



**NORTHERN
TERRITORY
ELECTORAL
COMMISSION**
EVERY vote counts!

Submission to Electronic Voting Information Paper

Electronic Voting – Information Paper

The most concerning electoral issue in the Northern Territory is low voter participation, particularly in remote areas. While there are many aspects that need to be addressed in resolving this issue, part of the solution is to make voting as convenient as possible so more Territorians vote.

There have already been recent changes to make voting more convenient, including legislative changes in 2015 that removed the criteria for postal and early voting for local government (LG) elections. In 2016, the same legislative changes were made for Legislative Assembly (LA) elections. The 2016 Territory election and 2017 NT Council elections have shown that Territorians have been keen to utilise these voting options, embracing early voting in particular. A total of 36,103 early votes (36 per cent of total ballot papers) were cast at NT-based early voting centres for the 2016 Territory election. This was an increase of 23,020 votes (175.9 per cent) compared to the 2012 LA election, where voters were required to meet a criteria.

However, the reality is, too many Territorians are still choosing not to vote. Turnout at the 2016 Territory election was 74 per cent, a decline of 2.6 per cent from the 2012 LA election. As a recent comparison, the turnout for the Western Australian state election in March 2017 was 87 per cent, and the national turnout at federal elections, though declining, continues to be over 90 per cent; although, only 79 per cent for the NT. At the 2017 NT Council elections the turnout was 63 per cent, a 7 per cent decline, with voter turnout for regional councils only 30 per cent.

These figures show that while turnout is low across the Northern Territory, it is abysmally low in remote areas. This is not helped by the growing disparity between the voter services provided in urban and remote areas. For example, voters in urban areas have the option to vote by post, vote early or utilise election day voting services. Remote areas, depending on the size of the community, may only get one hour of voting with a mobile voting team. Remote areas are further disadvantaged due to declining or non-existent postal services. The relatively short election timetable places further limitations on the use of postal voting in remote areas.

It is also evident that the current postal voting system is not meeting the needs of electors located overseas. Of the 272 postal packs sent overseas for the 2016 Territory election, only 56 (20.6 per cent) were returned by the extended deadline and admitted to the count. A further 66 (24.3 per cent) were returned late and rejected, 22 were 'return to sender,' and the remainder failed to be returned.

These issues relating to postal delivery services may have had an impact on the results of a number of marginal seats in the 2016 Territory election. In particular, with a margin of only eight, the division of Nhulunbuy demonstrates the importance of having an effective postal voting system.

Internet voting in the NT

Many electoral services, like so many other services, have already transitioned online: you can now enrol online; apply for a postal vote online; and election results are now provided only through a virtual tally room. Nearly all electoral services are now online, except voting.

It seems inevitable that at some point in the future internet voting will become a viable voting option. Indeed it is already being used for New South Wales and Western Australian state elections to service certain classes of electors. Will electronic or internet voting improve elector participation in the Northern Territory? While this cannot be definitively answered at this stage, it will certainly assist by making voting more convenient for many electors; especially overseas, interstate and some remote voters. Instead, the main questions when considering internet voting in the NT should be: what is the appropriate format, who should have access, and when should it be introduced?

Internet voting – NetVote

The NTEC has used NetVote, a web based system that allows for the creation, management and counting of simple referendum style elections, on several occasions since it was acquired in 2014. It has been used for fee-for-service elections which only require a yes/no vote for a relatively small number of voters, including the recent 2017 NTPS enterprise ballot. While this system is not appropriate for larger elections using preferential voting, it does show that Territorians are willing to accept and use an internet based voting system and therefore have a level of trust that their votes can be cast online securely and with anonymity. The most recent NTPS ballot conducted in December last year also shows that over 5,000 NT voters were more likely to participate in online voting with just over 50 per cent of votes issued via NetVote being returned, compared to a 24 per cent return rate for the postal votes issued. (Note that this election was non-compulsory.)

