# Blind Citizens Australia logo

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**Accessibility at the Ballot Box: Ensuring a secret, independent and verifiable voting process for people who are blind or vision impaired**

Policy Report on Accessible Voting in Australia

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Developed in consultation with BCA’s National Policy Council

With thanks to the Public Interest Advocacy Centre (PIAC)

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## Introduction

### About Blind Citizens Australia

Blind Citizens Australia (BCA) is the peak national representative organisation of and for the over 500,000 people in Australia who are blind or vision impaired. For nearly 50 years, BCA has built a strong reputation for empowering Australians who are blind or vision impaired to lead full and active lives and to make meaningful contributions to our communities.

BCA provides peer support and individual advocacy to people who are blind or vision impaired across Australia. Through our campaign work, we address systemic barriers by promoting the full and equal participation in society of people who are blind or vision impaired. Through our policy work, we provide advice to community and governments on issues of importance to people who are blind or vision impaired. As a disability-led organisation, our work is directly informed by lived experience. All directors are full members of BCA and the majority of our volunteers and staff are blind or vision impaired. They are of diverse backgrounds and identities.

### About people who are blind or vision impaired

There are currently more than 500,000 people who are blind or vision impaired in Australia with estimates that this will rise to 564,000 by 2030. According to Vision Initiative, around 80% of vision loss in Australia is caused by conditions that become more common as people age[[1]](#endnote-2).

Australians who are blind or vision impaired can live rich and active lives and make meaningful contributions to their communities: working, volunteering, raising families and engaging in sports and other recreational activities.

The extent to which people can actively and independently participate in community life does, however, rely on facilities, services and systems that are available to the public being designed in a way that makes them inclusive of the needs of all citizens – including those who are blind or vision impaired.

## 1. Context of Report

### 1.1 What this Policy Report is about

Australia risks lagging behind the international community in ensuring truly equal access to our political system. Our systems of voting, which rely heavily on pencil and paper voting or human-assisted phone voting options, force people who are blind or vision impaired to rely on another person to cast their vote – a support worker, a spouse or other family member, or an Electoral Commission staff member – and trust that person will complete the ballot paper accurately according to their wishes.

There are three key elements that make up a fully accessible vote:

* Secrecy – being able to vote in private.
* Independence – being able to vote without the need for assistance by another person.
* Verifiability – being able to check back on the voting choices you have made.

Australia was the first country in the world to allow citizens to cast their vote anonymously. First implemented in Tasmania, Victoria and South Australia in 1856, and spreading to all Australian colonies other than Western Australia within three years[[2]](#endnote-3), the ‘secret ballot’ (or ‘Australian Ballot’ as it was known at the time) sparked a voting revolution in liberal democracies and soon became a cornerstone of free societies, a central part of the principle of free and equal participation in the electoral process. And yet, by failing to have election processes that are accessible to all citizens, Australia risks the formation of governments that do not reflect the genuine needs, interests, and values of the citizens it claims to represent.

For too long, this issue has been seen as a zero-sum game between the competing concepts of accessibility and security. But for people who are blind or vision impaired, these issues are intertwined. Ensuring all people can cast a vote accessibly, and that vote is counted secretly and securely, is central to why BCA continues to push for change.

### 1.2 How this Policy Report was developed

The report is based on extensive consultations with members and other people who are blind or vision impaired, and our ongoing systemic advocacy work in the sector.

It builds on the work of submissions made to state and federal reviews and inquiries – including the Joint Standing Committee on Electoral Matters (JSCEM) ‘Inquiry into the Conduct of the 2022 Federal Election’, and the NSW Electoral Commission ‘Technology Assisted Voting (TAV) Review’ – as well as a presentation delivered by BCA staff at the 2023 Roundtable on Print Disability.

The report has also been informed by research into voting processes conducted by the Public Interest Advocacy Centre (PIAC),

### 1.3 Underpinning Policy Frameworks

The lack of truly accessible and anonymous voting systems mean governments in Australia are at risk of failing to meet the commitments to equal political participation made under the under the International Covenant on Civil and Political Rights (ICCPR) and the United Nations Convention on the Rights of Persons with Disabilities (CPRD).

Australia’s obligations under the ICCPR includes Article 25(b) – ensuring the right to vote by secret ballot without distinction or unreasonable restrictions[[3]](#endnote-4). Similarly, Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CPRD) requires governments ensure people with disability can enjoy political rights on an equal basis with others, including the right to vote by secret ballot. Article 29 of the CRPD also requires governments to ensure that voting procedures, facilities and materials are “appropriate, accessible and easy to understand and use” and to facilitate “the use of assistive and new technologies where appropriate”[[4]](#endnote-5).

### 1.4 How this Policy Report should be used

BCA staff and members can refer to this Policy Report when working with local, state/territory and federal governments, and independent statutory bodies including state and federal Electoral Commissions.

