Internet Voting and Voter Interference

A report prepared for the
New South Wales Electoral Commission.

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Contents

Executive Summary

This report explores whether the use of internet voting systems, such as the iVote system introduced at the 2011 New South Wales state election, increase the risk of illegal interference with voters through force, coercion or bribery, particularly when those voters are provided with electronic receipts to confirm their votes.

Coercion, force and inducement are different forms of power. Applied to voting, they differ from other forms of electoral manipulation because they are illegal, retail tactics designed to alter the behavior of individual voters through physical control (force), the threat of force (coercion), or reward (bribery). Force and coercion differ from bribery because they are always initiated by someone other than the voter and only experienced by the voter as involuntary acts. Voters may go looking to sell their votes; they do not seek out force or coercion.

The available opportunities for voter interference vary primarily not with technological safeguards but with the cultural, political and economic conditions that govern interactions between people within a particular society.

The introduction of the secret ballot is often claimed to have eliminated voter coercion and bribery in countries like Australia. This claim over-simplifies a complex process in which a range of administrative, social, economic and cultural changes reduced the opportunities for voter coercion and bribery over time.

Australia currently has a number of strong non-technical safeguards against voter interference. These include public avenues for complaints by electoral stakeholders, an independent electoral administration, low general levels of corruption, relatively high living standards, an egalitarian individualist culture, and a strong civil society. These safeguards will all remain in place with the introduction of internet voting.

Considered in the abstract, all methods of voting are susceptible to voter interference. Internet voting only appears to permit more opportunities for voter interference than other voting methods when the social dimensions of interference are ignored.

International and New South Wales experience of internet voting provide no evidence that it has led to voter interference. Surveys of NSW voters who have used the iVote system indicate that they do not fear interference and have not experienced interference.

Any internet voter interference in Australia is likely to be limited to the pockets of voter interference that already exist, such as isolated instances of 'family voting'.

Chapter 1. Introduction

1.1 The Problem of Internet Voting and Voter Interference

In contemporary democracies, votes are expected to be secret[1]. Article 21(3) of the United Nations Declaration of Human Rights proclaims:

> The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures (United Nations no date [1948]).

A major reason for the secret vote is to protect voters from illegal interference by other people. In October 2002, for example, the European Commission for Democracy through Law (the 'Venice Commission') issued a comprehensive *Code of Good Practice in Electoral Matters* for Council of Europe member states, part of which declares:

> Secrecy of the ballot is one aspect of voter freedom, its purpose being to shield voters from pressures they might face if others learned how they had voted. Secrecy must apply to the entire procedure and particularly the casting and counting of votes. Voters are entitled to it, but must also respect it themselves, and non-compliance must be punished by disqualifying any ballot paper whose content has been disclosed (European Commission for Democracy through Law 2002: 24).

A vote cast using an official ballot paper filled out in a booth at a specially established polling place (the so-called Australian ballot) is generally assumed to achieve this goal of 'shield[ing] voters from pressures'.

Other methods of voting, including unsupervised remote voting by postal ballot, the internet or telephone, having been introduced in some jurisdictions across the world, are becoming increasingly popular. In New South Wales, for example, 292,273 electors at the 2011 election (6.8 percent of the total) cast postal votes and

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[1] It was not always so. The nineteenth century liberal democrat and author of *On Liberty*, John Stuart Mill, argued in another of his works that voting should be conducted openly, to ensure that voters would act 'honestly and carefully'. By having to justify their votes, they would vote according to the public interest and not simply their own (Mill [1861] 1972: 300-301). Mill acknowledged some circumstances (slavery, tyranny) in which the secret ballot could be adopted to protect the weak; however, he saw such circumstances as having a 'strikingly exceptional character' ([1861] 1972: 301). For Mill, open voting was the rule from which exceptions could be reluctantly allowed. For a recent version of this argument, see Brennan and Pettit (1990).

iVotes (votes via the internet or telephone). This compares with unsupervised remote voting rates of 4.2 percent in 2003 and 1.8 percent in 1995 (NSW Electoral Commission 2011: 63). One set of questions that arises from this growing trend is whether unsupervised remote voting, and particularly internet voting, has comparable levels of security, reliability and verifiability as the Australian ballot.

The specific concern of this report is the issue of voter interference, whether through force, coercion or bribery. Can internet voting systems, such as the iVote system used in the 2011 New South Wales state election, allow voters to verify that their votes were cast as they intended (via an electronic receipt, for example) but also avoid the reasonable prospect that those voters will be forced, coerced or bribed into a particular vote by other people?

This problem has caused considerable concern among computer security experts and cryptographers (see, for example, Araújo *et al* 2010; Clark and Hengartner 2012; Spycher *et al* 2012). Technical solutions to the trade-off between verifiability and secrecy may become possible, although some experts doubt this. To date, the proposed solutions appear to be costly, complex and difficult to implement on a large scale (see, for example, Juels *et al* 2010: 41).

1.2 The Social Dimension of Voter Interference

This report approaches the problem of voter interference, secrecy and verifiability from a different angle to that of the computer experts. Its starting point is the observation that interference in a voter's electoral choice has a social as well as a technical dimension. The risks of voter interference vary not just with technological safeguards but also with the social, political and economic conditions that govern the interactions between people within a particular community. These social conditions are arguably much stronger determinants of voter interference than technical considerations. Where the social threat of interference in voters' behaviour is low, and voters can reasonably be expected to play their part in protecting the secrecy of their internet votes, then the case for requiring absolutely secure technical safeguards for internet ballot secrecy is weakened.

1.3 The Scope and Limitations of this Report

This report is designed to provide information for the New South Wales Electoral Commission and related stakeholders. It draws on data and evidence from a range of countries for comparative purposes. It does not, however, attempt to assess systematically or in detail the risks of voter interference in these countries. The focus of the report is on establishing the risks of voter interference in New South Wales and Australia, particularly with regard to internet voting.

The report assumes that the internet voting system concerned has the general characteristics of the New South Wales iVote system (for a summary, see NSW Electoral Commission 2011: 122-124). For the purposes of simplifying expression through the report, 'internet voting' includes telephone voting options, such as the one offered by iVote.

This report focuses on voter interference in three forms: force, coercion and bribery. Bribery (vote buying) and coercion are more common than force, for reasons explained in Chapter 2, so the report devotes most attention to them. As is also explained in Chapter 2, these different forms of electoral malpractice involve different types of relationships between people. While the report makes some comments about other types of electoral malpractice for comparative purposes, it is not intended to provide definitive evidence or advice about the likelihood of those other types of electoral malpractice existing in New South Wales and Australia. It does not, for example, assess the possibility that internet voting might increase opportunities for malpractice in the recording or counting of votes, through a computer virus attack.

Chapter 2. Force, Coercion and Inducement

2.1 The Definition and Characteristics of Force, Coercion and Inducement

Force, coercion and inducement are different forms of power (see Table 1). Political scientists commonly define force as that form of power in which one actor gets another actor to do something that they would not otherwise have done *through direct physical control of that actor*, via obstruction, confinement, immobilization and the like. The most extreme forms of force involve violence against actors, up to and including killing them. Force does more to takes away the freedom of the actor against whom it is exercised than most other forms of power (see, for example, Wrong 1979: 23-28; Dahl and Stinebrickner 2003: 39; Lukes 2005: 22).

Coercion is the form of power in which one actor gets another actor to do something that they would not otherwise have done *through the threat of forceful deprivation* (see, for example, Wrong 1979: 23-28, 41-44; Dahl and Stinebrickner 2003: 39-40; Lukes 2005: 21). The threatened deprivation concerned may be physical (e.g., a beating), material (e.g., property damage), psychic (e.g., emotional distress), or a combination of these. Force and coercion often occur together (for example, by forcibly arresting one of the protesters occupying a public square, a group of police may coerce the other occupying protestors to disperse). Perhaps for this reason, coercion is sometimes confused with force and violence; however, it should be understood as the *threat* of force, including violent force.

Table 1 Types of Power

Type of power	Power is exercise through
Authority	… belief in the legitimacy of the powerful.
Inducement/Exchange	… reward.
Force	… physical control or deprivation.
Coercion	… threat of force.
Persuasion	… open information and argument.
Manipulation	… controlled information and argument.

Sources: Adapted from Wrong 1979; Dahl and Stinebrickner 2003; Lukes 2005.

Coercion is often seen as a relatively efficient and economical form of power (Wrong 1979: 42-43, 47). It is usually more efficient and economical to threaten to use force than to actually have to use it. The resources needed to physically remove all the protesters from a square, for example, will be greater than the resources needed if some protestors leave themselves in the face of coercion.

Nonetheless, coercion requires three elements that may prove difficult to achieve:

1. *communication* of the desired action and the threat to the coerced
2. *observation* of the coerced, or at least creation of the belief among the coerced that they are being observed, to ensure they carry out the desired action
3. credible *capacity for punishment* of non-compliers.

