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ELECTORAL INTEGRITY AND THE AEC

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Abstract

Since the loss of ballot papers in 2013, the AEC has refreshed its commitment to electoral integrity in all its forms. The AEC's experiences over recent years have reinforced how broad the concept of electoral integrity is – and how it is a critical, fundamental precept of Australian democracy. Integrity must be at the heart of all electoral processes and must be more than just the prevention of enrolment and voter fraud. In its pursuit of delivering trusted, consistently reliable, high quality and high integrity electoral events and services, the AEC has undertaken a wide range of reforms, including the development and application of an 'every vote matters' principle, a focus on the sanctity of the ballot paper, the further development of a set of key AEC values, and the establishment of the Electoral Integrity Unit and an Electoral Integrity Framework and other initiatives.

Integrity of electoral systems

The integrity of the electoral system is fundamental to all democracies – not just Australia’s - and goes far beyond the detection or prevention of enrolment or voter fraud. As the Global Commission on Elections, Democracy and Security noted in 2012:

...for elections to have integrity, they must be conducted competently in a professional, non-partisan, and transparent manner, and just as importantly, voters must have confidence in their conduct. This requires professional EMBs [Electoral Management Bodies] with full independence of action. EMBs are responsible for ensuring that elections are both technically credible and perceived to be free, fair, and credible.¹

At the heart of electoral integrity in Australia is the question of whether Australian electors can be confident that every person casting a vote at an election is eligible to do so, that each voter is exercising their entitlement correctly (i.e. they are casting a vote once, and only once), that votes cast are counted accurately and promptly, and ballot papers are always treated as the important documents that they are. This applies to all elections, whether at a federal, state or local level – or even a commercially conducted election.

Thus, electoral integrity is front and centre for the Electoral Commissioner, and for the Australian Electoral Commission (AEC); in recent years, the AEC has renewed its already strong commitment to integrity in all its forms.

The concept of electoral integrity is broad. It includes all aspects of the administration of the electoral system; and for many it is not just the policies, procedures and processes implemented by the EMB (in this case, the AEC), but also the underlying legislation and the system itself. It is about more than just the system – electoral integrity is also about the behaviour of every individual who participates in the electoral process. The shape of the electoral system and the underpinning legislation is a matter for the Australian Parliament, and, beyond the enforcement of the existing legislation, individual behaviours are beyond the control of the AEC; accordingly, this paper does not propose to address those matters.

The environment in which EMBs must deliver high integrity elections is complex. In Australia, the complexity increases with each election; as depicted in Figure 1, the number of electors enrolled continues to increase, along with the demand for a range of services. In this instance, the rate of electors issued an early vote has increased from 5.9 to 17.9 per cent in the past four federal elections.

¹ Page 6; *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide*; The Report of the Global Commission on Elections, Democracy and Security, September 2012, accessed 13 October 2015: http://kofiannanfoundation.org/sites/default/files/deepening_democracy_0.pdf

