11 November 2022

Independent Electoral Review Consultation

Independent Electoral Review

Introduction

Who we are and what we stand for

1. InternetNZ welcomes this opportunity to submit on the Independent Electoral Review.

2. InternetNZ runs the .nz domain name system, and works towards an Internet that Benefits and an Internet for Everyone. As part of that work, we help people to understand Internet issues affecting people and communities in Aotearoa, and offer an Internet perspective on processes like this one.

3. Our submission below focuses on online voting and misinformation as the key Internet related issues raised by the Independent Electoral Review.

Online voting

4. We recognise that online voting is formally out of scope for this review.[1] However, given public discussion of online voting following local body elections in 2022, we think it is important to address the issues it raises for our communities from a technically informed Internet perspective.

5. For an excellent overview of policy issues around online voting, we refer to "Solving and creating problems: Online voting in New Zealand", a 2019 paper by Julienne Molineaux at the AUT Policy Observatory.[2]

6. InternetNZ opposes broad adoption of online voting in local or general elections because of our concerns about:

    a) **Risks to public trust in the election process:** even if an online voting system is relatively trustworthy, it is hard to explain its workings in a way that upholds public trust in elections, especially compared to a paper-based voting system with human scrutineers. A move to online voting could *increase* distrust in the election process and election results.

    b) **Technical security risks created by a move to online voting:** major democracies have decided online voting is too risky for general elections. We are not aware of any online voting system that verifiably upholds expectations of security and voter privacy and, according to

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[1] Independent Electoral Panel Consultation Document, p. 8 <electoralreview.govt.nz>.
[2] Julienne Molineaux "Solving and creating problems: Online voting in New Zealand", (2019) p. 39 <thepolicyobservatory.aut.ac.nz>.

credible experts, it is an open question whether this is even possible.[3] Thomas Haines, Olivier Pereira and Vanessa Teague "Running the Race: A Swiss Voting Story" in *Electronic Voting* (Springer International Publishing, 2022) 53 at p. 67Related to point a) above, any security or privacy breach would further erode trust in the electoral systems while simultaneously presenting significant, society-wide challenges to a functioning democracy.

    c)   **A lack of evidence that online voting increases voter turnout.** How to increase voter turnout is an important policy question, but we have seen at best mixed evidence online voting would help with this.

    d)   **Ongoing digital equity barriers that limit online participation.** For online voting to reach people excluded by current processes, we would first need much more progress on digital equity issues. While it may seem a convenient option for some people, online voting alone would likely increase existing divides in participation that disproportionately affect minority, marginalised, and at-risk groups.

    e)   **Discussion of online voting distracting from actual policy questions.** For technology to offer good answers, we need to ask good questions, like how might we make elections easier for everyone to participate in? We know that this question is of particular concern for people in the disability community, and in that context we think that it may be sensible to discuss options for in-person electronic voting and potentially limited use of online voting as one option among others.

7.   We welcome the Independent Electoral Review as an opportunity to focus on other avenues for improving electoral processes which are better understood, technically feasible, and which do not create new risks to trust in elections.

Disinformation, misinformation, and foreign interference

8.   The report raises questions about the impacts of disinformation, misinformation, and foreign interference on elections in Aotearoa.

9.   We agree that these issues are extremely important, particularly in the context of elections. We have twice submitted to Select Committee election inquiry processes on these issues, in 2019 and again in 2021.[4,5] Many of our concerns remain yet unaddressed. We identify some of these below.

10.   Overall, we think it is crucially important to invest in trust in our shared institutions, and this is particularly true for election processes in Aotearoa. Work to build that trust needs to start by engaging with diverse communities

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[3] Thomas Haines, Olivier Pereira and Vanessa Teague "Running the Race: A Swiss Voting Story" in Electronic Voting (Springer International Publishing, 2022) 53 at p. 67 <https://doi.org/10.1007/978-3-031-15911-4_4>

[4] InternetNZ, "Foreign Interference in our democratic processes", 2019 <internetnz.nz>.

[5] InternetNZ, "Submission on the 2020 Election Inquiry", 2021 <internetnz.nz>.

to understand the issues, and take place on a range of fronts. As one key example, we hope the anticipated review of the content regulatory system will grapple with long-term and big-picture frameworks for supporting a healthy information environment in our democracy.

11. We think it is useful to frame these issues in terms of trust and social cohesion. Policy issues around online disinformation and misinformation are particularly complex because there is crossover between bad-faith actors and sincere participants in democratic debate, and between narratives in fringe and mainstream media. One outcome of this crossover is mistrust of shared institutions, including government and elections.

Disinformation and misinformation

> 4.6   What, if anything, do you think should be done to reduce the risk of disinformation and misinformation influencing New Zealand's elections?

12. We think the key harm from disinformation and misinformation is to increase social discord by undermining people's trust in each other and in shared institutions. A [report by the Council of Europe](#) highlights "dis-information campaigns specifically designed to sow mistrust and confusion" (p. 4) as a threat to democracy.

13. Overall, the best remedy to the harm of mistrust is to build trust with people. In the context of elections, we think good ways to uphold that trust are through transparency requirements, limits on explicit electoral advertising, and educational work that is responsive to and based in communities rather than institutions.

14. We support steps to ensure online electoral advertising is as transparent and accountable as offline advertising, including working with and potentially regulating online advertising providers, such as the most prominent social media services. Flagging that particular posts are advertisements, or that a user works for an overseas government, is a way social media services can support transparency with more nuance than removing political content.

15. We support consideration of broadening the period of electoral advertisement restrictions to cover advance voting periods, but suggest that this should be balanced by considering whether individuals should be allowed to post to private chats and social media about their political participation. The report highlights free expression and free association rights under the New Zealand Bill of Rights Act 1990 as key considerations. Posting a personal opinion about an election should be a right guaranteed to everyone in Aotearoa. Considerations have to be different, however, when that message is a paid advertisement or comes from unidentified people outside of Aotearoa.

16. Community-based work is needed, but is critically under-resourced. InternetNZ has been proud to support the work of our strategic partner

Tohatoha in developing and piloting successful education programmes on misinformation in school and other communities, as well as developing the Internet Weather Report.[6] We have also recently funded a report by Humanity Matters into misinformation and antisemitism. If the panel is to look at monitoring or educational interventions, we encourage engagement with those already doing this work as a starting point.

Foreign interference

> 4.6 What, if anything, should be done to reduce the risk of foreign interference influencing New Zealand's elections?

17. We think the key tools to address potential foreign interference are to improve security practices and boost transparency across the electoral system. The key challenge is to resource this work.

18. In our 2019 submission, we recommended creating a cybersecurity campaign playbook for election campaigns. We still think that cybersecurity risks to election campaigns present risks to overall confidence in elections, and flag this as an issue for consideration by this review.
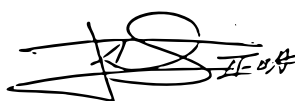
Conclusion

19. Our submission above has focused on some of the key Internet-related issues that we have identified. If we can assist with questions on these or other matters, please let us know by emailing policy@internetnz.net.nz.

20. Thank you again for this opportunity to present our perspective.

Jodi Anderson

Acting Policy Director

InternetNZ

James Ting-Edwards

Senior Policy Advisor

InternetNZ

Dr Michael Daubs

Senior Policy Advisor

InternetNZ

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[6] See, for example, Tohatoha "Internet Weather Report Media Round-up October 2022", (2022) <tohatoha.org.nz>.