

SECURITY OF POSTAL VOTING

Since the Victorian Electoral Commission (VEC) commenced the conduct of council elections in 1996 – particularly more recently those for Melbourne City Council from 2004 – the security and integrity of postal elections has been called into question. Specifically, claims are made in the print and radio media forums that postal voting fraud is rife - a matter of fact, and that evidence exists to demonstrate that it is a flawed system.

People opposing postal elections for the City of Melbourne sometimes pointed to experience overseas, particularly in the United Kingdom, as evidence that postal voting is open to fraud. The VEC acknowledges the financial contribution of the Melbourne City Council in carrying out work outlined in this paper.

UK Experience

It is true that the United Kingdom's (UK) experience of postal voting this century has been decidedly mixed. Worried by declining voter participation, British authorities have encouraged postal voting as part of a range of measures to make voting more accessible. Whereas in the past only limited categories of electors could apply for a postal vote, now postal voting on demand applies, under which any elector can request a postal vote without having to give a reason. The proportion of postal votes has increased from some 2% in the 1997 general election to 15% in 2005. As well, very many UK councils have trialled all-postal voting elections, similar to postal elections in Victoria.

Since these changes, there have been documented cases of postal voting fraud on a large scale in several UK elections. In Birmingham in 2004, a postal voting factory operated, with at least 3,500 postal votes being completed fraudulently. Judge Mawrey commented that the evidence pointed to a level of organised fraud "that would disgrace a banana republic", and pointed to a series of systematic defects that facilitated fraud. An attempt to remedy the situation by requiring voters to include a witnessed declaration of identity on their ballot envelopes inconvenienced voters without providing a real safeguard against fraud. These cases plus delivery difficulties in the all-postal elections led to a loss of public confidence in the integrity of postal voting, even though the vast majority of voters had no direct experience of any problems. The United Kingdom Electoral Commission recommended against all-postal elections in future, partly as a result of the system's perceived vulnerability to fraud (though mainly because all-postal elections deprived electors of choice about how to vote).

However, it would be a mistake to assume that British experiences apply in Victoria. A country's social characteristics and culture affect its electoral system and behaviour. A key point is that in Great Britain, the electoral roll has always been based on the household rather than the individual, meaning that the 'head of the household' has completed registration documents on behalf of the other people in that household. As well, the roll has been updated on a periodical basis rather than continuously, and has been managed by individual councils instead of on a nationwide basis. These features have meant that the roll has suffered from both under-registration and inflation. The many non-existent and out-of-date electors on the roll prevent accurate mail-outs for postal elections and can readily be used for postal voting fraud. The UK Electoral Commission has considered the defects of the roll as the main obstacle to safe and secure postal voting. Another point relates to the nature of British society. The major postal voting fraud cases have been concentrated in the Pakistani and Bangladeshi communities. These communities are characterised by a strong clan mentality, in which the community acts together. Members of the community can face strong moral pressure to complete their postal ballot papers in a certain way or to hand them over for completion on their behalf.

The Victorian electoral roll is not perfect, but is much more accurate than in the United Kingdom and responsibility for enrolment is up to the individual as opposed to the 'head of the household'. Further, there is no evidence of a clan culture among any community group in Victoria that might leave that group open to postal voting fraud.

Victorian Situation

On each occasion that a critic in Victoria has stated they had evidence of postal voting fraud – that is that bulk theft and completion of ballot packs was occurring – the Victorian Electoral Commission (VEC) approached the individual with a request to produce any evidence. No evidence was ever produced and the VEC failed to get any response from the individual to explain why the evidence couldn't be produced. The fact that something may possibly happen, does not mean that it is happening. The VEC has never encountered any evidence of any organised or systematic abuse of the postal voting system in this State. Further, there is no existing evidence of the same in any state or territory in Australia.

Regardless, the VEC itself took action to gather any evidence of any postal electoral fraud during the 2008 council elections, when all 79 councils had concurrent elections for the first time. Some 70 of the State's 79 municipalities were conducting postal elections, thereby increasing the likelihood that if any postal voting fraud was occurring on any scale, it would be able to be detected. A number of existing and new fraud detection and prevention measures were implemented, including:

1. Service agreement with Australia Post

The VEC has a service level agreement with Australia Post. Around council election time, a number of initiatives are implemented to ensure the integrity of postal elections. Such measures for the 2008 council elections included:

- A three day mail-out program for all postal ballot packs and postal material for General Postal Voters, with next day delivery (in metro areas) for all mail lodged by 6.00pm.
- Tracking and monitoring of delivery of the packs permitted identification of any issues and the VEC had advice of which council/wards deliveries were being delivered each day. Undeliverable mail was returned to the relevant Returning Officer for each council. As an advertising and media campaign were running at the same time, electors were encouraged to contact the VEC if they had not received their ballot packs. VEC phone staff monitored for any patterns of non-delivery to entire streets or suburbs with a view to alerting operations staff if this was the case. No reports of this kind were generated. Most of the calls relating to ballot packs not being received related to those electors who had moved or changed their post office box address and failed to update their enrolment prior to the close of rolls.
- Although an addressed reply paid envelope was included in the ballot packs for return to the VEC, historically some voters have put only the ballot paper envelope into the postbox (which has no return address printed on it). The agreement with Australia Post was to return any ballot paper envelopes placed in the mail without the reply-paid envelope to the VEC's head office, so that they could be sent to the relevant election office for inclusion in the count. Almost 9,000 ballot packs fell into this category and were returned to the VEC as agreed. All were in the hands of the Returning Officer by 6.00pm on the last day of voting.

