

AUSTRALIAN ELECTORAL COMMISSION

**REPORT TO THE JOINT STANDING COMMITTEE
ON ELECTORAL MATTERS**

**NON-VOTING AND MULTIPLE VOTING
AT THE 2007 FEDERAL ELECTION**

April 2009

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1. Introduction

1.1 In its main submission (submission 169 paragraph 4.11.3) to the Joint Standing Committee on Electoral Matters' (JSCEM) inquiry into the 2007 federal election, and at the public hearing on Friday 27 June 2008 (page EM2), the Australian Electoral Commission (AEC) undertook to provide statistics on non-voting and multiple voting at the 2007 federal election.

1.2 This submission provides those statistics as well as background information on the processes used to follow-up apparent non-voters and apparent multiple voters.

2. Non-voting

2.1 Section 245 of the *Commonwealth Electoral Act 1918* (Electoral Act) requires every elector to vote at each election and provides for the AEC to follow-up cases of non-voting.

Identification of non-voters

2.2 Non-voters are identified using the certified lists of voters prepared for every election which contain information from the electoral roll on who is entitled to vote at an election. During the election period, identical copies of the certified lists of voters for a division are issued to every ordinary issuing point at every polling booth for the division. When an elector is issued with a set of ballot papers, his or her name is marked off the certified list held at that issuing point. The marking-off process involves drawing a short line between two arrow marks, called 'clock marks', against the name of the elector, to signify that that person has been issued with ballot papers.

2.3 Electors who cast a postal vote, a pre-poll vote, an absent vote or a provisional vote are called declaration voters. Declaration voters complete a declaration certificate which the AEC uses to undertake entitlement and enrolment checks before the vote can be considered for inclusion in the count. The names of these voters are also marked off certified lists in the divisional office during the preliminary scrutiny of declaration votes.

2.4 After polling day, every certified list used at every polling place throughout Australia, together with certified lists used to mark off the names of declaration voters, are optically scanned. This scanning process produces reports listing apparent non-voters (and apparent multiple voters). The initial reports are titled 'apparent' because there may have been some mechanical or human errors that have resulted in electors being included in the report in error. Divisional Returning Officers (DROs) then examine the lists and annotate them to indicate where they have prior advice of a valid and sufficient reason for an elector's failure to vote (such as advice from a relative on polling day that a particular elector was overseas or is deceased). Such electors are not required to provide further explanation.

2.5 For the 2007 election more than 27,500 certified lists, each on average containing 90,000 names were scanned. The overall scanning process involved 2.5 billion records on nearly 13 million scanned pages.

Penalty notice

2.6 Within three months after polling day, each DRO must send by post a penalty notice to each elector whose name and address appears on a list of apparent non-voters. (The DRO is not required to send a penalty notice to electors who have died, were absent from Australia on polling day, were ineligible to vote at the election, or who have already provided a valid and sufficient reason for not voting.) A minimum of 21 days is allowed for voters to reply.

2.7 The penalty notice posted to an elector advises that he or she appears to have failed to vote at the election and that it is an offence to fail to vote at an election without a valid and sufficient reason. The elector is further advised that if he or she does not wish to have the matter dealt with by a court, the elector may, within a specified period of time either: advise the DRO of the circumstances in which they did in fact vote; provide the DRO with a valid and sufficient reason as to why they did not vote; or pay to the DRO a penalty of \$20 which is paid into Consolidated Revenue.

Valid and Sufficient

2.8 Each divisional office processes replies to penalty notices. If a reason is provided as to why the elector did not vote, the DRO determines whether or not the reason provided is 'valid and sufficient' in accordance with AEC policy and procedures. If the DRO is not satisfied that the reason provided is valid and sufficient, then the DRO writes again to the elector advising that in his or her view the reason provided is not a valid and sufficient reason for failing to vote. The elector is also informed that if they do not wish to have the matter dealt with by a court, they may, within a specified time period, pay to the DRO a penalty of \$20.

2.9 If payment is received with no offer of a reason for not voting, it is accepted, banked and receipted according to financial directions and the matter ends there. Most payments from non-voters at the 2007 election were received electronically through Australia Post or Government EasyPay.

2.10 Some non-voters pay the \$20 penalty in response to the first notice as well as providing a 'valid and sufficient' reason. In these cases, the money is refunded.

2.11 In some cases, extenuating circumstances allow for a warning letter to be issued rather than a penalty notice. This could be in the situation where the DRO does not consider the reason provided to be valid and sufficient, but given the individual circumstances it is not considered sufficiently serious to warrant prosecution. An example of this could be a new Australian citizen or an 18 year old, who is a first time voter, and was confused about the process. For the 2007 election, there were approximately 5,300 warning letters issued to non-voters.

2.12 Where an elector claims to have voted it is further investigated in divisional offices, for example by reference to certified list images. In some cases, further information may be sought from the elector.

2.13 If an elector is unable to respond to correspondence from the DRO because of absence from his or her residential address or because of physical incapacity, then another elector who has personal knowledge of the facts may respond on behalf of the elector who appears to have failed to vote.

2.14 The fact that an elector “believes it to be part of his or her religious duty to abstain from voting” constitutes a valid and sufficient reason for not voting (see subsection 245(14) of the Electoral Act). This is the only valid and sufficient reason that is specified in the Electoral Act. For the 2007 election, approximately 65,700 electors claimed religious reasons for failing to vote. This constitutes approximately 14.5% of the number of apparent non-voter notices sent to electors.

2.15 As indicated above, in paragraph 2.8, in all other cases, the assessment of whether a reason provided by an elector for failing to vote is valid and sufficient is a matter of judgement by the individual DRO, based on the circumstances of each case, and in accordance with AEC policy and procedure.

