Voter Tracking Software: the Dark Side of Technology and Democracy

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Abstract
The potential benefits and pitfalls of electronic democracy are already on display in the use of voter tracking software by Australia’s major political parties. The use of such technologies, which contain a host of information about voters and their policy preferences, are a potentially useful conduit between citizens and their elected representatives. Instead, their development has been veiled in secrecy, and their operation puts vast public resources to use for partisan ends, invades the privacy of constituents seeking help from their Member of Parliament, and tilts electoral politics towards the minority of swinging voters. To avoid a further cartelisation of Australia’s party system, any move towards electronic democracy must avoid the pitfalls associated with the use of electoral databases. First, electronic democracy must not discriminate against those political parties without the resources of the state to support their infrastructure and operation. Information technology has hitherto provided advantages to established political parties, which have the resources to properly exploit it. Second, the development of electronic democracy should encourage maximum participation in the political system. Political parties will inevitably attempt to skew any new system to their own advantage. The development of electoral databases provides a significant example of members of parliament acting as gatekeepers for the rules under which they operate.

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**Introduction**

Professional campaigning techniques are dramatically altering the relationship between citizens and their elected representatives. The rise of the ‘electoral-professional’ party, with its reduced ideological orientation and increased role for professional campaigners at the expense of the party membership has been identified by Panebianco (1988, 264). The increased role of information technology in campaigning is a crucial part of this process, making up for the reduced numbers of party members and volunteers participating in election campaigns. The professionalisation of some American campaigns even incorporates the hiring of consultants for web-site design and database management (Shea and Burton 2001, 208). Government parties use publicly funded communications units, involved in ‘packaging’ policy (Franklin 1994, 7), such as Britain’s Central Office of Information, or in Australia, the Government Member’s Secretariat (GMS). The effect on representative democracy of these developments, which theoretically provides a more efficient means of communication between voters and their representatives, raises some important questions.

Australian political parties have begun to adopt both the professionalisation of campaigning and information technology referred to above. This paper uses political databases as an example of voter tracking software in the professionalisation of politics, and analyses some disturbing ramifications for democracy in the use of this technology. These databases contain information about every voter on the Australian Electoral Roll. While the development of political databases follows the logic of Panebianco’s categorisation, as well as a series of increasingly professional practices in Australia outlined in Simms (ed.) (1996), a comparative lack of resources\(^3\) precludes Australia’s major parties from hiring large numbers of full-time political campaigners. Australian parties instead rely on the resources provided by the parliament to members for the operation of their offices and the funding of their national and local campaigns. Both Australian political

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\(^3\)Whilst Australian major parties enjoy a substantial resource advantage over competing minor parties, their campaign resources are substantially lower than those of political parties in the United States (Corrado 2000).
parties have thus developed relatively decentralised databases incorporated into the offices of individual MPs.

Reliance on the provision of resources by the state to maintain the dominance of the major parties is symptomatic of what Mair and Katz call the cartel party (1997). An extension of the notion of the electoral-professional party, the cartel party ‘brokers between [a plural] civil society and the state’, but has a clear set of interests not shared by the electorate (1997, 101). Cartel parties are integrated into the state apparatus and collude with ostensibly competing parties to maintain their position vis-à-vis the electorate and to exclude new parties (1997, 107-8). Mailing allowances, office staff and facilities, and travel allowances are all part of an incumbency advantage afforded to members of parliament by the state. Voter tracking systems, which would not be possible without considerable state resources, are a prime example of cartel parties in action.

This article outlines the design and operation of voter tracking systems and explores some of the ethical considerations relating to their use. Tighter rules governing their use, and greater public access to the information stored are described as part of a reform package suggested in this paper. A properly regulated system of databases has the potential to enhance democracy and the capacity of local MPs to better represent their constituents, the mitigating factor is the modelling of their use.

