

**Submission
No 23**

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

Organisation: NSW Council for Intellectual Disability

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Submission to the NSW Joint Standing Committee on Electoral Matters Inquiry into the Administration of the 2023 NSW state election and other matters

February 2024



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www.cid.org.au

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1. Introduction

NSW Council for Intellectual Disability (CID) is a systemic advocacy organisation that works to ensure all people with intellectual disability are valued members of the community.

For over 65 years, NSWCID has been the peak advocacy group in NSW for people with intellectual disability. We have a diverse membership of people with intellectual disability, family members, advocates, professionals and advocacy and service provider organisations. Our Board must have a majority of people with intellectual disability and we actively involve people with an intellectual disability in all aspects of our work.

We have consulted with our advocacy group, a group of our members with intellectual disability who meet regularly to develop and inform advocacy and campaign for the rights of people with intellectual disability. The comments of members with intellectual disability are included in quotes throughout this submission. We have also drawn on CID's professional experience advocating for accessible voting for people with intellectual disability over the past 20 years.

CID actively provides advice to the NSW Electoral Commission as a member of the Equal Access to Democracy Disability Reference Group and as a member of the Australian Electoral Commission's Disability Advisory Committee.

2. Technology Assisted Voting

In 2023, CID made a submission to the NSW Electoral Commission's Technology Assisted Voting Review¹. This review focused on the use of technology-assisted voting, such as online voting, iVote, voting kiosks, etc. We include key recommendations from our submission here.

Recommendation 1 - Ensure that any interactive technology-based voting systems are designed with cognitive accessibility and inclusion in mind.

Recommendation 2 - Involve and consult people with intellectual disability throughout the entire process, from design to user testing to implementation of Technology Assisted Voting systems. This includes making sure all touch screens and other devices are designed to be used by people with varying disabilities and in consultation with people with disability.

Recommendation 3 - Provide clear information about how to register and vote using Technology Assisted Voting, in accessible formats, such as Easy Read and videos. Conduct education and awareness programs for people with intellectual disability about the technology before launching any such technology.

¹ <https://elections.nsw.gov.au/getmedia/1b499ec4-6e5b-46b8-b9b0-42875c7b173d/tav-council-for-intellectual-disability.pdf>

Recommendation 4 - Develop appropriate safeguards to protect people with intellectual disability from coercion or influence while using Technology Assisted Voting.

Recommendation 5 - Explore options to allow people to vote using technology without showing photo ID.

Recommendation 6 – Technology assisted voting should never become a replacement for face-to-face voting.

3. Early voting centres

Our members told us they found voting overwhelming on election day and preferred pre-poll voting. This is because it is usually a calmer environment where they can take time and avoid crowds and people handing them how-to-vote cards.

“The lines of people and the crowds can be overwhelming, so I like to go to the early voting centre”.

“I only vote at the community hub. My mum supports me. The voting paper is difficult. Too many categories. No clear instructions. Very small writing. Abbreviations and big words.”

The eligibility criteria for early voting include having a disability, and as such, using early voting for people with intellectual disability should be encouraged through direct outreach, especially to those who live in group homes.

Recommendation 7 – Conduct education and awareness outreach programs to disability service providers and the disability community, promoting early voting to avoid crowds and overwhelm.

4. The legacy of ‘unsound mind’ provisions

The now-repealed Parliamentary Electorates and Elections Act 1912 NSW excluded many people with intellectual disability from voting under ‘unsound mind’ provisions.

Previous laws, along with a lack of accessible communication and support, mean there is a legacy of many people with intellectual disability still not enrolled to vote even though the legal exclusion has been removed in NSW.

People with intellectual disability have not been encouraged or given adequate support to enrol to vote. Many people with intellectual disability still live segregated lives with access to information limited or are subject to gatekeeping. Without active support, it is unlikely that people with intellectual disability who were subject to the unsound mind provision will ever enrol to vote.

Another complicating factor is that the unsound mind provision still exists in the Commonwealth Electoral Act 1918. As enrolment or being removed from the roll by the Australian Election Commission is communicated to state and territory electoral commissions, people with intellectual disability may inadvertently be removed from the NSW electoral roll.