No Reply

2.16 If no reply is received to the first penalty notice, a second penalty notice must be sent by the DRO. A similar process to that adopted for responses to first notices is adopted for second notices.

2.17 Current AEC procedures state that notices returned undelivered, and those from which there are no reply, became a source for investigation through the AEC’s roll update processes, and no further action is taken in relation to the apparent failure to vote issue. However, during the 2007 federal election non-voter follow-up process, the AEC has formed the view that consideration should be given to more actively pursuing these electors in relation to their apparent failure to vote, taking into account the large numbers involved and noting the consequential resource implications. The AEC is considering how it might improve follow-up procedures.

Prosecution

2.18 An elector may be prosecuted pursuant to subsection 245(15) of the Electoral Act for failing to vote at an election without a valid and sufficient reason, or for making a statement in response to the penalty notice, or to the further notice by the DRO, that is, to his or her knowledge, false or misleading in a material particular.

2.19 Due to the level of the penalty for failing to vote, under the *Crimes Act 1914*, prosecution action must be commenced within 12 months from the date of polling day.

2.20 The CEA provides that the Electoral Commissioner can authorise a DRO to institute court proceedings for failure to vote. The court can impose a penalty of up to \$50 plus court costs. These costs may be awarded to the AEC and are generally received from the court with the penalty payment. These funds are then paid into Consolidated Revenue. Penalties imposed by the court are enforced by the court, not by the AEC.

3. Non-voting at 2007 federal election

3.1 Approximately 453,600 electors were issued with a notice of apparent failure to vote. Of this total: replies were received from approximately 289,000 electors; approximately 47,700 notices were returned undelivered; and approximately 117,000 notices did not generate a reply from the elector. A summary of 2007 non-voter statistics is provided at Table 1 in paragraph 3.6 below.

3.2 As indicated above, the AEC has been considering methods for following up electors who do not respond to apparent failure to vote notices on the basis that by not replying, they have not provided a valid and sufficient reason for failing to vote, and would appear to have committed the offence of failing to vote without a valid and sufficient reason.

3.3 This appears to leave it open to the AEC to commence court proceedings against non-respondents as well as against persons who have been advised that the reason they provided for failing to vote was not considered valid and sufficient but who have not paid the \$20 penalty. However, as summons costs range across Australia between approximately \$50 - \$80 for each case, the AEC would need to expend in the order of \$10 million as well as significant staffing and other resources if it were to pursue these electors through court action, not to mention the pressures it would place on the judicial system. When these factors are combined, it does not appear that this course of action would be in the public interest, and the AEC certainly does not have the financial resources to undertake such an exercise.

3.4 Of the approximately 289,000 replies received, the reasons given were accepted in approximately 186,400 cases. This indicates that for some 41% of the original cases in which a notice of apparent failure to vote was issued, no offence had in fact taken place because the voter had a valid and sufficient reason. There were approximately 19,600 cases where electors' claims to have voted were accepted even though they were unsubstantiated (for example, the elector claimed that they voted at a particular polling place, but there was no mark on a certified list to provide evidence of this). In approximately 58,500 cases, non-voters forwarded the penalty payment of \$20 with their reply. Warnings were issued to approximately 5,350 non-voters and a further approximately 650 non-voters were issued with penalty notices. In approximately 18,400 cases the AEC accepted that the issue of non-voter notices had not been appropriate (that is, the notice had been issued incorrectly due to processing or procedural error).

3.5 Of the approximately 650 cases in which penalty notices were issued (because the elector's response was not considered a valid and sufficient reason for failing to vote): approximately 470 payments of \$20 were received (in addition to the approximately 58,500 payments mentioned in paragraph 3.4) and 64 prosecutions were initiated. The balance of the penalty notices issued (118) resulted in the matter not proceeding for a variety of reasons such as fuller explanations for the failure to vote being provided or because the notices were returned undelivered.

3.6 Of the 64 prosecutions: 35 cases were proven with convictions recorded; 3 cases had the matter proven but no conviction recorded; and 5 cases were dismissed

as not proven, 9 summonses were unable to be served, 9 prosecutions were discontinued and as at the date of this submission 3 cases are still to be heard.

Table 1: Summary of 2007 non-voter statistics (numbers are approximate)

Number of non-voter notices sent	453,600
Number of non-voter notices incorrectly sent due to processing or procedural error	18,400
Number who provided a valid and sufficient reason for failing to vote	186,400
Number who claimed to have voted (but claim unsubstantiated)	19,600
Number of warning letters issued	5,350
Number of non-voter notices returned undelivered	47,700
Number of non-voter non responses	117,000
Number who paid the \$20 penalty	59,000
Number of prosecutions resulting from failure to pay the \$20 penalty	64

Issues requiring further consideration

3.7 The AEC intends to conduct an internal review of non-voter (and multiple voter) legislation, policy and procedures in the near future with a view to identifying any gaps or deficiencies in current processes (such as those relating to the follow-up of non-respondents) and determining any efficiencies that could be achieved (such as considering the use of electronic rolls at polling places which may speed up the process of identifying apparent non-voters and apparent multiple voters and may also reduce the number of polling official errors, and looking at alternatives to court action for non-voters). When this review is finalised, the AEC will report to the JSCEM on the outcomes, including any recommendations for legislative change.

4. Multiple voting

4.1 Subsection 339(1A) of the Electoral Act provides that it is an offence if a person votes more than once in an election and subsection 339(1C) of the Electoral Act provides that it is an offence if a person intentionally votes more than once in an election. The same procedure of marking certified lists, scanning and producing a consolidated list used to detect apparent non-voters, is also used to detect apparent multiple voters. The procedures in place for the detection and prosecution of multiple voters are described in detail in the AEC Electoral Backgrounder No 14, titled *Electoral Fraud and Multiple Voting*¹.