Internet voting - iVote

As discussed in the information paper, the New South Wales Electoral Commission (NSWEC) offers internet voting to a class of voters including overseas, interstate and remote voters, using a system called iVote. Electors must apply online to cast their votes, and this service has been available for NSW state elections in 2011 and 2015 and will again be used for the 2019 election. The 2015 NSWEC election report states that iVote increased voter participation as approximately 64 per cent of those voters who used iVote were outside NSW and would not have voted at all had this option not been available.

Western Australia used the NSWEC iVote system for their 2017 state election. It was only made available to voters with an 'incapacity' which was defined as: insufficient literacy skills; blind or sight impaired; or otherwise incapacitated. In their election report, the WA Electoral Commission describes the feedback from users as "extremely positive".

"Electors cited the convenience of being able to vote where and when they chose as one of the most important factors. A second comment received was for the need to have the iVote eligibility criteria expanded, to include remote, overseas and general early voter electors at future elections". (Page 21 of WA 2017 Election Report)

The NSWEC are open to other commissions using the iVote system. In addition, they are currently undergoing a tender process to make several modifications to iVote, including investigating the associated costs to add candidate photographs to ballot papers. This request is specifically to accommodate the needs of the Northern Territory in using iVote as we are the only jurisdiction that requires candidate photographs on ballot papers.

The provision of internet voting using iVote is a potential option for the Territory's 2020 LA election. However, for this to be a reality, funding would be required in early 2018 to allow for the necessary due diligence, system enhancements and testing prior to the election.

Whilst the cost of providing this service is unknown it would be reasonable to assume that NSWEC will charge for this service. There would also be a need for additional resources (to employ internal IT expertise) to make enhancements to the NTEC's election management system and website to incorporate internet voting. The cost to introduce internet voting, even if it is only to a certain class of electors, like overseas and interstate, would still be significant.

Internet voting – National System

In expectation of internet voting the Electoral Council of Australia and New Zealand (ECANZ) is working towards developing a national internet voting system. As part of this, ECANZ has developed "eleven essential principles to guide the design and implementation of an internet voting service in Australia for use by all member Electoral Commissions" (see attachment A). ECANZ are preparing a proposal regarding the development of an internet voting system that meets these eleven principles to be presented to and considered by COAG in 2018. However, even if COAG supports this proposal, such a system is years away and not a realistic option for the 2020 Territory election.

Overseas postal voting using email

As mentioned earlier, the low percentage of overseas postal votes that actually get admitted to the count (20.6 per cent at the 2016 Territory election) is concerning and has the potential to impact results in marginal seats. This highlights that the current system in place is inadequate and disenfranchising overseas voters. The provision of postal voting using email could certainly assist in improving the voting services to both overseas and interstate voters, and possibly others in remote areas who choose to utilise postal voting.

In the development of such a system, it would be advantageous to work together with the ACT Electoral Commission who use the same election management system; they also have an election in 2020 (October). The ACT Electoral Commission recently recommended the development of such a system in their election report. However, even if a system was jointly developed, there would still be a requirement of additional funding for internal IT skills and system development.

If the decision was made to investigate an internet voting option, it is not recommended to simultaneously develop a postal voting system using email. The difficulty in developing a postal voting system using email is ensuring the system is protecting the secrecy of the ballot. Postal voting using email should only be developed as an interim measure if internet voting was not to be introduced for the next LA election.

Kiosk voting

The NTEC does not support developing any electronic voting system involving kiosks and does not see it as a practical solution for the Territory. In balancing the provision of voting services across a large land area but only to a small number of voters, kiosks do not offer any real benefits but come with significant costs. These costs would not only include the initial purchase and implementation of the kiosks, but further expenses in providing technical assistance across the Territory, especially in remote areas.

Other jurisdictions are moving away from kiosk voting and towards internet voting. Only the ACT continues to use kiosks in Australia; however, given the small geographical area and highly computer-literate population, kiosks remain an appropriate and practical option for that jurisdiction.

Conclusion

Voter participation levels in the Northern Territory, particularly in remote areas, must be addressed to ensure all electors have true access to democracy. Internet voting has the potential of enfranchising Territory electors by offering a convenient and efficient option wherever they may be. While an online voting system will certainly appeal to many electors, it must not be considered as a universal solution to the Territory's low election turnout rates and should only be offered in conjunction with other existing voter services.