If the subjects of potential coercion do not know what the coercers want them to do, believe they are not being observed by the coercers, and/or do not see the coercers as capable of punishment, coercion breaks down.

For this reason, although coercion can occur in short-term, *ad hoc* relationships between people, it is more typical of long-term, stable social relationships. Stable social relationships give coercers more opportunities to communicate desired actions and clarify them through repetition, more opportunities to observe the coerced's behaviour, or to receive reports from others who have observed that behaviour, and a longer period over which to demonstrate a willingness and capacity to use force. Even under these conditions, as James C. Scott has demonstrated for a range of societies, coercion is difficult to maintain, as members of subordinate social groups take up available opportunities to pursue their own desires, as opposed to those of the dominant groups (see Scott 1985; Scott 1998).

While in theory coercion can be distinguished relatively neatly from other forms of power, such as persuasion and authority, in practice, it is difficult for observers to definitively identify coercive relationships, particularly where these are long-term. This difficulty occurs not just because coercion often occurs along with other forms of power (see above). It also occurs because, to stay out of trouble, the coerced often deliberately present the misleading impression that their coercers are persuasive and/or have legitimate authority over them. Examples here include peasants who express support for the views of landowners who could have them evicted, slaves whose masters could beat them, employees whose employers could sack them, and children whose parents could throw them out of home.

What members of these subordinate groups convincingly say and do in public, particularly in the presence of members of the dominant groups, is likely to be a misrepresentation of their real views (for numerous cases, see Scott 1990). Among other things, this practice makes it difficult to identify cases where voter coercion has occurred.

The third type of power under consideration in this report is inducement or exchange, in which one actor gets another actor to do something that they would not otherwise have done *through offering a reward* (see, for example, Wrong 1979: 44-49; Dahl and Stinebrickner 2003: 38). The rewards at stake are generally understood in material terms (money or valued goods), although they may also be social or emotional. For example, a person may be asked to do something they would not otherwise do in exchange for entry into a social club, or in return for a promised spiritual reward (Wrong 1979: 48).

The line between inducement and coercion is sometimes hard to draw. In highly unequal societies, for example, in which a small group controls most of the valued resources, exchanges between this elite group and other members of society will often appear coercive. If the choice for a non-elite member of society is to do what the elite member wants in return for food, or else to starve, then the power exercised by the elite member looks more like coercion than inducement.

For this reason, power as inducement is often characterised by its ad hoc nature. It is a single exchange between two social actors that does not imply that past exchanges have occurred or that future exchanges will occur. Inducement is also characterised by the fact that the actor over whom power is being exercised has some genuine choice about whether or not to accept any particular reward on offer; that is, they may decline the offer of a reward altogether, or take up the reward offered by another actor (Wrong 1979: 44-45). An example would be individuals who are able to choose between opportunities for work among a range of employers.

2.2 Voter Interference and Other Forms of Electoral Manipulation

The discussion of force, coercion and power above may appear abstract; however, it helps to distinguish voter interference from other forms of electoral manipulation. Building on the definitions in Section 2.1:

- force against voters occurs when they are physically prevented from voting in the way that they otherwise would

- voter coercion occurs when voters are prevented from expressing their true preferences due to the threat of forceful deprivation of something of value to them

- voter inducement occurs when voters change their votes in return for a reward.

Table 2 Types of Electoral Manipulation

General Form	Specific Types
1. Circumscribing the power of elected officials.	*Legal*: constitutionally reserved non-elected government offices, etc. *Illegal*: elected officials do not use their full formal powers to govern, deferring to the military or other powerful groups, etc
2. Restrictions on freedoms to organize, assemble and communicate.	*Legal*: legal restrictions and bans on candidates, parties, news media, rallies, etc. *Illegal*: disruption of rallies, bribing or intimidation of candidates and journalists, etc.
3. Manipulation of the franchise.	*Legal*: discriminatory voter registration tests, removal of eligible voters from rolls etc. *Illegal*: coercion of eligible voters to prevent registration, enrolment using forged identity cards, etc.
4. Manipulation of electoral rules (districting and ballots)	*Legal*: malapportionment; gerrymandering; ballot designs biased against some candidates, etc.
5. Interference in voter behaviour.	*Illegal*: violence against voters, voter coercion, vote buying, etc.
6. Manipulation of the recording and counting of votes.	*Illegal*: ballot stuffing, theft or destruction, tampering with official vote tallies, etc.

Source: Adapted from Schedler 2002: 39-45; Case 2006: 98-105; Schaffer 2007: 7; Birch 2012: 27

Interference in voter behaviour is one of a range of types of electoral manipulation that can be used to affect the outcome of an election (see Table 2). The use of force against voters, voter coercion and vote-buying differ from the first four types of electoral manipulation in Table 2 because they are illegal. Constitutional and ordinary laws are often used to circumscribe the power of elected officials, restrict freedom of assembly and communication, restrict the franchise, and establish electoral districts and ballots that produce voter inequalities and favour some candidates over others.

Along with tampering with the recording and counting of votes (ballot stuffing etc.), interference in voter behavior through force, coercion[2] or bribery[3] is an unofficial activity, rather than one that is officially sanctioned by law. Election officials may be involved in this voter interference, along with other forms of electoral manipulation (Birch 2012: 110; Fortin-Rittberger 2012); however, even in authoritarian regimes this involvement by officials is not legally acknowledged.

The illegal character of voter interference has two consequences. First, it generally has to remain a hidden activity (except where the government is unable to enforce laws due to internal conflict, as in the case of Iraqi elections discussed in Section 2.3 below). Second, it is available to a range of actors. While only those in power can exercise legal forms of election manipulation, such as restrictions on party registration, voter interference can be carried out by non-government and well as government actors.

Another important difference between voter interference and most other forms of electoral manipulation concerns the way in which it affects votes. Frederic Schaffer draws a distinction between what he terms 'wholesale' and 'retail' tactics of electoral manipulation (2007a: 8; see also Orr 2010: 225). Wholesale tactics, such as banning certain parties or censoring news media outlets, 'affect the choices or votes of a large number of citizens at the same time'. Retail tactics, such as multiple voting, vote-buying or voter coercion, 'alter the outcome of an election one vote at a time' (Schaffer 2007a: 8). They operate by changing individual voter's preferences, rather than changing the choices open to all voters. Each coerced or bribed voter has to be told how to vote. A method has to

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[2] Compulsory voting might be viewed as official coercion of voters, in the sense that the law compels registered voters to receive and lodge ballots, and possibly to fill them out, on pain of a fine (for a recent discussion, see Pringle 2012). Compulsory voting is not voter coercion in the generally understood sense that is used throughout this report, however, because it involves a general compulsion to vote and not compulsion to vote according to a particular set of preferences.

[3] Bribery (vote-buying) differs from legal inducements offered to voters, including promises of public policies that result in material benefits to voters like them (e.g., tax breaks for middle-class voters) and 'pork-barrel' expenditure on specific areas (Schaffer 2007a: 4-6).

be found to ascertain whether or not each voter has followed these instructions, or to convince voters that the coercers and bribers know this information (Collier 2009: 32-33). In the case of coercion, individual voters who have not followed their instructions may have to be punished. In the case of bribery, individual voters have to be paid their reward.

Schaffer observes that while voter coercion and voter-buying are both 'retail' tactics, they differ in one important respect: vote-buying is a 'voluntary exchange' between willing partners, whereas voter coercion involves involuntary action by the coerced (2007a: 8). The same involuntary action results from the use of force against voters. The involuntary nature of actions by voters responding to force and coercion points to the fact that the initiator of a forced or coerced vote is never the voter. Voters may offer their votes for sale, or wait hopefully for a willing vote-buyer, but they never offer or hope to be forced or coerced into a vote.

Fabrice Lehoucq (2007) has argued that, historically, markets for votes emerged in Europe only when the traditional forms of voter coercion engaged in by land owners and other powerful groups had broken down. Nonetheless, voter coercion and vote-buying are not always alternatives. They may occur in the same elections (see, for example, Bratton 2008) and the line between them may sometimes be difficult to see in practice. As Schaffer notes, voters who are coerced may simultaneously be offered a reward for voting the right way: 'accept this money, or else!' (2007a: 16, fn 2). In cases like this, however, the coercive element trumps the market exchange.

In summary, voter interference differs from other forms of electoral manipulation because it involves one or more illegal, 'retail' tactics. Force and coercion are forms of voter interference initiated by someone other than the voter and engaged in by the voter as an involuntary act. Voter bribery may be initiated by the voter and involves voluntary action of the voter's part.

2.3 Different Motivations for Voter Interference and Their Associated Tactics

As Table 3 shows, voter interference is undertaken by different perpetrators who have different motivations, employ different tactics and target different types of voters.