¹ The Backgrounder is available in electronic format on the AEC Internet site at www.aec.gov.au.

Identification of multiple voters

4.2 If, after being marked off the certified list at an issuing point when being issued with ballot papers, an elector then goes to another issuing point to cast another ordinary vote using their own name, either at the same polling booth later in the day or at a different polling booth, then another copy of the certified list for that Division will be marked to signify that that person has been issued with ballot papers. If they cast a declaration vote, their name will be marked on a certified list during the preliminary scrutiny.

4.3 As indicated in paragraph 2.4, an output from the scanning process is a report of all names on the roll for the electoral division which have been marked more than once. Divisional staff undertake a manual check of the scanning reports for their electoral divisions in order to identify and eliminate multiple marks that are the result of accidental marks on the original certified lists that do not relate to official or voter error, or deliberate multiple voting. These marks may turn out to be the result of dust specks, stains, or a mark pressed too hard from the previous page.

4.4 Once this step has been completed, divisional staff proceed to manually check the remaining multiple marks on the scanning reports against certified list images and other documents for polling official error and other official errors. The officer-in-charge of a polling booth may have reported in his or her Officer-in-Charge return that a mistake in marking off a certified list was made, or there may be notations in the margins of lists indicating an error in marking off a name. In cases where a declaration vote is involved, checking may reveal that the wrong name has been marked off on the declaration vote certified list. This stage results in more eliminations of multiple marks from further investigation. The table at Attachment D provides information on the number of marks resulting from polling official error. The AEC is looking to address the number of polling official certified list marking errors in training and by taking such steps as providing certified list rulers to assist polling officials in the marking of electors' names.

4.5 The apparent multiple marks removed from further investigation by these steps eliminate a large number of apparent multiple voters.

Investigation by the DRO and AEO

4.6 After the first two levels of manual checking have been completed by divisional staff, the DRO then writes to electors whose names remain on the list.

4.7 As a result of this process, a match may be discovered between an elector with more than one mark against his or her name, and an elector with a similar name on the line above or below on the certified list, with no mark against their name (that is, an apparent non-voter). A large number of multiple marks are eliminated from further investigation by this process of matching responses from apparent multiple voters with those from apparent non-voters.

4.8 Some electors, or their close friends or family, provide a reason for casting more than one vote that does not indicate any deliberate attempt to defraud the

system. Such explanations might include elderly and confused electors who had forgotten that they had already voted by post and subsequently voted again at a polling booth on polling day. Other reasons include language or literacy difficulties and confusion for those whose first language is not English.

4.9 Where there is no reasonable explanation for an elector casting more than one vote, the cases are referred by the DROs to the Australian Electoral Officer (AEO) for the State or Territory for further consideration. At this stage, a warning letter may be sent to some electors, informing them of the correct procedures and the penalties for voting more than once. In these cases, the matter is taken no further.

4.10 Each response to an apparent multiple voter notice must be considered individually by the DRO taking account of AEC policy and procedures. Some common examples of responses where an elector may have voted more than once, but no further action is taken include:

- Elector casts a pre-poll vote and an ordinary vote but states that they only cast an ordinary vote on polling day (frequently aged/culturally and linguistically diverse (CALD) electors).
- Elector casts a postal vote following receipt of a political party postal vote application but appears to have no understanding that they have done so, then casts an ordinary vote on polling day.
- Elector applies for and completes a postal vote and then thinks it has been misplaced so votes again but then discovers another family member had posted their postal vote for them.
- Elector from CALD background casts a declaration vote in a division outside their home division and then due to confusion or concern that their vote may be misplaced or that they have not complied with requirements properly, votes again in their home division.
- Elector is marked off as an ordinary voter at two polling places, denies voting more than once, and there is no match with an apparent non-voter.

Investigation by the AFP

4.11 There are two separate offences for multiple voting. The penalty for voting more than once in the same election is 10 penalty units (\$1,100) (subsection 339(1A) of the Electoral Act). The penalty for intentionally voting more than once in the same election is 60 penalty units (\$6,600) or twelve months imprisonment, or both (subsection 339(1C) of the Electoral Act).

4.12 The existing process for progressing the possible prosecution for multiple voting offences is that the results of the DROs' administrative investigations and consideration by the AEO of the scanned certified lists, the responses from the electors and any other evidence are referred to the AEC National Office in Canberra. The evidence and other material are examined to establish whether there is a sufficient material to identify *prima facie* evidence of the breach, including the identity of the person(s) involved. The matter is then referred to the AFP for investigation and the preparation of a brief of evidence to be given to the Commonwealth Director of Public Prosecutions (CDPP).

4.13 The above processes are also subject to the guidelines issued by both the AFP and the CDPP for the referral and handling of alleged criminal offences. Both of these sets of guidelines refer to an assessment of the seriousness of the alleged offence, the resources available for dealing with these matters and the public interest involved. The two multiple voting offences carry different penalties which under section 15B of the *Crimes Act 1914* impact on the timeframe in which a prosecution must be commenced. This timeframe also impacts on the referral and acceptance of any matters by the AFP and the CDPP.

4.14 Accordingly, the evaluation undertaken by the AFP of the available resources and the relatively low penalty in subsection 339(1A), results in the AFP being unlikely to accept the referral and therefore it is unable to investigate these matters. However, if the AFP accepts the referral from the AEC, then the AFP will investigate the matter and, if their investigation discloses a possible breach, prepare a brief of evidence that is forwarded to the CDPP. Under section 6 of the *Director of Public Prosecutions Act 1983*, it is the CDPP who is responsible for initiating criminal proceedings on behalf of the Commonwealth (which includes the AEC). The CDPP will then examine the brief of evidence and apply the Prosecution Policy of the Commonwealth to determine whether or not to proceed with a prosecution.

