Elections ACT
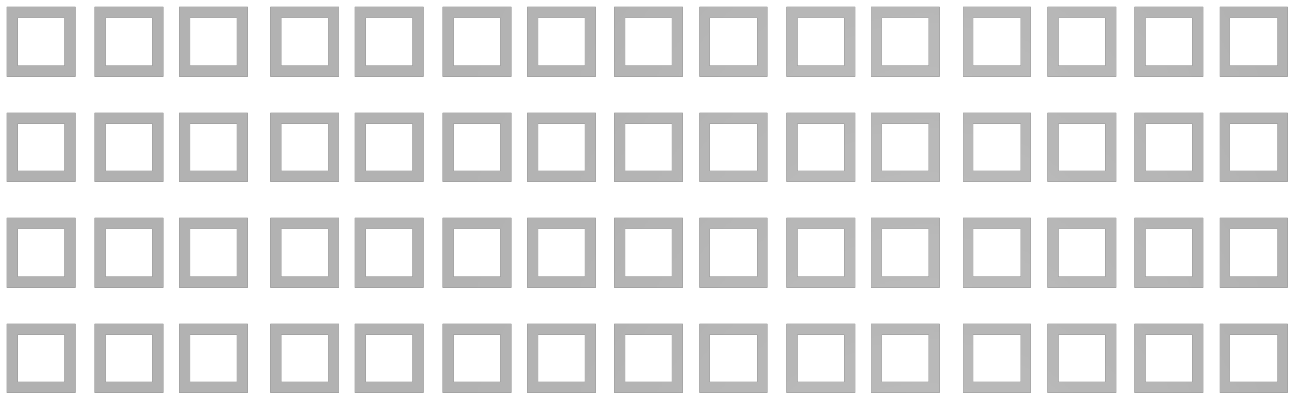
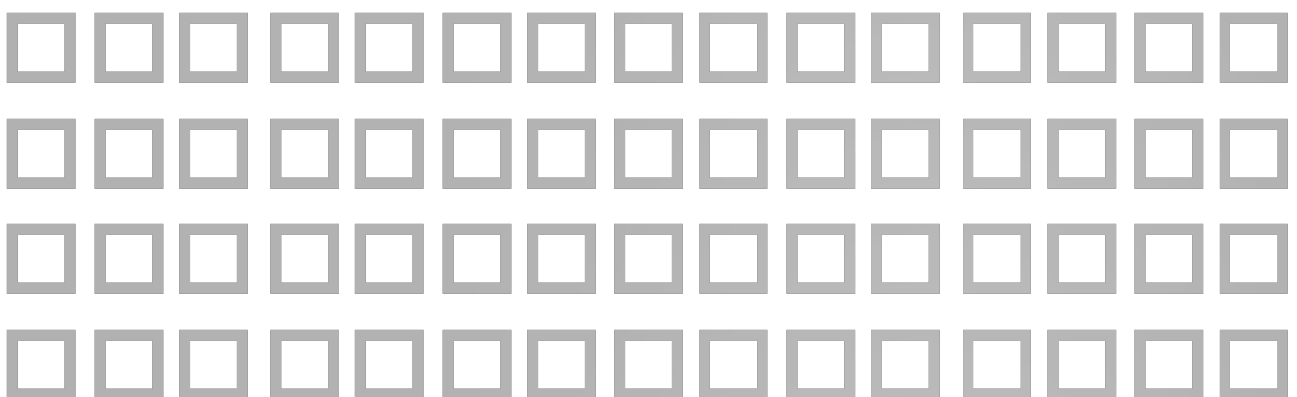**ACT ELECTORAL COMMISSION** OFFICERS
OF THE ACT LEGISLATIVE ASSEMBLY

Electoral Integrity Advisory Panel

Terms of Reference

March 2023

Contents

Introduction

Background

The ACT Electoral Commission (the Commission) is an independent statutory authority established under the *Electoral Act 1992* (the Act) with responsibility for the conduct of elections and referendums for the ACT Legislative Assembly and for the provision of electoral advice and services. The next ACT Legislative Assembly is scheduled for October 2024.

The Commission consists of three members: a part-time Chairperson, a full-time Electoral Commissioner (the Commissioner) and a part-time Member. The office of the Commissioner and the Commissioner's staff are referred to under the operating title of Elections ACT.

