

Local Electoral Matters Bill Submission

Justice Select Committee
New Zealand Parliament

June 2018

We would like to appear in person to support our
submission

Contact person:

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Wellington City Youth Council
Te Rūnanga Taiohi o te Kaunihera o Pōneke

Introduction

1. The Wellington City Youth Council (Youth Council) welcomes the opportunity to submit on the Local Electoral Matters Bill (Bill).
2. Youth Council supports this Bill.

Overview of submission

3. The submission by Youth Council on the Bill will address the following topics:
 - a. Importance of online voting trials
 - b. Relevant considerations surrounding online voting trials
 - i. Ease of access
 - ii. Security issues
 - c. Voter turnout and the importance of collecting age-level data

Importance of online voting trials

4. Youth Council supports a move towards enabling online voting to encourage voter participation, and has urged the Government to progress online voting trials for the next New Zealand local authority elections as soon as possible.
5. In May 2018, we wrote to the Local Government Minister regarding the importance on online voting, and this submission draws largely on this letter.
6. By way of background, in September 2013, then-Local Government Minister Chris Tremain announced that online voting would be considered for the 2016 local authority elections. From this, a working group reported back on feasibility in 2014, and applications for local authorities to participate in a trial were received in late 2015.
7. Due to security concerns, the then-Associate Minister of Local Government announced that the planned online voting trial would not be going ahead for the 2016 local authority elections (EGI Min (16) 0073 refers).
8. Youth Council is keen to see greater engagement with the local government sector, and in particular with the eight local authorities who had committed to the previous trial, to work towards an online voting trial for the 2019 triennial elections.
9. Youth Council is concerned by the lack of participation in local authority elections with substantially low turnouts across the country.
10. Anecdotally, youth and other groups with special circumstances are significantly disadvantaged when it comes to local elections, with their participation rates noticeably

low due to a combination of factors, including but not limited to disengagement, inability to access transport, timing considerations and other issues. We believe online voting provides a viable option to test to increase participation.

11. We recognise the apparent issues of online voting on a national level, and view a local authority online voting trial as the logical first step to refine the online voting system on a local scale before it is considered for general elections. A scalable online voting system would in this way be tested in a more controlled environment.
12. In the short term, we would hope to see online voting implemented as an option for local authority elections, followed by a broader conversation around whether this practice can become widespread.
13. We note that the Bill provides for online voting trials (alongside other novel election method trials) to occur at the sub-Local Authority level. We are ambivalent about this change to choose between District/City-wide and sub-level trials – we would prefer to see a full-scale online voting trial conducted as soon as practical regardless of local authority or sub-local authority level.
14. We note that a number of Local Authorities have previously been interested in conducting whole-of-district/city voting trials. However, we also recognise that some areas may prefer to trial online voting at a smaller scale. Regardless, we urge the swift implementation of an online voting trial for the 2019 triennial elections, and have written to the Minister of Local Government to this effect.

Relevant considerations surrounding online voting trials

Ease of Access

15. Ease of access remains the underlying motivation for the Wellington City Youth Council to encourage the trialling of online voting trials in local authority elections.
16. Online voting presents an opportunity to enhance the voter experience, making it easier to act on voting intentions by reducing the physical actions required to cast a vote.
17. Online voting is seen as a natural continuation of various territorial authorities moving services online, being responsive to the changing preferences of citizens in a simple manner (CAB Min (14) 405 and associated papers refer). Recent statements by the current Government reiterate support for digital options throughout society.
18. Online voting reduces the need for a physical address as an absolute necessity for voting. This eliminates issues where voting papers are sent to the wrong address, forcing extra work for both voters and staff to execute a special vote.

19. This is particularly true of transient populations – especially youth with no fixed abode or who live in constantly rotating rental properties.
20. Voters can already set their location online as their residence, and the implementation of online voting would provide for an address to be assigned to a person’s electoral profile, yet not require physical voting forms that could suffer from misidentification, late arrival, weather or other events that have been seen to regularly decrease voter turnout.
21. Furthermore, online voting increases the ability for voters to become engaged without the need to worry about the logistics of postal voting. It reduces the pressure to find a post box or attend to vote in person at a drop-off box at Council service centres, which must be timetabled amongst a plethora of other daily activities, during which voting often decreases as a priority.
22. The underlying hope is that this increased ability translates into higher turnout, with higher civic participation indicative of an engaged, functioning, democracy. It is important to recognise the demand for this option within our democracy, with support from not just our organisation, but also professional bodies and citizen groups (as outlined in the online voting trial 2016 Regulatory Impact Statement).
23. The 2016 RIS also outlines under Point 36 the objectives for online voting trial options, notably public accessibility, convenience, confidence, and risk minimisation, all of which are supported by the Wellington City Youth Council.
24. Online voting provides greater opportunities to impart information in a convenient manner to the masses that don’t otherwise receive information. Again, it is critical to point out that online voting should serve as another option in the voting toolkit, not as an entire replacement of current voting methods.
25. It is clear that not all voters would seek to use this voting method, yet some voters will likely be encouraged to vote solely because of the online option, providing another avenue to be engaged in societal processes that are the foundation of our democracy.
26. Resolving to move towards a local online trial is seen as international best practice to testing the viability of an online voting system, while also indicating the level of engagement the public will be willing to embark on with online services.

