Procedure for Electronically Assisted Voting for Local Government Elections

Version 3.0

Endorsed

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Electoral Commissioner

22 / 5 / 2023

Version history

Version	Notes	Author	Date of Change
1.0		Electoral Commissioner	September 2015
2.0		Electoral Commissioner	October 2019
3.0	Procedures reviewed ahead of the 2024 Local Government elections	Team Leader, Election Event Management	May 2023

This procedure has been considered to ensure compatibility with the 23 protected rights under the *Human Rights Act 2019* and is deemed compatible.

Purpose

To provide the Electoral Commission of Queensland (ECQ) staff and returning officers with guidance to administer electronically assisted voting (EAV) under the *Local Government Electoral Act 2011*.

Scope

An elector may cast an electronically assisted vote in a local government election[1] if the elector meets one more of the eligibility criteria in the *Local Government Electoral Act 2011*, or in the relevant subordinate legislation.

Application

This procedure applies to all staff performing functions linked to electors casting an electronically assisted vote for a local government election.

Procedure

EAV procedures for local government elections provide for the following:

- <u>Registration of electors who are eligible for EAV</u>: to register for an electronically assisted vote, electors must meet the eligibility criteria in the *Local Government Electoral Act 2011* or relevant subordinate legislation.

    - Registration will be available from the commencement of pre-poll voting.

    - Registration will close at 12:00pm (noon) on election day.

    - Registration enables the ECQ telephone operator to use the ECQ's Election Management System (EMS) to register the elector. The EMS is able to access the Queensland electoral roll.

    - To register, an elector must first contact the ECQ's EAV service by using the EAV telephone number and provide their name, date of birth and residential address on the electoral roll.

    - The ECQ telephone operator must verify the elector's details against the electoral roll.

        - If an elector is not listed on the electoral roll, they cannot be registered for EAV.

        - If an elector is unable to vote using EAV, the elector may be referred to the Australian Electoral Commission to enrol, and/or offered alternative voting options.

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[1] Unless the electoral commissioner has decided that EAV is not to be used in accordance with section 75D of the *Local Government Electoral Act 2011*.

- To register successfully for EAV an elector must meet the eligibility criteria. An elector must make a verbal declaration that they are eligible to be registered for EAV based on the eligibility criteria.

- An elector who does not meet the eligibility criteria for EAV or who does not make the declaration must not be registered by the ECQ telephone operator for EAV.

- A Personal Identification Number (PIN) is to be selected by the elector.

- An elector will receive their PIN and registration number when processed by through the ECQ's EMS.

- Authentication of each EAV:

  - Vote taking by EAV will commence from the start of the pre-poll voting period through until the close of polls at 6.00pm on election day for the election.

  - Vote taking by EAV will be conducted using the ECQ's EMS.

  - An elector telephoning the ECQ's EAV voting service will be asked by the telephone operator not to disclose their name during the telephone call at the outset of that call.

  - An elector must provide the PIN and registration number to the telephone operator.

  - The elector's eligibility to cast a vote in the election will be verified by the telephone operator when the elector provides the correct combination of the issued PIN and registration number.

  - When the elector provides the correct combination of PIN and registration number, the telephone operator must use the EMS to record on the Queensland electoral roll that the elector voted. By using the EMS, the telephone operator is not able to identify the personal details of the elector.

  - The telephone operator must explain the voting process to the elector, namely:

    - there is a second telephone operator listening to the conversation to ensure that all voting preferences are accurately recorded; and

    - if there are any scrutineers present observing the authentication and voting process.

  - The telephone operator must validate the PIN and registration number and identify the elector's local government area and ward/division.

  - The telephone operator must obtain from the elector their PIN and registration number and verify that the elector has been registered to use the EAV service.

  - When the EMS verifies the elector's eligibility to vote, the telephone operator completes vote taking on:

- a mayoral ballot paper for the elector's local government area (if applicable); and

- the applicable councillor ballot paper pertaining to the elector's local government area and ward/division (if applicable).

- Ballot papers are completed by use of the EMS unless the ballot paper is oversized. Oversized ballot papers are pre-printed and kept in secure storage. If a ballot paper is oversized the telephone operator must obtain the oversized ballot paper from secure storage in the vote taking area.

- Prior to taking a vote, the telephone operator must first read out verbatim all the names of the candidates in the order that they appear on the ballot paper and provide voting instructions.