**Political Databases: How and Why**

Databases located in the electoral offices of Members of Parliament allow many of the details from the letters and phone calls from voters to MPs to be recorded and contribute to a sophisticated national database aimed primarily at winning elections. Both of Australia’s major political parties maintain such databases, which store information about every Australian voter. The Coalition database is named ‘Feedback’ and the ALP database is called ‘Electrac’. The extent of party databases attracts little attention from press gallery journalists, since they conceive of them chiefly in terms of direct mail campaigns, not a very interesting topic. This misses the point entirely. Indeed, the media’s almost total emphasis on the campaign photo opportunities of
political leaders is a distraction from the growing importance of targeted political communication in marginal seats.⁴

Direct mail from the major parties to voters is the end point of a sophisticated political machine that brings together telephone canvassing, focus groups, opinion polls and policy development.⁵ Each of these areas of political campaigning falls within the professionalised approach to party activity that has grown substantially over recent decades. Stephen Mills (1986) first addressed the trend towards more professionalised campaigning amongst major parties in Australia in his pioneering book ‘The New Machine Men’. Mills analysed new direct mail techniques being imported from overseas, the increased role of focus groups and polling in political strategy, and the value of media activity centred around a common campaign theme or message. Then-Liberal Deputy Federal Director Lynton Crosby described this new strategy in 1996:

…targeting has become the key to electoral activity. Focusing on the seats that are critical, focusing on the people within those seats who are critical, and focusing on the critical issues within those seats. (Crosby 1996, 160)

Mann and Ornstein (2000) have recently written in the United States about the trend towards permanent campaigning, whereby the parties no longer partake in pure public policy between campaigns, but continually look to utilise the public policy process and the period in between campaigns to maximise electoral advantage.

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⁴ The importance of local seat campaigning, on an international level, is examined in Farrell and Schmitt-Beck (Eds) (2002).
⁵ For recent information on each of these areas of professional campaigning, see: Peisley & Ward (2001), Marland (2003) and Gibson & Ward (2002).
At the centre of electioneering in Australia are the electoral databases. The design and operation of individual databases is fairly simple; it is the networking of these databases that makes a comprehensive voter tracking system. Each MP (or candidate) operates a copy of their party’s database software in their office, into which they download data on each of their constituents from the Australian Electoral Commission (AEC). This is the raw material (name, address, telephone number) to which staffers must add the details of all contact with constituents as well as information from other sources, such as local newspapers (letters to the editor provide valuable information about issues of interest to individual voters).

The aim is to build up a picture of each constituent; political parties are interested in finding out two things in particular: Are you a swinging voter and if so, what issues concern you most? This information is aggregated by the central party office and used to conduct opinion polls of swinging voters, tailor policy development and design advertising campaigns. It is this connectivity that makes the databases so effective, and gives the major parties an enormous advantage over the Greens and the Democrats, both of whom operate smaller-scale databases. The majors are also in a better position to plug the holes in the AEC data caused when people move (or when they die … more than one MP has been forced to apologise for sending birthday or anniversary congratulations to deceased electors).

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6 The authors have had the opportunity to witness database operations first hand in their research. Interviews with staffers have substantiated observations, as have internal party documents describing database usage and training tips.

7 For further information on database design and operation see: van Onselen & Errington (2004).
Local MPs use the information on swinging voters to tailor correspondence about party policy. Voters who identify strongly with the MP’s party are targeted for party membership, donations and assistance during campaigns. As for voters strongly linked to the opposition party, MPs save the cost of the stamp. This adds up to a considerable saving. Recognising the effectiveness of this method of communication, MPs recently increased their postal allowance to over $100 000 a year.\(^8\) Sally Young has analysed developments in political communication in Australia (2003), including that of advertising campaigns (2002). The importance of parliamentary allowances to political communication have increased in recent decades as MPs become more able to send out targeted direct mail through database technology.

In practice neither party’s database system functions to its maximum system capacity, due to a lack of adequate training, the fractured nature of localised political representation and intra-party conflict. Older MPs are also cynical about the need for new technology, and a lack of incentives for MPs in safe seats to gather data acts as a deterrent to comprehensive data entry. For example, Allan Cadman, one of the Parliament’s longest serving MPs, representing a safely held Liberal seat, is the only Coalition MP without Feedback software. Safe seat MPs are generally more concerned with ministerial promotion or staving off pre-selection challengers than increasing the size of their already safe electoral margin. This matters when redistributions move voters from safe to marginal seats.

Political messages delivered via mass media are by their nature restricted in scope. The modern electorate is too diverse for this method to be effective in itself. Databases allow parties to develop targeted messages for small groups of voters, depending on their favourite issues, and depending on their attitude to those issues. In this respect the database allows MPs to distribute targeted correspondence with a minimum of fuss. The technology of the database means that an MP or candidate can develop literature aimed at particular age groups, literature with specified literature focus, or a geographical appeal to a section of the electorate, or a combination of the three. The database can then be used to isolate those constituents that fall into the specified groups.