This Policy Report is available on the BCA Policy Hub [https://www.bca.org.au/policy-reports-and-position-papers/] and will be distributed to relevant decision makers and other stakeholders.

## 2. Accessibility of Existing Voting Methods

### 2.1 Paper Ballots

Dating back to ancient Greece and Rome, the most consistently utilised method of voting has been the paper ballot.[[5]](#endnote-6) People strongly trust the paper ballot because it leaves a physical record of a vote that can be counted by hand.

To cast a vote, a voter must insert the paper ballot into the ballot box. These boxes are easy to watch over, allowing election officials to prevent election fraud with relative ease.

Paper ballot systems are also simple to operate – there are no moving parts and therefore no room for mechanical error, only human error. Human error does exist, however, with approximately two million ballots, or 1.8 per cent of the national vote, declared invalid in the infamous 2000 US presidential election.

Most people have no trouble when completing a paper ballot, but people who are blind, vision impaired or and other print disabilities may find it exceedingly difficult – if not impossible – to vote in this way. In order to complete a paper ballot, therefore, these people typically require someone else to do it on their behalf.

### 2.2 Braille Ballots

Braille ballots seem an obvious answer to the paper ballot problems, but can pose additional problems[[6]](#endnote-7). Braille ballots can cost up to 10 times as much to produce as paper ballots, and Braille print also takes up much more space than regular print, with a single regular print ballot translating into 11 pages of braille print. Given the size of recent Senate and Legislative Council ballot papers, many electoral commissions across Australia consider this to be an untenable option.

Braille has been used on templates/stencils that attach to regular paper ballots.

### 2.3 Telephone voting

The option of human-assisted telephone voting has been adopted widely across Australian jurisdictions in recent years, including the 2022 Federal Election, andwill be used at the 2023 Referendum on a Voice to Parliament.

While each electoral commission have their own unique systems in place, the process for using human-assisted telephone voting remains broadly the same across jurisdictions:

* After an election has been called, an eligible voter registers by calling the dedicated telephone service and receiving a unique ID number.
* During the voting period, the voter calls the telephone service again and provides their ID number. The voter casts a vote by disclosing preferences to election official who manually fills out a paper ballot.
* A second election official observes the first staff member completing the ballot paper and confirms it reflects the voter’s instructions.

While this system of voting does go some way into protecting the anonymity of the voter, it does little to allow a voter who is blind or vision impaired an opportunity to verify their ballot has been entered correctly. Ultimately the voter is still forced to trust that election staff are recording their voting preferences correctly and will not change anything before the ballot has been submitted.

### 2.4 Stencils and other tactile templates

Tactile voting templates have been developed in other jurisdictions around the world and have offered voters who are blind or vision impaired an unprecedented engagement with the electoral process. These templates are attached over the top of a regular paper ballot. The templates are generally designed with clear and non-decorative lettering, large print, good colour contrast, raised letters, braille, and cut-out sections with a black border to assist people to find where to mark their vote.

These templates have been extensively used to provide accessible voting in the Republic of Ireland since the mid 2010s, when the Department of Housing, Planning and Local Government established a working group with disability organisations to produce tactile ballot paper templates suitable for all local, presidential and European elections and future referenda[[7]](#endnote-8). Three templates were developed, which were available in all polling stations and are attached to the same ballot paper used by everyone else:

* For referenda: There are two cut out boxes on the template, one for ‘Yes’ and one for ‘No’. In the March 2018 referendum - the result of which removed the constitutional ban on abortion - Irish people who are blind or vision impaired were able to vote independently and secretly for the first time, with tactile ballot paper templates available at every polling station throughout the country.
* For presidential elections: For the October 2018 presidential election, there were six cut out boxes – one for each of the six candidates. Again, the template was placed over the ballot paper to match the boxes to be marked on the ballot paper. Voters could also call a free phone number to listen to a list of election candidates. This could be listened to at any time including at home, at the polling station and in the polling booth. Voters could also find a list of candidates on the presidential election website.
* For local and European elections: For the May 2019 local and European elections, there were 20 cut out boxes on the template. The template had flaps over each of the cut outs, so that people could close each one over as they marked the ballot paper. There was also a cut out hole at the top right-hand corner of the template, so that voters knew that the template had been placed the right way up on the ballot paper.

### 2.5 Mechanical Voting

The mechanical lever voting machine was invented in 1892 and was the most used voting system in the US by the 1960s[[8]](#endnote-9). In order to use the lever machine, a voter enters a private booth and turns a series of levers that signify their choice of candidate. A voter can change their mind by turning the lever back on their original choice and pulling the lever on their new choice. Once the voter is satisfied with their choice, they pull a large master lever and their vote is mechanically tallied.