However, in expanding voting services there are risks, particularly with security of the system and anonymity for voters as discussed in the information paper, as well as significant associated costs. These costs must be investigated, then considered and balanced with the need to enable and encourage more Territorians to participate in elections.

The Northern Territory's next Legislative Assembly election is in 2020. If internet voting is going to be an option for voters by then, whether limited to a certain class of voters or available to all electors, then commitments must be made in the 2018-19 budget to support this.

The NT Electoral Commission sees that the government has four real options:

1. Maintain the current voter services in the NT i.e. no internet voting option in 2020.
2. Approach the NSW Electoral Commission to use iVote - this will require funding in 2018-19 as well as legislative change if there is to be criteria imposed on who can access and vote using iVote.
3. Wait to see if COAG agrees to the development of a national internet voting system.
4. Develop a postal voting system, using email, for overseas and possibly interstate voters - funding would be necessary to develop an email postal vote system that protects the secrecy of the ballot and this could potentially be done jointly with the ACT Electoral Commission.

The NTEC supports further investigation of option two and believes that this form of internet voting can be implemented in time for the 2020 LA election. It will need commitment and funding to undertake the necessary due diligence. The Commission is focused on improving voter participation and considers iVote to be the next viable step in improved electoral services for the Northern Territory.



Eleven essential principles for an Australian internet voting service

The following eleven essential principles for an internet voting service were endorsed by the Electoral Council of Australia and New Zealand (ECANZ) on 4 July 2017.

These principles are reflective of existing best electoral practices as they apply to current voting channels.

In developing these principles, the ECANZ examined the United States Election Assistance Commission's 'Voluntary Voting System Guidelines (VVSG 2.0)', and the Council of Europe's intergovernmental standards for e-voting (CM/Rec (2017)5) - drawing on these standards and principles to develop eleven essential principles to guide the design and implementation of an internet voting service in Australia for use by all member Electoral Commissions.

Enfranchisement

Accessibility

– as far as is practical, all eligible people should be able to access the internet voting service

The internet voting service shall be designed, as far as practicable, to enable eligible voters to vote independently regardless of disabilities, technology or geography. The internet voting service will be an additional and optional service for specific eligible voters to use. It would be offered in conjunction with other pre-existing methods of voting.

Usability

– the process of internet voting should be sufficiently easy for eligible people to cast a vote

The user interface of the internet voting service should be easy to understand, intuitive, and able to be used by all eligible voters on multiple technology platforms. Information provided may be presented differently depending on the differing technologies and channels which the service can be accessed on. For example, the electoral content presented on an electronic ballot paper will be the same as on the physical paper ballot paper (ensuring impartiality and equitably); however changes may be made in accordance with relevant legislative provisions while ensuring usability on each technology platform.

One person, one vote

– the ability to ensure that each eligible elector receives only their voting entitlement

The internet voting service should enable each eligible voter to be uniquely identified, ensuring that they are distinguishable from other voters. The service should cater for any legislative requirements around the presentation of identification documents. An eligible voter will only be able to use this channel if they can be uniquely identified this way. The service will check eligibility and only grant access to those that have been authenticated as an eligible voter. The service will have a process to ensure that only one vote per eligible voter is admitted to the count.

Integrity

Security

– prevention of loss, corruption or tampering of votes

The internet voting service and responsible Electoral Management Body shall protect authentication data so that unauthorised parties cannot misuse, intercept, modify, or otherwise gain knowledge of this data. The authenticity, availability and integrity of the electoral roll and lists of candidates shall be maintained. Only persons authorised by the electoral management body shall have access to the central infrastructure, the servers and the electoral event data.

The audit system should be able to detect voter fraud and provide proof that all counted votes are authentic. The audit system shall be open and comprehensive, and actively report on potential issues and threats. Where incidents that could threaten the integrity of the service occur, those responsible for operating the equipment shall immediately inform the electoral management body. Procedures shall be established to ensure regular installation of updated versions and corrections of all relevant software as the service will need to be continually evolved to meet and protect against potential and actual issues and threats.

