

14<sup>th</sup> August 2024

COTA Tasmania is happy to endorse the submission prepared by Blind Citizens Australia (BCA) Tasmania and Disability Voices Tasmania (DVT) for lodgement to the *Inquiry into the Conduct of the 2024 House of Assembly General Election and 2024 Legislative Council Elections*. We are hopeful that this Inquiry will lead to long overdue reforms in Tasmania, by drawing attention to the issue of accessible voting and determining a clear pathway for practical adjustments and ongoing consultation, to ensure that all eligible voters have the right to vote in ways that best support their needs and preferences.

We are aware that there is a patchwork of different provisions for telephone voting and electronic voting across Australian states and territories. We have included a summary from a Blind Citizens Australia Policy Report on accessible voting, published in 2023, as an **Appendix**. We are also aware that:

- people who are blind or have low vision could register for telephone voting ahead of the Federal election in 2022 and the Referendum on a Voice to Parliament in 2023, after the option was first made available by the Australian Electoral Commission (AEC) in 2013; and
- in Tasmania's State Election earlier this year, there was a process to register for telephone voting, but this option was only available to electors who were interstate or overseas during the polling period.

We agree with BCA and DVT that in 2024, it should be 'incomprehensible' that people with disabilities should encounter the kinds of barriers and difficulties reported in the case studies, when they seek to exercise their right to vote. We support the recommendations set out in the submission and urge Tasmanian policymakers to make accessible voting a reality for all voters in Tasmania.



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## The Current Policy Landscape<sup>1</sup>

The Commonwealth Electoral Act 1918 and the Electoral and Referendum Regulations 2016, which govern the conduct of Federal elections and referendums, provide for an electronically assisted voting method to be used by sight-impaired people. The procedures are not specified in the Regulations and are instead determined by the Commissioner before each election.

In practice, telephone voting has been available for voters who are blind or vision impaired since the 2013 Federal Election, but there has been no serious attempt to implement online voting or any other form of electronically assisted voting.

This is a similar situation in Victoria and Queensland where electronic voting is allowed under the Electoral Act, but in practice only human assisted telephone voting exists. There was a limited trial of electronic voting machines for the Victorian State election in 2014, but this was not continued.

In Western Australia and South Australia, electoral laws provide for the use of an electronic voting system called Vote Assist, which allows eligible voters to vote at a computer terminal located at a polling location, with headphones, a numerical keypad and audio prompts.

Once the elector has given their preference via VoteAssist, the ballot papers are printed and placed into a Declaration Envelope. No votes are recorded or stored electronically on the system after the voting has occurred. Voting occurs in the presence of a witness who also signs the declaration form.

However, VoteAssist is not currently offered in South Australia. In the 2021 Western Australian State election, VoteAssist was available in two polling locations in Perth.

In the ACT, the Electoral Act provides for electronic voting devices and vote counting programs (s 118A).

Some polling locations are equipped with computers (electronic voting terminals) connected to a secure local area network – no votes are taken or transmitted over the internet or any other public network.

The voter is issued with an e-voting card to activate the system and is guided through the voting procedure. Headphones are provided to deliver recorded audio instructions.

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<sup>1</sup> From Blind Citizens Australia (BCA) Policy Report on Accessible Voting in Australia (2023, pp 12-14). Full title: *Accessibility at the Ballot Box: Ensuring a secret, independent and verifiable voting process for people who are blind or vision impaired*. Report accessed at: <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.bca.org.au%2Fwp-content%2Fuploads%2F2023%2F09%2FPolicy-Report-Accessible-Voting-v1.0.docx&wdOrigin=BROWSELINK>

In Tasmania, the Electoral Act does not prescribe the procedures for assisted voting. Instead, the procedures are determined by the Tasmanian Electoral Commission in relation to each election. For the 2022 Legislative Council elections, vision impaired electors were able to use a VI-Vote, a computer and audio based system at three pre-poll centres and three polling centres[.]

In the Northern Territory, the Electoral Act provides that the Electoral Commissioner may approve the use of a specified electronic or other automated system; however to our knowledge, none has been approved for use in NT elections.

Finally, in NSW, the electronic assisted voting system known as iVote was available to eligible voters from 2011 - 2022, providing the ability to vote through an automated telephone system or through an internet browser.

In 2022, the NSW Electoral Commissioner decided iVote would not be used for the 2023 State election, and NSW Parliament passed legislation to confirm that technology assisted voting would not be used, with a specific exemption allowing for human assisted telephone voting for electors who are blind or have low vision.

As of the time of publication of report, no replacement for iVote has yet been proposed; however the Interim Report of the NSW Electoral Commission's 'Technology Assisted Voting Review' recommended legislative action be taken with the aim of a replacement system that can be used by the 2027 State Election.