Table 3. Different Motivations for Voter Coercion, Associated Tactics, Typical Perpetrators and Targets

Broad Motivation	Specific Variants	Tactic/s	Perpetrator	Targets
Instrumental	1. Support the election	• Coerced participation	• Regime supporters	• Potential non-voters
	2. Disrupt the election	• Forced and coerced non-participation • Revealed force and coercion	• Regime opponents	• Potential voters
	3. Change the result in one or more specific seats.	• Coerced or bribed vote for one or more specific candidates • Coerced or bribed non-participation	• Candidate supporters • Criminal groups	• Uncommitted voters • Supporters of opposing candidates
	4. Change the overall result of the election.	• Coerced or bribed vote for specific candidates • Coerced or bribed non-participation	• Party members and supporters • Candidate supporters	• Undecided voters • Supporters of opposing parties
Expressive	5. Reinforce group identity	• Coerced participation • Coerced non-participation • Coerced vote for one or more specific candidates	• Parents • Landowners • Village leaders • Employers • Sect leaders etc	• Members of the group

14

2.3.1 Interference to support electoral legitimacy

Broadly speaking, the motivations behind voter interference can be either instrumental or expressive. Perpetrators of voter interference with instrumental motivations desire to achieve a particular electoral outcome. Regime supporters, for example, may want to increase the legitimacy of an election by boosting the turnout. This is likely to be a particular concern to regime supporters where other forms of electoral manipulation, such as restrictions on candidates, threaten to make elections meaningless in the eyes of many potential voters. In Communist Poland, electoral officials were also responsible for distributing a range of valued commodities. The possible loss of fertilizer, for example, helped ensure a high turnout among farming communities in elections that featured very little candidate choice (Harrop and Miller 1987: 23-24).

2.3.2 Interference to undermine electoral legitimacy

Alternatively, opponents of a regime may attempt to disrupt and delegitimise elections, reducing the turnout through intimidatory violence. Announcing that force and violence will occur during polling acts to delegitimise the election process and its results. The 2010 Iraqi parliamentary elections, for example, saw al-Qaeda call for a Sunni boycott, promising military attacks in the period leading to polling day. Violence against candidates and their supporters occurred throughout the campaign. On polling day, 37 people were killed in 136 attacks across the country. The direct effects of this show of force were limited; however, the coerced non-participation that it produced was more widespread. Voter turnout fell from its 2005 level of 75 percent to 62 percent in 2010 (Al Jazeera 2010; Londoño 2010; BBC News 2010).

2.3.3 Interference to change results in specific seats

A third instrumental motivation for voter interference is to change the outcome of an election in favour of one or more specific candidates for particular seats or offices. The aim of the perpetrators is to ensure that 'their' candidate succeeds and therefore gains access to the powers and perks of a particular office. Voters who might have voted for other candidates are coerced or bribed and assured that their votes will be observed. While the perpetrators of this voter interference may be the candidate's own supporters, criminal organisations also seek to build corrupt relationships with candidates by selling them blocks of coerced or bribed votes. Donatella della Porta and Alberto Vannucci's study of Italian political corruption provides extensive examples of Mafia groups operating in this way:

> The block of voters that the *mafiosi* are able to mobilize directly is
> indeed impressive in both size and discipline. … Raimondo Maira,

15

candidate at the regional elections of 1991, in return for a payment of 25 million lira, had obtained from the local Mafia family 'control and protection for its electoral office and leafleting. Even if no violence was deployed, it was understood that those who did not respect the vote suggestion of the family could suffer consequences' (PP: 897). … [T]he electoral strategies of organized crime reflect quite pragmatic considerations…. Organized crime directs the votes it commands toward the candidates that it maintains are both useful (in resources controlled and expected permanence in power) and reliable (in respecting illegal arrangements) (1999: 226-227).

While Italian voter coercion relied on getting eligible citizens to cast a vote for a particular candidate (and citizens had their identity papers stamped to demonstrate that they had in fact voted), a candidate's chances of winning may also be increased if supporters of his or her opponents can be coerced or bribed into not voting at all. In countries such as Guyana, Mexico, Venezuela and the Philippines, voters have been induced to sell their voter identification cards, or to otherwise make themselves ineligible to vote (Schaffer and Schedler 2007: 23).

2.3.4 Interference to change the overall election result

Given enough resources, coerced or bribed non-participation can be used to achieve the fourth instrumental motivation in Table 3—altering the overall outcome of an election and therefore changing who governs. To achieve this, the coercer or briber needs to know which groups of voters to keep away from the polls and be able to apply sufficiently powerful and widespread coercion and/or inducements. White supremacist groups in the USA successfully took this approach throughout the southern states after the Civil War. Using threats of violence, among other tactics, they deterred enough eligible black voters from attending the polls to weaken the Republican vote and allow the Democrats to claim victories they would not otherwise have achieved (Rable 1984: 81-90).[4]

Coercing and bribing specific groups to stay away from the poll has two drawbacks. First, some members of the targeted group who had intended to vote for the perpetrator's preferred party will be prevented from voting. Second, even where the tactic only takes away votes from opponents, it does not add those votes to the tally of the coercer's preferred party. The most desirable coercion or bribery for stealing elections is that which switches votes from another party to the perpetrator's preferred party. In the Ukrainian presidential election of 2004, for example, organisers for Viktor Yanukovych, the incumbent Prime Minister

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[4] Once in power, southern Democrats eventually devised laws to take away the franchise from many blacks (and poor whites) (Pernam 2001).

and Party of the Regions candidate, engaged in a range of electoral malpractices.[5] Among them, they targeted and threatened large numbers of voters who relied on the state for jobs, education or income support: '…we know that government employees of various types (at national and local levels) were told whom to vote for. We also know that pressure was put on university rectors to threaten students with sanctions if they did not vote "correctly"' (D'Anieri 2005: 238). Employers were often able to observe their employees completing absentee ballots. Yanukovych won the election against the Independent Viktor Yushchenko. After protests, the Supreme Court required the election to be rerun. With much closer scrutiny by international election monitors making electoral coercion and other manipulation more difficult in the new ballot, Yushchenko won comfortably (D'Anieri 2005).

2.3.5 Expressive 'group' voting

The final motivation for voter coercion is expressive rather than instrumental. Instead of aiming to achieve a particular electoral outcome, the perpetrator aims to ensure that members of their group affirm the identity or values of that group through their actions. Examples of such groups would include families, rural estates, villages, trade unions, companies and sects. The affirmation of group identity by voting in a particular way (or by not voting) reinforces existing power structures within the group. From the point of view of powerful figures in the group (fathers, religious leaders, etc), it is best if compliance is based on an acceptance of their legitimate authority. Where this fails, coercion can be used to ensure compliance and maintain the group's sense of itself. Bribery is rarely if ever used to secure expressive votes, since the groups involved tend to be close-knit and hierarchical.

One example of expressive voter coercion is found in so called 'family voting' within south Asian Muslim communities in the United Kingdom. Members of some families vote collectively in ways that uphold the clan-style *biraderi* ('brotherhood') relationships that govern a range of their social relationships, including marriages. The original purpose of these relationships—to preserve family land holdings in south Asia under traditional inheritance laws—disappeared once families migrated to the UK; however, families have continued to operate along *biraderi* lines as part of their cultural identities. British parties attempt to mobilise family voting by preselecting candidates from the right clans in areas with high concentrations of south Asian voters. They rely on the patriarchal power of the male heads of these families to gain, through coercion where necessary, a vote for *biraderi* candidates. The male head of the household

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[5] These included extensive media controls, large scale ballot stuffing and fraudulent counting (D'Anieri 2005; Myagkov, Ordeshook and Shakin 2009: 138-182).

receives no instrumental benefit from such coercion; however, he has upheld his traditional identity and that of his family (Macey 1999; Purdam 2001; Akhtar 2003; Wilks-Heeg 2008: 34-36; Siraj 2010; Czernik 2012; White 2012: 15).

A different example of potential expressive voter coercion is found in religious groups, such as the Exclusive Brethren, whose doctrine insists that their members not vote in elections. Given the coercive way in which the Exclusive Brethren leadership deals with members who question its view other matters of doctrine, it is likely that coercion would be used within the sect, if necessary, to enforce non-voting (Bachelard 2008). The Exclusive Brethren gain nothing from not voting, making its enforcement an expressive rather than instrumental act.

2.4 Summary Assessment

It will be suggested later in this report that, to the extent that voter interference might exist at all in Australia, it is likely to be small-scale expressive voter coercion (such as family voting or sect voting), rather than the larger scale activity necessary to achieve instrumental motivations such as affecting the outcome in a particular seat.

Chapter 3 The Modern Secret Ballot and Voter Interference

3.1 What Kinds of Voter Interference was the Modern Secret Ballot Designed to Eliminate?

As is widely known, the modern secret ballot originated in the Australian colonies, beginning with Victoria and South Australia in 1856 (Sawer 2001: 3; McKenna 2001). For this reason, in many parts of the world it is known as the 'Australian ballot'. The Australian ballot was not the first set of voting procedures to *allow* for secrecy. Some ancient Greek and Roman elections using tokens did this, as did earlier modern French and American ballots that employed slips of paper. Voters in these ballots could hide their votes but could also reveal them. The Australian ballot was novel in that it *enforced* secrecy by specific measures to prevent voters from showing their ballot papers to others. Voters entered a polling place, received a standard government printed ballot paper from a polling official, filled it out in a private booth, folded it and deposited it in a sealed ballot box (Bernheim 1889: 139, 150; Brent 2006: 47; Keane 2009: 524-533).

