a need for a cooling-off period. Whilst there will obviously be exceptions it is believed that this should no longer be considered an important issue.²¹

- 3.15 On the surface, at least, the dynamics of the 43rd Parliament might suggest a greater need for the occasional pause in proceedings than was considered necessary in 1996.

- 3.16 Ms Middlebrook noted that the lack of a 'cooling-off' period did not seem a concern to those parliaments that used an electronic voting system.²² This issue is clearly one that could be canvassed in detail in the future.

16 The Senate, *Electronic Voting*, 1990, p. 3.

17 House of Representatives, *Electronic Voting*, p. 16.

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

19 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 5.

20 House of Representatives, *Electronic Voting*, p. 23.

21 Mr LM Barlin, Clerk of the House of Representatives, submission to the Standing Committee on Procedure inquiry 'Conduct of Divisions', 1996, p. 2.

22 Middlebrook, 'Voting Methods in Parliament', pp. 46 and 51.

Opportunity for discussion

- 3.17 Loss of the opportunity to speak to colleagues, particularly to Ministers, during a division, is still considered significant. The Clerk notes that divisions provide a 'very valued opportunity' for Members to discuss matters with colleagues and Ministers.²³ Speaker Martin acknowledged that the opportunity would be missed.²⁴
- 3.18 This was reiterated in the Committee's report in 2003.²⁵ The President of the Senate went further, suggesting that the time saved by electronic voting may even be lost as Senators would continue to use the time before and after a vote to consult colleagues and Ministers gathered for the vote.²⁶ The President also suggested that shortening the break in proceedings would deprive Senators of valuable preparation time between matters of business:
- The time currently spent in a division provides a break in the proceedings which allows Senators responsible for the next business to get their bearings and to prepare themselves, for example, by finding relevant papers.²⁷
- 3.19 This is another issue that invites more consideration in the future.

Increase in number of divisions

- 3.20 The Clerk noted that the ease of voting electronically may lead to Members calling for additional divisions.²⁸ Bradshaw considered this was not generally the case but conceded that it had occurred, citing the Belgian and Finnish Parliaments. Interestingly he observed that, in the United States House of Representatives, the introduction of electronic voting in 1972 had at first lead to an increase in divisions but that this was followed by a decrease.²⁹
- 3.21 Speaker Martin noted that the Swedish Parliament appeared to have an increase in divisions after the introduction of electronic voting but that such an increase in the House would not impinge on the overall benefits:
- ... it is felt that given the speed of operation of the equipment any additional divisions called for and the consequent loss of the time

23 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 5.

24 House of Representatives, *Electronic Voting*, p. 23.

25 Standing Committee on Procedure, *Review of the conduct of divisions*, August 2003, p. 7.

26 The Senate, *Electronic Voting*, p. 12.

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

28 Mr Wright, Clerk of the House of Representatives, *Submission 1*, p. 6.

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

of the House would be relatively insignificant in the overall scheme of things.³⁰

3.22 The results from the survey for the Association of Secretaries General of Parliaments indicated that only 6% of respondents reported an increase in divisions after the implementation of electronic voting, while 67% had no increase.³¹

3.23 There are other possibilities:

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.³²

Other issues

3.24 Two additional issues need to be considered in more detail than has been available to this short inquiry:

- the cost of implementing and maintaining electronic voting; and
- the 'design integrity' of the Chamber.

Cost

3.25 The cost of implementing and maintaining an electronic voting system has been a major consideration. In 1993 Speaker Martin estimated it would cost approximately \$A2 million over three years including ongoing support costs.³³ In 1996 the Procedure Committee gave cost as its major reason for rejecting electronic voting as an option for improving the conduct of divisions.³⁴

3.26 A decade later, the Procedure Committee recognised that the technology and the costs would have changed significantly, making it difficult to provide useful advice without more certainty:

The underlying technology, the options available and the acquisition and recurrent costs are all changing apace. It is

30 House of Representatives, *Electronic Voting*, pp. 25-26.

31 Middlebrook, 'Voting Methods in Parliament', p. 60.

32 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 6.

33 House of Representatives, *Electronic Voting*, p. 30.

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

impossible to provide applicable information unless it is known when, if ever, electronic voting might be introduced.³⁵

3.27 The Secretary of the DPS indicates that although the cost of introducing electronic voting in the past may have been prohibitive, it is 'continually decreasing'.³⁶ However, further indications about potential costs were not provided.

3.28 The Clerk also suggests that costs may have diminished:

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.³⁷

3.29 There may also be some simple cost-effective alternatives that would speed up the count and details of the result of a division. The Clerk referred to the current 'pen and paper system' used by the tellers and suggested they might use tools such as iPads. This could enable names to be selected from a pre-populated list, counted concurrently, and relayed to the Speaker and Clerks' laptops. This 'may assist in a slightly quicker provision of the results of divisions beyond the chamber...', that is, the record might be available more quickly although the Clerk considered it was not clear that the actual count would be completed more quickly.³⁸

Design integrity in a heritage building

3.30 Design difficulties may be encountered when installing an electronic voting system in the Chamber. Both the Clerk and the Secretary, DPS, drew attention to this in their submissions, although it was not an issue canvassed in previous reports.