Mechanical voting systems also have significant draw backs, both for the blind and vision impaired community as well as for the general public. People who are blind or vision impaired would still likely need support to find and identify the appropriate levers, and ultimately these devices need regular servicing and repair. Failure to regularly service and replace mechanical voting systems can have enormous consequences: such was the case for the result of the 2000 US Presidential Election, which hinged on election officials in Florida determining the validity of ‘hanging chads’ (where the punch-card voting machines failed to fully detach a portion of the ballot paper) and ‘dimpled chads’ (where the machines merely dented the ballot paper)[[9]](#endnote-10).

### 2.6 Electronic Voting

Electronic voting machines (also known as voting kiosks) have become one of the most popular alternative methods of voting around the world[[10]](#endnote-11). The most common type of electronic voting machine is the Direct Recording Electronic (DRE) machine, which stores votes directly to a hard drive or other storage medium. An alternative method known as ‘ballot markers’ are very similar to DREs, except they produce a paper ballot rather than storing the vote electronically, and require a voter to insert a blank ballot into the machine prior to voting.

In recent years there have been significant advances and improvements to mobile voting kiosks that are designed to support voters with a variety of disability types. These newer model kiosks, some of which are already in use in other jurisdictions around the world and in limited trials in Australia, often incorporate a range of accessibility features. Most kiosks provide a digital interface with options to increase magnification or otherwise alter the display to a voters preference, headphones for voters who require audio options, and either large button controllers or a telephone-style keypad that can be overlayed on the display for voters who are unable to use touchscreens. Some also provide built in scanners and printers to allow voters to print out, check and scan in their ballot once they are satisfied with their selection. Some even allow voters to make their voting choices ahead of time on a device of their choosing, then use QR code readers to transfer those voting preferences to an official ballot. Many of these are built using ultra-light materials, and are designed to be portable - which means there is the potential for them to be used to support voting in regional and remote areas[[11]](#endnote-12).

Because votes cast using kiosks are recorded and stored on locally owned infrastructure, and are not transmitted via public networks, they are considered to be more secure than internet voting. Importantly, these kiosks can be designed to be “end-to-end verifiable”, which allows an elector to confirm their vote was “cast as intended, recorded as cast and counted as recorded”[[12]](#endnote-13). The limited trial of the V-vote system in Victoria was an example of this type of end-to-end verification.

### 2.7 Internet Voting

Australia has limited experience with online systems of voting. The ‘iVote’ system was introduced in 2011 for use in NSW state and local council elections to support people who are blind or vision impaired to vote. The iVote system allowed voters to cast their vote by internet (through a computer, smartphone or tablet) or by telephone using an automated (not human assisted) process. This provided voters who are blind or vision impaired with a range options for voting that may suit their particular accessibility needs.

At the time of its introduction, it was estimated there were about 70,000 voters in NSW who were blind or vision impaired[[13]](#endnote-14). iVote was also expected to benefit people with other disabilities (around 330,000 voters) and people in remote locations (around 6,500 voters) who had difficulty attending a polling station and casting a vote in the same way as other NSW voters[[14]](#endnote-15).

Since 2011, iVote has enabled thousands of voters who are blind or vision impaired, and many more voters who have other disabilities or circumstances that make it difficult to access a polling station, to cast their votes independently and participate equally in NSW elections. NSWEC analysis since 2011 has shown increasing uptake of iVote and ‘a high degree of satisfaction among electors who used iVote’ as well as reporting that about 10% of electors who used iVote would not have been able to vote had iVote not been available[[15]](#endnote-16). In the 2015 election alone, nearly 5000 people who are blind or vision impaired used iVote to cast their ballot.

The process for voting using iVote involved the following steps:

* An eligible voter could register online or through the iVote registration call centre, set a PIN and receive a vote ID.
* Once voting started, the voter could log into iVote online or by telephone, using the PIN and vote ID. The voter casts their vote using that device (which they are likely to already be familiar with and have personalised to their needs) without assistance from another person.
* To ensure their vote has been recorded correctly, the voter could contact the verification server and provide their PIN, vote ID and vote receipt number at any time after a vote is cast and before voting closes. The vote is read aloud by text-to-speech technology.
* At the end of the election, the receipt numbers are uploaded to the iVote website and voters can check that their votes were counted in the total by searching their receipt numbers.

Internet voting seems like an undeniably attractive option for people who are blind or vision impaired; however, it is not a silver bullet. Given Australia’s notoriously bad internet connectivity in regional, and remote areas, a reliance on online voting has the potential to disenfranchise many voters if they experience internet outages during an election period. In addition, system failure in online voting can have significant impacts. During voting for the 2021 NSW Local Council Elections, the i-Vote system crashed, resulting in a situation where the number of people who were prevented from voting due to issues with iVote outnumbered the margin of victory by the successful candidate in three separate races. In a post-election review, Electoral Commissioner found that there was a possibility that “if each individual who had registered to use iVote on election day had been able to vote, a different outcome might have occurred”, leading to the Supreme Court of NSW declaring those results null and void and ordering fresh elections take place.