The service will encrypt votes if they are to be stored or communicated outside controlled environments. The electoral management body shall handle all cryptographic material securely. Votes shall be kept sealed¹ until after the close of polling.

Robustness

– the system and processes are not subject to significant interruption or failure

Robustness applies to people, process and technology. The internet voting service must be available, reliable and secure to ensure that it can function on its own, irrespective of shortcomings in the hardware or software. The technical solution for the service will be peer-reviewed to help ensure availability, reliability, usability and security. The service shall identify votes that are affected by an irregularity so that necessary measures are taken and stakeholders are informed. The electoral management body administering the service will ultimately be responsible for compliance with the above even in the case of failure.

¹ Sealed is an analogy to the seal on a physical ballot box. This is the term used in the European standards

Transparency

– the service and processes be designed to enable scrutiny, to provide stakeholder confidence

The internet voting service and accompanying processes will be established with a focus on transparency. The service will ensure that the way in which eligible voters are guided through the internet voting process shall not lead them to vote without due diligence or without confirmation. The service should be designed to allow the voter to express his or her true will. A voter will be allowed sufficient time to consider their choices and will be under no obligation to commit their vote without time for reflection on their choices. Upon casting their vote, the service will verify to the voter that his or her intention is accurately represented and that the vote has been submitted. Any alteration to the voter's vote should be detected by the service.

Voters and third parties should be able to observe the count of the votes and check that only eligible voters' votes are included in the results. The service will provide evidence that only eligible voters' votes have been included and this evidence will be auditable.

Clear and unambiguous information about the internet voting service should be available to the public explaining how to use the service and how the service operates.

The service should be open for verification, assurance and scrutiny purposes. Observers, to the extent permitted by law, shall be enabled to observe, comment on and scrutinise the internet voting component of an election, including the compilation of the results.

Independence

– accountability for the system and processes shall rest with the Electoral Management Body

The electoral management body will be accountable for the internet voting service of an electoral event. The electoral management body must be able to put into place assurances that maintain their electoral integrity and independence.

Impartiality

– the voters intention should not be affected by the voting service

An eligible voter's intent should not be affected by the internet voting service. The service will ensure that the way in which voters are guided through the process and the information displayed will not influence their vote.

The service should be structured to ensure that voter's do not miss anything during the voting process. It should provide a means for informal voting by allowing a blank vote to be cast, however advising the voter they would be casting an informal vote and providing them with the option to change their vote if they wish. This provides an equitable approach across channels enabling voters to cast an informal vote via both the service and the paper-based option. Other than a blank ballot paper, all formality rules will be enforced by the service.

Accuracy

– the service should accurately capture, store and export the voters intention

The internet voting service shall provide sound evidence that only votes from eligible voters are included in the final result while de-identifying a completed ballot paper from its voter. The service shall support the voter in marking the ballot paper and accurately store, capture, verify, and export the vote cast. Before an event, the electoral management body administering the service shall satisfy itself that the service is genuine and operates correctly.

The service shall allow and support evaluation regarding the compliance of the service and its related components. This should occur upon introduction, periodically and after significant change to the service has been made.

Privacy

Privacy of personal information

- the system and processes shall maintain the privacy of personal information

The internet voting service shall process and store, as long as necessary, only the personal data needed for the conduct of the electoral event. The electoral management body administering the service will determine what information is deemed necessary to keep and dispose in accordance with relevant legislative obligations. Any information retained will be secure and any information not required to be retained will be securely disposed of.

Secrecy of vote cast

– the service shall maintain the secrecy of the votes cast

The internet voting service shall be organised in such a way as to ensure that the secrecy of the vote is respected at all stages of the voting process – from pre-polling through to counting of the votes. Votes shall remain sealed until the counting process commences. During completion of the ballot paper, the service will protect the secrecy of the voter's choice. The service should not provide a proof of vote preferences that would facilitate coercion or vote buying.

The service will be able to de-identify a voter from their completed ballot paper to preserve the secrecy of the ballot. The order in which votes are cast shall be mixed so as to deny reconstruction of the order of votes submitted.