\(^8\) See the Parliamentary Entitlements Act 1990 and amendments.
The more information entered into the database, the more specific the direct mail can become. Without such technology the process of identifying such sections of the electorate, say with simple spreadsheets, would be either impossible or too labour intensive. Though MPs need to be careful to remain consistent when such diverse correspondence is leaving their offices. Former ALP Member for Eden-Monaro, Jim Snow, sent quite different letters to supporters of the local timber industry and conservationists before the 1990 election (Australian Financial Review. 2 March 1990).

Whilst databases can be justified by political parties as affording local MPs an improved means of communicating with the electorate they represent, and as a systematic way for them to respond to constituent correspondence, the fact they are strongly geared towards winning election (by recording the party identification of constituents) indicates that partisan competition is the primary reason for their development. Were databases primarily used for representative purposes, the MP would consistently correspond with constituents throughout their term, and the nature of that correspondence would need to be less aggressively focused on Government/Opposition shortcomings. Further, Senator operation of database mail-outs provides evidence of correspondence focused on the immediate pre-election timescale. Senators can carry forward their correspondence allowance from a previous year. Interviews with senators have indicated that most senators carry their allowances forward the year prior to an election year, to boost its value in campaigning. Electoral databases are heavily subsidised by taxpayers through MPs’ electoral office allowance, use of AEC data, and through the mysterious Government Members Secretariat. This secretive taxpayer-funded body refused our requests for an explanation of their role, instead telling us “we don’t speak to the public”. The Prime Minister’s Office eventually returned correspondence with an official account of the role of the GMS:

9 For further information on ethical issues concerning party databases see: van Onselen (2004).

10 Telephone call to the GMS in compiling background research for this paper (3rd September 2003).
"The Government Members' Secretariat was established to provide training and support to Members, Senators, Ministers and their staff to assist them in servicing their constituents and ensuring the efficient and effective operation of electorate offices. Training programmes are conducted in areas of activity relevant to Members and Senators. A number of staff from the GMS also travel out to electorate offices to provide assistance for staff who are unable to travel to Canberra."

(Wheeler, G., Prime Minister’s Office, 5th September, 2003.)

The most interesting observation about the GMS is that as a taxpayer funded arm of Government, it offers highly partisan training and co-ordination regarding database usage. Its role, not advertised, is similar to the previous Labor Government’s Media Liaison Unit. This unit was heavily attacked by the then Coalition Opposition prior to the 1996 election, with a promise to abolish it if elected (Barnett, 1997). Whilst they did abolish it, they also formed a new body prescribed similar duties, including database management duties.11

Maintaining The Cartel

As mentioned in the introduction, cartel parties are those integrated into the state apparatus, colluding to maintain their position vis-à-vis the electorate and to exclude new parties from breaking into the system (1997, 107-8). In a social climate conducive to partisan de-alignment, Australia’s major political parties have shown remarkable resilience (Bean 1996, 136). One reason for this resilience has been the preparedness of the major parties to adapt their organisation, strategy and policies in the face of the changing social environment. Voter tracking systems are a key to that adaptability.

Norris refers to the ‘post-modern campaign,’ where increasingly professional political parties must grapple with a diverse electorate and media. Norris is sanguine about this environment, highlighting the opportunities for new political voices to be heard (2000, 177-9). The stability of the Australian party system, however, suggests that the professionalism of Australian political

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11 GMS is an area worthy of further study not appropriate in this article.
parties is more than a match for the myriad identities and issues confronting contemporary governments.

While they provide an incumbency advantage over opposition candidates contesting seats, the incumbency advantage to both majors compared with minor parties attempting to enter the lower house contest is enormous. Minor parties, represented in the Senate, lack the critical mass of parliamentary resources to run systems as complex as Electrac and Feedback, particularly their ability to focus on local as well as national issues. Major political parties distinguish themselves from smaller parties both in terms of their success in securing parliamentary representation, and in the size and structure of their party organisations. Whilst by international standards party membership in Australia is comparatively low, nevertheless the two major parties enjoy substantial organisational advantage over minor parties.

