Ms Beverley Forbes
Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Dear Ms Forbes

On 15 May 2000 you wrote to the Electoral Commissioner and asked, on behalf of the JSCEM, for advice on an email of 6 March from Mr and Mrs Robinson on the issue of silent enrolment. The response is attached.

On 19 May 2000 you sent me an email in which you listed a number of issues on which you are seeking clarification on behalf of the JSCEM. The responses are attached.

On 26 May 2000 Mr Bodel of the JSCEM Secretariat sent me an email requesting information on preventing commercial use of the Commonwealth Electoral Roll. The response is attached.

It would be appreciated if you could advise the AEC contact officer for the JSCEM, Ms Peta Dawson, when this submission is released for publication. It would also be useful if you could provide the number of the submission, so the full details of the submission can be placed on the AEC Website for reference purposes.

Yours sincerely

Paul Dacey
Assistant Commissioner
Elections and Enrolment

31 May 2000

## AEC RESPONSE TO ISSUE RAISED BY JSCEM ON 15 MAY

Mrs Robinson asked the JSCEM whether there have been any court proceedings in relation to silent enrolment. The AEC is not aware of any such court proceedings.

## AEC RESPONSES TO ISSUES RAISED BY JSCEM ON 19 MAY

*1. Gazettal of polling places – are polling places gazetted at particular times in the electoral cycle? How late in the electoral cycle can a polling place be gazetted?*

Polling places are not appointed and gazetted at particular times in the parliamentary cycle or the election period. As provided in section 80 of the Electoral Act, the AEC can appoint and gazette polling places at any time. However, polling places are usually appointed and gazetted only once in the parliamentary cycle, in the immediate lead up to an election, so as to allow for any late developments in the availability of booth sites, and population changes in the voter catchment. Polling booths can be appointed and gazetted right up to polling day, but polling places cannot be abolished and gazetted after the issue of the writs for an election. The only exception to this usual cycle of appointment and abolition, is in the period immediately following a redistribution in a State or Territory, when all polling places are abolished, and reappointed as appropriate.

The JSCEM might consider whether the appointment and abolition of polling places should continue to be gazetted as required by section 80 of the Electoral Act. It is doubtful whether the process of gazettal really assists in the flow of information to electors, candidates, and political parties. Section 80(1) could be amended to repeal the requirement for a "notice published in the Gazette", and instead require the AEC to maintain a continuous Polling Places Register, to be available for free public inspection at all AEC Divisional and Head Offices, as well as on the Internet.

If the requirement for gazettal of appointment and abolition were to be repealed, the requirement for due process by the Electoral Commission in the appointment and abolition of polling places would remain in section 80(1) and (2), as would the section 80(3) requirement to advertise polling places in newspapers after the issue of the writs for an election. Newspaper advertising and the AEC call centres are the main means by which electors are informed of the location of the nearest or most convenient polling booth.

*2(a) Does the AEC have any statistics on the historical levels of turnout and assisted voting in remote Aboriginal communities?*

No statistical information is collected by the AEC, or available to the AEC, on voter participation rates in any particular racial group or cultural community. No details on any racial groups are maintained on the Commonwealth Electoral Roll and such details are not required to be collected by the AEC for any particular purpose under the provisions of the Electoral Act. However, information derived from direct contact between AEC officials and Aboriginal communities, and information derived from non-voter returns to the AEC, do suggest a lower voter participation rate in Aboriginal communities in general, and in remote Aboriginal communities in particular.

It is worth noting in this context, that whilst voting at federal elections is compulsory, voting at ATSIC elections is not, so that comparisons of voter participation rates, on the basis of votes cast at the respective elections, from similar geographical areas, are not reliable.

Further, no statistical information is collected by the AEC, or available to the AEC, on assisted voting in any particular racial group or cultural community. However, information derived from contact between AEC officers and Aboriginal communities does suggest a higher rate of assisted voting in Aboriginal communities in general, and in remote Aboriginal communities in particular. Experience suggests that the higher rates of assisted voting in Aboriginal communities are due to physical disabilities, such as blindness, a lack of proficiency with English as a first language, and literacy difficulties. These are the same reasons for the use of assisted voting in the Australian community at large.

*2(b) What statistically measurable impact did ATSIEIS have on these levels?*

In the first budget following the 1996 federal election, the Government withdrew the $2M funding to the AEC for the ATSIEIS program. In submission No 210 of 23 July 1999, the AEC recommendation 3 at paragraph 49.5 was as follows:

> That the JSCEM recommend to the Government that funding be provided to enable the re-establishment of the Aboriginal and Torres Strait Islander Electoral Information Service (ATSIEIS).

In support of this recommendation, the Australian Electoral Officer for the Northern Territory said the following in his address to the JSCEM hearings of 29 July 1999, at pages EM205 to EM207 of Hansard:

> For more than a decade, until 1996, the AEC conducted a highly successful information and education program in Aboriginal communities across Australia, known as the Aboriginal and Torres Strait Islander Electoral Information Service. The program employed 15 to 20 field officers nationwide who regularly visited remote communities in most states and in the Northern Territory at a cost to the taxpayer of some $2 million a year. In 1996 the Federal Government withdrew funding for the program in the budget.
>
> The ATSIEIS program educated Aboriginal people in the federal electoral system and in the mechanics of expressing their franchise, such as marking a ballot paper formally. It also functioned as an enrolment review program in Aboriginal communities. Aboriginal people were encouraged to enrol and their enrolments were checked for the accuracy of name spelling and community address. The movement of people was also informally tracked so that their enrolments could be kept up to date. The ATSIEIS program was not only important in reducing the need for assisted voting, but also important in keeping the roll up to date, thereby reducing the need for provisional voting.

> It is my opinion, as the senior electoral officer in the Northern Territory, that the roll covering Aboriginal communities in the Territory is not being maintained to the same standard as that which resulted from the ongoing implementation of the ATSIEIS program, because field officers are no longer available to visit those communities and to cleanse the roll. If this Committee is of the view that the CLP complaints about the conduct of the election in the Northern Territory merit attention, then the most effective way of reducing the extent of assisted voting and provisional voting in Aboriginal communities would be to recommend the immediate reinstatement of the ATSIEIS program.

Because no statistics are maintained by the AEC on voter participation or assisted voting for any racial groups or cultural communities at electoral events, it is not possible to measure in numerical terms the impact of the abolition of ATSIEIS in 1996. However, information available to the AEC, such as the opinion provided above by the AEO NT, demonstrates that for a relatively small investment, the ATSIEIS program was able to reach Aboriginal communities in some of the most isolated and remote parts of the Australian continent, not only educating these communities about the voting process, and informing them about electoral events, but also keeping the rolls in good order.

