



Reinstatement to the Roll (Chapter 6)

KEY POINTS:

- Over 200 000 pre-poll, absent and provisional votes were rejected at the 2010 federal election due to the persons casting the vote being incorrectly enrolled or not enrolled and thus not complying with the law which requires each elector to enrol and update their details when they change their address. **(see page 85)**
- In 2010, 166 148 provisional votes were rejected and only 37 340 admitted, in contrast to the 2004 federal election, prior to the tightened restrictions, at which 90 366 provisional votes were rejected and 90 512 admitted to the count.
- At the 2010 election enrolment declined between the close of rolls and the election, with the result that election enrolment was 1 391 electors fewer than at the close of rolls. This was partly as a result of a restriction introduced in 2006 on reinstating persons to the roll who had been removed by the Australian Electoral Commission on the basis that it believed they no longer resided at their enrolled address. **(see page 87)**
 - The committee has recommended that the *Commonwealth Electoral Act 1918* be amended to provide that where an elector who had lodged a declaration vote at an election has been removed from the electoral roll by objection action on the ground of non residence; and
 - the removal from the roll occurred after the election prior to the election to which the scrutiny relates, or
 - where there has been a redistribution of the state or territory that includes the division since the last election but one before the election to which the scrutiny relates, the removal from the roll was made after the last such redistribution, then:
 - if the address at which the elector claims to be enrolled at the time of voting is within the electoral division for which he or she was previously enrolled, his or her House of Representatives and Senate votes will be counted; but
 - if the address at which the elector claims to be enrolled at the time of voting is in a different electoral division in the same state or territory, his or her Senate vote will be counted, but his or her House of Representatives vote will not be counted (Recommendation 24). **(see page 95)**
- This recommendation has the effect of saving some of those votes which would otherwise be rejected.

BACKGROUND:

- The Commonwealth Electoral Act previously provided less restrictive provisions for the reinstatement of voters to the electoral roll—and consequently the admission of their declaration vote to the count—in certain prescribed circumstances.
- An elector who presents at a polling place and whose name cannot be found on the certified list of electors may only cast a provisional vote for the division he or she claims to live in. In the past, if it had been determined that an elector had previously enrolled in an electoral division and there was no evidence of a later enrolment in any different electoral division then it was deemed that the elector's name was removed from the roll in error by the Australian Electoral Commission. The elector was then reinstated to the electoral roll and his or vote admitted to the count.
- Legislative changes were made in 2006 which tightened restrictions on reinstatements. The changes provided that in circumstances in which an elector cast a 'provisional vote' then he or she must provide evidence of identity either on polling day or in the week after polling day; and provisional votes cast by persons who had been removed from the roll by objection on the basis of non-residence would be inadmissible to the election count.
- This put a greater onus on voters to follow up identity requirements if they initially were not able to provide them at the polling place, and it removed the AEC's ability to reinstate electors who may have been erroneously removed from the roll due to objection requirements.

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Further information: contact the Inquiry Secretary (02) 6277 2374, email jscem@aph.gov.au or visit the Committee's webpage at <http://www.aph.gov.au/em>