Major parties maintain representation in various lower house seats at varying tiers of government (state or federal), even when in opposition. The number of parties in each parliament is governed in large part by the electoral system. The Lower House of the Federal Parliament and all State Parliaments, with the exception of Tasmania, operate under a single member preferential system.\(^\text{12}\) Single member contests means a candidate must secure 50% plus one of the two-party vote after preferences have been distributed.\(^\text{13}\) The candidates are ranked according to first preferences and eliminated from the bottom of the list with their preferences being distributed to the remaining candidates. This process continues until a candidate receives over 50% of the vote or there are only two candidates left standing (often simultaneously). Minor parties, generally securing less than 10% of the first preference vote, are eliminated early as preferences get distributed such that one candidate can reach the 50% plus one vote requirement. This effect is evidenced by the fact only one minor party candidate has ever been elected to the federal lower house since federation, though minor party first preference votes in the House


\(^{13}\) The capacity to exhaust preferences, as occurs in some states, does vary this analysis, however the principles are the same.
have steadily increased in recent decades.\textsuperscript{14} Minor parties are generally only represented in Upper Houses, under proportional representation, where there are far more achievable quotas.\textsuperscript{15}

In this light, the goal of the ALP and the Liberal Party is to ensure that they maintain their position as one of the two largest parties in the system (preferably, of course, winning government in the process). Major party collusion to preserve their advantage through electoral system design, to the detriment of minor parties, has been well documented (see for example Sharman 1986 and Stone 1998). They also maintain the resource and distribution structure to operate databases effectively. That is, collate the information, update it, and generally function effectively. Given that minor parties have substantially lower resource bases, particularly in a localised sense, and that they suffer from electoral system disadvantage, they are unable to operate the IT advantage of voter tracking software in such a way to assist with breaking into the lower house contest in a consistent manner.

\textsuperscript{14} An Australian Green in a post 2001 by-election.

\textsuperscript{15} For example, the federal Senate requires candidates to achieve 14.29\% of the vote (usually much less before preferences). Legislative Council representation in NSW only requires 4.55\% of the final vote, with candidates being elected with less than 1\% of the first preference vote.
This advantage in representation enjoyed by the major parties creates a cartel environment where they have the numbers in the parliament to award themselves resources that favour the re-election of incumbents. Political parties are classified as private organisations. As such they occupy a unique position in the political environment, nestled half way between the realm of the private and public sectors. The unwillingness of the major political parties to publicly discuss their electoral databases is understandable. The lack of scrutiny into voter tracking methodology and the ethical issues associated to it, and the absence of any capacity of voters to review their files are examples of the major parties acting as a cartel. That is, both major parties are happy to keep their voter tracking operations a low-key issue. They do this for example, by not using Estimates Committees, a regularly used tool for investigating administrative particulars, to pry into database funding arrangements or management. The following sections of this paper will further detail this phenomenon.

Whether or not one approves of the use of the database to tailor political communication depends largely on one’s view of what political leadership is considered to be in a representative democracy like Australia’s. A major party candidate for office has an enormous amount of information about voters: their position and strength of conviction on a range of issues, occupation, membership of political and community organisations. Leaving aside the ethical considerations of the use of the information in the databases (discussed below), the question of the way in which it should be used depends on whether representative democracy is better served through MPs who closely reflect the views of their electorate (arguably Howard), or through politicians who seek to lead public opinion toward more effective and fairer policies (arguably Keating). Applying these well-known delegate and trustee models of representation to Australia, Hugh Emy commented that despite many politicians from both major parties styling themselves as delegates, the most common type of representation in Australian politics is what he called the ‘politico’. This is the term Emy used to describe the attempt to balance local representation with the need of the party to win office at the national level (Emy 1974, 482). Contemporary studies of representation in Australia
have closely followed the typology established by Emy (see, for example, Sawer and Zappala 2001, 5). Clearly, databases assist politicians in achieving this balance of local and national concerns. As described above, candidates for individual seats can highlight those aspects of party policy of most interest to voters in their seat. This, if used appropriately, can therefore be a positive addition to an MP's representative arsenal.

Electoral databases lend themselves to either model of representation. On the one hand, political parties have a wealth of information on public opinion with which to assist in the formulation of policies. On the other hand, the system is designed to assist the major parties in skewing political communication (if not the policy formulation process) toward the views of a smaller and smaller number of electors. A positive way of putting the latter point is that public resources are not wasted trying to persuade voters who have no intention of changing their vote. The down-side of this type of communication may be that election campaigns are increasingly being fought over the votes of a smaller and smaller number of electors, thereby excluding large sections of the voting public. Indeed, the guidelines for the use of Feedback suggest a rule of thumb for the entry of information about a constituent, asking whether information entered is really relevant for a political campaign. Databases in fact may assist to allay concerns about the lack of representation 'oppressed groups' sometimes get (Phillips 2001, 30), since they are largely compiled from contact with self-selected constituents who invariably have a problem with government services. Instead, the database marginalises voters wedded to the major parties.