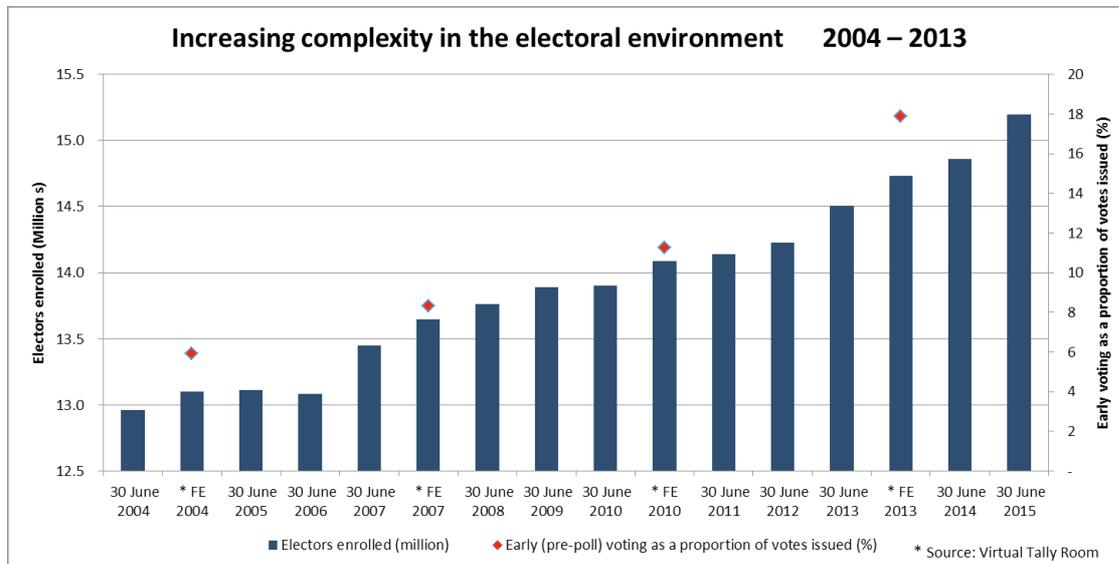


Figure 1: Increasing complexity in the electoral environment 2004-2013

A working group representing seven Commonwealth country EMBs met in the United Kingdom on 30 and 31 July 2015² to discuss election administration, accountability, and voting integrity. The draft report from this working group noted the difficulties inherent in relying on a very large temporary workforce to administer a broad range of complex processes and rules within a time-pressured and highly decentralised environment. It also noted that ‘[a]t the very heart of an EMB’s accountability is their responsibility to ensure the rules of election procedure are followed’.³

The working group also discussed the need to ensure that stakeholders view electoral institutions and results as legitimate and trusted. The draft report notes that different stakeholder groups will have different understandings – and therefore different thresholds – of the cause and impact of errors, particularly administrative ones.

The AEC’s experience of integrity

Administering a high integrity electoral system has always been implicit in the work of the AEC – the difference is that the inherent integrity of every electoral task is now *explicit*. It is now in the forefront of the AEC’s language, in how it plans for and manages electoral events, and in how it communicates with stakeholders.

² The Working Group on Accountability of Election Management Bodies for Voting Integrity is made up of senior EMB representatives from: Australia, Canada, Kenya, New Zealand, Nigeria, South Africa and the United Kingdom. The July 2015 meeting of the Working Group was organised by Elections Canada and hosted by Canada House

³ page 11; *How can an EMB and its workforce minimise errors in election administration?* [DRAFT]; Working Group on Accountability of Election Management Bodies for Voting Integrity; August 2015

The events of the 2013 federal election and other incidents that occurred at previous federal elections, caused some to question the operational integrity of the AEC as an organisation, and whether it can - without fail - deliver trusted, consistently reliable and high quality electoral events and services.

The events of 2013 underscored the need for the AEC to undertake deep reforms to ensure and demonstrate integrity in all aspects of election and non-election related programs and services, including a fundamental overhaul of identified AEC policies and procedures to restore stakeholder confidence in the electoral process.

The change journey has been designed to deliver improvements to:

- election planning and preparation
- recruitment, training and development of permanent and temporary staff
- procurement processes to enhance compliance and quality assurance
- assurance and compliance in party registration and election funding, and
- long term changes in the AEC culture.

This paper will now expand on some specific areas of reform, with the intention of illustrating the breadth of the changes, and the multidimensional approach the AEC has taken as an organisation.

AEC values and commitments

The AEC is undergoing a long term shift in its culture. Obviously, driving organisational change takes time and strong, ongoing commitment. One key factor in this organisational change is the development and enculturation of the AEC values and commitments, as illustrated at Figure 2. There are three key elements in these values and commitments: the AEC values, the ballot paper principles and the ‘every task matters’ principle.

AEC values

The AEC values emphasise the necessity of electoral integrity, achieved through a focus on quality, agility and professionalism. These values identify the core qualities that must be embraced and lived out by all AEC staff. The application of those values is described in the AEC’s Corporate Plan, which sets the agency’s direction into the future.⁴

Quality must be evident in every task across the AEC, and excellence in practice must be the driving force behind every aspect of the AEC’s business. Planning, policy, procedure and service delivery must reflect this, ensuring the AEC delivers nationally consistent and reliable elections.

⁴ Page 6, *AEC Corporate Plan 2015-2019*, available at http://www.aec.gov.au/About_AEC/Publications/files/aec-corporate-plan-2015-2019.pdf

Agility is a critical feature of the AEC, and all modern public sector agencies. It is defined by an ability to readily and swiftly adapt to change, to operate effectively despite uncertainty, and to be flexible and innovative. An agile AEC looks for innovative solutions, rather than obstacles to improvement.

Professionalism must be the hallmark of the AEC. A professional AEC is made up of competent, knowledgeable and skilled electoral practitioners, whose work is marked by proficiency.