It is important to note this is not the only problem with iVote. The vendor responsible for the development of iVote (Scytl) also designed and implemented Swiss Post, an online voting platform for use in elections for the nation’s cantons (regional governments), and the two systems share much of the same code. The SwissPost system was lauded for the inclusion of a mathematical proof that the encrypted votes have been properly shuffled and honestly decrypted. However, in 2019, while examining source code of the SwissPost e-voting system, a team of cybersecurity experts found several serious cryptographic errors. This team found several different ways in which Scytl, or anyone else with access to the server, could forge a “proof” that passed verification even though the votes had been manipulated. The lead researcher on this team warned:

“Not only that it makes large-scale fraud possible for anyone who controls the system, but that that fraud could be completely undetectable. Even if we didn’t notice any problems, we have no idea whether the election outcome is accurate.”[[16]](#endnote-17)

From BCA’s perspective, while iVote seemed incredibly promising, we remain concerned that a system that merely gives the appearance of accessibility and security – but that has significant risks for back door manipulation of votes – is arguably a worse scenario than the status quo. Cybersecurity experts have warned that the changing of a single line of code by a remote programmer could result in changes to millions of electronic ballots in milliseconds[[17]](#endnote-18).

Elsewhere on the international stage, Estonia is the only country to allow binding national internet voting. Since 2005, all registered Estonian voters have been able to vote in national elections through a multi-layered encryption process over the internet. The Estonian system allows voters to vote multiple times, with only their most recent vote counted. Voters can also override their online vote by voting with a paper ballot at a traditional polling station (with only the paper ballot counted)[[18]](#endnote-19).

## 3. The Current Policy Landscape

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.

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.

## 4. Charting a path forward

It is clear there is no simple one-size-fits all approach to the provision of accessible voting. Instead, BCA is calling on all governments around Australia to work proactively with people who are blind or vision impaired to co-design and develop a system – or more accurately a suite of systems working together – that offers a multifaceted approach to accessible voting. These systems should provide a voting experience that can accommodate different accessibility requirements at the same time as ensuring security and performance.

We should not back away from the ultimate push for online voting - it is a natural progression given most government services (Centrelink, Medicare, the Australian Tax Office, the National Census etc) rely on web-based engagement. However, given the mass data breaches that have occurred from Optus, Medibank and the NDIS in recent months, we must be creative in our approach, and prepared to embrace other solutions in the meantime.

The introduction of voting kiosks for use in future elections, especially if augmented with additional technology such as Electronic Braille Displays, has the potential to significantly improve the accessibility of voting for many people who are blind or vision impaired, as well as voters with motor impairment related disabilities.

At the other end of the technology spectrum, BCA supports further exploration of tactile stencils that are overlayed on top of a paper ballot. These stencils provide a low-tech, low cost option for improving the electoral engagement of voters who are blind or vision impaired, while also providing a greater level of privacy and data security.

**Recommendations:**

1. Governments across Australia commit to working collaboratively to develop a nationally consistent TAV system that provides multiple options for voters who are blind or vision impaired to vote independently, secretly and verifiably.
2. The blind and vision impaired community, and the broader disability community, is consulted and involved in the development and implementation of any such system to ensure it is fit for purpose.

## 5. Other Accessibility Challenges at Elections

It is worth noting that the challenges to engaging with the political process go beyond the act of casting a ballot. During election campaigns, many voters who are blind or vision impaired also experience challenges in: updating their electoral roll information, accessing lists of candidates, and engaging with the flow of information and communication from parties and candidates.

A significant challenge for people who are blind or vision impaired when interacting with many of the Electoral Commission websites is the reliance on CAPTCA technology – whereby a website user is prompted to either enter characters, or select a number of images in a grid that show a particular object (e.g., ‘all images containing a bus’). The latter example creates significant obstacles for people who are blind or vision impaired, and we have heard from members that this system is used not only for updating electoral roll details on the website, but also even just to attempt to contact the Electoral Commission.

During member consultations following the 2022 Federal Election, we heard that the final step for updating electoral roll information - requiring a digital signature - has not been accessible. One BCA member commented:

“basically I turned off voice over and just hit the screen randomly and hoped it would consider it a signature and allow me to submit, luckily it did on this occasion”.

We also heard in our consultation sessions that when people who are blind or vision impaired called to request an alternative process they were told the only other option was to be mailed out a form, which they could then return by post or bring into a physical office. However, this was at a time when Australia Post was known to be experiencing significant delays, creating further uncertainty as to whether the required forms would be received and processed in time.