4.15 As these matters are criminal offences, the criminal standard of proof of “beyond reasonable doubt” is to be applied. The primary source of evidence for the offence of voting more than once is the scanned lists which can be impacted by errors of marking off names by polling place officials. This results in this evidence on its own being insufficient to enable a successful prosecution to be mounted. The CDPP have advised that the only successful prosecutions that have been undertaken following the last several general elections were where the person who voted more than once made admissions during the conduct of the AFP criminal investigation.

4.16 In February 2002, the AFP and the AEC signed a service agreement covering a range of matters including the referral of potential multiple voters. This agreement formalised the process for referring potential multiple voters by the AEC to the AFP. In relation to multiple voting, the agreement stated:

In instances of apparent dual or multiple voting, the AEC will undertake administrative investigations before forwarding them to the AFP for possible investigation. In these instances, the AEC will provide the AFP with any documentary or other relevant evidence to assist in the investigation. Administrative investigations by the AEC may include checks on the electoral roll and of any related documents, and initial contact with alleged offenders by telephone or by letter. In seeking to maintain the integrity of the electoral roll, and to assist the AFP in identifying recidivist offenders, where appropriate, the AEC will provide the AFP with an individual’s recorded voting history.²

² Australian Electoral Commission. Supplementary Submission to the Joint Standing Committee on Electoral Matters’ Inquiry into the 2004 Federal Election. Multiple Voters and Other Matters, 2 June 2003.

4.17 The service agreement with AFP lapsed in February 2004. The AEC wrote to the AFP in February 2009 to explore a replacement service agreement.

5. Multiple voting at the 2007 federal election

5.1 In mid-January 2008 approximately 20,600 letters were sent to apparent multiple voters seeking information as to why they had been marked as having voted more than once. (Attachment B shows the number of apparent multiple voter letters sent by division.)

5.2 Of these approximately:

- 18,050 responses required no further action;
- 2,600 had possible further action required; including 1,160 admissions of multiple voting (mostly for reasons such as confusion/poor comprehension of the process), 130 denied multiple voting but required further consideration because of evidence or more information was being sought, 1,100 replies were outstanding and 190 were returned undelivered. (see attachment C for a breakdown of these categories by division).
- Of the 1,160 admissions, the bulk of these were for reasons such as confusion/poor understanding of the process.

5.3 Approximately 9,400 possible multiple voters were eliminated from further investigation as a result of DRO's matching responses from apparent multiple voters with those from apparent non-voters. The comparable figure in 2004 was 6,472 and in 2001 was 9,123. The table at Attachment D, which sets out the number of dual/multiple marks found to be clerical errors following the 2001, 2004 and 2007 federal elections, was provided in response to a Senate Estimates Question on Notice in December 2008. Non-voter/multiple voter matches are a subset of the polling official error category.

5.4 Approximately 800 electors indicated that they may have multiple voted as a result of being confused or having language difficulties. A further 20 electors indicated that a relative had voted for them. For the 2004 federal election the comparable figures were 741 and 27 and for the 2001 federal election the comparable figures were 739 and 23.

5.5 470 electors were issued warning notices for apparent dual or multiple voting, compared with 401 in 2004 and 867 in 2001.

5.6 The AEC referred 10 cases (8 from NSW and 2 from VIC) of apparent multiple voting to the AFP following the 2007 federal election. Resource constraints have prevented these 10 cases from being further investigated.

5.7 As indicated above in paragraph 4.15, there are two separate offences for multiple voting. The penalty for voting more than once in the same election is 10 penalty units (\$1,100). The penalty for intentionally voting more than once in the same election is 60 penalty units (\$6,600) or twelve months imprisonment, or both.

5.8 No further prosecutions may now commence against apparent multiple voters unless the elector admits to intentional multiple voting. This is because, under the *Crimes Act 1914*, unless the penalty for the offence is more than 6 months imprisonment, prosecution action must be commenced within 12 months of the offence. For offences where the penalty is more than 6 months imprisonment (as in the case of intentional multiple voting) the prosecution may be commenced at any time.

5.9 In taking stock of the 2007 election follow-up processes, the AEC has recognised that although the initial non-voter and multiple voter follow-up processes commenced in a timely manner, the subsequent processes such as the follow-up of non-respondents and initiation of prosecution action did not proceed in as timely a manner. The AEC is currently reviewing its non-voter and multiple voter follow-up processes in light of this with a view to ensuring a better and more timely approach following future events.

5.10 In late December 2008 and early January 2009, the AEC wrote to approximately 900 apparent multiple voters who had not responded to the two previous notices sent. Where the elector had updated their address details for enrolment purposes since the 2007 federal election, the letter was sent to their current address.

5.11 As at March 2009, approximately 300 replies had been received. While 16 responses contained admissions of multiple voting, the multiple voting was not intentional, but rather resulted from either confusion or poor comprehension on the part of the elector, with a number of cases involving elderly electors and electors from CALD backgrounds.

5.12 Of the remaining responses, approximately 125 have been recorded as official error (including matches with apparent non-voters), 40 letters were returned undelivered and the remaining approximately 120 responses fall into a variety of categories including elector denial and evidence inconclusive.

