ADMINISTRATION OF THE 2019 NSW STATE ELECTION
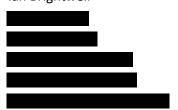
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INQUIRY INTO THE ADMINISTRATION OF THE 2019 NSW STATE ELECTION AND RELATED MATTERS

Submission by

Ian Brightwell

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Recommendations

The author commends the following recommendations for the inquiry's consideration.

1. Provide easy date check facility for roll lookup devices to allow the VCM can check the date and time of the roll lookup device is set correctly. Note it potentially deletes all roll data before it should or leaves it after election day, if date and/or time set incorrectly.

2. Remove security related auto deletion of street lookup function (which does not hold confidential or sensitive information) as a security control in roll lookup devices to ensure it is still available should a wrong time be set on the device and the roll is deleted during the course of election day.

3. Locations used for pickup and return of materials need to have adequate **legal** parking to allow loading and unloading of VCM vehicles.

4. Election night materials for larger VCs should be picked up by third party with suitable vehicle. Note: the VCM at larger VCs should not be required to return their materials because it is impossible to fit all the materials into one standard car.

5. VCMs be provided electrically tested and tagged extension cords and power boards by the NSWEC to allow charging of roll lookup devices while in use at dec tables.

6. Improve the allocation of material process and ensure the Election Managers have sufficient resources and authority to implement local changes to material issued.

7. Amend NSW legislation in line with Recommendation 3[1] of the federal electoral matters committee report of November 2018.

> *Recommendation 3 - The Committee recommends that a non-partisan independent expert scrutineer be appointed to each Central Senate Scrutiny Centre in each state and territory and be responsible for:*
>
> - *auditing the computer systems and processes used to capture and count votes;*
>
> - *undertaking randomised checks between captured data and physical ballot papers throughout the count at a level that provides surety as to the accuracy of the system; and*
>
> - *providing reports to candidate scrutineers about their findings on a regular basis during the count.*

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[1] Report on the conduct of the 2016 federal election and matters related thereto, November 2018, Recommendation 3.
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2016Election/2016_election_report/section?id=committees%2freportjnt%2f024085%2f26083#s26083rec3

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1   Author Background

The author also has some 17 years' experience in the management of technology in the election process and has worked in the information technology area for over 30 years, with a particular emphasis on provision of technology within government agencies.

He is currently consultant and adjunct academic at the UNSW Faculty of Engineering school of Computer Science and Engineering with a practice and research focus in the area of cybersecurity and governance.

2   Introduction

I was the voting centre manager (VCM) for the Civic Pavilion at Chatswood. This centre had 20 staff and took about 2000 ordinary votes and 760 declaration votes, which was approximately 10% less than the votes estimate for the venue. The centre was a relatively large in size and unusual in the large number of declaration votes taken. I was pleased to have very good staff and found the day was relatively easy. I was able to complete all counts and let the staff go at 10:10pm and returned materials by 10:40pm.

I also would like to commend the Election Manager and his staff who were competent and always very supportive.

This submission is broken into two parts. The first deals with specific issues related to the 2019 election and my experiences as an VCM and the second relates the scrutiny of election technology used to capture and count votes.

3   2019 Election Experience

3.1   Employment Procedures

Employment process worked well from the EoI process through to payment.

3.2   Training

The online training was very good but too long and had too much extraneous material which distracted from the key training messages. The online training took about 6 hours to complete not the suggest 2 hours. The training videos were very good but a video on issuing a declaration votes was strangely missing. The courses on customer service and OH&S were too long compared to the other essential content.

Face to face training was useful and helped develop essential skills in first preference and TCP counting and use of the reconciliation and results forms.

3.3   Materials Pickup

Materials pickup was problematic because it barely fitted into my station wagon (Subaru XV). Consideration needs to be given to the size of the logistics task being asked of VCMs as it in many cases may be greater than the VCMs vehicles capacity, resulting in undesirable security and safety

outcomes. This is particularly true for the return of materials where the packing of material is much less efficient hence more space is needed in returning vehicles.

Also, the Election Manager Offices used for pickup and return of materials needed to be in a location with adequate legal parking. The Willoughby office used a bus stop to return materials on election night which caused a lot of friction with bus drivers and other Transport for NSW staff. Similar issues occurred when picking up materials.

3.4   Forms and Manuals

Reconciliation and Results Forms were very good and simple to use.

The voting centre managers manual had too much material in it for a manager to read and use effectively on election day. Most of the material in the manual seemed to be focused on moving responsibility for failures from NSWEC management to voting centre managers – which is grossly unfair.

I was not provided critical form for reconciliation of declaration votes but was provided forms which were to be used during early voting. This error was rectified when I drew it to the attention of the election manager – a less experienced VCM would have missed this issue until election night. This error seems to have been due to head office providing incorrect packaging information to the Election Manager.