3.31 The Clerk emphasised that, as had occurred with other changes to the Chamber, there would need to be consultation with the architects and 'design integrity' officers in the DPS to ensure that 'any changes do not adversely impact on the overall design' of the Chamber.³⁹

3.32 Similarly, the Secretary, DPS, stated:

Whatever the technology adopted to enable electronic voting, it will be important that the original design and heritage aspects of

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

36 Ms Carol Mills, Secretary, DPS, *Submission 2*, p. 1.

37 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 4.

38 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 5. See also Ms Mills' submission at p. 2 where she refers to the use of mobile devices, generally, by Members.

39 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 5.

the Parliament House are maintained. Special consideration will need to be given to any fixed devices, including screens and associated wiring requirements.⁴⁰

- 3.33 The changing nature of technology may circumvent some concerns. For example, the move to wireless connectivity may cause less disruption to the structure of the Chamber.⁴¹

A future inquiry

- 3.34 A future inquiry would benefit from examining several issues in detail. As well as gauging the attitude of Members to electronic voting generally, an inquiry would need to consider any necessary and desired changes to the division process if electronic voting were introduced, including whether:

- to retain the current systems of ringing the bells, locking the doors and then voting;
- access to voting should remain confined to the Chamber;
- to retain the traditional 'Ayes to the right of the chair, Noes to the left'.

- 3.35 A future inquiry would also need to examine the features a system best suited to the needs of the Chamber would require, including:

- voting stations at individual Members' desks and with or without a display screen;
- voting stations for Members of the front bench and shadow front bench who, unlike other Members, do not have desks;
- the inclusion or not of an 'abstain' vote button;
- means for a Member to change his or her vote if it had been entered incorrectly.⁴² For what period should an electronic vote remain 'open' and what impact would this have on potential time savings?

- 3.36 In addition, attention would need to be paid to the technology and its implications for the existing ICT requirements of the Chamber:

- the interaction of the system with parliamentary procedures and systems;
- security, privacy and authentication of Members;
- the use of fixed or mobile devices (or both);
- the integration of backend systems;
- the nature of the platform;

40 Ms Carol Mills, Secretary, DPS, *Submission 2*, p. 2.

41 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 5.

42 Mr B Wright, Clerk of the House of Representatives, *Submission 1*, p. 3.

- a preference for wired or wireless; and
 - display panels, both the type and the information to be displayed.⁴³
- 3.37 When the basic requirements for an electronic voting system for the House have been assessed, and the options clarified in terms of technology, design, heritage, and indicative cost, then preferences can be considered in an informed way. Detailed costs of developing, implementing, and maintaining a preferred system could be obtained.
- 3.38 It may be that the potential savings in time of the House and quicker availability of division details are advantages that are too modest to justify the costs. Equally, it may be that there are other potential advantages and disadvantages that will become apparent.

Conclusion

- 3.39 While concerns regarding technology may have been largely addressed, the procedural and contextual issues remain. The impact of electronic voting on the work and culture of the Chamber is a significant and complex issue. It is not a matter of tradition versus modernity. Nor is it simply about technology or design or cost or efficiency, although these are all elements to be assessed. At its highest level, this can be seen as an issue about the decision-making process of one of the central institutions in the Australian system of government. At a more practical level, it can be seen to be about the way 150 people demonstrate – and are seen to demonstrate – their choices on the major questions of the day.
- 3.40 Maintaining the transparency and accountability of the House is critical to its strength. Continuing (and improving where possible) the visibility of Members' decision-making is a significant element of this. Members value the opportunity currently provided by divisions to move away from their allocated seats and speak informally to their colleagues and Ministers. Anecdotal evidence suggests that many consider these informal professional exchanges essential to their work and this should be considered in more detail.
- 3.41 This has been very much a preliminary examination and the Committee cannot make any considered conclusion or recommendation without details of the options and their implications. The costs will likely have decreased since the initial estimates some 20 years ago but any future

43 Ms Carol Mills, Secretary, DPS, *Submission 2*, p. 2.

inquiry will need details about the technologies available and the likely impact of implementation.

- 3.42 Difficulties may be posed by design integrity and the heritage aspects of Parliament House and the magnificent Chamber of the House. However, other heritage buildings have implemented electronic voting and overcome the issues and concerns presented. A future inquiry will need to obtain more information on the structural issues and the way they have been dealt with in other legislatures.
- 3.43 For the present the Committee must simply acknowledge these issues and commend a more in-depth inquiry to a future Procedure Committee. It is interesting to note that the Modernisation Committee in the United Kingdom House of Commons rejected a proposal for electronic voting because, when it surveyed Members about a number of electronic voting options, there wasn't an alternative that had great support from Members.⁴⁴
- 3.44 Finally, while this is a topic that interests many, the ultimate conclusion following the report of any future inquiry should rest with the House. The Clerk's reference to the 2003 report of the Procedure Committee is apt:

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.⁴⁵

GEOFF LYONS

Chair

June 2013

44 House of Commons Modernisation Committee, *Voting Methods*, HC779, June 1998.

45 House Standing Committee on Procedure, *Review of the conduct of divisions*, August 2003, p. 8; referred to at p. 6 of the Clerk's submission.