5.13 Table 2 below provides some key statistics on multiple voting for the past three federal elections:

Table 2: Summary of multiple voter statistics

Category	2007	2004	2001
Number of apparent multiple voters letters sent	20633	14402	16949
Number of responses indicating no further action required (% of letters sent)	18037 (87%)	12082 (84%)	14903 (88%)
Number of non-responses/return undelivered (% of letters sent)	1282 (6%)	913 (6%)	921 (5%)
Number of admissions of multiple voting	1167	1046	896
Of admissions: number due to confusion, poor comprehension, aged* (% of total admissions)	955 (82%)	835 (80%)	739 (82%)
Number referred to AFP	10	64**	138***
Number of prosecutions	0	0	0

*In the "aged" subset of admissions – 98% were 70 or over.

**Of the 64 cases referred, 25 were subsequently investigated by the AFP in a day of action approach. The AFP made referrals to the DPP, but no cases were prosecuted.

***Of these 5 were accepted for investigation.

5.14 The above table indicates that there has been no significant alteration in multiple voting patterns for the past 3 electoral events despite legislation passed during this period aimed at preventing electoral fraud.

5.15 While it may appear that there has been an increase in multiple voting at the 2007 federal election, the AEC considers that this may be explained in part by an increase in total enrolment (approximately 600,000 more electors at the 2007 federal election than at the 2004 federal election). Additionally, improvements to scanning of certified list processes may also have contributed to the apparent increase.

6. Conclusion

6.1 The follow-up of possible non-voters at the 2007 election resulted in approximately 59,800 non-voters paying a \$20 administrative penalty, 64 prosecutions being made and 5,300 warning letters being issued. The AEC believes that the way it conducts this process disseminates to a wide range of Australians the fact that the AEC implements compulsory voting effectively and thereby encourages electors to make the effort to attend and vote as required by law.

6.2 In relation to the follow-up of possible multiple voters after the 2007 federal election the AEC wrote to the AFP in February 2009 to explore a replacement service agreement. The AEC is satisfied that the current process enables it to identify the possibility of any potential serious multiple voting issues in relation to close seats in sufficient time to lodge a petition with the Court of Disputed Returns, should it be deemed necessary.

6.3 It should be noted that our current follow-up processes (both on the part of the AEC and the AFP) are in part driven by resource issues. However the AEC will be looking at options to improve our follow-up processes, particularly in relation to apparent multiple voter non-respondents for future events.

6.4 As indicated in paragraph 3.6, the AEC will be conducting an internal review of non-voter and multiple voter legislation, policy and procedures and will report to the JSCEM on the outcomes of this review, including any recommendations for legislative change.

Attachment A

The table below shows the number of multiple voter referrals to AFP and subsequent AFP referrals to the DPP for 1998-2007 federal elections

2007	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	TOTAL
Referred to NO	8	4	0	0	0	0	0	0	12
Referred to AFP	8	2	0	0	0	0	0	0	10
AFP referred to DPP									0
2004									
Referred to NO	23	236	19	1	1	3	0	0	283
Referred to AFP	22	22	16	1	1	2	0	0	65
AFP day of action	9	11	8	1	1	2	0	0	32
AFP referred to DPP									5
2001									
Referred to AFP	123	0	7	1	0	1	2	4	138
AFP rejected	119	0	7	0	0	1	2	4	133
AFP referred to DPP									5
1998									
Referred to AFP	231	9	10	1	6	0	6	0	263
Rejected by AFP	203	9	10	1	6	0	6	0	235
AFP referred to DPP									28

NO = AEC National Office
 AFP = Australian Federal Police
 DPP = Director of Public Prosecutions

(Note that prior to the 2004 federal election, Australian Electoral Officers (AEOs) for the relevant state or territory referred multiple voter matters direct to the AFP – there was no centralisation of this function. However the multiple voter prosecution policy and procedures were reviewed prior to both the 2004 and 2007 federal elections and required that all possible referrals to the AFP were to be forwarded to NO for consideration and any referrals were made from NO. It would appear that following DRO and AEO assessment of each case, there were less cases from the 2007 federal election than the 2004 federal election that met the criteria for referral to NO for consideration of prosecution.)

Attachment B

2007 Federal Election Multiple Voter Letters sent		2007 Federal Election Multiple Voter Letters sent		2007 Federal Election Multiple Voter Letters sent		2007 Federal Election Multiple Voter Letters sent	
STATE	DIVISION-NAME	STATE	DIVISION-NAME	STATE	DIVISION-NAME	STATE	DIVISION-NAME
A	CANBERRA	Q	BLAIR	Q	BONNER	V	ASTON
A	FRASER	Q	BONNER	Q	BOYMAN	V	BALLARAT
A	Total ACT	Q	BOYMAN	Q	BRISBANE	V	BATMAN
D	LINGHART	Q	CAPRICORNIA	Q	DAWSON	V	BENDIGO
D	Total NT	Q	DICKSON	Q	FADDEN	V	BRUCE
N	BANKS	Q	FAIRFAX	Q	FLYN	V	CALWELL
N	BARTON	Q	FISHER	Q	FORDE	V	CASEY
N	BENNELONG	Q	GRIFFITH	Q	GROOM	V	CHISHOLM
N	BEROWRA	Q	HERBERT	Q	HINKLER	V	CORANGAMITE
N	BLAXLAND	Q	KENNEDY	Q	LEIGHARDT	V	CORIO
N	BRADFIELD	Q	LILLEY	Q	LONGMAN	V	DEAKIN
N	CALARE	Q	MCPHERSON	Q	MARANGA	V	DUNKLEY
N	CHARLTON	Q	MONCRIEFF	Q	MORETON	V	DUNLEY
N	CHIFLEY	Q	OxLEY	Q	PETRIE	V	FLINDERS
N	COOK	Q	RYAN	Q	RANKIN	V	GELLIBRAND
N	COMPER	Q	RYAN	Q	RYAN	V	GIPPSLAND
N	CUNNINGHAM	Q	WIDE BAY	Q	Total QLD	V	GOLDSTEIN
N	DOBELL	Q	ADELAIDE	S	BARKER	V	GORTON
N	EDEN-MONARO	Q	BOOTHBY	S	BOOTHBY	V	HIGGINS
N	FARRER	Q	GREY	S	GREY	V	HOLT
N	FOWLER	Q	HINDMARSH	S	HINDMARSH	V	HOTHAM
N	GILMORE	Q	KINGSTON	S	KINGSTON	V	INDI
N	GRAYNDLER	Q	MAKIN	S	MAKIN	V	ISAACS
N	GREENWAY	Q	MAYO	S	MAYO	V	JAGAJAGA
N	HUGHES	Q	PORT ADELAIDE	S	PORT ADELAIDE	V	KOOYONG
N	HUME	Q	STURT	S	STURT	V	LALOR
N	HUNTER	Q	WAKEFIELD	S	WAKEFIELD	V	LA TROBE
N	HUNTER	Q	Total SA	S	Total SA	V	MCEWEN
N	KINGSFORD SMITH	Q	BASS	T	BASS	V	MCWILLAN
N	LINDSAY	Q	BRADDOCK	T	BRADDOCK	V	MALLEE
N	LOWE	N	DENISON	T	DENISON	V	MARIBYRNONG
N	LYNE	N	FRANKLIN	T	FRANKLIN	V	MELBOURNE
N	MACARTHUR	N	LYONS	T	LYONS	V	MELBOURNE PORTS
N	MACKELLAR	N	Total TAS	T	Total TAS	V	MENZIES
N	MACQUARIE	N	Total TAS	T	Total TAS	V	MURRAY
N	MITCHELL	N	111	T	111	V	SCULLIN
N	NEWCASTLE	N	116	T	116	V	WANNON
N	NEW ENGLAND	N	128	T	128	V	WILLS
N	NORTH SYDNEY	N	124	T	124	V	Total VIC
N	PAGE	N	124	T	124	V	BRAND
N	PARKES	N	113	T	113	V	CANNING
N	PARRAMATTA	N	233	T	233	V	COWAN
N	PATERSON	N	109	T	109	V	CURTIN
N	PROSPECT	N	215	T	215	V	FORREST
N	REID	N	333	T	333	V	FREMANTLE
N	RICHMOND	N	105	T	105	V	HASLUCK
N	RIVERINA	N	114	T	114	V	KALGOORLIE
N	ROBERTSON	N	101	T	101	V	MOORE
N	SHORTLAND	N	117	T	117	V	O'CONNOR
N	SYDNEY	N	190	T	190	V	PEARCE
N	THROSBY	N	134	T	134	V	PERTH
N	WARRINGAH	N	140	T	140	V	STIRLING
N	WATSON	N	323	T	323	V	SWAN
N	WENTWORTH	N	193	T	193	V	TANGNEY
N	WERRIWA	N	142	T	142	V	Total WA
	Total NSW		7347		7347		NATIONAL TOTAL
							20633

Attachment C

Divisions	Admission of multiple voting	Elector Denial	No response from elector	Returned undelivered	Referred to AFP	Total
ACT						
CANBERRA	8	2	0	0	0	10
FRASER	2	0	2	1	0	5
Total ACT	10	2	2	1	0	15
NSW						
BANKS	13	0	30	3	0	46
BARTON	15	0	12	3	0	30
BENNELONG	3	4	9	1	5	22
BEROWRA	3	2	4	0	0	9
BLAXLAND	9	0	35	2	0	46
BRADFIELD	3	3	8	5	0	19
CALARE	7	1	16	0	0	24
CHARLTON	4	0	0	0	0	4
CHIFLEY	6	0	11	1	0	18
COOK	2	5	7	0	0	14
COWPER	6	0	6	0	0	12
CUNNINGHAM	10	2	0	0	0	12
DOBELL	2	0	0	2	1	5
EDEN-MONARO	0	0	8	3	0	11
FARRER	3	5	2	0	0	10
FOWLER	14	3	34	0	0	51
GILMORE	3	0	5	1	0	9
GRAYNDLER	9	1	0	1	0	11
GREENWAY	7	8	0	3	0	18
HUGHES	11	0	6	0	0	17
HUME	9	2	5	3	0	19
HUNTER	8	0	10	1	0	19
KINGSFORD SMITH	17	0	11	1	0	29
LINDSAY	3	1	1	0	0	5
LOWE	4	1	14	1	0	20
LYNE	5	1	5	0	0	11
MACARTHUR	5	0	13	3	0	21
MACKELLAR	5	0	5	2	0	12
MACQUARIE	8	0	12	3	0	23
MITCHELL	2	0	0	0	0	2

Divisions	Admission of multiple voting	Elector Denial	No response from elector	Returned undeliver ed	Referred to AFP	Total
NSW (cont)						
NEW ENGLAND	5	1	15	1	0	22
NEWCASTLE	3	0	9	1	0	13
NORTH SYDNEY	2	3	10	3	0	18
PAGE	8	0	9	2	0	19
PARKES	3	1	9	1	0	14
PARRAMATTA	10	4	0	0	1	15
PATERSON	1	1	4	4	0	10
PROSPECT	18	5	20	2	0	45
REID	12	7	23	2	0	44
RICHMOND	7	6	4	2	0	19
RIVERINA	5	0	12	2	0	19
ROBERTSON	6	2	4	0	0	12
SHORTLAND	3	6	8	0	0	17
SYDNEY	10	3	0	2	1	16
THROSBY	2	3	1	0	0	6
WARRINGAH	8	0	5	1	0	14
WATSON	32	0	34	4	0	70
WENTWORTH	14	6	0	2	0	22
WERRIWA	6	0	11	1	0	18
Total NSW	351	87	447	69	8	962
NT						
LINGIARI	3	0	0	0	0	3
SOLOMON	2	0	0	2	0	4
Total NT	5	0	0	2	0	7
QLD						
BLAIR	4	0	13	2	0	19
BONNER	3	1	12	2	0	18
BOWMAN	4	3	7	2	0	16
BRISBANE	1	0	5	1	0	7
CAPRICORNIA	2	0	11	3	0	16
DAWSON	13	0	5	1	0	19
DICKSON	5	0	6	0	0	11
FADDEN	2	0	12	1	0	15
FAIRFAX	7	2	9	3	0	21

Divisions	Admission of multiple voting	Elector Denial	No response from elector	Returned undeliver ed	Referred to AFP	Total
QLD (cont)						
FISHER	2	0	3	2	0	7
FLYNN	1	0	0	2	0	3
FORDE	7	0	2	1	0	10
GRIFFITH	4	0	11	0	0	15
GROOM	4	0	0	4	0	8
HERBERT	2	2	0	2	0	6
HINKLER	0	0	9	2	0	11
KENNEDY	4	0	0	0	0	4
LEICHHARDT	1	0	4	1	0	6
LILLEY	0	0	0	0	0	0
LONGMAN	4	0	0	0	0	4
MARANOVA	3	0	0	0	0	3
MCPHERSON	0	1	15	3	0	19
MONCRIEFF	0	0	14	1	0	15
MORETON	5	3	0	0	0	8
OXLEY	5	0	19	1	0	25
PETRIE	4	0	17	0	0	21
RANKIN	0	0	0	2	0	2
RYAN	7	2	4	5	0	18
WIDE BAY	2	0	2	0	0	4
Total QLD	96	14	180	41	0	331
SA						
ADELAIDE	14	0	0	1	0	15
BARKER	13	0	6	1	0	20
BOOTHBY	4	0	2	0	0	6
GREY	7	4	18	2	0	31
HINDMARSH	9	0	2	0	0	11
KINGSTON	3	2	4	1	0	10
MAKIN	8	0	0	2	0	10
MAYO	1	0	1	1	0	3
PORT ADELAIDE	10	0	5	0	0	15
STURT	15	0	0	0	0	15
WAKEFIELD	8	1	17	3	0	29
Total SA	92	7	55	11	0	165

Divisions	Admission of multiple voting	Elector Denial	No response from elector	Returned undelivered	Referred to AFP	Total
TAS						
BASS	15	1	6	0	0	22
BRADDON	7	7	4	0	0	18
DENISON	14	0	10	1	0	25
FRANKLIN	7	0	13	0	0	20
LYONS	4	1	5	0	0	10
Total TAS	47	9	38	1	0	95
VIC						
ASTON	10	0	7	0	0	17
BALLARAT	18	0	3	1	0	22
BATMAN	14	1	3	1	0	19
BENDIGO	6	1	2	2	0	11
BRUCE	24	0	1	1	0	26
CALWELL	4	0	0	1	0	5
CASEY	7	0	0	1	0	8
CHISHOLM	8	0	0	1	0	9
CORANGAMITE	4	0	6	1	0	11
CORIO	15	0	15	3	0	33
DEAKIN	11	0	0	1	0	12
DUNKLEY	9	0	5	1	0	15
FLINDERS	1	2	0	0	0	3
GELLIBRAND	4	0	114	0	0	118
GIPPSLAND	3	1	0	0	1	5
GOLDSTEIN	8	1	11	1	0	21
GORTON	28	0	21	0	0	49
HIGGINS	8	0	9	0	0	17
HOLT	47	0	2	1	0	50
HOTHAM	15	0	12	3	0	30
INDI	6	0	1	0	0	7
ISAACS	15	0	31	5	0	51
JAGAJAGA	4	0	11	1	0	16
KOOYONG	6	0	4	2	0	12
LA TROBE	8	0	3	2	0	13
LALOR	6	0	14	2	0	22
MALLEE	10	0	4	0	0	14
MARIBYRNONG	13	1	29	2	1	46

Divisions	Admission of multiple voting	Elector Denial	No response from elector	Returned undeliver ed	Referred to AFP	Total
VIC (cont)						
MCEWEN	8	0	3	0	0	11
MCMILLAN	21	0	5	0	0	26
MELBOURNE	11	0	3	2	0	16
MELBOURNE PORTS	6	0	1	3	0	10
MENZIES	5	0	0	0	0	5
MURRAY	10	4	0	0	0	14
SCULLIN	9	0	0	0	0	9
WANNON	4	0	4	0	0	8
WILLS	2	0	0	0	0	2
Total VIC	388	11	324	38	2	763
WA						
BRAND	13	0	0	4	0	17
CANNING	5	0	2	4	0	11
COWAN	51	0	0	0	0	51
CURTIN	6	0	1	0	0	7
FORREST	6	0	1	1	0	8
FREMANTLE	8	0	13	7	0	28
HASLUCK	3	0	22	0	0	25
KALGOORLIE	8	0	0	0	0	8
MOORE	12	0	11	0	0	23
O'CONNOR	1	0	0	2	0	3
PEARCE	1	0	5	3	0	9
PERTH	1	0	7	5	0	13
STIRLING	41	0	19	3	0	63
SWAN	13	0	0	1	0	14
TANGNEY	8	0	7	0	0	15
Total WA	177	0	88	30	0	295
National Total	1166	130	1134	193	10	2633

Attachment D

Statistics provided in response to Senate Estimates Questions on Notice regarding the number of dual/multiple voting marks found to be clerical errors.

Divisions	2001 Polling official error	2004 Polling official error	2007 Polling official error
ACT			
CANBERRA	62	75	14
FRASER	185	70	1
Total ACT	247	145	15
NSW			
BANKS	104	58	118
BARTON	106	4	63
BENNELONG	174	87	7
BEROWRA	161	4	6
BLAXLAND	77	137	107
BRADFIELD	149	87	9
CALARE	52	80	60
CHARLTON	66	12	98
CHIFLEY	127	138	127
COOK	132	74	39
COWPER	47	51	83
CUNNINGHAM	57	55	70
DOBELL	59	12	115
EDEN-MONARO	128	55	80
FARRER	142	2	13
FOWLER	103	54	135
GILMORE	36	44	45
GRAYNDLER	169	72	111
GREENWAY	112	85	92
GWYDIR	145	21	n/a
HUGHES	71	91	114
HUME	54	63	45
HUNTER	66	79	13
KINGSFORD SMITH	32	87	97
LINDSAY	75	86	71
LOWE	125	78	102
LYNE	80	54	3
MACARTHUR	77	66	58

Divisions	2001 Polling official error	2004 Polling official error	2007 Polling official error
NSW (cont)			
MACKELLAR	86	36	91
MACQUARIE	60	75	0
MITCHELL	142	69	89
NEW ENGLAND	103	64	72
NEWCASTLE	64	53	74
NORTH SYDNEY	147	55	3
PAGE	42	62	75
PARKES	60	52	20
PARRAMATTA	144	68	120
PATERSON	80	65	71
PROSPECT	71	81	33
REID	59	111	110
RICHMOND	80	52	69
RIVERINA	167	62	86
ROBERTSON	103	70	66
SHORTLAND	69	107	70
SYDNEY	231	29	93
THROSBY	44	73	39
WARRINGAH	64	54	97
WATSON	237	73	157
WENTWORTH	154	80	97
WERRIWA	105	118	70
Total NSW	5038	3245	3483
NT			
LINGIARI	74	145	30
SOLOMON	105	144	14
Total NT	179	289	44
QLD			
BLAIR	39	41	86
BONNER	n/a	42	123
BOWMAN	73	2	100
BRISBANE	126	34	25
CAPRICORNIA	41	70	43
DAWSON	56	52	88

Divisions	2001 Polling official error	2004 Polling official error	2007 Polling official error
QLD (cont)			
DICKSON	33	89	70
FADDEN	281	23	135
FAIRFAX	70	57	92
FISHER	44	37	5
FLYNN	n/a	n/a	35
FORDE	65	6	106
GRIFFITH	205	56	90
GROOM	36	45	26
HERBERT	52	50	75
HINKLER	37	39	67
KENNEDY	72	15	55
LEICHHARDT	27	109	187
LILLEY	133	65	68
LONGMAN	33	51	90
MARANO	90	45	18
MCPHERSON	34	43	62
MONCRIEFF	9	83	84
MORETON	116	107	20
OXLEY	47	59	85
PETRIE	80	5	8
RANKIN	39	20	75
RYAN	64	59	97
WIDE BAY	104	3	100
Total QLD	2006	1307	2115
SA			
ADELAIDE	104	11	70
BARKER	67	7	24
BONYTHON	51	n/a	n/a
BOOTHBY	79	54	39
GREY	78	18	89
HINDMARSH	73	54	57
KINGSTON	208	71	63
MAKIN	100	7	86
MAYO	103	7	75
PORT ADELAIDE	100	29	82

	2001 Polling official error	2004 Polling official error	2007 Polling official error
Divisions			
SA (cont)			
STURT	122	97	106
WAKEFIELD	71	4	46
Total SA	1156	359	737
TAS			
BASS	72	50	67
BRADDON	24	48	68
DENISON	149	65	79
FRANKLIN	26	55	70
LYONS	78	40	63
Total TAS	349	258	347
VIC			
ASTON	85	72	89
BALLARAT	102	79	103
BATMAN	134	106	67
BENDIGO	41	1	84
BRUCE	169	4	126
BURKE	153	n/a	n/a
CALWELL	198	28	127
CASEY	89	5	0
CHISHOLM	125	3	0
CORANGAMITE	137	4	50
CORIO	165	42	125
DEAKIN	100	2	0
DUNKLEY	116	2	87
FLINDERS	221	17	143
GELLIBRAND	57	17	41
GIPPSLAND	110	2	75
GOLDSTEIN	212	8	187
GORTON	n/a	0	283
HIGGINS	175	3	0
HOLT	98	1	182
HOTHAM	173	50	103
INDI	1859	12	78
ISAACS	95	15	138

Divisions	2001 Polling official error	2004 Polling official error	2007 Polling official error
VIC (cont)			
JAGAJAGA	148	65	49
KOOYONG	75	3	76
LA TROBE	133	75	86
LALOR	168	13	109
MALLEE	44	72	72
MARIBYRNONG	106	7	158
MCEWEN	59	46	110
MCMILLAN	59	1	99
MELBOURNE	178	5	78
MELBOURNE PORTS	186	12	117
MENZIES	98	2	2
MURRAY	107	70	87
SCULLIN	75	82	111
WANNON	60	3	6
WILLS	253	93	31
Total VIC	6363	1022	3279
WA			
BRAND	40	88	49
CANNING	44	71	69
COWAN	28	24	110
CURTIN	95	66	72
FORREST	44	78	36
FREMANTLE	50	112	107
HASLUCK	83	25	73
KALGOORLIE	47	90	140
MOORE	22	82	2
O'CONNOR	15	69	83
PEARCE	66	49	95
PERTH	30	79	78
STIRLING	33	37	93
SWAN	96	68	89
TANGNEY	30	51	72
Total WA	723	989	1168
Total polling official error	16061	7614	11188