Comparisons with overseas databases would likely reveal substantial differences in this regard. Most electoral systems across the world have a non-compulsory voting system, unlike in Australia. As such, it could be expected that database usage overseas is as much about mobilising strongly identifying supporters to vote as it is about appealing to the swinging marginal voters. This point is further emphasised where a nation wide popular vote is in practice, rather than single member seats. Single member seats allow parties

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16 The question of the role of opinion polls in policy development is highly contested. See: Jacobs and Shapiro, 2000; Manza, Page & Cook (Eds), 2002.
to limit their focus to marginal electorates as we see happening in Australia with duty senator operations in marginal seats (van Onselen 2004).

As suggested by the names Feedback and Electrac, the purpose of political databases are to allow communication between politicians and the electorate, and to track voter interests. The fact that these databases have been invented to serve the interests of political parties should not stop us considering the possibility that they may serve a wider public good, particularly in the efficient way they transmit information between MPs and thousands of constituents. The number of swinging and weakly identifying voters has been steadily increasing since the 1960s. In 1967, only 11% of voters failed to identify with one of the major political parties. That number had increased to 30% in 1990 (Chaples 1997, 358). Further, while the actual number of swinging voters in each seat may be relatively small, finding out exactly who they are is difficult, thus limiting the number of constituents excluded from consideration by candidates through the database.

The databases allow MPs to give better service to their constituents by systematically recording their concerns. The databases allow political parties to differentiate between short term disaffection and genuine popular feeling, and crucially, to test the strength and geographic concentration of any opposition to government policy. If people can be bothered to contact their MP personally (as opposed to taking a few seconds to sign a petition or forward a generic email), political parties take notice.

17 For further evidence of voter dealignment see McAllister (1992).
For example, the groundswell of public opinion over last year’s ASIO legislation caused the government to modify its position. Angry phone calls over that draconian piece of legislation were noticed by the government (many local MPs have caller ID, so anonymity is difficult). On the other hand, despite much public opposition to Australia’s participation in the war against Iraq, government members backed the Prime Minister in the belief that their seats were likely never under real threat. Databases are all about helping political parties ensure that their messages are relevant to the recipients. The big parties are already spending less money on broadcast advertising and diverting their resources towards more targeted campaigns.

In addition to these wider questions about representative democracy, the use of political databases raises ethical and legal questions of the handling of information by political parties. Beauchamp and Bowie (1993, 442) discuss moral considerations in the collection, presentation and use of information through business. A number of the avenues explored in this regard can equally be examined in a political context, namely through the use of political databases. Beauchamp and Bowie identify three commonplace associated problems: ‘withholding vital information, distorting truth, and bluffing’ (1993: 442). A model to reform voter tracking software operation will now be explored taking into account ethical guidelines.

Reforming Databases: What’s Needed?

A thorough review of the way voter-tracking systems operate is essential. There is a difference between the mere collection of information for the purpose of correspondence, and database storage, which can, through technology, be transformed into a sophisticated method of communicating with voters. This distinction is particularly important when one considers the partisan nature of the present voter tracking systems and the ease with which information can be transferred between MPs’ offices and central party offices. There are ethical issues concerning the manner in which information is logged, stored and shared.
Taxpayer funding of a voter tracking system which does not have transparency and quality controls is an ethical issue in itself. At present, the lack of controls on information is of concern. The whim of staffs or MPs can dictate what manner of information is stored against an individual’s name. Guidelines are required to limit the type of information which can be stored, perhaps removing personal information from the process. The lack of accountability and ethics surrounding voter tracking systems is not conceptually difficult to remedy. The problem is the lack of political will on the part of the major parties to even discuss the problem. Accountability is needed even if it diminishes the effectiveness of the systems for partisan advantage. We therefore recommend the following reforms and considerations as a minimum requirement to ensure that the public interest is maintained by the use of these powerful systems.