*2(c) What methods of providing electoral information have been used with other English as a second language communities?*

In part 3 of submission No 88 of 12 March 1999, the AEC provided an overview of the public awareness campaign for the 1998 federal election. Since that submission on the conduct of the 1998 federal election, the AEC has conducted the 1999 Referendums, which further improved electoral information services to electors from non-English speaking backgrounds (NESB).

For the 1998 federal election, AEC national advertising was translated into 18 languages in the ethnic press, 23 languages on ethnic radio and seven languages for ethnic television. Radio advertisements were also translated into 15 indigenous languages. Expenditure in ethnic and indigenous media accounted for approximately nine per cent of advertising costs. Key election information, including some translated material, was sent to ethnic media, community organisations and groups throughout the election period.

A telephone interpreting service for NESB electors was also provided throughout the 1998 election period. The service had 15 language specific telephone lines and one line for electors who did not speak any of the 15 specific languages available. A caller to one of the 15 language specific lines was greeted by a recorded electoral message in their own language and could be connected to an operator speaking their language if they required further information. During the election period, a total of 6,380 calls were made to the interpreting service, with over half of these callers choosing to speak further to an operator. The language lines that received the most calls during the period were the Mandarin, Cantonese and Vietnamese lines.

In the Division of Fowler, which has a high population of NESB electors and high informality rates at past electoral events, the AEC trialed an additional information measure on polling day. In selected polling places, television screens were set up and the advertisements explaining how to vote formally were played in several languages.

For the 1999 Referendums, AEC national advertising was translated into 17 languages in the ethnic press, 25 languages on ethnic radio and 11 languages for ethnic television. Radio advertisements were also translated into 20 indigenous languages (Wajarri, Aboriginal Kriol, Waimajarri, Gooniyandi, Karrijari, Yaru, Mirriwong, Gajirrawong, Yandruwandha, Wangkumarra, Pitjantjatjara, Yunkunytjatjara, Arrente, Walpiri, Kala Kawa Ya, Merian Mir, Yumpla Tok, Tiwi, Murray Language, Kalkadoon). Expenditure in ethnic and indigenous media accounted for approximately 8.6 per cent of media placement costs.

The Yes/No cases were translated into 14 languages and made available on the AEC web site. Key referendum information, including translated material, was sent to ethnic media outlets, community organisations and groups throughout the referendum period. In addition, AEC television advertisements explaining how to vote in several languages were played in 18 selected polling places on polling day in the NSW Divisions of Prospect, Reid and Fowler.

A telephone interpreting service for NESB electors was provided throughout the 1999 Referendum period. The service had 15 language specific telephone lines and one line for electors who did not speak any of the 15 specific languages available. During the referendum period a total of 10,098 calls were made to the interpreting service with nearly 40% of these callers choosing to speak further to an operator. The language lines that received the most calls during the period were the Cantonese, Mandarin and Vietnamese lines.

*3. Are there any identifiable reasons why fewer provisional votes were excluded at the preliminary scrutiny stage during the 1998 federal election than the 1996 federal election?*

The possible reasons for the varying rates at which provisional votes were admitted or rejected at the preliminary scrutiny stage at the 1993, 1996 and 1998 federal elections were explained in paragraphs 1 to 13 of Attachment 28 to AEC submission No 176 of 4 May 1999. This analysis is reproduced at **Attachment 1** for the convenience of readers.

At the national level, fewer provisional votes were rejected at the preliminary scrutiny at the 1998 federal election than at the 1996 federal election, as the following Table demonstrates. (It should be noted that these figures do not include provisional votes cast by electors enrolled in different Divisions from those Divisions for which the electors voted. In such cases only the Senate ballot paper was counted.)

| 1996 | Number | |
|---|---|---|
| | **Admitted** | **Rejected** |
| ACT | 1775 | 981 |
| NSW | 30648 | 18823 |
| NT | 1257 | 2529 |
| QLD | 9944 | 7974 |
| SA | 10514 | 5759 |
| TAS | 3214 | 1118 |
| VIC | 20577 | 24677 |
| WA | 10879 | 6726 |
| **AUST** | **88808** | **68587** |

| 1998 | Number | |
|---|---|---|
| | **Admitted** | **Rejected** |
| ACT | 919 | 748 |
| NSW | 42129 | 25264 |
| NT | 2396 | 980 |
| QLD | 11001 | 8306 |
| SA | 7873 | 4584 |
| TAS | 615 | 687 |
| VIC | 25696 | 17880 |
| WA | 8944 | 6851 |
| **AUST** | **99573** | **65300** |

However, it might also be noted that at the individual State/Territory level, more provisional votes were rejected at the preliminary scrutiny in 1998 than in 1996 in NSW, Queensland and Western Australia. Likewise, although fewer provisional votes were rejected in 1998 than in 1996 in Victoria, South Australia and the ACT, the reverse was the case in some Divisions. The statistics for the Northern Territory are not compatible because of changes to legislation on provisional voting between 1996 and 1998.

The most important factor in the rate of rejection of provisional votes is the interaction between the removal of electors from the roll by objection action in the months prior to an election, and changes in voter participation from one election to another. Theoretically, an increase in objection action should result in an increase in provisional voting, followed by an increase in rejected provisional votes. However, even small changes in the voter participation rate can have an large impact on provisional voting. If interest in the election declines marginally, then those who have been objected off the roll on the grounds of non-residence (who presumably have less interest in the election), are less likely to vote, provisional or otherwise. In a general sense this appears to be what happened between 1996 and 1998.

Another factor in the rate of rejection of provisional votes is whether or not a redistribution has occurred since the last election. If, for example, there is large-scale objection action, followed by a redistribution, then more provisional votes are likely to be rejected at the following election. This is because Schedule 3 of the Act precludes enrolment history prior to a redistribution being taken into account in determining the admissibility of a declaration vote at the subsequent election. The 1994 redistribution in Victoria and the ACT just prior to the 1996 election would have produced this effect, as would the 1997 redistribution in Western Australia just prior to the 1998 election. The 1996 and 1998 federal elections both followed redistributions in Queensland.

*4. Location of the declaration of the poll – is there a standard process followed to advise Senate candidates of the location for the declaration of the poll if the Australian Electoral Officer for the State or Territory determines it to be other than at the place of notification?*

Yes. State Head Offices and Divisions of the AEC are in regular contact with all candidates during the election period, to keep them informed of developments and to advise about future activities. In particular, all Senate candidates are advised in writing of the date, time and place of the declaration of the poll.

Reference might be made to recommendation No 7 of AEC submission No 30 of 29 July 1996, and recommendation 43 of the June 1997 JSCEM Report, which resulted in the 1998 amendment to section 283(1) of the Electoral Act, to allow the declaration of the Senate poll to be carried out either at the place of nomination or at another convenient location.

At the 1998 federal election, the option to change the location of the Senate poll declaration from the place of nomination was invoked only by the Australian Electoral Officer for New South Wales, who wrote to all candidates advising them of the date, time and location.