The voter interference that the Australian ballot was designed to eliminate was primarily the third type set out in Table 3 on page 14—coercion and bribery designed to change the outcome in a particular electorate by forcing or inducing voters who preferred other candidates to vote for the coercer's favoured candidate or to stay away from the polls.

Prior to the introduction of the Australian ballot, elections for parliamentary office in the Australian colonies followed the British practice of a public nomination process at 'the hustings', followed by a more or less open ballot if required. The hustings were usually temporary platforms erected in public places, from which the nominated candidates and the officials conducting the poll could address the crowd. Candidates were nominated and an initial poll taken by the voices or a show of hands among the attending voters. The presiding officials announced a winner. If one of the losing candidates challenged the result, an election in which voters lodged ballot papers at polling places followed, usually within a few days. At intervals during polling day, officials announced the voting tallies for each candidate, before the final result was declared late in the day.

The potential for coercion and bribery of voters at various points in this process is clear enough. Individual votes were easy to observe. The initial nomination at the hustings required voters to signal their support for a candidate openly. If an election was required, voters used their own unstandardized ballots slips (or 'tickets'), sometimes supplied in different colours by the candidates themselves,

which could be shown to other people present. Electoral officials recorded who voted for which candidates. Local newspapers published these lists in some places. The atmosphere surrounding polling places could be menacing or violent. Some voters were coerced into staying away from the polls altogether or into voting for someone other than their preferred candidate. Candidates and their agents sometimes 'treated' voters, buying them drinks, food and entertainment to thank them for their support or to gain their votes (Bernheim 1889: 134-135; Sawer 2001: 4-7; Brent 2006: 43-45; Thompson 2006).[6]

These problems of voter interference were dramatically illustrated by the very first parliamentary election held in the Australian colonies, the 1843 vote for Sydney's seats in the new New South Wales Legislative Council. Five candidates—William Bland, Robert Cooper, William Hustler, Maurice O'Connell and William Wentworth—contested the two seats. After a rowdy and sometimes violent nomination day at the hustings set up in Macquarie Place on 13 June, at which the election of O'Connell and Cooper on a show of hands among the 8000 present was challenged, the ballot took place two days later.

Polling began in an orderly fashion. M.M.H. Thompson describes the deterioration of events:

> It was not until about 11 o'clock that trouble really started. A count of the votes at that time indicated polling to be strongly in favour of Wentworth and Bland. This news was enough to infuriate the more unruly of those loyal to the green banners. … The mob had taken to the streets armed with sticks, staves and palings torn from fences. … The stall serving the needs of Wentworth and Bland's voters was demolished. Councillor Jones … a Wentworth supporter in charge of the tent, was set upon by the mob. He owned a whaler moored in the harbor, and the crew was summoned to provide rescue and support. Whaling implements from harpoons to lances were put to new uses, and the course of events swerved menacingly out of control. The mounted police arrived, the Riot Act was read, and at 1 o'clock in the afternoon, voting in Gipps Ward was adjourned until 9 o'clock on the following morning. Gangs of men roamed the streets…. The homes and business premises of those prominent among the supporters of Wentworth and Bland had windows and doors kicked in while some families were forced to flee for the safety

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[6] Other forms of electoral corruption encouraged by these electoral processes included offering illiterate voters misleading prepared ballots in which names of candidates were removed or replaced. The cost of printing ballot papers also disadvantaged poorer candidates (Bernheim 1889: 134-137).

of their lives. Many voters, it was said, were so intimidated they failed to vote (Thompson 2006: 115).

The violence, involving an estimated 400 to 500 men, resulted in one death, and continued into the night, despite the efforts of mounted police and soldiers. The next day, Wentworth and Bland were declared the winners and subsequently took their seats in the Legislative Council (Thomson 2006: 111-117; see also Birmingham 2000: 303-309; Cochrane 2006: 34).

3.2 Did the Modern Secret Ballot End Voter Interference?

It is commonly asserted that the secret ballot ended the coercion and bribery of voters seen in places such as Sydney. These assertions began soon after the secret ballot was introduced in Australia and have been repeated ever since. In 1859, for example, William Kelly contrasted the situation before and after the institution of the secret ballot in Victoria:

> An elector, exercising his franchise under the ballot, instead of running a desperate gauntlet through corruption, drunkenness, violence and uproar, walks, as it were, in an even frame of mind, through a smooth, private avenue to discharge the political duties of citizenship' (quoted in Sawer 2001: 8; see also Hugh Childers comments in 1860, quoted in McKenna 2001: 59)

Later in the nineteenth century, Abram Bernheim, discussing hearings before an American commission on electoral matters, noted approvingly: 'What the ballot act accomplished in Australia was told to the commission by several witnesses. There, it abolished bribery and ended corruption' (Bernheim 1889: 151). More recent accounts of the Australian ballot tend to repeat uncritically these contrasts between coercion (and other electoral ills) under open voting and the peaceful purity of the secret ballot (see, for example, Sawer 2001; McKenna 2001; Keane 2009: 524-533).[7]

Three points can be made about this assertion. First, the pre-secret ballot elections in many parts of the Australian colonies were peaceful and apparently involved little or no violence, coercion or bribery. The violence of the 1843 Sydney election was exceptional. The Legislative Council elections in other parts

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[7] Recent commentators also tend to focus on nineteenth century criticisms that the secret ballot was 'unmanly' or 'un-English' (see McKenna 2001: 53; Thompson 2006: 269-270; Brent 2006: 40), ignoring or playing down the principled arguments against the secret ballot made by philosophers such as J.S. Mill.

of New South Wales in 1843 were generally peaceful, although one further death occurred in the rural electorate of Durham and some violence broke out in the Port Philip District electorate (Thompson 2006: 111-124, 128-129). The second Legislative Council election, held in 1848, was calm, even in Sydney (Cochrane 2006: 190-195; Thompson 2006: 197-198). So was the first Legislative Assembly election in 1856, although it featured some intimidation of voters, who were prevented from getting to polling places (Thompson 2006: 262-266).

The same absence of bribery, violence and intimidation marked most English elections in the period prior to the secret ballot. These elections were boisterous, colourful and noisy affairs; however, the actions of participants were usually celebratory rather than violent. Hostilities between rival candidates and their supporters were generally restrained by the fact that they had to live together after the poll, a point commonly reinforced by the presiding officials (O'Gorman 1992; O'Gorman 2007). The historian Frank O'Gorman (1989: 142) notes that much of the 'treating' of voters was not bribery. It was 'intended to compliment, reward and flatter the faithful, not to change opinions and disturb settled loyalties'. Commentators are prone to exaggerate the corruption and violence of English pre-secret ballot elections, generalising from artistic works such as the striking and famous satirical images presented in William Hogarth's series of 1754-1755 'Election' paintings (see Hallett 2006).

Second, coercion, bribery and associated electoral malpractice persisted after the introduction of the secret ballot. In Australia, supporters of candidates continued to intimidate their rivals' known supporters so as to keep them away from polling places (Sawer 2001: 6-7). The 'Tasmanian dodge' was quickly invented to circumvent the secrecy of the polling booth (see Section X below). British general elections were also subject to outbreaks of violence and corruption after the introduction of the secret ballot (O'Gorman 2007).

Third, the introduction of the secret ballot in Australia and other countries was only one change among a quite complex set of political, economic and social developments that worked over long periods of time to strengthen individuals' capacities and willingness to resist voter coercion and bribery. The key changes concerned all involve shifts from the particular, closed and hierarchical social relationships in which coercion is more likely (see above) toward the more egalitarian, open and mass-scale social relationships that protect individuals from coercion. The most important changes include:
1. The replacement of closed patron-client type employment relationships by more open employment markets.
2. Development of egalitarian socio-economic relationships (expansion of the middle class, unionisation of workers, norms of gender equality, etc.).
3. Increased geographic mobility.

4. The growth of state capacity to protect against social risks (through social welfare payments, disaster relief, etc.).
5. The growth of state capacity to maintain the peace.
6. The growth of state capacity to enforce laws (including electoral laws).
7. Introduction of the mass franchise, creating large-scale electorates.

(Adapted from Tilly 2007: 196-198.)

The first three changes act to reduce voter coercion since they reduce poverty and weaken hierarchical socio-economic power structures, offering citizens escape routes from coercive social contexts to new jobs, neighbourhoods, relationships, and so on. The same point holds for the growth of state capacity to cover social risk and maintain the peace, which removes the reliance of citizens on personalized networks of social and physical protection (Tilly 2007: 80-105). The state's specific capacity to enforce electoral law acts as a deterrent to would-be bribers and coercers. Large-scale electorates make it difficult for would-be election manipulators to coerce or pay enough voters to secure victories in specific seats or across the board (Orr: 2003: 133; Hicken 2007: 56-57; O'Gorman 2007: 41).

