

**Submission
No 9**

**ADMINISTRATION OF THE 2023 NSW STATE ELECTION AND OTHER
MATTERS**

Organisation: Vision Australia

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Vision Australia Submission to Inquiry into Administration of the 2023 NSW state election and other matters

Submission to: NSW Joint Standing Committee on Electoral Matters

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Submission approved by: Chris Edwards, Director Government Relations and Advocacy, NDIS and Aged Care, Vision Australia

Introduction

Vision Australia is providing this submission to the JSCEM Inquiry into the Administration of the 2023 NSW state election and other matters to once again highlight the inferior voting experience for people who are blind or have low vision caused by the removal of the iVote platform, and to draw attention to the importance of sufficient timely resourcing to allow the NSW Electoral Commission to implement a more inclusive solution for the 2027 state election.

In preparing this submission we are mindful of the relevance of the Final Report of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The report articulates an inspiring vision of an Australia that is truly inclusive of people with disability:

“a future where people with disability live free from violence, abuse, neglect and exploitation; human rights are protected; and individuals live with dignity, equality and respect, can take risks, and develop and fulfil their potential.”

Fundamental to the realisation of this vision is the incorporation into all areas of society of a positive duty to eliminate discrimination. The Commission explains:

“Achieving substantive equality requires more than making adjustments for one person. Positive action is required to remove systemic barriers. It means shifting the focus from a reactive model to one of preventing and eliminating systemic barriers for people with disability more broadly.”

While the Commission does not specifically discuss inclusive electoral processes in its Report, there can be no question that such processes are integral to the operation of a democratic society that values inclusion of people with a disability. As such, governments and electoral commissions must play their part in creating a more accessible, equal and inclusive society. They must be seen, and see themselves, as being impelled by a positive duty to remove systemic barriers – a duty that must encompass every aspect of the way the electoral processes operate.

For many blind or vision-impaired voters in their 20s and early 30s, the 2023 NSW election was the first time they could not vote independently, in secret, and with confidence that their vote had been recorded correctly. In the elections of 2011, 2015 and 2019 they had been able to vote using the iVote platform, which did allow them to cast an independent, secret and verifiable vote. Of course, many other voters who are blind or have low vision were familiar with using iVote, but many could remember their voting experience prior to 2011, so the dismantling of iVote prior to the 2023 election represented a return to a less inclusive voting experience. For voters in their 20s and 30s however, the removal of iVote represented a voting experience more exclusionary than anything they had previously known.

Vision Australia was fully briefed by the NSW Electoral Commission about the decision to dismantle iVote, and we do understand the various challenges and resourcing constraints the Commission faced. But no amount of understanding our part or on the part of the blind and low vision community can change the effect of the decision, which was to take away a significant platform that had made participation in the electoral process much more inclusive, empowering and affirming for people who are blind or have low vision. As we have noted in previous submissions and media, to our knowledge the removal of iVote is the only example in contemporary Australian society of a systemic, discriminatory barrier being reinstated a decade after it had been eliminated. Nevertheless, we are encouraged by the Commission's stated intention to offer small-scale internet voting for voters who are blind or have low vision in the 2027 NSW election if a feasible technical solution is available, but ultimately it will only be able to do this if the Government provides it with sufficient resources. We therefore request the Committee to recommend that the Government work with the Commission to ensure that it has the capacity to take advantage of opportunities for improving the voting experience of people who are blind or have low vision.

Voter Experiences Survey

Following the March 2023 NSW election Vision Australia conducted a survey of voter experiences, similar to the survey we conducted after the 2022 Federal election. Many of the questions from the 2022 survey were included in the 2023 survey, with some additional questions seeking information about people's experiences voting without iVote.

Unfortunately, the 2023 survey garnered only a small number of responses. This was the result of a combination of factors, including a considerable number of other surveys that were circulating at the time, as well as some logistical challenges we encountered in promoting the survey widely in the blind and low vision community. A detailed analysis of the results, similar to the one we undertook with the 2022 survey, would not shed much light on the overall experiences of people voting in the 2023 NSW election. Nevertheless, the survey did indicate some trends that are consistent with previous data and anecdotal evidence.

People who voted using the telephone assisted voting service generally had a positive experience registering to use it. One respondent described the experience as "very good". Another commented:

"Registration was easy. Voting also quite straightforward, but took some diligent work in advance to research lists of candidates, especially for upper house."

One respondent rated the registration experience as 7/10, noting:

“There was a lot of background noise in the call centre when I was registering, which made it difficult to hear the information being given.”

Another respondent also drew attention to the volume of background noise that was present while they were registering:

“... Background noise from telephone contact centre made it a little difficult to hear the operator at times. I also thought it was less than desirable that i could hear the questions being asked by other operators in the background and sometimes they repeated the answers being given by the person they were speaking to.”

By contrast, another respondent rated the registration experience 2/10, commenting:

“Once I registered which took approx 20 minutes. The girl wanted to take my votes. I told her she couldn't and I will call back.”

In general, respondents who used the telephone assisted voting service also had a positive experience casting their vote, although one respondent, who rated the experience 2/10, commented:

“Extremely long process. The call was 35 minutes approximately.”