Elections in the ACT have traditionally demonstrated high levels of accessibility, inclusivity, turnout, speed and accuracy of count and voter satisfaction. As a result, the Commission enjoys a high level of trust from both voters and political parties and candidates alike. Trust in electoral authorities is hard-earned and easily lost. The Commission is determined that high levels of trust and satisfaction with electoral services provided by Elections ACT continue into the 2024 election and beyond.

A defining characteristic of Elections ACT is its reliance on innovative ICT enabled electoral systems across the full range of electoral operations. Ensuring a high level of functionality, security, integrity and reliability of the Commission's electoral ICT systems and processes will be critical in continued public confidence and trust in election outcomes. The relatively small size of Elections ACT requires dedicated and knowledgeable staff, partners and contractors to support these systems. Expert third party endorsement of the integrity and accuracy of these systems is key to maintaining community trust in electoral outcomes.

In addition to a range of established processes and measures to ensure the security and integrity of ICT enabled electoral systems, Elections ACT is establishing an **Electoral Integrity Advisory Panel (EIAP)** to provide independent advice on the integrity of ICT electoral systems to be deployed for the 2024 ACT election.

Aim

These Terms of Reference outline the ICT electoral systems used by Elections ACT, and set out the purpose, goal, roles, responsibilities, membership, and business processes of the EIAP.

ICT Enabled Electoral Systems used by Elections ACT

Systems

Elections ACT uses the following ICT election systems:

- **eVACS** (electronic Voting and Counting System): a system that provides for in person (at polling locations) electronic voting, as well as telephone voting for blind and vision impaired electors, and counting for all paper and electronic votes to produce final election results;

- **LAPPERDS** (Legislative Assembly Polling Place and Elections Results Display System): a system that provides real-time mark off of voters at polling places, management of polling place activities, and display of interim and final first preference results;

- **Ballot paper scanning**: a system that digitally captures voter preferences from paper ballots including postal votes, declaration votes and ordinary votes issued at a polling place;

- **Overseas electronic voting** (OSEV): a limited electronic voting system that facilitates online voting for overseas ACT electors through their own devices;

- **TIGER**: the central Election Management System (EMS) for Elections ACT which supports core election functions, as well as specific election activities; and

- **The Elections ACT website**: the public face of Elections ACT and the ACT Electoral Commission.

Assurance Processes

Delivery of the highest possible standard of trusted, transparent, secure and accessible electoral services remains central to Election ACT's preparations for the 2024 Legislative Assembly election. The presence of technical and cyber risks in or to any computerised election system requires Elections ACT to undertake prudent continuous enhancements to the functionality, security, including cyber-security, and integrity of all related systems.

Elections ACT currently implements several processes and measures to ensure the functionality, security and integrity of ICT systems used to conduct the election, including:

- ICT systems are upgraded, developed, tested and certified and/or audited prior to each electoral event. This includes both internal performance, load and functionality testing; as well as relevant independent external testing such as penetration testing and vulnerability assessments;

- The source code for key systems including eVACS and OSEV are made publicly available to enable external review and feedback;

- Establishment of an election operations command and control centre during the voting period, with representation from the Australian Cyber Security Centre (ACSC), the ACT government Digital Data and Technology Solutions Group (DDTS) and ICT vendors to closely monitor all enabling ICT systems and ensure the integrity of the electoral process;

- Elections ACT engaged ACSC to provide technical support and advice; and

- The potential failure of ICT systems is integrated into election-specific disaster recovery processes and business continuity planning.

Purpose and Goal

The **purpose of the EIAP** is to examine the security and integrity of election ICT systems intended to be used by Elections ACT for the 2024 ACT Legislative Assembly election. The EIAP will provide recommendations for system and process improvements to Elections ACT so that it may work with vendors and other stakeholders to upgrade and improve systems prior to the 2024 election within the available timeframe and resources.

The **overall goal of the EIAP** is to enhance the electoral integrity of the ICT enabled electoral systems used by Elections ACT, as a key measure by the ACT Electoral Commission in maintaining public confidence and trust in election outcomes in the ACT.