3.3 Summary Assessment

If voters in countries such as Australia overwhelmingly feel free from interference when they vote, it is due to the development over time of these multiple social, economic and political forces that act against force, coercion and bribery, not simply the provision of a secret ballot. Countries in which voter interference is recognized as a problem generally have the secret ballot in place but lack the broader social, economic and political protections against voter interference listed above.

Chapter 4 Voter Interference in Contemporary Australia

4.1 Measuring Voter Interference

As is the case with most corrupt activities, determining exactly how much voter interference occurs in any society is a difficult task. Voter coercion and bribery are hidden activities. Although electoral scholars and other observers often have an idea of which countries are more and less prone to voter interference, direct measures of that interference are difficult to apply. Voter coercion and bribery are likely to flourish in countries where weak electoral administration means much of it will also remain undetected. Jonathon Hartlyn and Jennifer McCoy (2006: 47) call this the '… *paradox of capability*, [in which] most blatant fraud is more likely to occur where low capacity of parties and observers inhibits their ability to detect and deter it'. These factors make comparing voter interference across countries very difficult. Nonetheless, drawing on international research (Hartlyn and McCoy 2006; Lindberg 2006; Birch 2012), it is possible to identify five indirect measures of the extent of voter interference in a country. These are:

1. complaints of voter coercion
2. the strength and independence of electoral administration
3. the general level of corruption
4. egalitarian versus hierarchical society
5. the state of civil society

On the basis of these measures, it can be reasonably surmised that current levels of voter coercion and bribery in Australia are extremely low.

4.2 No Complaints of Voter Interference

Where voter interference and other forms of electoral malpractice are problems, affected parties and candidates are likely to complain publicly and are unlikely to accept the result of the election. This is true even in authoritarian countries (Lindberg 2006). One problem with using complaints about voter coercion as a measure of actual coercion is that 'political parties typically over accuse opponents of fraud' (Hartlyn and McCoy 2006: 47). Nonetheless, complaints about voter coercion provide an indication of whether force, coercion and bribery have occurred.

Australian elections give parties, candidates and other electoral stakeholders opportunities for complaints about voter interference and other electoral

malpractice. These include the multi-party parliamentary committee inquiries conducted after each election.

The inquiry into the conduct of the 2011 New South Wales election by the Joint Standing Committee on Electoral Matters of the New South Wales Parliament is a typical example (Joint Standing Committee on Electoral Matters 2012). It received 14 publicly released submissions. These submissions came from a range of sources: the three major parties, two minor parties represented in the Parliament, two minor parties that were unsuccessful at the election, four interest groups, two interested individuals and one company providing election software.

None of these submissions raised matters relating to vote buying.[8] Five of these 14 submissions raised minor matters in the conduct of the election that involved, or might have involved, coercion. The Greens NSW (2012: 5-6) and Australian Sex Party (2012: 2-3) both complained about the coerced removal of their posters from outside a few polling places owned by churches. Homelessness NSW (2012: 5) argued that people who had left their homes due to domestic violence should be able to use 'fear for physical safety' as grounds for obtaining a postal vote, rather than having to attend polling places where they may encounter violent family members. Neither of these matters involved coercion of individuals directly related to their roles as voters.[9]

The NSW Nationals (2012: 6) were concerned about possible fraud by staff at 'declared institutions', such as aged care facilities, filling out the ballot papers of residents. The NSW Greens (2012: 7) and the Christian Democrats both raised the issue of postal voting applications provided to voters by some parties. The Christian Democrats claimed that '[t]here is evidence to suggest that election outcomes have been affected by subsequent follow-up of electors by candidates and/or Parties'; however, they provided none (2012: 5-6). Although voter coercion potentially may have been involved in each of these matters, none of these submissions directly suggested coercion, or provided specific evidence of actual wrongdoing.[10]

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[8] More generally, Graeme Orr (2003; 2010) notes that most allegations of electoral bribery in Australia since the 1970s have concerned inducements offered to rival candidates or to interest groups.

[9] In the case of the removed posters, the Committee recommended the introduction of penalties for property owners who 'interfere' with compliant election material (Joint Standing Committee on Electoral Matters 2012: 30-32).

[10] For the Committee's responses to these issues, see (Joint Standing Committee on Electoral Matters 2012: 15-16; 18-20). The Committee took the view that postal vote applications and related material distribute by parties and candidates were legitimate information designed to 'persuade' voters (2012: 16).

The lack of complaints received by the Committee suggests that voter interference is not a problem in contemporary New South Wales elections.

4.3 Independent and Well-Resourced Electoral Administration

Voter interference is reduced where electoral officials are independent of the groups contesting the election, maintain professional standards and have the resources to enforce electoral laws. Where electoral officials themselves favour certain candidates, such as those of the governing parties, voter coercion by those candidates becomes more likely. Biased and corrupt electoral authorities can, for example, help to prevent eligible citizens from casting a vote, observe how citizens vote, let it be known that they know how citizens have voted, and so on. Independent electoral officials acting with integrity make it harder for would be coercers and vote buyers to prevent citizens from voting or to gain knowledge of how they have voted (Birch 2012: 109-132).

Australian electoral officials, including those from the New South Wales Electoral Commission, are well known for adherence to their statutory independence from the government of the day and for high professional standards, including impartiality between candidates (see, for example, Kelly 2012). The widely respected Freedom House consistently ranks Australia among the countries with the best electoral administration in the world. In 2012, for example, Australia gained the highest possible score of 12 for electoral processes, against a median score of 9 among the 195 countries included in the rankings (Freedom House 2012a).

4.4 Low Overall Presence of Corruption

Voter interference tends not to occur on its own but to be associated with the presence of other forms of electoral and wider political corruption. While *ad hoc*, small-scale electoral corruption, such as the coercion of a few voters in a family group, can occur in isolation, larger scale electoral corruption requires networks of support to succeed. Coercers have to be paid, authorities bribed, potential whistleblowers warned off, and so on (Schaffer 2007a: 10-11; della Porta and Vannucci 2012). Voter interference is thus more likely to occur within more generally corrupt societies than in clean societies.

While Australia has suffered from corruption scandals in recent years, it retains a reputation for clean political and business practices. According to the most recent Corruption Perception Index (CPI), produced by Transparency International, Australia ranked joint 7th cleanest out of the 176 countries. Its score of 85/100 compared with a median score of 37 (Transparency International 2012).

4.5 An Egalitarian Society with High Living Standards

Voter coercion is more likely to occur in unequal and hierarchical societies with large numbers of people living in poverty. As Graeme Orr (2003: 133, fn 7) writes: 'Egalitarianism is important. *Dependent* voters are subject to undue influence and inducements from the powerful and wealthy'. Hierarchical societies allow those in power to exert pressure on voters. Poor societies provide greater incentives for voters to sell their votes. For these reasons, much of the research on, and practical attention to, electoral malpractice is focused on poorer countries. These societies are marked by strong patron-client relationships, in which elites demand and enforce loyalty in return for access to goods and services (Schedler 2006; Schaffer 2007b; Birch 2012). Egalitarian, well-off societies provide individuals with the resources and confidence to determine their own actions.

Australian society is characterised by generally high living standards. In 2007, it ranked second (behind Norway) out of 182 countries on the United Nations Human Development Index, which combines measures of life expectancy, adult literacy, education levels and per capita gross domestic product (United Nations Development Programme 2009: 171). Australia also has a reasonably equal distribution of resources. In 2008, for example, Australia's Gini Index for income equality after taxes and transfers was 35.2, making income distribution in Australia the 41st most equal out of 182 countries. The median Gini Index in 2008 was 39.8 (United Nations Development Programme 2009: 195-198).

Perhaps more importantly, Australia has a culture that combines egalitarianism with individualism. Cultures are difficult to rank in a precise way; however, one widely used set of comparative cultural indices has been developed by Geert Hofstede since the 1980s. Two of Hofstede's dimensions are relevant here. The first, 'Power Distance', indicates how cultures respond to power inequality. Low scores indicate cultures which value egalitarian power distributions; high scores indicate cultures that value hierarchy. The second dimension, 'Individualism versus Collectivism', measures whether cultures value group loyalty and support or individual independence and self-reliance. Low scores indicate cultures that expect group loyalty and support; high scores indicate cultures in which people are expected to look after themselves (see Hofstede 1980; Hofstede, Hofstede and Minkov 2010).

In Hofstede's most recent results, Australia had a low score of 36 on the power-distance dimension and very high score of 90 on the individualism-collectivist dimension. This made Australia the 13th most egalitarian culture on the Power

Distance dimension and the 2nd most individualist culture on the Individualism versus Collectivism dimension. This positioned Australian culture close to those of countries such as New Zealand, the United States, the United Kingdom, the Netherlands, Denmark and Sweden (The Hofstede Centre no date).

