Electronically Assisted Voting for State Elections Procedure

Version 2.0

Approval

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Electoral Commissioner

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Version history

Version	Notes	Author	Date of Change
1.0	Issued for use	Electoral Commissioner	September 2015
2.0A	Draft – Consistency and compatibility with the *Human Rights Act 2019*	Principal Policy Officer, Funding and Disclosure	December 2019
2.0	Issued for use	Electoral Commissioner	December 2019

Review

This procedure will be reviewed **12 months before every State general election**, or if the relevant regulatory frameworks change in a way that means this procedure is no longer contemporary.

This procedure has been reviewed 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 *Electoral Act 1992* for the benefit of voter accessibility in Queensland.

Scope

The *Electoral Act 1992* provides the statutory criteria for eligibility for an elector to cast an electronically assisted vote in a State election if the elector:

> (a) can not vote without assistance because the elector has an impairment or an insufficient level of literacy; or
>
> (b) can not vote at a polling booth because of an impairment; or
>
> (c) is a member of a class of electors prescribed under a regulation.

The *Electoral Regulation 2013* prescribes *special postal voters* and *distance voters* as electors who may cast an electronically assisted vote in a State election.

Application

This procedure applies to all ECQ staff performing functions linked to how an elector may cast an electronically assisted vote for an election of a member of the Legislative Assembly.

Procedure

1. EAV for state elections

EAV procedures for state elections provide for the following:

1.1. <u>Registration of electors who are eligible for EAV</u>: to register for EAV, electors must meet the eligibility criteria in the *Electoral Act 1992*.

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

- Registration will close at 12.00 noon on election day.

- Registration enables the ECQ telephone operator to use the ECQ *Online Application System*. The *Online Application System* is linked to 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 address which they are enrolled.

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

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

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

- To register successfully for EAV an elector must meet the eligibility criteria.

- EAV is available for electors who:

  i. can not vote without assistance because the elector has –

     (a) an impairment; or

     (b) an insufficient level of literacy; or

  ii. can not vote at a polling booth because of an impairment; or

  iii. are a special postal voter; or

  iv. are distance voters.

- An elector who wishes to register for EAV must make a 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.

- The Personal Identification Number (PIN) is selected by the elector.

- An elector will receive their PIN and registration number when processed through the ECQ's *Online Application System*.

1.2. Authentication of each EAV: a voter must call the ECQ to access and to use EAV.

- Vote taking by EAV will commence from the start of the pre-polling 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 *Online Application System*.

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

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

- The elector's identity will be verified by the telephone operator when the elector provides the correct combination of the issued PIN and registration number. By using the *Online Application System,* the telephone operator is unable to know the personal details of the elector.

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

  o the elector is informed that there is a second telephone operator listening to the conversation to ensure that all voting preferences are accurately recorded;

  o the telephone operator must also inform the elector if there are any scrutineers present observing the authentication and voting process.

- The telephone operator must validate the PIN and registration and identify the elector's State electoral district.

- 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 *Online Application System* verifies the elector's eligibility to vote, the telephone operator completes vote taking on the *Online Application System*.

- Ballot papers are completed by use of the *Online Application System* unless the ballot paper is oversized. If a ballot paper is oversized the telephone operator must obtain from a lockable cabinet in the vote taking area the oversized ballot paper.

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

- 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 to ensure the elector's vote is accurately recorded.

- If the second telephone operator detects an error, then the error must be corrected.

- After the 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 paper.

- On completion of the ballot paper the telephone operator must:
  - print the ballot paper
  - place the printed ballot paper in the ballot box
  - advise the elector the ballot paper has been placed in the ballot box
  - mark the elector off the electoral roll once completed.

1.3. <u>Recording each elector who uses EAV</u>: as voting is compulsory for all Queenslanders over the age of 18 the Queensland electoral roll must record when an elector has voted.

- The *Online Application System* that is used by the telephone operator to enable an elector to use EAV is linked to an electronic record of the Queensland electoral roll.

- The reference number issued to an elector for EAV is generated by the *Online Application System* and is recorded against elector's specific enrolment details.

1.4. <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.

- Electors who telephone to register for EAV with the registration work area must have to end the call and telephone again to be put through to the vote taking work area.

- To maintain secrecy of each EAV, call centre 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.

1.5. <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 system of EAV at the ECQ is an in-house computer system with 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 electronically assisted votes to be transmitted to the ECQ.

- Ballot papers used to record electorally assisted votes are to be securely stored in sealed ballot boxes in the ECQ's offices until counting commences.

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

1.6. <u>Printing, for scrutiny and counting, of a ballot paper for each electronically assisted vote</u>: each elector's vote must be counted accurately to the candidate of their choice.

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

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

  o Scrutineers are entitled to observe the examination of conveyance envelopes, the printing of completed ballot papers and the counting of EAV ballot papers.

  o 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 are to be removed.

- All ballot papers must be counted and sorted into State electoral districts.

- EAV votes are scrutinised and counted in accordance with the *Electoral Act 1992*.

- The results of the count must be entered into ECQ's election results computer system.

- Following counting, the ballot papers and all documentation used in the counting process must be placed into clear plastic bags and then securely taped with tamper evident tape.

1.7. <u>Secure delivery of printed ballot papers to the returning officer</u>: the returning officer for an election is responsible for the proper conduct of the election.

- 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 at the check-count, even if unchanged, into the ECQ election results computer system.

Appendix 1 — Definitions

Definitions

Term	Definition
Distance voter	A distance voter is an elector, other than a special postal voter, whose address, as shown on the voters roll, is more than 20km by the nearest practicable route from a polling booth; and if the election is a by-election – also means an elector who cannot, for another reason, vote at a polling booth during the voting period for the by-election.
Elector	Elector means a person entitled to vote under the *Electoral Act 1992*.
Electronically assisted voting (EAV)	Electronic assisted voting is electronic assistance to help an elector to cast a vote in an election as prescribed in the *Electoral Act 1992*.
Impairment	Impairment in relation to a person means – (a) the total or partial loss of the person's bodily functions, including the loss of a part of the person's body; or (b) the malfunction, malformation or disfigurement of a part of the person's body; or (c) a conduct or malfunction that results in the person learning more slowly than a person without the conduct or malfunction; or (d) a condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour; or (e) the presence in the body of organisms capable of causing illness or disease; or (f) reliance on a guide, hearing or assistance dog, wheelchair or other remedial device; whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an impairment that – (g) presently exists; or (h) previously existed but no longer exists.
Scrutineer	Scrutineer is an adult appointed by a candidate to observe the polling and counting procedures on the candidate's behalf during an election.
Special postal voter	The elector's address, as on an electoral roll, is more than 15 but not more than 20 kilometres, by the nearest practicable route, from a polling booth.
Voter accessibility	Voter accessibility refers to ensuring access to the vote for eligible Queenslanders is fundamental to protecting the enfranchisement of citizens. It is vital that access to a range of convenient voting options is guaranteed for as many citizens as possible, especially marginalised and remote voters.

Appendix 2 — Regulatory Framework

Regulatory framework

- *Anti-Discrimination Act 1991*
- *Electoral Act 1992*
- *Electoral Regulation 2013*