*5. What term does the AEC use to describe 'above the line' voting for the Senate?*

The AEC uses both "(group) ticket voting" and "above the line (voting)" to describe the option of marking a group ticket vote on the top half of the Senate ballot papers. The former term is used in more technical contexts (see for example, sections 211 and 216 of the Electoral Act), and the latter term is used in explaining the option simply to electors in AEC election information material.

For example, for the 1998 federal election, AEC newspaper and television advertisements used the following brief text:

> You can write the number 1 in one of the boxes above the line. This means your preferences will be allocated by the party or group you've voted for.

However, the AEC election leaflet distributed to all households used both terms in a longer explanatory text:

> ABOVE THE LINE: If you choose to vote above the line, write the number '1' in one of the boxes above the line. Leave all the other boxes on the paper blank. If you vote in the top section, your vote will be counted in the way chosen by the group or party you have voted for. This is called a group ticket vote and posters will be displayed at all polling places showing you how each party or group has decided to have your vote counted.

*6. Booklet format for group voting ticket information – would the AEC send the proposed booklet to electors who do not cast a vote in a polling place? Is the AEC currently obliged to send GVT information to electors who do not cast a vote in a polling place? How regularly is this information posted to electors? What is the AEC's opinion of providing an option to produce both the poster and the booklet?*

In submission No 88 of 12 March 1999, the AEC recommended an amendment to section 216 of the Electoral Act so that group voting ticket information can be displayed in booklet rather than poster form (**Attachment 2**).

It is not current AEC policy (and nor is it required under the legislation) to send GVT information in poster form to all postal voters as part of the postal voting materials package. This long-standing policy is primarily because of the unmanageable size of the GVT posters, and the prohibitive postal charges this would involve. If the GVT information were to be provided in booklet rather than poster form then the reduced size would reduce handling difficulties, but the costs of sending postal voting materials to all postal voters, with the GVT booklet included in the package, would still increase substantially.

This is of particular concern because of the increasing use of the postal voting option by electors, that has been stimulated in recent elections by the mass distribution of postal vote applications by the major political parties (see part 8 in submission No 88). These political canvassing activities are not only increasing the risk of disenfranchising electors, and possibly increasing the time taken to deliver results in marginal electorates, but are also increasing overall AEC expenditures on postal voting. Any statutory requirement to provide GVT booklets to all postal voters would raise expenditure even higher, without producing an identifiable benefit.

The AEC is not convinced that all postal voters wish to be provided with GVT information, given the fact that very few ordinary voters seek out the GVT posters in polling booths. Providing a GVT booklet in postal voting packages would not only increase postage costs, but might also increase voter discontent with the amount of material provided through the post, and generate confusion for those voters unfamiliar with the purpose of GVT information. This could have an unpredictable impact on voter behaviour and informality rates.

Finally, given the legislative timetable for the commencement of postal and pre-poll voting, and the timetable for the lodgement of group ticket voting information with the AEC by Senate groups, it has never been possible for every postal and pre-poll voter to be provided with GVT information if they vote early in the election period. For this reason, it would be inadvisable for the JSCEM to recommend that the legislation be amended to require that every postal and pre-poll voter be provided with a GVT booklet.

Sections 175 and 211 of the Electoral Act require Senate Groups to lodge their Group Voting Tickets with the AEC within 24 hours after the declaration of nominations. Section 186 requires the AEC to send postal voting material to some 70,000 General Postal Voters as soon as ballot papers become available. This is usually no more than two days after the declaration of nominations. The difference, of perhaps 24-36 hours,

would be insufficient time to prepare, print and package GVT booklets for dispatch to postal voters.

Using the 1998 federal election as a guide, some 180,000 booklets would have been needed within 24 hours after the declaration of nominations; another 470,000 between then and the Wednesday before polling day; and an excess to ensure supplies at all AEC offices in Australia and overseas. Given the demands already placed on Australia's printing capacity during a federal election, and the contractual commitments that companies with the required capacity might already have, there is no guarantee that the GVT booklets could in fact be printed in the time available.

On the basis of 1998 baseline volumes, the cost of printing, addressing, packaging and posting GVT booklets is estimated at $1.83 per postal vote issued, or $1.11 million in total, for a plain black and white A4 booklet using the ballot paper format. The GVT booklet would have to be posted separately because the technology currently available would not permit the GVT booklets to be enclosed with the postal voting materials. This in turn could produce complaints from electors who receive the GVT booklets after they have cast their postal vote.

The AEC provides GVT information to any voter on request, assuming its availability in the timeframe of the election period. For the 1998 federal election, apart from being displayed at mobile polling, pre-poll voting centres, and in every polling booth on polling day as required by the legislation, the GVT information was displayed on the AEC website as soon as possible after the lodgement date for voting tickets by the Senate groups, and the information was included in the AEC call centre desktop.

The AEC is of the view that the GVT poster is no longer a practical, user-friendly or cost-effective way of providing GVT information. The legislation should be amended to repeal the requirement for a GVT poster (in effect, a series of large and complicated posters for the larger States such as NSW), and replaced with a requirement for a compact and easy to read GVT booklet, that can be displayed in polling booths and on the Internet. However, the JSCEM may wish to recommend the retention of the poster option to cover any future contingencies.

*7. Does the AEC have anything further to add to the information contained in submission 176 regarding electronic voting?*

Computerised voting, another term for "electronic voting", was addressed by the AEC at Attachment 9 to submission No 176 of 4 May 1999, which reproduced the comments made to the previous JSCEM inquiry on the subject. Further comment on computerised voting was provided to this JSCEM inquiry in paragraph 4.13 of submission No 210 of 23 July 1999, and in paragraphs 29.1 to 29.2 of submission No 210 of 23 July 1999. These three extracts are provided for convenient reference at **Attachment 3**.

As indicated in previous submissions to the JSCEM, the AEC counsels a cautious approach to the consideration of Internet voting at federal elections, for the following reasons:

- There is as yet no appropriate technology that could be confidently applied to the complexities of the full preferential voting system used in Senate and House of Representative elections.

- The reliability and security of computer networks and servers cannot be guaranteed, especially in a situation where 12 million voters must vote on a single day. The risk of program failures is compounded in a networked system. The 'denial of service' attacks on large US websites in the week 14-18 February highlighted the vulnerability of the Internet to security invasions.

- As only some 25% of the Australian population has access to the Internet, it would be necessary, under a compulsory voting system, to continue to provide manual voting at all polling places, which suggests that there would be no cost or time savings in the short to medium term in converting to Internet voting.

- Many voters, who already experience literacy and numeracy problems in voting under the current manual system, could be expected to face considerable difficulties in casting a full preferential vote on the Internet.

- With the rejection of the Australia Card in 1988, there is as yet has no widely accepted system of online verification of computer users, which would be required for security purposes, as well as to identify non-voters and multiple voters.