Locating information about which candidates are standing for election has also presented difficulties for people who are blind or vision impaired. In the lead up to last year’s Federal Election, the Australian Electoral Commission gave a commitment that voters who are blind or vision impaired could “request a copy of a list of candidates to be sent … in an audio, e-text, large print or braille format by calling the AEC”[[19]](#endnote-20). Unfortunately, in practice the experience was not as positive. BCA’s Advocacy Team received multiple calls and emails from voters who had attempted to do this, but encountered phone operators who did not seem to know about the service. This had a real impact on people’s ability to vote accurately - several people identified that they planned to vote “below the line”, and so needed an accessible list of candidates, and the time to think carefully about how they would distribute their preferences.

Some of these situations were resolved when the voter asked to speak to a manager or team leader at the call centre who was then able to assist; but other voters reported being spoken to rudely and dismissively. As one member put it: “they made me feel like I was wasting their time”. After receiving multiple calls on this same issue, BCA raised this with the AEC during the election period, and we received a response acknowledging this was unacceptable and apologising for the treatment of those voters. BCA accepts that the ongoing complications from the Covid-19 pandemic created additional challenges during the 2022 election; but this situation highlights the need for appropriate training on disability awareness for all election staff going forward.

It is worth noting that there are additional challenges for people who are blind or vision impaired who are undecided voters. For voters that have already made up their mind on which party or candidate they were going to support, the challenges already identified in this report remain; but they are at least in the position to identify how they wanted their ballot to be cast, and follow that through. However, people who are undecided voters felt that they were further left out of the political process. On Election Day and during the Early Voting period, most political parties and candidates invest significant time and energy into ensuring their volunteers have a presence at every polling booth. These volunteers provide voters with ‘How To Vote’ material, and often some brief information about the major commitments their party or candidate has made. In submissions to government, and in a recent appearance before the Federal Parliament’s Joint Standing Committee on Electoral Matters, BCA has recommended that electoral laws are amended to require all campaign material - including how-to-vote cards - be produced in accessible formats including large print hard copy, braille, electronic or audio.

Finally, through our consultations we have also heard that election officials struggle to know what to do when a voter who has registered as a ‘silent elector’ attempted to use the phone voting service. A silent elector is a voter whose address is not shown on publicly available editions of the electoral roll, because they believe it could put them or their family’s safety in danger[[20]](#endnote-21). Given the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability has demonstrated that about two thirds of people with disability have reported some kind of violence, abuse or stalking, compared to just under half of people without disability[[21]](#endnote-22); there is a clear need for consistent and accessible forms of voting for silent electors.

**Recommendations:**

1. State/Territory and Federal Governments update laws to require material and communication from political parties and candidates – including policy information and ‘how to vote’ cards – to be available in accessible formats.
2. All electoral commissions around Australia take steps to ensure all election workers are appropriately trained about providing on the needs of blind or vision impaired voters – including:
   * Providing lists of candidates to voters who call the help line
   * Ensuring both election workers identify themselves during the voting process
   * Ensuring election workers understand the specific processes for Silent Electors who are voting by phone

## 6. Summary of Recommendations

BCA makes the following recommendations:

1. Governments across Australia commit to working collaboratively to develop a nationally consistent TAV system that provides multiple options for voters who are blind or vision impaired to vote independently, secretly and verifiably.
2. The blind and vision impaired community, and the broader disability community, is consulted and involved in the development and implementation of any such system to ensure it is fit for purpose.
3. State/Territory and Federal Governments update laws to require material and communication from political parties and candidates – including policy information and ‘how to vote’ cards – to be available in accessible formats.
4. All electoral commissions around Australia take steps to ensure all election workers are appropriately trained about providing on the needs of blind or vision impaired voters – including:
   * Providing lists of candidates to voters who call the help line
   * Ensuring both election workers identify themselves during the voting process
   * Ensuring election workers understand the specific processes for Silent Electors who are voting by phone

## Appendix – Summary of Voting Laws in Australia

### 1. Commonwealth

#### 1.1 Relevant Legislation

Commonwealth Electoral Act 1918 (Cth)

Electoral and Referendum Regulation 2016 (Cth).

#### 1.2 Assistance Available and Eligibility

##### In person

Assistance – from a person chosen by voter or presiding officer or polling official (s 234(1) and (2)). Assistant can mark, fold and deposit the ballot paper.

Eligibility – If a voter's sight is so impaired, or they are so physically incapacitated or illiterate that they are unable to vote without assistance

Voting outside – voter who is unable to enter the polling place because of a physical disability, illness, advanced pregnancy or other condition may vote outside (but close to) the polling place and may be assisted in voting by the presiding officer or a polling official with scrutineers present (s 234A).

##### Technology Assisted Voting

Regulations may provide for an electronically assisted voting method to be used by sight-impaired people (s 202AB(1)).

