



Ms Samantha Mannette
Inquiry Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Dear Ms Mannette

Re: Joint Standing Committee on Electoral Matters - Inquiry into the 2010 Federal Election and matters related thereto

The Australian Electoral Commission's submission to the inquiry is enclosed.

There are two key issues which are fundamental to the submission:

1. The nature and volume of workloads during election periods are continuing to change, driven not just by the constant increase in the size of the electorate, but also by changes in elector behaviour, in particular the desire to interact electronically with the AEC, and to take advantage of opportunities for early voting. Particular attention needs to be given to developing processes which retain integrity but call for less manual intervention; and to control or reverse the increasing number of declaration votes.
2. In the longer-term, the challenge to the health of Australia's electoral democracy posed by declining levels of engagement remains to be dealt with. Priority still needs to be given to ensure that those who are eligible to enrol do so; that those who are enrolled vote; and that rates of unintentional informality are minimised.

I look forward to providing further information and assistance through the course of the Committee's inquiry.

Yours sincerely

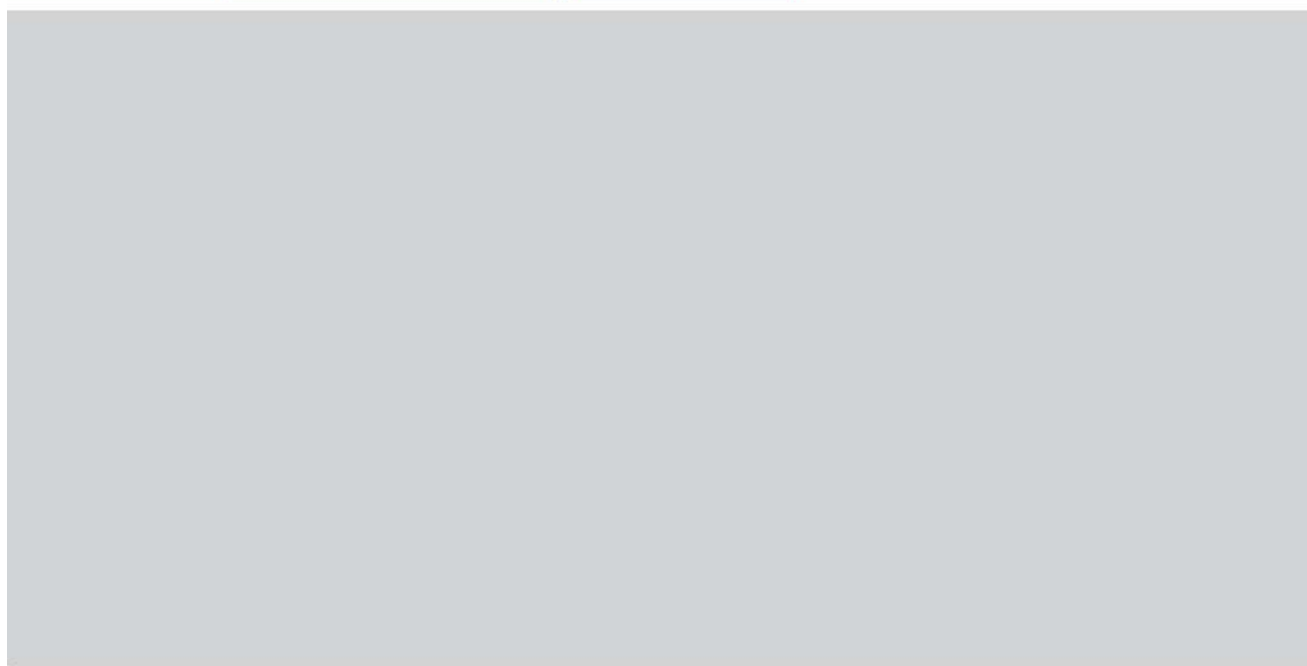


Ed Killesteyn
Electoral Commissioner

21 February 2010

Submission to the Joint Standing Committee on Electoral Matters on the Conduct of the 2010 Federal Election

21 February 2011



AEC

Australian Electoral Commission

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LIST OF ABBREVIATIONS

AAD	Australian Antarctic Division
AARO	Assistant Antarctic Returning Officer
ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
ADF	Australian Defence Force
AEC	Australian Electoral Commission
AEO	Australian Electoral Officer
AGIMO	Australian Government Information Management Office
AGS	Australian Government Solicitor
ANAO	Australian National Audit Office
APVIS	Automated Postal Vote Issuing System
ARO	Antarctic Returning Officer
ATL	Above-the-line
ATO	Australian Taxation Office
BLV	Blind and Low Vision
BTL	Below-the-line
CABER	Commissioner's Advisory Body on Electoral Research
CALD	Culturally and Linguistically Diverse
CSS	Central Senate Scrutiny
CRU	Continuous Roll Update
CPI	Consumer Price Index
DFAT	Department of Foreign Affairs and Trade
DIAC	Department of Immigration and Citizenship
DIISR	Department of Innovation, Industry, Science and Research
DPP	Commonwealth Department of Public Prosecutions
DRO	Divisional Returning Officer
EAO	Electoral Awareness Officer
ECA	Electoral Council of Australia
ECCA	Election Call Centre Application
EOI	Evidence of Identity
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
GENESIS	General Enrolment, Elections Support and Information System
GPV	General Postal Voter
GST	Goods and Services Tax
HTV	How to Vote card
IEPP	Indigenous Electoral Participation Program
IVR	Interactive Voice Recognition
JSCEM	Joint Standing Committee on Electoral Matters
LOTE	Language(s) other than English
NACARAS	North and Central Australia Remote Area Strategy
NMM	National Mailing and Marketing
NSWEC	New South Wales Electoral Commission
NTR	National Tally Room
OH&S	Occupational Health and Safety
OIC	Officer in Charge
PPVC	Pre-poll Voting Centre
PVA	Postal Vote Application
PVC	Postal Vote Certificate
PVP	Postal Vote Package

RTA	New South Wales Roads and Traffic Authority
SAF	Sample Audit Fieldwork
SBS	Special Broadcasting Service
SMOS	Special Minister of State
TES	Targeted Enrolment Stimulation
TCP	Two-candidate-preferred
TPP	Two-party-preferred
VCAA	Victorian Curriculum and Assessment Authority
VCE	Victorian Certificate of Education
VEC	Victorian Electoral Commission
VTR	Virtual Tally Room

1. Electoral Commissioner's Introduction

1.1 Background

- 1.1.1 On Tuesday 23 November 2010, the Special Minister of State (SMOS), the Honourable Gary Gray AO MP, requested the Joint Standing Committee on Electoral Matters (JSCEM) to inquire into and report on all aspects of the 2010 federal election and matters related thereto. This Submission is provided in support of that inquiry.
- 1.1.2 Recent comparable inquiries have seen the Australian Electoral Commission (AEC) make a number of submissions, with an initial document typically being followed up by further contributions dealing with specific issues raised by the JSCEM, or arising from other submissions, including those lodged by members of the public or other participants in the electoral process. The AEC intends to follow that practice for this inquiry.
- 1.1.3 The body of this Submission is divided into separate chapters under the following headings:
- Chapter 2 Election Timetable
 - Chapter 3 Enrolment
 - Chapter 4 Party Registration and Candidate Nominations
 - Chapter 5 Polling
 - Chapter 6 Counting
 - Chapter 7 Communication
 - Chapter 8 Funding and Disclosure
 - Chapter 9 Legal Issues
 - Chapter 10 Finance
 - Chapter 11 Internal Administration

1.2 Key issues

- 1.2.1 While the later parts of this Submission address individual components of the election process in detail, it is appropriate at the outset to highlight a number of cross-cutting issues which are of particular concern to the AEC. Most of these having a substantial effect on the 2010 federal election have in fact been of growing significance over a series of polls.
- 1.2.2 In particular, the AEC wishes to emphasise the following two points, which are fundamental to this entire Submission:

- (i) The nature and volume of workloads during election periods are continuing to change, driven not just by the constant increase in the size of the electorate, but also by changes in elector behaviour, in particular the desire to interact electronically with the AEC, and to take advantage of opportunities for early voting. Particular attention needs to be given to developing processes which retain integrity but call for less manual intervention; and to control or reverse the increasing number of declaration votes.
- (ii) In the longer-term, the challenge to the health of Australia's electoral democracy posed by declining levels of engagement remains to be dealt with. Priority still needs to be given to ensure that those who are eligible to enrol do so; that those who are enrolled vote; and that rates of unintentional informality are minimised.

1.3 Meeting key challenges

- 1.3.1 As outlined in the 2010-11 Portfolio Budget Statements, the AEC has one outcome for which the organisation is funded, namely to "Maintain an impartial and independent electoral system for eligible voters through active electoral roll management, efficient delivery of polling services and targeted education and public awareness programs."¹
- 1.3.2 The 'efficient delivery of polling services' is required to be done in compliance with the detailed provisions of the *Commonwealth Electoral Act 1918* (the Electoral Act).
- 1.3.3 The 2010 federal election in virtually all respects met the community's expectations. Polling proceeded as scheduled. Against the background of the closest federal election since 1940, results were delivered credibly and expeditiously, and none of the parties represented in the Parliament petitioned the Court of Disputed Returns.
- 1.3.4 There were, however, two cases in which the AEC's performance did not match expectations: the mishandling of a number of pre-poll votes in the Divisions of Boothby and Flynn. Both episodes were matters of deep regret to the organisation, but were dealt with openly and transparently once they came to light. They have prompted both reflection on their causes, and a resolve that they should never be repeated. They are discussed in more detail at paragraphs 6.3.1 - 6.3.6 below.

¹ The Department of Finance and Deregulation, Portfolio Budget Statements 2010-2011, 'The Australian Electoral Commission: Agency resources and planned performance', available at: <http://www.finance.gov.au/publications/portfolio-budget-statements/10-11/docs/Australian-Electoral-Commission.pdf>.

- 1.3.5 The 2010 federal election was undeniably the most difficult and complex election which the AEC has faced in some time. A number of factors which made it so can be identified.

The election period and timing

- 1.3.6 As is evident from Table 2.1, the period from the announcement of the 2010 federal election until polling day was equal to the second shortest in the organisation's history: 35 days, in contrast to the 41 days available in 2004 and 2007.
- 1.3.7 The 2010 federal election was the first held in winter since 1987, affecting among other things, the availability of polling officials, some polling places, and voting patterns across the country.

Roll close(s)

- 1.3.8 The first enrolment cut-off for new enrolments took effect on the day of issue of the writs, which was the first working day after the 2010 federal election announcement. However, as a consequence of the decision of the High Court of Australia (the High Court) in *Rowe v. Electoral Commissioner* [2010] HCA 46 (*Rowe*), there were in effect three enrolment cut-offs.² The first, by 8 pm on Monday 19 July 2010, applied to electors enrolling for the first time. The second, by 8 pm Thursday 22 July 2010, applied to electors updating existing enrolment details. And the third, as a consequence of the decision of the High Court, required the AEC to process both new and existing enrolment applications received up to 8 pm 26 July 2010, seven days after issue of the writs.
- 1.3.9 The High Court's decision in *Rowe* gave rise to an immediate question of how best to deal with the additional electors that would, as a consequence of the High Court's decision, now be eligible to vote or vote for an updated address.³ The options were to use only the certified lists based on the roll close date as specified in the writs – the effect of which would have been that voters enfranchised by the decision would have had to cast a provisional vote – or to move to enable the production and distribution of supplementary certified lists. The second approach was the one adopted, and it had the effect of ensuring that the voters in question were not inconvenienced or disadvantaged in comparison with other voters.
- 1.3.10 Overall, including the additional transactions that had to be processed as a consequence of the High Court decision, the AEC processed in excess of 563 000 enrolment transactions. Enrolment transactions for this period increased by approximately 300 000 compared with 2007.

² Details of the *Rowe* case are discussed at paragraphs 9.1.26 – 9.1.33.

³ Discussion of decision and the impact on close of rolls for the 2010 federal election is at paragraphs 3.5.1 – 3.6.15.

- 1.3.11 There is a need to ensure that enrolment mechanisms are in place which will prevent the need for large numbers of transactions at the last minute, and will permit such transactions as are needed to proceed with minimal manual intervention. On that front, last year's legislation permitting enrolled voters to update their enrolments online represents a good first step.
- 1.3.12 More generally, the AEC reiterates its recommendations for direct update of enrolment and direct enrolment as per its previous advice to JSCEM⁴ and notes that two state jurisdictions now have both direct update of enrolment and direct enrolment.

Public interaction with the AEC

- 1.3.13 The announcement of a tight federal election timetable, coupled with a roll close following very shortly after the announcement, appears to have had a considerable impact on the electorate. On Monday 19 July 2010, the AEC call centre received 112 652 calls, compared with 33 594 calls on the first Monday following the announcement of the 2007 federal election. By day seven of the federal election period, the cumulative number of calls received was 261 581 in 2010, compared with 131 947 in 2007. The cumulative total of calls received through to polling day was 730 311 in 2010, compared to 579 594 in 2007 – an increase of over 25 per cent, but in a six day shorter period. Of the total increase in calls over the federal election period, the great bulk came in the first week; and almost 50 per cent of the increase came on the first working day. The exceptionally heavy volume of calls on the first day caused problems for the call centre provider, leading to the unexpected diversion of calls to already fully stretched AEC offices and to an increase in call centre staffing from some 500 agents to some 700 agents by the end of the day.
- 1.3.14 Email traffic also more than quadrupled when compared with 2007 levels, with 173 832 emails received. Many of these emails contained attachments and scanned images of enrolment forms in a variety of obscure file formats which provided challenges for staff to action in a timely manner.
- 1.3.15 The volumes of activity in question also clearly reflected the concern of at least some members of the electorate about their enrolment status. In relative terms the total number of phone calls and emails received represented just under 6.5 per cent of total enrolment. From an operational perspective the absolute numbers the organisation had to deal with highlights the need for the AEC to continue to seek effective ways of ensuring not just that the public requirement for information can

⁴ See AEC submission 2 and 2.1 to JSCEM, *Inquiry into the implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections*, 2009, available at: <http://www.aph.gov.au/house/committee/em/autobill2009/subs.htm>; Committee Hansard, JSCEM, *Inquiry into the implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections*, 2 February 2010, p. 3 (Mr Ed Killesteyn, Australian Electoral Commissioner).

be met, but also that AEC officers are able, during the federal election period, to pursue the myriad tasks needed to ensure the success of the operation.

- 1.3.16 These phenomena highlight the consolidation of a trend which was only starting to emerge in 2007: the almost exponential growth in the 'electronification' of the way the electorate wants to deal with the AEC.

Declaration voting

- 1.3.17 In 2010, 2 425 371 declaration votes were subjected to preliminary scrutiny, of which 2 135 681 were counted, and 289 690 were rejected. This total was slightly less than the comparable figure from 2004 (2 448 877) and substantially less than the 2007 figure (2 883 976). The reduction from 2007 was, however, due entirely to the 2010 legislative amendment which permitted 'home division' pre-poll votes to be cast as ordinary, rather than declaration votes. But for that amendment, there would have been approximately 3.42 million declaration votes in 2010.

- 1.3.18 Postal voting increased by 25 per cent compared with 2007, with approximately 1.03 million electors choosing to vote by post. Of those, 209 426 were General Postal Voters (GPVs); 551 036 lodged Postal Vote Applications (PVAs) on forms issued to them by political parties; and 270 800 lodged PVAs on AEC or other forms. The number of applications requiring processing represented an increase of around 120 000 over the 2007 figure. Of that increase, almost 110 000 came in PVAs issued by political parties.

- 1.3.19 In 2010, postal voting had a major impact on the AEC at both the point of issue (where particulars from PVAs received had to be manually entered into the AEC's Automated Postal Voting Issuing System (APVIS)), and at the scrutiny, when they had to be checked for eligibility for inclusion in the count and counted, if deemed eligible.

- 1.3.20 In relation to postal voting there remains an imperative to enable transactions to proceed with minimal manual intervention. Last year's legislation (which came into effect on 14 January 2011) removing the requirement for a signature on PVAs and thereby facilitating the lodging of applications online again represents a good first step.

Early voting

- 1.3.21 Taken together, pre-poll and postal voting are known as 'early voting' as they primarily occur in the weeks leading up to polling day. In 2010, the trend towards early voting continued. Over 2.5 million votes were issued prior to polling day, compared to around 1.86 million in 2007, and 1.41 million in 2004. This has major significance for AEC staff. Rather than there being one polling day as a primary point of focus for their efforts, preceded by several weeks of final preparation, there is now, in effect, a multiple-day polling period, which overlaps with the period

of preparation for polling day. It is difficult to see how this trend could be reversed, since in one sense it is simply a reflection of how the community wishes to engage with the electoral process. It therefore needs to be assimilated as a critical element of the environment in which elections must now be administered.

Vote counting on polling night

- 1.3.22 Partly due to the impact of legislative amendments which enabled the casting and counting of 'home division' pre-poll votes as ordinary votes, the AEC counted more than 11 million votes on polling night, one million more than were counted on polling night in 2007. That represented a great success from the perspective of the speed of the polling night count, but, as the number of votes to be counted continues to increase, there will be physical limitations as to what can be achieved in a single night without other changes.

1.4 A less predictable environment

- 1.4.1 It is important to emphasise that the challenges listed above are characterised not just by their scale, but by their unpredictability. A number of causes for this can be identified. Australians are more mobile than ever before, and the days in which postal voting was concentrated among a limited cohort of people are long gone. Similarly, the expansion of communication technologies means that electors have differing ways and means by which they contact the AEC. One effect of this trend is that beyond a well-justified general sense that the demand by the public for electronic interaction is likely to continue to increase, the AEC needs to plan for increasing and differing workloads at each election. In addition, with increasing electronic interaction with electors, expectations of quick responses are also heightened.

1.5 Levels of engagement

- 1.5.1 The level of public engagement with the electoral process continues to be a matter of great concern to the AEC, particularly as it affects three measurable indicators for which the AEC have mandated functions: the number of eligible Australians who are not on the roll; the number of enrolled voters who do not vote; and the number of voters who do not vote formally.

Enrolment

- 1.5.2 As at 31 December 2010, the number of people on the roll was approximately 14.1 million, with an estimated eligible population of approximately 15.5 million. The estimated number of people 'missing' from the roll was therefore approximately 1.4 million. As at 30 June 2010, the estimated number of people 'missing' from the roll was approximately 1.59 million, which highlights the impact of election-related enrolment activity. Enrolment issues are addressed in detail in Chapter 3 below.

Turnout

- 1.5.3 Of the 14 086 869 people entitled to vote at the 2010 federal election, 13 131 667 (representing 93.22 per cent of the enrolment) cast either formal or informal votes for the House of Representatives election; 6.78 per cent of the enrolled voters therefore did not. In 2007 this latter figure was 5.24 per cent, so 2010 saw a change for the worse of 1.54 percentage points.⁵

Informality

- 1.5.4 At the 2010 federal election, there were 729 304 informal votes cast at the House of Representatives election nationwide, representing 5.55 per cent of total votes cast, an increase of 1.6 percentage points over the 2007 figure. It will continue to be a priority for the AEC to provide voters with information they need to enable them to cast an effective vote.
- 1.5.5 The causes of informality are complex; some informal votes clearly reflect a mistake on the part of the voter, others are deliberately cast informally, while others are difficult to characterise. The AEC will be reporting on its informality survey results to JSCEM in a separate submission once analysis has been completed.

1.6 Essential steps

- 1.6.1 Taking into account the issues and trends highlighted above, the AEC is of the view that they can only be effectively addressed by an ongoing program of reform and innovation. The environment in which elections are conducted is changing rapidly and inexorably, and many mechanisms which worked in the past will not be able to be relied upon to work in the future. In particular, there is an urgent need to find ways to shift workloads out of the federal election period; to minimise manual processing; and to provide voters with mechanisms that make it easy for them to engage with, rather than disengage from, the electoral process. All such reforms must, however, ensure that fundamental principles of electoral integrity, and the Australian community's trust in the electoral process, are not in any way compromised.
- 1.6.2 Detailed initiatives identified and recommended by the AEC are explored under the relevant Chapter heading of this submission listed at the end of this Chapter. The initiatives have been developed around the key needs identified in paragraph 1.6.1. In addition to the immediately identified recommendations, the AEC is in the process of considering a range of issues regarding modernisation of processes and will provide submissions to JSCEM on this at a later stage.

⁵ If rejected declaration votes are included in the turnout figures, the turnout percentage would be increased by approximately 2 per cent.

AEC Recommendations

Recommendation 1: The AEC **recommends** that legislation proceed to amend the Electoral Act to allow the direct update of enrolment.

Recommendation 2: The AEC **recommends** that the Electoral Act be amended to enable the AEC to directly enrol eligible electors on the basis of data provided by specific sources.

Recommendation 3: The AEC **recommends** that JSCEM consider online enrolment as part of its inquiry into the 2010 federal election. The AEC is considering the implications of the Federal Court decision in *Getup* specifically, and online enrolment processes generally, and will provide further advice to JSCEM on ways in which online enrolment can be implemented, whilst maintaining the integrity of enrolment processes.

Recommendation 4: The AEC **recommends** that the Electoral Act be amended to enable electors to enrol up to and including polling day, by casting a provisional vote that is subject to satisfactory evidence of identity requirements.

Recommendation 5: The AEC **recommends** that the Electoral Act be amended to require a member of a political party referred to in Part XI of the Electoral Act to be enrolled.

Recommendation 6: The AEC **recommends** that the Electoral Act be amended to permit the AEC to provide limited access to electoral roll information to a party which has commenced an application for registration.

Recommendation 7: The AEC **recommends** a reduction in the nomination period by one day so that nominations close not less than nine or more than 26 days after the issue of the writ, rather than ten and 27 respectively. A consequential amendment would then be required to ensure that the date fixed for polling is not less than 24 or more than 32 days after the date of nomination.

Recommendation 8: Consequent to recommendation 7, it is **recommended** that an application for a pre-poll vote cannot be made before the Monday 19 days before polling day.

Recommendation 9: The AEC **recommends** that the requirement at section 200DH of the Electoral Act for an applicant for a pre-poll ordinary vote to complete and sign a certificate be repealed.

Recommendation 10: The AEC **recommends** that the deadline for receipt of postal vote applications be 6 pm on the Wednesday three days before polling day. Additionally, the AEC recommends that consistent with the NSW provisions, the cut-off for postal vote applications received in Australia for addresses outside Australia be 6 pm on the Monday five days before polling day.

Recommendation 11: The AEC **recommends** that the Electoral Act and the Referendum Act be amended to specifically allow for the automated issue of postal votes

Recommendation 12: The AEC **recommends** that the Electoral Act and the Referendum Act be amended to require postal vote applications to be returned directly to the AEC.

Recommendation 13: The AEC **recommends** that the requirement for production of evidence of identity by provisional voters should be repealed.

Recommendation 14: The AEC **recommends** the votes of provisional voters who are subsequently found to be enrolled should be admitted to the scrutiny.

Recommendation 15: The AEC **recommends** that the Electoral Act be amended so that provisions similar to those which allow blind and low vision voters to cast a secret ballot by telephone or any other suitable electronic means be applied to Antarctic voters.

Recommendation 16: The AEC **recommends** that the Electoral Act be amended to enable the production of a list of all Antarctic electors to be used at all Antarctic polling stations.

Recommendation 17: The AEC **recommends** that the Electoral Act be amended to enable the Electoral Commissioner to determine the procedures for voting in Antarctica.

Recommendation 18: The AEC **recommends** that to assist in the online recruitment of polling staff, the Electoral Act and Referendum Act be amended to remove the requirement that the officer and employee undertaking be signed. This would allow for the requirement for the undertaking to be made and accepted online as part of the offer of employment.

Recommendation 19: The AEC **recommends** that electronic certified lists containing national or state certified list data, provide a basis for issuing pre-poll and absent votes as ordinary votes.

Recommendation 20: The AEC **recommends** the Electoral Act and Referendum Act be amended to specifically provide that a ballot box may not be opened before the close of polling other than in accordance with the provisions of the Electoral Act. However, a savings provision in the event of an official error should be included.

Recommendation 21: The AEC **recommends** that section 273 of the Electoral Act be amended to require that on polling night, Senate ballot papers do not need to be sorted to individual candidates below the line, nor be separately parcelled for return to the divisional office.

2. Election Timetable

Table 2.1 - Timetable for the 2010 federal election

Event	Federal election 2010
Election announced	Saturday 17 July 2010
Issue of writs	6 pm Monday 19 July 2010
Close of rolls - cut-off time for new enrolments	8 pm Monday 19 July 2010
Cut-off time for changes to enrolment	8 pm Thursday 22 July 2010
Close of rolls as determined by the High Court decision	8 pm Monday 26 July 2010
Cut off time for inclusion in supplementary certified lists	8 pm Monday 26 July 2010
Close of nominations	12 pm Thursday 29 July 2010
Declaration of nominations	12 pm Friday 30 July 2010
Commencement of pre-polling	Monday 2 August 2010
Polling day	Saturday 21 August 2010
Return of writs	On or before 27 October 2010
Senate writ for Tasmania	Friday 10 September 2010
Senate writ for Queensland	Wednesday 15 September 2010
Senate writ for Western Australia	Wednesday 15 September 2010
Senate writ for New South Wales	Thursday 16 September 2010
Senate writ for South Australia	Thursday 16 September 2010
Senate writ for Victoria	Friday 17 September 2010
Senate writs for the Australian Capital Territory and Northern Territory	Friday 17 September 2010
House of Representative writs for all states and territories	Friday 17 September 2010
Closing date for the lodgement of petitions to the Court of Disputed Returns	Wednesday 27 October 2010

2.1.1 The current federal election timetable provides for a minimum election period of 33 days. It has been in force since 1984 and flowed from recommendations made at paragraph 6.2 of the *First Report of the Joint Select Committee on Electoral Reform*. Immediately prior to the 1984 amendments, the minimum legal period from writ to polling day was 14 days. That minimum period was clearly not logistically feasible, and the recommended changes stemmed from advice from

the then Australian Electoral Office on what was assessed, at the time, to be the minimum feasible period.

- 2.1.2 While the AEC is not at this time recommending changes to the minimum election timetable of 33 days, the point needs to be made that such constraints do need to be set in the light of contemporary practicalities and if, for example, in the absence of other reform, there is a continuation of the trend which has seen more and more people voting prior to polling day, there may at some point be a need to revise the timetable again, to ensure that lead times available to the organisation to undertake election preparations are realistic and sufficient.
- 2.1.3 The AEC is however, proposing a change to the timing of the close of nominations within the 33 day period, which is discussed at paragraphs 4.4.1 – 4.4.8.

3. Enrolment

3.1 Introduction

3.1.1 In February 2010, the Electoral Commissioner advised JSCEM that at the end of December 2009 approximately 1.39 million eligible persons were missing from the electoral roll.⁶ This placed the estimated enrolment participation rate at an approximately 90.9 per cent.⁷

3.1.2 By 30 June 2010 the estimated number of eligible persons missing from the roll had grown to 1.59 million. This increase highlights the challenge the AEC faces in engaging people to enrol and maintain enrolment outside of election periods. More importantly, it points to the need to consider adopting new enrolment methods including direct enrolment utilising trusted data from third parties, which has recently been introduced by some states.

3.1.3 A number of activities to help eligible persons get onto the electoral roll and maintain their enrolment are undertaken by the AEC throughout the election cycle. Activities in the lead up to the 2010 federal election were a mix of refinements of those activities which have worked previously, such as the Continuous Roll Update (CRU) program in which the AEC undertakes large scale mail-outs to specific addresses where it believes unenrolled eligible persons reside, and the introduction of new activities such as the *Famous People Vote Too* enrolment campaign.

3.1.4 The activities undertaken were informed by the results of a research study the AEC commissioned examining the triggers for enrolment for those aged 18-39 years, the age group with the lowest level of enrolment. The aims of the research were to:

- explore and provide insight into what are the likely triggers for enrolment / re-enrolment for 18-39 year olds;
- examine whether these triggers change as people move through different life stages; and

⁶ Committee Hansard, JSCEM, op. cit., p 2 (Mr Ed Killesteyn, Australian Electoral Commissioner).

⁷ To calculate the estimated eligible population, the ABS provides the AEC with population estimates for the previous 30 June, which is adjusted to take into account citizenship and citizens temporarily overseas. Further adjustments are made by the AEC to take account of people becoming Australian citizens, enrolled overseas electors, eligible British subjects, and ineligible Australian citizens over the age of 18.

- provide insight into what short and long term strategies need to be employed to target enrolment activities that will improve the enrolment participation rate of 18-39 year olds.

3.1.5 Three quarters of those surveyed as part of this research study indicated that they know that they needed to be enrolled before going to a polling booth on election day, with most of those surveyed, 85 per cent, confident about the enrolment process.

3.1.6 The study also found that, of those who are not enrolled at their current address, it is either because they had not gotten around to it yet (37 per cent) or are about to move again (12 per cent). This is despite the fact that more than 90 per cent of those surveyed admitted to knowing that they should always be enrolled at their current address and they need to update their enrolment every time they move. Further findings from the study are presented in relevant sections.

The environment

3.1.7 The convergence of events outlined below that occurred in the lead up to the 2010 federal election made managing the logistics of the administrative arrangements of the electoral roll the most complex in recent history.

1. A number of enrolment related measures contained in the *Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010* (Modernisation Act) and in the *Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010* (Pre-poll Act) commenced on the same day as the issue of the writs.
2. On 6 August 2010, two weeks after the 22 July 2010 enrolment deadline and two weeks before polling day, the High Court ruled in *Rowe* that certain amendments made to the Electoral Act in 2006 which shortened the close of rolls deadline were constitutionally invalid. In general terms the seven day close of roll period was reinstated, which increased the number of people able to enrol or update their enrolment and consequently a number of additional enrolment transactions had to be processed in a short period of time.
3. On 13 August 2010 the Federal Court of Australia (the Federal Court) upheld the use of a digital signature in completing a claim for enrolment. In *Getup Ltd v Electoral Commissioner* [2010] FCA 869 (the *Getup* case) the Federal Court held that a claim for enrolment made by Ms Sophie Trevitt met the relevant requirements of the Electoral Act. Ms Trevitt completed her enrolment form on Getup's 'ozenrol' website, signing with a digital pen on a trackpad. The witness' signature was also completed digitally.

Accordingly, Ms Trevitt was added to the roll and able to vote on 21 August 2010. Although, this decision only effected the enrolment of one elector for the 2010 federal election, the AEC anticipates that it will have a significant impact on future elections.

3.1.8 The impact of these events on the administration of the electoral roll at the 2010 federal election, as well as the implications for future elections is discussed in this chapter.

Key dates

3.1.9 Key enrolment events and when they occurred are presented in Table 3.1.

Table 3.1 - Key enrolment events and dates for the 2010 federal election

Event	Date
Key legislative amendments to the Electoral Act given Royal Assent	Wednesday 14 July 2010
Federal election announced	Saturday 17 July 2010
Commencement of a number of the new enrolment provisions by Proclamation	Monday 19 July 2010
Issue of writs	Monday 19 July 2010
Deadline for new enrolments	8 pm Monday 19 July 2010
Close of rolls for changes to enrolment	8 pm Thursday 22 July 2010
Close of rolls for all enrolment types (As determined by the High Court decision of 6 August 2010)	8 pm Monday 26 July 2010

Printing of regular certified list and pre-poll certified list commences	Wednesday 28 July 2010
Pre-poll certified list printing and despatch completed	Wednesday 29 July 2010
High Court decision extending close of rolls to 7 days after issue of writs	Friday 6 August 2010
Despatch and delivery of certified lists completed	Monday 9 August 2010
Printing of supplementary certified lists commenced	Saturday 14 August 2010
Despatch of supplementary certified lists completed	Wednesday 18 August 2010
Polling day	Saturday 21 August 2010

3.2 State of the electoral roll

- 3.2.1 At the announcement of the 2010 federal election on Saturday 17 July 2010, 13 944 532 electors were enrolled to vote representing an estimated 89.97 per cent of the eligible population, against the AEC's enrolment target rate of 95 per cent. Information regarding the enrolment eligibility requirements is at **Annex 1**.
- 3.2.2 The writs for the election were issued on Monday 19 July with the cut-off for new enrolments at 8 pm on the same day and the cut-off for enrolment updates and the close of rolls at 8 pm on 22 July 2010.
- 3.2.3 By the close of rolls on 22 July 2010 14 030 528 electors were enrolled to vote, an increase of 85 996 electors from the election announcement.
- 3.2.4 On 6 August 2010, the High Court of Australia in *Rowe*, overturned the close of rolls provisions and reinstated the pre-2006 provisions prescribing a seven day close of rolls for all enrolment types, including new enrolments.
- 3.2.5 This meant that the new close of rolls date was 8 pm 26 July 2010 resulting in the AEC having to administer three 'close of rolls' deadlines in the lead-up to the election. As a result, the AEC processed claims for enrolment submitted after 8 pm on Monday 19 July but before 8 pm on Monday 26 July 2010.

3.2.6 At the final close of rolls (26 July 2010), 14 088 260 electors were enrolled to vote. 57 732 new electors were added to the roll and a further 40 408 electors had their existing enrolment details updated between 22 July and 26 July 2010.

3.2.7 Table 3.2 demonstrates that between the 2007 and 2010 federal elections the electoral roll grew by 3.25 per cent (444 187 electors). While the number of electors on the electoral roll is increasing, the eligible Australian population is continuing to grow at a faster rate than the electoral roll. Consequently, the overall enrolment participation rate has continued to decline.

Table 3.2 – Number of electors enrolled at close of rolls, by state and territory – 2001 to 2010⁸

State/ territory	2001	2001-04 % Change *	2004	2004-07 % Change *	2007	2007-10 % Change *	2010
NSW	4 201 566	2.29	4 297 917	4.59	4 495 336	2.58	4 611 228
VIC	3 215 913	2.25	3 288 201	4.68	3 442 096	3.51	3 562 802
QLD	2 317 947	6.19	2 461 396	6.13	2 612 300	4.11	2 719 746
WA	1 199 523	3.03	1 235 839	6.24	1 312 942	3.75	1 362 177
SA	1 033 588	1.46	1 048 729	2.60	1 075 968	2.71	1 105 076
TAS	328 539	3.23	339 156	3.13	349 788	2.51	358 567
ACT	219 ,682	2.24	224 608	6.29	238 742	3.73	247 659
NT	110 469	1.01	111 581	5.66	117 901	2.63	121 005
Total	12 627 227	3.01	13 007 427	4.90	13 645 073	3.25	14 088 260

* Note: % change represents the increase in electors enrolled since the last election

3.2.8 The roll does not remain static after the close of rolls. Between the close of rolls and polling day, a number of changes may occur. Electors eligible to vote on polling day by state and territory is at **Annex A2.1**. These include:

- a small number of additions to the roll (primarily as a result of processing enrolment forms that were received prior to close of rolls but not processed due to time constraints), there were 942 in this period in 2010 (compared to 1 562 in 2007); and
- a small number of deletions from the roll (primarily the removal of deceased electors), there were 6 031 in this period in 2010 (compared to 7 710 in 2007).⁹

⁸ Enrolment by State, Virtual Tally Room, Australian Electoral Commission, available at: <http://results.aec.gov.au/15508/Website/GeneralEnrolmentByState-15508.htm>.

3.2.9 In addition, after polling day persons who were not enrolled but who are nevertheless eligible to have their votes counted are 'reinstated' to the electoral roll, having been originally removed in error by the AEC (for example, removed as a death deletion in error). Fewer reinstatements were required following the 2010 election (3 698) compared to the 2007 election (7 614). Note that such reinstatements did not apply to those who had been removed from the roll by objection action on the ground that they were no longer resident at their enrolled addresses (see **Annex A2.2** for enrolment figures by division for the 2010 federal election).¹⁰

3.3 Enrolment participation rate

3.3.1 The large number of eligible persons not enrolled to vote continues to pose a long-term challenge for the AEC and highlights the necessity of considering actions that will increase participation.

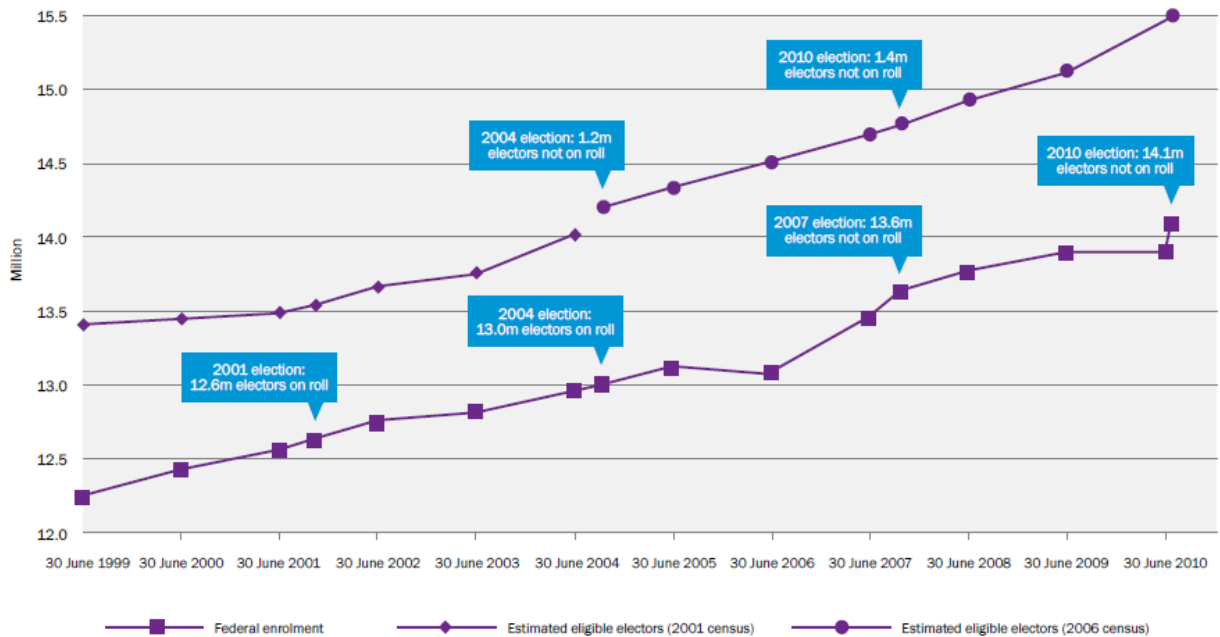
3.3.2 Figure 3.1 shows the number of electors enrolled and the estimated eligible population from 1999 to 2010. From the figure it is apparent that:

- the size of the electoral roll has increased significantly since the 2001 election, with more than 1.4 million additional electors enrolled to vote at the 2010 election compared to the 2001 election; and
- since 2001, the number of enrolled electors is not keeping pace with the increases in the estimated eligible population.

⁹ Enrolment by State, Virtual Tally Room, Australian Electoral Commission, available at: <http://results.aec.gov.au/15508/Website/GeneralEnrolmentByState-15508.htm>

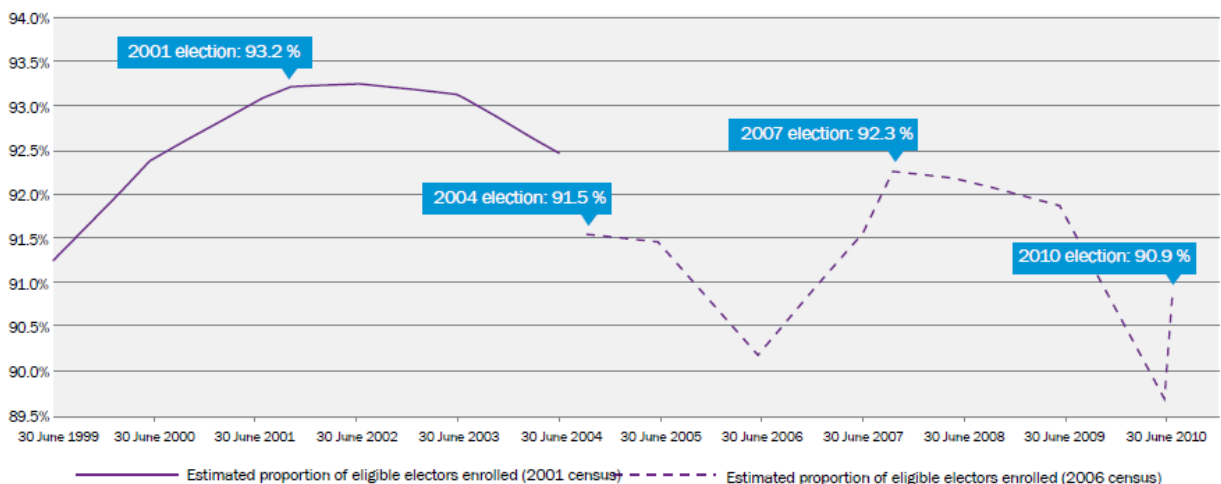
¹⁰ Enrolment by State, Virtual Tally Room, Australian Electoral Commission, available at: <http://results.aec.gov.au/15508/Website/GeneralEnrolmentByState-15508.htm>

Figure 3.1 – Estimated eligible population and enrolled electors, 1999-2010



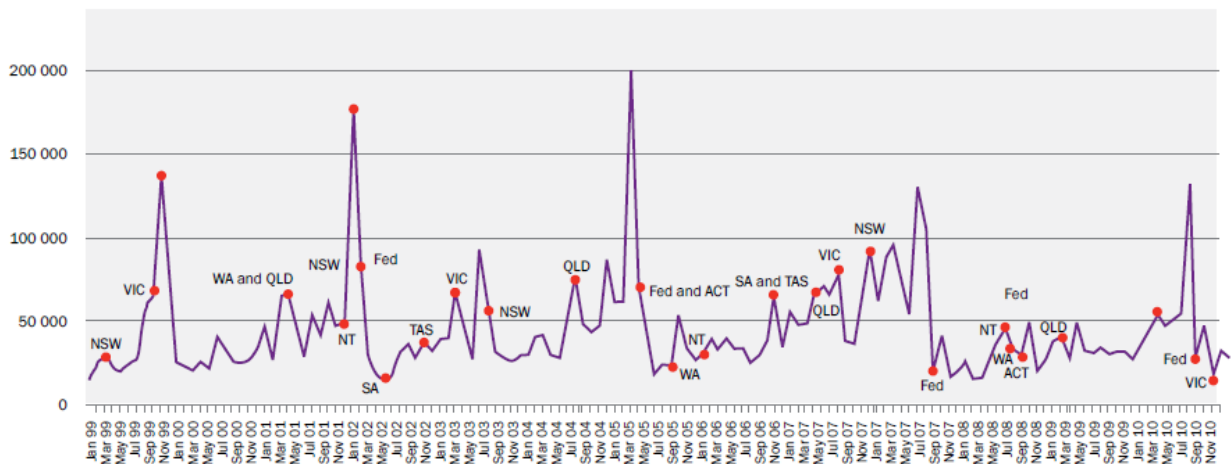
3.3.3 Figure 3.2 shows the trend in the enrolment participation rate for each year since 1999. It demonstrates that the decline in enrolment has continued since the 2007 election, with an estimated 92.3 per cent of the eligible population on the electoral roll as at the close of rolls for the 2007 federal election compared to an estimated 90.8 per cent of the eligible population at close of rolls for the 2010 federal election. It also demonstrates that enrolment participation rates have been trending downward since the 2001 election, with the exception of 2007.

Figure 3.2 – Estimated proportion of eligible electors enrolled, 1999-2010



3.3.4 A continuing decline in the enrolment participation rate reflects, in part, growth in the population eligible to enrol and the apparent reduced motivation among eligible persons to enrol or maintain correct enrolment without an imminent federal or state/territory election. The enrolment triggers research study revealed that while three-quarters of respondents knew that they needed to be enrolled before going to vote on polling day, qualitative findings showed that without the prospect of an election, there was little sense of urgency of the need to enrol or update enrolment details.

Figure 3.3 – Number of enrolments (new enrolments and re-enrolments) and timing of electoral events, 1999-2010



3.3.5 Figure 3.3 demonstrates that peaks in enrolment activity most often occur in close proximity to elections. Elections at state, territory or federal level act as catalysts for electors to update details or enrol. This can clearly be seen in 2007 where New South Wales (NSW), Victoria (Vic) and Queensland (Qld) all held state elections in the 15 months preceding the federal election. As a number of states and territories have fixed electoral terms, the election date, and thus the date when an elector needs to be on the electoral roll, is known in advance. In other jurisdictions where the election date is not set, the prompt for individuals to enrol may be speculation as to when the election will occur or activities undertaken by the relevant electoral commission to stimulate enrolment. These may be large scale activities, such as those undertaken by the AEC in the lead up to the 2007 federal election, or a series of targeted but generally smaller scale activities, as was undertaken in advance of the 2010 federal election.

3.3.6 In the lead up to the 2007 federal election, the AEC spent approximately \$36 million on enrolment stimulation activities and promotions, including:

- a large-scale Targeted Enrolment Stimulation (TES) program involving fieldwork visits over a four and a half month period to approximately one million households, supplemented by mail and telephone contact costing approximately \$6-7 million; and
- over \$29 million on an integrated communications strategy including an extensive national media advertising campaign, including \$14.9 million on pre-election enrolment advertising.

3.3.7 The 2007 enrolment campaign achieved strong enrolment growth with 636 646 more electors on the roll than the 2004 federal election, compared to an enrolment increase of only 380 200 between the 2001 and 2004 federal elections.

3.3.8 The 2010 election returned to a more traditional approach to advertising generally, with costs on public awareness and advertising activities estimated to be just over \$10 million; 444 187 more electors were on the roll for the 2010 election than for the 2007 election.¹¹

Participation by age

3.3.9 Analysis by the AEC suggests that the age groups with the lowest enrolment participation rates are those aged between 18 and 39 years.

3.3.10 Table 3.3 shows the number of electors enrolled for each age cohort at the close of rolls on 22 July 2010 and on 26 July 2010, reflecting implementation of the High Court decision. The age group with the highest increase in enrolment between 22 July 2010 and 26 July was for those aged 18-19 years. Growth of more than 0.5 per cent can also be observed for all age groups under 34.

¹¹ See Chapter 10.

Table 3.3 – Number of electors enrolled by age cohort – as at 2010 close of rolls

Age	Number enrolled at 22 July 2010 (before reinstatement of seven day close of rolls)	Number enrolled at 26 July 2010 (following reinstatement of seven day close of rolls)	Difference in number of electors enrolled - 22 July to 26 July	Percentage increase from 22 July to 26 July
18*-19	391 410	405 739	14 329	3.66%
20-24	1 109 690	1 117 252	7 562	0.68%
25-29	1 123 761	1 131 572	7 811	0.70%
30-34	1 110 096	1 117 248	7 152	0.64%
35-39	1 277 516	1 283 672	6 156	0.48%
40-44	1 265 137	1 269 601	4 464	0.35%
45-49	1 340 686	1 344 241	3 555	0.27%
50-54	1 303 696	1 305 600	1 904	0.15%
55-59	1 201 620	1 203 402	1 782	0.15%
60-64	1 127 112	1 128 266	1 154	0.10%
65-69	845 738	846 233	495	0.06%
70 +	1 934 066	1 935 434	1 368	0.07%
Total	14 030 528	14 088 260	57 732	0.41%

Note: *18-19 includes provisionally enrolled 17 year olds turning 18 by polling day who were eligible to vote.