- The establishment costs in supplying computers to enable Internet voting at federal elections would be considerable.

However, the AEC closely monitors the development of new technologies that might allow for the introduction of Internet voting. The following information on recent international developments is provided.

*California*: The California Internet Voting Task Force, which examined the feasibility of using the Internet to conduct elections in California, reported in January 2000, and recommended an incremental approach to the development of Internet voting. Whilst it was agreed that it was technically possible to launch a secure Internet voting service in California, concerns were expressed about the legal, practical and financial considerations that mitigated against entirely replacing the traditional paper ballot. The Californian Internet Voting Task Force Report is provided at **Attachment 4.**

*Alaska:* The Alaska Republican Party recently allowed registered Republicans to vote by Internet in a non-binding poll for the selection of delegates to the national party convention. Despite the remoteness that made such an option appear attractive, only 35 out of 4000 votes were cast via the Internet.

*Arizona:* The Arizona Democratic Party recently conducted what is believed to be the first binding public election that offered Internet voting, for a presidential primary election. The use of the Internet at the election was optional, for the four days leading up to polling day, and fewer polling places for ordinary voting on polling day were provided than in elections run by the State of Arizona.

The primary was held on 7-11 March 2000, and was a non-compulsory, first past the post ballot, open only to registered Democrats. Each elector was posted voting instructions and a PIN number, which directed them in accessing a digital certificate, their unique voter authentication tool. In the event, 35,765 votes were cast via the Internet, from a population of 843,000 eligible Democrats.

An injunction application to stop the poll was made on the grounds that the Arizona primary was in violation of the federal *Voting Rights Act 1965* by restricting equal access to voting facilities, but the application was dismissed. However, the validity of the election is still under challenge by a lawsuit in the federal court, filed by the Voting Integrity Project and four Arizona minority group members, who allege that the early Internet voting process violated the Voting Rights Act by diluting the votes of minorities who have less access than others to the Internet (**Attachment 5**).

*United Kingdom*: the *Representation of the People Act 2000* now allows local authorities to trial alternative methods for the casting and counting of ballots, as well as the use or extension of postal and pre-poll voting facilities. Current information is that 35 local authorities will trial a variety of innovations at the May 2000 local elections. Three councils have been identified as offering a form of electronic voting.

Local authorities must report back to the Minister on the efficacy of the trial, particularly commenting on any increase in voter turnout, ease of use as reported by voters, any increase in electoral offences, including personation, and any additional costs or savings. The Minister is then to consider the implementation or prohibition of such alternatives for other United Kingdom elections.

*Canada:* In June 1998, a report entitled "Technology and the Voting Process", prepared by KPMG/Sussex Circle for Elections Canada (equivalent to the AEC), was released. The report is reproduced at **Attachment 6**. The consultants concluded that three technologies, the electronic kiosk, the telephone and the Internet, offered prospects for improving the accessibility and efficiency of the electoral process in Canada. However, the report also concluded that the new technologies are unlikely to replace current methods of voting in the near future: "Canadians appear to want choice, not dramatic change, in how elections are conducted or votes are cast".

The AEC is active in seeking out new and improved means by which electors can cast their votes easily and conveniently. However, as with all innovations in electoral services, any developments involving the Internet, or any other method of computerised or electronic voting, will only be recommended by the AEC if it results in enhanced opportunities for all electors to exercise their franchise under a compulsory voting system.

**AEC RESPONSE TO ISSUE RAISED BY JSCEM ON 26 MAY**

*The JSCEM has expressed an interest in more information on watermarking of the Roll [as a method of preventing the printed Roll being scanned].*

When the section 89 printed roll was produced in 1998, the AEC did experiment with the printing of the AEC logo as background to the name and address data, so as to inhibit the reproduction of the printed roll through electronic scanning (although it would not prevent photocopying). The process was done by laser printing at the production end and did not involve using pre-printed paper stock, which meant that the costs of background printing would not be prohibitive.

A sample page of the roll with the background printing is at **Attachment 7.** However, it was discovered that, in order to inhibit effective scanning, it was necessary to print the AEC logo so densely that it made the small print name and address data difficult to read. The AEC will continue to investigate methods (including background printing) to prevent the scanning of rolls for the creation of computer files of the names and addresses of electors. A decision to include background printing (or other copy prevention devices) on the 2000 roll print will depend on the outcome of such investigations.

It might be noted, however, that the AEC no longer sells to the public copies of the Reference Rolls for the last electoral event, and with the withdrawal of the microfiche copies of the roll from sale to the public, the section 89 printed roll (and supplements, if any) is now the only name and address enrolment information that is publicly available.

**Attachment 1**

***Extract from AEC submission No 176 of 4 May 1999***

**Analysis of provisional voting with special reference to Eden-Monaro**

1 There are three main factors that are likely to effect the number of provisional votes cast at an election in any given Division. These are:

- the number and timing of enrolment deletions due to objection action prior to a federal election;
- changes in public interest in election issues; and
- the proportion of NESB electors in a Division.

2 Statistical analysis shows a strong correlation between the number of electors deleted from the roll by objection during the twelve months preceding the roll close for an election, and the number of provisional votes cast at that election. Further, the closer that objection deletions occur to the roll close for an election, the greater the numbers of provisional voters, because there is less opportunity for those electors to re-enrol at their new address.

3 The timing of a federal election, over which the AEC has no control, has in the past had adverse effects on the effectiveness of roll review activities such as door-knocking and bulk mail reviews. In 1987, for example, the federal election was announced just as the roll review field work in a number of States was being completed, and follow-up work, including objection deletions, was about to commence. By contrast, the timing of the 1998 federal election did not impact so severely on roll review activities: 112,880 objection deletions were completed in NSW on 21 July 1998, almost seven weeks before the roll close. This followed a previous round of 119,807 objection deletions completed on 18 May 1998.

4 Throughout the first half of 1998 there had been widespread speculation that the might be called as early as June 1998, or as late as May 1999. Suspension of roll review activities, or of objection deletion action, in the anticipation of an early election announcement, was clearly not a viable option as the AEC is required to keep the roll up-to-date. However, so that as many electors as possible were aware of the possibility of their removal from the roll at the time of a pending federal election, NSW Head Office publicly advertised, in the major NSW daily newspapers, both rounds of large-scale objection deletion action.

5 It should be noted that the recently implemented Continuous Roll Update process, as described in part 4.4 of submission No 88, will minimise the risk of large numbers of electors being deleted from the roll just before an election, or of ineligible electors remaining on the roll. In any event, the purpose of provisional voting is to save the franchise for those electors whose name either cannot be found, or whose name has already been marked off a certified list, but who claim the right to vote. Such electors are not disenfranchised, either because their name was incorrectly removed from the roll just prior to an election, or their name was incorrectly marked as having already cast a vote. In addition, under the law as it stands currently (with the recent exception of the Northern Territory), and under specified conditions, provisional voters will have their enrolment reinstated (see Part 9.12 of Submission No 88 and submission No 159).

