Submission on Technology Assisted Voting Review

Submission to: New South Wales Electoral Commission

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# Introduction

I welcome this review into Technology Assisted Voting particularly as it relates to people who are blind or vision impaired.

I am making this submission as a person who has been totally blind most of my life.

I have also had more than 40 years of experience in advocating for people who are blind or vision impaired both on a voluntary and professional basis. I have been involved in advocating on election matters, including review of the 2007 trial of electronically assisted voting for the Federal election; involvement in the development of the first iteration of iVote in 2011; and involvement in aspects of iVote (user testing and promotion as well as review) for both the 2015 and 2019 NSW state elections using iVote.

I make this submission as someone who found the use of iVote liberating and empowering. It gave me the ability to make a ‘secret, independent and verifiable’ vote for 3 state elections. This is something sighted people take for granted.

it enabled me to:

* Decide to vote below the line (rather than have to consider the time and effort of a friend or family member reading and re-reading options as I eliminate names from the list. Thus enabling independence and full control over my own vote.
* Vote without the involvement of any other person – thus making it completely secret. As iVote was set up with a high level of accessibility for use with screen access technology for both Apple and Windows environments, I was able to independently review and verify I had selected candidates and cast my vote as intended with confidence . and
* Independently access a limited amount of electronic information from the NSW Electoral Commission web site about candidates and their affiliations, and thus feel more informed.

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), articulates the right to accessibility as well as the right to participation in the political process.

While I am not necessarily devoted to the iVote brand, it should be recognised that iVote as implemented for the 2011, 2015, and 2019 NSW elections went a significant way to providing me and others who are blind or vision impaired with a ‘secret independent and verifiable’ vote which made NSW a leader in Australia.

Finally the ability to undertake the process from home negated the stress of travelling to a polling place (Which are usually unfamiliar); dealing with the crowds; and having to negotiate assistance from a polling official whose comfort and familiarity with assisting people who are blind or vision impaired is no guarantee (despite training).

# Focus of this Review

I note from the issues paper that the Terms of reference on which this review is focused are

“This review focuses on the potential future use in New South Wales of technology assisted voting. The review will apply a risk-based assessment of technology assisted voting options, balancing the risk of technical reliability and cyber security threats with the needs of particular elector classes, the requirements of electoral laws and cost effectiveness.”

Notwithstanding that the above does refer to “needs of particular elector classes” (which includes people with disability, It is notable that there is not any reference to anti-discrimination legislation (which was at the heart of the development of iVote); the UNCRPD provision on both the right to accessibility and the right to participation in the political process for persons with disability or the NSW Disability Inclusion Act.

Although clearly one would expect that the legislation governing elections would be a major element of the review, Australia’s ratification of the UNCRPD and this legislation should not be overlooked in the mix of elements that must be considered as support in reviewing Technology Assisted Voting for people with disability in any future election.

# Current Settings for Management of TAV

## Eligibility

In 2011 the eligibility classes seemed more than reasonable as far as they certainly covered (and have continued to cover) the group whom iVote was intended to cater for (I.E. people who are blind or vision impaired) , and I believe the inclusion of the other classes (including the broader group of people with disability) was reasonable.

The problems such as systems failures and the need for ever increasing vigilance with security seems to be coupled in part, with the increases in numbers of voters using iVote.

This has perhaps occurred due to:

* An initially lenient approach to the process of declaring eligibility for iVote. And
* The need to use iVote to prevent spread of Covid-19.

It is my view that any thought of eliminating technology assisted voting all-together on the basis of too many people using it, would be discriminatory.

Thus I would recommend that in consultation with classes of stakeholders, an improved mechanism for checking eligibility to use TAV be established.

I further recommend that such a mechanism should consider permanent registration as a qualifying TAV voter who is blind or vision impaired or has a disability, in a similar vein to registration for postal voting.

I am aware that there have been a number of people who are blind or vision impaired who have expressed a view that a permanent iVote number would make things much easier. Many people who become blind or vision impaired later in life and for other reasons, do not have capacity to easily record and retrieve information such as registration numbers.

In this light, I would recommend that a permanent eligibility number (to be used as part of the log on credentials) be considered as part of an improved mechanism for validation of eligibility for TAV.

I don’t believe the exact nature of this can be adequately address here without broader consultation with people with disabilities.

## Voting Period

It is my view that the pre-polling period and polling day should be merged into one.

With an established pre-registration period for those people who for some reason have not yet registered for eligibility for a permanent TAV registration number.

 Further that for people with disabilities who would qualify for a permanent TAV number under my first recommendation, the registration period for a permanent number could be much longer. This may be even election to election with a pre-election cut off (provided they remain eligible to vote in an NSW election.

## Instances of unavailability for some eligible electors or for some of the voting period

In instances where TAV is not available during a voting period, a mechanism should be established (in consultation with eligible classes of voters), to:

1. E Allow for a vote to be cast by telephone operator assisted voting. And
2. That such a vote be allowed to be treated as a postal vote; or by some other mechanism be allowed to be included in the vote count.