3.4 Enrolment transactions and workload

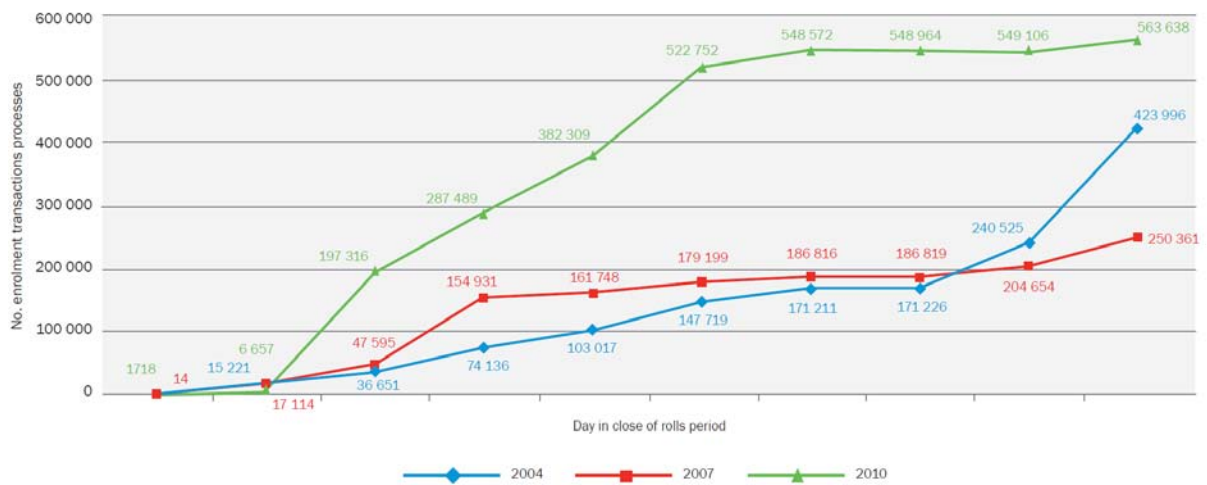
- 3.4.1 Historically, the announcement of an election has proven to be the primary catalyst for existing electors to update their electoral enrolment and new electors to enrol. As a result, a significant number of enrolment transactions¹² are always processed in the close of rolls period for an election.
- 3.4.2 By way of comparison, during 2009-10 the AEC processed 2 328 661 transactions concerning electors' enrolment details. For the 2010 election, 563 638 enrolment transactions were processed in 17 days.¹³

¹² Enrolment transactions refer to new enrolments, re-enrolments, changes in enrolment details, no change to enrolment details, objections, duplications, cancellations, and reinstatements.

¹³ 563 638 enrolment applications were received between 17 July and 26 July 2010. The High Court decision meant that these applications were processed in two tranches, with the first tranche processed from 17 July to 27 July 2010 and the second tranche processed from 6 August to 13 August 2010.

3.4.3 Figure 3.4 shows that this number of enrolment transactions is considerably higher than the number of enrolments processed for both the 2004 and 2007 elections. The increase in the number of transactions to be processed in a comparatively short time presents significant challenges. This is further compounded by the workload associated with other election tasks, such as nominations of candidates, and recruitment and training of around 67 000 polling officials which occur within a legislated timeframe.

Figure 3.4 - Enrolment applications for close of rolls period for the 2004, 2007 and 2010 federal elections



CoR period	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Total
29 Aug - 07 Sep 2004	-	15 221	21 430	37 458	28 881	44 702	23 942	15	69 299	183 471	423 969
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	
	29 Aug 04	30 Aug 04	31 Aug 04	01 Sep 04	02 Sep 04	03 Sep 04	04 Sep 04	05 Sep 04	06 Sep 04	07 Sep 04	
14-23 Oct 2007	14	17 100	30 481	107 336	6 817	17 451	7 617	3	17 835	45 707	250 361
	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	
	14 Oct 07	15 Oct 07	16 Oct 07	17 Oct 07	18 Oct 07	19 Oct 07	20 Oct 07	21 Oct 07	22 Oct 07	23 Oct 07	
17-26 Jul 2010 *	1 718	4 939	190 659	90 173	94 820	140 443	25 820	392	142	14 532	563 638
	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	
	17 Jul 10	18 Jul 10	19 Jul 10	20 Jul 10	21 Jul 10	22 Jul 10	23 Jul 10	24 Jul 10	25 Jul 10	26 Jul 10	

* This includes the enrolments where valid enrolment was received but date was not recorded.

Note 1: 2004 and 2007 figures were obtained using the *Enrolment Date* rather than the *Enrolment Received* field.

Note 2: Green shading = announcement; blue shading = issue of writs; light red = advertised close of roll (2010 only); red = close of roll

- 3.4.4 The number of enrolment transactions processed in the 2010 federal election close of rolls period was unprecedented in recent history.
- 3.4.5 A dramatic increase in enrolment activity occurred on 19 July 2010. This is unsurprising given that applications for new enrolments had to be received by the AEC by 8 pm. In addition, this was the first business day after the announcement of the election and the commencement of AEC advertising regarding the close of rolls deadline on 17 July. It should be noted that AEC offices in capital cities, and some in regional areas, opened on Sunday 18 July from 10 am to 4 pm to assist people to get on the electoral roll in time for the 2010 federal election.
- 3.4.6 From 1 January 2010 to 26 July 2010 (the end of close of rolls) the AEC processed 1 733 402 enrolment transactions, of these, 32.5 per cent (563 638 transactions) were processed during the close of rolls period.

New systems and processes

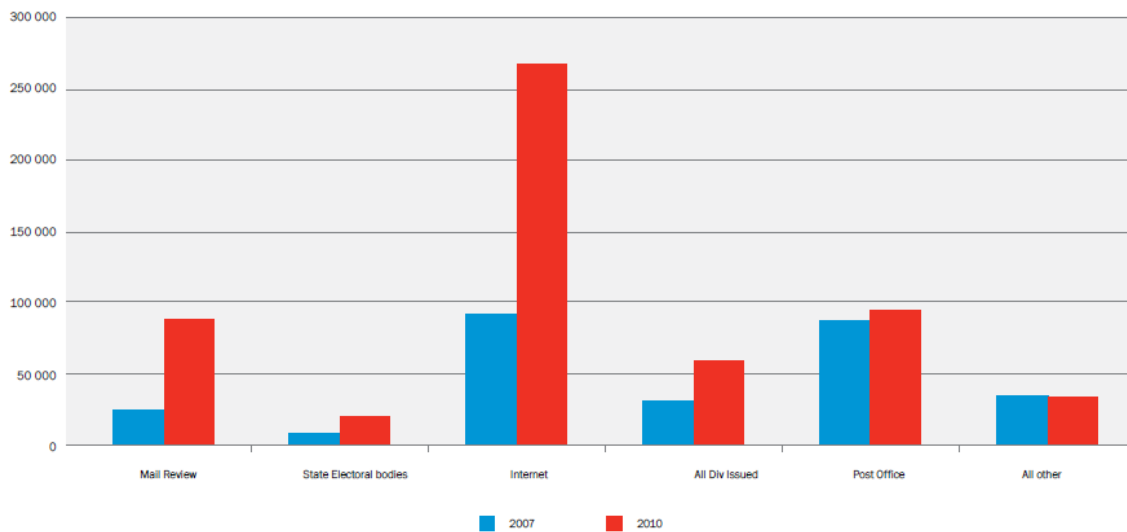
- 3.4.7 The 2010 federal election saw the first use during an election of a new enrolment processing system and new enrolment methods.
- 3.4.8 In September, the AEC introduced the General Enrolment, Elections Support and Information System (GENESIS), to administer enrolment applications. The compressed period for processing of enrolment applications and the large volumes of applications received at the 2010 federal election revealed that GENESIS throughput times need to be improved before the next event. The AEC is currently implementing improvements to ensure that the advantages of the new system (including those outlined at paragraph 3.7.3), do not impact on the ability of staff to be operate productively at peak periods.
- 3.4.9 At the same time, the methods by which enrolment forms reach the AEC were expanded. People may now choose to fill in a paper enrolment form or an online enrolment form. The online enrolment form, *SmartForm*, has been an important addition in the AEC toolkit to make enrolling and maintaining enrolment easier and more streamlined.
- 3.4.10 As well as making it easier for electors to update their enrolment details, the *SmartForm* meets community expectations of interacting electronically with Government.¹⁴

¹⁴ The trend towards electronic engagement with government is detailed in the 2007 study by the Australian Government Information Management Office, *Australians' Use of and Satisfaction with e-*

- 3.4.11 The AEC implemented the *SmartForm* utilising the whole of Government smart forms service which is operated by the Department of Innovation, Industry, Science and Research (DIISR), managed by the Australian Government Information Management Office (AGIMO) and hosted on the www.australia.gov.au website.
- 3.4.12 Prior to 19 July 2010, the Electoral Act required a claim for enrolment or transfer of enrolment to be signed by the claimant. Accordingly, the final page of the *SmartForm* clearly reminded the claimant to print and sign a hard copy and send it to the address provided. AEC practice is that after seven days, the AEC follows-up with any claimant who has not sent in a printed and signed form. Approximately 70 per cent of signed forms are submitted to the AEC without prompting.
- 3.4.13 From 19 July 2010, following commencement of amendments to the Electoral Act, persons who were already on the electoral roll are able to update their address details by providing this information to the AEC without the need for a signature.
- 3.4.14 This legislative amendment enables this information to be provided to the AEC electronically, including via *SmartForm*. For an elector to provide this information electronically the Electoral and Referendum Regulations 1940 (the Regulations) prescribe minimum verification information that an elector must provide to the AEC before the Electoral Commissioner can act on the electronic communication. The Regulations prescribe that an elector must provide his or her date of birth and drivers licence number to ensure that the electronic transaction is authentic and is being undertaken by the elector to whom the information relates.
- 3.4.15 Implementation of this 'online update' mechanism occurred during the close of rolls period. Despite this, over 21 000 already enrolled electors had changes to their enrolment details effected without having to provide a signed enrolment form.
- 3.4.16 *SmartForm* and paper enrolment forms are subject to the same integrity checks and to the same approval process. The only difference is in the way data is received, with those enrolment forms received via *SmartForm* not requiring data to be manually entered by an AEC employee. Instead, it is entered via a *SmartForm* which transfers data to the AEC's enrolment processing system where it undergoes the usual full range of integrity checks and approval processes. Persons who are unenrolled or are re-enrolling are still required to print and sign a hard copy of the enrolment form.

Government Services, available at http://www.finance.gov.au/publications/use-of-e-government-services-2007/docs/31576_AGIMO_Satisfaction-ALL.pdf.

Figure 3.5 – Comparison of main enrolment sources for the close of rolls period 2007 and 2010



3.4.17 There has been an increase in the number of people choosing to source an enrolment form from the internet to enrol or update their enrolment details, particularly near the close of rolls. In 2007, 33 per cent (92 068) of enrolment forms processed in the close of rolls period were sourced from the internet (see Figure 3.5); this increased to 47 per cent (187 137 via *SmartForms* and 79 045 printable PDF enrolment forms) in the 2010 close of rolls period. Comparative source data for 2007 and 2010 close of roll period is at **Annex A2.3** and **A2.4**.

3.4.18 The high take up of internet enrolment reflects:

- increasing community expectations of being able to engage electronically with government; and
- the willingness of electors to embrace modern tools that make maintaining enrolment easier, particularly given the short timeframe available in this event.

3.4.19 This is supported by findings from the AEC's research study into enrolment triggers. Participants were asked how they would prefer to update their enrolment details after moving. The most common response was 'by updating your address details online at the AEC website' (53 per cent).

3.4.20 This is further demonstrated by the fact that the *SmartForm* online enrolment system received particularly heavy usage prior to the close of rolls. On 19 July 2010, 34 per cent (46 342) of forms submitted to the AEC came through the *SmartForm* service.

3.4.21 On 19 July 2010 a number of *SmartForm* service outages occurred. During these outages a message on <http://www.australia.gov.au> redirected users to an alternative electronic version of the standard paper enrolment form (a PDF) which people could download and print then fax or scan and email the AEC. The AEC is working closely with AGIMO and the *SmartForm* service operator, DIISR, to address the system outages and to ensure that the system will be able to cope with the increasing volumes of transactions expected in the future.

3.4.22 The *SmartForm* online enrolment system is an important efficiency tool that makes it easier for people to update their enrolment details and can reduce the data entry required from AEC employees. However, it does not address the AEC's challenge of how to encourage people to enrol or update their enrolment details in the absence of an imminent election.

3.5 Impact of the High Court decision in *Rowe*

3.5.1 Between the 1984 and 2004 federal elections section 155 of the Electoral Act provided that 'the close of Rolls shall be seven days after the date of the writ'.

3.5.2 Amendments made to the Electoral Act in 2006 provided for two enrolment deadlines. The first deadline applying to new enrolments (and re-enrolments) was 8 pm on the day the writ is issued for an election. The second deadline and the close of rolls was 8 pm on the third 'working day' after the writs were issued for:

- electors who are currently enrolled but need to update enrolment details, such as address (transfers of enrolment);
- eligible persons who are not enrolled but who will turn 18 years old between the issue of the writs and the end of polling day; and
- eligible persons who are not enrolled but who will be granted Australian citizenship between the issue of the writs and polling day.

3.5.3 The High Court's decision, which in general terms reinstated the seven day close of rolls period resulted in 57 732 additional electors being added to the electoral roll for the 2010 federal election, providing these people with the opportunity to vote.

3.5.4 Table 3.4 below shows the number of enrolment applications received from 17 July 2010 to 26 July 2010, together with the type of transaction each enrolment application resulted in.¹⁵ An enrolment application may be processed on a different

¹⁵ These transactions included:

- new enrolments – additions to the electoral roll of persons who have become eligible to enrol and who have not previously been on the electoral roll
- re-enrolments – additions to the electoral roll of persons who have previously been removed from the roll

day to that on which it was received, largely because of the workload of the particular division in which it is received. This was particularly the case for the 2010 close of rolls, when a substantial number of enrolment applications were received from Monday 19 July 2010 to Thursday 22 July 2010.

3.5.5 As a result of the High Court decision on 6 August, the AEC needed to process the enrolment applications received after the original cut-off dates. Processing of these enrolment applications was completed on Friday 13 August. These enrolment applications are included in Table 3.4 for the date on which the application was originally received by the AEC.

Table 3.4 – Enrolment applications received in the close of rolls period (from 17 July to 26 July 2010)

Date enrolment application received	New enrolments	Re-enrolments and reinstatements	Change in enrolment details	Amendment	Total
Saturday 17 July 2010	385	243	1 090	-	1 718
Sunday 18 July 2010	1 162	841	2 934	2	4 939
Monday 19 July 2010	50 881	30 104	108 642	1 032	190 659
Tuesday 20 July 2010	10 118	9 154	70 587	314	90 173
Wednesday 21 July 2010	5 970	8 458	79 948	444	94 820
Thursday 22 July 2010	5 937	13 589	119 332	1 585	140 443
Friday 23 July 2010	2 138	2 692	20 865	125	25 820
Saturday 24 July 2010	10	29	245	108	392
Sunday 25 July 2010	4	8	124	6	142
Monday 26 July 2010	1 580	1 470	11 387	95	14 532
Total	78 185	66 588	415 154	3 711	563 638

- change in enrolment details – alterations to a person’s details as a result of intrastate, interstate or intra-division amendment or movement.

- 3.5.6 The High Court's decision also posed the immediate challenge of ensuring that those who had submitted enrolment forms within the seven day close of rolls period knew they would be able to vote on polling day. Approximately 90 000 letters were sent on Friday 13 August 2010 and Monday 16 August 2010 to electors affected by the High Court decision advising them of their entitlement to vote at the election. These electors were advised to take the AEC's letter, which was printed on coloured paper, when they went to vote, in addition to acceptable evidence of identity, such as a driver's licence or passport. The coloured letters were designed to ensure that polling officials could recognise these electors and deal with them appropriately. Updated electoral roll information was also available to electors who wanted to check their entitlement using the call centre or via the AEC's website from Tuesday 17 August 2010 and efforts were made to ensure the media were providing affected electors with appropriate information.
- 3.5.7 Another important consideration for the administration of the electoral roll is the impact of the Federal Court decision potentially allowing for digital signatures on enrolment forms (paragraph 3.1.7 refers). While the case only affected one elector, the AEC sees this as an opportunity to investigate and assess the use of this type of technology in all claims for enrolment. Effectively, this may enable new enrolments to be completed electronically. The AEC is still working through the practical implications of the Federal Court decision for enrolment processing procedures, including the possible impact on the online enrolment system during close of rolls periods and the method by which the AEC should capture and store the digital signatures.
- 3.5.8 The AEC notes that the Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Bill 2010, introduced in the House of Representatives on 24 November 2010, contains provisions to amend Electoral Act and Referendum Act to reflect the High Court decision relating to the seven day close of roll.

Certified Lists and Supplementary Certified Lists

- 3.5.9 The purpose of the close of the rolls is to permit the printing of the certified lists for the election. The certified list is the list of voters for each division, certified by the Electoral Commissioner. The 'extended' close of roll deadline provided by the High Court decision in *Rowe* had implications for the administrative management of the certified lists.
- 3.5.10 The certified lists had been printed well before the *Rowe* decision. Pursuant to subsection 200DD(4) of the Electoral Act, pre-poll ordinary voting is not available unless the certified list is available. Given the significant numbers of electors affected by the *Rowe* decision, the AEC considered that if the logistical issues could be overcome, the preferred approach was to have supplementary certified lists available at each polling place. The availability of a supplementary certified list would enable affected electors to have their name marked off the list and cast

an ordinary vote as distinct from a provisional vote. Casting an ordinary vote is the simplest way to vote and is the method used by the majority of voters.

- 3.5.11 The Governor-General's agreement was therefore sought to issue supplementary certified lists. This was done by Proclamation under section 285 of the Electoral Act. Affected electors appeared on supplementary certified lists to be provided to polling places, enabling them to cast an ordinary vote.
- 3.5.12 A key consideration for the AEC in doing this was to combat the potential for confusion to electors, who were added to, or had their details changed on the roll subsequent to the High Court decision, about their enrolment status.¹⁶ The printing and distribution of supplementary certified lists meant that affected electors were able, in the majority of cases, to cast an ordinary vote which was counted on polling night.
- 3.5.13 A single supplementary certified list was printed for each of the polling places used on polling day. The numbers of electors on the certified list and the supplementary certified list and the number of those that appeared on both lists are provided at Table 3.5 below.

¹⁶ Updated electoral roll information was available to people who wanted to check their entitlement using the call centre or the AEC's website from Tuesday 17 August 2010.

Table 3.5 – Number of electors on the certified list, supplementary certified list and on both lists

State / territory	Certified list	Supplementary certified list	On both certified lists
NSW	4 578 227	19 693	13 308
VIC	3 536 616	14 987	11 199
QLD	2 698 206	12 123	9 417
WA	1 353 257	5 881	3 039
SA	1 100 876	2 454	1 746
TAS	357 444	789	334
ACT	245 392	1 231	1 036
NT	120 102	574	329
Total	13 990 120	57 732	40 408

3.5.14 Table 3.5 shows that 40 408 electors appeared on both the certified list and the supplementary certified list. These were electors whose details were updated and therefore the certified list showed their old address and the supplementary list showed their updated address.¹⁷

3.5.15 Almost 52 000 electors were marked off the supplementary certified list on polling day.

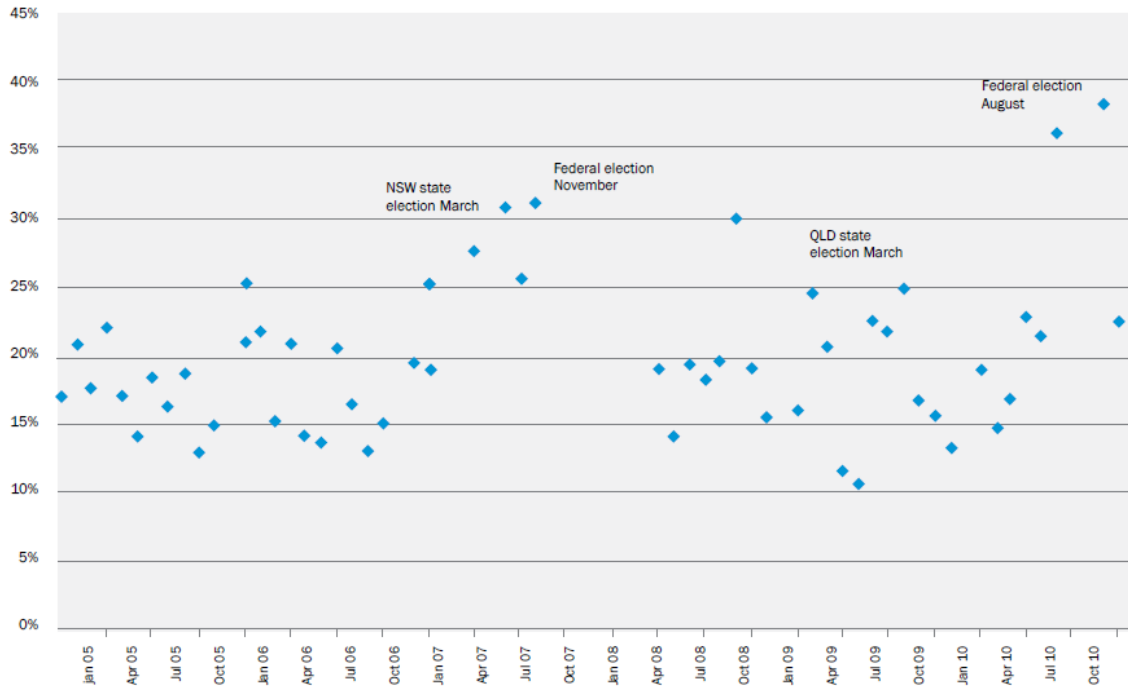
3.6 Activities to enrol eligible persons

3.6.1 The AEC's enrolment triggers research indicates that more than three-quarters of those surveyed know that enrolment details can be updated by using an enrolment form. Acknowledging that electors have different preferences about the way they interact with the AEC, the AEC strives to ensure that a mix of strategies is maintained to facilitate enrolment by different groups of electors.

¹⁷ For the purposes of identifying and investigating apparent non-voters and apparent multiple-voters, supplementary certified lists were treated in the same way as certified lists. That is, lists were scanned and a consolidated list used to detect apparent non-voters and apparent multiple-voters, which were then investigated in accordance with standard procedures by divisional staff.

- 3.6.2 The most significant program of enrolment activity conducted by the AEC is the CRU program. CRU consists of large scale mail-outs to specific addresses where the AEC believes unenrolled persons reside or people who have changed address. This is supplemented by small scale fieldwork activity, mainly aimed at people who do not respond to the earlier mail-outs. The mail component of the CRU program is the most scalable (millions of letters are sent each year to unenrolled and potentially eligible persons) and affordable means of generating enrolment.
- 3.6.3 Since 2005, enrolment response rates to CRU letters (measured as the number of enrolment forms received divided by the number of letters mailed based on attributing enrolment activity at addresses mailed to) has varied considerably. In general, higher response rates are recorded in periods leading up to the announcement of a federal election and/or in the period leading up to state electoral events. For example, the highest response rates were reported in the months leading up to federal elections in 2007 and 2010. State electoral events in NSW (March 2007) and Queensland (March 2009) are also associated with higher response rates (see Figure 3.6).
- 3.6.4 In general terms, response rates of between 15 and 20 per cent are recorded for CRU monthly mailouts that occur in periods where there are no major electoral events. Enrolment response rates to CRU mail can also vary based on the type of data that is included. Typically, the highest response rates are reported for data sets that are more likely to include electors who are already on the electoral roll, thereby resulting in a high proportion of enrolment transactions representing enrolment transfers to a different address rather than enrolment growth.

Figure 3.6 – Enrolment response rate based on CRU address attribution for standard monthly CRU mailing, January 2005 to November 2010



Note: CRU mail is not always sent every month in all states and territories – jurisdictions may be excluded in the month of, and following, a major electoral event or as a result of major natural disasters (for example CRU mailing was suspended in Victoria for two months following the bushfires in February 2009).

- 3.6.5 Mail review activities produced significantly more enrolments between the 2007 roll close and the day before the announcement of the 2010 federal election than any other source (see Table 3.6 below). Approximately one-third (33.7 per cent) of all enrolments, and in particular new enrolments, were sourced from CRU mail review activities. The prominent role of mail review activities is reflected in the AEC’s enrolment triggers research, where around 40 per cent of those surveyed recalled receiving an AEC mail review letter, with three-quarters of this group taking action as a result of this letter.
- 3.6.6 In the lead up to the 2010 federal election, the AEC considered how to most effectively use mail review to assist electors to enrol and maintain the currency of their enrolment details. One approach was to increase the volume of letters mailed. During 2009-10, the AEC sent 4.5 million CRU letters, an increase of 84 per cent on the 2008–09 mailing of around 2.5 million CRU letters. In particular, almost 2.6 million of these letters were sent between January 2010 and July 2010 in the lead up to the election.
- 3.6.7 One reason for this increase in volume was the sending of follow-up or reminder letters. Some 27 per cent of CRU letters sent during 2009-10 were reminder letters sent to electors who neglected to respond to their initial letter, usually within three months after the original letter was sent.

- 3.6.8 The AEC also continued to examine ways in which it could target its mail review activities to particular groups. In 2008–09, the AEC targeted unenrolled 17–19 year olds, using national licence data and Centrelink data, which resulted in 25 000 new enrolments from this age group. During 2009–10, special mailing events included sending letters to individuals studying at TAFE in New South Wales and Queensland, where this data was available for use by the AEC.
- 3.6.9 During 2009-10, the AEC also examined the ways in which it contacts people and how people prefer to be contacted. Following some initial refinements to the text and design of some categories of CRU letter, market testing examined the content and form of the letters.
- 3.6.10 Based on the results of this market testing with 18-35 year olds (an under-represented age group on the electoral roll), CRU letters and their envelopes were redesigned.
- 3.6.11 Mailing from April 2010 used redesigned letters that emphasised that ‘it’s easy’ to enrol and clearly reminded people that it is compulsory to enrol. In addition, redesigned envelopes were trialled in June 2010. Subsequent to the online enrolment legislation, CRU letters now incorporate the message that electors can update their details online.
- 3.6.12 Specific fieldwork exercises in areas with low rates of enrolment were conducted during 2009-10. Fieldwork in Queensland and Western Australia (WA) was specifically targeted at contacting electors who had not responded to an initial CRU letter. In Queensland, areas with low rates of enrolment were identified within the divisions with the lowest participation rates. In those areas, the AEC sought to make face-to-face contact with electors who had not responded to a CRU letter.
- 3.6.13 Fieldwork was also conducted in divisions in NSW, Queensland, South Australia (SA) and the Northern Territory (NT), which were identified as having a number of small isolated communities, high proportions of Indigenous people, and very limited or no mail delivery. These factors mean that all mail-based activities are largely ineffective in these divisions. Fieldwork was specifically targeted at electors living in remote communities, which tend to have lower rates of enrolment than the national average.

Partnerships with other Government agencies

- 3.6.14 The AEC continues to work with government agencies to assist electors to enrol and maintain the currency of their enrolment details. Collaborative arrangements to meet this end include:
- using data from the National Exchange of Vehicle and Driver Information System, Centrelink and Australia Post to target mailing for people who are

- eligible to enrol but are not enrolled or no longer reside at the address for which they are enrolled;
- display of enrolment forms in shop fronts of Centrelink, Australia Post, Medicare, the Australian Taxation Office (ATO) and some Rural Transaction Centres, providing a convenient means by which people can access forms to enrol or update their enrolment details;
 - with the assistance of the Department of Immigration and Citizenship (DIAC) and local government, providing those attending citizenship ceremonies with an enrolment form which has been pre-filled with their personal details. AEC employees in attendance provide assistance with the completion of these enrolment forms and electoral information. Completed enrolment forms can be returned to the AEC staff member or the local council representative at the ceremony; and
 - providing enrolment forms with the change of address labels for driver's licences sent by transport authorities in Queensland, Western Australia (commenced in October 2009) and South Australia (commenced in June 2010). A range of practices targeting both new licence applicants and established license holders who are changing address, are in place. All states are considering the viability of these partnerships in terms of both cost and benefit.

3.6.15 The AEC would like to acknowledge the efforts of these government agencies in ensuring that enrolment forms were available to their clients in the months preceding the election.

3.6.16 Australia Post continues to be an important source point of enrolments. In the period between the 2007 roll close and the day before the announcement of the 2010 election, 538 972 enrolments representing 12.5 per cent of all enrolments were sourced from Post Offices around Australia (see Table 3.6).

Targeted enrolment activities

3.6.17 The AEC undertook various activities including online advertising campaign and other targeted enrolment activities.

3.6.18 *Enrol to Vote Week* is an initiative by the AEC to engage 17 and 18 year old students and boost youth enrolment. The AEC website provided materials for classroom learning and AEC staff visited participating schools on request during the week. Media stimulation activities were undertaken to promote the events to schools and the broader community. This included using editorial and media releases to generate radio and press coverage, and encouraging local media activities at the divisional office level. Since 2008 approximately 5 074 secondary

schools across Australia have registered to participate in the *Enrol to Vote Week* program, generating approximately 59 605 enrolments.¹⁸

- 3.6.19 The Birthday Card Program uses data from relevant state and territory government agencies (such as education departments, transport authorities and apprenticeship boards) to send a personalised birthday card containing an enrolment form to people on or near their 17th or 18th birthdays. Table 3.6 shows that in the timeframe examined 68 946 enrolments were generated from this program.
- 3.6.20 A new awareness campaign called *Famous People Vote Too* was implemented prior to the 2010 election announcement. The campaign used well-known Australians as ambassadors to help raise public awareness of the importance of enrolling to vote.
- 3.6.21 An estimated 3 million people were initially exposed to the *Famous People Vote Too* campaign when it commenced on 8 June 2010 through television, radio, press and online media coverage. This campaign directed the public to a promotional website which was designed to be entertaining as well as informative and provided links to enable people to check their enrolment status, fill out a form online or find other AEC information. The initiative prompted ABC Radio National to interview the Electoral Commissioner about enrolment issues on the day of launch.
- 3.6.22 The AEC trialled SMS messaging to contact 68 000 electors during May 2010 and early June 2010. An SMS was sent to unenrolled people who did not respond to an earlier letter. The SMS directed the recipient to the AEC website to complete an online form. 159 responses were received by return SMS and 35 phone calls were made to divisions during the trial period. While only 5 per cent of messages resulted in a response (including those that acted to enrol without directly responding to the SMS) the AEC is considering possible future use in light of the outcome of the trial.
- 3.6.23 For the 2010 federal election, the AEC partnered with youth radio station, Triple J, to promote enrolling to vote using the previously successful Rock Enrol campaign. The campaign included a range of activities to promote youth enrolment including a webpage hosted on the Triple J website with information on enrolling and links to the AEC's online enrolment form.
- 3.6.24 The AEC launched four enrolment themed postcards prior to the election that were distributed across Australia and were used in the CRU program. The distribution of the postcards was staggered and each card was on display for two to four weeks in over 1 400 venues such as cafes and bars (copies are at **Annex 3**).

¹⁸ Schools are required to register for each *Enrol to Vote Week*. The number of secondary schools is therefore a cumulative total of school registrations from 2008 to 2010. Enrolments are also cumulative and include up to 16 July 2010.

Source of enrolments

3.6.25 The main sources of enrolments processed between the end of the 2007 close of rolls and the issuing of the writ for the 2010 federal election are shown in Table 3.6 (see **Annex A2.5** for a full listings of enrolment sources). This data does not include any close of rolls enrolments but instead shows the source of enrolment in the period between elections.

Table 3.6 - Top 12 sources of enrolments by enrolment type - between the day after the close of rolls 2007 (24 October 2007) to pre-announcement 2010 (16 July 2010)

Source	New enrolment	Re-enrolment	Change via enrolment form or written advice	Total
Mail review	241 741	137 692	1 076 277	1 455 710
Post office	35 548	22 728	480 696	538 972
State electoral commissions	65 141	33 075	388 494	486 710
Divisional office	20 208	24 807	363 965	408 980
Internet	20 952	22 398	353 784	397 134
Transport authorities	4 393	6 704	210 114	221 211
Citizenship ceremonies	204 440	1 015	9 551	215 006
Polling Place (Federal)	6 639	33 432	94 016	134 087
Fieldwork ^a	22 608	15 050	78 881	16 539
Birthday cards	65 756	86	3104	68 946
TES Mail/Obj 2007	579	4 883	54 351	59 813
Enrol to Vote Week	54 751	85	4 769	59 605

Note: This table does include new enrolments and changes to enrolment for 17-year-olds provisionally enrolled.

a. Does not include Sample Audit Fieldwork (the process of reviewing the accuracy and completeness of a sample of the electoral roll).

3.6.26 Table 3.6 demonstrates the AEC's mail review activities generated significantly more enrolments over the three year period than any other source. As a result of the recent change enabling online update of address details the AEC is encouraging electors to update their enrolment details via the AEC's online enrolment system. The AEC would expect this to be reflected in future reporting.

3.7 Integrity of the electoral roll

3.7.1 Maintaining the integrity of the electoral roll is a key component of the AEC's work. The AEC defines roll integrity as consisting of the following elements:

- **Entitlement** – the person meets all legislative qualifications for enrolment on the electoral roll, information provided by the individual is tested to detect and prevent enrolment fraud;
- **Accuracy** – the person is enrolled for the address at which they are entitled;
- **Completeness** – all persons who are entitled to enrolment are enrolled;
- **Processing Correctness** – information provided by persons and organisations is entered correctly and completely on the roll, addresses are correctly and completely described, classified and aligned; and
- **Security** – the electoral roll is protected from unauthorised access and tampering.

3.7.2 As part of standard AEC processing procedures, all enrolment applications are checked to determine if they have been completed in accordance with legislative requirements and that information on the enrolment form is accurate.

3.7.3 GENESIS automates much of the initial completeness and correctness checking of enrolment applications. The checks which are conducted include:

- that the address for which enrolment is claimed is in fact real and capable of having people live there;
- that elector is not a deceased persons or persons previously identified as being of 'unsound mind' (incapable of understanding the nature and significance of voting);
- that the elector has Australian citizenship or allowable British subject status;
- that legislative requirements for evidence of identity have been met;
- that the elector's details match to existing records;
- whether the number of people resident at an address exceeds a designated amount; and
- identification of data entry anomalies.

3.7.4 Once processing is completed, the elector receives written confirmation from the AEC that they are enrolled to vote and the address for which they are enrolled. If GENESIS detects an inconsistency in the enrolment the application is flagged so that AEC staff can further investigate and determine the validity of the enrolment.

3.7.5 Sample Audit Fieldwork (SAF) is the process of reviewing a national statistically valid random sample of the electoral roll. SAF provides an indication of the accuracy and completeness of the electoral roll and tests the effectiveness of the CRU process in maintaining an accurate roll. The SAF initiative was introduced in response to a recommendation in the report by the Australian National Audit Office (ANAO), *Integrity of the Electoral Roll* (2002) and was conducted yearly between 2004 and 2007 and in 2009. Results from the 2009 SAF exercise were comparable to previous SAF exercises.

3.7.6 The AEC will also consider SAF in light of the findings and recommendations made by the ANAO in *Performance audit report no. 28 of 2009–10 – The Australian Electoral Commission’s Preparation for and Conduct of the 2007 Federal General Election*. The ANAO found that:

There would be benefits in the AEC expanding and enhancing the sampling methodology for undertaking habitation visits so as to:

- attain more reliable estimates at the state and territory level; and
- assist it to identify the key demographic characteristics of missing electors and resident non citizens.¹⁹

Election specific integrity checks

3.7.7 As a roll integrity measure the AEC undertook a comprehensive analysis of enrolments received in the lead up to the 2010 federal election. The first action was to compare and analyse enrolment patterns in all divisions in the three months prior to the close of rolls for the 2010 federal election against the 2007 federal election.

3.7.8 In this period, there were a total of 1 082 814 new enrolments, re-enrolments and changes of address. This is comparable to the same period in 2007 when there were 1 105 522 such enrolments.

3.7.9 The volume and type of enrolments for all divisions in these periods were compared and analysed to see if there were any significant variations between these two events. Inter and intra-state enrolment transfers were included in the analysis. Based on this analysis, there were no significant variations.

3.7.10 The second action focussed on the type of enrolments and enrolment transfers in nine seats:

- Corangamite, Hasluck and Robertson;
- McEwen and Bowman; and
- Lalor, Rankin, Curtin and Cunningham.

3.7.11 Corangamite, Hasluck and Robertson were chosen because they were close seats at the 2010 election. McEwen and Bowman were selected because they were the two closest seats in 2007 with very small margins (31 and 62 votes respectively). Lalor, Rankin, Curtin and Cunningham were chosen as stable ‘safe’, control seats.

¹⁹ ANAO, *Performance audit report no. 28 of 2009–10 – The Australian Electoral Commission’s Preparation for and Conduct of the 2007 Federal General Election*, 2010, p 20.

3.7.12 This second action involved a close of rolls transactional analysis for the nine seats. This analysis was to identify any instances where electors enrolled for a division in the three month period leading up to the close of rolls and then transferred back to their previously enrolled address in the three month period following the election.

3.7.13 The results from this analysis indicate a very low incidence of this type of movement and give no cause for concern. The maximum number of incidences identified for any particular division was seven. This result is of no material impact given the margins of each of the seats during the 2010 federal election.

3.8 Developments in other jurisdictions

3.8.1 A number of jurisdictions have either adopted or are considering reforms to enrolment arrangements, as a means to ensure that electoral rolls in their jurisdictions are as complete and accurate as possible. An overview of these developments is briefly summarised below.

New South Wales

3.8.2 The *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009* (NSW) (the NSW Automatic Enrolment Act) was passed by the NSW Parliament in December 2009 and proclaimed in September 2010. This Act amended the *Parliamentary Electorates and Elections Act 1912* (NSW) so as to provide for a model of direct enrolment of electors, direct update of elector enrolment and enable enrolment at a polling place for NSW state and local Government elections.

Direct enrolment and direct update

3.8.3 The New South Wales Electoral Commission (NSWEC) is implementing direct enrolment and direct update arrangements (known as the SmartRoll program) gradually, monitoring implementation carefully to maintain confidence that processes being used are robust. The NSWEC is using data from state agencies to target specific groups of eligible persons and electors:

- **existing enrolees who should have their details changed** – data from the NSW Road Traffic Authority (RTA) is used to confirm the validity of those changes of addresses;
- **younger eligible electors** – data from the NSW Office of the Board of Studies is checked against Births, Deaths and Marriages data to confirm eligibility by birth in NSW and address details are confirmed with RTA records; and

- **movers** – data from the Office of State Revenue regarding people who have received a First Home Owners grant is used to identify people who are not enrolled or should have their details changed. Eligibility is confirmed by checking Births, Deaths and Marriages data to confirm eligibility by birth in NSW and their current address details are confirmed with RTA records.

3.8.4 NSWEC has advised that it has commenced direct enrolment of electors and direct update of address details, with over 35 000 persons contacted to date.²⁰ Persons have been initially contacted by using a mix of email, mail, and SMS. Enrolment confirmations are in the form of a 'You are now enrolled in NSW' letter which contains a paragraph advising that the elector still needs to enrol for federal purposes and enclosing an AEC/NSWEC enrolment form.

3.8.5 Of the 8 388 enrolment transactions that have been completed to date,²¹ around 58 per cent have been new enrolments and 42 per cent change of address enrolments. Of concern however, is the only two per cent of the new enrolments have subsequently enrolled federally at the same address, and only six per cent of the change enrolments have subsequently updated their details federally for the same address. Table 3.7 provides key outcomes of implementation of the SmartRoll program.

²⁰ As at 28 January 2011. NSWEC advise that the SmartRoll program will be confirming the enrolment of electors into February 2011.

²¹ See above footnote.

Table 3.7 NSWEC SmartRoll program results as at 28 January 2011

No. electors contacted to be 'Smartrolled' by NSWEC	35 407	
<i>Of those contacted...</i>		
No. enrolled on NSW SmartRoll	8 388	23.7%
No. pending enrolment on NSW SmartRoll	26 968	76.2%
No. electors disagreements received or incorrectly contacted	69	0.2%
<i>Of those enrolled on NSW SmartRoll...</i>		
No. new enrolments	4 840	57.7%
No. change of address enrolments	3 540	42.2%
No. re-enrolments	8	0.1%
<i>Impact on Commonwealth roll</i>		
No. new enrolments who have subsequently enrolled federally at same address	98	2.0%
No. change of address enrolments who have subsequently changed federal enrolment details for same address	223	6.3%

3.8.6 NSWEC has supplied SmartRoll electors' enrolment details to the AEC for follow-up.

Polling day enrolment

3.8.7 NSWEC has also indicated that it will progressively implement legislative provisions that enable enrolment and update of enrolment at pre-poll and polling places. For the 2011 state election these arrangements will be limited to allowing new enrolments only, providing the elector is able to produce a valid New South Wales driver licence or Photo Card with their current address and completes a special declaration to obtain a provisional vote. That is, an elector will not be able to change his or her address details from the issue of the writ until the close of polls and vote on the basis of updated details, rather he or she will need to vote on the basis of details as at the close of rolls.

Victoria

3.8.8 The *Electoral Amendment (Electoral Participation) Act 2010* (Vic) came into operation on 20 August 2010 and provides for direct enrolment and enrolment at a polling place for Victorian state elections. These arrangements were implemented for the Victorian state election held on 27 November 2010.²²

Direct enrolment

3.8.9 The direct enrolment provisions enable the Victorian Electoral Commission (VEC) to enrol people where the VEC considers that an eligible person has not made a claim for enrolment. In the second reading speech for the Bill, the Victorian Attorney-General noted that implementation of enrolment processes would be subject to a staged approach.²³

3.8.10 The VEC commenced the first phase of its direct enrolment process in mid-September 2010 by enrolling Victorian Certificate of Education (VCE) students who were 18 using information supplied by the Victorian Curriculum and Assessment Authority (VCAA). Data obtained from VCAA was data matched against Births, Deaths and Marriages data from the Department of Justice in Victoria to ensure the students were eligible to enrol in Victoria, and then against enrolment data to remove those already enrolled (from a total number of 77 015 students, 46 841 were identified as being born in Victoria).

3.8.11 The outcome of the three direct enrolment exercises conducted by the VEC are noted in Table 3.8 below.

²² A short overview of these arrangements is available at <http://www.vec.vic.gov.au/home-news.html>.

²³ The Hon R Hulls MP (Attorney-General), *Second Reading Speech, Electoral Amendment (Electoral Participation) Bill 2010*, House of Assembly, 10 June 2010, p. 2303.

Table 3.8 - VEC Automatic enrolment program results as at 8 February 2011

Initial trial of 100 in October 2010	<ul style="list-style-type: none"> • 55 per cent were already on the electoral roll. The date of enrolment for these electors indicated most enrolled just prior to the 2010 federal election. • The remainder were placed on the Victorian electoral roll on Friday 15 October, with one having enrolled since the letters were sent. The VEC did not receive any complaints about this process.
Students who turned 18 on or before 1 September 2010	<ul style="list-style-type: none"> • 7 567 records extracted from the students born in Victoria. • VEC found 4 648 were already enrolled. • 1 986 letters were sent by the VEC in early October 2010. • 1 954 were enrolled. • 15 were returned unclaimed and 17 were not eligible (either at a different address or did not understand the significance of enrolment and voting).
Students that turned 18 between 1 September and 31 December 2010	<ul style="list-style-type: none"> • 13 554 records extracted from the students born in Victoria. • 8 319 were already enrolled. • 4 666 letters sent on 20 January 2011. • nine had moved address within Victoria; four had moved interstate or overseas; five are not eligible due to not understanding the significance of enrolment and voting; 26 were returned unclaimed. • 4 622 electors were to be added to the Victorian electoral roll on 8 February 2010.

3.8.12 To date, students have been contacted by letter and advised that their details are to be included on the Victorian electoral roll. The students have 14 days to notify the VEC if they were not eligible. Those electors automatically placed on the Victorian electoral roll have received an acknowledgement letter from the VEC noting that they need to update their federal enrolment and their data will be provided to the AEC. The AEC has yet to assess whether the automatically enrolled Victorian electors have updated their federal enrolment.

Polling day enrolment

3.8.13 Under new provisions, Victorians who are found not to be enrolled at the time of voting are able to enrol on the day and cast a provisional vote.²⁴ At the time of voting such persons are required to show a driver's licence or nominate a service provider (such as a utilities company, the Roads Corporation (VicRoads), or local

²⁴ Electors are not able to change address under these arrangements.

council) as evidence of identity,²⁵ and complete a provisional vote envelope which doubles as an enrolment form.²⁶ In the days following the election the enrolment application details are checked, and if verified, the elector will be enrolled and their vote will be admitted to the count.²⁷

3.8.14 Table 3.9 shows that the VEC received 34 546 provisional vote applications at the 2010 state election; around one per cent of total votes cast. Of these, 30 758 or 89 per cent of the enrolment applications were accepted and 29 272 or 84.7 per cent of provisional votes were admitted to the count. The VEC has noted that only around 10 per cent of unenrolled votes were ever admitted in the past.

²⁵ A person casting a provisional vote with a mobile voting team may satisfy these requirements by being listed as a resident at a facility designated as a mobile voting centre under section 65 of the *Electoral Act 2002 (Vic)*.

²⁶ Unlike the arrangements in place for electors enrolling to vote for federal elections, electors enrolling to vote for Victorian state and local government elections are not required to provide evidence of identity. A copy of the provisional vote application can be found at **Annex 4**.

²⁷ Where a driver's licence is not sighted by the election official, the VEC contacts the nominated service provider to confirm the elector's identity.

Table 3.9 - Key statistics regarding provisional voting applications at the 2010 Victorian state election.

		Percentage of those received
Total received	34 546	
On voting centre roll ²⁸ but not found at time of voting	6 287	18.2%
Previously enrolled	19 482	56.4%
Never enrolled	8 777	25.4%
Evidence of identity		
Driver's licence sighted	28 862	83.5%
VicRoads	1 377	3.9%
Electricity Company	909	2.6%
Municipality	265	0.76%
Mobile voting centre resident ²⁹	100	0.28%
Blank or not a valid service provider nominated	3 033	8.77%

Queensland

3.8.15 On Monday 20 December 2010 the Queensland Premier the Hon Anna Bligh released a paper outlining proposed reforms to Queensland's electoral system.³⁰ Proposed changes relate to campaign finance and enrolment.

3.8.16 Proposed changes to enrolment include direct enrolment for young people who do not provisionally enrol and do not enrol within 21 days of turning 18 years of age and enabling enrolment up to the day before polling day.

²⁸ The voting centre roll refers to the equivalent of a state-wide certified list.

²⁹ This is an estimate only (provided by VEC) based on data available as at 8 February 2010.

³⁰ The paper is available at

<http://statements.cabinet.qld.gov.au/MMS/MediaAttachments/2010/pdf/REFORMING%20QUEENSLANDS%20ELECTORAL%20SYSTEM.pdf>. The closing date for comments was 18 February 2011.

Proposed reform regarding direct enrolment

3.8.17 The proposal is to undertake direct enrolment using information the Electoral Commission of Queensland already has access to under the *Electoral Act 1992* (the Queensland Electoral Act). Individuals will be informed in writing before the enrolment occurs and will have the opportunity to provide reasons as to why they believe they are not entitled to enrol within a specified period (of not less than 14 days).

Proposed reform regarding enrolment up to the day before polling day

3.8.18 The Queensland Government also proposes to amend the Queensland Electoral Act to allow eligible persons and electors to enrol or update their details after the writs for an election have been issued and up to the day before polling day.