6 Not all provisional votes cast are admitted to the count, and may be rejected at the preliminary scrutiny if they were cast by electors who:

- were last enrolled in another Division in any State/Territory but are not now enrolled;

- were last enrolled in their 'home' Division before the last redistribution of that State/Territory;
- were last enrolled in their 'home' Division more than two elections ago; or
- are now enrolled in another State/Territory.

7 At the preliminary scrutiny, about 10 to 12% of provisional voters are found to be enrolled in other Divisions in the same State/Territory. The law assumes that these electors believe they were enrolled in the Division in which they voted, and in such circumstances, their Senate ballot papers are admitted to the count, but not their House of Representatives ballot papers. It should be noted that this process results in a different number of votes being admitted to the Senate and the House of Representatives counts, which has previously led to unsubstantiated allegations of electoral fraud.

8 Despite enrolment and voting being compulsory for all eligible citizens ordinarily resident in Australia, voter participation rates vary. It is assumed that such variations are attributable to changes in the level of public interest in election issues. For the purpose of this analysis, participation rates are expressed in terms of votes cast as a percentage of enrolment at the close of the roll.

9 The changes in objection activity and provisional voting during the twelve months preceding each of the last three federal elections are tabulated below:

| State/ Territory | 1993-1996 Change in Objections | 1993-1996 Change In Provisional Votes | 1993-1996 Change in Provisional Votes Fully Admitted | 1996-1998 Change in Objections | 1996-1998 Change in Provisional Votes | 1996-1998 Change in Provisional Votes Fully Admitted |
|---|---|---|---|---|---|---|
| **ACT** | +15% | -1% | -1% | +3% | -39% | -48% |
| **NSW** | -19% | -11% | +14% | +89% | +37% | +37% |
| **NT** | +42% | +45% | +52% | -15% | -11% | +91% |
| **QLD** | -85% | +84% | +194% | +2260% | +2% | +11% |
| **SA** | 0% * | +165% | +654% | +130% | -23% | -25% |
| **TAS** | +743% | +191% | +901% | -18% | -67% | -81% |
| **VIC** | +36% | +168% | +152% | +29% | -2% | +25% |
| **WA** | +21% | +151% | +180% | +1% | -11% | -18% |
| **Australia** | +7.4% | +55.3% | +90.4% | +75% | +4.7% | +12.1% |

10 As can be seen, during the year before the 1996 election an additional 27,463 (or 7.4%) electors were deleted from the roll by objection action, as compared to the 1993 election. There were also 62,075 (or 55.3%) more provisional votes cast in 1996 than in 1993. Voter participation in the 1996 federal election also increased by 1.0% over 1993, resulting in 111,000 more votes than changes in enrolment since 1993 would suggest.

11 During the year before the 1998 election, an additional 300,131 (or 75.0%) electors were deleted from the roll by objection action, as compared to the 1996 election. There were only 8,154 (4.7%) more provisional votes cast in 1998 than in 1996. The overall voter participation rate in 1998 was also 1% less than in 1996, resulting in a 116,000 fewer provisional votes than changes in enrolment since 1996 would suggest.

12 It should also be noted that not every provisional voter is someone whose name has been deleted from the roll. Nationally, some 20 to 25% of the electors whose provisional votes are counted are actually enrolled in the Division in which they vote. Although this

might suggest a high issuing error rate by polling officials, the names of the provisional voters are subsequently found:

- at a different address than the address claimed;
- under former names; or
- nick-names;

13 If an elector is found on the roll at a different address or under a former name, they have most likely failed to advise the AEC of their new enrolment details. While some misunderstandings occur between polling officials and electors, the proportion directly attributable to issuing officer error is actually extremely low. An examination of Divisional demographics has revealed a moderately strong correlation between the proportion of provisional votes cast by enrolled voters and the proportion of NESB people in a Division. There is an even stronger correlation between the proportion of provisional votes cast by enrolled voters and the proportion of NESB people not fluent in English in a Division. This reflects the difficulty that some polling officials have in correctly identifying NESB electors on certified lists.

14 Turning to the Division of Eden-Monaro, the following table profiles the key elements of Divisional enrolment:

| Eden-Monaro | Close of Rolls Enrolment | Partici-pation Rate | Objection Deletions up to 12 months prior (% of Enrolment) | Provisional Votes Cast (% of Enrolment) | Provisional HofR Votes Admitted (% of votes cast) |
|---|---|---|---|---|---|
| **1993** | 72,386 | 98.6% | 2,523 (3.5%) | 1,321 (1.8%) | 688 (52%) |
| **1996** | 77,134 | 97.9% | 787 (1.0%) | 907 (1.2%) | 408 (45%) |
| **1998** | 77,685 | 99.5% | 4,963 (6.4%) | 1,673 (2.2%) | 1078 (64%) |

15 As can be seen, although the number of provisional votes cast for Eden-Monaro has varied with changes in objection activity, the changes to provisional voting have been very much less than the changes in objections. Further, there is probably an underlying provisional voting rate of about 1% that is not related to objection activity during the twelve months preceding the election concerned.

16 The relatively high objection rate for Eden-Monaro (6.4% compared to State and national averages of 5.9% and 5.8%, respectively) actually boosted the participation rate by removing many names that might otherwise have shown up as non-voters. The statistics also show that as the level of objection activity in the twelve months before an election increases, so too does the likelihood that provisional votes will be admitted to further scrutiny. Ultimately, these results reflect the fact that there is always a risk that electors whose whereabouts are unknown when objection action is taken may have moved within the same Division rather than to another Division. The important issue is that the franchise was saved for these electors.

17 Of the 1,078 admitted provisional votes in Eden-Monaro, 155 were for electors whose names actually were on the certified list at the polling booth. Whilst investigations could be made into the remaining 923 admitted provisional votes, it is unlikely that any evidence of anomalies indicating fraudulent activity would be uncovered. At most, evidence might be found that a few voters who,

- were formerly enrolled in Eden-Monaro;
- had moved to another Division more than one month before the roll close; and

- were unaware of the reasons for their non-appearance on Eden-Monaro's roll,

misrepresented their real place of living so as to be able to exercise their 'right' to vote and to avoid a possible non-voter penalty. Most provisional votes in this category would be rejected – only those where the voter claimed to have moved to the new Division less than one month before the roll close would be admitted.

18 It is also likely that many more provisional voters whose votes were admitted would be found to have:

- re-enrolled at another address within Eden-Monaro between the roll close and polling day;
- re-enrolled at another address within Eden-Monaro on polling day (that is, by submitting a new enrolment form when they voted);
- re-enrolled at another address within Eden-Monaro after polling day;
- moved to another Division too late to have been eligible to enrol there before the roll close and:

- re-enrolled at their new address between the roll close and polling day; or
- re-enrolled at their new address on or after polling day.