A sight-impaired person is a person whose sight is impaired to the extent that they are unable to vote without assistance (s 202AA).

#### 1.3 Information on Electronic Voting Options

Regulations provide for the Electoral Commissioner to arrange for the establishment of a call centre to receive calls from sight-impaired persons who wish to register to vote by an electronically assisted vote or to vote by an electronically assisted vote (r 15(1)).

The Electoral Commissioner must also determine, in writing, procedures for enabling a registered electronically assisted voter to vote by an electronically assisted vote (r 19(1)).

#### 1.4 Other Comments

The Electoral Commissioner may determine that electronically assisted voting is not to be used either generally or at one or more specified places (s 202AF(1)).

Procedures are not specified in the Regulations and are instead determined by the Commissioner before each election.

Telephone voting has been available at recent Federal elections.

### 2. Victoria

#### 2.1 Relevant Legislation

Electoral Act 2002 (Vic)

Electoral Regulations 2022.

#### 2.2 Assistance Available and Eligibility

##### In person

Assistance from:

* a person appointed by the elector (s 94(1));
* or if the elector fails to appoint someone, then in the first instance, any scrutineer (s 92(2)(a));
* then in the second instance either, another election official or a person appointed by the elector (s 92(2)(b))

Assistance can also be provided for voting outside but near the voting centre (s 94(3))

Eligibility: electors who cannot vote without assistance because of:

* blindless or low vision;
* a motor impairment; or
* insufficient literacy skills (whether in English or their primary spoken language).

##### Technology Assisted Voting

Electoral Act allows for electronic voting at a designated electronic voting centre (s 110C) or electronic assisted voting (s 110F) which includes voting by use of electronic equipment, telephone or other technology.

Eligible electors for ‘electronic voting’ are electors who cannot vote without assistance because of:

* blindless or low vision;
* a motor impairment; or
* insufficient literacy skills (whether in English or their primary spoken language).

Eligible electors for ‘electronic assisted voting’ are prescribed by regulation and currently include:

electors who otherwise cannot vote without assistance because of blindness or low vision;

electors who otherwise cannot vote without assistance because of a motor impairment; or

electors affected by an emergency declaration and are unable to travel to a voting centre (r 50)..

#### 2.3 Information on Electronic Voting Options

‘Electronic voting’ appears to be available only at interstate or overseas voting centres.

‘Electronic assisted voting’ appears to be available only as telephone voting.

Legislation appears to allow for the possibility for In Person ‘electronic voting’ at designated voting centres but does not appear to be available within the State.

#### 2.4 Other Comments

Local Government elections are governed by Local Government Act 2020 and Local Government Regulations 2020.

The voting system for all Victorian local councils is set by the Minister for Local Government and may be postal or in person.

People who are blind or vision impaired can request an early postal ballot.

### 3. Queensland

#### 3.1 Relevant Legislation

Electoral Act 1992 (Qld)

Electoral Regulation 2013 (Qld).

Local Government Electoral Act 2011.

#### 3.2 Assistance Available and Eligibility

##### In person

If a person satisfies an issuing officer that they are unable to vote without help, the elector may be accompanied by another person of their choosing, who may assist by:

* acting as an interpreter;
* explaining the ballot paper and how to mark it;
* marking the ballot paper or helping the elector to mark the paper; and
* folding the ballot paper and putting it in the ballot box. (s 108(1))

A person who is unable to enter a polling booth due to illness, disability or advanced pregnancy but can attend a place near the polling booth, then the voter may vote at the nearby place as if it were a polling booth (s 108(3)).

Electoral officer visits the elector with ballot paper, box, and anything else required, so the person can vote. The officer may assist the elector by acting as interpreter, explaining ballot paper, marking or helping to mark the ballot paper, folding and putting ballot paper in box (s 120).

* An elector who will, because of illness, disability or advanced pregnancy, be prevented from voting at a polling booth;
* an elector who will, because the elector is caring for a person who is ill, has a disability or is pregnant, be prevented from voting at a polling booth. (s 114(3)).

##### Technology Assisted Voting

An elector may make an electronically assisted vote if the elector:

* cannot vote without assistance because the elector has and impairment or insufficient level of literacy;
* cannot vote at a polling booth because of an impairment; or
* is a member of a class of elector prescribed under a regulation.

(s 121A Electoral Act; r 4AA, Electoral Regulation).

#### 3.3 Information on Electronic Voting Options

Telephone voting for State Elections is described in the [Procedure for Electronically Assisted Voting for State Elections](https://www.ecq.qld.gov.au/__data/assets/pdf_file/0021/7419/Electronically-assisted-voting-procedure-for-State-General-Elections.pdf).

#### 3.4 Other Comments

This is mirrored in the Local Government Electoral Act, with the procedure for Electronically Assisted Voting in Local Government Elections [outlined here](https://documents.parliament.qld.gov.au/tableOffice/TabledPapers/2020/5620T449.pdf).