3.8.19 The authorised copy of the roll at a polling place would only contain the names of persons who were enrolled as at the date of the writ. However, a person who has enrolled or updated their details after the writs for an election have been issued, and up to the day before polling day, will be able to cast a provisional vote (in the form of a declaration vote), based on his or her up to date details.

3.8.20 Any updates to enrolment or new enrolments will be added to the rolls after polling day.

3.8.21 This proposal differs from the recent changes to Victorian and New South Wales electoral legislation, with both states allowing enrolment on polling day.

Implications for the Commonwealth

3.8.22 The JSCEM has previously considered the implications of such arrangements on the Commonwealth. On 1 December 2009 the then SMOS, Senator the Hon Joe Ludwig, requested the JSCEM to inquire into and report on the implications of the NSW legislation for federal elections. The AEC provided two submissions to the inquiry, outlining a range of implications.³¹

3.8.23 The introduction of enrolment arrangements in other jurisdictions where processes to enrol do not require the elector to obtain an enrolment form and provide a signature, have the effect of any elector being enrolled under these arrangements not being enrolled for Commonwealth purposes because Commonwealth

³¹ AEC, submission no. 2 and 2.1 to JSCEM, *Inquiry into the implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections*, 2009, op. cit.

legislation requires electors to sign a claim for enrolment when enrolling for the first time.

3.8.24 The New South Wales and Victorian legislation therefore presents considerable risk that over time there will be significant divergence between Commonwealth and New South Wales and Victorian rolls. Should proposed reforms in Queensland also be legislated, then (in the absence of appropriate Commonwealth action) this would have the effect of over three-quarters of the current Commonwealth electoral roll subject to significantly different enrolment arrangements.³² This will likely result in an increase in the number of 'Commonwealth-only', 'state/territory-only' electors, or electors with 'dual enrolment' records on the roll maintained by the AEC and increasing confusion of electors – who often do not differentiate between state and Commonwealth jurisdictions.

3.8.25 The implementation of enrolment reforms at state level may also be the catalyst for significant changes to administration and management of the roll. Traditionally, the Commonwealth has maintained the electoral rolls for state and local government elections through joint roll arrangements. New South Wales and Victoria have legislated to maintain their own electoral rolls, and the proposed Queensland reforms also foreshadow this arrangement. The AEC currently generates some \$10.9 million in revenue from the maintenance of electoral rolls for state and local government elections and provision of services to states and territories, of which approximately \$6.1 million is received from New South Wales and Victoria. It is not clear the extent to which revenue will be affected by these new arrangements.

3.8.26 The net effect of the above changes are likely to be an increase in the number of electors enrolled for state election purposes but not for Commonwealth elections. Given that many electors do not differentiate between state and Commonwealth elections, this could give rise to significant elector confusion and dissatisfaction both when they receive correspondence from the AEC asking them to complete an enrolment form to enrol for Commonwealth purposes shortly after they have received confirmation of their enrolment for state purposes, and when they attempt to vote at a Commonwealth election and find that they are not (correctly) enrolled.

3.9 Reviewing enrolment arrangements

3.9.1 The AEC broadly supports the modernisation of enrolment arrangements in other jurisdictions outlined at paragraphs 3.8.1 - 3.8.21, as a means to assist eligible

³² At 31 January 2011 there were 14 184 546 electors on the federal electoral roll, of which, New South Wales (4 630 967) and Victoria (3 604 753) and Queensland (2 737 333) accounted for 10 973 053. Available at http://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/gazetted/2011/01.htm.

persons to meet their obligation and entitlement to enrol and maintain correct enrolment details.

- 3.9.2 The Commonwealth does not need to act precipitously, but it does need to act. Consideration of the New South Wales and Victorian experiences and outcomes can inform the choice and design of appropriate models and reforms can be implemented in a staged and transparent manner to maintain the confidence of stakeholders and minimise the impact on electors.
- 3.9.3 AEC views on options for reform arrangements are outlined below. The proposed reforms are not a panacea but rather, tools to assist in maintaining an accurate and complete electoral roll and to facilitate interaction with electors in ways which suit them. In making these recommendations, the AEC wishes to make clear that it is not proposing to discontinue its current range of CRU activities, including the use of mail and fieldwork as key enrolment activities. Rather new methods for enrolment would add to the range of tools at the AEC's disposal.

Direct update

- 3.9.4 The AEC supports a direct update of enrolment (direct update) process which would permit the AEC to use data from external agencies to update enrolled electors' details. It notes the Government's support for direct update of enrolment was indicated in response to Recommendation 10 of JSCEM's *Report on the conduct of the 2007 federal election and matters related thereto* ('the JSCEM report on the 2007 federal election').
- 3.9.5 As outlined at paragraph 3.6.14, the AEC currently obtains data from a range of federal, state and territory agencies, which it uses to identify people who it believes may be eligible to enrol but are not enrolled, and electors who have moved address and not updated their enrolment details. Where the AEC has reasonable grounds for believing that an elector has not lived at his or her enrolled address for one month, the AEC is obliged to initiate objection action (by sending them a letter advising that they must complete an enrolment form to remain on the electoral roll). Efforts to contact electors can include mailing a letter to his or her previously supplied postal address, enrolled address or the address at which the AEC believes the elector is enrolled. If the AEC receives no response after at least two attempts to contact the elector by mail, the elector will be removed from the roll. In 2009-10, 346 057 electors were removed from the roll through an objection process.
- 3.9.6 Some electors contacted by the AEC requesting that they update their enrolment find it confusing that although the AEC already knows the new address at which

they reside, they are still required to fill out an enrolment form to remain on the electoral roll. The AEC's enrolment triggers research indicates that nearly 80 per cent of respondents thought that when changes of personal details are reported to a government agency they should also be automatically updated on the electoral roll. The AEC believes that direct update can assist electors in maintaining their enrolment for a correct address and meet the preferences of some for how they wish to interact with the AEC and with Government.

- 3.9.7 In previous advice to JSCEM's inquiry into the 2007 federal election, the AEC outlined that a direct update model could be implemented in the following manner:

The AEC would receive various sources of external data and based on matching across data sets and against the existing electoral roll determine what elector records should be updated. Dependent on the nature and reliability of the source data sets, specific rules would be applied against each data set to ensure that an appropriate level of confidence exists to update an enrolment record. If that level of confidence is achieved the elector record would be updated and the elector notified. If the level of confidence to directly update is not achieved the AEC would still follow up the elector through other contact methods to determine if the roll should be updated. As with other models, a number of measures would be used to continue to ensure roll integrity through a combination of business rules applied to the incoming data, POI,³³ data matching with existing records, and sample audit fieldwork to identify any systemic integrity issues. The use of business rules against source data, POI and data matching with existing records in particular serves to identify potential fraudulent enrolment as a result of source data sets with their own integrity issues. Standard encryption and data handling techniques would be employed to protect source data in transit to the AEC.³⁴

- 3.9.8 The AEC prefaced this by noting that any electronic enrolment process would employ substantially the same mechanisms as paper-based enrolment to ensure that the integrity of the roll remains high:

With any [enrolment] model, be it paper-based or electronic, the AEC needs personal data with sufficient integrity that will allow it to confidently amend the correct enrolment record. With the proposed electronic models, as with the current paper model, the same data

³³ POI or 'proof of identity' is used here to refer to evidence of identity data.

³⁴ AEC, submission no. 169.17 to JSCEM, *Inquiry into the 2007 Federal Election*, 2009, p. 7.

would be received in relation to an enrolment and the same checks would be performed on that data. With paper-based enrolment forms, certain checks and validations are performed on each of the data items received in the enrolment process. These same checks would be performed on data received in an electronic format, whether it be via a website where data is entered, the receipt of scanned/imaged enrolment forms, or data received from external agencies which could be used to update the enrolment details directly where changes to address have occurred.³⁵

3.9.9 As outlined above, the AEC already receives a range of information from other government agencies. In implementing direct update, the AEC would develop agreements with relevant agencies, working through agency-specific issues related to the collection, use and storage of personal information. The AEC would also consult with the Privacy Commissioner in the course of developing these arrangements.

Recommendation 1: The AEC **recommends** that legislation proceed to amend the Electoral Act to allow the direct update of enrolment.

Direct enrolment

3.9.10 The AEC has previously supported the adoption of direct enrolment in a submission to the JSCEM inquiry into the NSW Automatic Enrolment Act.³⁶ JSCEM tabled its report on 25 February 2010, recommending that 'the *Commonwealth Electoral Act 1918* be amended to allow the AEC to automatically enrol electors on the basis of data provided by trusted agencies'. The Australian Government is yet to respond to the report, however has previously indicated that it was considering automatic enrolment as part of its response to the JSCEM report on the 2007 federal election.³⁷

3.9.11 The AEC supports a direct enrolment process which would permit the AEC to use data from external agencies to add a person to the electoral roll. The AEC is of the view that direct enrolment will:

- assist eligible persons in meeting their obligation to enrol;
- build on the direct update model already supported by the Australian Government; and

³⁵ *ibid.*, p. 3.

³⁶ AEC, submission no. 2.1 to JSCEM, *op. cit.*

³⁷ For example, see response to recommendation 7, available at <http://www.aph.gov.au/house/committee/em/Government%20Responses/Govt%20Resp%20Conduct%20of%202007%20federal%20election.pdf>.

- balance existing provisions which enable the AEC to commence action to remove an eligible elector from the electoral roll where it believes, based on data received from a number of sources (including Centrelink, Australia Post, state and territory motor registries and electoral commissions), that an elector is no longer entitled to be enrolled for an address.

3.9.12 The AEC's approach to sourcing and using data for this purpose would be ensure there is confidence in the integrity of the data to be used, and that agencies providing data use processes which separately, or in totality, match or exceed current checks applied by the AEC. For example: agencies whose data is used to establish evidence of identity would have processes which matched or exceed the Evidence of Identity (EOI) processes used by the AEC to validate evidence of identity; agencies whose data is used to identify address, or validate age or citizenship status would have processes that matched or exceeded checks currently applied to such information by the AEC.

3.9.13 It is important to emphasise that it is unlikely that one source of data would ever be used in isolation. Trusted agency data would be tested using a similar process to that outlined at paragraph 3.9.7 to identify and determine eligible persons to be enrolled. That is, various sources of external data would be used, and depending on the nature and reliability of specific data sets, specific rules would be applied to identify data in which the AEC had sufficient confidence to effect an enrolment. It is envisaged that agencies used to provide data for such purposes could include state and territory electoral commissions, Centrelink, Medicare Australia, DIAC and the Department of Foreign Affairs and Trade (DFAT).

3.9.14 Similarly, it is important to re-emphasise that although direct enrolment is a different method of enrolling, it is only a variation in the specific method by which enrolment data is received. The handling, verification, authentication and storage of data received, as noted above, would be the same. The data matching applied to the handling of data received via an enrolment form, that is name, address, previous address, date of birth, whether hand-written on a paper form, received by fax, email, *SmartForm*, or other internet mechanism, or received as part of a data file from an external agency, would be subject to the same checking processes. Only after all checks performed concluded that the data was correct and accurate would it be entered into the AEC's enrolment system to form the elector's enrolment record.

3.9.15 As with existing enrolment processes, the AEC would send an enrolment acknowledgement letter to every elector enrolled. This letter is mailed to the elector immediately following an enrolment, or enrolment update, both to advise the elector that a change to their enrolment has been effected and provide the opportunity to contact the AEC if any potential anomaly has been identified. As an additional integrity mechanism, a direct enrolment model could require the AEC to

contact a person identified as eligible to enrol to notify them that the AEC intended to enrol them as of a particular date (for example, two weeks following the date of the letter), requesting they advise the AEC if they are not entitled to enrol, and provide guidance on special enrolment arrangements for particular electors.³⁸ Once enrolled, electors would be sent an enrolment acknowledgement letter to confirm enrolment.

3.9.16 The AEC has noted that should direct enrolment legislation be enacted, its approach would be cautious, conservative, and supported by business processes that ensure electoral roll integrity is maintained.³⁹ Transparency regarding the use of these sources could be achieved by requiring that an agency providing data be specified in regulations and that the AEC publish the criteria for selection of these sources. As an interim measure, the AEC could also make available from its website a description of the business rules used to directly enrol batches of electors. This could take the form, for example, of a more detailed explanation of the processes outlined at paragraphs 3.8.3 and 3.8.10 and continue until such processes come to be seen as 'business as usual' activities of the AEC, such as its range of CRU activities.

3.9.17 The AEC would like to make clear that it does not support a consent based model of direct enrolment which would require electors to 'opt out' or 'opt in'.⁴⁰ This is fundamentally because of an eligible person's obligation and entitlement to enrol and maintain accurate enrolment at all times. The AEC believes that direct enrolment assists eligible persons to comply with this obligation and facilitates eligible persons to exercise their entitlement to enrol and vote.

Recommendation 2: The AEC **recommends** that the Electoral Act be amended to enable the AEC to directly enrol eligible electors on the basis of data provided by specific sources.

Online enrolment

3.9.18 The AEC is of the view that an online enrolment mechanism requires close examination given:

³⁸ For example, enrolment arrangements for electors who, owing to fear for the personal safety of themselves or their family do not wish for their address to appear on a publicly available roll.

³⁹ AEC, submission no. 2.1 to JSCEM, op. cit., p. 3.

⁴⁰ The JSCEM and Government response to recommendation 11 of the JSCEM report on the 2007 federal election supported a model of direct enrolment for new citizens 'where they provide proactive and specific consent to opt in, with voting entitlement gained automatically once Australian citizenship has been granted'.

- the outcome of the *Getup* case where the Federal Court held that a claim for enrolment using an electronic signature on an enrolment form met the requirements of the Electoral Act; and
- the trend toward online interaction between eligible persons and the AEC.

3.9.19 On 13 August 2010 the Federal Court upheld the use of a digital signature in completing a claim for enrolment. The Federal Court held that a claim for enrolment made by Ms Sophie Trevitt via an enrolment form on Getup's 'ozenrol' website, which was signed with a digital pen on a trackpad, met the relevant requirements of the Electoral Act. The *Getup* case is discussed further at Chapter 9.

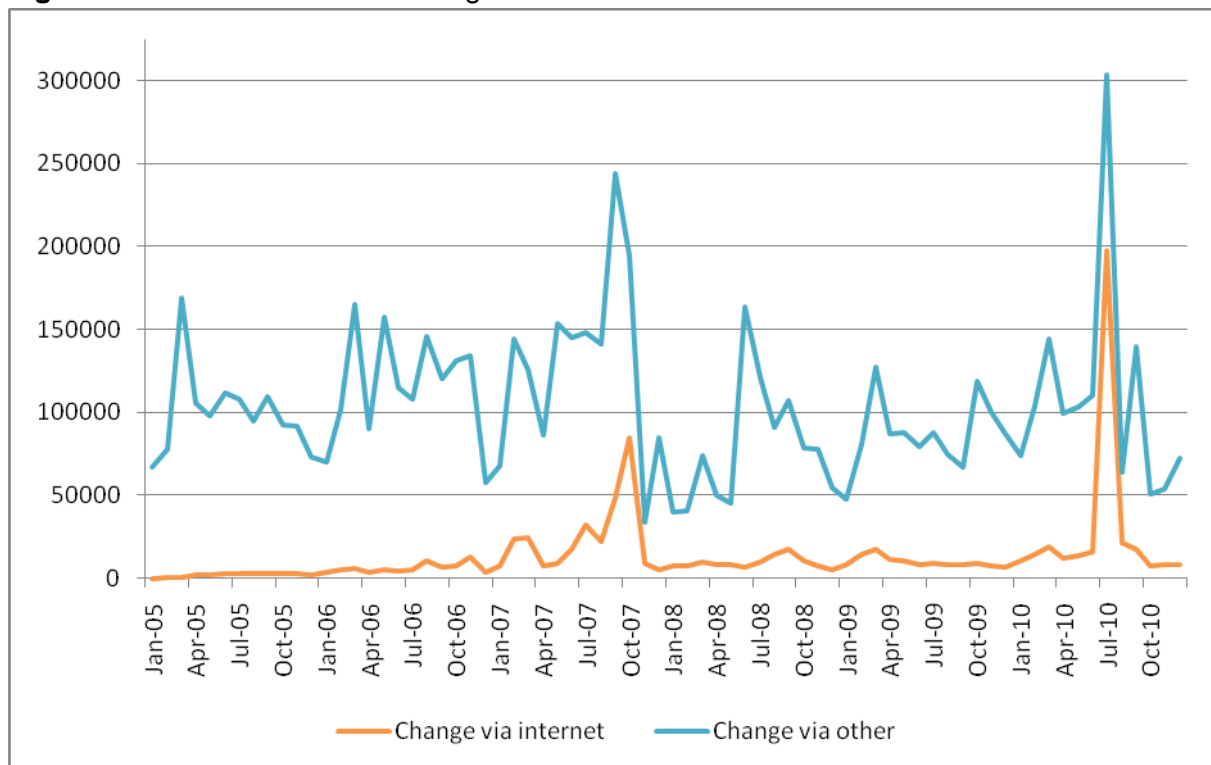
3.9.20 Although the Federal Court's decision only effected the enrolment of one elector for the 2010 federal election, the AEC anticipates that it will have a significant impact on future elections. The AEC is in the process of working through issues associated with the decision (including developing policy and considering its impact on existing systems for receiving, imaging and storing enrolment records).

3.9.21 The AEC already receives enrolments with 'wet ink signatures' in a number of forms, such as printed hardcopy forms via facsimile, electronic files attached to emails, or via internet-based submission mechanisms. Getup submitted several enrolment forms to the AEC created using a custom built computer system incorporating a means to capture the user's signature using a light pen and/or computer touchpad. Increased use of technology would suggest that it is likely that there will be increase in the volume and variety of methods by which people seek to provide an electronic representation of their signature for the purposes of enrolling. Noting that conventional forms of electronic interaction provided some challenges for the AEC at this federal election,⁴¹ this development require careful examination ahead of the next election.

3.9.22 Another consideration is the extent to which the *Getup* case emerged as a result of a broader expectation that eligible persons should be able to transact with the AEC online. The trend toward the use of the internet to source enrolment forms has been evident for some time. In October 2007 (which included the close of rolls), over a quarter of enrolments received were sourced from the AEC website. This is despite the requirement at the time that forms sourced from the AEC website had to be downloaded, printed, signed and then sent onto the AEC.

3.9.23 The 2010 federal election demonstrated that use of internet sourced materials is most prevalent in the time-critical close of rolls period. Figure 3.7 demonstrates that at the 2010 federal election, the number of changes to enrolments effected by completion of an internet sourced enrolment form increased significantly compared to the changes to enrolment effected by enrolment forms sourced elsewhere.

⁴¹ The challenges experiences in relation to call volumes and emails are discussed in Chapter 7.

Figure 3.7 – Internet-sourced changes to enrolment vs other 2005-2010

3.9.24 The JSCEM inquiry into the 2007 federal election recognised this trend and recommended that the Electoral Act:

... be amended to allow for the creation, implementation and maintenance of an enrolment website designed to facilitate the receipt and use of information provided electronically by enrolled electors, in order to update the electoral roll.

3.9.25 Online update of enrolment was subsequently supported by the Government and legislated. Although only implemented during the 2010 close of rolls period, 21 000 electors were advantaged by the changes to legislation allowing for update of enrolment without the submission of a signed paper enrolment form. The Commonwealth is the first jurisdiction in Australia to introduce online address update.

3.9.26 Taken together, the Federal Court decision and the trend toward online interaction has led the AEC to the view an examination of online enrolment processes is timely. In discussing online enrolment, the Government's second green paper on electoral reform described online enrolment in the following terms:

Online enrolment utilises technology but retains the onus on electors to enrol, by allowing eligible persons with particular identification such as a driver's licence to enrol to vote via the AEC website.⁴²

3.9.27 In considering methods of online enrolment, the AEC is mindful that options include:

- enrolment using a true representation of an elector's signature, where an elector uses technology such as a light pen and/or computer trackpad to sign an enrolment form;
- enrolment where an elector provides suitable evidence of identity, but no physical signature; and
- enrolment where an elector agrees that a signature held by another government agency may be sought and stored as their signature for the purposes of enrolment.

Recommendation 3: The AEC **recommends** that JSCEM consider online enrolment as part of its inquiry into the 2010 federal election. The AEC is considering the implications of the Federal Court decision in *Getup* specifically, and online enrolment processes generally, and will provide further advice to JSCEM on ways in which online enrolment can be implemented, whilst maintaining the integrity of enrolment processes.

Enrolment up to and including polling day

3.9.28 The AEC has previously supported the adoption of enrolment up to and including polling day in a submission to the JSCEM inquiry into the NSW Automatic Enrolment Act. The submission stated:

The model should allow the AEC to enrol an elector on election day in accordance with existing enrolment provisions and issue a provisional declaration vote on production of satisfactory evidence of identity. The AEC does not consider that proof of address should be required as it is not required of electors enrolling to vote at any other time. However, before the enrolment was confirmed, checks would be made post election day to ensure that the enrolment is for a valid address and the vote would only be admitted to the count in those cases where the AEC was satisfied that an entitlement to vote actually existed.⁴³

⁴²Online enrolment is currently used in at least three US states – Kansas, Arizona and Washington, and in the Canadian province of British Columbia.

⁴³ AEC, submission no. 2.1 to JSCEM, *Inquiry into the implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections*, op. cit., p. 5.

3.9.29 A key rationale in supporting this recommendation was that:

...until such times as we can be confident that every person who is entitled to be enrolled is enrolled, and that all additions, deletions and amendments to the electoral roll can be made in real time in every circumstance, in advance of election day, the necessity to provide adequate safety nets will remain.

3.9.30 JSCEM tabled its report on 25 February 2010, recommending that the Electoral Act:

... be amended to allow for electors to enrol on Election Day and to issue a provisional vote, subject to the elector being able to produce suitable identification to the Australian Electoral Commission.⁴⁴

The Australian Government is yet to respond to the report.

3.9.31 The AEC remains of the view that enabling enrolment up to and including polling day will provide a safety net to those whose enrolment details may need to be updated following implementation of the direct enrolment or direct update processes, already recommended by JSCEM.

3.9.32 The reform would also enable existing numbers of unenrolled but eligible persons, or electors enrolled incorrectly who cast provisional votes to have their votes counted where identity requirements are satisfied. At the 2010 federal election over 200 000 pre-poll, absent and provisional votes were rejected because the persons casting the vote were not enrolled or not enrolled correctly.

3.9.33 The implementation of direct enrolment and direct update processes in New South Wales and Victoria provides further impetus to consider legislative means by which an otherwise eligible person who turns out to vote at a federal election, and provides sufficient information for the AEC to validate his or her enrolment eligibility and entitlement to vote, may be enfranchised. Historically, in the main, people only needed to complete one joint enrolment form for federal, state/territory and local government elections. On this basis, it may be a reasonable expectation

⁴⁴ JSCEM, *Inquiry into the implications of the Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009 (NSW) for the conduct of Commonwealth elections*, 2010. The report provides an overview of the NSW model of direct enrolment and election day enrolment. Further details of how the direct enrolment arrangements work in NSW are available at: http://www.elections.nsw.gov.au/enrol_to_vote/smartroll.

of electors enrolled under Victorian or New South Wales direct enrolment arrangements that they would be also enrolled correctly for a federal election with no further action required on their part. Enabling enrolment up to and including polling day provides a safety net for electors who may not necessarily understand that under the new arrangements, they need to complete an enrolment form to enrol for Commonwealth purposes despite having been automatically enrolled for state elections.

3.9.34 It is envisaged that there would be still be an enrolment cut-off date, at which time the AEC would close enrolments for the list of voters, to enable production of electronic and hard copy lists in time for the commencement of polling. Electors changing their enrolment or eligible persons enrolling after the cut-off would be required to cast a provisional vote, which would double as an enrolment form.

3.9.35 Information provided on the provisional vote/enrolment form would be used for two purposes. Firstly, it would be used to satisfy the AEC as to the identity and eligibility of the person making the application. Secondly, it would establish the entitlement of the person to have their name included on the relevant divisional roll. In addition, the provisional vote declaration would require a person casting the vote to attest to their eligibility to enrol and their entitlement to vote for the address at which they are claiming to reside. Only once the AEC was satisfied that an entitlement to enrol and an entitlement to vote existed, would a person be enrolled and their vote added to the count.

3.9.36 At the recent Victoria state election, 29 272 eligible persons were added to the roll and their vote counted under similar provisions.

3.9.37 The AEC acknowledges that this measure would require careful implementation, particularly in relation to monitoring any impact on polling and the count. If it were to be legislated, the AEC will adopt a conservative approach and be informed by the experiences of VEC and NSWEC.

Recommendation 4: The AEC **recommends** that the Electoral Act be amended to enable electors to enrol up to and including polling day, by casting a provisional vote that is subject to satisfactory evidence of identity requirements.

4. Party Registration and Candidate Nominations

4.1 Timing of applications for party registration

4.1.1 There were 15 applications to register new political parties which were lodged between the 2007 federal election and the issue of writs for the 2010 federal election. Six of the 15 new political parties applied for registration within two years of the 2007 federal election and nine of the 15 applied for registration in the year leading up to the 2010 federal election. Seven of the 15 applications were lodged within the last three months before the issue of the federal election writs. As the registration process takes a minimum of three months to complete, this meant that for the 2010 federal election, the registration process for those parties was not completed in time and therefore the parties could not have their party names printed on the ballot papers for the federal election.

4.1.2 Prior to the 2010 federal election, the Help End Marijuana Prohibition Party and the First Nations Political Party received media coverage that included claims that the process of party registration took so long that it would prevent them from having their party names on the ballot papers for the 2010 federal election. However, each of the applications for those parties had shortcomings that required the AEC to undertake follow-up action, which then prolonged the time taken to finalise their application.

Mid-term review of registered parties

4.1.3 The AEC conducts a mid-term review of the continuing eligibility of each registered political party once in the life of each Parliament. During the review, six parties sought and were granted voluntary de-registration whilst four parties were de-registered compulsorily. All other parties had their eligibility confirmed.

Parties registered for the 2010 federal election

4.1.4 At the time of the issue of the writs for the 2010 federal election, 25 separate parties were registered, plus an additional 24 branches from the four major parties (see Table 4.1).

Table 4.1 - Party registration for 2010 federal election

Name	Abbreviation
Australia First Party (NSW) Incorporated	Australia First Party
Australian Democrats	Democrats
Australian Fishing and Lifestyle Party	AFLP
Australian Greens	The Greens
The Greens NSW	The Greens
The Australian Greens - Victoria	Australian Greens
Queensland Greens	The Greens
The Greens (WA) Inc	The Greens (WA)
Australian Labor Party (ALP)	A.L.P.
Australian Labor Party (N.S.W. Branch)	Labor
Country Labor Party	Country Labor
Australian Labor Party (Victorian Branch)	Australian Labor Party
Australian Labor Party (State of Queensland)	Australian Labor Party
Australian Labor Party (Western Australian Branch)	Australian Labor Party
Australian Labor Party (South Australian Branch)	Australian Labor Party
Australian Labor Party (Tasmanian Branch)	Australian Labor Party
Australian Labor Party (ACT Branch)	Australian Labor Party
Australian Labor Party (Northern Territory) Branch	A.L.P.
Australian Sex Party	Sex Party
Building Australia Party	Building Australia
Carers Alliance	Carers
Christian Democratic Party (Fred Nile Group)	Christian Democratic Party
Citizens Electoral Council of Australia	Citizens Electoral Council
Communist Alliance	Communist
Country Liberals (Northern Territory)	Country Liberals (NT)
Democratic Labor Party (DLP) of Australia	D.L.P. - Democratic Labor Party
Family First Party	Family First
Liberal Democratic Party	Liberal Democrats (LDP)
Liberal Party of Australia	Liberal
Liberal Party of Australia, NSW Division	Liberal
Liberal Party of Australia (Victorian Division)	Liberal
Liberal National Party of Queensland	LNP
Liberal Party (W.A. Division) Inc.	Liberal
Liberal Party of Australia (S.A. Division)	Liberal
Liberal Party of Australia - Tasmanian Division	Liberal
Liberal Party of Australia - ACT Division	Liberal
National Party of Australia	The Nationals
National Party of Australia - N.S.W.	Nationals

National Party of Australia - Victoria	The Nationals
National Party of Australia (WA) Inc	The Nationals
National Party of Australia (S.A.) Inc.	National Party
Non-Custodial Parents Party (Equal Parenting)	
One Nation	ON
Secular Party of Australia	
Senator On-Line	SOL
Shooters and Fishers Party	Shooters and Fishers
Socialist Alliance	
Socialist Equality Party	
The Climate Sceptics	T.C.S.

Compulsory enrolment for party members supporting an application for registration of a political party

4.1.5 All states and territories have political party registration schemes to settle the form of party name that a party can request to have printed on ballot papers for an election. The number of party members required for an application for registration varies depending on the jurisdiction (see Table 4.2):

Table 4.2 - Party registration membership requirements by jurisdiction

CTH	500	<i>entitled to enrolment</i>
NSW	750	electors on state roll
VIC	500	electors on state roll
QLD	500	electors on state roll
WA	200	electors on state roll
SA	200	electors on state roll
TAS	100	electors on state roll
ACT	100	electors on ACT roll
NT	200	electors on NT roll (or party registered with Cth)

4.1.6 The Commonwealth scheme has always required party members who are supporting an application for registration by their party to be ‘entitled to enrolment’ (subparagraph 123(3)(b) of the Electoral Act). However, all state and territory schemes require party members supporting an application for party registration to be enrolled.

4.1.7 Checking that party members supporting an application for Commonwealth party registrations are ‘entitled’ to electoral enrolment is the major cause of delays in processing applications. Party members advise the party that they are entitled to

enrolment or, as is the case for many parties, that they are actually enrolled. When the AEC checks those details against enrolment information whilst processing the party registration applications, it is often found that only a proportion of the required 500 party members have demonstrated their entitlement by being enrolled. The AEC then asks the party for either the details of additional members for whom there may be evidence of enrolment, or requests that the party take the onus of providing independent evidence in each case where a member is entitled to enrolment.

- 4.1.8 In the AEC's view, changing the party registration requirements to bring the Commonwealth scheme into line with the requirements in all states and territories would be of benefit to parties. Party members would be required to support an application for party registration to be on the electoral roll, which would assist in allowing parties to avoid the delays inherent in trying to demonstrate that supporting members are actually entitled to electoral enrolment when there is no evidence available to parties to ensure that the details provided are correct.
- 4.1.9 Such a change would be consistent with other provisions of the Electoral Act that require persons providing support to an 'electoral transaction' to be enrolled. For example, subparagraph 98AA(2)(c)(ii) permits an enrolled person to attest to the identity of a person applying for enrolment (if that person does not have a drivers licence number or passport number to quote). Subparagraph 166(1)(b)(i) requires unendorsed candidates to be nominated by persons entitled to vote at the election, that is by a person enrolled in the relevant division or state.

Recommendation 5: The AEC **recommends** that the Electoral Act be amended to require a member of a political party referred to in Part XI of the Electoral Act to be enrolled.

Checking enrolment details of members supporting an application for party registration

- 4.1.10 The NSW state party registration scheme permits a party applying for registration to identify its members on the NSW electoral roll as an aspect of the application registration process. The party enters the name, address and date of birth details provided by its members into the NSW party registration system. If the person can be identified on the NSW electoral roll and is not found to already be supporting an existing party's registration, the person's details are automatically appended to the electronic party application as one of the required 500 enrolled members.

- 4.1.11 When the application is complete with all required documents, for example with the party constitution and declaration by the secretary, the NSWEC uses the electronic list to contact people for confirmation that they are in fact members of the party.
- 4.1.12 The NSWEC has advised that parties using the electronic membership recording system have reported it to be a comparatively quicker and easier method of applying for registration because the member's enrolment is checked immediately after their details are entered.
- 4.1.13 The AEC could potentially provide limited online access to the electoral roll to parties applying for registration, in the same manner as the NSWEC system. The process would involve the AEC contacting a random sample of the members registered to confirm their membership of the party.
- 4.1.14 This would mean that, firstly, parties could avoid the delays currently involved in needing to provide additional members or independent evidence of members' electoral entitlement to the AEC. Secondly, because there would be cyclic reviews of eligibility, parties would only need to lodge deletions from, and additions to, the online list, rather than reconstructing a fresh list of 500 plus members.
- 4.1.15 The process of checking party member details online does not raise any privacy issues as it would not provide any new information to parties. It would simply confirm information that the member has actively provided to the party.

Recommendation 6: The AEC **recommends** that the Electoral Act be amended to permit the AEC to provide limited access to electoral roll information to a party which has commenced an application for registration.

4.2 Number of candidates

- 4.2.1 A total of 1 198 candidates stood for election at the 2010 federal election. This compares to a total of 1 421 at the 2007 federal election.
- 4.2.2 For the House of Representatives, there were a total of 849 candidates. This compares to a total of 1 054 at the 2007 federal election. Table 4.3 provides a breakdown of House of Representative nominations.

Table 4.3 - House of Representatives nominations at the 2010 federal election

State/territory	Number of divisions	Number of nominations	Average number of nominations per division
NSW	48	299	6.2
VIC	37	194	5.2
QLD	30	158	5.3
WA	15	92	6.1
SA	11	68	6.2
TAS	5	20	4.0
ACT	2	7	3.5
NT	2	11	5.5
Total	150	849	5.7

4.2.3 For the Senate, there were a total of 349 candidates (see Table 4.4). This compares to a total of 367 at the 2007 federal election.

Table 4.4 - Senate nominations at the 2010 federal election

State/territory	Number of vacancies	Number of nominations
NSW	6	84
VIC	6	60
QLD	6	60
WA	6	55
SA	6	42
TAS	6	24
ACT	2	9
NT	2	15
Total	40	349

4.3 Rejected nominations

4.3.1 At the 2010 federal election, eight House of Representatives nominations were rejected and three Senate nominations were rejected. The reasons for the rejections included:

- insufficient nominators provided;
- non-payment of the nomination deposit; and

- nominations that were received too late.

4.4 Reduction of the nomination period and timing for the commencement of pre-poll voting

- 4.4.1 Section 156 of the Electoral Act currently provides a minimum of ten and a maximum of 27 days after the issue of the writ for the receipt of nominations, with the declaration of nominations occurring 24 hours after the close of nominations. It is only after the declaration of nominations that ballot paper printing can commence.
- 4.4.2 The current timetable for the preparation, printing and distribution of ballot papers in time for the commencement of early voting presents a major logistical challenge for the AEC.
- 4.4.3 For a combined House of Representatives and Senate election, the Electoral Act (s200D) specifies that pre-poll voting can commence no earlier than the second day after the declaration of Senate nominations. The deadline for the lodgement of Senate Group Voting Ticket (GVT) information is 24 hours after the declaration of nominations. In practical terms this means that there is less than 24 hours allowed in the election timetable to prepare, print and distribute ordinary and postal ballot papers across Australia in time for the commencement of early voting.
- 4.4.4 The production of ballot papers and GVTs is a resource intensive and iterative process of preparing and checking proofs for accuracy before printing can commence. Larger states, with more Senate groups, hence a larger ballot paper to proof, face a particular challenge. For the 2010 federal election, some 43 million ballot papers were printed by 11 contracted printing firms that were distributed across all states and territories. This number has steadily increased for each federal election. At the 1996 federal election, around 37.5 million ballot papers were printed.
- 4.4.5 For recent federal elections, the declaration of nominations has occurred on a Friday, making the first possible day for early voting a non-business day - Sunday. This fortuitous circumstance has provided the AEC with an extra 24 hours to have intrastate ballot papers in place in most divisions for the commencement of polling on Monday morning.
- 4.4.6 The delivery of ballot papers across state boundaries to allow interstate pre-poll voting to commence on Monday is more challenging. To this end, PDF copies of ballot papers and group voting tickets are prepared over the weekend and made

available to divisional offices via the AEC intranet to print and, for the Senate, to paste together, papers for early interstate voters. Printed copies are generally received in interstate centres by the Wednesday after nominations have closed.

- 4.4.7 To provide consistency in the amount of time available for pre-poll voting, and to ensure that the AEC has sufficient time to distribute ballot papers, the AEC recommends that the Electoral Act be amended to provide that an application for a pre-poll vote cannot be made earlier than the Monday 19 days before polling day.
- 4.4.8 Table 4.5 and 4.6 below shows the pattern of receipt of nominations for the 2010 federal election, showing that the bulk of nominations are received over the last four working days of the nomination period. Given that, there appears to be little detriment in reducing the minimum nominations period. To maintain the election timetable at a minimum of 33 days from issue of writ, a corresponding increase would be required in the minimum time between close of nominations and polling day (that is, if section 156 of the Electoral Act is amended to provide that nominations close between nine and 26 days after the issue of the writ, section 157 would need to be amended to provide that the date fixed for polling shall be no less than 24 nor more than 32 days after the close of nominations).

Table 4.5 - House of Representatives nominations per day (cumulative)

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	TOTAL
M 19 Jul	0	1	0	0	0	0	0	0	1
T 20 Jul	0	3	0	1	0	0	0	0	4
W 21 Jul	0	6	0	1	0	0	2	0	9
T 22 Jul	0	12	0	3	11	0	4	1	31
F 23 Jul	0	17	2	36	22	5	7	17	106
S 24 Jul	0	17	2	36	22	5	7	17	106
S 25 Jul	0	17	2	36	22	5	7	17	106
M 26 Jul	4	202	9	71	49	12	171	54	572
T 27 Jul	7	237	10	148	60	17	188	86	753
W 28 Jul	7	277	11	156	62	20	189	87	809
T 29 Jul	7	299	11	158	68	20	194	92	849

Table 4.6 - Senate nominations per day (cumulative)

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	TOTAL
M 19 Jul	0	0	0	0	0	0	0	0	0
T 20 Jul	0	0	0	0	0	0	0	0	0
W 21 Jul	0	0	0	0	2	0	0	0	2
T 22 Jul	0	0	0	2	6	0	0	0	8
F 23 Jul	0	0	2	11	9	3	2	5	32
S 24 Jul	0	0	2	11	9	3	2	5	32
S 25 Jul	0	0	2	11	9	3	2	5	32
M 26 Jul	4	32	7	19	19	6	14	23	124
T 27 Jul	6	47	10	33	32	13	32	36	209
W 28 Jul	8	62	15	54	34	19	53	48	293
T 29 Jul	9	84	15	60	42	24	60	55	349

Recommendation 7: The AEC **recommends** a reduction in the nomination period by one day so that nominations close not less than nine or more than 26 days after the issue of the writ, rather than ten and 27 respectively. A consequential amendment would then be required to ensure that the date fixed for polling is not less than 24 or more than 32 days after the date of nomination.

Recommendation 8: Consequent to recommendation 7, it is **recommended** that an application for a pre-poll vote cannot be made before the Monday 19 days before polling day.

5. Polling

5.1 Context

Different types of voting at the 2010 federal election

- 5.1.1 The main method by which electors cast their vote is by attending a polling place on polling day and casting an ordinary vote. The Electoral Act provides for a number of ways of casting a vote other than by ordinary vote. The alternative methods of voting are collectively called 'declaration' voting, because the elector must complete a declaration that he or she is entitled to vote. The different forms of voting are described in Table 5.1 below.

Table 5.1 – Types of voting

Ordinary vote	A vote cast by a voter on polling day at a polling place in the voter's enrolled division.
Pre-poll ordinary vote	A declaration vote that is cast as an ordinary vote. In 2010 this applied to a vote cast by a voter, prior to polling day, in the home division or a pre-poll voting centre belonging to the elector's home division. The elector is required to sign a certificate, they are then marked off the certified list and issued with ballot papers that, once completed, are placed directly into a ballot box, rather than in a declaration vote envelope.
Declaration vote	A vote where the elector has declared their entitlement to vote. Absent, pre-poll, postal and provisional votes are cast as declaration votes.
Postal vote	A declaration vote recorded by a voter eligible to do so, and returned to the AEC through the postal system.
Pre-poll vote	A declaration vote recorded by a voter eligible to do so, at a divisional office or pre-poll voting centre in the lead up to, or on (in the case of interstate voters) polling day. These may also be cast by voters attempting to cast a pre-poll ordinary vote in their home division prior to polling day, but whose name cannot be found on the certified list.
Absent vote	A declaration vote cast at a polling place located outside the division, but within the state or territory, for which the voter is enrolled on polling day.
Provisional vote	A declaration vote cast by a person at a polling place when: <ul style="list-style-type: none"> • his or her name cannot be found on the certified list; • his or her name is marked on the certified list to indicate that he or she has already voted; • the relevant polling official has doubts regarding the voter's identity; or • the voter is registered as a 'silent elector' whose address does not appear on the certified list.

5.1.2 At the 2010 federal election, 13 619 586 ballots were issued. There were 7 760 ordinary polling places and 531 Pre-poll Voting Centres (PPVCs) which operated for up to three weeks prior to polling day. Early voting facilities were also provided at AEC divisional offices. Votes were also issued by 455 special hospitals mobile teams, 38 remote mobile teams, 19 prison mobile teams, 103 overseas posts and

five overseas Defence Force teams. Table 5.2 shows the number of each type of vote issued for the 2010 federal election by state.

Table 5.2 - Votes issued by type at the 2010 federal election

State/ territory	Ordinary ⁴⁵	Provisional	Absent	Pre-poll	Pre-poll ordinary	Postal	Total
NSW	3 371 133	70 073	255 132	132 338	336 302	252 354	4 417 332
VIC	2 464 192	49 986	204 176	107 093	299 400	288 567	3 413 414
QLD	1 921 800	38 046	168 355	108 671	182 147	216 219	2 635 238
WA	982 475	22 738	111 581	62 505	66 423	77 222	1 322 944
SA	826 093	13 130	71 003	20 380	41 179	82 973	1 054 758
TAS	274 767	4 037	16 952	4 654	16 464	24 937	341 811
ACT	172 181	3 581	3 773	12 843	36 939	10 839	240 156
NT	72 196	1 897	1 978	21 067	18 021	4 647	119 806
Overseas	0	0	0	64 832	0	9 252	74 084
Antarctic	0	0	0	43	0	0	43
Total	10 084 837	203 488	832 950	534 426	996 875	967 010	13 619 586

*Note: Table shows provisional, absent, pre-poll declaration and postal votes *issued*; and ordinary and pre-poll ordinary votes *counted* (including informal votes) for the *Senate*.

5.2 Voter turnout

Calculation of voter turnout

5.2.1 The 'traditional' method of calculating election turnout is by dividing the number of people entitled to vote in the election by the number of formal and informal votes cast at the election. For the 2010 federal election the turnout figure was 93.83 per cent for the Senate and 93.22 per cent for the House of Representatives.

⁴⁵ Excludes pre-poll ordinary votes.

- 5.2.2 However these turnout figures do not take account of the number of declaration votes cast by electors that were subsequently rejected. While some of these votes would have been rejected because no evidence of entitlement to enrolment was able to be found, a large percentage are rejected for other reasons such as the elector failing to sign, or have witnessed, the declaration envelope, or because they had been removed from the roll for their claimed address by objection on the grounds of non-residence yet still claim to reside there, or they had claimed enrolment for the incorrect address. If such votes are taken into account, then the resulting 'turn-up' figure could be approximately two per cent higher than the turnout figure.
- 5.2.3 Initiatives such as direct enrolment and enrolment up to and including polling day are intended to increase enrolment participation rates and, it is hoped, lead to improved turnout. However, in order to ensure there is a complementary improvement in turnout and formality rates the AEC will need to ensure that electors who are directly enrolled are supported with appropriate information and education campaigns.

Mobilising the Franchise

- 5.2.4 In recent years, the AEC has focused heavily on analysing the factors that motivate Australians to participate (or not participate) in the electoral process.
- 5.2.5 The most significant initiative was a research project led by former New Zealand Electoral Commissioner Dr Helena Catt, working in conjunction with AEC staff. In April 2010, the research team produced two comprehensive reports, containing a total of 69 options for change and modernisation. Those options covered a broad spectrum, from education and communication strategies to major changes to enrolment and voting systems. While some of the options identified may not be taken up by the AEC, several are already being implemented and others are under consideration. With its emphasis on understanding the community and responding innovatively to community needs and expectations, the research provides a framework for the AEC's modernisation efforts over the next few years.

5.3 Pre-poll voting

Change in legislation

- 5.3.1 The Pre-poll Act amended the Electoral Act to allow pre-poll votes cast by electors in their home division to be cast and counted as ordinary votes at the 2010 federal election.

- 5.3.2 The Modernisation Act expanded grounds upon which a person may apply for a pre-poll or postal vote to electors who will be outside their home division but still within their state on polling day and to electors who fear for their safety if they attend an ordinary polling place.

Overview

- 5.3.3 Just over 1.5 million pre-poll votes were cast at the 2010 federal election, representing an increase of 37.9 per cent on the 1 110 334 pre-poll votes cast in 2007. Pre-poll voting commenced on Monday 2 August 2010.
- 5.3.4 At the 2010 federal election a total of 996 875 home division pre-poll ordinary votes were cast, representing an increase of 49.3 percent on the 667 625 home division pre-poll votes cast in 2007. Of these, 914 148 were cast at PPVCs with 82 727 being cast in AEC divisional offices.
- 5.3.5 Pre-poll ordinary votes represented 28.5 per cent of all early votes cast.⁴⁶ The number of votes being cast as ordinary votes particularly impacted on the number of votes included on the count on polling night and the speed of the scrutiny in the post-election period. The impact of this change on the counting of votes is discussed further in Chapter 6.
- 5.3.6 The 531⁴⁷ PPVCs at the 2010 federal election represented an increase of 102 from 2007. The increase in pre-poll voting centres reflects voter demand, and is consistent with recommendations 15 to 17 of the JSCEM report on its inquiry into the conduct of the 2004 federal election and comments made at paragraphs 7.87 - 7.91 of the JSCEM report on the 2007 federal election. The recommendations and comments were aimed at increasing pre-poll PPVC numbers, accessibility, resourcing and advertising.

Arrangements for airports

- 5.3.7 The AEC aimed to ensure that passengers departing or travelling within Australia during the election period had the opportunity to cast a ballot. PPVCs at airports were open at hours that suited flight schedules, particularly in relation to an estimated 30 000 fly-in/fly-out workers in Western Australia. An increased focus on security and an increasingly competitive commercial environment led to challenges in both the placement and the cost of providing voting services at airports. These issues will be reviewed by the AEC in determining the services to be provided at airports at future elections.

⁴⁶ Early votes include pre-poll ordinary votes, pre-poll declaration votes and postal votes.

⁴⁷ While the total figure was 531, the number of actual locations was less as some were dual PPVCs issuing votes for more than one division. The introduction of pre-poll ordinary voting led to more appointments of a single centre for multiple divisions and this accounted for some of the increase in numbers.

Party worker access to pre-poll voting centres

- 5.3.8 Following the Government response to recommendation 32 of the JSCEM report on the 2007 federal election, the AEC reviewed its pre-poll voting policy to ensure it reinforced that when securing PPVC premises that the needs of party workers are taken into consideration. The following is an extract from the policy:

The AEC believes that the capacity for electors to receive 'How to Vote' cards (HTVs) is an important electoral service, and therefore the following should also be considered in determining PPVC locations:

- the preferred location for a PPVC is one that allows party workers to establish a HTV distribution area outside the immediate entry of the PPVC;
- if the preferred location does not allow this, negotiations with the lessor/centre manager should be undertaken to try to achieve this aim;
- if this is unsuccessful, then consideration should be given to the possibility of either defining a part of the PPVC premises which can be clearly separated from the PPVC operation to provide for an area in which party workers can issue HTVs, or, if party workers cannot be accommodated inside the PPVC due to space limitations, then space for setting up a table inside the PPVC for the display of all HTV leaflets provided by parties/candidates should be made available. The DRO should ensure that all parties and candidates are advised of these alternative arrangements; and
- where party workers cannot be accommodated either outside or inside the PPVC, the matter should be discussed with the State Office Director Operations and/or Australian Electoral Officer (AEO) before a final decision to use the premises is made, taking into account the possibility of other suitable alternative premises being available.

