

**Vision Australia Submission Responding to Review of Technology Assisted Voting Interim Report**

Submission to: NSW Electoral Commission

Submitted to: tav.review@elections.nsw.gov.au

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# Introduction

Vision Australia is providing this response to the Interim Report of the NSW Electoral Commission’s Review of Technology Assisted Voting (the Review) to comment on several issues discussed in the report and to provide more detail on some of the matters we discussed in our response to the initial Discussion Paper.

We appreciate the comprehensive detail provided in the Interim Report (the Report) and commend the Commission for its accurate presentation of the perspectives of the blindness and low vision sector. We are especially encouraged that the Commission’s preference is to offer a small-scale version of technology assisted voting for the March 2027 NSW election, subject to resourcing and the availability of a market solution. We remain firm in our belief that a multi-channel implementation of technology assisted voting is the only way of ensuring that people who are blind or have low vision have an independent, secret and verifiable vote on an equal basis with the rest of the community.

Where our responses refer to specific parts of the Report, we have included the relevant paragraph numbers in square brackets.

# 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 respondent commented:

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

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:

“Registration was easy. … 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.”

One 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 with casting their vote, although one respondent, who rated the experience 2/10, commented:

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

It is interesting that the Report gives the average time of calls as “approximately five minutes” [144], and we wonder whether the 35 minutes mentioned by this respondent is an outlier. We certainly 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. It will be recalled that 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 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 technology assisted 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.

# Cost of Voter Options

The Report provides information about the costs associated with different voting options, including the iVote platform and telephone voting service. It is obviously important to assess different voting channels in terms of their economic sustainability, but any such assessment must be balanced by a clear recognition that including people with a disability in all aspects of society, as required by Australia’s international and domestic obligations, comes with often substantial costs. Removing systemic discriminatory barriers requires more than rhetoric and the formulation of disability inclusion action plans. One of our clients remarked to us:

“Sighted people are never made to feel like it’s too expensive for them to vote, so why should we?”

If, for example, it can be shown that a particular technology assisted voting channel will be more costly if implemented only on a small scale so as to reduce the risk of data breaches and voter manipulation, then we strongly believe that the increased costs must be met. It is more important to minimise costs and maximise inclusion than to minimise costs.

# Use of Kiosks

The Report includes a discussion of the advantages and disadvantages of kiosks as a more secure form of voting than remote internet voting. The report notes Vision Australia’s view that while kiosks may be a useful channel, they should never be seen as the only or even primary means of voting for people who are blind or have low vision. It is important to add now that, in addition, we would not support the diversion of resources from other voting options to develop kiosks. There are significant accessibility barriers that would prevent kiosks from ever becoming an acceptable voting option for the majority of people who are blind or have low vision. We are not aware of any specific research that supports a different view. On the other hand, some of the results from our surveys indirectly identifies some of the accessibility barriers to their widespread use. When asked if there were any disability-related factors that influenced their choice of voting option for the 2023 NSW election, one respondent said:

“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”.

Voting by means of a kiosk would present exactly the same barriers that were mentioned by these respondents. Based on discussions with clients and observations of elections where kiosk voting was available, we believe that most people who are blind or have low vision would choose to use a telephone voting service in preference to a kiosk, notwithstanding the inherent limitations of the former, and even if there were a kiosk at every polling booth that included end-to-end non-visual accessibility (not just of the voting process itself but also the printing, scanning and verification elements). Of course, we are not commenting here on the more general use of kiosks beyond the blind and low vision community, but any extension of kiosks will not in and of itself address the needs of the blind and low vision community.

We have previously drawn attention to the diverse nature of the blind and low vision community. It is relevant in a discussion of voting kiosks to do so again. There are many factors that can affect the usability of a kiosk by a person who is blind or has low vision. For example, if the kiosk has a touchscreen, then there will be people who cannot use it because they are not comfortable using a touchscreen especially in an unfamiliar environment. Some people find certain gestures more difficult to execute on a touchscreen (for example, a multi-finger swipe left or right), so they would want to know in advance which gestures they would be required to use. If a tactile overlay is used, how are the “keys” identified – braille, raised letters/numbers? A person who has diabetic neuropathy may not be able to identify the keys by touch, and may prefer to use the touchscreen, and so would want to know beforehand whether the tactile overlay could be removed. If a person has a hearing impairment, then they may not be able to use the headphones required to receive the audio output from the kiosk. There would need to be comprehensive information provided beforehand about the type of headphones used, the volume produced and whether it could be adjusted, and whether a person could bring their own headphones and plug them into the kiosk (what type of connection plug is supported, what is the output impedance?). People would want to know whether increasing the audio output volume to its maximum would affect the privacy of the voting transaction by making the audio discernible to others in the immediate vicinity.