Security issues

27. It has become apparent that, for good reason, security considerations have been paramount to determining the viability of proceeding with an online voting trial for local authority elections.

28. Important considerations exist around the potential for a hackable voter interface for online voting, and the impact this may have with respect to the trust in the secret ballot electoral system – a core tenet of our democracy.
29. The transparency of results is at the core of any motivation to enable genuine voter participation.
30. However, we note that many critical and confidential functions already occur online within a secure framework: successive Governments have been at the forefront of this process, encouraging citizens to register for RealMe logins so that they can securely access various government services, while online IRD logins are a separate yet equally secure attempt at digitising confidential access.
31. Within a wider scope, online banking and security vetting is enabled online. We understand that these activities can be distinguished since any tampering can be rectified after the fact, which may not be true of election tampering.
32. In response, we note that some other government systems, such as passport applications and tax information, is equally as important to keep secure, and just as difficult to remedy after the fact as online voting.
33. Furthermore, postal voting remains a normal method of voting in New Zealand for local elections. However, there is an inability to prove that this postal method is a safe alternative to physical ballot boxes.
34. Online voting is just as susceptible as postal voting to actors seeking to penetrate the security of an election, with the ability to hack into voting servers or similar comparable to the ability to steal voting packs (and Easy Vote cards in the event of a general election).
35. Both postal and online voting reduces the ability for electoral officials to ensure voting is undertaken without fear of intimidation, and is often not able to be directly verified as a vote cast by a particular elector.
36. It is therefore clear that no option is without issues, as voter coercion and the inability to verify votes are intrinsic within any system aside from a physical ballot box. As such, we should focus on minimising these risks.
37. When weighing these risks against the benefits of providing choice to New Zealanders about how is easiest for them to be engaged with civic society, it must be said that online voting benefits outweigh the potential risks when compared to similar approved options.
38. In short, online voting should act as an **addition** to voting services, rather than a complete switch of voting mechanisms.

Voter turnout and the importance of collecting age-level data

39. Youth Council is very supportive of the components of the Bill that ensure, or clarify, the ability to gather and examine age-level and Māori participation in local authority elections.
40. Voter turnout is of concern, and better information on the areas of concern can allow better targeting of underrepresented voters. This is simply not possible under the current conditions.
41. Indeed, only the 2014 and 2017 general elections have produced youth voting figures, making them the only source of official youth statistics available in New Zealand.
42. With regard to total voter turnout, both general elections and local elections have seen trends of decline in turnout over the years, with general elections falling from around 85% of enrolled voters in 1990 to 79% in the 2017 general election.
43. Local election trends show even more dire circumstances, falling from an already low average of 58% in 1989 to an average of 44% in the 2016 local elections.
44. Looking specifically at youth voter turnout in the 2017 general election, only 69% of enrolled voters aged 18-24 cast a vote. This paints an incredibly poor voter turnout when viewed as a proportion of the total youth population (enrolled and unenrolled) – with turnout dropping to 47%.
45. Youth voter turnout of 47% meaning over 250,000 youth aged 18-24 are either not enrolled or not voting in general elections, a cohort larger than the size of Wellington.
46. Although comparable figures for local elections are not available, the underlying trend of youth disengagement can clearly be seen.

Conclusion

47. Youth Council views online voting trials as an important next step to finding ways to increase participation in democracy.
48. In particular, online voting trials could specifically allow more young people to engage with the voting process.
49. We recognise that the Bill provides for sub-local authority area online voting trials. We support online voting trials commencing as soon as practical, and are less concerned about if this occurs at the local authority or sub-local authority level.
50. Youth Council supports online voting trials commencing as online voting attempts to reduce traditional barriers to electoral engagement, especially among young people.

51. We view online voting as an additional option in voting methods, not a method to displace current voting methods. Online voting should be implemented alongside current options, not supersede them.
52. Youth Council recognises the security concerns inherent in online voting options. We believe these security concerns are mitigated by trialling online voting at the local authority level.
53. We contend that though online voting may have downsides, current voting methods also have downsides. In the absence of being able to prove current methods are significantly safer and without concern, we feel online voting should at least be trialled to test all assumptions.
54. Youth Council also notes that a vast number of other confidential information services occur online, showing there is some degree of confidence in security protocols. In any case, a trial is necessary to better understand security implications.
55. Youth Council notes that New Zealand currently operates in a void of information in relation to voting outcomes by age. If we are to find ways to engage different voting groups, it is critical to understand voter turnout patterns. We support this Bill's content to allow for age-level voting data to be collected and examined.
56. We support this Bill, given its focus on enabling online voting trials and enabling the use of voter turnout data.
57. We urge Parliament to both enable online voting trials for the 2019 local authority elections, and ensure the contents of this Bill, if it becomes law, is operationalised swiftly.