Understanding why voters cast early votes

- 5.3.9 Findings from a voter survey (discussed further at paragraphs 11.1.6 – 11.1.16) conducted for the AEC by telephone and in person over polling weekend showed that over a quarter (25 per cent) of national telephone survey respondents who voted early cited convenience as a reason. A further 18 per cent said that they were unable to leave work on polling day. One in seven (14 per cent) said that travel (either within-state, inter-state or overseas) meant that they chose to vote early.
- 5.3.10 Those interviewed at PPVCs also reported convenience as being a common reason for voting early; 29 per cent cited convenience. Overall, travel was the major reason given for voting early (27 per cent inter-state, 14 per cent within the state, two per cent overseas). Almost one in four (23 per cent) reported casting their vote early because they would be unable to leave work.

5.3.11 Results from the election advertising campaign evaluation research also confirms convenience as a reason for people voting early.

Removal of requirement for ordinary pre-poll voters to sign a certificate

5.3.12 Section 200DH of the Electoral Act requires that a person casting a home division pre-poll ordinary vote must sign a pre-poll vote certificate in the approved form. The certificate requires electors to declare that they are entitled to a pre-poll vote. The purpose of this was to ensure a continuing high standard of integrity applied to home division ordinary pre-poll votes.

5.3.13 Written declarations for pre-poll votes are no longer required in a number of state jurisdictions and none of these have reported any issues arising from the move to oral declarations. Similarly, the introduction of home division ordinary pre-poll votes at the 2010 federal election did not give rise to any issues in relation to apparent multiple voting.

5.3.14 In practice, the process of issuing home division ordinary pre-poll votes now more closely aligns with the process of issuing ordinary votes on polling day (for comparative process see **Annex 5**). The requirement for electors to complete and sign a certificate appears unnecessary. Removal of this requirement would speed up the vote issuing process and provide efficiencies in polling place management.

Recommendation 9: The AEC **recommends** that the requirement at section 200DH of the Electoral Act for an applicant for a pre-poll ordinary vote to complete and sign a certificate be repealed.

5.4 Postal voting

Change in legislation

5.4.1 The Modernisation Act contained amendments to postal voting provisions. These provisions commenced on 14 January 2011 and were not in place for the 2010 federal election. These included:

- allowing for electronic lodgement of Postal Vote Applications (PVAs) by removing the requirement for PVAs to be signed and witnessed;
- requiring the postal voters and their authorised witnesses to declare that the postal vote was completed prior to the close of the poll; and
- allowing the witness date on the postal vote to be used in determining whether the postal vote was recorded prior to the close of the poll.

- 5.4.2 The AEC expects that the amendments allowing for online PVAs will assist in dealing with growing workloads, and result in quicker despatch of Postal Voting Packages (PVPs).

Overview

- 5.4.3 At the 2010 federal election, the AEC received 821 836 PVAs and had 209 426 registered General Postal Voters (GPVs), totalling 1 031 262 applications in all. This represents an increase of 17.8 per cent over the 875 441 applications that were processed in 2007.
- 5.4.4 In 2010 the AEC issued 957 322 PVPs from within Australia, each containing a PVC envelope, ballot papers and postal voting instructions. PVPs were not issued for 73 940 PVAs, representing defective applications – including those missing an applicant and/or witness signature, improperly dated applications and applications received too late, or duplicate applications.
- 5.4.5 The AEC's central production contractor issued 891 125 PVPs and the other 66 197 PVPs were issued from divisional offices. Another 9 252 PVPs were issued by overseas posts.

Changing PVA cut-off

- 5.4.6 Under current arrangements, an application for a postal vote may be made up until 6 pm on the Thursday before polling day. Statistics for the 2010 federal election show that PVPs sent in response to PVAs received on the Thursday before polling have a limited chance of being received by the voter in time for them to complete and return them to the AEC, whereas a far higher percentage of those issued in the 24 hour period prior to that are received back in time to be admitted to the count. The AEC is concerned that by having a deadline so close to polling day electors may be misled into thinking that they will receive their ballot papers in time to complete and return them before the close of polling, when the reality it is that in many cases they will not.
- 5.4.7 The PVA deadlines in state jurisdictions are as follows:

Table 5.3 – Postal vote application deadlines in state and territory jurisdictions

State/territory	Deadline for receipt of postal vote applications
NSW	6 pm on the Wednesday before polling day for addresses within Australia 6 pm on the Monday before polling day for addresses outside Australia
VIC	6 pm on the Thursday before polling day
QLD	6 pm on the Thursday before polling day
WA	6 pm on the Thursday before polling day
SA	5 pm on the Thursday before polling day
TAS	6 pm on the Thursday before polling day for addresses within Australia 6 pm on the Tuesday before polling day for addresses outside Australia
ACT	Last mail clearance on the Thursday before polling day for addresses within Australia Last mail clearance on the Friday 8 days before polling day for addresses outside Australia
NT	6 pm on the Thursday before polling day for addresses within Australia 6 pm on the Tuesday before polling day for addresses outside Australia

5.4.8 The AEC notes that several state and territory jurisdictions have separate earlier cut-offs in recognition of the difficulties that may be involved in delivering ballot papers to addresses outside Australia. The AEC considers that an earlier cut-off for delivery of PVPs from the AEC to addresses outside Australia should also apply to federal elections.

Recommendation 10: The AEC **recommends** that the deadline for receipt of postal vote applications be 6 pm on the Wednesday three days before polling day. Additionally, the AEC recommends that consistent with the NSW provisions, the cut-off for postal vote applications received in Australia for addresses outside Australia be 6 pm on the Monday five days before polling day.

Issuing of PVPs

5.4.9 In 2010, as for 2007, the AEC utilised three PVP production methods: central print, local print and hybrid print.

5.4.10 Central print involves the centralised automated production of PVPs. Local print is the process where a PVA is received and printed in the same division. Hybrid print

is the process where a PVA is input in one division and the PVP is produced in a different division which is determined by the delivery address postcode.

5.4.11 Central print was again the most common method of distributing PVPs and accounted for 891 125 (93 per cent) of the 957 322 PVPs issued within Australia for the election.

5.4.12 We are aware of some instances where lodgement of PVPs with Australia Post was delayed. Our analysis indicates that the majority were lodged within three working days of the data being provided to the central production site and the rate of returned PVCs that were included in the count was comparable to previous elections. Tables 5.4 and 5.5 provide further detail.

Table 5.4 – Number of PVCs issued and returned, 2004 - 2010 federal elections

	PVCs issued	PVCs returned	Percentage returned
2010	967 010	854 726	88.39%
2007	833 178	749 566	89.97%
2004	774 078	660 330	85.31%

Table 5.5 – Number of returned PVCs that were included in the count, 2004 – 2010

	PVCs returned	PVs counted (Reps)	Percentage counted
2010	854 726	807 346	94.46%
2007	749 566	706 466	94.25%
2004	660 330	613 277	92.87%

5.4.13 The AEC is most concerned with the impact of any delays in providing postal voting materials to voters. A review of performance has been conducted with the contractor and improved processes agreed for future elections.

Formal recognition of automated issue of postal votes in legislation

5.4.14 As outlined in previous submissions to JSCEM, since the 1999 Referendum the AEC has been using APVIS to facilitate the centralised issue of postal votes. Enhancements to this system over the years have led to increasing level of automation required to issue large numbers of PVPs over a tight timeframe. The

recent amendment to the Electoral Act that provides for online PVAs will most likely increase the level of automation including automated matching against the electoral roll. Accordingly, the current provisions of the Electoral Act should be amended to reflect both manual and automated issue of postal votes.

Recommendation 11: The AEC **recommends** that the Electoral Act and the Referendum Act be amended to specifically allow for the automated issue of postal votes

Party involvement in postal vote application process

- 5.4.15 Section 184AA of the Electoral Act allows political parties to distribute PVAs with party material attached. Over recent elections, an increasing number of PVAs received by the AEC are sourced from political parties. At the 2010 federal election, of the 821 836 PVAs received, approximately two thirds, or over 550 000, of these resulted from political party PVAs.
- 5.4.16 Political party PVAs are generally mailed back to the political party which then records the information and forwards the PVAs to the AEC for processing. Over the last three JSCEM inquiries the AEC has expressed its concern regarding the involvement of political parties in the return of PVAs and the impact on timely despatch of PVPs to electors. Information showing the gap between date of witness signature and receipt of 'party PVAs' by the AEC for the period following the declaration of nominations at the 2010 federal election is set out in Table 5.6 below.

Table 5.6 - Period between witness signature date and receipt of AEC and party PVAs by the AEC (for PVAs received from 2 to 19 August 2010)

Date signed before receipt	AEC PVAs	Labor PVAs	National PVAs	Liberal PVAs	Other PVAs
Same Day	15 013	792	24	607	212
1 day later	36 619	6 094	299	9 222	228
2 days later	33 215	9 572	594	13 896	237
3 days later	28 152	10 268	639	13 664	334
4 days later	22 955	10 793	773	13 433	305
5 days later	14 581	9 529	758	10 962	270
6 days later	9 214	7 478	638	8 987	257
7 days later	5 884	5 883	610	6 942	219
8 days later	3 391	4 258	417	4 309	92
9 days later	2 020	2 842	287	2 964	57
10 days later	1 616	2 508	315	2 636	67
11 days later	1 399	2 371	281	2 429	39
12 days later	1 120	2 109	350	2 360	18
13 days later	947	1 914	314	2 304	15
14 days later +	3 996	6 315	392	5 016	50
Total	180 122	82 726	6 691	99 731	2 400

5.4.17 The AEC notes that the issue of political party involvement in the PVA process was addressed by the ANAO at paragraphs 5.33 - 5.36 of Performance Audit Report No 28 2009-10 on the *Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election*. The ANAO stated "... the integrity of the postal-vote application process would be improved, and concerns about bias in their administration could be removed, by requiring all PVAs to be delivered directly to the AEC."⁴⁸

5.4.18 The Electoral and Referendum Amendment (Modernisation and Other Measures) Bill 2010, as introduced, contained provisions that would have required PVAs to be returned directly to the AEC and which would have prevented written material being physically attached to or incorporated into a PVA. However these provisions were omitted during passage of the Bill.

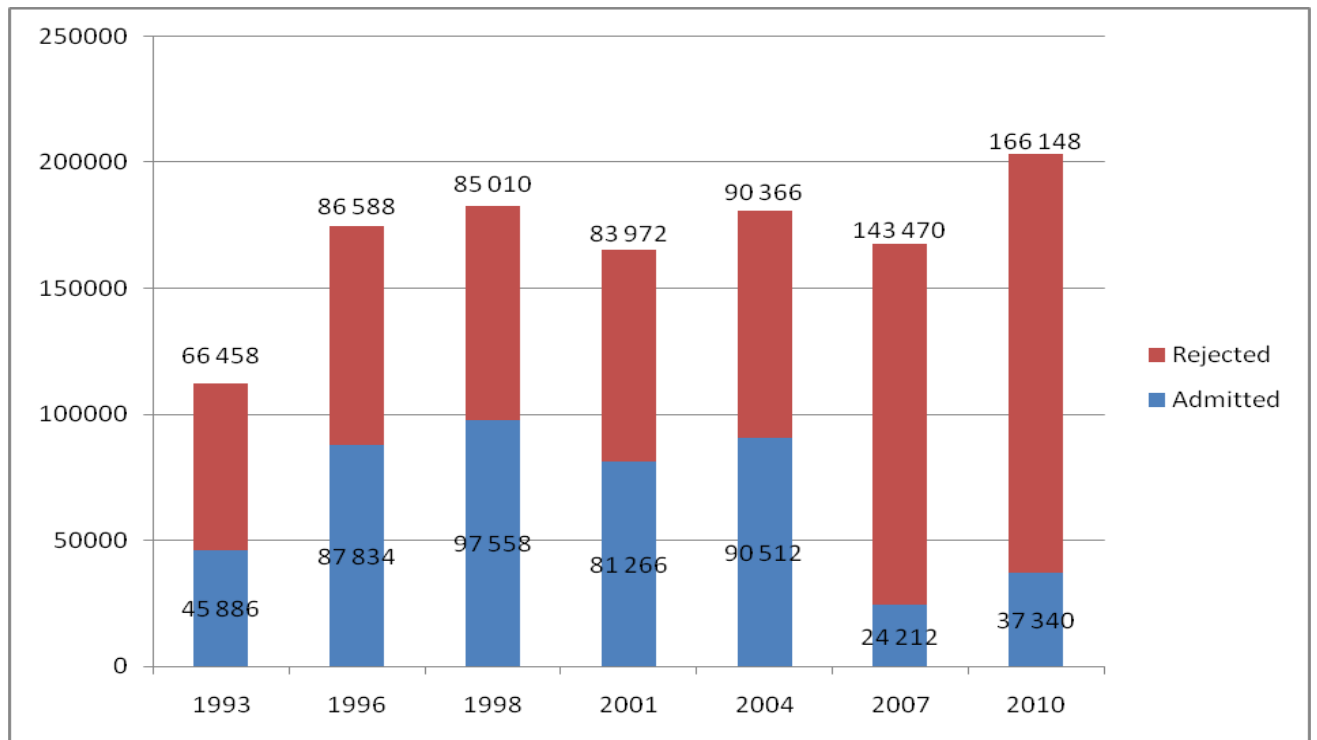
⁴⁸ Performance Audit Report No 28 2009-10 on the *Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election* available at <http://www.anao.gov.au/director/publications/auditreports/2009-2010.cfm?pageNumber=5>

Recommendation 12: The AEC **recommends** that the Electoral Act and the Referendum Act be amended to require postal vote applications to be returned directly to the AEC.

5.5 Provisional voting

- 5.5.1 Provisional voting provides a safety-net in recognition that the absence of a person's name from the roll cannot provide a final and definitive answer to the question of whether that person should be permitted to vote.
- 5.5.2 Legislative amendments made in 2006 have impacted on the number of provisional votes admitted to the scrutiny. Those amendments provided that:
- provisional voters were to 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.
- 5.5.3 As a result of these amendments, at the past two federal elections, a far greater proportion of provisional votes have been rejected at preliminary scrutiny. This is shown in Figure 5.1.

Figure 5.1 - Number of provisional votes rejected (House of Representatives) between 1993 and 2010



Provisional voting at the 2010 federal election

5.5.4 At the 2010 federal election, 203 488 provisional votes were cast with nearly 80 per cent of provisional voters providing evidence of identity (EOI) when voting. Of those that did not provide EOI when voting on polling day, approximately 16 per cent provided it by the cut-off of close of business on 27 August 2010. However, just over 28 000 provisional voters did not provide EOI within the prescribed timeframe resulting in their provisional votes being excluded from the count.

5.5.5 Table 5.7 shows the numbers of provisional voters who did not provide EOI on polling day for the 2007 and 2010 federal elections. The table shows the number of provisional voters who provided EOI after polling day but before the cut-off, and the number of those who were advised that their provisional vote was rejected because they did not provide EOI by the deadline.

Table 5.7 – Provisional vote - EOI not provided on polling day at the 2007 and 2010 federal elections

State/territory	2007 federal election		2010 federal election	
	EOI provided after polling day and by the 30 November deadline	Advised vote rejected as EOI not provided by the 30 November deadline	EOI provided after polling day and by the 27 August deadline	Advised vote rejected as EOI not provided by the 27 August deadline
NSW	1 245	6 739	2 039	7 825
VIC	1 502	6 490	1 332	6 623
QLD	1 430	6 258	1 820	6 869
WA	1 350	4 266	1 123	3 364
SA	664	2 456	547	2 088
TAS	108	737	113	677
ACT	33	185	8	312
NT	40	398	28	307
Total	6 372	27 529	7 010	28 065

*Note: 'Silent' electors who may cast provisional votes are not required to show evidence of identity, and so statistics relating to them are not included.

5.5.6 Of the 28 065 provisional votes rejected on the basis that the elector did not provide EOI, 12 227 of these were cast by electors who were actually enrolled. In most cases it is likely that these electors were issued provisional votes due to the polling official error, such as not being able to locate and electors names on the certified list). The votes of these otherwise eligible electors were rejected solely due to the requirement to provide EOI. The AEC is of the view that such votes should not be excluded from scrutiny.

5.5.7 The current requirement for provisional voters to provide EOI has effectively created a two-tiered voting system for declaration votes. Correctly enrolled voters who cast provisional votes, and whose provisional votes are rejected at preliminary scrutiny only because they did not provide EOI would, in general, have had their vote counted without providing EOI, if they had cast an absent, postal or pre-poll

vote rather than a provisional vote. This is a clear inconsistency, with no logical reason why provisional votes should be treated differently to other declaration votes in regard to EOI requirements.

- 5.5.8 Eligible voters can be disenfranchised on the grounds that EOI has not been provided even when it is within the capacity of the AEC to compare the information on the declaration envelope with that on the voter's electoral enrolment form. The AEC confirmed at the 2007 JSCEM inquiry that detailed checking against enrolment records to determine eligibility was within its capacity and a process undertaken at previous elections.
- 5.5.9 Recommendation two of the JSCEM report on the 2007 federal election was that the requirement for provisional voters to provide evidence of identity be repealed. This recommendation was supported by the Government and amendments to implement the recommendation were included in the Electoral and Referendum Amendment (Close of Rolls and Other Measures) Bill 2010, introduced into the House of Representatives in February 2010, and the Electoral and Referendum Amendment (Close of Rolls and Other Measures) (No. 2) Bill 2010, introduced in June 2010. However these provisions were not passed.

Recommendation 13: The AEC **recommends** that the requirement for production of evidence of identity by provisional voters should be repealed.

Recommendation 14: The AEC **recommends** the votes of provisional voters who are subsequently found to be enrolled should be admitted to the scrutiny.

Provisional votes of persons removed from the roll by objection on the ground of non-residence

- 5.5.10 The AEC notes the Government's response to recommendation three of the JSCEM report on the 2007 federal election supporting legislative change to address this issue.

5.6 Other voting services

Voting services for electors who are Blind or have Low Vision

- 5.6.1 Following the Government response to recommendation 49 of the JSCEM report into the 2007 federal election, legislation was passed in 2010 to provide for a technological solution to enable a secret and independent voting option for Blind or Low Vision (BLV) electors.
- 5.6.2 The AEC worked closely with a reference group of representatives from the Human Rights Commission, Vision Australia, Blind Citizens Australia and the Australian Blindness Forum in developing the solution for BLV voting services

- provided at the 2010 election and determining a preferred solution for future elections.
- 5.6.3 The reference group's preferred solution for future elections is a computerised telephone voting interface, enabling the elector to vote from any telephone, with a secure server back-end to receive the votes. The preferred solution may require a voter registration system to facilitate access to the system for electors.
- 5.6.4 The interim method of delivery for the 2010 federal election involved establishing a national call centre with trained staff to guide the voter through the ballot paper. Eligible voters presented to an AEC divisional office or selected early voting centre where, if voting in their home division they had their name marked off the electoral roll before being guided to a private area (generally the office of the Divisional Returning Officer) and then connected to a national call centre in order to cast their telephone assisted vote. Those voters voting from outside of their home division had their details recorded to be marked off the roll at their home division at a later date. Once connected to the call centre, one call centre operator (who was informed of the elector's division details but not their name) transcribed the voter's preferences onto the relevant ballot papers while another call centre operator listened in and verified the transcription to ensure that the vote was recorded according to the voter's intention, thus maintaining both the secrecy and the integrity of the vote. Ballot papers were returned to the home division after the close of polling for inclusion in the count. This method was utilised by 410 BLV voters.
- 5.6.5 The cost of providing telephone voting services for BLV electors at the 2010 federal election was \$205 917 which equates to a cost of approximately \$502 per vote cast. This compares to a cost of \$2 597 per vote at the 2007 federal election. A breakdown of number of BLV votes cast for each state/territory by day is at **Annex 6**.
- 5.6.6 The AEC has collaborated with state and territory electoral commissions to agree a set of common standards for the future provision of secret and independent telephone voting services for BLV electors. The standards are intended to ensure a common experience for voters regardless of the level of government for which they are casting their vote.
- 5.6.7 Arrangements that will allow BLV electors to cast a secret vote from any telephone are planned for implementation in time for a 2013 federal election. Over the coming months, options will be explored and presented to Government, taking particular account of developments in the state jurisdictions.
- 5.6.8 The AEC will provide an update on proposed arrangements for BLV voting later in the inquiry.

Overseas voting

- 5.6.9 The delivery of overseas voting services involved cooperation and liaison with DFAT, Austrade and the Australian Defence Force (ADF) as well as the provision of materials and training, contract management and ongoing support to posts.
- 5.6.10 At the 2010 federal election 103 overseas posts provided postal and pre-poll voting services. The AEC again provided Overseas Liaison Officers to give assistance and deliver training at the overseas voting centres located in London and Hong Kong (the two posts which issue the most overseas votes) throughout the election period.
- 5.6.11 There were two despatches of voting material to the posts, the first, consisting of non-ballot material, occurred in June 2010. The second despatch, which included ballot papers, commenced on Sunday 1 August 2010.
- 5.6.12 Electronic copies of ballot papers were placed on secure intranets within DFAT and Austrade to provide access for all overseas posts. This enabled voters to vote early 'in person' at posts even if hard copy ballot papers had not yet been delivered. In addition, the secure intranets were used to provide a range of election materials such as procedures manuals and forms.
- 5.6.13 In total, overseas posts issued 74 084 votes in 2010 (4 025 more votes than issued for the 2007 federal election) with London and Hong Kong taking the highest number of votes.
- 5.6.14 In 2010, ten ADF personnel were trained by the AEC and deployed to five theatres of operation to provide pre-poll voting services for the ADF, AFP and civilian personnel deployed to these areas. This was the first election where this service was provided and 1 778 votes were taken across the various theatres of operation.
- 5.6.15 Votes issued by each post and defence team are detailed at **Annex A6.3**.

Antarctic voting

- 5.6.16 Specific provisions enabling polling to be conducted for electors in Antarctica are contained in Part XVII of the Electoral Act.
- 5.6.17 Before being able to vote, Antarctic electors must first be correctly enrolled before the close of rolls and registered as an Antarctic voter before nominations close for an election. Most expeditioners are enrolled at their permanent address in their home division and this is the most common address used while in Antarctica. Registration as an Antarctic elector currently occurs both prior to departure and directly from the bases, however it is not compulsory to register as an Antarctic elector.

- 5.6.18 After the announcement of an election, the AEC liaises with Australian Antarctic Division (AAD) to confirm the availability of personnel for appointment to polling duties and to finalise the list of registered Antarctic voters for each station.
- 5.6.19 An Antarctic Returning Officer (ARO) and an Assistant Antarctic Returning Officer (AARO) are appointed for each station. Polling staff instructions, voter lists and ballot paper templates are emailed to the ARO and the polling is conducted during such hours and on such days as the ARO directs (but not continuing beyond 6 pm on the day of polling in the election).
- 5.6.20 In 2010 polling was conducted at the permanent research stations of Mawson, Davis Casey and Macquarie Island. Whilst the Electoral Act allows for the appointment of ships at sea as polling stations where they are transporting research personnel on polling day (and in 2007 the supply ship Aurora Australis was appointed as a station), this was not required in 2010. 49 electors were eligible to cast votes from Antarctic stations in the 2010 federal election, with 43 votes cast. This compares with 124 votes recorded in 2007 and 60 votes in 2004.

Secrecy of the vote

- 5.6.21 It is not compulsory for registered Antarctic electors to vote, as the secrecy of the vote cannot be guaranteed due to the process used to transmit an elector's vote. Votes are taken by peers and how each elector marks their ballot paper is known to the ARO and AARO. The method of casting and transmitting votes is described in the Antarctic Voting manual, relevant extracts of which are below.

Casting Ballots

[...]

9. Each elector is given an envelope with their name printed on the outside to put their ballot papers in before they are sealed and placed in the ballot box.

[...]

Transmission

1. At the close of the poll, the ARO and AARO are to open the ballot box, and assemble the envelopes in the same order as the names appear on the voter list.
2. On the outside of each envelope write the corresponding voter list number, sort envelopes into number order.
3. Each envelope is then opened, and the ballot papers are extracted and stapled to the envelope. The envelopes with attached ballot papers must be kept in this voter list order throughout the process. It is recommended the stapling order be envelope on top, followed by the House of Reps paper then the senate paper at the bottom.

4. At the specified time on the Sunday the ARO will ring the AEC Hobart (Operations Manager) for the results to be transcribed. During the transmission of details, any elector who chose not to vote can be identified when the relevant list number is identified; no names are referred to during the transmission process.
5. It is critical that both the ARO and Operations Manager understand the need to keep transmissions in list order to ensure details are transferred onto the correct ballot papers.
6. In Hobart, the Operations Manager will (with the help of an assistant) using a matching ballot paper, transcribe the information exactly as given and call the transcribed information back to the ARO to ensure accuracy. The transcribed ballot papers are then inserted into a pre poll declaration envelope marked with the elector's details and signed by AEO.
7. At the bases, once the information is transmitted, the ballot papers are detached from the envelopes by the ARO so that no further identification of the voter is possible.

5.6.22 With the introduction of a legal framework that enables development of an electronic voting method for BLV electors to cast a secret ballot, the AEC is of the view that similar provisions could be extended to Antarctic electors, to enable, where such a method has been developed and its use is practicable, a secret method of casting a ballot at federal electoral events.

5.6.23 As outlined at paragraph 5.6.7, the arrangements that will allow BLV electors to cast a vote at the next election are currently under consideration. The AEC has however undertaken preliminary discussions with the AAD with a view to establishing the feasibility of using a telephone assisted voting method for Antarctic electors, similar to that used for BLV voters at the 2010 federal election. AAD have advised that telephone voting may be feasible as there are phones available at each of the bases and aboard the supply ship Aurora Australis. Should JSCEM recommend such a process, the AEC would use existing voting processes as a backup should the implementation of an electronic method not be practicable.

Recommendation 15: The AEC **recommends** that the Electoral Act be amended so that provisions similar to those which allow blind and low vision voters to cast a secret ballot by telephone or any other suitable electronic means be applied to Antarctic voters.

List of Antarctic electors

5.6.24 Under the Electoral Act, the AEC is obliged to compile a list of Antarctic electors who are based at each station.⁴⁹ A person is only entitled to vote and receive a ballot paper if they appear on the list of electors at the particular station. The increasing accessibility of Antarctica, and mobility of expeditioners in the summer months poses challenges for ensuring that a list of electors at a station will reflect the electors who are based there as at the time of polling.⁵⁰

5.6.25 The AEC is of the view that the requirement to produce lists for each station is outdated and provisions should be recast to enable the production and distribution of a list of electors for Antarctica as a whole.

Recommendation 16: The AEC **recommends** that the Electoral Act be amended to enable the production of a list of all Antarctic electors to be used at all Antarctic polling stations.

5.6.26 However, if the JSCEM were supportive of the above two recommendations in principle, as an alternative, the AEC would welcome a broader authority within the Electoral Act to determine the manner and method by which registers are compiled and votes are cast by electors in the Antarctic. This would enable the AEC to implement voting arrangements for the Antarctic in a flexible manner, whilst remaining accountable for the methods by which voting is conducted to Parliament through reporting to the JSCEM and the Special Minister of State. The AEC notes that Division 10 of the *Electoral Act 2004* (Tasmania) may inform consideration of this proposal. For example, the Tasmanian Electoral Act includes provisions that enable the Tasmanian Electoral Commission to approve procedures for voting in Antarctica, provides for entitlement to vote under relevant provisions, whilst also specifying the requirement that approved voting procedures should as far as is practicable provide for authentication of the vote of an elector and the preservation of the secrecy of that vote.

Recommendation 17: The AEC **recommends** that the Electoral Act be amended to enable the Electoral Commissioner to determine the procedures for voting in Antarctica.

⁴⁹ The Electoral Act', subsections 250(1)(b) and 250(2)(b)

⁵⁰ The Australian Antarctic Division website notes: "The Antarctic aviation system consists of a regular intercontinental air service from Hobart in Australia to the Wilkins Aerodrome near Casey and intracontinental services provided by 2 CASA-212 fixed wing aircraft and assorted helicopters which link the stations and provide access to other areas of the continent for scientific field work". Available at <http://www.antarctica.gov.au/living-and-working/travel-and-logistics/aviation>.

5.7 Staffing

The election workforce

- 5.7.1 In addition to its ongoing workforce employed under the *Public Service Act 1999*, the AEC employs temporary staff under section 35 of the Electoral Act. The AEC acknowledges the successful conduct of each federal election rests in large part on around 70 000 staff temporarily employed for polling day.
- 5.7.2 The AEC notes comments made by the ANAO in Performance Audit Report No. 28 2009-10 titled *The Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election* that the AEC needed to address the challenge of recruiting, appointing and training, in a timely manner, suitable staff to work at each election. The following paragraphs detail progress on those issues.

Total staffing for the 2010 federal election event

- 5.7.3 To prepare and conduct the 2010 federal election the AEC employed 66 874 temporary staff. This compares to 65 962 and 73 521 respectively for the 2007 federal election. The announcement of the federal election on 17 July 2010 provided 35 days for the AEC to finalise recruitment and train staff for polling day on 21 August 2010.

Election workforce composition

- 5.7.4 For the 2010 federal election, the temporary workforce of polling officials and other election staff comprised 64.81 per cent women and 35.19 per cent men. 52.61 per cent of the Officers in Charge (OICs) employed for the 2010 federal election were male and 47.39 per cent female while 68.24 per cent of all other polling official positions and 58.56 per cent of other support roles were occupied by females.
- 5.7.5 Of the temporary workforce employed for the 2010 federal election 31.23 per cent were under the age of 40 years, whilst 10.73 per cent were 65 years of age or older. Figures 5.2 and 5.3 provide more detail on gender and age by role type. The age profiles and distribution evident from this data is consistent with the 2007 federal election workforce.

Figure 5.2 - Officers in charge by gender and age employed for 2010 federal election

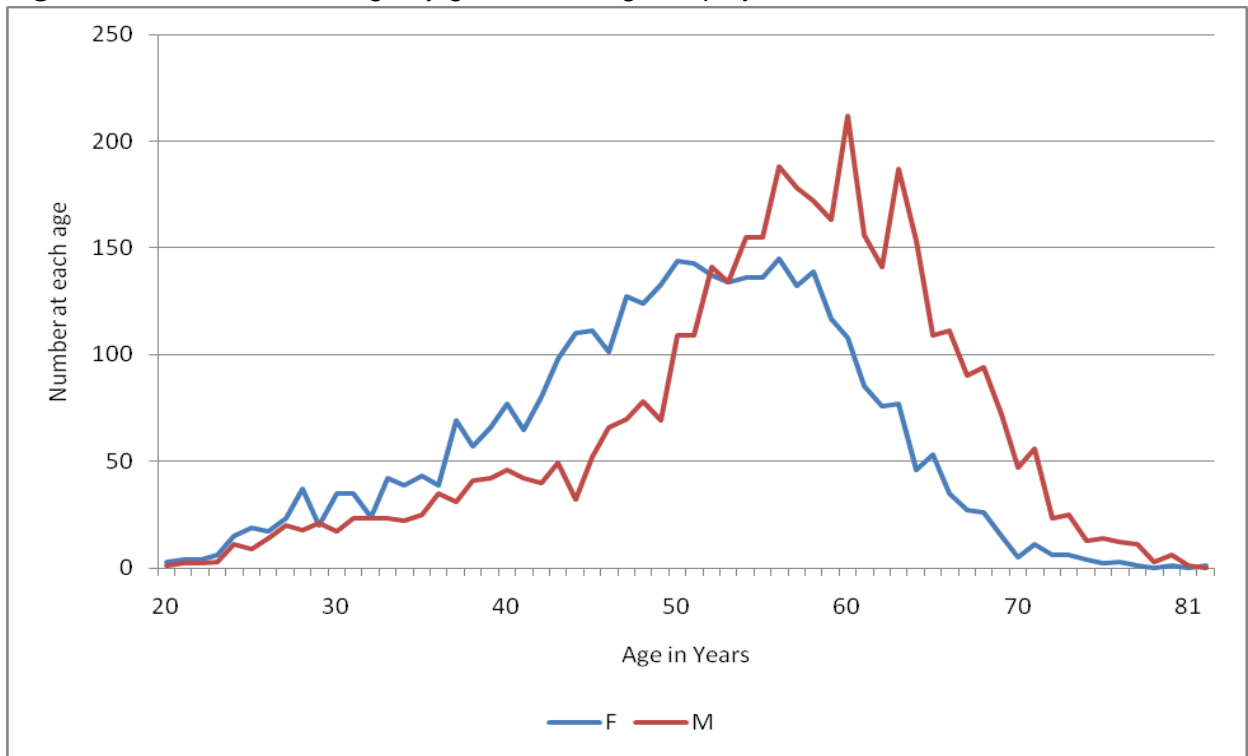
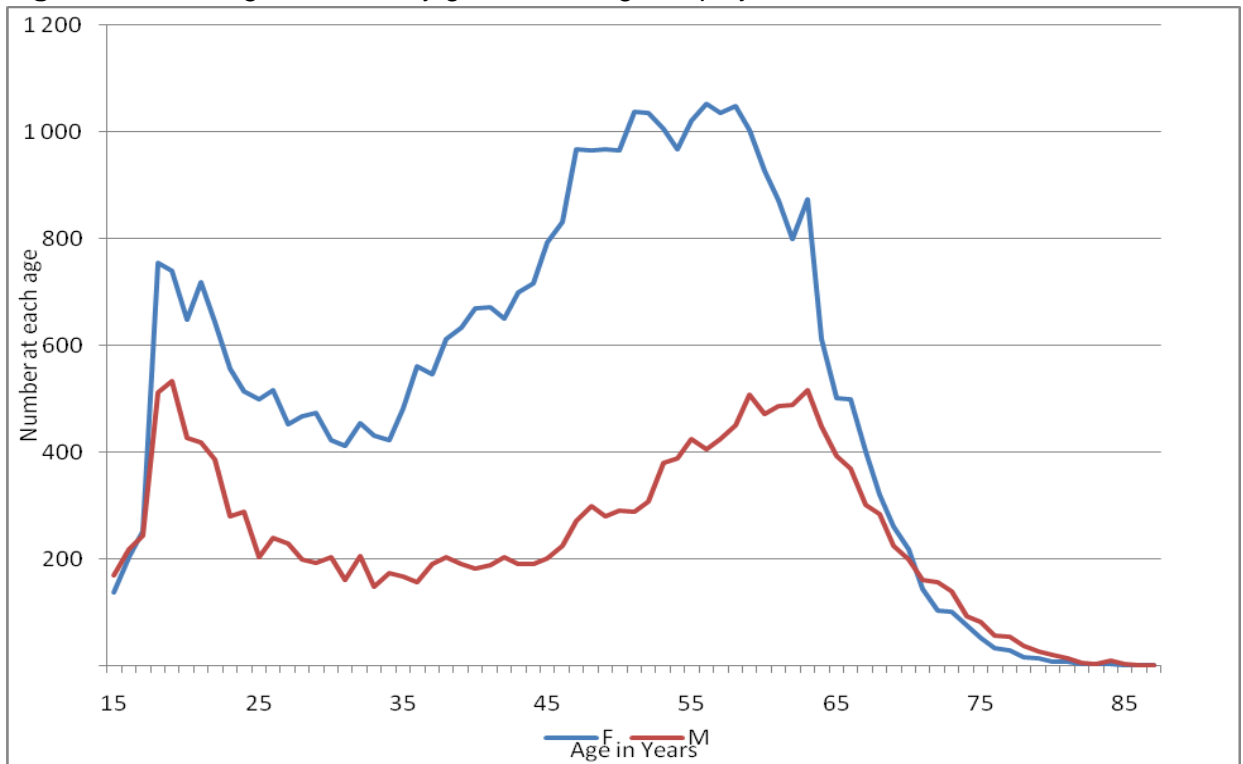


Figure 5.3 - Polling assistants by gender and age employed for the 2010 federal election



Note – polling assistants are all polling officials excluding officers in charge in Figure 5.2.

5.7.6 51.48 per cent of polling staff recruited indicated they had had previous election experience, with 45.7 per cent employed by the AEC at the 2007 federal election.

5.7.7 Table 5.8 below indicates the proportion of staff employed for the 2010 federal election that indicated they could speak a language(s) other than English (LOTE).

Table 5.8 - Number of staff at the 2010 federal election with language skills

Staffing classification	Second language spoken	Third language spoken
Pre-polling Staff	0.29%	0.04%
OIC med/large polling place	0.37%	0.05%
OIC small polling place	0.17%	0.03%
Other polling staff	7.89%	1.45%
Temporary Assistants and Trainers	0.83%	0.15%
Total	9.55%	1.72%

Challenges in recruiting and training staff

5.7.8 Having a sufficient number of skilled and knowledgeable staff, particularly on polling day, in the right locations is a key element in the successful running of the election. The uncertainty of the date of the election makes early recruitment difficult, with divisional office staff having to confirm availability and/or replace people in the short period from writ issue to polling day. The AEC gives priority to filling key positions such as Officers in Charge (OIC). As outlined above a high proportion of staff have previous election experience but there is still a need to refresh their skills and train new recruits. For future elections there will be a need to attract and build numbers of younger staff in key roles to replace experienced staff who may choose to retire from election work.

5.7.9 To address these challenges the AEC implemented changes to its recruitment and training processes for the 2010 federal election.

Recruitment of polling staff

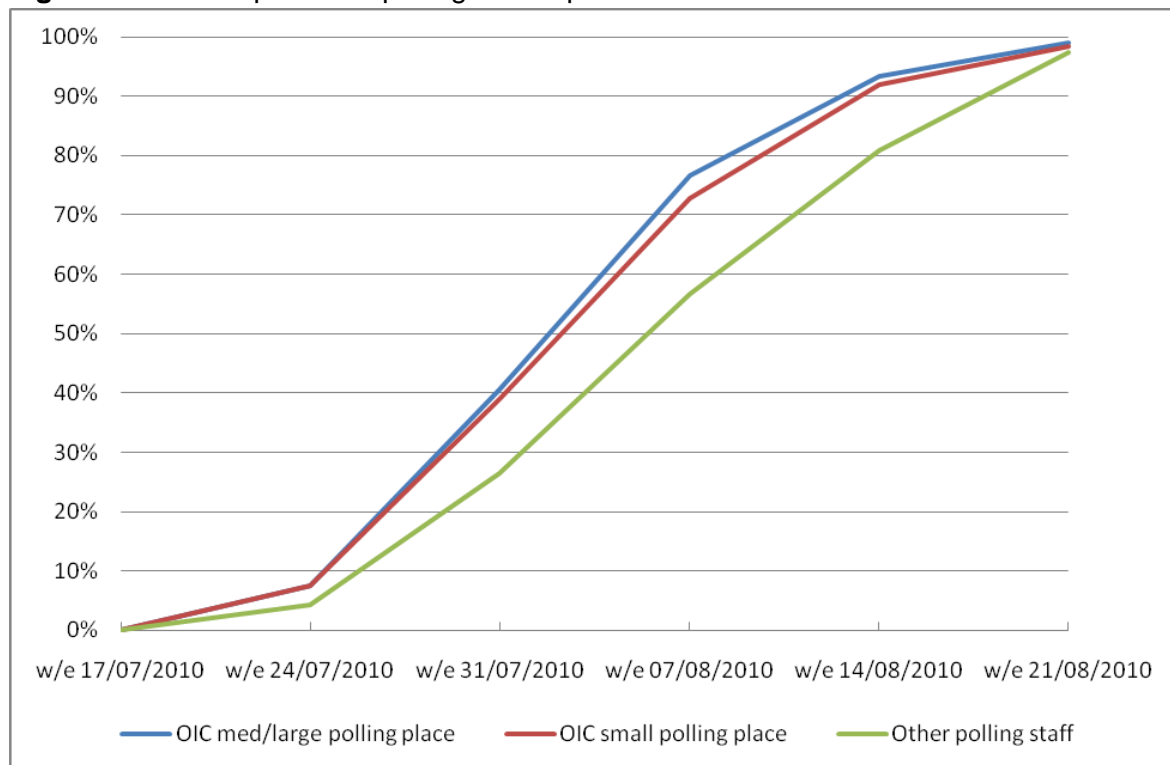
5.7.10 An online recruitment system was introduced in 2010 allowing people to register their interest for temporary employment under the Electoral Act, via the AEC's internet page and obtain a secure account and login. Once in the secure environment the applicant could complete the full expression of interest process. Divisional office staff could then review this information and match suitable applicants to roles and issue an offer of employment via email. The applicant could then review the employment documentation attached and accept the offer by email. Only very limited documentation, including the employee undertaking required by section 202A of the Electoral Act, needed to be provided in handwritten format. A paper based process was still available for applicants who did not have access to the internet or chose not to correspond online. In late 2009 and early 2010 the AEC had conducted paper based mail-outs to ensure that there was sufficient numbers of applicants for various roles who would be available when the election was called. This information was migrated into the new system prior to launch.

Recommendation 18: The AEC **recommends** that to assist in the online recruitment of polling staff, the Electoral Act and Referendum Act be amended to remove the requirement that the officer and employee undertaking be signed. This would allow for the requirement for the undertaking to be made and accepted online as part of the offer of employment.

5.7.11 For the 2010 federal election, using the new system, 25.91 per cent of offers were accepted on the day they were sent, with a total of 65.55 per cent accepted within five days of being sent.

5.7.12 This compares to the 2007 federal election experience which relied on post, where 3.66 per cent of offers were accepted on the day they were sent and a total of 25.82 per cent accepted within five days of the offer being sent.

5.7.13 Figure 5.4 shows the progressive employment of polling officials up to and including polling day. The data shows that OICs of polling booths were appointed earlier than other officials demonstrating the priority given to this task by the AEC. OICs for medium to large polling booths were appointed faster than those for smaller booths. Further analysis shows that 7 439 (98.65 per cent) of all OICs and 53 406 other polling officials (97.15 per cent) had accepted up to polling day. Comparison to 2007 shows that while the pattern of appointments leading up to polling day varied the proportion of positions filled by polling day was similar.

Figure 5.4 – Acceptance of polling official positions at the 2010 federal election

5.7.14 From time to time employees who have accepted an offer become unavailable and the divisional office staff make an offer to another employee to take on the role, moving employees between booths or selecting from a list of suitable applicants who may not yet have been offered roles. Where known these issues are resolved prior to polling day, however situations do arise where replacements occur on the day. The new system was designed to address these needs with more timely processing of offers giving divisional office staff more assurance that sufficient staff will be in place on polling day.

5.7.15 Overall, while the AEC received substantially more expressions of interest than were required to fill available roles, some divisions still reported difficulty in filling roles. This is indicative of the variability in interest levels or in different labour markets as the excess applicants were not always in the areas of shortage. The new system will assist the AEC to better understand where this variability occurs and where necessary develop more targeted recruitment strategies.

5.8 Training of polling staff

5.8.1 Polling staff are a generationally, geographically and culturally diverse group who require training within a very short timeframe. Feedback from AEC staff and polling staff after the 2007 federal election indicated the need for a more flexible approach to the training of polling staff for federal electoral events. The AEC also recognised that other electoral management bodies within Australia were moving

to improve accessibility and delivery of training to polling staff by increasingly adopting online methods.

5.8.2 The 2010 polling staff training program, delivered in 2010, was designed to be flexible and contained the following:

- **Online training** – provided for the first time via a Learning Management System. Curriculums were designed based on each polling official work classification. All polling officials were added to the online program, allocated training based on their work classification and sent logon details via email. A helpdesk was in place to assist polling staff who were completing training online. This service was provided primarily by email but also included telephone support in the final weeks before polling day;
- **Training and assessment workbooks** – were provided to polling officials who could not complete training online. The workbooks contained the same content as the online program and were designed using instructional design principles;
- **Election Procedure Handbooks** – were reference handbooks provided to each polling place, senior polling officials and team leaders. Election Procedure Handbooks contained all required information to conduct polling and undertake counting;
- **Face-to-face briefings** – were delivered to senior polling staff and mobile teams. The briefings were designed to be flexible so that divisional staff could determine what topics they wanted to cover with polling staff in order to ensure local issues were discussed; and
- **Placemats** – were allocated to all issuing points. They provided reminders on key tasks for polling staff. One side provided reminders for tasks during polling and the other side provided guidance on key tasks to be completed after polling.

5.8.3 The polling staff training program was rolled out to the divisional office network on 6 July 2010, ten days before the announcement of the 2010 federal election. Despite this, given the level of investment made by the AEC, as well as the feedback from the previous election, a decision was taken to continue with the training program. However, it is recognised that there were a number of issues that arose during implementation of the new polling official training program that impacted on both divisional and polling staff.

5.8.4 Immediately following the election, the AEC sought and received substantial feedback from both divisional staff and polling staff on the challenges that confronted them. Some of the issues highlighted by the feedback were:

- the limited amount of time between the release of the training program and announcement of the election meant that divisional staff did not have sufficient time to familiarise themselves with the system;
- the online system was difficult to navigate and lacked intuitiveness;
- there was inadequate notification of specific software requirements for users;
- the training and assessment workbooks were too lengthy;
- the training materials were delivered to divisions too late in the election period;
- there was insufficient resource material provided for briefings; and
- there was concern regarding the lack of face-to-face briefings for particular categories of polling officials

5.8.5 The issues outlined above highlight the need for continued development of the online training system. Action has already commenced to simplify navigation of the system, remove the requirement for specialised software and to review of the content and size of workbooks. Additionally, there will be support for the delivery of face-to-face training for relevant polling officials and full resource packages are being developed for face-to-face training on key election tasks.

5.9 Polling management

5.9.1 The information provided in this section covers a range of issues that received publicity during the election period. It is not intended to be a complete list of all incidents that occurred.

Issues arising during the pre-polling period

Ballot paper shortages at the Broome PPVC

5.9.2 In the aftermath of the election, there were reports in WA media of some polling places in the north of WA not having sufficient ballot papers to cope with demand.

5.9.3 While there were minor delays in a couple of locations in Durack to enable additional ballot papers to be printed, the AEC is aware that on 18 August 2010, as a result of local confusion over procedures to be followed in printing additional ballot papers, a number of voters in Broome were asked to return the next day in order to cast their vote. It is possible that some electors were unable or unwilling to return to cast their vote.

5.9.4 Also there were a number of interstate voters who presented at ordinary polling places that could not issue interstate votes. They were advised where interstate votes could be cast but, in some cases, the distances involved were prohibitive.

- 5.9.5 As the 2010 federal election was the first 'winter' election since 1987, the AEC was reliant on anecdotal information to ascertain the impact of holding an election during 'the dry'. Tourist patterns in the northwest of WA have changed significantly in the past 23 years, as have mining and other industry developments.
- 5.9.6 In August 2010, the northwest of WA experienced a significant influx of tourists. Alongside this, there was increased pressure on the Durack office to meet the continuing demand for electoral services from the 'fly-in, fly-out' industries.
- 5.9.7 Although the AEC's DRO for Durack had forecast an increase in demand for electoral services, the demand was greater than anticipated. Some early polling centres experienced a 700 per cent increase in demand between the last two federal elections, particularly Karratha and Kununurra.
- 5.9.8 As a result, some PPVC in the Division of Durack experienced temporary shortages of ballot papers during the federal election period. To overcome this, managers of polling places were instructed to photocopy and/or print ballot papers locally pending overnight restocking from the divisional office. Also, polling place managers were in daily contact with the DRO so as the demand rose, additional papers were dispatched.
- 5.9.9 It will continue to be a core component of the AEC's election planning to forecast as closely as possible on the best available information the volume of materials required to satisfy demands in each polling place and pre poll voting centres.