The scenarios outlined above are not artificial but derived from the lived experiences of real people in various situations. We are not presenting them to argue for a complete rejection of kiosks as a component of a multi-channel technology assisted voting platform, but, rather, to emphasise our view that kiosks have only a limited role to play in asserting the right of people who are blind or have low vision to an independent, secret and verifiable vote.

# Trust in Paper Ballots

The Report includes a discussion of the merits of paper ballots, and concludes that, combined with human counting of the ballots, they create “one of the most secure election systems imaginable” [58]. Moreover, paper ballots make it easy for voters to verify their vote before they submit it [59].

It is worth pointing out that for people who are blind or have low vision, paper ballots represent the least trusted and least accessible form of voting (with the exception of braille ballot papers, which have not been available at NSW state elections anyway). It is impossible for most people who are blind or have low vision to read what is printed on the ballot paper, and they ultimately have no foolproof way of verifying that their preferences have been recorded correctly. In fact, it would be extremely easy for the person who writes preferences on the ballot paper for a person who is blind or has low vision to write whatever they liked – there is no way the voter would ever know, and there is no way counting or auditing could ever detect such a manipulation. It is not an exaggeration to say that paper ballots provide the perfect opportunity to manipulate the votes of people who are blind or have low vision.

We readily acknowledge that paper ballots will remain foundational to our electoral system for the foreseeable future – at least while suitable paper supplies remain available [125]. However, it is important that legislators and administrators also readily acknowledge that for people who are blind or have low vision, printed paper ballots are not only an insurmountable discriminatory barrier to equal participation in the electoral process, but also a potential site of voter manipulation. It is imperative that secure and effective technology assisted voting channels are implemented to ensure that voters who are blind or have low vision can vote with confidence and independence, free from the possibility of exploitation.

# Risks, and Voter Coercion

The Report provides useful context about the potential risks to the integrity of the election process posed by technology assisted voting, particularly remote internet voting. It notes, for example, that the “cyber threat environment” has worsened in the decade since the introduction of iVote [60]. It is clear just from following news reports and media discussions that there has been a significant increase in the number of actors with nefarious intentions to disrupt elections and undermine the integrity of electoral systems, using increasingly sophisticated methods of cyber-attack and digital sabotage. The prevailing view seems to be that despite the exponential growth in digital products and services in almost all other areas of life, we are not in a position to digitise voting on a large scale and preserve the integrity of our electoral system.

The Report notes at [178] that there is evidence that many voters used iVote as a form of “convenience voting” by disregarding eligibility criteria. For people who are blind or have low vision, iVote was more a “necessity vote” and there were no alternatives that offered the same degree of independence, secrecy and verifiability that alternatives such as in-person voting offered to the convenience voters. It is important, therefore, that technology assisted voting, including remote internet voting, is offered to people for whom it is a necessity rather than a convenience.

The Report at [81] comments that the cost benefits of large-scale internet voting must be balanced against the increased risk. We agree, but as we have noted previously, it is our strong view that costs should not be seen as the primary consideration in determining which voting channels will be offered to the blind and low vision community. If a manageable level of risk can only be achieved through a small-scale implementation, offered only to people who are blind or have low vision as well as some other disability groups, then it should be offered, even if there are cost disincentives.

In our earlier submission we, along with other organisations in the disability sector, expressed strong opposition to any requirement for voters to verify their eligibility to use technology assisted voting. That opposition remains, and we are pleased that it is acknowledged in the Report. However, we are more receptive to further discussions around the introduction of identity checks as part of the voter registration process if such checks are deemed necessary to mitigate risks sufficiently to allow the implementation of technology assisted voting to proceed. At [164] the Report mentions the MyGovID digital platform as a possible candidate for voter identity verification. So far, MyGovID has proven to be a confusing, inaccessible and inconvenient credential, and it is our impression that it has very limited uptake in the blind and low vision community, if only because many people do not have a compatible smartphone to install it. It is also important to understand that people who are blind or have low vision generally do not have a current driver’s licence that is a mainstay of most identity verification processes. Nevertheless, we are confident that an identity verification process optimised for the use of technology assisted voting could be devised through a process of co-design with Vision Australia and other organisations in the sector.

