



WESTERN AUSTRALIAN  
Electoral Commission

Mr P Katsambanis MLA  
Chair  
Community Development & Justice Standing Committee  
Parliament House  
4 Harvest Terrace  
West Perth WA 6005

By email: [lacdjsc@parliament.wa.gov.au](mailto:lacdjsc@parliament.wa.gov.au)

Dear Mr Katsambanis

**Inquiry into the Administration and Management of the 2017 State General Election  
Report 2, 2018 – Request for Written Response**

Thank you for the opportunity to respond to the Committee's report. My responses to recommendations 2-17, 19-20 and 22-25, being the recommendations relevant to the operations of the Western Australian Electoral Commission, are provided below.

I note at the outset the Committee's conclusion that the 2017 WA state election was conducted "professionally, efficiently and impartially" and that no issues were identified that call into question the electoral process or validity of the results. This reflects an electoral event which, overall, was competently conducted.

I also note the observation in the Executive Summary to the report that the Commission "must develop a culture of continuous improvement" and in the foreword that "subjected to insufficient resourcing and outdated legislation, the Western Australian Electoral Commission appears to have fallen back on a 'same old same old' approach". I wish to place on record my own view that the successful conduct of the election - including the provision of "more services ...to more people with less funding" as noted by the Committee itself - would simply not have been possible without a culture of continuous improvement.

The Commission has been assiduous over successive elections in constantly improving its performance. Indeed, it is highly regarded among its peers as a progressive and forward thinking electoral body and a leader in the development and adoption of innovative systems and technology including electronic roll mark off and roll scanning; drive in polling places and internet voting and for people with disability; our leading role in promoting the development of a national internet voting capacity; and the Commission's support for the introduction of direct enrolment; to name but a few. Such initiatives do not reflect an organisation without an eye to innovation and improvement.

My previously expressed views on the inadequacy of past resourcing and outdated legislation do not need to be repeated here. I acknowledge nevertheless that, like any other organisation, we can always do better and I welcome the feedback provided through submissions to the Committee.

## RESPONSE TO SPECIFIC RECOMMENDATIONS

### **Recommendation 2**

*That prior to the next state general election the Western Australian Electoral Commission establishes community reference groups to develop action plans that guide the Commission's electoral services to their respective communities. The following four reference groups should be established as a priority:*

- *Aboriginal reference group*
- *Culturally and linguistically diverse reference group*
- *Disability reference group*
- *Young people reference group*

#### **Response:**

The Commission will seek to expand upon existing strategies and channels of communication by engaging with relevant bodies in all four areas in the lead up to the next state election.

### **Recommendation 3**

*That prior to the next state general election the Western Australian Electoral Commission and disability reference group conducts research into, and implements, effective advertising methods to increase awareness of internet voting amongst people with disability.*

#### **Response:**

Agreed, with the following additional observations.

In the lead up to the 2017 election the Commission took a deliberate and well considered decision to work through the established and reliable networks of peak disability bodies in order to communicate with their members. Indeed, the submission to the Committee from one of those organisations, Blind Citizens Australia, observes that all of their members who provided feedback on the iVote system indicated that they were well informed about its availability.

The 2288 people with disability who ultimately voted via the internet not only exceeded our expectations but also exceeded the number of people with disability (only 668) who used the iVote system the first time it was deployed in New South Wales. Where people with disability still voted at conventional polling places, many are likely to have done so not because of a lack of awareness of the internet option, but because they accompanied another elector who had to attend the polling place in any event.

### **Recommendation 4**

*That the Western Australian Electoral Commission reviews its processes for the recruitment of casual staff for state general elections, with a view to increasing diversity.*

#### **Response:**

Agreed



**Recommendation 5**

*That the Western Australian Electoral Commission begins collecting, collating, and reporting demographic data relating to its casual employees. The ethnicity or cultural background, gender and age of casual staff, as well as languages spoken, should be recorded.*

**Response:**

The Commission already collects data about the age of casual staff, 20% being under the age of 30 years at the 2017 election. We will endeavour to collect more data about the ethnic or cultural backgrounds of casual staff, noting however that there are sensitivities to be considered in requesting information on ethnic or cultural background and gender in light of the reluctance of some applicants to disclose such information.

**Recommendation 6**

*That the Western Australian Electoral Commission provides at least one early voting centre per electoral district for the next state general election.*

**Response:**

Not supported

The Commission acknowledges that some early voting centres had accessibility issues and, with the benefit of hindsight, would have opened additional centres. Having a separate centre in each and every district would, however, lead to unnecessary duplication and a significant increase in costs, without a concomitant benefit to electors.

Comparing the availability and distribution of early voting centres with New South Wales can be misleading. Electoral districts in that state have on average more than twice as many electors as in Western Australia and it is much more difficult to travel around Sydney than Perth. Clearly there are parts of Perth where a centre strategically located on a major thoroughfare or within a popular shopping precinct can readily be accessed by electors in adjoining districts, obviating the need for an early voting centre in every single district.

A further consideration for the Commission, made abundantly clear in our evidence to the inquiry, is that we only need to hire centres for one three-week period every four years. Building owners are obviously keen to let their premises for a much longer period and we can therefore only hope to choose from premises that are 'on the market' in the period immediately before early voting commences. Many of the courthouses which the Commission was able to use at no cost as early voting centres at past elections are not geared to cope with the now greatly increased demand.

Members of the Committee will also be aware that while political parties often lease campaign headquarters some six months out before an election, they commonly use them for campaigning from then on. It would be fiscally irresponsible for the Commission to take out leases of such duration on premises we only intend to use for 3 weeks.