Pre-poll voting at Lindeman Island

- 5.9.10 A team was scheduled to visit Lindeman Island on Tuesday 17 August for the purposes of issuing pre-poll votes for visitors and residents on the island.
- 5.9.11 Ballot papers were despatched from the divisional office in Mackay in two parcels. However, only one parcel was received by the OIC before pre-polling was scheduled to occur. The OIC of the team did not advise the DRO that not all materials had been received in time so when the team attended Lindeman Island at the scheduled time they were not able to issue votes for all states and territories. On becoming aware of the issue, the DRO arranged for pre-poll staff to return to Lindeman Island once the second parcel was received. The second visit, with ballot papers for all states and territories, took place on Friday 20 August 2010.

Issues regarding the availability of polling facilities at the Victorian snowfields

- 5.9.12 As mentioned previously, the 2010 federal election was the first winter election since July 1987. All Victorian polling stations above the snowline (both early

voting and static) had been abolished due to the small number of eligible voters in the region. (The last abolition occurred in 2004.)

5.9.13 In an effort to identify suitable premises for polling in the Victorian snowfields, an AEC officer visited Mt Buller, Mt Hotham and Falls Creek and also spoke with the Principal of Bright College regarding use of the school's winter campus at Dinner Plains. Unfortunately the officer's investigations did not uncover any premises of a suitable size with safe access that would cater for the number of voters anticipated.

5.9.14 Accordingly, the AEC took a proactive approach in encouraging voters who were intending to go to the snowfields to vote early. Initiatives taken to ensure that voters who were planning to go to the snowfields on polling weekend were aware of their early voting options included:

- providing additional declaration voting facilities and materials at a significant number of places in the region;
- establishing PPVCs at Benalla, Wangaratta, Wodonga, Harrietville, Mt Beauty and Merrijig;
- seeking agreement from service providers in Mt Buller, Falls Creek and Mt Hotham to use their own websites and e-mail lists to promote early voting;
- contacting/informing major stakeholders and requesting that, where possible, relevant information was included in database mail-outs and community newsletters;
- developing and rolling out a proactive media plan, which included radio interviews and news articles across metro and regional Victoria;
- targeting advertisements at visitors to the snowfields in major metro and regional papers encouraging holiday-makers to vote before they go;
- placing visual messaging boards on the highways leading to the snow with the 'Vote early' message;
- including mainstream 'vote early' advertising on popular social networking sites such as Facebook;
- developing a specific poster that was distributed to all major stakeholders for exhibition in public areas;
- reviewing the AEC Election Call Centre scripts for callers who sought advice on how to vote if they would be away on election day to ensure they addressed all the voting options for people travelling to the snow; and
- providing an AEC fact sheet to major stakeholders detailing locations for early, interstate and election day voting.

Issues arising on polling day

Shortage of declaration vote envelopes at Port Douglas on polling day

- 5.9.15 On polling day, the polling place at Port Douglas in the Division of Leichhardt, Queensland, temporarily ran out of declaration envelopes. Extra supplies were requested and they arrived from Cairns within an hour.
- 5.9.16 The temporary shortage resulted in a polling place official inadvertently issuing 72 interstate electors with ballot papers that, because they had not subsequently been placed in declaration envelopes in accordance with the requirements of the Electoral Act but were instead placed directly into ballot boxes, were unable to pass through preliminary scrutiny.
- 5.9.17 The inadvertent error by the polling place official had no effect on the outcome of the election in Leichhardt as the 72 electors were visitors to North Queensland from divisions around Australia, including five from Corangamite and one from Boothby. The maximum number of affected electors from any one division was five, accordingly this mistake did not affect the outcome of the election in any division throughout Australia.
- 5.9.18 The AEC will review the training of polling officials and the circumstances of this incident as part of its post-election evaluations to prevent a recurrence of such an error.

Issues arising after polling day

Missing ballot papers – Katoomba Hospital polling place

- 5.9.19 During fresh scrutiny of House of Representatives ballot papers for the Division of Macquarie it was identified that 115 House of Representatives ballot papers from the Katoomba Hospital polling place had gone missing after they had been counted on polling night.
- 5.9.20 Liberal and Labor party scrutineers were advised of the missing ballot papers on 26 August 2010. Extensive efforts were made to locate the missing ballot papers, however, ballot papers could not be located.
- 5.9.21 Because the results could not be verified through the fresh scrutiny process, the polling night results were removed from the official results.
- 5.9.22 As the final margin in the division of Macquarie on a two party preferred basis was 2 197, the missing ballot papers had no impact on the result.

Polling material found in the streets of Darwin

- 5.9.23 On 15 September 2010, polling material containing personal information was discovered on the roadside near Darwin Airport. AEC staff immediately attended the site to investigate and recover the materials.
- 5.9.24 The polling material found was pre-poll vote declaration forms which contained the name, date of birth and signature of persons enrolled to vote and who had attended the PPVC at Alice Springs. No address information was contained on the forms.
- 5.9.25 The AEC recovered over 730 of the declaration forms within 48 hours. Around 100 declaration forms were not recovered. The AEC informed the (then) Office of the Privacy Commissioner of this privacy breach on 16 September 2010.
- 5.9.26 The box containing the declaration forms fell off the transport vehicle of a private contractor. The terms of the contracts with the responsible private contractor in Darwin include strict security requirements for transport and retrieval of AEC holdings including that election material is to be transported 'under strict security at all times' and requiring 'the use of fully enclosed, locked and secured vehicles'. The actions of the company were in breach of these and other contractual requirements.
- 5.9.27 The AEC conducted a thorough investigation into this matter and requested and received written reports from the responsible contractor.
- 5.9.28 The courier company concluded that a breach of a number of their operating and Occupational Health and Safety (OH&S) guidelines had occurred. The contractor accepted responsibility for the breach and resolved to take a suite of preventative actions to ensure no reoccurrence and improved services for the AEC in the future.
- 5.9.29 The AEC decided not to terminate the contract with the contractor in Darwin. While the incident was serious, the AEC took into account the quality of service provided by the company over an extended period, and the company's response to the incident. General damages were claimed to cover AEC's loss.

Retrieval of Senate ballot papers in Perth

- 5.9.30 In December 2010, a staffer for the state Liberal Member for Wanneroo rang the AEC office in WA to advise that her husband, who works for the Perth Transit

Authority, had been collecting litter in the form of completed Senate ballot papers from the railway track which runs between Mitchell freeway lanes to the north of the city over the previous three weeks or so.

- 5.9.31 The AEC recovered the ballot papers that had been collected at that point. It should be noted that these ballot papers are counted and accounted for in an election sense and have no markings which identify the voters who cast them.
- 5.9.32 The AEC's WA state office initiated an investigation with the WA storage supplier and was able to establish that the ballot papers were part of a consignment of boxes to be taken to storage that were collected by the contractor from the Division of Moore in an open utility, and that it appeared that a box had dropped off the utility vehicle in transit from the Moore office to storage.
- 5.9.33 While the relevant contract states that the 'contractor must keep AEC Holdings secure during retrieval and transportation', it did not state that transport must be via covered vehicles.
- 5.9.34 As a result of this incident the AEC advised the contractor that the AEC expected that any vehicle contracted to carry AEC materials should be an enclosed truck or van. This experience will educate a review into contract compliance to be conducted by relevant staff in WA.

Queuing

- 5.9.35 The AEC aims to provide convenient and accessible voting facilities for all electors.
- 5.9.36 On polling day, 10 084 837 ordinary votes, and 1 036 438 absent and provisional votes were cast at the 7 760 polling places.
- 5.9.37 Reports were received that electors queued for long periods at some polling places around the country in order to cast their vote.
- 5.9.38 In preparing for an election, the AEC allocates staffing to polling places based on the expected number of votes that may be cast there. Estimates are based on previous voter trends, known special events and the predicted effect of redistributions or residential developments.
- 5.9.39 In its performance audit report no. 28 *The Australian Electoral Commission's Preparation for and Conduct of the 2007 Federal General Election*, the ANAO commented that "the AEC has in place sound methods and systems for estimating the likely number of electors who will cast ordinary and declaration votes at ordinary polling booths".

- 5.9.40 Queues can occur for a number of reasons, most commonly uneven voter flows (more people voting in the early morning for example), unexpected numbers of voters at certain points in the day, polling staff not turning up on the day or insufficient staffing allocated to the polling place, prevailing weather conditions, and other external factors.
- 5.9.41 The AEC's Staffing Schedule Policy contains a section on polling place peak period operation. The policy encourages DROs to consider situations in which additional part day polling staff may be required (eg. sporting or cultural events, proximity to shopping centres) and seek approval for additional part day staff where appropriate.
- 5.9.42 Over 500 offers of employment made on polling day for polling day duties – these were offers made to replace polling staff that did not turn up on polling day and to fill positions that were unable to be filled prior to polling day. The majority of the positions (about 275) were for ordinary issuing officers or inquiry officers, about 60 were for declaration vote issuing officers and 20 were for senior polling place staff.
- 5.9.43 In reviewing its performance at the 2010 federal election, the AEC is gathering further information in order to be able to assess the extent of any inconvenience experienced by electors because of delays on election day. This data is contained in OIC returns for each polling place that has a Queue Controller and has to be manually compiled. The AEC is working through this data to determine the extent and possible causes of such queuing issues as did occur, and determining steps that may be taken in future to address these.

5.10 Informality

- 5.10.1 After each federal election the AEC conducts an evaluation of informal voting and publishes a report on its findings. A research report into informal voting at the 2010 federal election is currently being prepared. Once final, that report will be made public and the AEC will provide further information to JSCEM.

6. Counting

6.1 Context

Timeliness of the count

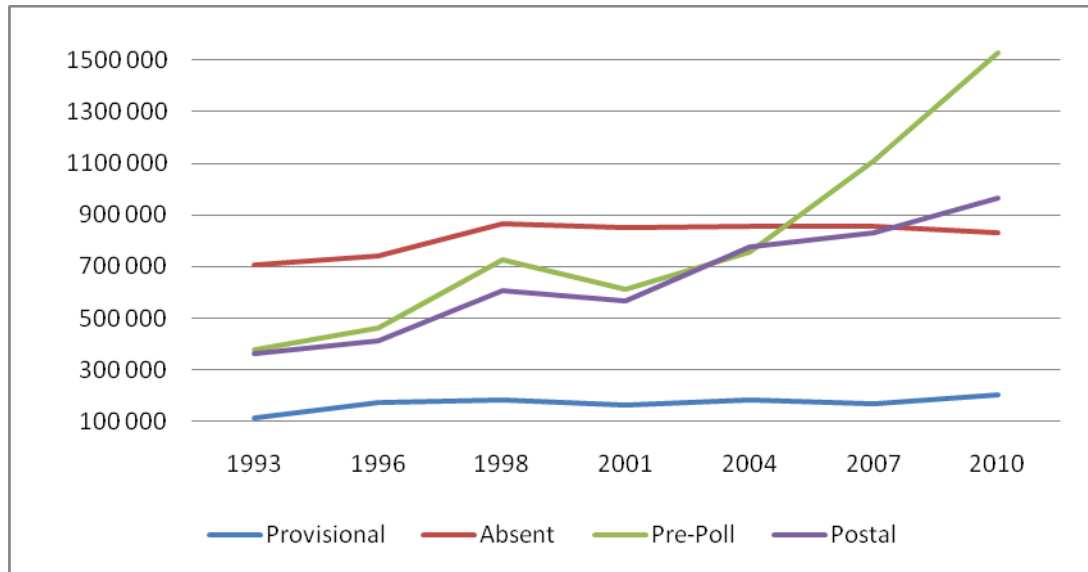
- 6.1.1 Following the close of polling on polling night, 10.967 million House of Representatives votes were counted and the results were available on the AEC's Virtual Tally Room (VTR) website.
- 6.1.2 The last writs were returned on 17 September 2010, 27 days after polling day.
- 6.1.3 New legislation that was in place for the 2010 federal election allowed nearly one million pre-poll votes cast by an elector in their home division prior to polling day to be issued and counted as ordinary votes. The inclusion of those votes in the polling night results gave a more complete count on the night than in recent federal elections, rendering greater certainty in all but a handful of divisions.
- 6.1.4 However, the result may not be clear in divisions where the count between candidates is close until declaration votes cast outside the home division, prior to and on polling day, have been included in the count. These votes take several days before they can be included in the relevant count and are more resource intensive to process than ordinary votes, firstly because they must be returned to the home division, and secondly because each elector's entitlement must be checked before the envelopes can be opened and counted. At the 2010 federal election, over 2.5 million votes were cast as declaration votes.
- 6.1.5 Given the closeness of the overall 2010 federal election result, the AEC was conscious of the need to confirm the result as early as possible in the 'undecided' divisions. Priority was given to counting in those seats in the week following polling day. Also, additional, more experienced staff were deployed to the close divisions.
- 6.1.6 For example, in the Division of Denison, a provisional scrutiny⁵¹ was undertaken on the Saturday after polling day to provide an early indication of the likely result, reducing the uncertainty in regard to the likely final make-up of the Parliament.

⁵¹ A provisional scrutiny involves a full distribution of preferences on the ballot papers and scrutineers are able to be present during the count. The first distribution reallocates the votes of the candidate with the fewest first preferences to the next available candidate. Following that distribution, the votes of the candidate with the next fewest votes will be reallocated to the remaining available candidates. Finally, the votes of the candidate that then has the fewest votes remaining will be reallocated. After that third distribution it is expected that the leading candidate and consequently the likely result of the election, will become clear.

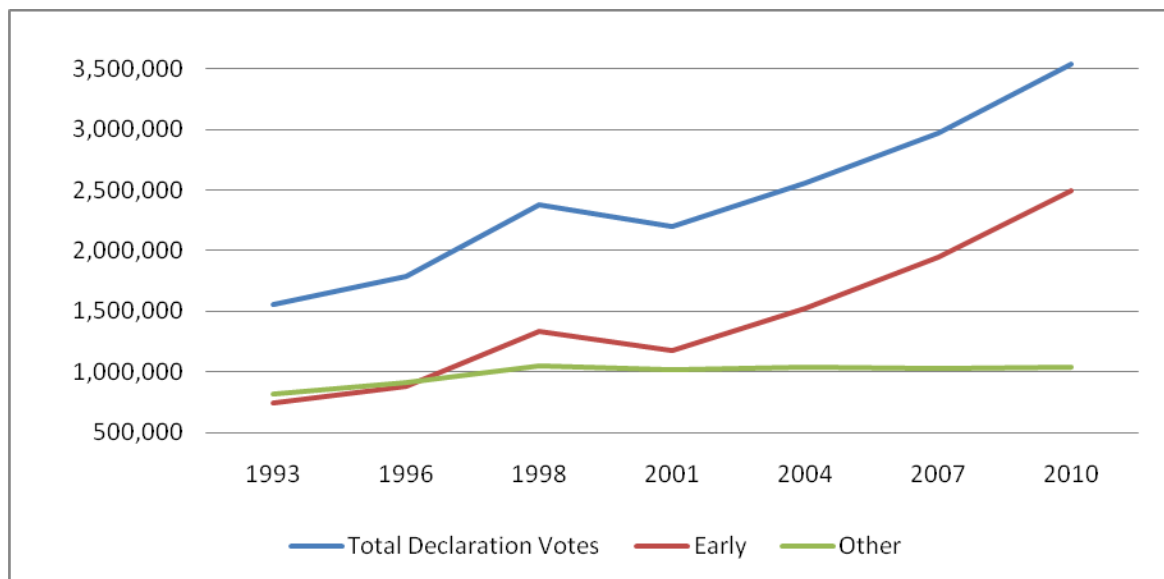
6.2 Declaration votes

6.2.1 Figure 6.1 shows the increase in declaration votes issued since the 1993 federal election. For a breakdown of the increase in declaration voting from 2001 to 2010 on a state-by-state basis, please refer to **Annex A6.2**.

Figure 6.1 – Declaration votes issued by election, 1993 to 2010



6.2.2 The majority of these declaration votes relate to early votes, which include pre-poll ordinary votes, pre-poll declaration votes and postal votes. The significance and contribution of early voting toward the overall increase in declaration vote volumes is clearly demonstrated in Figure 6.2.

Figure 6.2 – Early votes issued by election, 1993 to 2010

6.2.3 The AEC's first Submission to the JSCEM inquiry into the 2007 federal election explained how the trend of increasing declaration votes had inevitable consequences for counting processes, because the scrutiny of declaration votes requires significantly greater resources than the scrutiny of ordinary votes. **Annex 5** sets out the processes involved in issuing and counting of an ordinary vote compared to those for the issuing and counting of a declaration vote.

6.2.4 At the 2010 federal election, whilst the number of declaration votes increased, the number of declaration votes contained in envelopes decreased as a result of the passage of legislation allowing for the issuing of home division pre-poll votes as ordinary votes. But for this change the number of declaration votes in envelopes issued would have increased to about 3.5 million, an increase of 567 000 on 2007 figures. Inevitably, as the trend toward early voting continues, the number of declaration votes issued for future elections is likely to increase again.

6.2.5 The AEC is of the view that if a greater proportion of declaration votes cast in envelopes were cast as ordinary votes, there would be a further benefit to the speed of the count. The AEC is of the view that the Electoral Act should allow for the issuing of all pre-poll and absent votes as ordinary votes. The opportunity to do this exists through leveraging recently passed legislation that enables the use of electronic certified lists. Rather than just containing divisional certified list information, electronic certified lists could be loaded with national or state certified list data. This would facilitate the issuing of a greater range of declaration votes as ordinary votes.

6.2.6 Pre-poll and absent votes, issued as ordinary votes, could be returned to the home division and would not require further processing other than being reconciled and then added to the count. This would speed up the count of over half a million pre-poll votes and over 830 000 absent votes. A number of state jurisdictions already issue absent votes as ordinary votes.

Recommendation 19: The AEC **recommends** that electronic certified lists containing national or state certified list data, provide a basis for issuing pre-poll and absent votes as ordinary votes.

6.3 Issues that arose during counting

Exclusion of declaration votes in Boothby and Flynn

6.3.1 Shortly after polling day, the AEC became aware of the apparent premature opening of ballot boxes containing pre-poll ordinary votes at PPVCs at Oaklands Park in South Australia in the Division of Boothby, as well as at Blackwater and Emerald in Queensland, in the Division of Flynn. These incidents were reported in the media and prompted some speculation about possible tampering with the ballot papers.

6.3.2 As the opening of the ballot boxes appeared to contravene sections 200DP and subsections 273(2) and 274(2) of the Electoral Act, the AEC obtained legal advice from the Australian Government Solicitor (AGS). This resulted in the exclusion from the count of nearly 2 980 votes from Boothby and just over 1 300 votes from Flynn (the votes contained in the incorrectly opened ballot boxes) in order to ensure the absolute integrity of the count.

6.3.3 The AEC was extremely concerned that, as a result of the irregularities caused by the actions of polling officials, nearly 4 300 voters were disenfranchised by having their votes excluded from the count. The AEC promptly issued media releases to declare publicly the seriousness of this matter, to advise that the affected votes would not be included in the count and that the AEC would immediately instigate an investigation into the circumstances of the irregularities.

6.3.4 On 2 September 2010, the AEC engaged Mr Bill Gray AM to undertake an urgent examination to establish the facts surrounding each incident and to report his findings, together with recommendations for future action to the Electoral Commissioner. Mr Gray is a former senior and distinguished public servant and he was the Electoral Commissioner from 1995 to 1999.

6.3.5 The AEC received Mr Gray's report (the Report) on 22 September 2010. Mr Gray's conclusion was that there was **no** evidence tendered of any tampering with the ballot papers in question.⁵²

⁵² The Grey Report on irregularities relating to the opening of ballot boxes at certain Pre-poll Voting Offices in the Divisions of Boothby and Flynn (2010) available at:

6.3.6 Mr Gray made three recommendations for action that could be taken to minimise the likelihood of a recurrence of these incidents. The recommendations were:

1. That the training materials and working manuals for the OIC of a PPVC be reviewed with a view to highlighting the necessity to ensure that all procedures and practices are consistent with the requirements of the Electoral Act. In particular, the need to ensure the integrity of the ballot papers and ballot boxes should be given special prominence in training materials and in working manuals used at a PPVC.
2. That a highly visible stick-on label be attached to each ballot box used in a PPVC at the time it is first sealed (perhaps adjacent to each side seal), that makes clear that the ballot box is not, **on any account**, to be opened.
3. That the record of ballot boxes and security seals form be routinely examined by divisional staff either when visiting a PPVC or by means of a fax or scanned copy in relation to PPVCs located in country regions. This practice should be included in the operating manuals for DROs and their staff.

Potential effect on the 2010 federal election

6.3.7 The AEC conducted an analysis of the ballot papers excluded from the two House of Representatives elections in Boothby and Flynn and the Senate elections in South Australia and Queensland to assess what, if any, impact was caused by the excluded ballot papers.

6.3.8 On 24 September 2010 a formal meeting of the three person Electoral Commission took place to consider the contents of the report and to determine what, if any, other action should be taken. The Commission accepted all three of the recommendations and action is in train to implement those recommendations.

6.3.9 The analysis showed that the exclusion of the ballot papers in question did **not** change the candidate who was declared the winner in each election or the 4 per cent threshold for public funding entitlement.

6.3.10 The Commission also considered the issue of whether or not there were any facts available that could reasonably satisfy a Court of Disputed Returns that due to the apparent 'illegal practice' in these three instances a Court could be 'satisfied that the result of the election was likely to be affected'. On the basis of the information contained in the report, it was open to the Commission to conclude that this issue could be resolved by analysing the votes recorded on the excluded ballot papers and to see what, if any, affect they had on the result of the count (i.e. the candidates that were returned) for both the Senate and the House of Representatives.

http://www.aec.gov.au/About_AEC/publications/Reports_On_Federal_Electoral_Events/2010/e2010-gray-report.pdf.

- 6.3.11 The Commission had before it the analysis of the impact of the excluded ballot papers referred to in 6.3.7. Based on the analysis, the Commission concluded that there was no evidence or facts available to support the lodging of a petition to the Court of Disputed Returns by the Electoral Commission.
- 6.3.12 The Commission noted that whilst the AEC had external legal advice supporting the exclusion of the ballot papers, following the outcome of the report from Mr Gray, the legal basis for the exclusion was in need of further clarity. Accordingly, the Commission recommended that this issue be brought to the attention of JSCEM with a proposal to amend the Electoral Act to clarify issues around the opening of ballot-boxes and the exclusion (if appropriate) of affected ballot papers from the count due to polling official errors.
- 6.3.13 The AEC made the report publicly available on its website.⁵³ In addition, the Electoral Commissioner wrote to the candidates and political parties involved in the elections in question expressing the Commission's deep regret that nearly 4 300 voters were disenfranchised by having their votes excluded from the count as a result of incorrect actions of polling officials, and advising the actions the AEC has taken.
- 6.3.14 The AEC recommended to the SMOS, the Hon Gary Gray MP, that any loss of public funding caused by the exclusion of these votes should be dealt with under the Compensation for Detriment caused by Defective Administration Scheme. Approval has been given by the SMOS to proceed with this action.
- 6.3.15 The amount of compensation for the missed amount of public funding for first preference votes is \$17 713.85. Table 6.1 shows the amount of compensation for each political party.

⁵³ The report is available at:[http://www.aec.gov.au/About AEC/publications/Reports On Federal Electoral Events/2010/e2010-gray-report.pdf](http://www.aec.gov.au/About/AEC/publications/Reports%20On%20Federal%20Electoral%20Events/2010/e2010-gray-report.pdf).

Table 6.1 – Amount of compensation for missed public funding in the divisions of Boothby and Flynn

Political party	Amount
Australian Labor Party	\$6 866.37
Liberal Party	\$8 813.00
Family First	\$362.97
Queensland Greens	\$76.29
Australian Greens (SA)	\$1 595.22
Total	\$17 713.85

Recommendation 20: The AEC **recommends** the Electoral Act and Referendum Act be amended to specifically provide that a ballot box may not be opened before the close of polling other than in accordance with the provisions of the Electoral Act. However, a savings provision in the event of an official error should be included.

Senate count in polling places on polling night

- 6.3.16 Currently, section 273 of the Electoral Act requires polling place staff to sort the first preference votes for each candidate on the Senate ballot paper into separate parcels, count them and report the figures for those votes and the number of informal votes to the DRO.
- 6.3.17 The results of the count are provided via the OIC return, however, this level of detail is not made publicly available on polling night, nor is it particularly meaningful at that point. All that is reported to the DRO from each polling place is the total number of first preferences for each group - combining both above-the-line (ATL) and below-the-line (BTL), a total for each ungrouped candidate and the total number of informal ballot papers.
- 6.3.18 In order to comply with the current legislation, significant sorting and packaging of ballot papers (accompanied with the necessary packaging material) must occur at each polling place.
- 6.3.19 The current requirement is a legacy from the time prior to the introduction of the computerised Central Senate Scrutiny (CSS) system. With the CSS now an

established feature of Senate elections, at the polling place, all that is necessary is for the Senate ballot papers to be sorted into votes marked ATL and BTL for each group and informal votes. On return to the divisional office, the packaging is removed and all BTL votes are collated and despatched to the CSS for data entry. Only the total numbers of BTL votes for each polling place is required at this point, not the BTL total per candidate.

6.3.20 An example of the efficiency that would have resulted from this change had it been in place at the 2010 federal election is that in each polling place in New South Wales (the state with the largest Senate ballot paper) the number of sorts would have been reduced from 117⁵⁴ to 70⁵⁵. The number of resulting packages would have been reduced from 117 to 34⁵⁶. It is clear that this change would significantly reduce the time taken to complete the Senate count in polling places and the amount of packaging required, with no reduction in the information available on polling night.

Recommendation 21: The AEC **recommends** that section 273 of the Electoral Act be amended to require that on polling night, Senate ballot papers do not need to be sorted to individual candidates below the line, nor be separately parcelled for return to the divisional office.

⁵⁴ The 117 is made up of one count for each group ATL totalling 32 counts, plus one for each candidate BTL including ungrouped candidates totalling 84 counts, plus one count for informal votes.

⁵⁵ The 70 is made up of one count for each group ATL totalling 32 counts, plus one for each group BTL including ungrouped candidates totalling 37 counts, plus one count for informal votes.

⁵⁶ The 34 is made up of one package for each group ATL totalling 32 packages, plus one for all BTL votes including ungrouped candidates, plus one for informal votes.

7. Communication

7.1 Background

- 7.1.1 The AEC undertakes a range of activities for each federal election to increase elector understanding and participation in the electoral process. The AEC election communication campaign commenced with the announcement of the federal election on Saturday 17 July 2010. Approximately \$10 million was spent on advertising, promotions and media services in 2010, compared to over \$29 million in 2007.⁵⁷
- 7.1.2 The objective of the AEC's election communication campaign for the 2010 federal election was to provide information to all eligible persons and electors to maximise effective participation in the federal election.
- 7.1.3 The election communication campaign supplemented the AEC's education and public awareness programs, which continue throughout the electoral cycle and are described in detail elsewhere,⁵⁸ and a range of specific activities undertaken to improve electoral enrolment in the lead up to the 2010 federal election, which are noted in Chapter 3 of this Submission.
- 7.1.4 As with other aspects of the electoral process, the AEC's election communications relied on the expertise of key partners. BMF Advertising updated and placed advertising; Cultural Perspectives advised on appropriate language translations of advertising and information products; Ipsos-Eureka Strategic Research evaluated the effectiveness of the advertising campaign; Haystac Public Affairs assisted with the promotion of key activities and messages through the media; Centrelink delivered call centre: email and information product mailing services and Spotless PNF constructed and removed the NTR.

7.2 Advertising

- 7.2.1 The AEC's national advertising campaign commenced within hours of the announcement of the 2010 federal election and was based on advertising developed for the 2007 federal election.
- 7.2.2 Media used to carry AEC advertising included television, radio, newspapers and the internet. An estimated 93 per cent of the target audience (those aged 18 years

⁵⁷ This does not include the Targeted Enrolment Stimulation fieldwork exercise noted at paragraph 3.3.6.

⁵⁸ AEC, *Annual Report 2009-2010*, 2010, pp.85-97.

and older) were exposed to the close of rolls advertising at least once. 85 per cent of the target audience were exposed to the voter services advertising at least once and 89 per cent were exposed to the formality phase at least once.

7.2.3 State and territory based press advertising was used extensively to support the national campaign, providing electors with detailed information for their local area such as times and locations for remote mobile polling and operating hours for early voting centres and polling day polling places.⁵⁹ A full list of polling day polling places, abolished polling places and the candidates standing for election for the entire state, by division, was published in metropolitan newspapers in the lead up to the 2010 federal election, primarily for people who don't have access to the internet.

Phases

7.2.4 The campaign was implemented in three phases: 'close of rolls', 'voter services' and 'formality'.

7.2.5 The close of rolls phase began on Saturday 17 July 2010 and ran until Thursday 22 July 2010. From 17 July to 8 pm Monday 19 July (the deadline for new enrolments)⁶⁰ the advertising encouraged people who had never been enrolled to get their enrolment form to the AEC by the deadline. After the deadline passed, the advertising was directed at encouraging people who had moved to update their enrolment details with the AEC before the deadline of 8 pm Thursday 22 July 2010.

7.2.6 The 'voter services' phase began on Friday 23 July 2010 and ran until polling day. This phase targeted all electors and included advertising to:

- increase understanding of the range of voting options for those who would be unable to vote on polling day;
- raise awareness, in relevant areas, that the AEC would be conducting remote mobile polling;
- raise awareness of the option of telephone voting for those who are blind or have low vision; and
- encourage electors to read *Your official guide to the 2010 federal election* which was delivered during this period to every household in Australia.

⁵⁹ For example, state and territory press advertising included advertisements related to: the writ, information sessions, early voting locations, polling place locations, polling places and candidates standing for election, remote mobile polling locations, reminder to Victorian voters 70 years and over of compulsory voting, reminders regarding event clashes, interstate visitor voting arrangements, regional polling places, and successful candidates.

⁶⁰Subsequently changed by the decision in the *Rowe* case.

- 7.2.7 The 'voter services' phase saw the delivery of an eight page booklet called *Your official guide to the 2010 federal election* to over 9.5 million delivery points including 7.9 million households. The booklet provided electors with the information required to participate effectively in the 2010 federal election.
- 7.2.8 The 'formality' phase began one week before polling day with advertising to increase understandings of how an elector could make his or her vote count.
- 7.2.9 Selected examples of advertisements used during each phase of the election communications campaign and a copy of *Your official guide to the 2010 federal election* are provided at **Annex A7.1** and **A7.2**.

Cost

- 7.2.10 The total cost for the placement of the advertising campaign was \$8 639 266 including the Goods and Services Tax (GST).⁶¹ \$678 535 including GST was paid to BMF Advertising Pty Ltd to update advertisements they had developed for the 2007 federal election, for use at the 2010 federal election. This fee included an update of materials for Culturally and Linguistically Diverse (CALD) electors and Indigenous electors.
- 7.2.11 In 2007, the media placements for the advertising campaign cost \$24.4 million.⁶² The 2010 costs reflected that the 2007 pre-election enrolment advertising campaign, costing \$14.9 million, was not replicated. The 2010 advertising costs were also lower as a result of the decision made in 2007 to replicate the *Your vote is a valuable thing* campaign over two election cycles. Development costs were therefore not incurred in 2010. Additional advertising concept development costs are likely to be necessary for the next federal election to refresh the advertising strategies and strengthen their impact.

7.3 Special audiences

Culturally and linguistically diverse electors

- 7.3.1 The AEC communicates in LOTE to minimise any cultural or language impediment an elector may have to receiving and understanding information and in participating in the election. Cultural communication experts were engaged again by the AEC to advise on the appropriate mix of languages used to translate advertisements and publications for use in the 2010 federal election.

⁶¹ This cost relates to advertising placement only. As noted at paragraph 7.1.1 approximately \$10 million was spent on advertising, promotions and media services for the 2010 election.

⁶² As per previous footnote, this cost is a subset of the \$29 million spent on advertising, promotions and media services in total.

7.3.2 Advertising was tailored and translated into 31 LOTE including seven Indigenous languages. Translations were produced for ethnic or Indigenous television, radio or press as outlined below in Table 7.1.

Table 7.1 – Language translations in media at the 2010 federal election

Television		Six languages			
Arabic	Cantonese	Greek	Italian	Mandarin	Turkish

Radio		31 languages			
Arabic	Farsi (Iranian)	Macedonian	Spanish		
Assyrian	Greek	Mandarin	Sudanese Arabic		
Bosnian	Italian	Polish	Thai		
Cantonese	Khmer (Cambodian)	Portuguese	Turkish		
Croatian	Korean	Russian	Vietnamese		
Dari (Afghani)	Laotian	Serbian			
<u>Indigenous:</u>					
Arrernte	Pitjantjatjara	Torres Strait Kriol aka Yumpla Tok	Yolngu Matha		
Northern Kriol	Tiwi	Warlpiri			

Press		19 languages			
Arabic	Farsi (Iranian/Afghani)	Macedonian	Spanish		
Bosnian	Greek	Polish	Thai		
Chinese	Italian	Portuguese	Turkish		
Croatian	Khmer (Cambodian)	Russian	Vietnamese		
Dari (Afghani)	Korean	Serbian			

7.3.3 *Your official guide to the 2010 federal election* and ‘how-to-vote’ fact sheets were translated into 21 LOTE and provided as downloadable PDFs on the AEC website. Materials were also produced for CALD electors in electorates with high rates of informality. This information was also accessible through an AEC telephone translation service which provided assistance in 16 languages.

Indigenous electors

7.3.4 The AEC received \$13 million over four years in the 2009-10 Federal Budget to establish the Indigenous Electoral Participation Program (IEPP) aimed at closing the gap in areas of Indigenous disadvantage by improving the electoral

- participation of Indigenous Australians. \$1.2 million was earmarked for the first year of design, consultation and establishment, as well as \$400 000 for capital expenditure. Funding increased to \$4.7 million in 2010-11 as it was an election year, with the remaining funds split over the final two years.
- 7.3.5 The AEC's objectives in the four year IEPP are to increase electoral knowledge, enrolment and participation as well as decrease the levels of informal voting amongst Indigenous electors.
- 7.3.6 The initial design and consultation phase of the IEPP was completed in February 2010 after a period of extensive consultation with key stakeholders. The consultations demonstrated widespread support for the objectives and direction of the program. The main components of the program have been identified and have broad support from key stakeholders.
- 7.3.7 The components of the IEPP include an extensive field program for education, information and enrolment activities, a targeted communications and media strategy, a research program, outreach programs to schools, TAFEs and prisons, sponsorship, a high level advisory group of people with extensive experience in Indigenous affairs, an ambassador program of community influencers as well as strategies to increase Indigenous employment in the AEC and to make the objectives of the IEPP part of usual AEC business.
- 7.3.8 The IEPP field program commenced implementation in May 2010 which was in advance of the proposed timetable of recruitment in March 2010 and full implementation commenced in July 2010. There were 21 field staff recruited and trained, augmenting the three existing AEC field officers.
- 7.3.9 During the seven months of implementation, the program has established and developed strong relationships with Indigenous communities and organisations across Australia. There has not been a dedicated electoral program for Indigenous people at the federal or state level since 1996. Therefore a great deal of foundational work has been required to enable the program to begin to meet its objectives. In early months, the focus was on establishing and developing a strong relationship with Indigenous communities and organisations across Australia. In addition to these foundational activities, the program undertook targeted activities in the lead up to and during the 2010 federal election, such as roll stimulation exercises, school and community education sessions (including in corrective service institutions), conduct of fee for service elections, recruitment of Indigenous liaison officers, and polling officials and conduct of static and mobile polling. These activities were aimed at improving enrolment levels, knowledge and participation in the electoral process, as well as reducing informality rates, in the lead up to and during the 2010 federal election.

- 7.3.10 The program is now working in partnership with a range of government departments such as the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), the ABS and Centrelink, and with its state and territory electoral authority counterparts to deliver programs that will reduce the gap in electoral knowledge and participation between Indigenous and non Indigenous Australians. Development of materials and resources, implementation of programs and fieldwork costs are being shared.
- 7.3.11 Specific enrolment forms with Indigenous source codes were used in roll stimulation exercises and fieldwork to assist in tracking rates of enrolment.⁶³ Since the commencement of the implementation phase, the number of enrolment forms received with an IEPP source code has increased steadily. Over 1 000 were received between May and July and with nearly 200 received within the close of rolls period.
- 7.3.12 A trial of 'Electoral Awareness Officers' (EAOs) in the lead up to and including the 2010 federal election was undertaken in Queensland. 150 Indigenous officers were recruited on a temporary basis to expand the reach of the program throughout Queensland. The majority of these people were based within communities and many went on to work as polling officials at the 2010 federal election. In some cases, for example the Yarrabah Community, close to Cairns, the polling officials were comprised entirely of Indigenous people. AEC experience has shown that having Indigenous polling officials encourages Indigenous people to turn up and vote because their sense of ease is increased when they see other Indigenous people participating and assisting with the electoral process. The AEC hopes these officers will not only be available for future federal electoral events but also for future state elections.
- 7.3.13 In comparing the formality rates from the 2007 federal election to those of the 2010 federal election at 64 polling places, the initial indicators suggest that the EAOs in Queensland had a positive effect on increasing enrolments, increasing participation and reducing informality. For example, in the Division of Leichardt, for remote mobile polling team 1, the 2010 informal voting rate was seven per cent compared to 11 per cent in 2007; and the 2010 informality rate for the Tamwoy polling place was five per cent compared to ten per cent in 2007. These figures are indicative of those locations where the EAO program operated. The IEPP is investigating whether this model can be applied more broadly, thereby increasing the reach of the program and identifying and training future polling and electoral officials for federal as well as state and territory elections.

⁶³ Note that the source code is not used to identify whether an elector is Indigenous or not but to ascertain where the person received their enrolment form. The AEC is unable to accurately determine how many Indigenous people are on the roll.

- 7.3.14 Since the advent of the IEPP there has been an increase in the number of fee for service elections conducted by the AEC for Indigenous organisations. Feedback from Indigenous organisations and contacts of field officers indicates that this is, at least in part, due to the growing profile of the IEPP and the increase in trust that the program has inspired in Indigenous people for the AEC. IEPP field officers are now receiving requests from Indigenous organisations to conduct their elections. These elections are conducted as fee for service elections by the AEC, with IEPP field officer assistance.
- 7.3.15 An IT management system is currently being developed to assist in program support, program implementation, program monitoring as well as evaluation and remote mobile polling operations. This system will provide the database and logistical support required for the program. The AEC is also investigating the possibility of sharing this with its state and territory counterparts and possibly other Government departments.
- 7.3.16 A strong focus for the IEPP in the coming twelve months will be to consolidate the early gains of the program, develop stronger working relationships with the state and territory Electoral Commissions and government and non government stakeholders. A significant focus will be placed on the forthcoming referendum to acknowledge Indigenous people in the Australian Constitution. This process and event will have the potential to galvanise Indigenous participation in Australia's electoral and democratic processes.

Electors with a disability

- 7.3.17 A version of the *Your official guide to the 2010 federal election* was produced for electors with a print disability⁶⁴ which also included additional information on accessibility issues. It was distributed in accessible formats to over 25 000 individuals and approximately 110 disability organisations and was available in HTML, audio MP3 or CD, e-text, and large print PDF from the AEC website. It was also available in Braille on request.
- 7.3.18 Lists of candidates were available in a variety of accessible formats - e-text, large print and HTML (audio or Braille versions were available on request), on a dedicated section of the AEC website. The availability of these materials was promoted in announcements on radio for the print handicapped, which also featured enrolment and election advertising. In addition, advertising and other communication activity was undertaken to support the availability of telephone voting for people who are blind or have low vision.

⁶⁴ People with a print disability are those who are unable to read standard print (or access information provided in a print medium) with ease due to a vision impairment, a physical disability or a learning disability.

7.3.19 Information regarding the accessibility of polling centres was available from the list of polling places on the AEC website and through the polling place locator facility located on the AEC website.

Overseas electors

7.3.20 The AEC's advertising campaign regarding enrolment, voter services and formality extended offshore, with online advertising targeting individuals accessing specific Australian sites from overseas. Advertising linked to relevant forms and information on the AEC website.

7.3.21 National and state based advertising ran in Australia throughout the voter services phase which was directed at electors who may have been travelling or who were about to move overseas. *Your official guide to the 2010 federal election* contained some information for those electors who were going to be overseas on polling day. The information was principally targeted at those about to go overseas, or the family of citizens currently overseas.

7.3.22 Overseas posts were provided with an advertising template to enable them to conduct local advertising regarding voting services as appropriate. Information was provided to DFAT and Austrade websites, with links to the AEC website, which had pages dedicated to overseas elector requirements.

7.3.23 An outline of the voting services available to Australians travelling or residing overseas is provided at paragraphs 5.6.9 - 5.6.16.

Young electors

7.3.24 The AEC conducted a pilot 'parallel elections' program in two schools during the same period as the 2010 federal election. The program provided students aged 15-17 with an opportunity to vote for candidates standing in the divisions to which their schools belong. St Mary Mackillop College in the Division of Canberra and St Aidan's Anglican Girls' School in the Division of Moreton in Queensland participated in the pilot, with student volunteers trained to perform the roles of polling officials. The pilot parallel election program is now being assessed to see whether there is value in giving more schools in more divisions the opportunity to be involved in future electoral events.

7.3.25 The AEC also promoted electoral participation of youth through a number of enrolment focussed activities leading up to the 2010 federal election. These are discussed further at paragraphs 3.6.17 - 3.6.24.

7.4 Media and public relations

7.4.1 Given the importance of the media as a source of information to the general public throughout the federal election period, extensive media and public relations activities complemented national advertising as part of the election communications campaign. While the primary audience for these activities were all eligible persons and electors, a number of audiences were targeted through these activities, including younger electors who were aged 18-20 and other first time voters, electors with a disability as well as rural and remote electors.

7.4.2 Key aspects of the media and public relations activities included:

- development and distribution of media releases and other information materials;
- development and distribution of pre-recorded audio releases;
- development of other media and public relations activities (i.e. photo and filming opportunities);
- development and pitching of specific story angles;
- proactive pitching of interview opportunities for AEC spokespersons; and
- proactive contact with media outlets and journalists.

7.4.3 The media and public relations activities were implemented in four phases. The first three phases accorded with the enrolment, voter services and formality phases outlined at paragraphs 7.2.4 - 7.2.8. Activities continued following polling day with a post-election phase through the provision of information and numerous interviews to the media regarding the progress of the count and results.

Public relations

7.4.4 In addition to having dedicated AEC media spokespeople, the AEC engaged Haystac Public Affairs (Haystac) as its national public relations service provider. As part of its these arrangements, Haystac was responsible for:

- providing advice and assistance in the development of the media and public relations activities;
- assisting in implementation of selected national activities;
- assisting in identification and implementation of additional national public relations opportunities;
- subcontracting and coordination of network of state and territory based public relations providers; and
- providing advice on issues management.

7.4.5 Consistent with the AEC approach at the 2004 and 2007 federal elections, a national network of public relations agencies based in each capital city was established and used to deliver and manage the dissemination of key election

information and messages through the media⁶⁵. State and territory public relations agencies primarily assisted AEC state and territory offices by tailoring and/or implementing activities and providing assistance in the identification and implementation of additional media opportunities.

Media information

- 7.4.6 In the lead up to the 2010 federal election, a series of media briefings were held by the Electoral Commissioner and senior AEC personnel for senior editors and political reporters in Melbourne (18 May 2010), Sydney (19 May 2010) and Brisbane (1 July 2010). An additional briefing was planned for Perth on 20 July but was not held due to the announcement of the 2010 federal election on 17 July 2010. In Melbourne there were a total of 15 attendees, with 15 in Sydney and eight in Brisbane.⁶⁶
- 7.4.7 The briefings were not press conferences but an informal and interactive round table briefing led by the Electoral Commissioner. They were intended to provide senior press staff with an overview of the AEC's pre-election and federal election period messages and further background information regarding the state of the electoral roll at the time and the impact on a likely rise in declaration voting on the speed of the count. The AEC believes that these meetings established a sound basis for further contact and interaction between senior AEC personnel and the media executives and organisations in attendance.
- 7.4.8 The media centre page on the AEC website was further developed for the 2010 federal election and housed a comprehensive amount of information targeted at the needs of media. This included all national media releases, fact sheets, media contacts, information backgrounders and photographic images available for use.

Media enquiries

- 7.4.9 The volume of media enquiries received by the AEC's national media team and state public awareness officers during the 2010 federal election increased noticeably from that for the 2007 federal election. Requests for information and interviews were received from national, metropolitan, regional, local and ethnic television, radio and print media, placing considerable demands on resources of the AEC national media team and wider network.

⁶⁵ Public relations agencies engaged at state and territory level were as follows: Cox Inall Communications (New South Wales); Haystac Public Affairs (Victoria); Bayly Willey Holt (Queensland); CEA Pty Ltd (Western Australia); Ball Public Relations (South Australia); Corporate Communications (Tasmania); and Michels Warren Munday (Northern Territory).

⁶⁶ South Australia State Office conducted a media briefing on Tuesday 20 July 2010 which was attended by six journalists.

7.4.10 Peaks in media interest and coverage partially reflected unique issues that arose during the course of the 2010 federal election. During this period, such issues included the High Court and Federal Court challenges on enrolment provisions and former Labor Opposition Leader Mark Latham's call for voters to cast blank ballot papers. In the weeks following polling day, there was an unprecedented level of media interest in the federal election results, including close scrutiny of the VTR.

Media coverage

7.4.11 Thousands of media items across all forms of the media mentioned the AEC in relation to enrolment, voter services, formality and counting activities during the federal election period.

7.4.12 A major AEC activity was the distribution of media releases at a national, state and territory and local level. More than 50 national releases were distributed, which resulted in a significant amount of media coverage.⁶⁷ These were supported by numerous state and territory media releases and a smaller number of divisional office media releases. At specific times during the federal election period (i.e. in the lead up to the close of rolls and the lead up to polling day), radio releases were also distributed by the AEC and were available for broadcast by radio stations across Australia.

7.4.13 The AEC established weekly radio spots with a number of radio stations. AEC spokespeople also appeared on local and national news/current affairs programs to discuss the close of rolls deadlines, the conduct of the 2010 federal election and the AEC's counting arrangements.

7.4.14 The AEC also provided numerous photos opportunities of 2010 federal election activity that obtained significant media coverage. For example, the media covered a number of activities relating to voting arrangements, including:

- remote mobile polling in Gunbalanya (an Aboriginal community on the border of Kakadu National Park);
- telephone voting arrangements for people who are blind or have low vision; and
- high profile sporting individuals and teams casting early votes, including Australian Swimming representatives and the Adelaide and Hawthorn football clubs.

⁶⁷National media releases are available at:
http://www.aec.gov.au/About_AEC/Media_releases/e2010/index.htm.

7.4.15 Media coverage also included the voting services in unique locations such as airports and ski fields and voting arrangements for special events.