A process needs to be established by the NSW Electoral Commission to ensure that if a person is removed from the Commonwealth electoral roll for being 'of unsound mind', they are not also removed from the NSW electoral roll as this provision has been repealed in NSW.

I don't vote; I am not on the electoral roll. I have never been on the electoral roll. Just like we should be treated like any other person in the community, we should be able to vote for our premier. It is important that we have a say in government issues that are important to us. I would need support to vote and to explain the form in a way I can understand."

Recommendation 8 – Conduct education and awareness outreach programs to actively encourage people with intellectual disability to enrol to vote.

Recommendation 9 – The NSW Electoral Commission to establish a process to ensure that if a person is removed from the Commonwealth electoral roll for being 'of unsound mind' they are not also removed from the NSW electoral roll.

5. Getting support to vote

People with intellectual disability are often reliant on support workers or family members to support them to vote at elections. During the 2023 state election, an electoral officer prevented one of our members from having their support worker assist them to vote. The worker also refused to assist them in casting their vote. This made the person feel overwhelmed and anxious, making mistakes and needing multiple new ballot papers due to these mistakes.

The NSW Electoral Commission advised us that a support person, family member or an electoral officer can assist a person with disability in voting. This advice is also on the NSW Electoral Commission's website².

"I went to vote but the workers wouldn't let me have my support worker help me to vote. They also wouldn't help me. I had to do it by myself. I got really upset because I found it hard to read, and I made many mistakes. I felt embarrassed. I don't understand why this time they wouldn't let my support worker help me".

One of our members told us that on voting day for the Commonwealth referendum on the Voice to Parliament the Australian Electoral Commission had an electoral worker act as concierge person who walk down the line to identify people who may need additional support to vote. This made them feel supported and understand the process as the worker was able to support them to get their name marked off the roll and to vote. Such a role should be introduced for future NSW and local government elections.

² <https://elections.nsw.gov.au/voters/assistance-for-voters/people-with-disability>

Recommendation 10 – Ensure the NSW Electoral Commission is adequately funded to provide improved co-designed disability training to election workers.

Recommendation 11 – All polling booth workers are provided with clear directives from their Returning Officers that voters with disability are permitted to have a support person and/or NSW Electoral Commission staff to assist them in voting.

Recommendation 12 – Introduce a concierge role at polling booths to assist people with disability

6. The potential use of identification in future elections

People with intellectual disability often do not have identification, particularly photo ID, which is hard to obtain. At present, a voter only needs to provide their name and address to vote. We believe that introducing a need to show identification is an unnecessary step that is likely to exclude people with intellectual disability. Here is what our members said about potentially introducing the need to produce identification in order to vote.

“Lots of people with intellectual disability don’t have access to photo ID.”

“People find photo ID very difficult to get and it would exclude people with intellectual disability if the rules required it.”

“It is tricky. You might not have enough ID to verify.”

“I don’t want to show ID, and digital ID is not something I’m comfortable with or know how to use.”

“Spelling and literacy can be big barriers to verifying your identity. When I need to give people my information, like address or name, I need to get out my pension card to help me spell it. It makes me embarrassed.”

Recommendation 13 – Do not introduce the need to produce identification to vote in NSW or local government elections.

7. Accessible information

The NSW Electoral Commission have provided Easy-Read information and accessible videos on enrolling to vote and voting at state and local government elections for many years. Easy-Read uses clear, everyday language matched with images to assist understanding. Easy-Read materials significantly increase access for people with intellectual disability. However, an outreach approach is needed to ensure that these materials reach people with intellectual disability.

CID produced a video about voting in the 2023 NSW state election to explain enrolling and voting in accessible format for people with intellectual disability³.

Recommendation 14 – Use social media and conduct education and awareness outreach programs to promote Easy-Read accessible materials, media and information on voting to people with intellectual disability.

Recommendation 15 – Conduct education and awareness outreach programs to promote Easy-Read accessible materials, media and information to people with intellectual disability.

³ <https://cid.org.au/resource/2023-nsw-election-video/>

8. Recommendations list

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