I was provided only 2 security bags for packing of 800+ declaration votes. This was obviously inadequate and asked for 3 extra bags. I then realised I did not have sufficient stick on labels for the bags. The election manager said I should have five in the label pack, when I opened it and I found only one. I advised the election manager and he was surprised because he was told that there were five in the pack (he had never opened a pack). The election manager and their support officer realised that all voting centres that needed more than one bag for declaration votes would not have enough labels. Clearly poor planning by head office.

3.5   Roll Lookup devices

I was issued 10 devices for 10 declaration officers, I only need 8 issuing officers during the day.

One device had an incorrect date set by head office and deleted its own data files by midday, this would have been a disaster if I was a small centre and only had one device. Fortunately, the remaining devices were adequate for my roll needs. I would suggest however the street list which is part of the same system not be deleted when the date changes as this prevents the device being used for district lookup. District lookup information is not sensitive and should always be available.

The other devices batteries ran out by midday. I needed to setup power to run 8 devices for the 8 declaration officers I needed operating. This involved using both extension cords I brought and several cords and power boards borrowed from the venue facilities manager. This was not an insignificant task and should be considered for similar voting centres next time. It should be noted that none of my cords were tagged and tested which means they are not technically suitable for the task.

The current practice is to assume that the VCM will bring extension cords and power boards from home to address this issue. This is not a suitable practice and should be reviewed by the NSWEC. I

suggest all VCMs be provided tagged extension cords and power boards by the NSWEC to allow charging of roll lookup devices while in use. This should not be an issue for the voting centre manager only.

3.6   Missing Materials identified on Election Day

The following materials were not initially provided and I understand not listed required under the materials list provided to the Election Manager by head office.

- Voting screens – insufficient number of voting screens were provided (15 provided for 6 issuing officers – it should have been at least 20 given the number of declaration votes estimates). This was identified by me the day before election day and was rectified by the Election Manager by 10am on election day. Significant queuing for voting screens occurred in the first 2 hours of voting.

- Security Labels – we were only provided about half the security labels needed to for return of all 26 boxes. Not sure why when I clearly needed 26. The documentation procedures around security labels is far to onerous for the VCM and should be reduced or additional staff provided to perform this task.

- Missing Dec Vote Form – strangely I was provided a form to track dec votes in the early voting centre rather than the form needed to reconcile declaration votes in a polling place. I spotted this before election day and rectified the problem, otherwise it would have been a significant issue.

- Staff Break Planner – I appreciate the concept of a staff planner for breaks but for a large voting centre it is almost impossible to use. Unless I had a second deputy whose job it was to manage the planning and execution of breaks it is not possible to operate the planner. All staff had adequate breaks due to the votes taken being lower than that expected. Staff were empowered to take breaks on their own initiative when voting was slow.

- Declaration envelopes – We had insufficient enrolment envelops but had far too many absent vote envelops. The election manager came and delivered more enrolment envelops during the day and took a box of absent envelopes to distribute to other venues. I understand some venues ran out and were issuing votes in normal envelopes.

- Slow Election Night Returns – Calling in election night results was problematic. The phone lines were very poor quality and I had to call several times before the phone was answered. I estimate my results return was delayed by 20 to 30 minutes due unanswered phone calls.

- Return of materials – the quantity of material now required to be return is very large and required me to ask another staff member to use their unauthorised vehicle. If I had not done this I would not have been able to return all the VC material on election night.

   Note the AEC at their 2019 election provided a pickup service for all larger voting centres such that the OIC (VCM) did not have to return any materials personally, this practice should be considered by the NSWEC for larger VCs. This also has the advantage of reducing the hours for some of these managers who often work more than 19 hours.

4   Election Technology Scrutiny

The Parliament of Australia JOINT STANDING COMMITTEE ON ELECTORAL MATTERS in November 2018 released a final "Report on the conduct of the 2016 federal election and matters related thereto". In that report they made the following recommendation[1]:

Recommendation 3 - The Committee recommends that a non-partisan independent expert scrutineer be appointed to each Central Senate Scrutiny Centre in each state and territory and be responsible for:

- *auditing the computer systems and processes used to capture and count votes;*

- *undertaking randomised checks between captured data and physical ballot papers throughout the count at a level that provides surety as to the accuracy of the system; and*

- *providing reports to candidate scrutineers about their findings on a regular basis during the count.*

I recommend that the NSW Electoral Matters Committee consider adopting this recommendation for the Legislative Council and Assembly vote capture and counting which is now done completely by computer.

The committee may also consider it appropriate to extend to the scrutiny of iVote in lieu of the current practice of the NSWEC engaging consultants to audit the system and report post-election.

I would be pleased to further explain to the committee how this proposal could be implemented.