7.5 Election publications

7.5.1 Enrolment and election publications produced by the AEC for the 2010 federal election are listed at **Annex A7.5**.

7.6 Call centre

7.6.1 Centrelink provided call centre, email and product fulfilment services for the AEC at the 2010 federal election. The 2010 federal election was the third federal election in which the AEC has partnered with Centrelink to provide call centre services, and the second of which they have provided email and information product mailing services. The cost of the service to the AEC for the 2010 federal election was \$5.3 million, compared to \$4.6 million in 2007. In 2011, the AEC will be conducting a formal market review, to test the market capability in the delivery of future call centre, email and product order fulfilment services.

7.6.2 The call centre for the 2010 federal election operated from 17 July to 3 September 2010, with services delivered from 9 am to 5 pm (local time in each state and territory) in the pre-election period, from 8 am to 8 pm from the announcement of the 2010 federal election to the Friday before polling day, 7 am to 9 pm on polling day, and 9 am to 5 pm thereafter. Email services were also provided during the period of 8 July to 16 July 2010.

7.6.3 The call centre services operated from six Centrelink sites located at Adelaide, Coffs Harbour, Gosford, Latrobe, Perth and Townsville. In addition, the Geelong call centre was used as a backup site for calls and to assist Perth and Coffs Harbour with email services. The sites were networked to operate as one virtual call centre, which provided coverage and redundancy across all time zones.

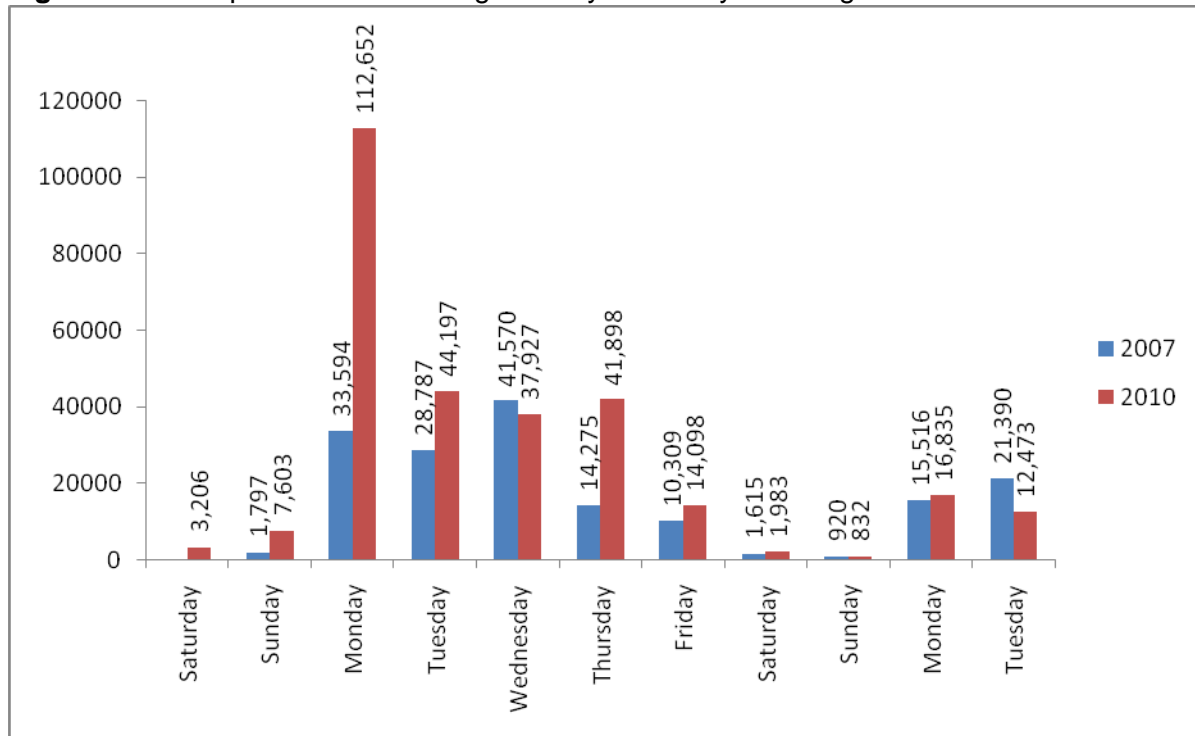
7.6.4 Up to 700 call centre operators were utilised during peak periods. Approximately 450 of these were labour hire workers. All staff involved in providing call centre and email services were required to sign a 'political neutrality form'.

Call centre services

7.6.5 The announcement of the federal election usually prompts a large volume of people to contact the AEC to check their enrolment status and seek information regarding a range of matters such postal voting arrangements, what can be done if they cannot attend a polling place on polling day and where their nearest polling place is.

- 7.6.6 As outlined earlier in the submission, the announcement of the 2010 federal election led to an unprecedented call centre workload on the first working day following polling day, which coincided with the close of rolls deadline for new enrolments. 112 652 calls were received on the Monday, which required Centrelink to increase call centre operator staffing from 500 to 700. On Monday morning, no new call centre operators could access the interactive database of scripts or perform roll searches. The call centre was asked to transfer calls to the local divisional office while the problem was identified and fixed. Consequently, divisional offices experienced increased call volumes until technical issues could be resolved.
- 7.6.7 As Figure 7.1 demonstrates, the number of calls on Monday was 3.4 times the 33 594 calls received on the first working day following the announcement of the 2007 federal election. At peak times, the call centre was receiving in the order of 3 000 calls per half hour. As a result of the exceptionally high workload, the call centre did not meet service level standards of answering 80 per cent of calls within 30 seconds. Instead, on Monday the average time to answer calls was six minutes and over 42 000 calls either received a busy signal or were abandoned after queuing. By the end of the first week in operation, the call centre had received twice the number of calls received during the first week in the 2007 federal election and of this increase almost 50 per cent occurred on the first working day.

Figure 7.1 - Telephone call volume growth by week day following announcement⁶⁸



7.6.8 From 17 July to 3 September 2010, the AEC’s 13 23 26 number received 745 256 telephone calls, representing a significant increase of 161 800, or 27.7 per cent, over the 2007 federal election.

7.6.9 Calls were initially answered using Interactive Voice Recognition (IVR) technology, which used a series of recorded messages to provide information regarding frequently asked questions. IVR messages were developed with the assistance of Centrelink and Telstra and these were updated throughout the different phases of the campaign.

7.6.10 562 678 calls progressed through the IVR system and were answered by an operator. Call centre operators used an interactive database of scripts and applications, including the online polling place locator, postal vote issuing system and the online enrolment verification facility to assist electors with accurate and timely advice.

7.6.11 A total of 49 428 calls either received a busy signal or were abandoned after queuing occurred to speak to an operator. Of these, 42 093, or 85 per cent, occurred on Monday 19 July 2010.⁶⁹

⁶⁸ This figure and a comparative outline of election timelines for the first ten days are provided at **Annex A7.4**.

7.6.12 Across the period of Centrelink's contracted call centre services, the average speed in answering calls was 37 seconds and the average handling time of calls was 227 seconds. In all, 80 per cent of all calls were answered within 30 seconds on all days, with two exceptions:

- 19 July 2010 due to demand and intermittent IT issues, as outlined above; and
- 31 July 2010 due to an unexpected spike of demand in the morning.

7.6.13 Call centre operators answered all inbound calls and actioned as appropriate using the AEC designed Election Call Centre Application (ECCA). Issues that could not be resolved were then escalated to operators identified as subject matter experts, who were responsible for the receipt, investigation and finalisation, where possible, of escalated caller queries. In addition the AEC operated a call centre helpdesk from the national office in Canberra, which was responsible for providing a support call-back and email service for issues escalated by the subject matter experts and which acted as a central receiving point for referrals, escalating as appropriate to AEC divisional offices, state offices and within national office.

7.6.14 6 689 call-backs were referred to subject matter experts for action in the period 17 July to 3 September 2010. Of these, 1 267 were further referred to the AEC based call centre helpdesk.

7.6.15 Call centre services provided to enable electors who are blind or have low vision to cast a secret vote are discussed in Chapter 5.

Email services

7.6.16 The 2010 federal election was the second federal election in which the AEC used Centrelink services to answer emails sent to info@aec.gov.au. With a significant increase in the volume of email enquiries being received by the AEC in the lead up to the 2010 federal election, the AEC negotiated with Centrelink to commence processing of emails from Thursday 8 July 2010.

7.6.17 In the pre-election period, 859 emails were received by Centrelink staff. From the announcement of the 2010 federal election, 17 July 2010, until 3 September 2010, an additional 36 177 emails were received. This compares to approximately 38 000 in 2007 and 17 000 in 2004.

7.6.18 In total, 36 888 emails to info@aec.gov.au were responded to, with an average handling time of 250 seconds.

⁶⁹ 7 800 calls received a busy signal and 34 293 calls were abandoned after queuing. Centrelink advises that no caller received a busy signal on any other day of the contracted period.

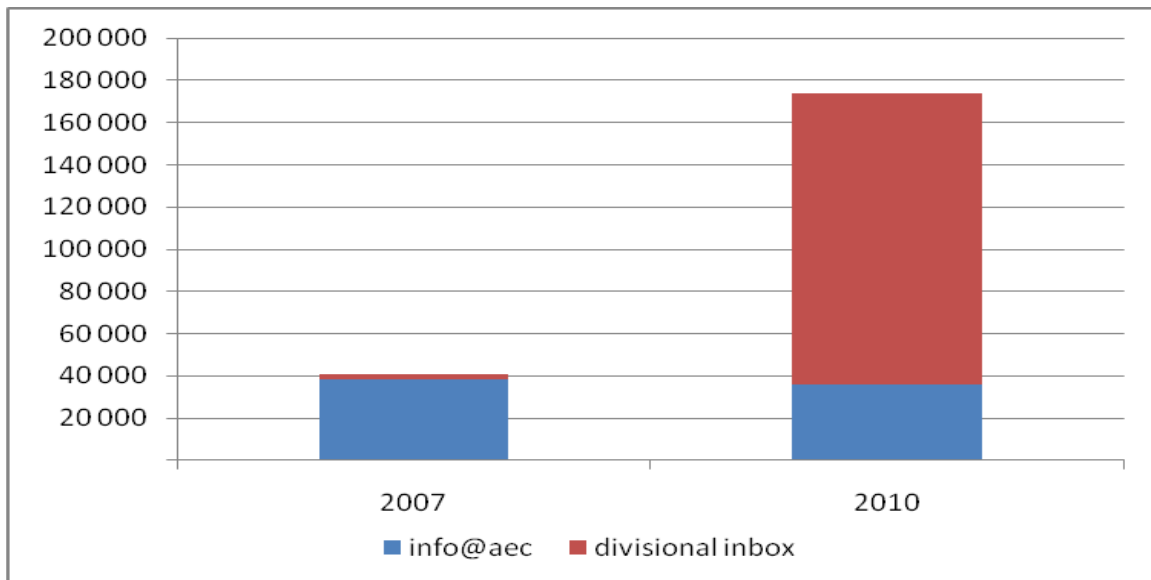
7.6.19 The AEC’s contract performance standards required:

- 95 per cent of email enquiries received during the close of rolls period to be responded to within 24 hours of the receipt of the email; and
- 95 per cent of email enquiries received at times other than during the close of rolls period to be provided with a response within 48 hours of the receipt of the email.

7.6.20 Email enquiries, 95 per cent of which were received during the close of rolls period, were provided with a response within 24 hours of the email, with two exceptions. On Monday 19 July at 8 am, 62 emails were overdue and on Tuesday 20 July at 8 am 1 288 emails were overdue. All email requests received at other times outside of the close of rolls period were responded to within 48 hours of the receipt of the email.

7.6.21 It is important to note that over 137 000 emails were also received by divisional inboxes in July and August 2010 (see Figure 7.2).⁷⁰ Divisional email inboxes were established shortly before the 2007 federal election and were not widely advertised, leading to a small number of emails at the 2007 federal election. For the 2010 federal election, divisional email addresses were available from a range locations and forms.

Figure 7.2 - Comparison of emails received in 2007 and 2010



7.6.22 With many of the emails received around the close of rolls period, the volume of emails to divisional inboxes (with an average of over 1 100 per division for which

⁷⁰ Figures are indicative and represent the data available for 118 Divisional email inboxes.

data is available) created a new workload for divisional staff that had not been experienced on such a scale at previous events.

7.6.23 In addition to the problems of workload, standard operating procedures to protect the AEC email systems screened out emails with very large attachments that resulted, for example, from some scanned enrolment forms or unconventional file formats which were being sent to divisional inboxes.

7.6.24 The AEC is reviewing operational arrangements in light of the 2010 federal election experience; however, some early conclusions have been drawn with regard to technical issues. A clear lesson from the 2010 federal election is that the AEC cannot guarantee its ability to action customer emails with attachments where forms are scanned and emailed in obscure file formats. This issue caused diversion of key resources at a period in which resources were already stretched, so that electors' emailed enrolment forms and postal vote applications could be reformatted and actioned in accordance with legislative requirements.

7.6.25 Another lesson was that significant numbers of emails with large file size attachments slow the delivery of inbound email to divisional inboxes. This occurs as standard operating procedures require that all inbound emails and attachments are checked to ensure that they contain no harmful viruses before being allowed onto the internal AEC emails systems for delivery to divisional inboxes.

7.6.26 The AEC will review its processes for handling emails and other electronic interaction in light of the 2010 federal election experience.

Provision of information products

7.6.27 Requests for information products received by telephone or email are managed through the ECCA. Products that can be emailed or faxed such as forms and leaflets are automatically despatched through ECCA using PDF images. Products that require delivery by post such as CDs and maps are referred to a contracted external mail house. For the 2010 federal election, Centrelink subcontracted National Mailing and Marketing (NMM) to undertake this function.

7.6.28 During the period 19 July to 3 September 2010, NMM despatched a total of 44 731 items from 35 741 orders. A further 25 125 were sent directly through the ECCA system.

7.7 AEC website

7.7.1 In addition to the increasing interactions occurring via call centre and email contact, the AEC website continues to increase in importance as a mechanism to

communicate, provide information and interact with stakeholders in the electoral process.

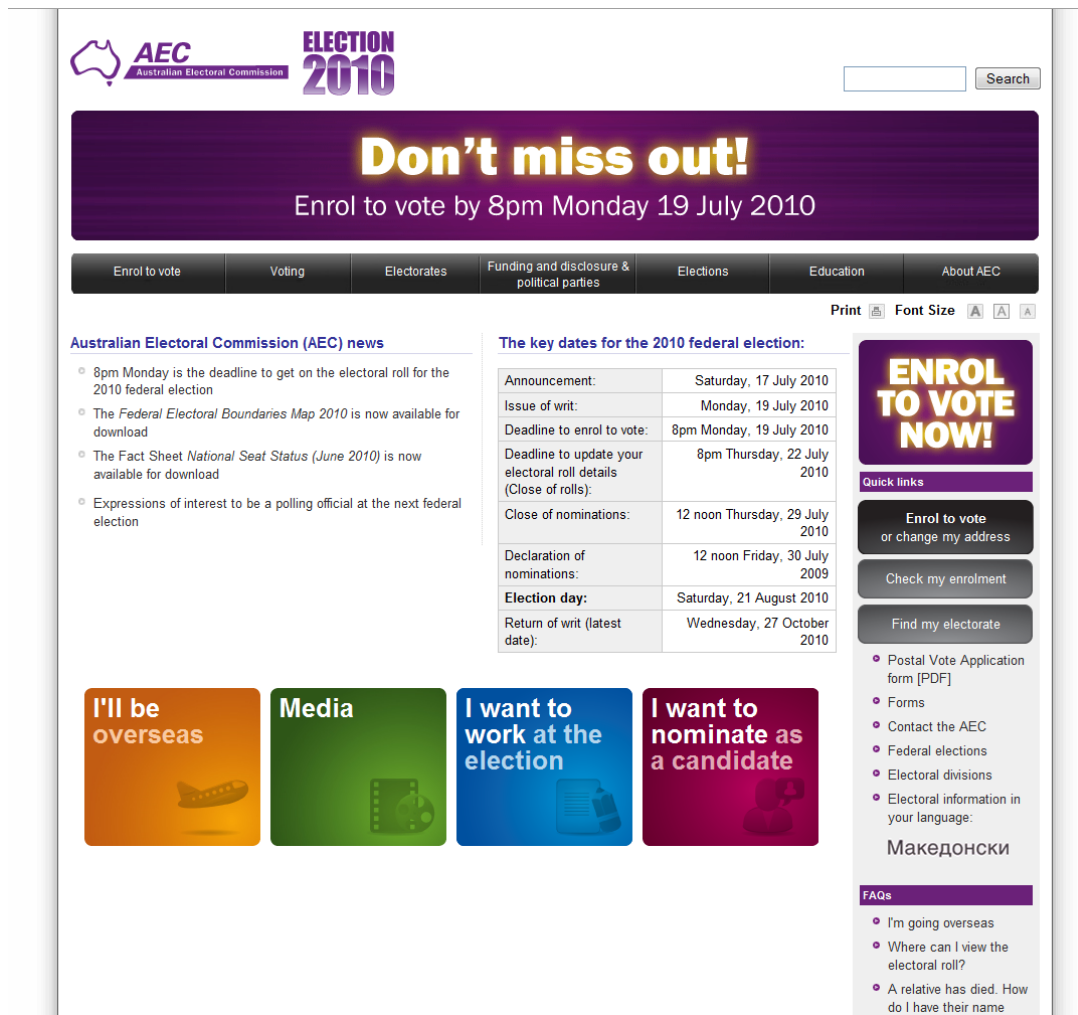
7.7.2 For the 2010 federal election, as part of an initiative to further enhance self service through the AEC website, the www.aec.gov.au homepage was redeveloped and organised into user streams, using user focussed language to direct visitors to the site for customised information.

7.7.3 On announcement of the 2010 federal election, the site had easily identified specific entry points for people who:

- needed to enrol or update their enrolment;
- would be overseas;
- wanted to work on the election;
- wanted to nominate as a candidate; and
- the media.

(See Figure 7.3 for a screenshot of the AEC website as it appeared on 17 July 2010.)

Figure 7.3 – Screenshot of www.aec.gov.au on announcement of the 2010 federal election, Saturday 17 July 2010



7.7.4 As the 2010 federal election progressed, the user streams were reviewed and adapted to keep pace with the website and search engine usage statistics, feedback from the call centre and the election timetable. For example, once nominations closed, a 'Who are the candidates?' button replaced the 'I want to nominate as a candidate' button.

7.7.5 As well as the user focussed streams, the website sidebar on all pages of the website and the banner on the homepage only, were used to promote enrolment, voting and formality messages that corresponded with the national advertising campaign. (See Figure 7.4.)

Figure 7.4 – Screenshot of www.aec.gov.au as at Wednesday 18 August 2010



7.7.6 As well as the user focussed streams, the website sidebar on all pages of the website and the banner on the homepage only, were used to promote enrolment, voting and formality messages that corresponded with the national advertising campaign. (See Figure 7.4.)

7.7.6 The 'AEC news' service remained a prominent feature on the homepage, highlighting current events including new media releases and current issues (for example Court decisions). The homepage also contained a section with election specific links, including links on certain voting aspects specific to each state; such as lists of divisions, as well as links to information that supported smaller, specific audiences - such as information for electors with a disability and for people who have recently become an Australian citizen.

7.7.7 During the 2010 federal election period, www.aec.gov.au had approximately 30.2 million page views and almost 4.2 million visitors. The most popular downloads⁷¹ across this period were:

1. RSS feed (AEC news feed)
2. Postal Vote Application
3. Postal Vote Application – amended
4. NSW Enrolment form
5. Register as an overseas voter form
6. Victorian Enrolment form
7. Queensland Enrolment form
8. National boundary map
9. Victorian group voting ticket
10. Practice voting tool

Enrolment check facility

7.7.8 First introduced at the 2004 federal election, the online enrolment check facility allows electors to check their enrolment details online. The facility 'verifies' whether or not the information entered is correct and in doing so, enables electors to establish if they need to update their enrolment details.

⁷¹ For the purpose of this Part, a 'download' is considered a file available on www.aec.gov.au in any of the following formats xml, .rft, .doc, .zip, .pdf, .csv.

7.7.9 This 'self-help' mechanism is an important tool in allowing electors to ensure they are enrolled correctly, without requiring the manual assistance of staff. Over the 2010 federal election period the online enrolment check facility received 9 447 726 page views and 628 213 visitors, compared to 2.6 million searches in 2007. It is a reasonable assumption that without such a facility a proportion of these users would have contacted the call centre or divisional offices to check their enrolment details.

Polling place locator

7.7.10 The polling place locator was a prominent link from the AEC website, which used an interactive mapping system enabling electors to search geographically for a convenient place to vote. The locator allowed electors to search for the addresses of polling places in a particular area, provided locations of early voting centres, as well as information about the accessibility of early voting centres and polling places.

7.7.11 During the 2010 federal election there were 8 554 909 transactions using the locator; an increase on the 5 260 183 million transactions made in 2007. As with the online enrolment check facility tool, the polling place locator is a valuable 'self-help' mechanism for electors visiting the AEC online.

7.7.12 Minor adjustments are expected to be made to the locator for the next federal election. For the 2010 federal election, the locator calculated distance to polling places using a shortest distance between two points algorithm (an 'as the crow flies' approach) instead of driving distance. This provided problematic results in some instances, for example, where a polling booth or early voting centre was located on opposite sides of bays or harbours.

Virtual Tally Room

7.7.13 As part of its election services, the AEC provided the VTR, an online results centre accessible via the AEC website. The VTR is the frontline system for the transparent and rapid publication of federal election results. The cost of hosting the VTR for the 2010 federal election was approximately \$2.5 million.

7.7.14 The VTR was made publically available at about 5 pm AEST and received approximately 6.3 million page views and 151 000 visitors⁷² on polling night.

⁷² The AEC has previously reported to the JSCEM that the VTR received 7.2 million page views and 172 000 visitors in 2007, and 3.2 million page views and 42 000 visitors in 2004. The 2004 and 2007 figures relate to the time period 1 pm Saturday to 1 pm Sunday, whereas 2010 figures are for polling night only.

- 7.7.15 The VTR once again proved to be robust and reliable for the large volume of traffic on polling night, providing rapid access to approximately 300 unique results screens. The system and infrastructure which supports both the VTR website and the media feed results service was extensively tested to ensure sufficient capacity existed to support the anticipated demand across the 2010 federal election period.
- 7.7.16 On polling night, media organisations and interested third parties once again had access to a media feed system from the VTR, which delivered uninterrupted, real time election information and results and enabled media organisations to analyse and present election result information according to the desired format and production requirements.
- 7.7.17 The close nature of the outcome of the 2010 federal election brought to light some instances where terminology and labelling of information on the VTR was insufficiently clear. It also revealed that the indicative nature of the information provided on the VTR and the process by which information on the VTR is updated and ultimately finalised was either not clearly understood, or open to being misinterpreted. Information and projections on the VTR are based on the votes counted at a particular point in time. Calculations such as the two-candidate-preferred (TCP)⁷³ and two-party-preferred (TPP)⁷⁴ vote counts, the turnout figure, level of informal votes, swings, seats won and national totals, will change as the counting progresses. Figures and calculations on the VTR should not be considered final until notified as such - until then all results are indicative only.
- 7.7.18 In particular, there was confusion over the indicative TCP and TPP vote counts. Some of this was subsequently reflected in inaccurate statements to, and reporting by the media. As a result, the AEC will be reviewing the appropriateness of some VTR screens in an effort to provide clarity to users about the information being viewed.

⁷³ TCP - The AEC selects two candidates in each division for whom preferences will be distributed for a TCP vote count. The two candidates selected are those considered likely to be the two leading candidates after the distribution of preferences. The selection is done before polling day using available information such as historic voting patterns. TCP candidates are changed in circumstances where it becomes apparent that the two candidates selected for the TCP vote count on polling day will not be the two candidates leading after the distribution of preferences is completed.

⁷⁴ TPP - In the early stages of election counting, the TPP vote count figure is a summation of the TCP vote count figures from all seats where the two TCP candidates are from the Australian Labour Party and the Coalition. It excludes TCP vote count figures for either the Australian Labour Party or the Coalition from seats where one or both, of the TCP candidates is not from either the Australian Labour Party or the Coalition - in the 2010 federal election these seats were Batman, Denison, Grayndler, Kennedy, Lyne, Melbourne, New England and O'Connor. TPP figures for such divisions are not available until a 'scrutiny for information' is done after vote counting is finalised. In a scrutiny for information each of the formal ballot papers is allocated to either the Australian Labour Party or Coalition candidate, depending on which of these candidates was preferenced higher on the ballot paper.

7.8 The National Tally Room

- 7.8.1 The National Tally Room ('the tally room') provides a central point for media representatives (television, radio and print), political parties and the public, to view House of Representatives federal election results on polling night.
- 7.8.2 The tally room is a significant logistical exercise that takes months of planning, two weeks to build, and three days to dismantle. The facilities at Exhibition Park in Canberra were once again used to host the 35 metre tally board, a media and political party platform to host 258 seated guests, six television network broadcast studio spaces and a large area for the public to view proceedings and access real time results on the VTR via computer terminals.
- 7.8.3 Throughout the evening, tally room staff manually posted progressive 2010 federal election results to the tally board, which provided a backdrop for live media coverage. The tally room hosted live broadcasts from the ABC, SBS, Seven Network, Nine Network, Network Ten and Sky News. In all, 667 media representatives attended the tally room throughout the night; consisting of 510 television staff and 157 print radio staff.⁷⁵ 33 political party workers or representatives and approximately 4 350 members of the public also attended.
- 7.8.4 The purpose of the tally room has changed significantly with advancements in technology. The tally room and tally board was once the central point for the display of House of Representatives federal election results where the media and political parties would view the board and disseminate the results.
- 7.8.5 However, the reliance on the information contained on the tally board has changed with technological advancements in the information that is provided through the AEC's VTR. The VTR is now the frontline system for the timely and transparent publication of federal election results. The tally room is no longer a critical and essential forum for ensuring widespread dissemination of federal election results, as for a number of federal elections, media and analysts receive results directly from the VTR.
- 7.8.6 Following the 2007 federal election, the continuation and value of the tally room was considered by the JSCEM.⁷⁶ In its submissions to the JSCEM regarding these matters, the AEC noted:

⁷⁵ Further detail regarding media at the National Tally Room ('the tally room') is provided at Annex A7.6.

⁷⁶ Insert reference to Inquiry into certain aspects of the administration of the Australian Electoral Commission, and as part of its Inquiry into the 2007 federal election, see JSCEM 2007 Federal Election Report, pp269-2763. Discussion of the tally room was also included in the Australian Government's *Electoral Reform Green Paper – Strengthening Australia's Democracy*, pp. 189-191, available at http://www.dpmc.gov.au/consultation/elect_reform/strengthening_democracy/index.cfm.

- a substantial decline in the significance of the tally board as a primary source of information;⁷⁷
- an increasing and significant cost of the NTR;⁷⁸ and
- the logistical difficulties involved in establishing the NTR within a tight timeframe.⁷⁹

7.8.7 The JSCEM recommended; and the Australian Government agreed, that the tally room should be retained for future elections.

7.8.8 The AEC recognises that through its prominent historical role in transmitting federal election results, the tally room has, for some, become an important symbol of the free, fair and transparent conduct of federal elections.

7.8.9 Given the views put forward by the JSCEM and the Australian Government, the AEC intends to continue to provide the NTR as long as it is funded to do so and where there is significant stakeholder support for the continuation of the facility.

7.9 Election Visitor Program

7.9.1 As part of the AEC's commitment to encouraging communication and cooperation with international electoral bodies, the AEC hosted a group of international participants to the 2010 Election Visitor Program (EVP).

7.9.2 Participants included overseas guests from 19 countries as well as representatives from embassies and Agencies such as AusAID and DFAT.

7.9.3 The program provides opportunities for overseas counterparts to observe Australian electoral events; encourage good governance in line with Australia's foreign policy objectives; and provides a forum to showcase the AEC as a professional electoral body.

7.9.4 Visitors are given the opportunity to visit pre-poll centres, polling stations and the NTR on the evening of the election. In addition, visitors take the opportunity to interact with AEC staff and engage on electoral issues such as electoral administration, governance and procedures.

7.9.5 Feedback from participants identified a range of benefits and advantages from the EVP experience. There was a particularly overwhelming positive response in

⁷⁷ Joint Standing Committee on Electoral Matters, *Review of certain aspects of the administration of the Australian Electoral Commission*, 2007, p 10.

⁷⁸ AEC, submission no. 16, to JSCEM, *Inquiry into certain aspects of the administration of the Australian Electoral Commission*, p. 17.

⁷⁹ AEC, submission no. 169 to JSCEM, *Inquiry into the 2007 Federal Election*, p. 26.

regard to the AEC's focus on the educational nature of the program. Visitors also particularly enjoyed experiencing the NTR, where they commented on the positive atmosphere even in the circumstance where the federal election result for 2010 was very close and uncertain on polling night.

7.10 Evaluation of election communication

7.10.1 As part of its evaluation of the 2010 federal election, the AEC engaged Ipsos-Eureka to undertake benchmarking and tracking research to evaluate the effectiveness of the federal election communication campaign. A key objective of the evaluation included researching the attitudes among eligible electors towards the AEC and its roll in elections, recall of AEC advertising, comprehension of what AEC advertising was conveying, understanding of who is 'behind' the advertising and in which type of media the advertising was most noticed.

7.10.2 In addition to reporting its findings against the objectives, Ipsos-Eureka also provided recommendations which are reproduced in full below.

The majority of the Australian electorate – *the habitual voters* – are well served by the AEC. They have a positive perception of the electoral process, are knowledgeable about what they are required to do and believe the AEC operates in a fair and impartial manner. This suggests that most AEC communications and activities are broadly on track and are successfully meeting their stated objectives.

Beyond this core group of voters, there are distinct groups where the findings suggest that further steps are needed to engage them so that they successfully vote in forthcoming elections; younger people (aged under 24), those who have recently moved house, those from non-English speaking backgrounds and Aboriginal and Torres Strait Islanders.

It needs to be stressed to those moving house, that the need to re-enrol is imperative, irrespective of the distance moved – to challenge the view of a large minority that local moves (do) not require re-enrolment. Communication needs to emphasise that it is the individual's duty to update their details – rather than wait to be chased by the AEC.

Younger Australians, Aboriginal and Torres Strait Islanders and those from a non-English speaking background are all consistently less engaged – placing less importance on voting, and being more

likely to consider it a waste of time. Efforts to engage these groups need to continue, and focus on the relevance of voting so that they appreciate the role they would play in the electoral process, and how it would impact on them personally. The AEC needs to review the current channels of information, and range of content, so that it more successfully reaches these groups, and is perceived as more useful, than the current information sources. Raising awareness of early enrolment, at 17, would help engage young voters, and could potentially be communicated while some, at least, are still in education.

By definition the '*Never participate*' segment is the hardest group in which to instil regular voting habits. They form a small proportion of the population, and if the AEC is committed to targeting this group, further research would be necessary to better understand them and the drivers that currently deter them from participating. There was very low awareness of the new voting services for blind and low vision Australians among the target group, suggesting that significantly more work needs to be done with this group, their families, and support networks to ensure this initiative is a success, and that there is greater take-up at future elections.⁸⁰

- 7.10.3 The AEC will take account of the research findings in its future communication strategies. However, any such work needs to be undertaken within current budget limitations.

⁸⁰ Ipsos Eureka *Evaluation of the 2010 federal election advertising campaign* p 15-16.

8. Funding and Disclosure

8.1 Context

- 8.1.1 The funding and disclosure arrangements under the Electoral Act comprise two key components:
- public funding for candidates, registered political parties (and their state and territory branches) and Senate groups; and
 - disclosure of certain financial details by candidates, registered political parties (and their state and territory branches), associated entities and other persons.
- 8.1.2 Arrangements remain largely unchanged since the 2007 federal election. The Government proposed significant amendments to the funding and disclosure regime on two occasions between the 2007 and 2010 federal election which were not supported by the Parliament.
- 8.1.3 The Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2008 (the 2008 Bill) was introduced into the Senate on 15 May 2008 and was subsequently referred to JSCEM. The JSCEM advisory report was tabled in the House of Representatives on 23 October 2008. The Government responded to the two key JSCEM recommendations by drafting Government amendments to the Bill and tabling these proposed amendments in the Senate on 3 December 2008. The second reading debate was called on in the Senate on 11 March 2009, however was never held.
- 8.1.4 Following these events, the Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2009 (the 2009 Bill) was introduced into the House of Representatives on 12 March 2009. The 2009 Bill incorporated all the proposed amendments tabled by the Government on 3 December 2008, including the revised commencement date. This Bill was introduced into the Senate on 17 March 2009 but it did not proceed for debate in the Senate.
- 8.1.5 Another Bill proposing significant changes to the funding and disclosure regime is currently before the Senate. The Commonwealth Electoral Amendment (Political Donations and Other Measures) Bill 2010 (the 2010 Bill) was introduced into the House of Representatives on 20 October 2010 and was passed by the House of

Representatives on 17 November 2010.⁸¹ The Bill is largely based on the two Bills introduced in the previous Parliament. Key measures in the Bill propose to:

- reduce the disclosure threshold to \$1 000;
- reduce the deadline for lodging election disclosures from 15 weeks to eight weeks;
- change annual financial year disclosures to be made biannual, with lodgement required within eight weeks of each six month period ending on 30 June and 31 December;
- ensure that for the purposes of the disclosure threshold and the disclosure of gifts, related political parties are treated as one entity;
- prohibit the receipt of a gift of foreign property and certain anonymous gifts by registered political parties, candidates and members of a Senate group; and
- provide that public funding of election campaigning is limited to the lesser amount of either the actual electoral expenditure or the amount awarded per vote where the four per cent threshold is satisfied.

8.1.6 The AEC notes that New South Wales and Queensland governments have recently reviewed their funding and disclosure regimes.

8.2 Election funding

8.2.1 Sections 294 and 297 of the Electoral Act provide that candidates and Senate groups are eligible for election funding where they receive at least 4 per cent of the total first preference votes cast in a House of Representatives or Senate election.

8.2.2 The payment is calculated by multiplying the total first preference votes cast for each eligible candidate and Senate group by the current election funding rate. The rate for the 2010 federal election stood at 231.191 cents per vote and is indexed every six months in line with increases in the Consumer Price Index (CPI). Payments for endorsed candidates and Senate groups are made to the state branch of the endorsing political party in the state in which the candidate or Senate group stood or, by agreement, to the national body of the party.

8.2.3 Where political parties field joint Senate tickets they are required to lodge with the AEC signed agreements advising the respective shares of election funding to be paid to each political party. Should no agreement be lodged by the 20th day after polling day, it falls to the Electoral Commission to determine how the election entitlements are divided. At the 2010 federal election there were two joint Senate tickets nominated from the Liberal and National parties, in New South Wales and

⁸¹ The Bill was introduced to the Senate on 17 November 2010.

Victoria. In both cases, agreements on the sharing of election funding were lodged with the AEC.

- 8.2.4 Election funding is an entitlement scheme with payments made over two rounds. The Electoral Act requires entitlements to be calculated on the vote count as at the 20th day after polling day and for payment of at least 95 per cent of those entitlements to be made as soon as possible thereafter. For the 2010 federal election, these progressive entitlements were calculated on the evening of Friday, 10 September 2010 with all payments made in the following week. In order to maximise the early release of funds the AEC paid up to 99 per cent of progressive entitlements withholding a minimum \$200 to avoid potential overpayments. A total of \$52 411 291 in election funding was paid in this first round.
- 8.2.5 The second round of payments is required to be made upon the conclusion of the vote count. For the 2010 federal election, final entitlements were calculated on Thursday 30 September 2010. Payments were completed within a week, with no overpayments of election funding needing to be recovered following the first round of payments. The sum of funding paid in this second round was \$752 094 for a total of \$53 163 385 in election funding payments at the 2010 general election.⁸²
- 8.2.6 A number of political parties opted to receive their payment of election funding by way of direct deposit. In all other cases, the AEC dispatched cheques.
- 8.2.7 The amounts paid in public funding are shown in Table 8.1 below.

⁸² Additional payments totalling \$17 713.85 are yet to be made. The details of these payments are outlined at paragraph 6.2.15.

Table 8.1 - Final election funding payments summary 21 August 2010 federal election

Parties	Interim payment	Final payment	Total payment
Australian Labor Party	\$20 935 323.18	\$290 546.78	\$21 225 869.96
Liberal Party of Australia	\$20 819 820.08	\$278 040.16	\$21 097 860.24
Australian Greens	\$7 086 053.13	\$126 870.25	\$7 212 923.38
National Party of Australia	\$2 441 843.88	\$43 856.28	\$2 485 700.16
Family First	\$403 122.45	\$4 145.92	\$407 268.37
Country Liberals (Northern Territory)	\$177 617.04	\$1 794.11	\$179 411.15
Christian Democratic Party (Fred Nile Group)	\$17 407.51	\$202.31	\$17 609.82
Australian Sex Party	\$11 197.72	\$200.00	\$11 397.72
Liberal Democratic Party	\$11 116.80	\$200.00	\$11 316.80
Shooters and Fishers Party	\$10 527.26	\$200.00	\$10 727.26
Independent candidates	Interim Payment	Final Payment	Total Payment
Tony Windsor (New England, NSW)	\$129 099.25	\$1 327.15	\$130 426.40
Robert Oakeshott (Lyne, NSW)	\$91 691.26	\$926.17	\$92 617.43
Bob Katter (Kennedy, Qld)	\$87 383.75	\$861.85	\$88 245.60
Andrew Wilkie (Denison, Tas)	\$31 557.85	\$318.77	\$31 876.62
Louise Burge (Farrer, NSW)	\$21 400.20	\$216.16	\$21 616.36
John Clements (Parkes, NSW)	\$20 933.28	\$211.45	\$21 144.73
John Arkan (Cowper, NSW)	\$19 326.39	\$200.00	\$19 526.39
Michael Johnson (Ryan, Qld)	\$17 284.98	\$200.00	\$17 484.98
Matthew Hogg (Riverina, NSW)	\$11 710.96	\$190.75	\$11 901.71
Alan Lappin (Indi, Vic)	\$11 239.33	\$193.06	\$11 432.39
James Purcell (Wannon, Vic)	\$10 564.25	\$190.76	\$10 755.01
Charles Nason (Maranoa, Qld)	\$10 427.85	\$200.00	\$10 627.85
Paul Blanch (Calare, NSW)	\$9 364.37	\$200.00	\$9 564.37
Katrina Rainsford (Wannon, Vic)	\$9 200.23	\$200.00	\$9 400.23
Bradley King (Blair, Qld)	\$7 353.01	\$200.00	\$7 553.01
Deidre Finter (Lingiari, NT)	\$4 511.67	\$200.00	\$4 711.67
Kenneth Lechleitner (Lingiari, NT)	\$4 213.44	\$202.31	\$4 415.75
Total election funding paid	\$52 411 291.12	\$752 094.24	\$53 163 385.36

8.3 Disclosure

8.3.1 Participants in the electoral process are required to lodge with the AEC various returns disclosing certain election campaign financial transactions. Participants' obligations are outlined in Table 8.2 below.

Table 8.2 – Overview of participant disclosure obligations

Participation	Type of return	Due date	Publishing date
Candidates	Donations received and electoral expenditure	By 6 December 2010 (within 15 weeks after polling day)	7 February 2011
Senate groups	Donations received and electoral expenditure	By 6 December 2010 (within 15 weeks after polling day)	7 February 2011
Donors	Details of donations received and donations made to candidates	By 6 December 2010 (within 15 weeks after polling day)	7 February 2011
Third parties	Details of donations received and donations made to candidates	By 6 December 2010 (within 15 weeks after polling day)	7 February 2011
Registered political parties	Receipts, payments and debts for the financial year	By 20 October 2011 (within 16 weeks of the end of financial year)	1 February 2012
Associated entities	Receipts, payments and debts for the financial year	By 20 October 2011 (within 16 weeks of the end of financial year)	1 February 2012
Donors	Details of donations received, donations made and political expenditure for the financial year	By 17 November 2011 (within 20 weeks of the end of financial year)	1 February 2012
Third parties	Details of donations received, donations made and political expenditure for the financial year	By 17 November 2011 (within 20 weeks of the end of financial year)	1 February 2012

Election returns

8.3.2 Candidates or their agents (where appointed) must furnish to the AEC a return setting out the total amount of all gifts received, the number of persons who made gifts and the relevant details of each gift above the disclosure threshold received during the disclosure period for the election.⁸³ The return must be provided to the AEC within 15 weeks after polling day.

⁸³ The Electoral Act, subsection 304(2)

- 8.3.3 Candidates or their agents (where appointed) must also provide to the AEC a return setting out details of all electoral expenditure in relation to the election.⁸⁴ The return must be provided to the AEC within 15 weeks after polling day.
- 8.3.4 Most endorsed candidates lodge a 'nil' return as their information is included in the annual return for their party. However, if an endorsed candidate has personal donations or expenditure outside of the party or campaign structure, these must be shown on a candidate return.
- 8.3.5 Donors and third parties are also required to submit to the AEC a return setting out details of donations received and donations made to candidates. The return must be provided to the AEC within 15 weeks after polling day.
- 8.3.6 The AEC made the election returns available on its website from Monday 7 February 2011, to facilitate its obligation to make returns available for public inspection 24 weeks after polling day.⁸⁵
- 8.3.7 At the time of release, 1 120 of the 1 198 candidates who contested the 2010 federal election, lodged returns and of these, 869 candidates lodged 'nil returns'.
- 8.3.8 Endorsed candidates and endorsed Senate groups are subject to differing disclosure requirements. Gifts received by candidates and groups endorsed by a registered political party will be included in the parties' annual financial disclosure returns for 2010-11.

Annual returns

- 8.3.9 Expenditure by registered political parties, associated entities, donors and third parties on the 2010 federal election campaign will be included in annual financial disclosure returns for the 2010-11 financial year. Depending on the body concerned, these returns are required to be submitted to the AEC within 16 or 20 weeks of the end of the 2010-11 financial year and will be available for public inspection from the first working day in February 2012.
- 8.3.10 The 2009-10 annual financial disclosure returns from political parties, associated entities, donors and third parties who incurred political expenditure were available for public inspection from the AEC website as of 1 February 2010.⁸⁶

⁸⁴ The Electoral Act, subsection 309(2)

⁸⁵ The Electoral Act, subsection 320(4). The 2010 federal election returns are available at: <http://electiondisclosures.aec.gov.au/>.

⁸⁶ The 2009-10 annual financial disclosure returns are available at: <http://periodicdisclosures.aec.gov.au/>.

9. Legal Issues

9.1 Court proceedings

- 9.1.1 In addition to the High Court proceedings dealing with the time period for the close of rolls in the *Rowe* case, the AEC was also made a Respondent to other legal action in the lead up to the 21 August 2010 polling day.
- 9.1.2 There were four election petitions filed in the CDR prior to the expiration of the time prescribed by paragraph 335(e) of the Electoral Act. These are discussed further at 9.1.34 – 9.1.37.

Federal Court

The Getup Ltd v Electoral Commissioner – electronic signatures on electoral enrolment forms

- 9.1.3 In the matter of *Getup Ltd v Electoral Commissioner* [2010] FCA 869 (the *Getup* case) (13 August 2010) the issue involved the use of electronic signatures on enrolment forms that are received by the AEC. The Court held that the particular technology and methodology used by Ms Trevitt (a laptop with access to the internet and with a device known as a digital pen that was used on the laptop's trackpad) met the requirements of the Electoral Act.
- 9.1.4 The *Getup* case was heard by his Honour Justice Perram in the Federal Court on 13 August 2010. This case concerns an application for enrolment by Ms Trevitt. Ms Trevitt used a 'digital pen' to create her signature on the application for enrolment.
- 9.1.5 Ms Trevitt's application for enrolment was rejected by the Electoral Commissioner on 6 August 2010 because the electronic signature was deemed to be insufficient for the purposes of the Electoral Act. This case involved an application for review of the decision of the Electoral Commissioner.
- 9.1.6 In relation to the requirement for an application for enrolment to be signed, Justice Perram stated at paragraph 9:

There is no doubt that the Act required Ms Trevitt to sign the claim form. Section 98(2) of the Electoral Act required that a claim form 'must be signed by the claimant' and 101(1) required a person who was entitled to be enrolled in a subdivision immediately to 'fill in and sign a claim form'. Section 336 requires that any signature on 'electoral paper' (which includes a claim form) be signed by a person with 'his or her personal signature'. That requirement means only that the act of writing the signature must be done by

the signer and cannot be done by direction: compare *Goodman v J Eban Ltd* [1954] 1 QB 550 at 557; [1954] 1 All ER 763 at 766 per Lord Evershed MR.

- 9.1.7 The predominant discussion in this case is the application of the *Electronic Transactions Act 1999* (the ETA) to the requirements for an application for enrolment to be signed by the claimant.
- 9.1.8 Particular discussion was centred upon the application of paragraph 10(1)(b) of the ETA and the requirement that the electronic signature must be 'as reliable as appropriate for the purposes for which the information was communicated'.
- 9.1.9 The respondent submitted that paragraph 10(1)(b) required the Electoral Commissioner to form an opinion about the reliability of the signature for the purpose of enrolment and deference should be given to such views. Justice Perram rejected this construction of paragraph 10(1)(b) of the ETA and instead said it was 'a question for this Court'.
- 9.1.10 The Court also took note of the Electoral Commissioner's concerns about the process and the variable nature of the electronic signature. The Electoral Commissioner's concerns are described at paragraph 16 of the judgement:

The Commissioner's expressed concern was that a future need might arise requiring him to compare a signature on a postal vote, for example, with the signature on the claim form and that the pixilated or jagged nature of the signature might reasonably be supposed to interfere, or degrade in some way, that process of comparison.

- 9.1.11 However, at paragraph 17 of the judgment, Justice Perram rejected this concern.

I do not think that this concern can take the Commissioner very far. Ms Trevitt and Getup pointed to evidence that the Commissioner was willing to accept, and frequently did accept, enrolment claim forms by facsimile and by scanned PDF of JPEG files sent via email. Further, his own documentation providing instructions on how to undertake that process suggested that claimants deploying it should use the lowest resolution at 100 DPI (dots per inch). In that circumstance, I cannot accept that the slightly pixilated nature of Ms Trevitt's signature rendered it unreliable for the Commissioner's purposes, not at least while he continues to accept faxed or emailed claim forms.

- 9.1.12 Another concern of the Electoral Commissioner was the variable nature of the electronic signature. The Federal Court accepted evidence that the signature

generated by the electronic signature tool could be varied and reproduced allowing for a signature to be forged. On this point Justice Perram took into consideration the fact that the Electoral Commissioner readily accepts faxed and emailed enrolment forms, including JPEG files which can also be easily manipulated. His Honour stated at paragraph 21:

In order for this ability to vary a signature to provide a persuasive basis for rejecting the signature tool there would need to be some principled basis for distinguishing the alterable nature of a JPEG file (which the Commissioner will accept) from the alterable nature of the signature tool (which the Commissioner will not). I am unable, as presently advised, to discern such a difference.

9.1.13 Justice Perram went on to state that the signature tool used by Ms Trevitt and the first applicant's internet site (ozenrol) satisfy the requirements of paragraph 10(1)(b) of the ETA. Consequently, Ms Trevitt's application for enrolment was signed by her as required by paragraph 98(2)(b) and subsection 102(1) of the Electoral Act. Justice Perram ordered the Electoral Commissioner's decision be set aside and that Ms Trevitt's application for enrolment be processed.