Countries included in the Hofstede research that have records of serious electoral malpractice, such as Egypt, Morocco, Nigeria, Thailand, Malaysia and Russia, tended to exhibit opposite cultural traits to those of Australia--high acceptance of hierarchy and high collective loyalty (The Hofstede Centre no date). This makes sense, in that strong norms of hierarchy and group loyalty both provide levers for voter coercion and other forms of electoral corruption. The Australian combination of comparatively high living standards, egalitarian attitudes to power and strong individual independence indicates that Australian citizens generally possess the economic and cultural resources to resist demands from those in positions of power (e.g., managers at work, religious leaders) or group members (e.g., work colleagues, family members) that they vote a certain way.

4.6 Strong Civil Society

A strong civil society helps to mitigate voter interference, since it adds another layer of electoral scrutiny to that provided by electoral officials. In addition, it provides different groups of citizens with organisations, social movements and media outlets to promote and defend their interests, including their rights to vote as they choose (Schedler 2002: 43-44; Case 2007: 99-100).

Australia has one of the strongest civil societies in the world. It scores high on the 2012 Freedom House indices of freedom of expression and belief (16; median score 13) and associational and organisational rights (12; median score 8) and scores low on restrictions of media freedom (21; median 49) (Freedom House 2012a; Freedom House 2012b). Australians take up the opportunities provided to them to form and participate in a wide range of civil society groups. Citing Australian and international studies of civic participation, Ariadne Vromen (2012: 201) writes:

> The vast majority (86 percent) of Australians are members of at least one [community group], with 70 per cent being a member of two or more groups …. This means that Australians have a comparatively high level of association membership, similar to Scandinavian countries and the United States, and more than countries such as the United Kingdom, Germany and Ireland.

In this context of civil activism, any serious attempt to coerce or bribe groups of voters is likely to be resisted and exposed.

4.7 Summary Assessment

Voter interference appears to be minimal or non-existent in Australia. Vague suggestions of possible voter interference are sometimes made to parliamentary committees reviewing elections. Specific allegations are rare. Given the presence in Australia of well-resourced, independent electoral administrative bodies, official electoral review mechanisms, low levels of general political and business corruption, a culture of individuals who see each other as equals and a strong civil society, attempts to coerce or bribe voters are highly likely to become evident should they occur. This is particularly true of instrumental voter coercion or bribery on the scale required to disrupt an election, change the result in specific seats, or change the overall winner of an election. Small-scale expressive voter coercion—for example, within families or other small groups—may possibly occur and go unnoticed. Even here, however, the exposure of group members to the wider Australian cultural norms of egalitarian individualism and the work of civil society groups would provide resources for resistance to expressive voter coercion.

Chapter 5 Potential Interference Under Internet Voting and Other Voting Methods

5.1 Internet Voting: More Susceptible to Voter Interference?

Internet voting is often treated with suspicion and hostility by computer security experts and cryptographers. Sometimes this is because the limitations of internet voting are set against a hypothetical gold standard of election integrity that is not applied to other existing methods of voting: 'people expect much more from electronic voting schemes than from paper-based systems …' (Chevallier-Mames *et al* 2010: 191).

When technical experts do compare internet voting with other forms of voting, they often claim that internet voting expands the opportunities for voter interference. Ari Juels, Dario Catalano and Markus Jakobsson (2010: 38), for example, assert that 'Internet-based voting does not introduce these problems [vote buying and coercion], but it does have the potential to exacerbate them by extending the reach and data collection abilities of an attacker'. Other technical experts make similar claims: 'voter coercion and vote buying … are highly scalable in an electronic environment' (Spycher *et al* 2012: 182; see also Chevallier-Mames *et al* 2010: 192; Joaquim *et al* 2010: 311; Clark and Hengartner 2012: 47; i Esteve *et al* 2012: 44).

These kinds of claims are questionable on at least three grounds. First, they do not distinguish sufficiently between voter interference and other types of vote manipulation. Second, they wrongly assume that the social dimensions of voter interference, such as the identity and motivations of the perpetrator, are unimportant. Third, they often implicitly underestimate the potential for voter interference under other methods of voting.

5.2 Distinguishing Interference with Internet Voters from Other Internet Vote Malpractice

The assumption in much of the technical literature on making internet voting coercion resistant is that, since internet voting is susceptible to various types of threat, these will all equally attractive to someone intent on electoral malpractice. Voter coercion, vote buying and the use of virus attacks to steal votes are lumped together in the literature. As Rui Joaquim, Carlos Ribeiro and Paulo Ferreira note, however, this assumption that all electoral malpractice is essentially the same is mistaken:

The main difference between traditional remote voting, e.g. postal voting, and Internet voting is that Internet voting attacks are able to target a large number of voters with a fraction of the budget. Our opinion is that an attack to steal/change the voter's vote by attacking the voter's computer or the Internet infrastructure poses a potentially higher risk to the election's integrity than an online vote buying or coercion attack. We base our opinion on the following four reasons:

- First, large scale vote buying/coercion, involving possibly thousands of voters, is quite unlikely to pass undetected. Additionally, vote buying/coercion can be discouraged by allowing vote updates.
- Second, with all the security flaws in operating systems and applications, it is easy to write a virus that would be active on election day to change the voter's vote.
- Third, we believe that writing a virus and disseminating it would be cheaper and more difficult to trace back to the authors than a vote buying/coercion attempt of a thousand voters, therefore, more appealing to an attacker.
- Fourth, punishing the attackers would be very difficult, if not impossible, because the attack could be carried out from anywhere in the world (2010: 311).

5.3 Paying Attention to the Social Dimension of Internet Voter Interference

As Joaquim *et al*'s argument implies, the limits to voter interference are social as much as technical. In virus attacks to steal votes, the relationship between the attacker and the voter whose vote has been electronically altered is entirely anonymous. The attack only works if it can be hidden from the voter (i.e., voters do not know that their votes have been transmitted or recorded incorrectly). If voters somehow find out that such an attack has occurred, they are likely to report it.

Vote-buying and voter coercion, by contrast, involve social relationships in which the actors are identified to each other. Voters who are coerced, or who sell their votes, are not being fooled by an anonymous hacker into trusting an untrustworthy system (i Esteve *et al* 2012: 23-26). They are involved in a social relationship that is perfectly evident to them. Moreover, vote-buying and voter coercion are different types of social relationships, since vote-buying rests on a willing agreement, while voter coercion involves threatened consequences (see Section 2.2 above). Vote-buyers must have enough money or valued goods to buy the votes they want. In some societies, they must also have access to socially

acceptable intermediaries, since voters will only sell their votes to particular people who they trust (Wang and Kurzman 2007). Coercers must have the resources to establish the belief that they will carry out threatened consequences and to carry them out if their bluff is called. Internet voting does not make these social elements of bribery and coercion any cheaper or any easier to achieve on a large scale than is the case with other forms of voting.

Computer scientists and cryptographers dealing with voter interference often avoid consideration of these issues by constructing abstract, omnipotent 'attackers' or 'adversaries', whose motivations for voter interference and sources of power are left unclear. In presenting their coercion resistant internet voting system, for example, Ari Juels, Dario Catalano and Markus Jakobsson (2010: 40) 'allow the adversary to demand of coerced voters that they vote in a particular manner, abstain from voting, or even disclose their secret keys'. How a real adversary would gain the power required to make such coercive demands over voters in any actually existing society, such as Australia, is not explained. It is difficult to see how this power could rest on sources different from those that already need to be maintained by actual coercers in contemporary societies (capacity for violence, economic deprivation etc).

5.4 Paying Attention to the Possibilities for Voter Interference under Other Types of Voting

When alternative methods of voting are treated in the way that technical experts usually treat internet voting, by stripping them of their social contexts, the opportunities for coercion and bribery that they present appear to be comparable to those of internet voting. Looked at in a socially abstract way, paper-based voting at a polling places and postal voting, the two major methods of voting used in New South Wales, are both susceptible to voter interference.

5.4.1 Internet voting

Internet voting under the influence of coercion or bribery can occur in several ways. The coerced or bribed internet voter may be pressured or induced into handing over their login details and passwords to the perpetrator, who votes on their behalf. Alternatively, a coerced or bribed voter may be instructed how to vote and carry out the voting process themselves, either under the direct observation of the perpetrator, or with the knowledge that the perpetrator will be able to retrieve and identify a record of their vote from the voting system at a later stage (Juels *et al* 2010: 40; Clark and Hengartner 2012: 59). Each of these approaches to interfering with voter choices is possible under postal voting and/or paper voting at a polling place.

5.4.2 Postal votes

Commentators have regularly raised questions about the security of postal votes in Australia and elsewhere. Recently, Norm Kelly (2012: 132) asked: '… are there sufficient safeguards to ensure that postal votes (which are, by their nature, cast in an uncontrolled environment) have been made freely, without coercion or undue influence?' and responded to his question: '… it is impossible to ascertain or control the conditions in which postal voters cast their votes' (Kelly 2012: 133). Voter interference can occur through voters being forced to apply for postal ballots and then completing them in front of coercers. This has occurred in Kazakhstan, Russia, Belarus and Ukraine, among other places. In the Ukraine, employees completed postal ballots in front of supervisors at their workplaces, allowing easy observation of multiple ballot papers (D'Anieri 2005: 238; Birch 2011: 717). Alternatively, coercers can demand that postal ballots be handed over for the coercers to fill out, as has occurred with some postal votes in recent council elections in the United Kingdom (Wilkes-Heeg 2008: 35).

