

We thank the Electoral Matters Committee for the invitation to make a submission.

Democratic institutions around the world are struggling to keep pace with the constant growth and pervasiveness of digital technology. Its pace, by design, outstrips the agility of any parliament. While our institutions struggle with finding the right form for regulation, social media's role in elections is constantly growing and evolving. Without a strong decision either way, our institutions risk being the slow-moving victim of a rapidly growing weed. The public, fairly or not, will blame government, without pausing to consider the amazing complexity of the problem.

Elections are the property of every voter; and as a second important consideration, the level of reimbursements to political parties make voters central to this difficult decision facing the Committee. We suggest parliaments need to match the innovation from tech companies with innovations in how we do democracy: starting with how we make this regulatory decision. There is no simple answer, and all decisions are likely to face criticism – the Committee's task is a thankless one. Our democratic processes will need to evolve if they're to retain public trust and outpace changing social media technologies and deceptive online electoral advertising.

Our recommendation to the Committee is to conduct a trial in democratic innovation and give this question to a citizens' jury. Where the Parliament lacks capacity to operate and fund, we offer underwriting to operate this project as a chance for parliamentarians to experience a jury and decide if it assists their work.

We have included a short explanation for this recommendation. We would welcome the chance to appear before the Committee to discuss this in greater depth.

Conduct this review with everyday citizens

There is no 'right' way of regulating social media and its impact on elections. There are many different ways to set rules around advertising, social media, political speech, fact checking etc. MPs can benefit from sharing the complex problem by giving a representative mix of everyday people sufficient time and information to find common ground on what they view as fair.

By offering this task to a mix of people chosen through a democratic lottery, the inquiry can avoid the poacher and gamekeeper dilemma voters see (and view cynically) when the elected make electoral rules. There are simply too many incentives for bad behaviour that the public is unlikely to trust recommendations *from* politicians *for* politicians no matter how well intentioned and grounded in principles and evidence they may be.

Allowing citizens the opportunity to work alongside MPs provides public insight into the difficulty of the task in front of the Committee while also building trust in the process. The community sees people like them involved in a difficult public decision. Those same people take on a leading role in explaining their recommendations, assisting leaders in a thankless task.

Citizens are capable of making innovative and strong recommendations because of how they combine their own experience with the views of expert witnesses, stakeholders and MPs. They're able to read widely and immerse themselves in the topic before making sensible recommendations.

Recommendation:

The Committee should open the question of this inquiry to a jury of randomly-selected everyday citizens blended with a small group of MPs, giving them the time and information to make considered recommendations to Parliament on the rules they would like to see apply for future elections.

Around 50 Victorians from all walks of life would be given the chance to learn the detail of how their democracy works and how elections are conducted, and be able to get answers to questions in order that they can offer an informed view. We use random selection in our politics today: through opinion polls. Those polls involve asking people what they think when they haven't had time to think. Our contention is that the Parliament and its members will benefit from having citizens sharing the complexity of the task at hand.

If the Parliament's budget is insufficient to fund a trial, the Foundation has a standing offer to underwrite any budget shortfall so MPs can experience a Citizens' Jury-style process through practical firsthand experience.