Peebles v Honourable Tony Burke MP – Postal Vote Applications

9.1.14 On 4 August 2010, the Honourable Justice Moore in the Federal Court heard the matter of *Peebles v Honourable Tony Burke MP* [2010] FCA 838 (*Peebles*).

9.1.15 The applicant alleged the distribution of postal vote application forms by the first respondent was a contravention of section 329 of the Electoral Act and sought injunctive relief under section 383. Section 329 generally prohibits the publication or distribution of any matter or thing that is likely to mislead or deceive an elector 'in relation to the casting of a vote'.

9.1.16 The applicant claimed the postal vote application forms (the material) was misleading or deceptive in the following ways:

- the use of the Commonwealth Coat of Arms implied the material came from the Commonwealth Government;
- the material did not reveal that it came from a candidate contesting the election and would be returned to the candidate before being sent to the AEC;
- the telephone hotline referred to in the material implied that it had a connection with the Commonwealth when it actually was a telephone number of the electoral office of the candidate;
- the reference to 'early voting' was misleading; and
- the form of the declaration in the uncompleted postal vote application was deficient as it did not require the declaring person to declare that he or she is an 'elector'.

9.1.17 In relation to the claims, Justice Moore stated:

It is unnecessary to determine conclusively whether the material is misleading or deceptive in the way alleged because the application fails at the threshold. It may be assumed that it is misleading and deceptive in all of the ways alleged. However, the material does not, subject to one matter which I discuss later concerning the form of the declaration, have any relevant connection to what is comprehended by the expression “in relation to the casting of a vote” as it appears in s 329. That is, the envelope, leaflet and reply paid envelope are not a matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.

9.1.18 Paragraph 184(1)(a) of the Electoral Act generally requires an application for a postal vote to ‘contain a declaration by the applicant that he or she is an elector entitled to apply for a postal vote’. In the *Peebles* case the applicant pointed out that the postal vote application form did not expressly require the declaring person to declare that he or she is an ‘elector’. Justice Moore made the following observation in relation to the declaration:

I am satisfied this form of declaration satisfies s 184(1)(a). The terms of the declaration must be viewed in the context in which they appear on the form and the purpose for which the declaration is made. To complete the form, a person would have to have identified their enrolled address. Absent fraud, a person would be identifying indirectly that their name was on an electoral roll (which satisfies the definition of elector in s 4 of the Electoral Act, namely “any person whose name appears on a Roll as an elector”). Having regard to the structure of the form, it could be expected this information (the enrolled address) would at least ordinarily be added to the form before the declaration was made. Thus a person who was an elector would be declaring they were entitled to apply for a postal vote. In so doing the statutory purpose of the requirement that a declaration be made, would be met. Even if, in the unlikely event, the declaration was signed before the electoral address was added, the addition of the information in that field would perfect the declaration and make it clear to the recipient of the form (the AEC) that the declaration had been made by elector.

9.1.19 Justice Moore made an order that the application for injunctive relief under section 383 of the Electoral Act should be dismissed and held that the act of applying for a postal vote did not fall within the scope of this section.

Faulkner v Elliot – when is a candidate a Member of Parliament

9.1.20 On 17 August 2010, the Honourable Justice Greenwood in the Federal Court heard the matter of *Faulkner v Elliot* [2010] FCA 884 (*Faulkner*).

9.1.21 Mr Faulkner, an independent candidate in the Division of Richmond, made an application to the Federal Court for an injunction under section 383 of the Electoral Act. Mr Faulkner claimed that Ms Elliot and others since the issue of the writs for the election had engaged in conduct in contravention of subsection 329(1) of the Electoral Act by describing herself as 'Federal Member of Parliament', 'Member for Richmond', 'MP', 'current Member', 'sitting Member' or 'Incumbent'.

9.1.22 Justice Greenwood at paragraph 7 stated:

Mr Faulkner says that when Ms Elliot describes herself in any of the ways mentioned above or causes or permits herself to be so described, she is engaging in conduct likely to mislead or deceive an elector in the Division of Richmond in relation to the casting of a vote in the election. Mr Faulkner says that the community does not appreciate that the effect of the Proclamation is to dissolve the House of Representatives and therefore electors do not appreciate that a former member of the House, during the period of the election, is not truly a continuing "Member" of the House with the result that any references to the former member as an MP, current Member, the Incumbent, sitting Member or Federal Member for Richmond, necessarily misleads electors into the belief that the former member has a continuing entitlement as a Member of the House of Representatives. Mr Faulkner says that this is very unfair because it creates momentum for the former Member and will have the effect of leading electors into simply voting for Ms Elliot because she has led electors to believe that she is the current Member.

9.1.23 Justice Greenwood went on to say at paragraph 18:

Apart from those considerations, the question here is whether the conduct Mr Faulkner complains about involves a contravention of s 329(1) not simply whether the use of the terms might be discourteous, unfair or in some respects, confusing. The question is whether the conduct of Ms Elliot is arguably likely to mislead or deceive an elector in relation to the casting of a vote as opposed to influencing the formation of a judgment by an elector of for whom to vote.

9.1.24 The equivalent section to subsection 329(1) was considered by the Full Court of the High Court in *Evans v Crichton-Browne* (1981) 147 CLR 169 (*Evans*). That court said:

The use of this phrase in s 161(e) suggests that the Parliament is concerned with misleading or incorrect statements which are intended or likely to affect an elector when he [or she] seeks to record and *give effect to the judgment* which he [or she] has formed as to the candidate for he [or she] intends to vote, *rather than with statements which might affect the formation of that judgment* (emphasis added).

9.1.25 Justice Greenwood applied the decision in *Evans* and found that there was no evidence the conduct claimed of could mislead or deceive electors in relation to the casting of votes in the election. At paragraph 19 his Honour stated:

Having regard to these considerations, I am satisfied that there is no contravention of s 329(1) by Ms Elliot and nor is there an arguable contravention. Accordingly, the application, that is, the proceeding, must be dismissed.

High Court

Rowe v Electoral Commissioner – close of rolls period

9.1.26 In *Rowe* the Full Court of the High Court considered the constitutional validity of amendments to the Electoral Act made in 2006 by the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (the Amendment Act 2006).

9.1.27 These proceedings were commenced in the High Court on 26 July 2010 and heard on 4 and 5 of August 2010. The plaintiffs sought a declaration of the High Court that items 20, 24, 28, 41, 42, 43, 44, 45 and 52 of Schedule 1 to the Amendment Act 2006 (the impugned provisions) were invalid and of no effect.

9.1.28 The impugned provisions relate to the deadline for the close of rolls. In general terms, the electoral roll is updated daily with new enrolments, changes of address, and removals from the roll. There is a deadline specified in the writ for every federal election after which the roll will be ‘closed’ for that election. This is known as the ‘close of rolls’, and defines the date that the electoral roll is closed to changes before a federal election. The roll at that date forms the basis for the list of electors who are entitled to vote at that election.

9.1.29 Prior to the commencement of the impugned provisions in the Amendment Act 2006, the Electoral Act fixed the close of rolls as 8 pm, seven days after the date of the writ for the election.

9.1.30 The impugned provisions of the Amendment Act 2006 provided for two close of rolls deadlines. The first deadline applying to new enrolments (and re-enrolments)

was 8 pm on the day the writ is issued for an election. The second deadline and the close of rolls was 8 pm on the third 'working day' after the writ was issued for:

- electors who are currently enrolled but need to update enrolment details, such as address (transfers of enrolment);
- eligible persons who are not enrolled but who will turn 18 years old between the issue of the writs and the end of polling day; and
- eligible persons who are not enrolled but who will be granted Australian citizenship between the issue of the writs and polling day.

9.1.31 In general terms, a person's entitlement to vote in an election is linked to that person having his or her name on a roll for that election. Subsection 93(2) of the Electoral Act prescribes, with some exceptions, that "an elector whose name is on the roll for a Division is entitled to vote at elections of Members of the Senate for the state that includes that Division and at elections of Members of House of Representatives for that Division".

9.1.32 The plaintiff claimed, amongst other things, the impugned provisions were:

- contrary to sections 7 and 24 of the Constitution which requires the Members of the House of Representatives and the Senate be 'directly chosen by the people';
- beyond the legislative powers of the Commonwealth conferred by sections 51(xxxvi) and 30 of the Constitution or any other head of legislative power; and
- beyond what is reasonably appropriate and adapted, or proportionate, to the maintenance of the constitutionally prescribed system of representative government.

9.1.33 By a majority of 4 to 3 the High Court made a declaration that the impugned provisions of the Amendment Act 2006 were invalid. The remainder of the plaintiff's application was dismissed. There were six separate judgments of the Justices of the High Court (French CJ, Crennan J, Gummow and Bell JJ with Hayne, Heydon and Kiefel JJ dissenting in separate judgements).

Court of Disputed Returns

9.1.34 The four petitions that were lodged with the Court of Disputed Returns challenging the elections in the Divisions of Banks, Lindsay and Robertson and the half Senate election in NSW have now been disposed of. The petitions challenging the election in the Division of Banks and the half Senate election in NSW were withdrawn prior to the hearing. On 4 February 2011 the Court indicated that the remaining two petitions challenging the elections in the Divisions of Lindsay and Robertson were to be dismissed. On 9 February the Court circulated reasons for the decision and stated that the orders dismissing the last two petitions would not be formally entered until 18 February 2011. The reasons for the dismissal of these

petitions was because of the failure of each petitions to “set out the facts relied on to invalidate the election” as required by section 355 of the Electoral Act.

- 9.1.35 The four petitions were all lodged by the same firm of solicitors who appeared to be acting on behalf of the Christian Democratic Party (Fred Nile Group). Three of the petitioners were candidates for this party (Mr Graham Freemantle, Ms Robyn Peebles, and Mr Andrew Green) at the 2010 general election and the final petitioner (Mr Greg Briscoe-Hough) is an elector who previously stood for the Family First Party in NSW.
- 9.1.36 All four petitions focused on issues that were previously raised and dismissed by the Federal Court in the *Peebles* case, discussed at 9.1.14 – 9.1.19. Where arguments were run that the issuing and return of PVAs by political parties breached several provisions of the Electoral Act.
- 9.1.37 The petitions contained a further ground of challenge arguing that the use of parliamentary allowances by Members of Parliament to print and distribute these PVAs was in breach of section 48 and 49 of the Constitution.

9.2 Legal complaints at the 2010 federal election

- 9.2.1 While many inquiries and complaints arising during the election period were handled promptly by the relevant DRO or an Officer in Charge (OIC) of a polling place, there are some inquiries and complaints that need to be escalated to the national office and some inquiries and complaints were made directly to national office. The AEC protocol for handling allegations of breaches of the Electoral Act is published in the AEC’s Electoral Backgrounder on Electoral Advertising available on the AEC website. General election complaints are discussed at 9.3 below.

Alleged breaches of the Electoral Act

- 9.2.2 In the lead up to, during and after the 2010 federal election campaign over 160 inquiries and complaints regarding alleged breaches of the Electoral Act were considered by national office. Approximately 25 per cent of these complaints alleged breaches of the authorisation requirements in sections 328 and 328A of the Electoral Act. Approximately 25 per cent alleged breaches of section 329 of the Electoral Act relating to misleading and deceptive publications. The remaining inquiries or complaints raised matters concerning other provisions of the Electoral Act, matters to do with section 44 of the Australian Constitution (relating to the disqualification of persons seeking to be a candidate), or matters for which the Electoral Act did not seek to regulate.
- 9.2.3 For most complaints alleging a breach of the Electoral Act, the AEC considered that there was no breach. Complainants were informed of this assessment, and discussions with relevant parties resulted in no legal action being taken.

- 9.2.4 In approximately 13 per cent of inquiries or complaints a breach was substantiated. The majority of the substantiated breaches were 'technical breaches' of section 328 of the Electoral Act. These are situations where the author of the document is known, however all the required authorisation details were not provided.
- 9.2.5 In such circumstances the AEC made a request to the relevant person either in writing or by telephone requesting they cease the action and remedy the advertising to ensure compliance with the requirements of the Electoral Act. To the AEC's knowledge all requests of this nature were complied with and the AEC generally received good cooperation from political parties and candidates.
- 9.2.6 One complaint was referred to the Commonwealth Director of Public Prosecutions (DPP). The DPP advised that it was not possible to establish, on the material provided, if any offence had been disclosed.
- 9.2.7 Most inquires or complaints received by national office were responded to within five working days.

9.3 General election complaints at the 2010 federal election

- 9.3.1 A number of more general election complaints were escalated to national office for handling during election period by staff of the election call centre or by state office and divisional staff.
- 9.3.2 A central register was used to track the nature of the matters being raised, completion of responses, and any emerging systemic issues.
- 9.3.3 During the period from the issue of the writ to polling day there was 212 escalated general inquiries, issues and complaints handled by the national office. The number escalated after polling day through to 22 November 2010 was 101.
- 9.3.4 The main issues that arose were in relation to:
- enrolment;
 - party material with PVAs;
 - voting system; and
 - electoral/political advertising.
- 9.3.5 In the majority of cases, these inquiries were answered quickly and people were directed to or provided with relevant AEC information. For 45 per cent (140) of the escalated inquiries, issues and complaints, AEC staff researched and provided text to AEC call centre operators for response to the relevant clients. AEC staff replied directly to 42 per cent (133) of the escalated inquiries by email

or letter. The remaining 13 per cent (40) of the inquiries either required no further action or were referred on to other areas of the AEC for appropriate action.

- 9.3.6 38 percent of the general escalated issues and complaints handled by national office in the lead-up to and including polling day were finalised within 24 hours and a further 38 per cent per cent were resolved within two to five days.

10. Finance

10.1 Cost of the federal election

10.1.1 The AEC estimated that the cost of the 2010 federal election would be around \$106 million (excluding public funding). The actual costs for the 2010 federal election as at the end of January 2011 (including public funding) are shown in Table 10.1 below.

Table 10.1 – 2010, 2007 and 2004 federal election costs

	2010 federal election	2007 federal election	2004 federal election
EXPENSES	as at 31 Jan 2010*	as at 30 June 2008	as at 30 June 2005
Employee expenses	\$51 329 171	\$42 466 087	\$37 087 564
Property, Office Supplies & Services (inc. Venue/Equip Hire, Security, Stationery)	\$7 925 429	\$6 186 750	\$2 902 706
Election Cardboard & Supplies (inc. Electoral Forms, Envelopes, Ballot Paper, Screens)	\$6 418 078	\$4 560 189	\$13 281 786
Contractors (inc. DFAT services, NTR, Scrutiny)	\$5 506 810	\$1 930 722	(not reported separately)
Consultancy	\$786 213	\$1 244 097	\$983 656
Travel	\$2 895 864	\$2 747 900	\$1 150 282
Advertising, Promotion & Media Services	\$10 054 113	\$29 544 339	\$10 193 445
ICT Services	\$8 961 469	\$10 682 556	\$2 871 445
Mailing & Freight Services	\$6 374 932	\$8 215 186	\$1 610 372
Printing and Publications	\$6 060 288	\$4 610 041	\$5 583 441
Legal Services	\$346 915	\$342 148	\$230 208
Other Expenses	\$622 267	\$632 844	\$93 023
Sub total	\$107 281 550	\$113 162 860	\$75 987 928
Public funding	\$53 163 385	\$49 002 639	\$41 926 159
Total expenses	\$160 444 935	\$162 165 498	\$117 914 087

*The figures provided above for the 2010 federal election are considered almost final.

10.1.2 While the sub total for 2010 is comparative to 2007, there was significance variation in some of the component costs. For example, at the 2010 federal election the AEC's advertising spend was significantly less than 2007 (in 2007 the AEC was provided with one-off funding to advertise the changes to the close of roll period). Additionally, employee expenses were considerable higher, in large part as a result of the need to process the significant close of rolls workload in a compressed timeframe and the High Court case requiring the AEC to process over 57 000 additional enrolment forms late in the pre-election period, also in a compressed timeframe.

11. Internal Administration

11.1 Election evaluation

11.1.1 In addition to operational reviews conducted by AEC business areas following each federal election, a range of targeted evaluation activities are being or have been undertaken at every level of the organisation. These include:

- a series of formal evaluations of key election activities;
- a series of research studies;
- post election conferences, informed by post election staff feedback; and
- an examination of the handling of pre-poll votes in the Divisions of Boothby and Flynn (discussed at 6.3.1 – 6.3.15).

Evaluation of selected key election activities

11.1.2 Reviews of the following key election activities have been completed or are currently being finalised:

- Post Implementation Review of New Business Processes - designed to bring together lessons learnt during the development and implementation of new business processes such as:
 - (a) recruiting, training and paying electoral staff (including online recruitment system, and the interaction between these systems with AECPAY); and
 - (b) the planning and business processes around close of rolls (including GENESIS and supporting systems);
- Centrelink Call Centre Evaluation - an evaluation of service delivery and contract management (including monitoring and reporting aspects) to help inform market scoping for call centre services post 2010 federal election;
- National Operational Training Program Evaluation - an evaluation of the effectiveness of a new methodology for training the AEC's on-going operational staff delivered via the learning management system LMS;
- Election Advertising and Public Awareness Campaign Evaluation - a benchmarking and tracking research study to evaluate the success of the AEC's election advertising and public awareness campaign; and
- Evaluation of Community Formality Activities - an evaluation of the success of the targeted workshops aimed at reducing levels of informality.

Election research studies

11.1.3 Three research studies have been undertaken:

- **Analysis of Informal Voting** - an analysis of informal ballot papers to continue to monitor and help understand the factors that may contribute to informality in order to ensure the integrity of Australia's electoral system is maintained. This is expected to be completed late March 2011.
- **Voter Survey** - an analysis to gauge the levels of satisfaction of electors with the delivery of AEC services including conducting elections; and
- **Stakeholder Survey** - an analysis to gauge the levels of satisfaction and identify gaps in stakeholder services.

11.1.4 As indicated at 5.10 the AEC will provide a copy of the research report on Informality once completed. The results of the voter survey and the initial results of the stakeholder survey are discussed at 11.1.6 and 11.1.17 respectively. (The final stakeholder survey report is anticipated to be available in March 2011.)

Post election conferences

11.1.5 The post-election conferences were a key element of our evaluation of the 2010 federal election. These were held in October and November in every state and territory and national office. The conferences provided staff across the AEC with an opportunity to discuss what worked well during the election, and to identify areas in which the AEC needs to improve.

Voter survey

11.1.6 For the 2010 federal election, the AEC commissioned a voter survey to gain insight into the voting experience. Overall, the aims of the project were to explore:

- awareness and opinions of the AEC;
- current information sources about the 2010 federal election;
- perceptions of the AEC's delivery of electoral services for the 2010 federal election;
- voter experience on polling day and at early voting centres;
- experience of voters in Western Sydney where there is known to be a higher incidence of informal voting (including confidence in voting and use of support resources); and
- incidence of (likely unintentional) informal voting in Western Sydney locations.

11.1.7 By undertaking interviewing directly after voting, the study aimed to provide feedback on the voter experience and help the AEC assess its performance in providing voters with information and support to help them cast an effective ballot. The specific objectives of the research were to explore the following:

- respondents' awareness and opinions of the AEC;

- how respondents obtained information about voting in the 2010 federal election;
- perceptions of AEC's performance in delivering electoral services for the 2010 federal election; and
- satisfaction with the voting process (assistance and information provided, the ease of voting and the time taken to vote).

11.1.8 Amongst early voters, specific objectives were:

- reasons for voting early; and
- perceptions of the early voting process.

11.1.9 The additional specific objectives of research conducted with languages other than English (LOTE) communities were:

- confidence in voting;
- incidence of (likely) unintentional informal voting; and
- use of in-language assistance.

11.1.10 The research was designed to collect data from both respondents who voted early at the 2010 federal election and those who voted on polling day itself. It included surveys of respondents from areas with a high incidence of informal voting (Western Sydney locations), respondents at selected pre-poll centres, as well as a nationally representative telephone survey to provide benchmark data that can be used to track voter experience over time.

11.1.11 Data collection was undertaken using two methods: face-to-face interviewing and telephone interviewing. The fieldwork was broken down into three components:

- face-to-face interviewing at five pre-poll centres, on Friday 20 August 2010 (Canberra City, Sydney City, Brisbane City, Melbourne Airport and Ballarat);
- face-to-face interviewing at seven Western Sydney polling stations on polling day (Saturday 21 August 2010), predominately conducted in Arabic, Greek and Vietnamese; and
- telephone survey with a nationally representative sample of voters.

11.1.12 A face-to-face methodology was employed for both the pre-poll centres and the Western Sydney LOTE communities. This was supplemented by a nationally representative telephone survey to provide a national benchmark from which to measure future performance by the AEC. While the results from pre-poll and LOTE communities are not representative, they can be compared with the national 'picture' from the telephone survey. Telephone survey results will also, if repeated at subsequent federal elections, enable the data to be tracked over time to see how opinion varies.

11.1.13 The key findings of the survey were as follows:

- nine out of ten voters were confident in the AEC's ability to deliver electoral services;
- eleven per cent of Australian voters cast their votes early, mostly for convenience and travel reasons;
- the vast majority of Australians find the voting process easy. The ballot paper instructions are well understood; 92 per cent of Australians reported they were easy to understand. Over nine in ten were satisfied with the assistance provided by electoral staff, and the time taken to vote; and
- nationally, almost two thirds (64 per cent) of Australians reported using some sort of assistance to fill in their ballot papers.
 - the vast majority of Western Sydney respondents answering face-to-face interviews (most of whom were interviewed in LOTE) reported using assistance of some sort to fill out the ballot papers (95 per cent); and
 - over four out of five (83 per cent) pre-poll respondents reported using assistance to complete the ballot papers.

11.1.14 The following conclusions could be drawn from the survey:

- the AEC invokes a high level of confidence in the Australian electorate in terms of its electoral services role, assistance provided and its fairness and impartiality;
- the ballot paper instructions are fulfilling the needs of the majority of voters and are sufficient in their current format. The survey did not indicate a need to review the ballot paper instructions;
- while pre-poll centres are provided for those in specific circumstances, they are widely perceived as a convenient option, rather than only for those who fit the designated early voting criteria;
- assistance in LOTE is not as widely used as general assistance materials, however where it is utilised, assistance in LOTE is found to be useful; and
- while the community education workshops aimed at increasing the understanding of the voting process were reported to be useful, there was inconclusive evidence as to whether they increased voter confidence, and the probability of attendees voting formally in the federal election.

11.1.15 Recommendations for future action included that:

- the AEC should maintain its current approach to communicating with the general public about its ability to deliver electoral services appropriately;
- further research would be required to study the numbers of voters who are casting pre-poll votes for convenience rather than for the reasons specified in the designated early voting criteria;

- the AEC should continue its support of LOTE speakers through providing voting assistance. Assistance should remain multi-channelled; and
- the feedback on the community education workshops in the Western Sydney divisions is inconclusive. While they do not appear to have led directly to reduced informality, or increased confidence, they were perceived by attendees as useful. Informal voting decreases as voter confidence increases, and as such the in-language support needs to focus on this outcome.

11.1.16 The AEC will take these conclusions and recommendations into account in its evaluation of the 2010 federal election and in making preparations for the next federal election.

Stakeholder satisfaction survey

11.1.17 Following the 2010 federal election, the AEC conducted a stakeholder satisfaction survey, seeking views of candidates, registered political parties and the media (Federal Parliamentary Press Gallery and nominated state and territory media representatives) on the performance of the AEC in meeting stakeholder needs. The AEC engages with political parties on a continual basis, while engagement with the media and candidates is generally more intense around the federal election.

11.1.18 The AEC conducts information briefings for political parties and candidates prior to and following the announcement of a federal election. Information kits and reference material are provided to attendees of information briefings. In addition, State Managers conduct regular meetings with political parties to ensure all necessary processes, such as bulk party nomination of candidates are completed according to legislation.

11.1.19 Data collection was undertaken using a web-based questionnaire that was sent to all registered political parties and candidates, as well as key members of the media.

11.1.20 Satisfaction with both the services provided by the AEC and by AEC staff during the election was high. The key findings of the survey were as follows:

- Overall, eight per cent said they were 'fairly satisfied' to 'very satisfied' with the services provided by the AEC during the 2010 federal election;
- 95 per cent said they were 'fairly satisfied' to 'very satisfied' with the assistance provided by AEC staff during the 2010 federal election;
- Overall, 95 per cent said they had used the AEC website to source information, while 81 per cent said they used the VTR; and

- The most commonly used services and products were the AEC website and the VTR with 92.2 per cent who said they were 'fairly satisfied' to 'very satisfied' with the AEC Website while 94.4 per cent said they were 'fairly satisfied' to 'very satisfied' with the VTR.

11.1.21 The AEC is currently conducting a detailed analysis of the survey results. The findings will be used to assist in delivering more effective and efficient electoral services to key stakeholders.

11.1.22 The AEC will provide the final results to JSCEM in due course.

11.2 Implementation of ANAO report

11.2.1 Following the 2007 federal election, the ANAO conducted a performance audit. The report, No. 20 2009-10 *The Australian Electoral Commission's Preparation for and Conduct of the 2007 General Federal Election*, was tabled in Parliament on 21 April 2010.

11.2.2 The AEC agreed to the nine Recommendations covering a range of actions which the ANAO believes will support and strengthen existing policies already in place. Progress in implementing the recommendations is ongoing, with activity commenced in some areas prior to the tabling of the Report. The federal election in August 2010 did impact on progressing the development and implementation of some strategies, however, the AEC's focus is now on progressing the implementation of the Recommendations. **Annex 8** provides an update on progress with each recommendation. The AEC's Business Assurance Committee oversees the implementation schedule and will review status at its next meeting in March 2011.

Glossary

Absent vote	A declaration vote cast at a polling place located outside the division, but within the state or territory, for which the voter is enrolled.
AECPAY	The staffing management and payroll processing application used in the employment and payment of temporary staff employed under the <i>Commonwealth Electoral Act 1918</i> .
Australian Electoral Commission (AEC)	The independent statutory authority established in 1984 to maintain and update the Commonwealth electoral roll, raise public awareness and conduct federal elections and referendums.
Australian Electoral Officer (AEO)	The Australian Electoral Commission's chief manager in each state and the Northern Territory. An Australian Electoral Officer for the Australian Capital Territory is only appointed for each election period. The Australian Electoral Officer is the returning officer for the Senate election in their state or territory.
Ballot	A method of voting, normally in a written form.
Ballot box	The sealed container into which an elector places a completed ballot paper.
Ballot paper	A paper that shows the names of the candidates who are standing for election. The voter numbers the boxes beside each candidate's name to show his or her preferences.
CALD	A person from a culturally and linguistically diverse background.
Candidate	A person standing for election to the Senate or House of Representatives.
Certified list	The official electoral roll used to mark off electors' names. Polling officials place a mark against an elector's name when the elector is issued with a ballot paper at a polling place (or where appropriate during early voting) to indicate that the elector has voted.
Change in enrolment details (also Change enrolment)	An alteration to an individual's enrolment details as a result of intrastate, interstate or intra-division amendment or movement.
Close of nominations	The date for the close of nominations for candidates at a federal election. It must be at least ten days but not more than 27 days after the date of issue of the writs. Nominations close at 12 noon on this day. Candidate nominations cannot be lodged until the writs have been issued.
Close seat	A term used while counting votes to describe a seat where the results are tight. On polling night, this is where the two-candidate-preferred result is between 47 per cent and 53 per cent and more than five per cent of the vote has been counted. After polling night and until counting is completed, this is where the two-candidate-preferred result is between 49.5 per cent and 50.5 per cent and more than five per cent of the vote has been counted.

<i>Commonwealth Electoral Act 1918</i>	The legislation governing the Commonwealth electoral process, referred to as ‘the Electoral Act’ in this Submission.
Continuous Roll Update (CRU)	The process by which the electoral roll is continuously reviewed and updated through the use of targeted mail-outs and fieldwork.
Court of Disputed Returns (CDR)	A candidate, an elector or the Australian Electoral Commission may dispute the validity of an election by a petition to the High Court sitting as the Court of Disputed Returns. The court has wide powers to resolve the matter.
Death	An enrolment transaction which removes the name of a person from the electoral roll who has died.
Declaration vote	<p>A vote that is sealed in an envelope bearing a voter’s particulars (with the exception of pre-poll ordinary votes) where the elector has declared their entitlement to vote. Absent, pre-poll, postal and provisional votes are cast as declaration votes.</p> <p>These votes are counted after polling day if the voter’s entitlement to vote is verified using the information provided on the declaration envelope.</p>
Distribution of preferences	The process used to determine the elected candidate when no candidate obtains an absolute majority (that is, 50 per cent plus one) of the formal first preference votes.
Division (or electorate)	<p>For representation in the House of Representatives, Australia is divided into voting areas known as divisions or electorates. One member is elected from each division.</p> <p>For representation in the Senate, each state and territory is one electorate. All states are multi-member electorates and have the same number of Senators. Territory representation is determined by the federal parliament.</p>
Divisional office	An office that supports the Divisional Returning Officer, generally located within the division, but in the case of co-located and amalgamated offices, may be outside the division.
Divisional Returning Officer (DRO)	<p>The AEC officer responsible for conducting the election in each division.</p> <p>Divisional Returning Officers are the returning officers for the House of Representatives in their divisions.</p>
Dual Polling Place	A Dual Polling Place provides ordinary votes to electors from more than one division.
Duplication	An enrolment transaction which deletes enrolment details from the electoral roll where an individual is enrolled more than once (due to administrative errors in the most part).
Early vote	A postal vote or a vote cast at an early voting centre, an Australian Electoral Commission divisional office or via a mobile polling team appointed for the purposes of early voting in the lead-up to polling day. They are cast by electors who will not be able to get to a polling place on polling day.
Electoral Act	The <i>Commonwealth Electoral Act 1918</i> .
Electoral and Referendum Regulations 1940	Regulations which support the operation of the Electoral Act.
Electoral Commission	The AEC is managed by a three-person Australian Electoral Commission, headed by a Chairperson, who must be an active or retired judge of the Federal Court of Australia,

	the Electoral Commissioner, and a non-judicial member.
Electoral Commissioner	The officer who performs the functions of the Chief Executive Officer of the Australian Electoral Commission.
Electoral roll	A list of the names of all the people who are entitled to vote in an election.
Elector	A person entitled to vote at an election and whose name appears on a roll.
Enrolment form	An application form to enrol to vote or to change a person's own address for the purpose of federal or state/territory elections.
Federal election	Refers to a general election of the House of Representatives and the election of the Senate.
Financial disclosure return	A document detailing information on the receipts and expenditure of participants in the political process. There are specific return forms for candidates, their donors and political parties. Financial disclosure return forms for candidates are made public 24 weeks after polling day.
Formal vote	A vote cast in an election or a referendum that has been marked according to the rules for that election. A vote not marked correctly is an informal vote.
Fresh scrutiny	A re-check of votes cast, conducted by the Divisional Returning Officer, in the days following polling day.
General Postal Voter (GPV)	Electors who have difficulty getting to a polling place on polling day may qualify to register as a General Postal Voter. GPVs are automatically sent postal ballot papers as soon as they become available. GPVs may include people with a disability, silent electors, those in remote communities or overseas, and people who have religious objections to attending a polling place on polling day.
Group Voting Ticket (GVT)	Shows the order in which groups of Senate candidates have decided to have their preferences distributed.
Home division	The division for which an eligible elector is enrolled.
Informal vote	A ballot paper is generally considered informal if it is not filled out correctly in accordance with the Electoral Act and the instructions on the ballot paper. It cannot therefore be included in the scrutiny.
Issue of writs	The issue of a document commanding an electoral officer to hold an election. Writs are deemed to be issued at 6 pm on the day of issue.
LOTE	People who speak a language, or languages other than English.
Mail Review	Part of the Continuous Roll Update process.
Mobile Polling	Mobile polling teams visit voters who are unable to reach static polling places, for example, patients in hospitals, electors in remote areas, or where there is insufficient population to justify a static polling place.

Mobile polling team	A team of polling officials who bring the polling to the elector to enable them to vote.
Multiple-voter	An elector who votes more than once in an election.
New enrolment	An enrolment transaction which results in the addition to the electoral roll of individual who has become eligible to enrol and who have not previously been on the electoral roll.
No change enrolment	An enrolment transaction where an individual returned an enrolment form but their enrolment details did not need to be altered.
Nomination	A candidate must be nominated before they can be elected to the Senate or the House of Representatives.
Nomination form	The approved form which must be used by a candidate nominating for election. There are five versions of the nomination form for the Senate, one of which is the bulk nomination form and three versions of the nomination form for the House of Representatives, one of which is the bulk nomination form.
Non-voter	An elector who fails to vote at an election.
Notebook roll	A consolidated list of electors entitled to vote for an election. It includes those electors whose names were added to (primarily as a result of processing of enrolment forms that were received prior to the close of rolls but not processed due to time constraints) and deleted from (primarily the removal of deceased electors) the electoral roll between close of rolls and polling day. The notebook roll also includes a number of electors 'reinstated' to the roll as a result of preliminary scrutiny of declaration votes.
Objection	The process by which a person's name may be removed from the roll on the basis that they do not live at their enrolled address or no longer have an entitlement to be enrolled. The types of objections are: <ul style="list-style-type: none"> ▪ official – an objection raised by a Divisional Returning Officer; and ▪ private – an objection raised by an elector.
Officer in Charge (OIC)	This is the officer who is in charge at a polling place. An officer in charge is called a 'presiding officer' during polling (8 am to 6 pm) and from 6 pm, during the scrutiny, they are called the assistant returning officer.
Ordinary vote	A vote cast by a voter on polling day at a polling place in the voter's enrolled division.
Political party	A group of people with similar ideas or aims, some of whose members nominate as candidates at elections in the hope that they will be elected to parliament. A political party can register with the Australian Electoral Commission for federal elections. This is to fulfil legislative requirements under the Funding and Disclosure provisions of the Electoral Act and to enable party names to appear on the ballot paper.
Poll	Another word for an election.
Polling day	The day on which the election will be held. It must be a Saturday and at least 33 days, but not more than 58 days, after the issue of the writs.
Polling official	There are two categories of polling officials engaged for federal elections – those who are required to work in the period immediately before polling day to assist with mobile and early voting and those who are required to work in a polling place on polling day only.

	The DRO determines the hours of duty of mobile and early voting. Polling officials employed on polling day are advised of the hours of duty where an offer of employment is made. Duty can commence as early as 7 am and staff are required to remain on duty after 6 pm until all work at the polling place is completed.
Polling place	A place appointed to take the votes of electors from that state or territory on polling day.
Postal vote	A declaration vote recorded by electors who, for various reasons, cannot attend a polling place in the state or territory for which they are enrolled. Postal votes are issued and generally returned to the AEC through the postal system.
Postal vote certificate	The Australian Electoral Commission uses this term to describe the declaration vote envelope specific to postal voting on which the elector declares their entitlement to vote.
Pre-poll declaration vote	A declaration vote recorded by a voter eligible to do so, at a divisional office or pre-poll voting centre in the lead up to, or on (in the case of interstate voters) polling day. These may also be cast by voters attempting to cast a pre-poll vote in their home division prior to polling day, but whose name cannot be found on the certified list.
Pre-poll ordinary vote	A vote cast by a voter, prior to polling day, in the home division or a pre-poll voting centre belonging to the elector's home division. The elector is required to sign a certificate, they are then marked off the certified list and issued with ballot papers that, once completed, are placed directly into a ballot box, rather than in a declaration vote envelope.
Provisional enrolment at 16 years	Persons who are 16 or 17 and who, when turning 18, will be qualified to enrol may apply for enrolment. Provisional enrolment ensures that should such persons turn 18 after the close of the rolls but on or before polling day for an election, they will be able to vote in that election.
Provisional vote	<p>A declaration vote cast by a person at a polling place when:</p> <ul style="list-style-type: none"> ▪ his or her name cannot be found on the certified list; ▪ his or her name is marked on the certified list to indicate that he or she has already voted; ▪ the relevant polling official has doubts regarding the voter's identity; or ▪ the voter is registered as a 'silent elector' whose address does not appear on the certified list. <p>Provisional voters are required to provide evidence of identity</p>
Re-enrolment	An enrolment transaction which results in the addition to the electoral roll of individuals who has previously been removed from the roll.
Registered officer	A person nominated by a registered political party to be the registered officer for the purposes of the Electoral Act.
Registered political party	A party registered with the AEC under Part XI of the Electoral Act. (See also political party)
Reinstatement	An enrolment transaction which is an addition to the roll of an individual who was deleted from the roll in error while still entitled to be on the roll.

Return of Writ	The writs are returned after all candidates have been declared and the results of an election has been determined, advising the names of elected candidates.
Scrutiny	The counting of votes, which leads to the election result.
Seat	Another term for 'division'.
Silent elector	An elector who has applied to have their address not appear on the roll for reasons of personal safety or safety of their family members.
Special Hospital	Any hospital or similar institution (such as a nursing home) that is deemed to be a polling place only during the conduct of mobile polling.
Turnout	The percentage of enrolled electors who cast a formal or informal vote.
Two-candidate-preferred (TCP)	The relative support of the leading two candidates for an electoral division after all preferences of lower ranked candidates have been distributed.
Two-candidate-preferred (TCP) count	The figures show where preferences have been distributed to the likely final two candidates in a House of Representatives election. In most cases, but not all, these will be from the two major sides of politics – the Australian Labor Party and the Liberal and National Party Coalition.
Two-party-preferred (TPP)	The relative support of the Australian Labor Party and Liberal/National Party Coalition candidates for an electoral division after all preferences of other candidates have been distributed.
Two-party-preferred (TPP) count	The figures indicate results where preferences have been distributed to the major sides of politics – the Australian Labor Party and the Coalition. In most cases two-candidate-preferred and two-party-preferred are the same because the final two candidates are ALP and Liberal and National Party Coalition. In an electorate held by an independent or a minor party, the counts will differ.
Vote	The formal act of an elector in an election to choose the candidate the elector most prefers to be the representative for that division.
Writ	In an election context, the writ is the document which commands an electoral officer to hold an election and contains dates for the close of rolls, the close of nominations, the day of the election and the return of the writs. The issue of the writs triggers the election process.

Annexes

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Annex 1 – Enrolment eligibility

All Australian citizens over the age of 18, and ‘British subjects’ who were enrolled as at 25 January 1984, are entitled and required to be enrolled for federal elections unless they:

- are of unsound mind;
- are serving a prison sentence of three years or longer; or
- have been convicted of treason or treachery and have not been pardoned

Australian citizens who are 16 years old may provisionally enrol and will be entitled to vote in an election if their 18th birthday falls on or before polling day. Provisional enrolment is also available to eligible persons who are not enrolled but who will be granted Australian citizenship, including between the issue of the writs and polling day.

An important responsibility of the AEC is the management of the Commonwealth electoral roll. The electoral roll is updated daily with first time applicants for enrolment, changes such as updates of address, and removals from the roll. There is a deadline specified in the writ for every federal election known as the close of rolls. The roll at that date forms the basis for the list of electors who are entitled to vote at that election and whose names appear on the certified lists sent to each polling place.

Annex 2 - Enrolment data for the 2010 federal election

Table A2.1 – The number of electors eligible to vote on polling day for each state following preliminary scrutiny of declaration votes

State/territory	Close of rolls enrolment	Roll additions	Roll deletions	Reinstatements postal	Reinstatements pre-poll	Reinstatements absent	Reinstatements provisional	Final election enrolment
NSW	4 611 228	204	1 391	24	183	251	296	4 610 795
VIC	3 562 802	223	2 090	51	225	297	365	3 561 873
QLD	2 719 746	181	1 120	18	153	185	197	2 719 360
WA	1 362 177	166	512	26	173	218	286	1 362 534
SA	1 105 076	36	610	12	34	81	69	1 104 698
TAS	358 567	124	233	17	35	33	66	358 609
ACT	247 659	4	69	18	158	28	143	247 941
NT	121 005	4	6	0	14	4	38	121 059
Total	14 088 260	942	6 031	166	975	1 097	1 460	14 086 869

Table A2.2 – Enrolment figures 2010 federal election electors entitled to vote

(Note: These figures include close of rolls, notebook roll and reinstatements)

Enrolment figures – 2010 federal election polling day			
New South Wales			
Division	Enrolment	Division	Enrolment
Banks	98 742	Lyne	92 535
Barton	95 231	Macarthur	90 040
Bennelong	98 915	Mackellar	98 520
Berowra	95 124	McMahon	96 061
Blaxland	95 362	Macquarie	97 536
Bradfield	97 255	Mitchell	93 573
Calare	98 463	Newcastle	92 855
Charlton	94 474	New England	99 616
Chifley	97 605	North Sydney	97 578
Cook	100 733	Page	94 336
Cowper	94 654	Parkes	100 170
Cunningham	100 643	Parramatta	93 999
Dobell	93 646	Paterson	92 140
Eden-Monaro	96 465	Reid	95 878
Farrer	94 026	Richmond	92 391
Fowler	95 564	Riverina	98 584
Gilmore	96 340	Robertson	96 588
Grayndler	98 112	Shortland	94 224
Greenway	93 837	Sydney	95 286
Hughes	97 998	Throsby	95 871
Hume	97 719	Warringah	96 708
Hunter	91 523	Watson	97 761
Kingsford Smith	97 730	Wentworth	101 446
Lindsay	95 975	Werriwa	90 963
		NSW Total	4 610 795

Enrolment figures – 2010 federal election polling day

Victoria

Division	Enrolment	Division	Enrolment
Aston	93 447	Hotham	89 529
Ballarat	97 756	Indi	92 914
Batman	89 131	Isaacs	102 769
Bendigo	100 610	Jagajaga	95 146
Bruce	88 124	Kooyong	89 626
Calwell	101 342	Lalor	116 976
Casey	92 317	La Trobe	97 956
Chisholm	86 220	McEwen	115 811
Corangamite	101 512	McMillan	93 285
Corio	91 924	Mallee	89 824
Deakin	87 710	Maribyrnong	88 413
Dunkley	95 299	Melbourne	102 881
Flinders	100 852	Melbourne Ports	97 766
Gellibrand	95 571	Menzies	90 931
Gippsland	97 521	Murray	90 182
Goldstein	93 918	Scullin	90 811
Gorton	113 675	Wannon	92 236
Higgins	90 409	Wills	98 588
Holt	108 891	VIC Total	3 561 873

A2.2 (continued)

Enrolment figures – 2010 federal election polling day

Queensland

Division	Enrolment	Division	Enrolment
Blair	83 045	Hinkler	91 371
Bonner	92 661	Kennedy	94 434
Bowman	91 856	Leichhardt	93 113
Brisbane	92 197	Lilley	97 407
Capricornia	91 961	Longman	87 046
Dawson	94 533	McPherson	90 139
Dickson	90 130	Maranoa	97 892
Fadden	85 225	Moncrieff	89 150
Fairfax	89 726	Moreton	92 730
Fisher	83 724	Oxley	82 768
Flynn	91 349	Petrie	86 651
Forde	82 535	Rankin	94 594
Griffith	92 573	Ryan	98 239
Groom	93 364	Wide Bay	92 607
Herbert	91 044	Wright	85 296
		QLD Total	2 719 360

Western Australia

Division	Enrolment	Division	Enrolment
Brand	88 186	Moore	92 340
Canning	90 079	O'Connor	92 902
Cowan	89 536	Pearce	89 562
Curtin	90 430	Perth	91 907
Durack	85 811	Stirling	91 775
Forrest	89 649	Swan	90 817
Fremantle	93 378	Tangney	92 232
Hasluck	93 930	WA Total	1 362 534

Enrolment figures – 2010 federal election polling day

SA	
Division	Enrolment
Adelaide	98 519
Barker	104 845
Boothby	97 860
Grey	99 775
Hindmarsh	100 216
Kingston	102 281
Makin	96 233
Mayo	101 510
Port Adelaide	104 280
Sturt	99 023
Wakefield	100 156
SA Total	1 104 698

TAS	
Division	Enrolment
Bass	71 686
Braddon	71 576
Denison	71 350
Franklin	71 122
Lyons	72 875
TAS Total	358 609

ACT	
Division	Enrolment
Canberra	124 294
Fraser	123 647
ACT Total	247 941

NT	
Division	Enrolment
Lingiari	61 168
Solomon	59 891
NT Total	121 059

AUSTRALIA	14 086 869
------------------	-------------------

Table A2.3 – Enrolments received by source in the 2010 close of rolls period

State/ territory	Mail review	State electoral bodies	Internet	Internet- static	Issued by divisions	Post office	Other	Total
NSW	31 530	876	70 584	28 093	16 414	31 938	7 037	186 472
VIC	21 215	12 362	50 112	21 690	19 383	24 183	6 586	155 531
QLD	19 461	1 073	33 969	14 486	10 573	20 382	10 866	110 810
WA	8 034	703	15 353	7 066	7 640	8 446	6 112	53 354
SA	4 387	2 737	7 415	3 023	2 650	5 446	1 849	27 507
TAS	1 366	757	1 529	852	1 133	1 313	514	7 464
ACT	2 087	203	6 622	3 142	905	2 113	490	15 562
NT	669	746	1 553	693	1 461	1 012	804	6 938
Total	88 749	19 457	187 137	79 045	60 159	94 833	34 258	563 638

Note: The Internet source code was split on April 2010 at the introduction of *SmartForms*. Internet now refers to *Smartforms* and Internet-static refers to printable PDF forms on the AEC website.

Table A2.4 – Enrolments received by source in the 2007 close of rolls period

State/ territory	Mail review	State electoral bodies	Internet	Issued by divisions	Post office	Other	Total
NSW	7 576	299	28 318	6 424	23 138	10 318	76 073
VIC	5 043	4 697	21 500	9 346	20 460	6 377	67 423
QLD	5 542	983	19 944	6 135	21 881	9 235	63 720
WA	3 670	895	10 829	6 142	11 281	4 695	37 512
SA	1 923	1 218	5 784	2 539	7 423	2 462	21 349
TAS	611	456	1 329	863	1 719	829	5 807
ACT	480	43	3 307	257	1 521	756	6 364
NT	320	309	1 057	210	985	1 272	4 153
Total	25 165	8 900	92 068	31 916	88 408	35 944	282 401

Table A2.5 – Enrolments received by source and type for period between the 2007 close of rolls and 2010 election announcement (24 October 2007 - 16 July 2010)

Source	New enrolment	Re-enrolment	Change via enrolment form – Change via written advice	Total
Mail Review	241 741	137 692	1 076 277	1 455 710
Post Office	35 548	22 728	480 696	538 972
State Electoral Bodies	65 141	33 075	388 494	486 710
All Div Issued	20 208	24 807	363 965	408 980
Internet	20 952	22 398	353 784	397 134
Transport Authorities	4 393	6 704	210 114	221 211
Citizenship Ceremonies	204 440	1 015	9 551	215 006
Polling Place (Fed)	6 639	33 432	94 016	134 087
Fieldwork (Non-SAF)	22 608	15 050	78 881	16 539
Birthday Cards	65 756	86	3 104	68 946
TES Mail/Obj 2007	579	4 883	54 351	59 813
Enrol to Vote Week	54 751	85	4 769	59 605
Medicare	2 269	1 434	24 122	27 825
School Visit OSCAR	23 348	214	3 600	27 162
Voter Advice 2007	1 505	16 437	3 123	21 065
Other	1 440	1 089	15 450	17 979
MPs and Parties	1 418	914	15 220	17 552
Sample Audit Fieldwork	971	862	6 395	8 228
State Office Special	3 355	254	4 187	7 796
Other Gov Agencies	335	219	6 462	7 016
University Orientation Week	3 494	235	3 221	6 950
Community Visit OSCAR	1 446	274	2 835	4 555
Internet - Static	83	147	1 797	2 027
Call Centre Trial	75	216	1 461	1 752
Cit Cerm Div FU	1 545	12	191	1 748
Centrelink	241	138	1 113	1 492
State Adhoc Mailouts	86	64	1 066	1 216




Source	New enrolment	Re-enrolment	Change via enrolment form – Change via written advice	Total
Indigenous EPP	363	91	554	1 008
Rural Trans centres	13	15	298	326
Electoral Education Centre	123	16	180	319
Rock Enrol	19	29	213	261
Bounty/Exit Schemes	170	6	55	231
QAP Movers/CALD07	22	8	106	136
NBR Addition	16	8	96	120
Indigenous Initiatives	38	10	30	78
NAC	9	7	55	71
SMS Requests	5	6	34	45
Total	785 145	324 660	3 209 866	4 319 671

Annex 3 – Enrolment themed postcards



Moved and not updated your details?
You may have **fallen off** the electoral roll.