5.4.3 Paper ballots completed at a polling place

Coercion or bribery at polling places can be achieved in several ways.[11] Coerced or bribed voters can use the 'Tasmanian dodge', a method known as the 'lanzadera' (the shuttle) in the Philippines and the 'carruseles' (carousels) in Mexico, and which is employed in a number of other countries, including Yugoslavia and Ukraine (Bernheim 1889: 139; D'Anieri 2005: 238; Case 2006: 105; Calingaert 2006: 144-145). In this scheme, a voter goes to a polling place and obtains an official ballot paper. The voter uses the secrecy of the polling booth to steal the official ballot, depositing a folded blank piece of paper in the ballot box and leaving the polling place with the official ballot. The voter gives the valid ballot paper to the coercer or briber, who fills it in and gives it to a second voter to deposit in the ballot box. The second voter leaves the polling place with a blank ballot paper to be filled in and given to the next voter, and so on.

Another option for coercers and bribers is one employed by the Mafia in parts of southern Italy in elections using preferential voting. Under this method, every targeted voter is given his or her own how-to-vote sheet to follow when he or she enters the privacy of the polling booth. Each sheet includes a unique combination of preferences. The different preference combinations are later matched against completed ballot papers at the vote count to establish whether or

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[11] I leave aside the possibility of collaboration between coercers and electoral officials. The numbering of ballot papers in countries such as Malaysia and Singapore, for example, has given rise to questions about whether or not votes are truly secret (Case 2006: 104).

not particular voters have followed the Mafia's instructions (Kawata 2006: 140-141).[12] This method could be applied to elections for the New South Wales Legislative Assembly, which feature optional preferential voting, multiple candidates contesting most seats, large numbers of polling places that typically serve relatively small numbers of voters, and a process of scrutinised preliminary vote counting at each polling place.[13]

Simpler methods involve coerced or bribed voters being required to provide an image of their ballot paper. A primitive version of this practice, used in the Philippines, uses carbon paper imprints (Case 2006: 104). More sophisticated methods involve voters taking photographs of their ballot papers using smart phones (i Esteve *et al* 2012: 42). Coercers or bribers can observe voters in adjoining polling booths while voting themselves (Lehoucq 2007: 41). Finally, perpetrators can demand that coerced or bribed voters stay away from polling places and impersonate those voters, casting votes on their behalf.

5.5 Summary Assessment

The perception that internet voting presents a particular risk of voter inteference is based on removing internet voting from its social context. The technical literature on internet voting often makes unrealistic assumptions about the social context of coercion and vote buying and the power of perpetrators. When removed from their social contexts, other methods of voting used in Australia also offer significant opportunities for voter interference. The fact that these opportunities have not been taken up in Australia confirms the importance of social barriers to voter coercion and bribery.

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[12] A variation of this method was used by party officials in parts of the United States in the early twentieth century (Lehoucq 2007: 38).

[13] A contest involving six candidates, for example, would yield 326 different formal preference combinations under optional preferential voting in which the coercer's or briber's favoured candidate was always marked '1'.

Chapter 6 International and New South Wales Evidence of Voter Interference During Internet Voting

6.1 International Evidence

Elections involving internet voting are still rare. A recent survey by Jordi Barrat i Esteve, Ben Goldsmith and John Turner lists just 12 countries, including Australia, which have used internet voting as an option for at least some government elections. Leaving aside pilot projects and countries that have discontinued internet voting, the list is reduced to Australia (New South Wales), Canada, Estonia, France and Switzerland (i Esteve *et al* 2012: 13).

Opposition to internet voting has occurred in most of the 12 countries in which it has been introduced. Legal challenges have been heard in Switzerland, Spain and Estonia, so far without success. None of the cases to date has involved allegations of voter coercion or bribery (Office for Democratic Institutions and Human Rights 2011: 22; i Esteve *et al* 2012: 22-23).

Despite the strong statements about secrecy in the *Code of Good Practice in Electoral Matters* (see 1.1 above), the Council of Europe remains open to the careful development of internet voting. Reviewing the European legal situation with regard to internet voting, the European Commission for Democracy through Law (2004: 11) noted 'the impossibility of identifying a single form of (non-supervised or supervised) remote voting as the "European rule"'. Its *Report* concluded that, provided adequate safeguards were in place, internet voting was compatible with the European Convention on Human Rights and that 'electronic voting is neither generally permitted by human rights nor ruled out a priori' (European Commission for Democracy through Law 2004: 14).

The most extensive use of internet voting in the world has occurred in Estonia, where it has been used since 2005. Although Estonian legislators took a relaxed view of the possibility that internet voters might reveal their votes to others (Drechsler 2004: 13), the Estonian electoral system contains safeguards against interference with voter decisions. Voters have a three day period prior to polling day during which they can cast an internet vote. As a protection against misconduct, or if they just change their minds, voters are able to alter their vote electronically during this period. They are also permitted to cast a paper ballot on polling day that over-rides their internet vote (Alvarez, Hall and Trechsel 2009: 499-500). International observers of Estonian elections have reported no instances of voter coercion or bribery (Office for Democratic Institutions and Human Rights 2011). A variation on the Estonian method of allowing voters to over-ride internet votes has been adopted in recent Norwegian internet voting

pilots. This approach is widely seen as providing protection against possible coercers (i Esteve *et al* 2012).

6.2 New South Wales Evidence

There are two main sources of evidence about impact on voters of the introduction of the iVote system at the March 2011 New South Wales election. The first is the inquiry into the election conducted by the Joint Standing Committee on Electoral Matters (JSCEM 2012), referred to earlier in this report. The second source comprises three online surveys of voters who had used the iVote system at the 2011 election, the 19 November 2011 Clarence by-election and the 27 October 2012 Sydney by-election.

6.2.1 The JSCEM Inquiry

Four submissions to the Joint Standing Committee's inquiry focussed on iVote. The Computing Research and Education Association of Australasia (2012) raised a number of concerns about the secrecy of votes cast using iVote; however, none of these addressed voter coercion or vote-buying. Everyone Counts (2012), the company responsible for the iVote system, also canvassed a number of issues to do with system security in its submission but also did not discuss voter interference. The Australian Centre for Disability Law (2012) and Vision Australia (2012) both praised the iVote system for allowing people with disabilities to cast independent and secret votes for the first time.

6.2.2 The NSWEC online surveys of iVote users

The three online surveys conducted by the New South Wales Electoral Commission throw some light on voters' experiences of secrecy and voter interference while using iVote. The first survey, conducted after the 2011 New South Wales election, included 530 respondents from across the state. The second survey included 272 respondents who had used iVote in the Clarence by-election. The third survey included 560 respondents who had used iVote in the Sydney by-election.

The three surveys give a good preliminary overview and allow comparisons between voters in a coastal rural electorate (Clarence) and an inner metropolitan electorate (Sydney). The surveys gathered limited demographic information. This information suggests that iVote users tend to be middle-aged, non-Indigenous and English-speaking at home. It also points to differences between the electorates of Clarence and Sydney (see Table 4).[14] The socio-economic

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[14] These patterns may also be influenced by survey response biases.

characteristics included in the surveys are not specific enough to allow the identification and analysis of particular groups of voters who might be thought to be more vulnerable than others to voter coercion.

Table 4 iVote user characteristics (%)			
	Survey		
	NSW 2011	Clarence 2011	Sydney 2012
Aboriginal and Torres Strait Islander	1	2	--
Non-English speaking at home	6	1	8
18-24	6	9	2
25-34	15	5	25
35-44	15	11	27
45-54	23	21	18
55-64	22	34	17
65-74	12	15	9
75-84	4	1	2
85+	3	2	--

The information that led to individuals registering for an iVote came from a range of sources, including the NSW Electoral Commission itself and media outlets (see Table 5). Some voters were told about iVote by friends, family members or community organisations; however, there is no evidence in the free text responses in the surveys that registration was forced on any of them. In addition, the survey results indicate that respondents who heard about iVote through friends, families and organisations were no different from other respondents in their attitudes toward, and experiences of, the iVote system.

Table 5 How respondents heard about iVote (%)

	Survey		
	NSW 2011	Clarence 2011	Sydney 2012
NSWEC website	23	27	48
Friends or family	24	25	17
Community organisation	7	3	2
Newspapers	19	21	5
Radio	5	8	1
Television	5	6	1
Website	3	n/a	n/a
Social media	2	1	3
Other	3	9	17

Most voters using the iVote system did so because of distance: they were in New South Wales but far away from a polling place, interstate, or overseas at the time of the election. At the 2011 state election, two-fifths of iVote users did so because they were blind, sight impaired or had another disability. Voters with disabilities comprised very small proportions of iVote users in the Clarence and Sydney by-elections (see Table 6).