  - If the candidate is endorsed by a registered political party, the telephone operator must inform the elector of the name of the registered political party as it appears on the ballot paper; and

  - If the candidate is the member of a group of candidates, the telephone operator must inform the elector of the name of the group of candidates as it appears on the ballot paper.

- The elector votes by notifying the telephone operator of their vote preferences and the order of voting preferences against the name of any or all of the candidates.

- The second telephone operator must listen to the telephone call and observe the first operator marking the ballot paper/s to ensure the elector's voting intention is accurately recorded.

- If the second telephone operator detects errors, then any errors must be corrected. The elector will be notified immediately of any such errors and advised about the remedial action taken to correct the error.

- After each ballot paper is marked the first telephone operator must read back to the elector their vote and the preferences that have been recorded on the ballot papers.

- On completion of the ballot papers the telephone operator must:

  - print the ballot paper/s (if necessary);

  - place the ballot paper/s into a sealed ballot box; and

  - advise the elector the ballot paper/s have been placed in the ballot box/es.

- <u>Ensure the secrecy of each EAV</u>: preservation of the secrecy of voting is a fundamental requirement to conduct free and democratic elections in accordance with the law.

  - The registration and vote taking functions of EAV must be performed by different telephone operators housed in separate locations.

- To preserve an elector's anonymity the telephone operator who registers the elector for EAV must not be the same telephone operator who takes the elector's vote.

- At no time during the election period must any of the ECQ telephone operators change between working in the registration and the vote taking work areas.

- To maintain secrecy of each vote, EAV staff will not be able to transfer telephone calls between the EAV registration area and the vote taking work area.

- Vote taking staff must advise electors at the start of the call not to reveal their identity at any time during the call.

- Should the identity of the voter be revealed during the vote taking call they will be advised that the procedure must immediately cease, and they will need to re-commence the process by registering again.

- <u>Secure transmission and storage of electronically assisted vote, until printing</u>: security arrangements for EAV processes ensure that voting information cannot be intercepted.

  - The EMS has appropriate controls to manage authorised staff-only system access, security and data integrity.

  - Vote taking, storage and printing occurs in a secure in-house controlled environment which does not require ballot papers to be transmitted to the ECQ.

  - Ballot papers used to record electorally assisted votes are securely stored in sealed ballot boxes until counting commences.

  - One ballot box is to be used for pre-poll voting and a second for voting on election day.

- <u>Printing, for scrutiny and counting, of a ballot paper for each EAV</u>: each elector's vote must be counted accurately.

  - Scrutineers are permitted to access the counting room to observe the counting process.

    - Scrutineers must carry adequate identification to demonstrate that the person is a scrutineer when in the controlled environment of the counting room.

    - Scrutineers are entitled to observe the printing of completed ballot papers and the counting of EAV ballot papers.

    - Scrutineers must obey the lawful directions given by authorised ECQ staff.

  - After 6.00pm on election day the EAV ballot boxes must be opened, and the ballot papers removed.

  - All ballot papers must be sorted into local government areas and counted.

  - EAV votes are scrutinised and counted in accordance with the *Local Government Electoral Act 2011*.

- The results of the counts must be entered into ECQ's EMS.

- Following counting, the ballot papers, worksheets and documents used in the counting process must be placed into clear plastic bags labelled with the name of the local government area affixed and then securely sealed with tamper evident tape.

- <u>Secure delivery of printed ballot papers to the returning officer</u>:

  - Once secured, the plastic bags must be dispatched and transported to the correct returning officer's office consistent with the ECQ's *Ballot Paper Handling Policy.*

  - Upon receipt of the plastic bags containing the EAV ballot material, the returning officer is to:

    o inspect the plastic bags and their contents for signs of damage or tampering, and immediately inform the ECQ if the same is detected;

    o perform a check-count of the ballot papers to ensure that the initial count was accurate and recorded correctly; and

    o record the result of the check-count, even if unchanged, into the ECQ's EMS.

Appendix 1 — Definitions

Definitions

Term	Definition
Elector	Elector means a person entitled to vote in an election.
Electronically assisted voting (EAV)	Electronically assisted voting is electronic assistance to help an elector to cast a vote in an election as prescribed the *Local Government Electoral Act 2011*.
Scrutineer	Scrutineer is an adult appointed by a candidate to observe the polling and counting procedures on the candidate's behalf during an election.

Appendix 2 — Regulatory Framework

- *Human Rights Act 2019*

- *Local Government Electoral Act 2011*

- *Local Government Electoral Regulation 2023*