### 4. New South Wales

#### 4.1 Relevant Legislation

Electoral Act 2017 (NSW)

Electoral Regulation 2018 (NSW)

Local Government Act 1993 (NSW)

Local Government (General) Regulation 2021 (NSW)

#### 4.2 Assistance Available and Eligibility

##### In person

If a person is unable to vote without assistance, a person appointed by the elector may assist the elector to vote (s 134(1)).

If the elector does not appoint a person, the election official must assist the elector to vote in the presence of scrutineers or another election official or person appointed by the elector (s 134(2)).

##### Technology Assisted Voting

Technology assisted voting means voting where an eligible elector votes by means of an electronic device, such as a telephone or a computer (s 151).

An eligible elector includes (among others) an elector who has a disability and because of that disability has difficulty voting at a voting centre or is unable to vote without assistance (s 152(1)(a)) or is illiterate and because of that is unable to vote without assistance (s 152(1)(b)).

#### 4.3 Information on Electronic Voting Options

From 2011 – 2020, the iVote electronic assisted voting system was available to eligible voters, providing the ability to vote through an automated telephone system or through an internet browser.

In October 2022, NSW Parliament passed the Electoral Legislation Amendment Act (No 2) 2022 (NSW) which states that technology assisted voting must not be used at the 2023 general election except for telephone voting for electors who are blind or have low vision.

iVote will not be available for the 2023 NSW State election and no replacement has been proposed.

Telephone assisted voting is proposed for voters who are blind or have low vision.

#### 4.4 Other Comments

Local Government elections allowed for the use of Technology Assisted Voting as available in State Elections. iVote was available for 2021 Local Government elections but has now been discontinued and options for future local government elections are not yet clear.

### 5. ACT

#### 5.1 Relevant Legislation

Electoral Act 1992 (ACT)

Electoral Regulation 1993 (ACT).

#### 5.2 Assistance Available and Eligibility

##### In person

The Electoral Act also provides for electronic voting devices (s 118A). If there is electronic voting at a polling place, an elector may vote using a paper ballot paper or electronic voting (s 131(3)).

#### 5.3 Information on Electronic Voting Options

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. Further details [available here](https://www.elections.act.gov.au/elections_and_voting/electronic_voting_and_counting).

### Tasmania

#### 6.1 Relevant Legislation

Electoral Act 2004 (Tas)

Electoral Regulations 2015 (Tas)

Local Government Act 1993 (Tas)

Local Government (General) Regulations 2015 (Tas)

#### 6.2 Assistance Available and Eligibility

##### In person

The Tasmanian Electoral Commission may approve any procedures that are reasonable and appropriate to assist an elector at an ordinary, pre-poll or mobile polling place who is unable to vote without assistance (s 113(1)).

The Electoral Act does not prescribe procedures for assisted voting as is the case in some other jurisdictions. Instead, the procedures are determined by the Tasmanian Electoral Commission in relation to each election.

#### 6.3 Information on Electronic Voting Options

The Tasmanian Electoral Commission does provide some limited services for vision impaired electors. 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 (see the section ['Services for vision impaired electors'](https://www.tec.tas.gov.au/legislative-council/legislative-council-elections-2022/ways-to-vote.html)).

#### 6.4 Other Comments

The Local Government Act provides that the Tasmanian Electoral Commissioner may approve any procedures that are reasonable and appropriate to assist an elector whose sight is so impaired or who is so physically incapacitated or illiterate that the elector is unable to vote without assistance (s 291).

Following discussions with disability advocates, the TEC provided options for in person voting assistance for local government elections held in October 2022.

### 7. South Australia

#### 7.1 Relevant Legislation

Electoral Act 1985 (SA)

Electoral Regulations 2009 (SA)

Electoral Act 1985 (SA)

Electoral Regulations 2009 (SA)

#### 7.2 Assistance Available and Eligibility

##### In person

If the person is unable to vote without assistance, they may be accompanied by an assistant of their choice while in the polling booth (s 80(1)).

The assistant may assist the voter in several ways, eg by acting as an interpreter or by assisting the voter to mark the ballot paper (s 80(3)).

##### Technology Assisted Voting

The Act provides that the regulations may make provision in relation to voting in an election by sight-impaired electors by means of an electronically assisted voting method (s 84A(1)).

A sight-impaired elector is an elector whose sight is impaired such that they are unable to vote without assistance (s 84A(4)).

The Electoral Commissioner may determine that electronically assisted voting is not to be used either generally or at one or more specified places (s 84(C)).

#### 7.3 Information on Electronic Voting Options

Regulations allow for a sight-impaired elector to vote using the computer program VoteAssist: r 12B Electoral Regulations 2009.