In its interim report on the Review of Technology Assisted Voting, the NSW Electoral Commission states that the average time of calls is “approximately five minutes” [144]. We therefore wonder whether the 35 minutes mentioned by this respondent is an exception. We certainly do know that some users of the service chose to vote above the line primarily in order to reduce the time of their call. One client, who did not participate in the actual survey, told us:

“I felt like I needed to get it [the voting process] finished quickly so that staff could assist other users. I would have liked to vote below the line as I did with iVote but thought this would take too long.”

Respondents were asked how confident they were that their vote was secret. Some were very confident, others were very unconfident, and some were neutral. There was a similar range of responses to the question that asked how confident people were that their vote had been accurately recorded and submitted. The corresponding figures from our 2022 survey were almost 25% and almost 20% respectively. We reiterate our strong view that these levels of unconfidence demonstrate a fundamental shortcoming inherent in any human-assisted voting method that would not be considered acceptable by and for the rest of the community. There are certainly some measures that might improve confidence levels, for example, if the third person involved in the voting process (the “verifier” who reads back a voter’s preferences to make sure they have been correctly recorded) were brought in after the initial recording and did not actually listen to the call, thereby acting

as a completely fresh viewer. Based on our previous ongoing collaboration with the NSW Electoral Commission, we anticipate that there will be further discussions prior to the 2027 election about ways of improving the telephone voting service, irrespective of any other voting options that may be available.

Survey respondents were asked whether there were any aspects of their voting experience with the telephone voting service that they found especially challenging or inconvenient. One respondent said:

“Not being able to vote on voting day. especially given I did not have access to electronic versions of how to vote cards as are available to the sighted public right up to the last minute. The Electoral Commission is too stubborn to accept that I have a right to this same information as it allows the general sighted voter population, with the excuse that it "compromises their neutrality" yet print how to vote cards available to the public don't compromise their neutrality and they are addressed in the Electoral Act to the best of my understanding.”

Regardless of the voting options available, people who are blind or have low vision have a basic right to vote on election day. Everything possible must be done to ensure that all voting options, including the telephone voting service, uphold this right in future NSW elections.

Six respondents to the survey said that they had used iVote in previous elections. All but one of them said that their voting experience in the 2023 election, without iVote, was “somewhat worse” or “much worse” than when using iVote. One respondent noted:

“It was undignified, time restricted, not allowing me the autonomy to vote independently, vote in complete secrecy, or verify my voting preferences without another person's involvement.”

Another respondent said:

“Using the iVote internet approach last election meant I could adjust the screen to a method I was comfortable with, and was more confident in knowing I voted correctly. Voting via postal ballot in the 2023 election was more difficult as I had to try and adjust my approach, rather than adjust the ballot. I also live alone and found the need to have a witness sign off on the ballot an extra, slightly burdensome step in the process.”

This comment from another respondent:

“I would have preferred to be able to do my own checking regarding the accuracy of my vote recording. Also, I found the fact that I could hear what was going on in the contact centre when I was both registering and casting my vote was quite disconcerting. And lastly, while I did ask for my vote to be verified by a second

person, I was not completely confident regarding the security of my vote being cast.”

The small number of responses to this question makes it impossible to generalise, but it is significant that there was an almost unanimous view that iVote, with its suite of voting options, provided a much better voting experience than the iVoteless 2023 election.

Importance of a Suite of Voting Options

The blind and low vision community exhibits the same diversity as the rest of the community. In terms of voting in elections, there is no single option that meets the needs of all members of the blind and low vision community, just as there is no single voting option that meets the needs of everyone in the wider community. The iVote platform became the “gold standard” in accessible voting because it provided a suite of options – human-assisted telephone voting, automated telephone keypad voting, and internet voting – which, together, met the needs of almost all voters who are blind or have low vision. Any replacement to iVote must also comprise a similar suite of options if it is to provide the same degree of amenity and convenience as the iVote platform, and enable the same degree of independence, secrecy and verifiability for voters.

In our view, the telephone voting service is inherently unable to offer the same independence, secrecy and verifiability as other voting options such as internet voting. However, it is still a service that is important for many voters who are blind or have low vision, especially those who are not confident using the internet, and for whom other options are not convenient. One respondent to our survey provided a typical comment:

“It [the telephone voting service] was much easier and safer than trying to find my way to a polling place and trying to get assistance from the booth workers.”

Another respondent commented:

“difficult to find and access polling places independently hence did the phone voting. also didn't want to have to navigate crowds”.

It is essential that the human-assisted telephone voting service remain a voting option for the NSW 2027 election, irrespective of any other technical solutions that may be offered as well.

Conclusion

We very much hope that the inferior experience offered to voters in the 2023 NSW election who are blind or have low vision is an anomaly that never happens again. It is critical that the NSW Government ensures that the NSW Electoral Commission is resourced to respond to the findings of the Review of Technology Assisted Voting, and to implement solutions that may be available for the 2027 election.

We conclude by acknowledging the leadership role being played by the NSW Electoral Commission in increasing the equal participation by people with a disability in the electoral process. We value our ongoing dialogue and collaboration with the Commission, and we appreciate their commitment to the continuous improvement and co-design of accessible voting solutions.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support, Seeing Eye Dogs, National Library Services, Early childhood and education services, and Felix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 30,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment.