



Electoral Commissioner

Our ref: 15/488

Ms Rebecca Gordon
Inquiry Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Dear Ms Gordon

**Inquiry into campaigning activities at polling places – response to
question taken on notice at the 16 July 2015 JSCEM public hearing**

At the 16 July 2015 Joint Standing Committee on Electoral Matters (JSCEM) hearing into campaigning activities at polling places, the AEC took a question on notice. The AEC's response to that question is at **Attachment A**.

I am happy to respond to additional questions the Committee may have, or provide further information that would be useful to the Committee in its inquiry.

Yours sincerely

Kevin Kitson
Acting Electoral Commissioner

3 August 2015

AEC response to question on notice from the 16 July 2015 JSCEM hearing inquiry into campaigning activities at polling places

1. Registration of how-to-vote cards in state and territory elections

- 1.1. On page 14 of the transcript, the JSCEM Chair asks which states require the registration of how-to-vote cards and what the processes are for undertaking this.

CHAIR: We will wrap up fairly soon. This has been an interesting start in terms of what the legal basis is. I want to take you to some of the state areas, not because I am particularly minded to think they are better, but which states required the registration of how-to-vote cards?

Mr Ross: South Australia certainly requires it.

CHAIR: Can you take us through that? So by a certain date, if you are going to hand out a how-to-vote card it has to be registered and the South Australian authorities have to approve it.

Mr Ross: They actually produce a poster. That is my understanding.

Mr Rogers: I am not sure of the detail. I would be speculating, other than the fact that, having spoken to the South Australian Electoral Commissioner, I remember her talking about part of the process that she went through, which included authorisation of those how-to-vote cards. I am not exactly sure how they do it or whether they are then published after they are authorised. I presume they must be somewhere. They would have a process. I am not aware of any other state doing that. I may be wrong.

Mr Orr: The state of New South Wales do. They have an approval process as well.

Mr Rogers: Do they publish them?

Mr Orr: I am not sure how it works. I have never looked into it.

CHAIR: That is something for us to—

Mr Rogers: We can find out. I can ask a question to my colleagues on the ECANZ, if you like, and we can write a consolidated response back to the committee about their process.

CHAIR: That would be useful.

AEC Response

- 1.2. Table 1 outlines the differences in requirements across Australia.

Table 1: Registration of how-to-vote cards with state and territory commissions*

State	Registration of HTV required?	Requirements	Operational
AEC	No	N/A	N/A
NSW	Yes	<p>Sections 151F and 151G of the NSW <i>Parliamentary Electorates and Elections Act 1912</i> require that an application be made to the Electoral Commission for the registration of electoral material (excluding posters) intended to be distributed on polling day.</p> <p>An application must be made during the period commencing on the day of nominations for the election and ending at 5pm, eight days before the election polling day.</p>	Section 151G(12A) requires that copies of the divisional electoral material registered and relevant certificates of registration are made available at the returning officer's office during early voting and on polling day.
VIC	Yes	<p>Sections 78 and 156 of the Victorian <i>Electoral Act 2002</i> require HTV cards that are intended to be handed out within 400 meters of a polling place on election day, to be registered with the Electoral Commission.</p> <p>HTV cards may be submitted for registration from the first working day after the final nomination day till noon on the 6th working day before election day. HTV cards distributed during the early voter period do not have to be registered (except during mobile polling).</p>	Section 82 of the Act states that as soon as practicable the Commission must make available a copy of registered HTV cards for inspection at the office of the Commission and publish a copy of the cards on the VEC's website.
QLD	Yes	Section 183 of the Queensland <i>Electoral Act 1992</i> requires HTV cards to be lodged with electoral commission no later than 5pm on the Friday that is seven days before the election polling day.	Section 183 also outlines that the Electoral Commission must make HTV cards available for public inspection at the Commission's Brisbane office; the office of the returning officer; on the Commission's website and; where reasonably practicable, make available at each polling place in the district.
WA	No	N/A	N/A

Attachment A

SA	Yes	Section 112(c)(B) of the <i>SA Electoral Act 1985</i> requires HTV cards distributed during the election period to be lodged with the Electoral Commission no later than 12 noon on the day falling eight days before polling day.	Section 66 of the AEC requires that the Electoral Commission prepare a poster formed from HTV cards submitted by the candidates in the election which is displayed in each voting compartment and are displayed or made available in a prominent position in the polling booth.
TAS	No	N/A	N/A
ACT	No	N/A	N/A
NT	No	N/A	N/A

* Note: This information provided is based on the AEC's research of publicly available state and territory electoral legislation. The AEC can only provide definitive advice on areas within its own jurisdiction.