We will nevertheless strive to increase the number and improve the distribution of early voting centres within the limits of both our funding and the availability of suitable premises.

**Recommendation 7**

*That the Western Australian Electoral Commission attempts to reach an agreement with political parties to ensure consistency of campaigning across all early voting centres.*

**Response:**

Not supported

This could give rise to a perception that the Commission is involved in political campaigning activities and thus jeopardise its perceived neutrality. It should also be noted that elections are not contested solely by political parties. Independent candidates also feature prominently.

**Recommendation 8**

*That the Western Australian Electoral Commission issues clear guidelines prior to the next state general election implementing a consistent process by which how-to-vote cards will be made available at early voting centres.*

**Response:**

Agreed

**Recommendation 9**

*That the Western Australian Electoral Commission extends the opening hours of early voting centres to provide electors with opportunities to vote after business hours and on weekends.*

**Response:**

Agreed

The Commission successfully trialled more flexible opening hours at the recent Cottesloe and Darling Range by-elections and intends to build on this at the next State general election.

**Recommendation 10**

*That the Western Australian Electoral Commission reduces the period for early voting in person to two weeks.*

**Response:**

Not supported

The Commission acknowledges the challenges faced by political parties in organising volunteers to attend polling places throughout the election period but in the interests of maximising participation, feels that priority should be given to maximising voting opportunities for electors.

**Recommendation 11**

*That the Western Australian Electoral Commission reviews its planning processes for the distribution of ballot papers to early voting centres and polling places with a view to eliminating ballot paper shortages.*

**Response:**

Agreed

**Recommendation 12**

*That the Western Australian Electoral Commission identifies opportunities for improving the external scrutiny of the iVote system, including the presence of external scrutineers during the setup of iVote systems.*

**Response:**

Agreed

With a greater lead time the Commission would have involved external scrutineers and expert advisers to a much greater extent for the 2017 election, but unfortunately the enabling legislation was not enacted until 7 months out, leaving insufficient time.

**Recommendation 13**

*That the Western Australian Electoral Commission releases data on the performance of the iVote system to facilitate external scrutiny, including vote data and the outcomes of the telephone verification service.*

**Response:**

Agreed. It should not be assumed, however, that voting patterns among a particular demographic group will necessarily conform to the pattern of voting among electors overall.

**Recommendation 14**

*That the Western Australian Electoral Commission considers additional independent auditing of the security of the iVote system.*

**Response:**

Agreed

**Recommendation 15**

*That the Western Australian Electoral Commission reviews the accuracy of their public communications regarding the security risks associated with the iVote system.*

**Response:**

This particular recommendation stemmed from a single sentence on the Commission's website, which could have been better expressed.

In various public statements the Commission has consistently acknowledged that there are risks associated with internet applications but that, (as the Committee itself stated in its report) such security concerns must be weighed against other relevant factors (such as the right to vote in secret, the number of votes considered likely to be cast online, and risks inherent in paper-based systems).



**Recommendation 16**

*That the Western Australian Electoral Commission reviews and improves security procedures for the iVote decryption ceremony.*

**Response:**

Agreed

**Recommendation 17**

*That the Western Australian Electoral Commission establishes an advisory body of independent experts to conduct a full review of the iVote internet and telephone voting system and to consider security, auditing, and scrutineering issues well before the next state election. This advisory body should:*

- *Contain members with expertise in internet voting, privacy, security, and cybercrime.*
- *Release a report prior to the next election detailing its consideration of the security, auditing, and scrutiny of iVote.*

**Response:**

Agreed, noting that the Commission would have established such a body prior to the 2017 election had the passage of the enabling legislation and therefore time permitted.

**Recommendation 19**

*That the Western Australian Electoral Commission ensures the source code of any future internet voting system is publicly available.*

**Response:**

Not supported

Different experts have different views about making available the source code for internet-based systems. The Commission's view, on balance, is that releasing the source code publicly would give rise to an unwarranted security risk, but in future we hope to make access to the source code available on a limited basis to qualified academics who are prepared to sign and adhere to confidentiality and security protocols. I also note that release of the source code for the 2017 election was precluded by legal arrangements between the New South Wales Electoral Commission (whose system we used) and one of its contracting partners.

**Recommendation 20**

*That the Western Australian Electoral Commission provides political parties with training and detailed procedure documents to support their scrutiny of the iVote system.*

**Response:**

Agreed

**Recommendation 22**

*That the Western Australian Electoral Commission develop, publish, and report against performance indicators that relate to enrolment processing quality and timelines, and the accuracy and completeness of the electoral roll.*

**Response:**

Agreed

**Recommendation 23**

*That the Western Australian Electoral Commission conduct a comprehensive review of its processes for gaining feedback from political parties and responding to their concerns.*

**Response:**

Agreed

While a review will be conducted, the Commission wishes to emphasise that it already has an officer with specific responsibility for conducting post-election 'de-briefs' with political parties and that parties have expressed satisfaction with the performance of that role.

The review will take account of the needs and aspirations not only of political parties, but of all candidates whether endorsed by a political party or not.

**Recommendation 24**

*That the Western Australian Electoral Commission conduct rigorous evaluations of all future electoral programs to demonstrate outcomes before they are further implemented.*

**Response:**

Agreed

**Recommendation 25**

*That following each electoral event the Western Australian Electoral Commission and, once established, the four community reference groups review the provision of electoral services to their respective communities.*

**Response:**

The Commission will review the provision of services to different groups as part of the engagement activity referred to in the response to Recommendation 2.

Yours sincerely



David Kerslake  
Electoral Commissioner

17 July 2018