The Report at [62] and [64] provides some commentary around potential sources of voter coercion. Noting that a tenet of the Australian electoral system is that voters be able to cast a vote freely and free from duress or coercion, the Report identifies remote internet voting as presenting a higher risk of voter coercion. In our view, the risk of duress or coercion for voters who are blind or have low vision is greater with other voting channels. For example, clients and survey respondents have referred to their reluctance to vote below the line because they feel it would take too much time and divert staff from providing assistance to other voters. We are not in any way suggesting that this pressure is overt, but it is real nonetheless and amounts to a subtle form of duress. When using internet or automated telephone voting, a voter is able to take as much time as they need subject only to the time limits built into the system. And, of course, when a voter who is blind or has low vision votes by postal ballot or even in-person, they are totally reliant on a third person to complete the ballot paper, and that third person can, in theory, complete it in any way they choose – they do not need to coerce the voter in order to manipulate their vote.

More generally, it is important to bear in mind that conclusions about concepts such as risk, trust, duress and coercion that are valid for the community as a whole may not apply to voters who are blind or have low vision. For example, the community as a whole has a high level of trust in print paper ballots – the blind and low vision community does not, because they cannot engage with print without an intermediary; the community as a whole has a lower level of trust in non-print forms of voting such as remote internet voting – the blind and low vision community has a higher level of trust in these forms because they do not require an intermediary and hence are much more direct and personalised. In assessing the benefits and risks of particular voting channels it is essential to keep these fundamental differences in mind. Decisions about the future implementation of technology assisted voting must be informed by a nuanced and thorough understanding of the particular environment in which people who are blind or have low vision vote, and how this environment shapes their views and experiences of participating in the electoral process.

# Savings Provisions

We expressed a view about the role of savings provisions in our previous submission. We add now that we support the inclusion of savings provisions if they are necessary for the implementation of even small-scale technology assisted voting, but it is essential that they be framed and regulated in a way that safeguards the rights of voters who are blind or have low vision. We have heard from clients with comments like:

“Oh, so if there’s any problem at all with the telephone voting service or the internet then my vote will automatically be wiped out”.

And,

“So what they’re really saying is that when all is said and done, the votes of blind people don’t count and aren’t worth saving”.

The way legislators understand savings provisions is quite different from how they are perceived in our community, and we think it is imperative that the Commission work with the blind and low vision community to dispel any anxiety or feelings of disenfranchisement that may result. Savings provisions can only be supported if they are an enabler of more independent, secret and verifiable voting options for people who are blind or have low vision.

# National Consistency

In our previous submission we highlighted the value of a national approach to the provision of an independent, secret and verifiable vote for people who are blind or have low vision. At present there are variations between elections and across jurisdictions, and this fragmented, inconsistent and unstable approach is certainly not in the best interests of voters. A national approach to the implementation of technology assisted voters would be likely to lead to economies of scale, shared best practices in security and risk minimisation, a uniform approach to accessibility, and an optimal and predictable experience for voters.

Nevertheless, we would not support any delay in the implementation of technology assisted voting once a consensus had been reached. The amount of legislative change, new administrative processes and supporting infrastructure would vary across different jurisdictions, and it could take quite some time before all jurisdictions were in a position to implement all the voting channels. Given the importance of inclusive voting for people who are blind or have low vision, we recommend that each jurisdiction proceed with the implementation of technology assisted voting as soon as it is ready to do so.

# Conclusion

The Report refers at [28] and [209] to National Cabinet’s stated priority to “deliver government services fit for the digital age”. Given the inexorable – some would say relentless – reshaping of all aspects of society by digital technologies, products and services, we think it is impossible that electoral systems and processes will be able to remain untouched and unaffected by the encroaching digital tide. The Review of Technology Assisted Voting is a very welcome initiative to chart a safe course for the future of the electoral system, and we are proud to have the opportunity to contribute to it.

In common with the entire disability community, people who are blind or have low vision experience many socially constructed and discriminatory barriers as they seek to participate fully, independently and with dignity in every part of society. The experience with iVote in NSW has clearly shown that technology assisted voting can help eliminate some intractable barriers in that part of society in which our electoral system operates. The Review provides a rare opportunity to fill the inclusion vacuum left by the removal of iVote with a multi-channel, optimised and secure platform to ensure that people who are blind or have low vision will be able to vote independently, in secret, and with complete confidence that their vote has been submitted accurately. Legislators, administrators and advocates have a responsibility to make sure that this opportunity is not squandered.

# 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 Feelix 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.