19 None of this is suggestive of fraudulent activity since, in all probability, provisional voters who turn up at a polling place in the Division in which they believe they are enrolled, actually still live in that Division.

20 Finally, it should be noted that the objection deletions for Eden-Monaro were proportionately less than in 13 other NSW Divisions and numerically less than in 15 other NSW Divisions; and that for Eden-Monaro there were proportionately less provisional voters than in 9 other NSW Divisions and numerically less provisional voters than in 12 other NSW Divisions.

21 This analysis of objection deletion action and provisional voting activity in the Division of Eden-Monaro, and the comparative analysis of the national statistics for the 1993, 1996 and 1998 federal elections, supports the conclusion made in part 8.10 of submission No 88, that there does not appear to have been any unusual activity occurring in relation to provisional voting at the 1998 federal election.

**Attachment 2**

***Extract from AEC submission No 88 of 12 March 1999***

7.4.1 Section 216 of the Electoral Act requires that group voting tickets registered for the purposes of a Senate election be prominently displayed, in a poster format, at each polling booth. Because the group voting ticket (GVT) poster for each State/Territory must contain representations of the Senate ballot paper with the preferential voting allocations of each registered political party with a group voting ticket, the size of the poster makes it both difficult for AEC officials to handle and display, and difficult for voters to consult conveniently. For example, there were five GVT posters for NSW, which on display in a polling booth covered an area of 3 metres by 1 metre.

7.4.2 This display problem is exacerbated by the non-standard design of the 8,000 polling booths across Australia that are rented or hired for polling day at an election. Some polling booths may be in buildings with awkward internal spaces with permanent furniture fittings and limited display opportunities. Overseas polling booths can have their own unique display problems. Further, for those electors who do not cast a vote in a polling place, it is impractical and expensive to post group voting ticket posters to each individual voter, so that alternative access arrangements must be made with the AEC for those who seek GVT information.

7.4.3 For such reasons, the AEC is of the view that the GVT poster should be discontinued, and instead, group voting tickets should be produced in a booklet format. And rather than the Senate ballot paper format, it would be preferable for there to be a simple column arrangement with candidate names down the left side and party/group name and ticket number across the top, with the preferences shown accordingly in each column. This was the format used successfully for the 1997 election ticket booklet for the election of delegates to the 1998 Constitutional Convention. The GVT booklet would be much easier to display in the polling booth, could be provided on request to voters for easy consultation, and could be posted to voters who are unable to attend a polling booth.

Recommendation 12: The AEC recommends that section 216 of the Electoral Act be amended so that group voting ticket information can be provided in booklet format rather than in poster format.

**Attachment 3**

***Extract from AEC submission No 90 of 20 September 1996***

3.23.2 *Subject: computerised voting*: The possibility of mechanised voting at federal elections has been of periodic interest since the beginning of federation. In 1904 the Minister for Home Affairs commissioned an inquiry into voting machines for federal elections. The Committee invited inventors to submit voting machines for testing and examination, in the following terms:

> In order to obviate informal voting, errors in counting, and delay in Parliamentary Elections, an inquiry has been instituted by the Department of Home Affairs, and exhaustive tests will be made of such Voting Machines as may be submitted to the Department, with a view to the adoption of one of them, if found effective.
>
> (a) that an elector can in one visit to the machine vote preferentially or otherwise with security and perfect secrecy for a Senate or House of Representatives Election, or both, and at least one referendum;
>
> (b) that all possibility of disorganisation, breakdown, fraud, or confusion under the most exacting conditions is eliminated.

3.23.3 The inquiry was advertised nationally and in the USA, where voting machines were already in use. There were sixteen machines submitted from Australian inventors for examination. In explaining the possible reasons why no American inventors submitted the Committee said the following:

> The entirely different electoral conditions obtaining in the United States of America, and the evident difficulty in adjusting the machines in use in that country to meet the novel features connected with the application of the principle of Proportional Representation, may, to some extent, account for the non-submission of American machines.

3.23.4 After examining the machines the Committee concluded that none could provide adequately for preferential voting, or guarantee security.

3.23.5 With the advent of computers, it was thought that perhaps these early problems with mechanised voting might be overcome. However, the First Report of the Joint Select Committee on Electoral Reform in September 1983 concluded that the application of computer technology to federal elections was not appropriate at that time. The AEC Research Report Number 1 of 1986 entitled "Informal Voting 1984 - Senate" also concluded that computerised voting was not feasible at that time. A decade later, the AEC remains unconvinced that computerised voting at Australian federal elections is a feasible proposition. However, the AEC is convinced that a computerised Senate scrutiny is a real possibility, and the Electoral and Referendum Bill Amendment 1995, which was not passed by the last Parliament, included a proposal to computerise the Senate scrutiny.

3.23.6 The proposal involves voters casting their preferences on the traditional ballot papers, and the AEC entering the details into a computer after the event. This can be done by manual data entry or by optical scanning, and would be undertaken during the 13 day waiting period after polling day for the receipt of postal votes. During this period, the AEC would commence the keying and verification of the Senate ballot papers, and then perform the formality check, and the actual automated scrutiny. A computerised Senate scrutiny would leave a paper trail for audit and other purposes, as well as eliminating the need for recounts and printed records,

and providing minimal disruption to voters. The computer program, already developed by the AEC, is based on one used for many years for union ballots and is therefore well tested.

3.23.7 Overseas experience with computerised scrutinies is limited but promising. In the 1993 election in Norway, which has a proportional representation voting system, optical scanning was used in the single constituency of Oslo, which elects 16 members of Parliament. Norwegians have voter cards, and direct computerised voting was feasible, but the Norwegian Government was reluctant to do away with the paper ballot entirely. In Great Britain general elections are still paper-based, but optical scanning of ballot papers is used in union and private elections.

3.23.8 Computerised voting, on the other hand, would require voters to cast their preferences into a computer, either directly into a terminal, or indirectly by a punch card or other machine readable medium. If used in conjunction with some type of security device such as a Personal Identification Number (PIN), a record could also be made that that person had voted.

3.23.9 For comparative purposes it is worth noting that the United States of America uses an array of direct voter input methods, including mechanical and computerised voting. At the 1992 Presidential election, which was conducted by the various State and local authorities, rather than by a single federal agency, 39.3% of voters used manual or voice activated punch cards, 28.4% used mechanical levers, 15.6% used optical scanners, 3.4% used direct electronic voting methods. A further 9.5% used mixed voting methods, while 3.4% used paper ballots. However, a critical distinction is that the USA (like the United Kingdom) has a first-past-the-post electoral system, where voters need only make one preference mark on the ballot paper, and the candidate who obtains the most number of those marks, or preferences, wins.