1. Disclosure

Australians have grown used to the fact that governments collect and store all manner of information about citizens. The debate has shifted from how much information should be kept to concerns about the regulation of the way both government and corporations manage personal information. By comparison, public discussion of political databases (managed by political parties rather than the government) has been restricted for a number of reasons. Getting politicians to discuss their party’s database on the record is very difficult. They fear sensational media coverage of the spectre of Big Brother. They are also paranoid about revealing their campaign secrets to other parties. There have been a handful of examples of public comment by politicians and political operatives (for example MP for Parramatta Ross Cameron and former Federal Director of the Liberal Party Lynton Crosby). However the need to maintain secrecy for technological advantage coupled with the risky ethical implications of much database activities, which might stir up public calls for reform, results in a low level of public comment by those that operate the technology.
Electoral databases are a powerful and invasive political tool. Political parties are exempted from privacy legislation designed to prevent the misuse of personal information. All citizens must be free to take their concerns about government policy to their local MP confident in the knowledge that their private details will not be used for partisan advantage. The personal details of electors should not be available to the central offices of political parties. We should all have the right to know what our elected representatives have on file about us.

Information handling is subject to privacy considerations and Freedom of Information rules that databases currently are not. Commonwealth privacy legislation is designed to prevent the misuse of personal information by private organisations (Privacy Amendment (Private Sector) Act 2000). This legislation guards against the collection of information without an individual’s consent (amongst other limitations). Political parties, however, are exempt from these legislative requirements where their activities are ‘in connection with an election, a referendum, or other participation in the political process’ (Privacy Amendment (Private Sector) Act 2000). In effect therefore, party databases can collect, log and use information in such a way, were the database not controlled by a political party, as to contravene the Privacy Amendment (Private Sector) Act 2000. Political party exemption from the aforementioned Act, inserted into the legislation late in the consultation process, has been described in the legal community as ‘a surprise’ given it had ‘never previously been raised during the extensive consultations over the legislation’ (Dixon 2001). Paradoxically, because political parties are private organisations they are exempt from Freedom of Information searches. So in effect parties can log information about voters without their consent, yet they cannot be made to disclose what information has in fact been logged. This is an unacceptable limitation on database disclosure, and is in need of reform.

Freedom of Information requests should be able to be administered on party databases, at the least by the individual on whom information is carried. This would force MPs to account for their entries first, and secondly it would act as a check on inaccurate entries. Defamation laws should apply to such entries
as opposed to privilege as exists in Parliament. This again would force MPs and their staff to be aware of the nature of what they compile. This issue again impinges upon the question of whether MPs are public or private entities.

One possibility is that the Australian Electoral Commission (AEC) enrolment forms could carry a ‘yes’ and ‘no’ box for electors to fill in allowing or excluding the local MP from viewing their AEC data.\(^{18}\) Such a section would necessarily carry a short explanatory set of information as to the impact of a ‘yes’ or ‘no’ selection (or alternatively an opt-out clause). Alternatively there could be a simple box that could be marked to exclude the representing MP from obtaining the AEC information. Again the explanatory information would need to be provided. This reform would, in all likelihood, cripple the database system and is therefore unlikely to be adopted.\(^{19}\) At the very least we would suggest an explanatory note making electors aware of the forwarding of their information to the local MP and the implications this has in voter tracking is needed.

Parties should be required to disclose the usage of their database as an aspect of the electoral returns process. Just as party donations need to be publicly disclosed, so too should database management. Within this structure their should perhaps be a maximum level of issue correspondence one individual can receive as a result of database information. This restriction could take the form of limited polling they receive as a result of database information, limits to the amount of direct mail they get, or it could be determined according to preferences they make when enrolling. Such reform would avoid individual electors being overly pestered by political parties. Databases could also be organised so that correspondence differentials between electors cannot reach beyond a certain point. Such reform could be

\(^{18}\) The South Australian Electoral Commission currently offer a similar elector option, however confidential interviews with major party MPs have indicated state MPs are passed on elector information by their federal colleagues through AEC recorded information, where no such opt out clause exists.

\(^{19}\) The South Australian option was instigated prior to the development of party databases.
implemented to avoid exclusion or over inclusion in the political process as occurs now between safe and marginal seats, strong or marginal voters.

2. Information Security

Whoever enters the information on an individual constituent should have their staff details recorded against the entry. This would apply to new entries and amending of previous entries. This practice, widely used in the private sector, would enhance accountability. As the systems currently stand, there is no method to trace who amended information against an individual electors records.

MPs should not be able to forward voter information to third parties, including the central party and supporting candidates in a different tier of government without the consent of the elector. Elector information can include highly personal details such as unemployment particulars or family and community services matters. Such activity should be considered a violation of the privacy act, and the MP should be held to account for such actions.