Ballot paper principles

The ballot paper principles emphasise that the AEC must uphold the sanctity of the ballot paper in all forms at all times – that is, the security, integrity and accountability of ballot papers must always be preserved. The principles articulate two maxims (included at Figure 2) that must never be breached and must underpin AEC operations, culture and standards.

The ballot paper principles are designed to provide guidance to all staff in the appropriate handling of ballot papers, even in those rare instances not covered by existing policy or procedure.

The every task matters principle

The every task matters principle is designed to be simple and self-explanatory. It is a persistent reminder that no matter what the task – whether it is updating an elector's enrolment details or counting a vote – electoral integrity can only be achieved through:

- compliance with legislation
- compliance with policy
- accuracy in completing the task
- timeliness in delivery, and
- use of sound judgment.

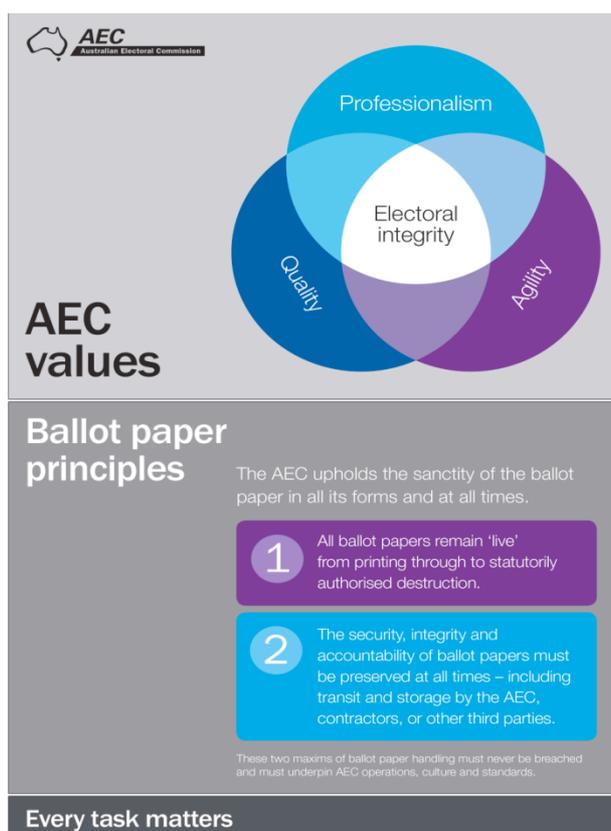


Figure 2: AEC values and commitments

Establishment of the Reform Team and Electoral Integrity Unit

Complementing the cultural change are concrete, tangible areas of reform, including the establishment of two new areas within the AEC – the Reform Team, and the Electoral Integrity Unit. These areas have been created to actively improve the AEC’s understanding and delivery of electoral integrity.

The Reform Team

The Reform Team was first established as the Keelty Implementation Team, tasked with leading the implementation of recommendations made in the report entitled *Inquiry into the 2013 WA Senate Election*, delivered by Mr Mick Keelty AO APM.⁵ From August 2014 the Keelty Implementation Team was established as a section within the AEC, renamed the Reform Team, and given an expanded mandate covering the implementation of recommendations from the Australian National Audit Office and other AEC-initiated reports.

⁵ AEC, *Inquiry into the 2013 WA Senate Election*, available at http://www.aec.gov.au/About_AEC/Publications/Reports_On_Federal_Electoral_Events/2013/keelty_report.htm

The Reform Team includes a range of operational and subject matter experts; it works closely with different areas within the AEC to drive and oversee the implementation of the election reform program. The Team's wide remit includes the review or development of operational policies, materials and controls to enhance compliance and assurance in election operations.

The Reform Team is in the process of developing enhanced procedural documents, including standard operating procedures, to assist permanent and temporary staff in complying with requirements and delivering services in a nationally consistent way. Each policy, material or operating procedure is reviewed through a lens of integrity and accountability. As articulated in the ballot paper principles, the manner in which AEC staff (including the permanent and temporary workforce) handles and accounts for ballot papers is a key component in delivering a trusted, high integrity election.

A key achievement for the Reform Team was the development and implementation of the Ballot Paper Handling Policy. This policy identifies administrative measures that ensure a ballot paper's safety and security through every stage of its 'life', from printing through to statutorily authorised destruction, with consideration given to factors such as security, packaging, labelling, transport, storage and tracking.