Table 6 Reason respondents registered for an iVote (%)

	Survey		
	NSW 2011	Clarence 2011	Sydney 2012
Disability	40	7	2
Distance	60	92	98
Both	n/a	2	1

In identifying the main benefits of iVote, very few voters (between 5 and 16 percent) claimed that they could not have voted without iVote. Almost all had other alternatives (presumably pre-poll voting, postal voting or assisted voting). For most respondents, an iVote was a convenient, easier alternative that allowed them to vote even when they were outside New South Wales or Australia. Other possible benefits of iVoting—empowerment, secrecy and accuracy—were important to substantially fewer voters across all the surveys (see Table 7).

	Table 7 Main benefits of iVote (%)*		
		Survey	
	NSW 2011	Clarence 2011	Sydney 2012
Easier to vote	44	61	60
Could vote when out of country/state	38	69	85
Convenience	29	40	46
Wouldn't be able to vote otherwise	16	8	5
Greater independence and empowerment	17	11	11
Greater secrecy of ballot	7	10	7
More accurate vote	8	15	20

*Fixed choice responses. Columns add to more than 100% because more than one response possible.

As the submissions to the JSCEM inquiry suggested, ease of voting, independence, empowerment and greater secrecy were particularly important to blind and sight impaired voters, along with voters with other disabilities (see Table 8).[15] Interestingly, the greater secrecy granted by an iVote was far less important to these voters than the empowerment, independence and ease it offered. Independent accessibility, rather than secrecy, may be the major benefit of an iVote for people with disabilities.

As Table 8 shows, some voters who viewed greater secrecy as a benefit of the iVote did not use the iVote because of a disability. It is unclear exactly why these voters thought the iVote increased the secrecy of their votes; however, the free text responses to other questions in the survey offer one possibility. The vast majority of iVote users (94 percent in the 2011 NSW survey) would recommend an iVote to other voters. Asked why, most respondents gave answers having to do with convenience. A few, however, responded negatively to the politics of attending a polling place. One respondent, for example, wrote: 'It [the iVote] is more private, you can take your time selecting the person you are voting for and you are not intimidated by other people around you or hassled by supporters of the parties'. This respondent had identified 'greater secrecy' as a benefit of the

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[15] The patterns in the Clarence and Sydney samples are similar but the number of respondents is too small in each case to provide reliable comparisons.

iVote. Some others who had also done so made similar comments: 'It will stop the barrage of people throwing paper at you. It will stop the argument and conflicts on election day', was a typical comment. Another wrote, 'you can avoid those annoying people handing out paper at the front gate [of the polling place]'.

Table 8 Main benefits of iVote for voters with different reasons for using iVote (NSW 2011)				
	Blind or vision impaired	Other disability	Remote or rural voter	Outside state
Easier to vote*	53	58	35	37
Could vote when out of country/state*	6	5	21	20
Convenience*	29	31	43	20
Wouldn't be able to vote otherwise*	4	14	43	7
Greater independence and empowerment*	44	30	2	4
Greater secrecy of ballot*	14	10	6	3
More accurate vote	9	11	3	8

*Significant at p.01

The suggestion here is not that anyone was coercing these voters (although some voters, like the first respondent quoted above, may have felt 'intimidated'). The indication from these voters' comments is that they had already made up their minds about how to vote in the privacy of their homes and found, to use the expression of another respondent, the 'theatrics of the polling booths' unnecessary and confronting. Rather than equating internet voting from home with the threat of voter interference, these voters view it as offering a private space for reasoned decision-making.

It may be that only a small group of voters think in these terms. Nonetheless, the results of a question asked in the 2012 Sydney survey suggest that virtually no iVote users considered that the practice would increase the risk of their vote

being influenced by others. The question asked ('Do you have any concerns that iVote would make it easy for someone to influence the way you vote?') was not ideal; however, it produced striking results: 95 percent of respondents answered 'No' and just 4 percent 'Yes'. Only 21 of the 560 respondents took the opportunity to explain their answers. A number of them gave responses along the privacy lines noted above: 'I have more concerns about pushy campaigners at polling booths'. Those who answered 'Yes' wrote not about their own voting being influenced, as the question suggested they do. Instead, they expressed fears about *other people's* voting, as in the following example: 'Generally, polling should be done in a polling booth to ensure that voters aren't influenced'. On the basis of responses to this question, the respondents surveyed did not perceive internet voting as exposing themselves to coercion or bribery.

A final set of results from the surveys that is relevant to the issue of voter coercion is the confidence that voters have in the NSW Electoral Commission (see Table 9). In contrast to the suspicion of electoral authorities exhibited in countries where voter coercion is a problem, the vast majority of voters see the NSW Electoral Commission as impartial and unbiased.

Table 9 Did the Electoral Commission conduct the election impartially and without bias?

	Survey		
	NSW 2011	Clarence 2011	Sydney 2012
Yes	79	82	86
No	2	1	1
Don't know/Can't say	19	17	13

When they were asked the basis for these judgements, respondents gave a range of reasons. These have been recoded and summarised in Table 10. For around half of the respondents who gave answers, the reasons were general: they saw or heard nothing untoward in the election, or they generally trusted the electoral system to work as it should. Around a third of the remaining answers focussed on the specifics of the voting process. The iVote instructions and processes had seemed impartial, or the iVote process in particular had worked as expected. Trust in the Electoral Commission to do its job properly accounted for another 15 percent of responses. The remaining, quite small categories were the 3 percent of respondents who thought the process was more impartial because they could

avoid the pressure of polling places (see above), and the 2 percent of respondents who perceived some flaw in the voting process.

Table 10 Reasons for believing NSWEC conducted election impartially and without bias (NSW 2011)	
Saw or heard nothing to the contrary	24
General presumption of trust	23
Impartiality of the instructions and ballot presentation	23
Trust in the NSW Electoral Commission	15
Voting process worked as it should	10
No/less pressure on the voter using iVote	3
Voting process seemed untrustworthy	2

N 312 (41 percent missing/unclear answers).

Overall, these responses indicate that when the vast majority of voters start to use the iVote system, they do so with a belief that the NSW Electoral Commission upholds appropriate electoral standards. Once they have used the iVote system, no experiences of voter interference have intervened to shake that belief.

Chapter 7 Conclusion

The argument and evidence presented in this report point to an extremely low presence and risk of voter coercion or bribery in contemporary Australia. Isolated small pockets of expressive coercion may currently occur in families, religious groups and the like; however, these are so small as to register only as vague suggestions in public discussion.

The use of internet voting is highly unlikely to change this situation. The social dimension of voter interference is unaffected by the introduction of internet voting. The social, economic, administrative and cultural safeguards against voter interference in Australia—open avenues for complaints by voters and other electoral stakeholders, an independent electoral administration, low general levels of corruption, an egalitarian individualist culture, and a strong civil society—will all remain in place. Votes who have used the iVote system in New South Wales show no evidence at all of having been coerced or offered bribes, or of fearing these experiences, through their use of the system.

Internet voting offers one potential protection against interference that is not available to voters using postal voting or polling place voting. Once a postal vote is sent or a polling place vote is cast, it cannot be retrieved and over-ridden. As was noted earlier in this report (see 6.1), the internet voting systems used in Estonia and Norway allow voters who have been coerced to cast a new internet vote. All voters need is a short period of time when they are free from observation by others.

Some critics of internet voting suggest that its introduction will inevitably lead to a slide back to the voter corruption found in eighteenth and nineteenth century Britain and Australia. Susan Birch and Bob Watt, for example, arguing against the introduction of internet voting, reason that 'Electoral corruption was effectively eliminated in Britain in the nineteenth century by a series of institutional reforms. If these institutional reforms are reversed, why should not corruption resurface?' (Birch and Watt 2004: 70). The problem with this syllogism is that the social context of voting in the eighteenth century and the twenty-first century are vastly different. Twenty-first century voters in the United Kingdom or Australia are protected by a range of cultural, administrative and socio-economic resources that were not available to their forebears. Moreover, widely dispersed acts of internet voting do not offer the opportunities for force, coercion and bribery that were available when voters could be intercepted on their way to and from the hustings.

More research could be done to identify the limited Australian social contexts in which expressive voter coercion—family voting and the like—might occur. Family voting is often raised as a potential problem for unsupervised remote voting; however, very little specific information is available about its sources and dynamics. This is true even in areas such as the north of England, where family voting is thought to prevail among south Asian communities.

Even in these contexts, successful resistance to voter coercion is possible, as was shown at recent British elections in which significant numbers of women and young people broke with *biraderi* loyalties and voted for alternative candidates (Akhtar 2012; Czernik 2012; Lachman and Cooper; 2012). If the New South Wales Electoral Commission is concerned about reducing the apparently already very small elements of voter interference that might exist in the state, the extent of family voting, as well as possible resources to resist it, would be areas to consider.

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