The onset of databases has called into further question the practice of postal voting being administered through the political parties. This is an issue the AEC have had with the current process for some time. Given that it is possible for parties to enter voter preferences into databases, and that the recording of information is done subjectively, this practice should be fully put in the hands of the AEC. Not only would this lower costs because only one body would be releasing the postal vote forms, rather than both major parties in each seat as occurs at the present, but it would also prevent misuse of the information as is currently possible with database entry.

\textsuperscript{20} A senior member of the AEC expressed such concerns to us at a paper presentation at the Australasian Political Studies Conference 2003.
For example, electors choosing to request a postal vote from one political party or the other can be tagged as leaning towards that party in their voting intentions. It is assumed by parties that otherwise they would have requested a postal vote from the other major party. This assumption is even more strongly considered to be the case where electors request a postal vote from a major party candidate rather than the opposing party’s sitting local MP. Quite apart from the fact such practice goes against the principle of the secret ballot and independent operation of voting systems, it may also be that many electors are being inaccurately tagged as identifying with one or other of the major parties.

There also needs to be better and more uniformed training for the database systems, particularly in the ethics of handling private information. Greater care needs to be taken on the entry of information. Inaccurate entries with open access to stored information can mount a series of claims against a person on the database which not only may not be reasonable to openly relay for partisan advantage, but it may not be true either. Individuals must have a right to know what information about them is stored on the databases. As mentioned, making databases subject to Freedom of Information requests would facilitate this need.

There should be severe penalties for misuse of voter tracking software. Put simply, misuse of such software is tantamount to electoral fraud and privacy violations. MPs or staffers who partake in such violations should be heavily fined, have their employment terminated, or even be removed from parliament.

3. Partisan Advantage
Public funding of database training and operation should only continue where the systems are publicly accountable. Publicly funded systems should not advantage only incumbent MPs and the governing party. One reform that would assist this would be for information to automatically transfer to a central database to which all politicians have access. This would ensure files are objective, and remove partisan reference. This would give voters more
confidence that their concerns were being raised in the public, not the partisan, interest. Major party unwillingness to perform such a function would therefore wedge the parties to an acknowledgement the information they compile is for partisan not representative purposes as a primary consideration. At the least this would spark further debate as to their partisan usage.

These reforms to disclosure, information security and partisan advantage would bring regulation of voter tracking systems in line with widely accepted principles of data handling for the public sector.

**Conclusion**

The advent of voter tracking systems is an aspect of political campaigning that requires more public scrutiny. With the major political parties having no interest in the reform of voter tracking systems, only a groundswell of public interest in the issue of handling of private information by political parties will encourage parliament to act. Exclusion from privacy laws, due to party status as a private not public organisation, combined with private organisation protection from freedom of information searches, is a situation lacking the sort of check and balance the wider Australian political system prides itself on. The fact voting is compulsory, combined with free exchange of voter data between political parties and the AEC, means that voter information is being put in the hands of political parties whether citizens like it or not.

In this paper we have proposed a method whereby voters would at the least be informed of this consequence in enrolling to vote, and at best be afforded the opportunity to choose whether such information be forwarded to the MPs that represent them. Given the furore over the Australia Card proposal in the 1980’s, if informed of the paradox of public access to information obtained by private organisations without public scrutiny, it could be expected that citizens would be alarmed at the unfettered access to personal information political parties have. Political parties should be forced to account for their information holdings. There should be strict ethical training for staffers and MPs operating this software, and it should be formalised through independent authorities.
whom themselves can access the databases in question. Further, the access to information on voters should be limited to local offices, not the central party, and citizens should be allowed access to what information is being stored on them. There should also be greater accountability structures in place as to the entry of information. This paper has identified the operation of the databases, posited ethical considerations regarding their usage, and proposed methods by which their operation could be made more accountable and reasonable. These reforms are unlikely to be taken up, however, unless the public becomes much more aware of voter tracking systems and the invasion of privacy they currently represent.

Much more study is needed into this highly secretive aspect of political practice in Australia. With adequate safeguards, training and guidelines, political databases have the potential to enhance representative democracy, improve MPs’ ability to better reflect their constituency, and thus make politicians more in tune with public sentiment. Without those safeguards, voter tracking systems are simply the latest tool for fighting election campaigns; one that gives advantage to incumbents over challengers, and major parties over minor parties. This is the dark side of technology and democracy.
References