The Reform Team has also developed policies designed to ensure consistency across the nation in an election period, on topics as diverse as:

- the use of out-posted centres to reduce the movement of ballot papers and ensure appropriate security arrangements are in place
- visual identification (and therefore an indication of authorisation) of AEC staff, visitors and scrutineers in polling places and out-posted centres during electoral events, and
- the handling, storage, retention and disposal of rubbish in AEC offices, polling places and out-posted centres.

The Reform Team and a range of other staff across the agency have been working to move the AEC from an environment of assumption to assurance. Staff are involved in reviewing policies and practices against the *Commonwealth Electoral Act 1918* (the Electoral Act), conducting workshops to look for more compliant or effective processes, and the re-creation of real life situations to test for consistent application of operating procedures.

The Electoral Integrity Unit

The Electoral Integrity Unit was established in July 2014, with a mandate to assess and enhance the integrity of the AEC's electoral processes. It has done this through the:

- development of the Electoral Integrity Framework, which describes the AECs approach to electoral integrity
- identification of the key dimensions of electoral integrity the AEC can influence
- evaluation of risks to integrity
- identification of measures to strengthen integrity and mitigate integrity risks, and
- supporting the implementation of new measures to enhance electoral integrity.

Given the scope of the current election reform program, the Unit has largely concentrated its efforts on the AEC's enrolment business, reviewing specific components of the enrolment program, working with the fraud area to examine anomalous enrolments, and developing and implementing a range of integrity measurement and assurance activities.

Electoral Integrity Framework

The Electoral Integrity Framework encapsulates the AEC's strategic approach to achieving electoral integrity in enrolment and elections, through professionalism, quality and agility. The Framework is focused on AEC processes and procedures and does not comment on the legislated systems of enrolment and elections in Australia's electoral system.

The Framework establishes a language for the AEC to use in examining, understanding and managing electoral integrity in elections and enrolment. It informs the development and assessment of programs and operational policy, provides a structure for systematic and consistent measurement of integrity, and enables a more explicit approach in applying those provisions in the Electoral Act that relate to the integrity an individual's behaviour.

The Framework has three components:

- four elements of integrity (outlined below)
- principles that give effect to each of the four elements, and
- indicators to measure the AEC's performance against each of the principles.

Three of the elements of integrity relate to the outward facing aspects of integrity and can therefore be easily evaluated by all stakeholders; the other element is internally focused and relates to how the AEC conducts its business.

The elements of integrity are:

1. accuracy – aspects of the franchise will correctly reflect the characteristics and intentions of the electors
2. completeness – the franchise will be delivered to every eligible Australian
3. entitlement – the franchise will not be delivered to those not eligible to participate
4. capability – the expectation that the AEC will do a competent job, consistent with the requirements of the relevant legislation and the Public Service values. Capability is made up of three sub-elements:
 - a. security (of elector information, AEC data, and physical assets such as ballot papers)
 - b. reliability (procedural correctness and compliance with policies and legislation), and
 - c. transparency (to candidates and voters, or data and processes, including availability of procedural justice).

All of the elements relate equally to both enrolment and elections work. Principles underpin each of the elements of integrity, explaining how each element applies to enrolment and elections. These principles, which will be reviewed regularly, represent what the AEC aspires to in terms of electoral integrity in each of these areas.

The Framework also identifies indicators that will be used to measure the AEC's performance against each of the principles. As an example, the turnout rate (the number of enrolled electors who turn out and vote in a federal election) will be used as an indicator of success against the election-related principle 'all enrolled electors cast a vote'.

The Framework is intended for internal use in maintaining and enhancing the integrity of Australia's electoral system through the AEC's day-to-day work. In recognition that confidence in electoral integrity – and therefore legitimacy in elections - relates to public perception of the AEC's conduct and the *perception* of its conduct, it is also a public document for stakeholders.

Conclusion

Recent experiences across the world have reinforced just how broad the concept of electoral integrity is, and that it is a critical, fundamental precept of Australian democracy. Recent events have also demonstrated how easily confidence in an electoral management body – and therefore electoral integrity - can be diminished.

For the AEC, electoral integrity is far-reaching – it must be at the heart of all electoral processes, and is most obviously on display to the public during an electoral event. This paper has outlined just some of the changes being implemented across the AEC to ensure that integrity is at the heart of the agency's culture, and is borne out in tangible changes to the agency's policies, procedures and practices.

The AEC's renewed commitment to electoral integrity in all its forms, demonstrated through these changes, is fundamental in rebuilding Australians' confidence, and in proving the AEC's ongoing commitment and capacity to delivering trusted, consistently reliable, high quality and high integrity electoral events.