VoteAssist allows eligible voters to vote at a computer terminal 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.

VoteAssist was trialled at 3 or 4 polling booths in the 2018 SA State election, but was not available for the 2022 State election. The SA Electoral Commission advises that VoteAssist is not currently available for voting in SA elections.

#### 7.4 Other Comments

For local government elections, all voting is conducted by postal voting (s 37).

If a person is illiterate or physically unable to carry out the required voting procedures, a person of the voter's choice may provide such assistance as is necessary in the circumstances and may vote on behalf of the voter in accordance with their directions and complete any declaration on behalf of the voter (s 41(1)).

Approval of the returning officer must be granted before such assistance is provided (s 41(2))

The Act provides that the regulations may make provision in relation to voting in an election or poll by prescribed electors by means of an assisted voting method (s 41A(1)).

A prescribed elector means a sight-impaired elector (s 41A(8)). A sight-impaired elector means an elector whose sight is impaired such that the elector is unable to vote without assistance (s 41A(8)).

The returning officer may determine that assisted voting is not to be used either generally or at one or more specified places (s 41A(6)).

Telephone assisted voting is the assisted voting method that may be used by prescribed electors (r 9A(1)).

The telephone assisted voting method is set out in r 9B.

### 8. Western Australia

#### 8.1 Relevant Legislation

Electoral Act 1907 (WA)

Electoral Rules 1908 (WA)

Electoral Regulations 1996 (WA).

Local Government Act 1995 (WA)

Local Government (Elections) Regulations 1997 (WA)

#### 8.2 Assistance Available and Eligibility

##### In person

Eligible electors can nominate a person to assist the elector, and the nominated person must mark the elector's ballot paper according to the directions of the elector, fold and deposit the ballot paper in the ballot box. This is to be conducted in the presence of a scrutineer or electoral officer (whichever is present). (s 129).

Electors who cannot vote without assistance because they are sight impaired, physically incapacitated or illiterate.

Electors who are unable to enter the polling place because of physical disability can vote in close proximity in the presence of relevant officers (s 129(3)).

##### Technology Assisted Voting

Early Voting - Vote Assist allows electors who visit the venues listed below to listen to pre-recorded voting instructions and ballot paper information, select their preferences using a special keypad, and have their completed ballot papers self-printed prior to ballot box lodgement. Vote Assist is available throughout the early voting period.

Technology assisted voting means a method of voting where an eligible elector votes by means of an electronic device, such as by a telephone or by a computer linked to the internet.

The Electoral Commissioner may approve procedures to facilitate voting by eligible electors at an election my means of technology assisted voting. (s 99D and 99F)

Eligible elector means an elector who cannot vote without assistance because the elector has insufficient literacy skills or is sight impaired or otherwise incapacitated.

The Act defers to the regulations, but there do not appear to be regulations in relation to technology assisted voting as yet.

#### 8.3 Information on Electronic Voting Options

The Western Australian Electoral Commission launched a pilot offering internet voting for the 2017 State General Election, and a telephone assisted voting option for the 2021 State General Election.

According to the Commission's website (here), the following two technology assisted voting options will be available at the 2025 State General Election:

Telephone assisted voting: Commission staff at the vote cast call centre verbally read the voting instructions and ballot paper information to the elector, who then instructs the operator how they want their ballot papers marked, whilst ensuring elector anonymity; and

Vote Assist: Electors who visit certain venues can listen to pre-recorded voting instructions and ballot paper information, select their preferences using a special keypad and have their complete ballot papers self-printed prior to ballot box lodgement.

#### 8.4 Other Comments

Voting in Local Government elections may be in person or by postal ballot only as determined by the relevant council.

### 9. Northern Territory

#### 9.1 Relevant Legislation

Electoral Act 2004 (NT)

Local Government Act 2019 (NT)

Local Government (Electoral) Regulations 2021 (NT)

(State and Local elections have equivalent processes).

#### 9.2 Assistance Available and Eligibility

##### In person

Assistance available under s 87 for a voter who is otherwise unable to vote.

Assistance from a person nominated by the voter, or (if no nominee) an official. If an official, scrutineer also present.

Assistant may interpret, explain, mark ballot paper at voter’s direction, fold ballot paper and put in box.

Voters unable to enter voting centre because of physical or other disability, illness, advance pregnancy or another condition may vote outside the voting centre with scrutineers present and may be assisted (s 88).

#### 9.3 Information on Electronic Voting Options

The Act provides that the Electoral Commissioner may approve the use of a specified electronic or other automated system to (s 85A(1)):

* issue and return ballot papers
* issue and return postal voting papers
* count and process votes
* facilitate voting by a specified group of electors
* assist electors who have a physical or other disability, illness, advanced pregnancy or other condition.

No electronic or other automated system has been approved for use in Northern Territory elections.

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