3.23.10 By contrast, the full preferential voting system used for federal elections in Australia, where voters are required to place numbers on the ballot paper to indicate a descending order of preferences for all candidates listed on the ballot paper, would require much more complex ballot paper presentation than is required for the casting of a single preference vote. (It would not be possible, for example, to use the simple mechanical lever system used in some States of the USA to record a single preference).

3.23.11 With current levels of technology and a full preferential voting system in Australia, computerised voting is less practical than paper-based methods. To devise a computerised voting system which could accommodate full preferential voting would require sophisticated and totally reliable computing facilities. In addition, voters would have to handle the equipment, which, even in its simplest forms, would be difficult for a great many voters, especially the elderly and those with poor literacy and numeracy skills.

3.23.12 Computerised voting would require computing facilities in every polling booth. The cost, not to mention logistical difficulty, of installing computing facilities in all polling booths across the nation for a single day, would be prohibitive. A rough estimate of the cost of using personal computers for such a system is $112 million (32,000 PCs at 8,000 polling places). And with continuous and rapid advances in technology, the investment in PCs might be wasted as they quickly became obsolete.

3.23.13 Another obstacle to computerised voting is the reliability of the actual computer. Experience in the USA has uncovered examples of computer software used for election purposes containing errors sufficient to bring the legitimacy of some election results into question. In addition to programming problems, hardware “crashes” could wreak havoc on polling day if an on-line computer network was employed. Australian experience has seen major computer crashes on the TAB network, Brisbane’s Gold Lotto computer system, and the Australian Stock Exchange computer system.

3.23.14 Perhaps the most serious obstacle to computerised voting is the matter of security. In the USA security has emerged as a serious problem, as computer voting software (ie the programs that count the vote) is produced in secret by commercial companies. Computer experts have claimed that it is impossible to guarantee the security of such commercially-produced systems no matter what audit trails are built in. If the software were to be kept secret, as in the USA, it is extremely unlikely subtle vote rigging would ever be detected. Making software publicly available, to ensure integrity and accountability, carries with it its own drawbacks.

3.23.15 The opportunity to corrupt software would also arise with national networking. Such a network would require stringent security measures to ensure any attempted "hacking" was easily detected. To check the integrity of the software and to guard against fraudulent programming, the only reliable accounting method would be to check the election result against machine-readable cards or ballot papers and manually count them back. To go to such lengths to ensure integrity and accountability would defeat the purpose of computerised voting.

3.23.16 There have been developments in direct voting by telephone, but this has been restricted to smaller and simpler business applications such as shareholder voting. Voter-friendly systems would need to be specifically developed for use in federal elections. The necessary dialogue between the voter and the telephonic system, which would be required for the provision of the detail of a full set of preferences, is not yet available.

3.23.17 Even were such a system to be developed, the operational problems are not trivial. It must be borne in mind that 5.47% of the total 11,258 million voters nationally cast a "below the line" vote for the Senate in the 1996 federal election. In New South Wales and Victoria this meant the expression of full preferences for 63 and 44 Senate candidates respectively. Many voters, particularly the aged, the infirm, the disabled, and non-English speakers would experience considerable difficulty in accurately providing the necessary information in dialogue with an automated telephone system.

3.23.18 Further, the time taken to complete individual transactions would impact on the capacity of the system to avoid queuing. To date there has been no investigation undertaken on the additional telephone infrastructure required to handle close to 11 million extended calls in the course of a single day, in addition to the normal load. Nor has there been any study of the average length of calls which may be required, although estimates of 15 to 20 minutes have been made. A dedicated telephone centre in each of the 148 federal Divisions, would average 80,000 extended calls per centre on polling day.

3.23.19 Telephonic voting would require each elector to be issued with a phone card or unique pin number. The possibility of issuing a voter card for the identification of voters on polling day was examined by the 1993 JSCEM, and it was noted that it could cost $2 per elector or some $22 million to produce and distribute such a card to the 11 million electors nationally. The AEC is preparing a submission to this JSCEM on enrolment and voter ID.

3.23.20 Though still in comparative infancy, developments in Integrated Circuit (IC) chip technology are being monitored by the AEC. For example, visitors to the National Gallery can now use computer handpieces on audio tours and, instead of following a pre-set tour route, can select any picture description. The use of similar handpieces at polling places may be less expensive than computer terminals, and in overseas developments on this front, the Indian Government has developed handpieces that would allow a voter to select up to 64 candidates. However, this technology has not yet been used at an election and, again, the Indian electoral system is first-past-the-post.

3.23.21 The AEC is vigilant in monitoring technological advances and active in applying any new technology that might improve the administration of federal elections. For example, the AEC has adopted the RMANS roll management system and an Election Management System which gave very prompt results on election night. The newly-developed computerised Senate scrutiny system is ready for use pending passage of relevant legislation.

3.23.22 It is of course possible that in some time in the future, some or all of the above problems with computerised voting may be overcome. But given current technology, a full preferential voting system, and substantial security concerns, the AEC believes that computerised voting is not feasible at present.

***Extract from AEC submission No 210 of 23 July 1999***

4.13 …..Mr Cork suggests that one of the benefits of a computerised voting system would be that the result of the election would be known within minutes of the poll closing. In fact, as the AEC has already indicated in part 9 of submission No 88, the result in the House of Representatives was clear by 8 pm on election night, a mere two hours after the close of the poll for the 1998 federal election.

***Extract from AEC submission No 210 of 23 July 1999***

29.1 … [Mr Maleki's] submission … says the following: "There could be the same number of Standard Computers at each polling booth as there has been booths previously." Mr Maleki's cost calculation for "Standard Computers" is given at page 5 of his submission as $2,000 x 93,300, that is, $186.6 million.

29.2 However, if there is to be one computer replacing each voting screen, this figure might well be an underestimate. For the 1998 federal election, 136,000 cardboard voting screens were used for voters to mark their ballot papers in private. On this basis, the cost of "Standard Computers" would be $272 million. The overall cost of such a system could be as high as $300 million, and given the rate at which computer equipment depreciates, such a cost would not just be "one-off", but would have to be incurred periodically as equipment became obsolete. The result of the 1998 federal election was known within two hours of the close of polling, so it must be asked whether the level of public expenditure suggested by Mr Maleki could be justified.

**Attachment 4**

***California Internet Voting Task Force Report***

please contact the JSCEM for copies of this attachment

**Attachment 5**

***Extract from Election Administration Reports (USA) Vol 30, No 5, March 6 2000***

ARIZONA DEMOCRATIC INTERNET VOTING TO BE JUDGED RETROACTIVELY ON DISCRIMINATION

Whether the Arizona Democratic presidential primary election will be valid may depend upon exactly who votes via Internet. A federal judge February 29 refused to enjoin the March 11 Arizona Democratic presidential primary thus clearing the way for Internet voting procedures to be used but did not dismiss a lawsuit challenging the election procedures.