## Access to ‘How to Vote cards’

Amongst the major barriers to participation for people who are blind or vision impaired is access to information. In the context of voting this includes access to information about candidates’ policies, and how parties and candidates will have distributed their preferences.

All accessible voting needs to be supported by availability of accessible information to facilitate equity for people who are blind or vision impaired to be able to make an informed vote. One element of this, is access to ‘how to vote cards’, which have long been a feature of voting culture in Australia.

I have long advocated that given that the NSW legislation contains some provisions related to elements (such as font) of ‘how to vote cards’ distributed at polling places, it is not unreasonable therefore, that parties and candidates be required to submit their ‘how to vote cards’ to the NSW Electoral Commission in an electronic format (and complying with current accessibility guidelines). This would then make them accessible to people who are blind or vision impaired who use screen access technology.

The Commission has rejected this, with the argument that it compromises it’s neutrality.

I strongly reject this notion. I accept that the legislation may not specifically provide for it, and that this was the Commissions way of not committing to advocate for legislative change to bring effect to this accessibility initiative.

 However I am at a loss to comprehend why it would compromise the commissions neutrality when other aspects of making ‘how to vote cards suitable for the sighted public do not compromise it’s neutrality.

Therefore, I urge the commission through the NSW government to make necessary legislative change to enable the commission to oversee requirements for submitting accessible ‘how to Vote cards ’and their availability through the Commission’s web site (and in other ways).

## Appearance of iVote Web interface.

I am aware that for at least the first iteration of iVote in 2011, one of the constraints for those designing the online portal was that the legislation required the iVote web online ballot paper to look identical to the paper ballot.

Despite this, they were very successful in achieving a high level of accessibility.

Having Been totally blind all my life, in practical terms how the print ballot looks is entirely irrelevant to me. My priority is being able to navigate through candidates and groups and easily make my voting choices using my screen reading technology.

As such I paid little attention to whether any changes in the NSW Electoral Act in 2017 impacted requirements related to the online ballot needing to look like the paper ballot.

However given the increasing dominance of computerised transactions in all aspects of society, I would recommend that if this requirement still exists, it be removed.

Whether TAV is available to all, or only eligible classes of voters, this requirement has the potential to impact design and accessibility in future systems, and thus be discriminatory rather than inclusive.

## Methods of TAV

I am not entirely comfortable that telephone operator assisted voting is lumped together with other forms of TAV (not withstanding the fact that telephone was one of the input mechanisms for iVote.

Although I am of the view that for some people who are blind or vision impaired it has been a valuable addition to the suite of options for iVote, I strongly believe it is not, in and of itself a truly secret independent or verifiable vote, particularly when compared with the Telephone IVR or internet using a personal device (adapted for personal accessibility needs).

I am also concerned that as telephone assisted voting might be a valid ‘last resort’ in the event of a major disaster, there may be legislative barriers to it being deployed at the last minute in extenuating circumstances. However legislative drafting is outside my skill set.

### iVote Advantages

While kiosks in voting centres were the first attempt at an ‘secret, independent and verifiable vote’ for people who are blind or vision impaired, The deployment of TAV as provided in iVote in NSW has been superior in at least a couple of ways.

* As noted earlier, voting from home avoids a voter who is blind or vision impaired having to face the stresses of travelling to a probably unfamiliar polling place and needing to get assistance with navigation, as well as negotiating assistance reading and completing the ballot. thus also making the vote neither independent nor verifiable).
Irrespective of how good an individual’s orientation and mobility skills may be, the reality for most people who are blind or vision impaired is that travelling around the community safely particularly to unfamiliar places takes considerably more concentration than for a sighted person.
* Notwithstanding the non- secrecy factor of the operator assisted telephone voting option for iVote, all options allow people who are blind or vision impaired choice in casting their vote in the way that best meets their accessibility needs.

### Kiosks in voting centres

While kiosks with audio feedback seemed to be a welcome improvement particularly in the context of ‘the most accessible thing available under the circumstances’ I don’t support their deployment alone as addressing the needs of people who are blind or vision impaired, particularly when compared with the benefits of a system such as iVote, for a few reasons including:

* They lack the benefits of from home on personal devices (adapted to personal needs) element of a system such as iVote.
* By virtue of being restricted to limited places, they restrict the options for a voter to attend a polling centre that will be easiest for their accessible travel needs. And
* Given the noisy nature of polling places, they are likely to be stressful for some people who are relying on the audio of the voting kiosk in a noisy environment, particularly those with additional hearing impairments.

# Conclusion

Although due to personal circumstances This submission has been quite limited, I trust it will be of assistance.

As a strong supporter of the benefits of IVote as the current gold standard in providing ‘secret independent and verifiable’ voting for people who are blind or vision impaired, I urge that Technology Assisted Voting not be abandoned.

I am verry happy to provide any further information or be involved in any further consultations.