2. Design of ballot material

All postal ballot material was specifically designed so that it fitted into a standard household letterbox and would not protrude from letterboxes (as any protrusion may enable it to be easily removed). The City of Melbourne ballot pack is the largest of all councils (C5). This product was specifically designed in 2004 to be of a size which would fit entirely into a standard letterbox. This same size was utilised without any issues in 2008.

3. Partnership with Crime Stoppers

The VEC partnered with Crime Stoppers Victoria, with the VEC sponsoring a print and radio advertising campaign aimed at encouraging the public to call Crime Stoppers if they knew of any suspicious activity occurring - such as the theft of ballot packs from letterboxes along a street or within a housing complex. This campaign coincided with the bulk delivery of ballot packs to voters in 70 of the 79 municipalities throughout Victoria having postal elections and media releases encouraging people to call the VEC if they had not received their ballot packs by a certain date. Therefore, public awareness of the delivery of the ballot packs was at its highest. Not a single call was received by Crime Stoppers or the VEC in relation to the suspected theft of ballot packs or suspicious activity near letterboxes.

4. Electoral observers positioned at key delivery points

The VEC engaged a security company to observe key locations at which bulk ballot packs were delivered, such as housing commission estates, highrise apartment complexes etc in inner city areas. The delivery of ballot packs to these premises was organised with the property managers to ensure that the property managers securely placed each ballot pack in the relevant addressee's letterbox. Over the delivery period, 1160 person hours were utilised for observation purposes. The observers were checking for ballot papers obviously protruding from letterboxes (not having been fully inserted) or having been discarded in these areas, and any suspicious activity such as people removing ballot packs from a number of letterboxes. In all, 45 ballot packs were identified as having been discarded and were collected by the observers and returned to the relevant Returning Officer, who issued replacement ballot packs upon request.

There was one instance of suspicious activity at a North Melbourne highrise complex reported by the observers. Two females were observed near private street mailboxes with what appeared to be a number of envelopes of similar size and colouring to the ballot packs. Upon noticing that they were being observed, the women caught a tram and the observation was discontinued. Proactively, the VEC then wrote to all electors in the area, advising them to contact the VEC on a special contact number as a matter of urgency if they had not yet received their ballot packs. The VEC did not receive a single call from any of these electors to say that they had not received their ballot packs. All returned ballot packs from these addresses were also signature checked.

5. First signature check

Where the name of the voter printed on the declaration envelope was clearly different to the name represented by a legible signature, the declaration envelope was put aside as rejected.

For example, if the name on the declaration envelope is John Smith and the signature clearly says P. Anderson, the Returning Officer could not be satisfied that the declaration envelope had been signed by the "usual" signature of the voter named on the declaration envelope.

In cases where it was not clear (e.g. signature was illegible), the voter was given the benefit of the doubt and the declaration envelope was admitted.

6. Sample signature check against source documents

Although there is no legislative requirement to do so, spot checks were conducted to compare signatures on declaration envelopes with original signatures on enrolment forms or other source documents during the 2008 Melbourne City Council elections. Some 40 returned ballot packs per day were checked from 17 November to 28 November 2008 (a total of 400). The ballot packs were randomly selected, 20 from the Council list of voters and 20 from the Electoral

Commissioner's list of voters. These checks were conducted by the Returning Officer at the election office.

As a result of the random checks, a total of 12 signatures were found to vary from the signature images on the individual's enrolment form or corporation appointment form. Letters were sent to these voters asking the voter to call the Returning Officer urgently as it appeared that the signature on the declaration envelope may not have been theirs.

Four of the variances related to Electoral Commission list voters. Letters were sent to three voters requesting they make contact. One voter stated that they had changed their signature since completing the enrolment form. The second voter explained that she had signed her husband's declaration envelope as he had Alzheimers. The third voter did not respond. The Returning Officer did not send a letter to the fourth voter as the signature was clearly that of his wife who was also the witness on his enrolment form.

The remaining eight variances related to the council list of voters and eight letters were sent out accordingly. One voter stated that they did sign the form and the variation in signatures was due to the result of having had an accident affecting their ability to sign their name. One voter stated they had two signatures and described both. A third voter said that the envelope had been inadvertently signed by his wife. The remaining five electors were followed up by the Returning Officer with the VEC finding no further cause for action.

Conclusion

The decision as to which method of voting the council will pursue is a decision that each council makes - and must comply with conditions specified in the *Local Government Act 1989* if they wish to change the voting method from that used in its last election. The basis for this decision-making often lays in the historical statistics related to both methods of voting. Generally, postal voting is seen by voters as more convenient, particularly in larger municipalities with greater geographic spreads. Postal voting also has a slightly higher participation rate (76.44% for postal vs 70.03% for attendance in 2008), a lower informality rate (3.78% vs 9.9% in 2008) and is somewhat cheaper (approximately 25-30% average) than attendance elections.

It is the view of some candidates and commentators that postal voting favours those candidates who are more able to conduct major mailouts and campaigns of their own. This is based on the view that direct contact with the elector (via party/campaign workers) outside a voting centre may influence that person to vote for their candidate, and this is seen to be a more level playing field. This may account for what appears to be unsubstantiated claims regarding perceived deficiencies in the postal voting system. However, the converse could also be claimed – that is, postal voting possibly provides an advantage to smaller parties and independent candidates who have their candidate statements mailed to all electors with the ballot paper itself and who may have been more hard pressed to fund their own campaign.

Based on the search for any evidence for instances of postal voting fraud conducted throughout the largest single postal voting event in Victoria's history in 2008, the preventative measures and monitoring in place, the integrity of the electoral roll and the fact that no evidence has ever been produced by those critics who have claimed to have it either here in Victoria or in any other state or territory in Australia – it must be said that it is extremely doubtful that there has been any deliberate, planned and systematic abuse of the postal voting system in Victoria to date.