Federal Judge Paul Rosenblatt preferred to see exactly what happens and keeping postelection legal options open. Rosenblatt suggested the claims of the plaintiffs were credible.

*"I suspect there is a digital divide that may well result in racial discrimination. It may result in having to set aside the results of this election or conduct a special election if that were to be the ruling of this court."*

The lawsuit was filed by the Voting Integrity Project and four Arizona minority individuals who alleged that the way the Democratic Party planned to use the Internet discriminated against minorities and especially Native American minorities. By keeping the case open, the court is attempting to determine by the election turnout itself whether the "digital divide" - the gap between well educated majorities and various ethnic and language minorities - diluted the minority vote.

The Justice Department on an expedited basis February 25 had precleared the election procedures including the use of online voting but kept its options for post election action open. In its preclearance letter saying it did not object, the Justice Department told the Democratic Party of Arizona,

*"It is apparent from information made available to us that while the use of Internet voting will increase voting access generally, it is likely to increase access for non-minority voters to a far greater extent than for minority voters. Because of this impact, we expect to evaluate the actual procedures and practices implemented during the upcoming primary to determine whether there were any violations of Section 2 of the Voting Rights Act ..."*

The most controversial feature of the Arizona Democratic Party's plan is permitting Democrats to vote by the Internet from homes, offices, or any other location for four days prior to the March 11 presidential primary election. The party will conduct the election at approximately 125 polling places throughout the State where Internet voting and paper ballot voting will be voter options. Internet voting as a polling place option is not regarded as discriminatory.

Advocates of Internet voting view this case as critically important. A finding that some Internet voting options dilute minority votes could make it very difficult for Internet voting to gain acceptance not only in States subject to the Sec. 5 preclearance provisions of the Voting Rights Act, but nationwide as well because all States are subject to Sec. 2 of the Act. States violate Sec. 2 if a protected minority has less opportunity than others to participate in the political process.

***Extract from Election Administration Reports (USA) Vol 30, No 6, March 20 2000***

INTERNET VOTING OFF TO ROCKY START IN ARIZONA DEMOCRATIC PARTY-RUN PRIMARY

Internet voting got off to a rocky start after the Arizona Democratic Party used first class mail to invite 843,000 registered Democrats to vote early via Internet this month from their homes, offices, libraries, or anywhere else in the party-conducted presidential primary election March 7-10. Although about four percent did cast early votes on the Internet, few Macintosh users were able to do so. Joe Mohen, CEO of election.com, the election vendor, told *Election Administration Reports* the browser in most Macintosh computers was blocked by his company's election security system.

The Macintosh problem had a side effect of complicating matters for many Democrats who lost or misplaced the pin numbers they received in the mail. When these persons called to obtain the number without which they could not vote on the Internet, many were unable to get through because Macintosh users were also calling. The party added telephone lines for the final days.

Slightly more than five percent of the registered Democrats in Yavapai and Maricopa Counties used Internet voting from home, office and elsewhere in the 96 hour period prior to the March 11 election day. Pima and Cochise Counties voted under four percent. All 11 other counties were below three percent declining to 0.8 in Apache, 1.0 in Greenlee, and 1.3 percent in Navajo Counties.

The ballot could nor have been simpler - only one office, uniform statewide - with three candidates for president, Al Gore, Bill Bradley, and Heather Harder. No ballot questions. Polls were open between 10:00 a.m. and 7:00 p.m March 11, a total of nine hours.

The election March 11 at the polls suffered many routine administrative difficulties, in part because the party did not know how many polls it would have or the location of some of them until near the last minute. The number of polling places was gradually increased from about 85 statewide to 124 in the month before the election to meet legal complaints about Internet voting diluting minority votes. Mohen said a very difficult part of the election was locating polling places with dedicated lines. Ultimately ten polling places in rural and/or on Indian reservations were opened without Internet voting. All 124 polls statewide had paper ballots.

Due to the last minute polling place additions and changes, there were errors on the polling place list mailed to the voters. Voters, however, could vote at any poll. The late confusion about the number and location of the polls did contribute to logistical difficulties. Many unpaid volunteer poll workers had to be recruited at the last minute and were untrained. With no real contest on election day after Bill Bradley withdrew two days earlier, polling place decorum was quite relaxed. Poll workers allowed solicitors to obtain signatures on candidate petitions for future elections inside the polls or directly outside the doors.

Results were very slow in being publicized. The first results were posted about two and one-half hours after the polls closed on giant tele-screens at a post-election party gathering at the Phoenician Hotel. The screens showed the votes statewide tallied up to that time for Bradley, Gore, and Harder without any indication of what was included and what was missing, and with no reference to the number of delegates won by any candidate. No breakdown of numbers by polling place, county, region, or method of voting was provided nor was any hardcopy of the results made available.

On Tuesday, March 14 candidate results showed totals by region but still missing two percent of the paper ballot votes. As of Friday, March 17, 2000, nothing had been added and there was still nothing on results by polling place or method of voting. No one at Democratic Party headquarters could provide anything beyond what was on the election.com website.

Election.com reported 35,765 voted during early voting (Mar. 7-10) via Internet but the numbers they reported by county on the website added up to only 33,448. (see webpage below).

In a press release, election.com reported 32,159 voted absentee ballots by mail, and 18,043 voted at the 124 polling places. At the polls, 4,174 (23 percent) accepted invitations to log on the Internet to cast their votes rather than simply make the single X on the paper ballot. Turnout was approximately 85,000, about 10 percent of the registered Democrats in the State. More than 35 percent of registered Republicans voted February 22 in that party's primary.

The total cost of Internet voting, or whether the party is paying for it, has not yet been disclosed. Mohen explained his refusal to provide *Election Administration Reports* with a cost estimate of the election by saying election.com is a private company. He did say election.com contracted for more than 300 technical personnel on election day with at least two assigned to each poll with an Internet voting option. Mail was another major election expense. The party sent two first class mailings. One of 843,000 was sent to registered individual voters with individual pin numbers, and later a 500,000 mailing to registered households advising them of polling place locations. About 50,000 absentee ballots were sent in the mail. The Democratic Party, however, recruited many unpaid workers to answer telephones at party headquarters, and hundreds of unpaid volunteers who helped organize and staff polling places. Many of the polling places were donated.

The validity of the election is still clouded by a pre-election lawsuit pending in federal court filed by the Voting Integrity Project and four Arizona minority group members who charge that the early Internet voting process violated the Voting Rights Act by diluting the votes of minorities who have less access than others to the Internet.

**Attachment 6**

***Technology and the Voting Process (Canada)***

please contact the JSCEM for copies of this attachment

**Attachment 7**

***Sample page of the Roll with background printing***

please contact the JSCEM for copies of this attachment