Roles

The roles of the EIAP are:

- Provide an independent forum for an enhanced understanding by Elections ACT of the challenges and opportunities related to electoral integrity in the current and future electoral environment in the ACT and other relevant jurisdictions;

- Identify issues or opportunities to enhance the electoral integrity of the ICT electoral systems used by Elections ACT, with specific focus on selected systems as required;

- Review current and future technologies to identify opportunities for further innovation in ACT electoral systems and processes;

- Provide advice to Elections ACT in development of strategies, policies or processes relevant to any areas of concern or opportunity for improvement identified in the security and integrity of elections systems used by Elections ACT; and

- Share relevant research, lessons learnt, and knowledge of best practice related to election operations in a collaborative and respectful manner in the context of achieving the goal of the EIAP;

Responsibilities

Elections ACT where able, will provide the EIAP with the following products relevant to the system under review:

- Source code or equivalent for the ICT system of focus;

- System documentation including system design or architecture documents, internal system security documents, Hazard and Operability Study reports, reports from any external reviews such as penetration test or vulnerability assessment reports, user manuals and other relevant documentation; and

- System demonstration if practical within the available time and resources.

Elections ACT will provide secretariat support for EIAP meetings including organising meetings and preparing agendas and minutes.

EIAP members will:

- Foster an environment of professionalism aimed at supporting open, frank and respectful debate within the panel;

- Confer and agree with Elections ACT as to which member has the most appropriate knowledge and/or experience relevant to the system(s) under review;

- Review the system documentation relevant to the system being reviewed to ensure a comprehensive understanding of system features, functionality, security, processes and integrity measures; and

- Assist in the development of a report to Elections ACT relevant to the system review in which the member has participated.

EIAP members may:

- Provide a dissenting comment within the final report to Elections ACT of a review in which the member has participated; and

- Comment publicly on their views of the relevant system following the finalisation of the relevant final report.

EIAP members will not:

- Publicly release panel documents including system documentation and source code without the prior approval of the ACT Electoral Commission and the other relevant EIAP member.

Membership

The EIAP will consist of experts in fields deemed relevant to the ACT Electoral Commission for the review of electoral integrity within its ICT business systems. Without limitation this may include members from within academia, federal and state public services and commercial entities.

Membership of the EIAP may change from time to time as determined by Elections ACT, relevant to the system under review.

Initially, the panel will consist of the following members:

- The ACT Electoral Commissioner;

- The ACT Deputy Commissioner;

- Staff of Elections ACT with relevant ICT and operational expertise;

- Representatives from the Australian Cyber Security Centre (ACSC);

- Representatives from Digital, Data and Technology Solutions;

- Vendor representatives of the relevant system;

- Independent ICT election experts, including:

  - Dr Aleksander Essex, Department of Electrical and Computer Engineering, Western University, Ontario, Canada; and
  - Dr Thomas Haines, ANU College of Engineering, Computing and Cybernetics

Timeframe

The indicative timeframe for initial EIAP key activities is as follows:

- Elections ACT shares relevant system and supporting documentation in March 2023;

- Members review documentation in preparation for an initial meeting to be held in early April 2023;

- Out of session discussions held during April and May 2023;

- Meeting to review/edit preliminary report by 30 May 2023; and

- Final meeting to finalise report by 30 July 2023.

Deliverables

Following a system review, the EIAP will deliver a preliminary and final report to the ACT Electoral Commission with recommendations where relevant for enhancements related to electoral integrity of specific ICT electoral systems used by Elections ACT. Details of reports will be developed and refined as part of the EIAP discussions.

Confidentiality

Members of EIAP agree and commit to the protection of confidentiality of information supplied by Elections ACT and system vendors contracted by Elections ACT, as well as the relevant discussions and correspondence of EIAP members as part of the EIAP engagement.

Members will foster an environment of professionalism aimed at supporting open, frank and respectful debate within the panel and between members. EIAP advice and reports are supplied to the ACT Electoral Commissioner in a confidential manner. Any documents obtained by EIAP members through this engagement shall not be shared or reproduced publicly without the express consent of the ACT Electoral Commissioner.

EIAP members may comment publicly on their views of the relevant system following the finalisation of the relevant final report, including via academic papers. However, if a member wishes to quote or refer to documents relating to another member of the EIAP (with the exception of the Electoral Commission) permission must be sought from the relevant individual EIAP member, prior to comment or release.

Business Processes

Meetings

The EIAP will meet at least three times in relation to a specific system review. Attendance at meetings will normally be in person for Canberra based members and via MS Teams (or other remote means TBA) for interstate or overseas members.

Elections ACT will provide secretariat support for EIAP meetings including:

- Maintaining membership contact details;

- Organising and promulgating meeting arrangements;

- Circulation of agendas not less than 10 business days prior to the meetings;

- Capturing action items; and

- Circulation of draft Minutes within 10 business days following meetings.

Evaluation

These Terms of Reference will be reviewed by EIAP members at commencement and conclusion of each system review.