Be ready to vote in just 3 easy steps...

- 1 Go to www.aec.gov.au/check to check if you are enrolled to vote 
- 2 Not enrolled? Complete an enrolment form online 
- 3 Print, sign and return your completed form to us 

It's that easy!

Enrolment forms are also available at any AEC office or Australia Post outlet. For more information call **13 23 26**.

Enrolled2Vote?
www.aec.gov.au/check



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A federal election is nearly here.

Make sure you're ready to vote in just 3 easy steps....

- 1** Go to www.aec.gov.au/check to check if you are enrolled to vote 
- 2** Not enrolled? Complete an enrolment form online 
- 3** Print, sign and return your completed form to us 

So don't wait or you will miss out!

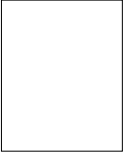
Enrolment forms are also available at any AEC office or Australia Post outlet. For more information call **13 23 26**.

Enrolled2Vote?
www.aec.gov.au/check



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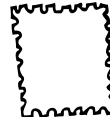
ROCK ENROL BE PART OF IT

There's going to be a federal election called within the year - once the election is announced you don't get much time to enrol. Get on to it **now** so when the announcement is made you're ready to vote and have a say in who runs your country.

Go to rockenrol.com.au for all the info on how to enrol to vote



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INSERT BALLOT PAPER/S AND SEAL HERE

STATEMENT UNDER SECTION 108 OF THE ELECTORAL ACT 2002

Enrolment and voting is compulsory

If eligible, you are required to enrol and vote in Federal, State and local government elections and may be fined if you do not.

You are eligible to enrol and vote if you:

- are an Australian citizen, or a British subject who was enrolled on 25 January 1984 (and for Victorian elections only if you were a British subject enrolled between 26 October 1983 and 25 January 1984 inclusive); and
- are 18 years or older; and
- have lived at your current address which is your principal place of residence for at least one month.

Proof of identity

You must be able to prove your identity by presenting one of the following documents to the election official:

- Driver licence (or learner permit)
- Current Victorian Council rates notice
- Current electricity account

If you do not have one of these documents with you, you can nominate VicRoads, the Council or electricity provider that can verify your identity and the VEC will contact them.

If you are listed as a resident at a facility appointed as a mobile voting centre, you do not need to have any documents as the VEC will check with the administration of the facility to confirm your identity.

How this application is processed

Your application will be checked and if you are eligible your vote will be admitted for further processing. If you have provided your driver licence (or learner permit) number on the application, your name and address will be placed on the electoral roll for future Federal, State and local government elections. If you do not have a driver licence (or learner permit), the election official will give you a separate enrolment application that you will need to complete before you can be placed on the roll for Federal elections.

Access to your information

Under Victorian and Commonwealth legislation the names and addresses of all electors (except silent electors) must be publicly available. The electoral roll can be inspected at the office of the Victorian Electoral Commission (VEC) and any Australian Electoral Commission (AEC) office.

Under Victorian and Commonwealth legislation electoral information is provided to other individuals, organisations and groups such as political parties, candidates, the Juries Commission and local government. Other agencies and organisations receive enrolment information for law enforcement and prevention or to assist with health screening or research.

A copy of the VEC's Privacy Policy and a list of agencies that receive electoral information in accordance with the *Electoral Act 2002* is available at www.vec.vic.gov.au and from the VEC.

A list of agencies entitled to receive electoral information under the *Commonwealth Electoral Act 1918* is available at www.aec.gov.au and from the AEC.

The AEC and the VEC exchange electoral information under a joint rolls arrangement to update the electoral roll. As part of the roll update activities the VEC may disclose your name to other people living at your enrolment address.

Annex 5 – Process for the issuing of ordinary and declaration votes

Issuing an ordinary vote involves crossing the elector's name off a certified list, then placing the completed ballot papers directly into a ballot box. *(AEC staff allocation parameters estimate that an average of 60 ordinary votes can be issued by an election official per hour).*

In contrast, issuing a declaration vote involves the following steps:

- the elector completes a declaration envelope that includes their name, enrolled and residential addresses and signature. Other details such as date of birth, contact phone number and any previous names are also collected to assist with identifying the elector at preliminary scrutiny;
- the elector must sign the envelope to declare their entitlement to vote;
- an election official then determines which ballot paper/s to issue by referring to a 'Division Finder' which details the electoral division relevant to the claimed enrolled address;
- if the declaration vote is also a provisional vote, EOI is collected from the elector, or the elector is advised to provide EOI to an AEC office by the following Friday;
- the election official must sign the envelope as witness to the elector's signature;
- completed ballot papers are placed in the declaration envelope and then placed in a ballot box. *(AEC staff allocation parameters estimate that an average of ten declaration votes can be issued by an election official per hour.);*
- AEC staff allocation parameters estimate that an average of 10 declaration votes can be issued by an election official per hour;
- following the close of polling all declaration votes are sorted into divisional and alpha order for return to the divisional office;
- declaration votes are sorted in the issuing division and returned to their home division in a process called the declaration vote exchange. *(Some 1.36 million absent and pre-poll declaration votes were cast outside the home division at the 2010 election and the process of sorting, reconciling and returning the votes to their home division represents a significant and time consuming logistical exercise.)*
- the 150 divisional offices each return declaration votes to each of the other 149 divisional offices, with the bulk of movements occurring in the first week after election day;
- after receipt in the home division, declaration votes are receipted and checked in line with the rules contained in Schedule 3 of the Electoral Act and a determination is made whether each will be admitted to the count;
- admitted envelopes are opened and the enclosed ballot papers extracted; and
- it is only at this point that the ballot papers can be sorted and counted in the same way as ordinary ballot papers that were deposited directly into a ballot box.

Annex 6 – Polling data for the 2010 federal election

A6.1 – Blind and low vision voting at the 2010 federal election

Summary of BLV voting by day																
State/ Territory	Wed 4th	Thurs 5th	Fri 6th	Mon 9th	Tues 10th	Wed 11th	Thurs 12th	Fri 13th	Sat 14th	Mon 16th	Tues 17th	Wed 18th	Thurs 19th	Fri 20th	Sat 21st	Total
	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12	Day 13	Day 14	Day 15	
NSW	1	3	3	6	4	7	11	9	1	12	7	7	11	12	7	101
VIC	2	4	7	5	3	11	5	19	7	12	13	14	23	20	9	154
QLD	2	1	2	4	0	0	1	4	2	1	8	5	10	8	1	49
WA	0	0	0	7	3	4	1	7	0	6	4	4	6	6	3	51
SA	1	1	0	0	2	4	2	1	0	2	2	1	1	4	2	23
TAS	2	2	1	0	0	0	0	0	0	1	3	2	2	2	2	17
ACT	0	0	1	1	0	1	0	0	1	2	0	1	1	5	0	13
NT	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2
Total	8	11	14	23	12	27	20	40	11	36	37	36	54	57	24	410

Table A6.2 - Percentage increases in declaration votes issued by state, 2001 - 2010

Percentage increases in declaration votes issued											
2001											
	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	NATIONAL**		
Pre-Poll	196 880	135 903	101 349	42 081	31 219	11 106	29 942	11 475	610 049		
Postal	168 915	148 969	131 144	39 000	41 192	14 527	7 059	3 816	567 652		
Early votes*	365 795	284 872	232 493	81 081	72 411	25 633	37 001	15 291	1 177 701		
Provisional	59 469	40 979	29 244	14 445	12 637	4 419	2 228	1 817	165 238		
Absent	294 186	213 631	150 154	101 004	68 637	16 467	5 589	2 283	851 951		
Total	719 450	539 482	411 891	196 530	153 685	46 519	44 818	19 391	2 194 890		
Early vote increases 2001 to 2004	32%	33%	28%	37%	25%	26%	17%	36%	30%		
2004											
	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	NATIONAL**		
Pre-Poll	241 660	173 025	129 831	56 491	35 736	14 317	32 480	15 710	754 102		
Postal	242 899	206 131	167 934	54 731	54 603	18 069	10 876	5 083	774 078		
Early votes*	484 559	379 156	297 765	111 222	90 339	32 386	43 356	20 793	1 528 180		
Provisional	50 583	48 293	29 416	24 832	16 155	5 108	4 315	2 176	180 878		
Absent	279 074	210 802	148 439	119 161	72 372	16 522	4 865	2 363	853 598		
Total	814 216	638 251	475 620	255 215	178 866	54 016	52 536	25 332	2 562 656		
Early vote increases 2004 to 2007	22%	49%	18%	23%	25%	22%	14%	23%	27%		

Percentage increases in declaration votes issued											
2007											
	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	NATIONAL**		
Pre-poll	351 785	318 648	171 031	77 142	53 386	19 832	37 586	21 042	1 110 334		
Postal	241 552	246 896	180 832	59 291	59 310	19 659	12 037	4 437	833 178		
Early votes*	593 337	565 544	351 863	136 433	112 696	39 491	49 623	25 479	1 943 512		
Provisional	48 035	38 995	35 392	21 853	14 344	4 162	2 726	2 175	167 682		
Absent	275 677	216 540	164 020	107 124	70 391	16 901	3 458	2 360	856 471		
Total	917 049	821 079	551 275	265 410	197 431	60 554	55 807	30 014	2 967 665		
Early vote increases 2007 to 2010	22%	23%	65%	51%	28%	17%	22%	72%	29%		
2010											
	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	NATIONAL**		
Pre-poll	132 338	107 093	108 671	62 505	20 380	4 654	12 843	2 1067	534 426		
Pre-poll as ordinaries***	336 302	299 400	182 147	66 423	41 179	16 464	36 939	18 021	996 875		
Postal	252 354	288 567	216 219	77 222	82 973	24 937	10 839	4647	967 010		
Early votes*	720 994	6 95 060	507037	206 150	144 532	46 055	60 621	43 735	2 498 311		
Provisional	70 073	49 986	38 046	22 738	13 130	4 037	3 581	1 897	203 488		
Absent	255 132	204 176	168 355	111 581	71 003	16 952	3 773	1 978	832 950		
Total	1 046 199	949 222	713 438	340 469	228 665	67044	67 975	47 610	3 534 749		

Note: * Early votes represent the sum of pre-poll and postal votes;

** National total includes overseas and Antarctic votes;

*** 2010 Early vote also includes pre-polls cast as ordinary votes (see legislative amendments for pre-poll vote paragraph 5.3.1).

Table A6.3 – Overseas voting for the 2010 federal election

Overseas voting figures for the 2010 federal election by diplomatic mission				
Posts	Postal vote applications	Pre-poll votes issued	Postal votes returned	Total votes issued (PVA + PVC)
Abu Dhabi	0	407	4	407
Abuja	7	10	3	17
Accra	9	55	10	64
Amman	0	108	0	108
Ankara	13	84	4	97
Apia	5	192	7	197
Athens	86	443	56	529
Atlanta*	96	83	60	179
Auckland*	118	922	109	1 040
Baghdad	0	61	0	61
Bali	24	718	15	742
Bandar Seri Begawan	0	84	0	84
Bangkok	147	1 262	68	1 409
Beijing	85	1 296	70	1 381
Beirut	0	383	0	383
Belgrade	16	364	17	380
Berlin	145	879	158	1 024
Brasilia	0	19	7	19
Brussels	21	254	18	275
Budapest	7	434	3	441
Buenos Aires	2	154	3	156
Cairo	6	132	4	138
Canakkale	0	17	0	17
Chennai*	41	101	39	142
Chicago	142	224	86	366
Colombo	32	592	21	624
Copenhagen	91	317	5	408
Dhaka	5	261	4	266
Dili	2	557	3	559
Dubai*	16	639	11	655

Overseas voting figures for the 2010 federal election by diplomatic mission

Posts	Postal vote applications	Pre-poll votes issued	Postal votes returned	Total votes issued (PVA + PVC)
Dublin	120	905	91	1 025
Frankfurt*	106	153	88	259
Fukuoka*	13	43	10	56
Geneva	138	390	112	528
Guangzhou	63	1102	52	1 165
Hanoi	12	314	9	326
Harare	4	95	5	99
Ho Chi Minh City	17	1339	18	1 356
Hong Kong	215	7582	184	7 797
Honiara	6	662	5	668
Honolulu	10	109	1062	119
Islamabad	28	74	33	102
Istanbul*	3	173	3	176
Jakarta	109	656	78	765
Kabul	0	75	1	75
Kathmandu	0	106	0	106
Kuala Lumpur	163	842	162	1 005
Kuwait	0	51	0	51
Lima*	17	111	14	128
Lisbon	24	225	21	249
London	2 618	13 423	2 254	16 041
Los Angeles	1 349	471	153	1 820
Madrid	79	261	24	340
Malta	5	819	0	824
Manila	57	849	1	906
Mexico City	0	131	7	131
Milan*	37	139	38	176

A6.3 (continued)

Overseas voting figures for the 2010 federal election by diplomatic mission

Posts	Postal vote applications	Pre-poll votes issued	Postal votes returned	Total votes issued (PVA + PVC)
Moscow	27	140	13	167
Mumbai*	23	206	25	229
Nagoya	0	0	0	0
Nairobi	15	118	10	133
Nauru	0	16	1	16
New Delhi	46	303	42	349
New York	253	1963	171	2 216
Nicosia	1	146	0	147
Noumea	0	74	0	74
Nuku'alofa	3	110	4	113
Osaka*	39	164	32	203
Ottawa	135	238	76	373
Paris	260	1251	196	1 511
Phnom Penh	3	782	5	785
Pohnpei	0	18	0	18
Port Louis	3	141	1	144
Port Morseby	47	853	51	900
Port of Spain	7	19	4	26
Port Vila	6	262	6	268
Pretoria	82	167	34	249
Rangoon	1	92	2	93
Riyadh	41	89	31	130
Rome	115	531	102	646
San Francisco*	164	480	125	644
Santiago	10	217	4	227
Sao Paulo*	5	64	5	69
Sapporo*	5	31	2	36
Seoul	17	259	13	276
Shanghai	67	1 616	59	1 683

Overseas voting figures for the 2010 federal election by diplomatic mission

Posts	Postal vote applications	Pre-poll votes issued	Postal votes returned	Total votes issued (PVA + PVC)
Singapore	99	3 178	101	3 277
Stockholm	118	440	86	558
Suva	35	349	29	384
Taipei	90	928	94	1 018
Tarawa	0	32	0	32
Tehran	0	98	0	98
Tel Aviv	11	277	11	288
The Hague	162	385	151	547
Tokyo	115	680	83	795
Toronto*	79	641	67	720
Tripoli*	0	14	0	14
Vancouver*	18	1 053	126	1 071
Vienna	91	524	41	615
Vientiane	14	203	14	217
Warsaw	69	259	54	328
Washington	375	708	85	1 083
Wellington	193	529	117	722
Zagreb	99	254	68	353
Overseas Post Total:	9 252	63 054	7 351	72 306
Defence Team 1	N/A	217	3	217
Defence Team 2	N/A	703	3	703
Defence Team 3	N/A	82	1	82
Defence Team 4	N/A	459	23	459
Defence Team 5	N/A	317	0	317
Defence Total:		1 778	30	1 778
OVERSEAS TOTAL 2010:	9 252	64 832	7 381	74 084


* Posts that come under the responsibility of Austrade.

Annex 7 – Communications

A7.1 – Selected examples of advertisements used during each phase of the election communications campaign

Close of rolls

Advertisement





AEC/2008/03

**Get moving, or you'll miss out on your vote.
Update your address details by 8pm Thursday.**

The federal election has now been announced. So if you've moved, and haven't updated your address details on the electoral roll, don't wait. Fill in a new enrolment form right now, and return it to the Australian Electoral Commission by 8pm Thursday, 22nd July, or you'll miss out on your vote. Remember, all Australian citizens over 18 are required by law to enrol and vote.

For a new enrolment form visit www.aec.gov.au, any AEC office, post office or call 13 23 26.

You must return your completed form to the Australian Electoral Commission by 8pm Thursday, 22nd July, or you'll miss out on your vote.

Authorized by the Electoral Commissioner, West Block, Queen Victoria Terrace, Parries, ACT.

Advertisement



If you wait, you'll miss out.
Enrol to vote by 8pm Monday, 19th July.

The federal election has now been announced. So if you're not enrolled to vote, you must complete a new enrolment form right now, and return it to the Australian Electoral Commission by 8pm Monday, 19th July, or you'll miss out on your vote. Remember, all Australian citizens over 18 are required by law to enrol and vote.

For a new enrolment form visit www.aec.gov.au, any AEC office, post office or call 13 23 26.

You must return your completed form to the Australian Electoral Commission by 8pm Monday, 19th July, or you'll miss out on your vote.



Authorized by the Electoral Commissioner, West Block, Queen Victoria Terrace, Parkes, ACT.

Early voting

Advertisement



If you know you can't make it to vote on election day, Saturday 21st August, **vote early.**

Your vote is a valuable thing, and all enrolled Australian citizens over 18 are required by law to vote. So if you're going to be away from home, or unable to make it to a polling place in your state or territory on election day, make sure you vote early. You can apply for a postal vote, or vote at any early voting centre.

Call 13 23 26 or visit www.aec.gov.au for more information.



Authorized by the Electoral Commission, West Block, Queen Victoria Terrace, Parliex, ACT.

Advertisement



إذا كنت تعرف أنك لن تتمكن من التصويت في يوم الانتخاب،
وهو السبت 21 آب/أغسطس، فمّمّ بالتصويت مبكراً.

صوتك شيء غالي، وجميع المواطنين الأستراليين المقيدون البالغين من العمر 18 عاماً فما فوق مطالبون بالتصويت بحكم القانون. فإذا كنت ستواجه خارج منزلك، أو إذا كنت لن تقدر على الوصول إلى مكان الاقتراع في ولايتك أو مقاطعتك في يوم الانتخاب، فتأكد من قيامك بالتصويت مبكراً. ويمكنك التقدم للتصويت بواسطة البريد أو التصويت في أي من مراكز التصويت المبكر.

ولمزيد من المعلومات باللغة العربية، اتصل بالرقم 1300 720 132 أو تفقد الموقع الإلكتروني www.aec.gov.au.



Authorised by the Electoral Commission (West Block, Queen Victoria Terrace, Perth, ACT).

Formality

Advertisement

How to make your vote count. Federal election, Saturday 21st August.

On election day, you'll receive two ballot papers: a green one for the House of Representatives, and a white one for the Senate.

Green ballot paper – Number every box.

For the green ballot paper, you must put a '1' in the box beside the candidate who is your first choice, '2' in the box beside your second choice and so on, until you have numbered **every** box. Be careful, you must number every box for your vote to count in a federal election.

Don't use ticks, crosses, or leave boxes blank, or your vote won't count.

BALLOT PAPER
HOUSE OF REPRESENTATIVES
YOUR STATE
ELECTORAL DIVISION OF
YOUR ELECTORATE

Number the boxes from 1 to 8 in the order of your choice.

4	CANDIDATE A POLITICAL PARTY
6	CANDIDATE B INDEPENDENT
3	CANDIDATE C POLITICAL PARTY
1	CANDIDATE D POLITICAL PARTY
5	CANDIDATE E POLITICAL PARTY
8	CANDIDATE F POLITICAL PARTY
2	CANDIDATE G
7	CANDIDATE H POLITICAL PARTY

Remember...number every box to make your vote count.

AEC
AUSTRALIAN ELECTORAL COMMISSION

White ballot paper – Two ways to vote.

For the white ballot paper, you have a choice of ways to vote:

Above the line

You can just mark '1' in the box above the line for the party or group of your choice. By doing this, you're following the group voting ticket and allowing the order of your preferences to be determined by your party or group. To find out more about the group voting tickets visit www.aec.gov.au

YOU MAY VOTE IN ONE OF TWO WAYS

ABOVE THE LINE

BELOW THE LINE

AEC

OR

Below the line

You can choose to fill in every box below the line in the order of your preference. You must put a '1' in the box beside the candidate who is your first choice, '2' in the box beside your second choice and so on, till you have numbered **every** box.

YOU MAY VOTE IN ONE OF TWO WAYS

ABOVE THE LINE

BELOW THE LINE

AEC

What if I make a mistake?

If you get it wrong, don't worry: just ask for another ballot paper, and start again.

Call 13 23 26 or visit www.aec.gov.au for more information.



Authorised by the Electoral Commission, West Block, Queen Victoria Terrace, Parkes, ACT.

A7.2 – Your official guide to the 2010 federal election'

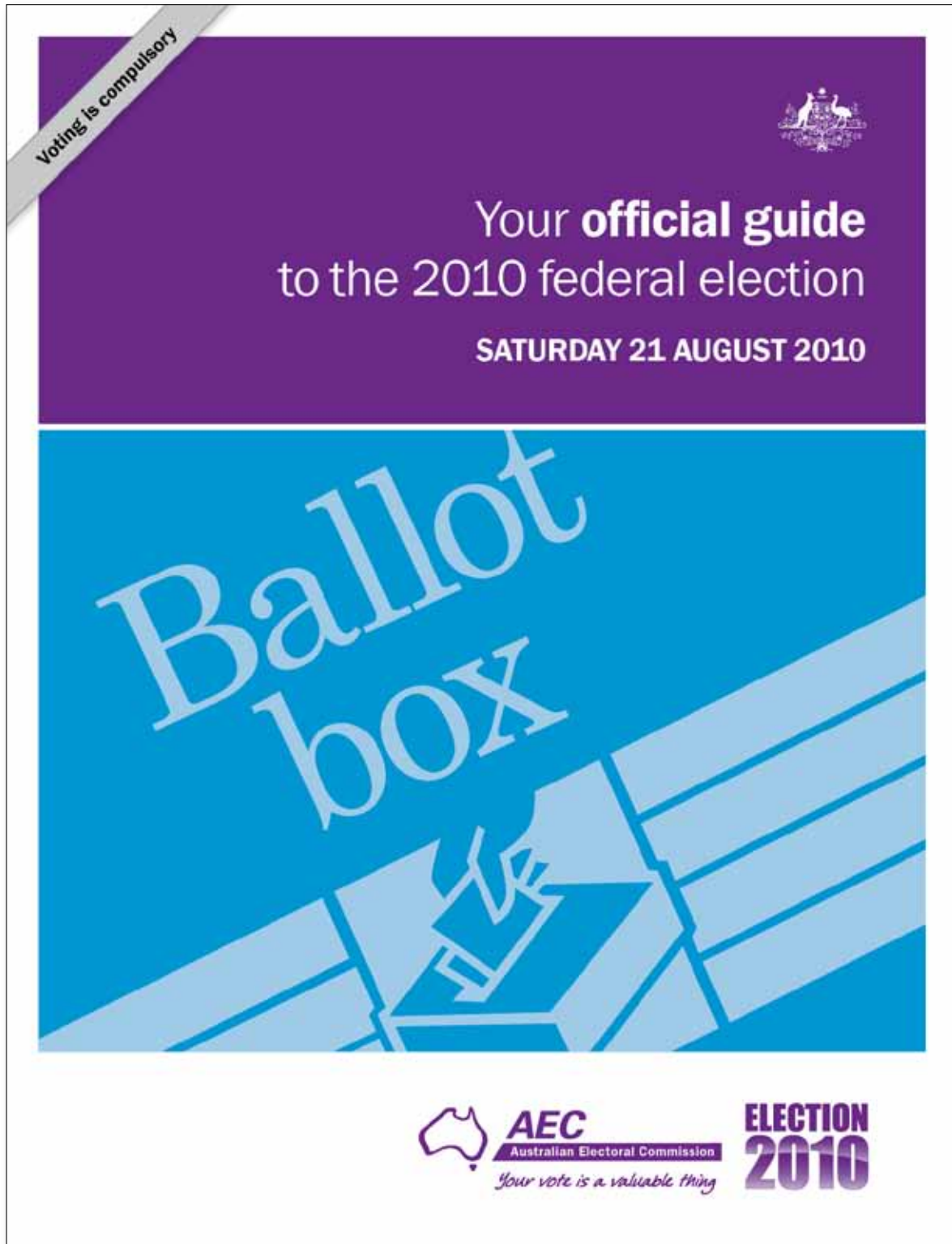




Table A7.2 (continued)

Federal election day


2 YOUR OFFICIAL GUIDE




Election day is **Saturday 21 August 2010**.




Voting is compulsory for Australian citizens on the electoral roll aged 18 years and over. If you don't vote, you may face a penalty.




Polling places will open at **8am** and close at **6pm** sharp.



You can vote at any **polling place** in your state or territory on election day.



If you **cannot get to a polling place in your state or territory on election day**, see pages 4 and 5 for information on other ways to vote.



Make sure your vote counts – you must fill out the ballot paper correctly. See the back page for information on how to vote correctly.

Alternative versions of this guide

To request copies of alternative accessible formats of this guide, call 13 23 26 or download from www.aec.gov.au.
 If you are deaf or have a hearing or speech impairment contact us through the National Relay Service:
 TTY users phone 133 677 and quote 13 23 26. Speak and Listen users phone 1300 555 727 and quote 13 23 26.
 Internet relay users connect to the NRS then ask for 13 23 26.
 Language versions of this guide can be downloaded from www.aec.gov.au.

For general information about voting and elections in other languages, or for a translated version of this guide, phone:

عربي	1300 720 132	Arabic	한국어	1300 720 468	Korean	Српски	1300 720 147	Serbian
中文	1300 720 135	Cantonese	Македонски	1300 720 139	Macedonian	Español	1300 720 148	Spanish
Hrvatski	1300 720 136	Croatian	中文	1300 720 142	Mandarin	Türkçe	1300 720 149	Turkish
Ελληνικά	1300 720 137	Greek	Polski	1300 720 143	Polish	Việt-ngữ	1300 720 152	Vietnamese
Italiano	1300 720 138	Italian	Português	1300 720 145	Portuguese	Other languages	1300 720 153	
ខ្មែរ	1300 720 134	Khmer	Русский	1300 720 146	Russian			

Need more information?

Voting on the day

3

The easiest way to vote is to go to a polling place in your electorate on **Saturday 21 August 2010**.

If you'll be in your home state or territory on election day, but outside your electorate, you can still vote at any polling place.

All polling places will open at **8am** and close at **6pm** sharp.

To find out where to vote, use the polling place locator at www.aec.gov.au. Polling places will also be advertised in major metropolitan newspapers on the Friday before election day.

Some people will be enrolled in a different electorate since the last election because some electoral boundaries have changed. To check the electorate you are enrolled in call the AEC or go to www.aec.gov.au.

If you can't make it to a polling place in your state or territory on election day you can still make your vote count. See pages 4 and 5 for more information.




Call **13 23 26** or visit www.aec.gov.au

Table A7.2 (continued)

Can't get to a polling place?

4 YOUR OFFICIAL GUIDE



Outside your state

If you'll be in another state or territory on election day, it's important to know you can't vote at just any polling place. You can only vote at an interstate voting centre on election day. However you can vote early at any early voting centre or AEC divisional office. You can also vote early by post.

Overseas

If you'll be overseas you can vote by post or in person at most Australian overseas embassies or missions. Check before you visit. Embassy contact details are available at www.dfat.gov.au. You can also vote before you leave Australia at an early voting centre or by post.

In a remote area

Voting teams are visiting some remote areas. Check for posters at your local council, listen to the radio, read your local paper for times and dates, or contact the AEC.

In a hospital or nursing home

Voting teams will visit some hospitals and nursing homes in the lead up to the election or on election day. If this is not the case at your hospital or nursing home, you may be able to apply for a postal vote. Your reception staff may have postal vote application forms, or contact the AEC.

In prison

People serving a prison sentence of less than three years are entitled to vote. Prisoners can vote by post or may be able to use mobile polling services.

Need more information?

Voting early

5



You may be eligible to vote before election day if, on election day, you can't get to a polling place because you:

- are outside the electorate where you are enrolled to vote
- are more than 8km from a polling place
- are travelling or can't leave your workplace to vote
- are seriously ill, infirm or approaching childbirth (or if you are caring for someone who is)
- are a patient in hospital and can't vote at the hospital
- have religious beliefs that prevent you from attending a polling place
- are in prison serving a sentence of less than three years or otherwise detained
- are a silent elector or have a reasonable fear for your safety.



If eligible to vote early, you can vote in one of two ways:

In person – before election day at an early voting centre. Early voting centres are at convenient locations and some are open outside normal business hours. You can also vote at any AEC divisional office during business hours. To find your nearest early voting centre or AEC office, visit www.aec.gov.au or call **13 23 26**. You can also look under 'Australian Electoral Commission' in the White Pages for the address of your closest AEC office.



By post – you can apply for a postal vote by filling out an application form. Postal vote application forms are available at any post office, AEC office or at www.aec.gov.au. The AEC must receive your application for a postal vote by 6pm Thursday 19 August 2010.

Remember to leave enough time for your ballot papers to be posted to you, completed and then returned to the AEC before 6pm on election day. Post your voting envelope as early as possible **before** election day.

Call **13 23 26** or visit www.aec.gov.au





Table A7.2 (continued)

At the polling place

6 YOUR OFFICIAL GUIDE

POLLING PLACE

Who you choose to vote for is your decision. Outside the polling place, candidate representatives may give you how-to-vote cards, suggesting you vote in a particular way. You do not have to follow how-to-vote cards.

 <div style="background-color: #0070C0; color: white; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> STEP 1 </div>	<p>In the polling place a polling official will ask for your full name and address, ask if you have voted before in this election and then mark your name off the electoral roll.</p>
 <div style="background-color: #0070C0; color: white; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> STEP 2 </div>	<p>You will be given two ballot papers - a green one for the House of Representatives, and a white one for the Senate.</p>
 <div style="background-color: #0070C0; color: white; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> STEP 3 </div>	<p>Read the instructions on both ballot papers carefully. There are different ways to complete each one. Ask a polling official for help if you are unsure.</p>
 <div style="background-color: #0070C0; color: white; border-radius: 50%; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;"> STEP 4 </div>	<p>Once you have completed your ballot papers, fold and place the ballot papers in the ballot boxes provided.</p>

Don't worry if you make a mistake.
You can ask for another ballot paper and start again.

See the back cover of this guide for instructions.
 You can practise voting at www.aec.gov.au.

Need more information?

Access for people with a disability

7



Polling places with disabled access will be shown on the website and in the newspaper advertisement. There are also special arrangements at polling places for people who cannot get out of their car.

At this federal election, voters who are blind or have low vision have the option of visiting one of 125 locations to vote in private via telephone. This will be available in the two weeks leading up to election day and on election day. For more information, including details of locations and opening times, visit www.aec.gov.au or call **13 23 26**.



Call **13 23 26** or visit www.aec.gov.au

Table A7.2 (continued)

How to make your vote count

On election day you will receive two ballot papers:

a green one for the House of Representatives and a white one for the Senate.

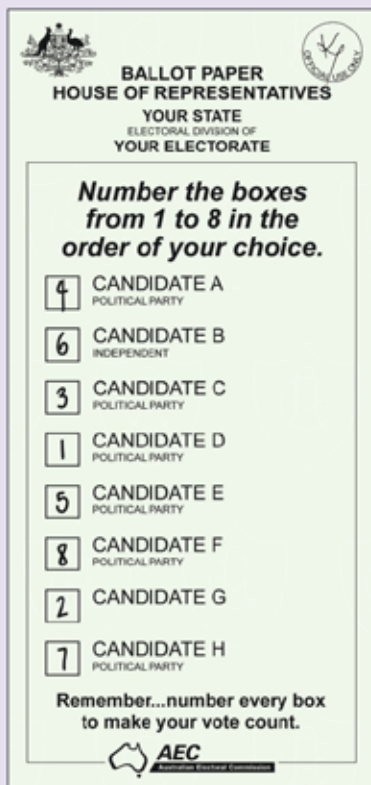
Don't worry if you make a mistake. You can ask for another ballot paper and start again.

Green ballot paper – number every box

On the green ballot paper, you need to put a '1' in the box beside the candidate who is your first choice, '2' in the box beside your second choice and so on, until you have numbered every box.

You must number every box for your vote to count.

Do not use ticks, crosses or leave boxes blank on this ballot paper or your vote won't count.



SAMPLE

White ballot paper – two ways to vote

On the white ballot paper, you have a choice of ways to vote:

Either

Above the line

You can just put a '1' in the box above the line for the party or group of your choice. By doing this you're allowing the order of your preference to be determined by the party or group you're voting for. For more information visit www.aec.gov.au.



SAMPLE

Or

Below the line

You can choose to fill in every box below the line in order of your preference. You must put a '1' in the box beside the candidate who is your first choice, '2' in the box beside your second choice and so on, until you have numbered every box.

You must number every box for your vote to count.



SAMPLE

Authorised by the Electoral Commissioner, West Block, Queen Victoria Terrace, Parkes ACT. Printed by IPM5, Eastside, Level 2, Suite 1-3, 83 O'Riordan St, Alexandria NSW.

A7.3 – Call centre workloads by calendar day for 2007 and 2010

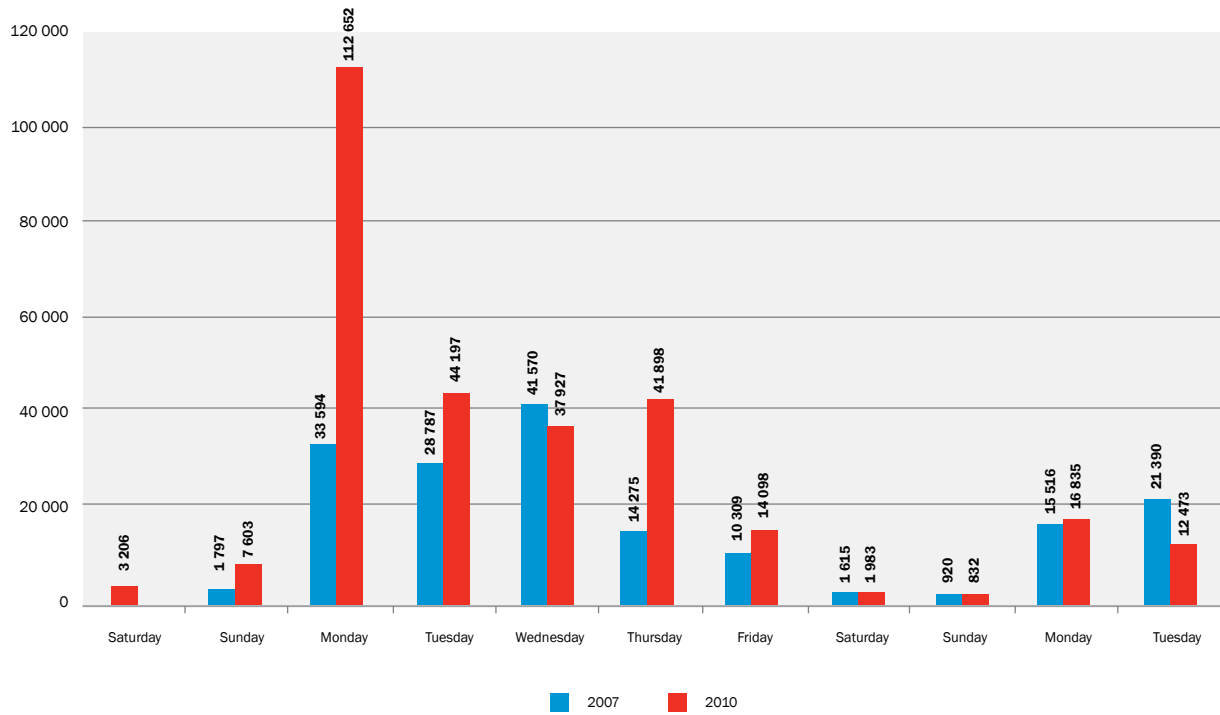


Table A7.4 – Calendar days and the election timeline for 2007 and 2010

Key	Comparative election timeline											
	Sat	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	Sun	Mon	Tues	
Announcement												
Writs issued and new enrolment deadline*	Day 1 17 Jul 10	Day 2 18 Jul 10	Day 3 19 Jul 10	Day 4 20 Jul 10	Day 5 21 Jul 10	Day 6 22 Jul 10	Day 7 23 Jul 10	Day 8 24 Jul 10	Day 9 25 Jul 10	Day 10 26 Jul 10	Day 11 27 Jul 10	
Enrolment update deadline and close of rolls*		Day 1 14 Oct 07	Day 2 15 Oct 07	Day 3 16 Oct 07	Day 4 17 Oct 07	Day 5 18 Oct 07	Day 6 19 Oct 07	Day 7 20 Oct 07	Day 8 21 Oct 07	Day 9 22 Oct 07	Day 10 23 Oct 07	

* Colouring indicates advertised deadlines for 2010.

A7.5 – Publications

Material posted to electors

'Your official guide to the 2010 federal election' - This eight page information booklet was distributed to over 9.5 million delivery points including 7.9 million households and contained a range of information on:

- who is required to vote;
- the day and date of polling day;
- polling place opening hours;
- when and where to vote;
- where and how to vote if you are away from home or unable to vote on polling day;
- what happens at the polling place;
- how to cast a formal vote; and
- contact details for further information including the call centre and AEC website.

The booklet was provided in a range of languages and accessible formats.

Election handbooks

'Nominations pamphlet' - A concise information pamphlet for people interested in standing as a candidate for election to the HoR or the Senate of the Australian Parliament.

'Candidate's Handbook (version 2)' - A handbook designed to assist candidates standing for election to the HoR or the Senate. It explains in detail those aspects of electoral law relating directly to candidates.

'Scrutineer's Handbook (version 3)' - A handbook designed as an information aid for scrutineers at federal elections. It explains in detail those aspects of electoral law relating directly to scrutineers.

'Ballot Paper Formality Guidelines' - The guidelines are designed to assist election staff and scrutineers understand the principles of formality and provide guidance on the identification of formal and informal HoR and Senate ballot papers.

'Funding and Disclosure Handbooks for Political Parties, Candidates, Donors and Associated Entities' - These handbooks are to assist political parties, candidates, donors and associated entities to understand the requirements of the election funding and financial disclosure provisions in Part XX of the Electoral Act. While the handbooks are intended as user-friendly guides to funding and disclosure legislative requirements, they do not address the whole of the Act or substitute for specific legal advice on compliance matters.

Information reference publications

'A guide to enrolling and voting in federal elections' - The 'your vote is a valuable thing' brochure.

'Fact Sheets' - AEC fact sheets provide key facts for people interested in learning about particular aspects of the electoral system.

Fact sheets developed specifically for the 2010 federal election included the:

- Information guide, 2010 federal election;

- Media key facts and figures, 2010 federal election;
- Election timetable;
- Positions on the ballot paper;
- Close of nominations; and
- Guidelines for media coverage in polling places.

Other fact sheets included:

- Notional Seat Status, June 2010;
- Positions on the ballot paper, draw for the Senate and draw for the House of Representatives;
- Timetable 2010 federal election;
- Australian Defence Forces Electoral Guide
- By-Elections;
- Enrolling and voting for people experiencing homelessness;
- How-to-vote (available in 22 languages);
- Prisoner Enrolment and Voting;
- Three levels of government (available in 22 languages); and
- Tips on filling in your electoral enrolment form (available in 22 languages).

'Electoral Backgrounders' – Electoral Backgrounders are published to assist candidates, political parties, parliamentarians, media commentators, academics, schools, and citizens generally, in understanding those aspects of electoral legislation, particularly the Electoral Act, that give rise to most of the questions and complaints received by the AEC during an election period for the general information of people interested in issues relating to electoral law. They present and analyse the issues on various topics, but do not promote a particular position or represent legal advice. The following Backgrounders were published prior to the 2010 federal election:

- Polling Place Offences;
- Constitutional Disqualifications and Intending Candidates;
- Informal Voting;
- Compulsory Voting;
- Influencing Votes;
- Electoral Advertising;
- Electoral Fraud and Multiple Voting; and
- Parliamentary Report on Section 44 of the Constitution.

Electoral division publications

'*Electoral Division Profiles and Maps*' - A set of maps and profiles of Australia's 150 electorates available on the AEC website.

'*Federal Electoral Boundaries Map 2010*' - A full colour map showing the electoral boundaries at the 2007 federal election.

Miscellaneous

'Enrolment postcards' - '*Fallen off*', '*Easy as*', '*Hurry up*', '*Rock enrol*'

'Polling official recruitment brochure and poster'

'Formality products including a flip chart (in 21 languages) and poster'

'Voting posters for mobile polling (including remote, special hospital), pre-poll voting, voting centres'

'Group voting ticket booklets and posters'

Table A7.6 – Television network representation at the National Tally Room

Television Network	Broadcast type, time and duration	OzTAM polling night data (6 pm to midnight) five city average
ABC	Full Election Coverage from the tally room. Commenced broadcast at 6 pm and concluded at 11:30 pm.	Average Audience 1 003 000. Won ratings with 22 per cent of share of total TV viewers.
TCN 9	Full Election Coverage from the tally room. Commenced broadcast at 5 pm and concluded at 11:30pm.	Average Audience 754 000. Second in ratings with 16 per cent of share of total TV viewers.
Sky News	Full coverage anchored at Sydney with live crosses and viewer choice to watch live full coverage from the tally room. Commenced broadcast at 5 pm and concluded at 11:30 pm.	Average Audience 65 000. Sixth in ratings with 1.4 per cent of share of total TV viewers.
7 Network	Full Election Coverage from the tally room. Commenced broadcast at 5 pm and concluded at 11:30 pm.	Average Audience 627 000. Third in ratings with 13.3 per cent of share of total TV viewers.
Network 10	Network 10 provided two broadcasts relating to the election. The coverage was anchored in Sydney with crosses to the tally room. Commenced broadcast at 6:30pm and concluded at 10:30 pm.	Average Audience 392 000. Fourth in ratings with 8.3 per cent of share of total TV viewers.
SBS	SBS provided an Australia Election Special. Commenced broadcast at 8:30 pm and concluded at 10:30 pm. The coverage was anchored in Sydney with crosses to the tally room.	Average Audience 124 000. Fifth in ratings with 2.6 per cent of share of total TV viewers.

A7.7 – Print/radio media organisations at the National Tally Room

Media organisations	
Political Media	Southern Cross Media
CNN	East Coast Radio
Vibe Wire	2XX
2GB	Adelaide Advertiser
Auspic	Daily Telegraph
University of Canberra (Media Faculty)	Ggii.info
WIN news	Crikey
BMA Magazine	Australian Buddhist Press
Express Media	Australian Financial Review
Multilocus	Sydney Morning Herald
2UE	Media Week
2CC	University of NSW
SBS	Herald Sun
Australian Tamil Broadcasting Corporation	Independent Weekly
Malcolm Mackerras	Canberra City News
Canberra Times	The Australian
ABC	Media Monitors
AAP	Freelance Press
The Age	

Annex 8 – Recommendations from 2010 ANAO report

Table A8.1– AEC progress implementing the ANAO recommendations

Recommendations	Status Reports
<p>Recommendation 1: ANAO recommends that the AEC:</p> <ul style="list-style-type: none"> a) engage with the Office of the Privacy Commissioner to develop improved governance arrangements for the collection, processing, data-matching, distribution and management of the personal information of electors and potential electors; and b) assess the extent to which broad use of electoral roll information by non-government entities may be adversely impacting on the willingness of Australians to enrol to vote. 	<p>Status: In progress</p> <p>The AEC continues to work with the Privacy Commissioner to ensure that all its activities in dealing with personal information are compliant with the requirements of the Privacy Act.</p>
<p>Recommendation 2: To give a sound footing to Joint Roll Arrangements and to adhere to the greatest possible extent to the principles set out in the <i>Australian Government Cost Recovery Guidelines</i>, ANAO recommends that the AEC establish a sound basis for costing the maintenance and review of electoral rolls and the production of state and territory roll products.</p>	<p>Status: In progress</p> <p>Pricing reviews have been conducted for several states. The current costing review will provide a sound basis for costing the maintenance and review of electoral rolls and the production of products.</p>
<p>Recommendation 3: ANAO recommends that the AEC, in consultation with the ABS, expand and enhance the sampling methodology for undertaking habitation visits as part of its roll-management activities so as to:</p> <ul style="list-style-type: none"> a) attain more reliable enrolment estimates at the state and territory level; b) accurately assess the states of enrolment in sparsely populated areas; c) deliver more reliable enrolment rates at the divisional level; and d) assist it to identify the key demographic characteristics of missing electors and resident non-citizens. 	<p>Status: In progress</p> <p>The Sample Audit Fieldwork review is ongoing. The Roll Integrity report completed in late July is now subject to detailed consideration.</p>

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<p>Recommendation 4: To better target its efforts to improve the electoral roll, ANAO recommends that the AEC, in consultation with relevant research bodies and the ABS, formulate a program of research into elector enrolments and enrolment trends, with a view to identifying potential electors missing from the roll and the reasons why they may not be enrolling.</p>	<p>Status: In progress</p> <p>The research report <i>Enrolment Triggers</i> was finalised in July 2010 and the findings provided to Joint Roll partners for assessment.</p>
<p>Recommendation 5: ANAO recommends that, in order to improve its election workforce planning and the selection, recruitment, training and performance evaluation of polling staff, the AEC:</p> <ul style="list-style-type: none"> a) critically examine its future election workforce needs and workforce composition, setting goals for the training and retention of all election officials, including staff paid while held in reserve on polling day; and b) in consultation with other electoral authorities, seek to strengthen national employment strategies for the recruitment and training of key polling staff in advance of an election so that all polling booths have staff that have been consistently assessed for suitability and have been adequately trained. 	<p>Status: In progress</p> <p>The on-line recruitment system was implemented in July 2010 for the 2010 federal election. The data now available is being reviewed to identify learnings for workforce planning and strategies for selection, recruitment, training and evaluation of the election workforce.</p>
<p>Recommendation 6: ANAO recommends that the AEC enhance the recruitment and training processes for polling-booth staff for future federal election by:</p> <ul style="list-style-type: none"> a) examining opportunities to increase the priority given to the recruitment of OICs in order to secure the best candidates that are available and provide them with sufficient training; and b) after the election, completing performance appraisals for staff and recording these in relevant systems in order that this data can be used to inform and improve the recruitment practices for future electoral events. 	<p>Status: In progress</p> <p>See Recommendation 5.</p>

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<p>Recommendation 7: ANAO recommends that the AEC:</p> <ul style="list-style-type: none"> a) work with other Australian Government agencies that provide funding for the construction, upgrade or maintenance of facilities that are, or may be, used as polling booths to identify opportunities to secure access to these facilities for electoral events as part of the funding arrangements; b) seek to implement standing arrangements with venue owners, particularly state governments, to secure suitable and accessible polling booths on just terms, with particular regard to the needs of the elderly and disabled, and the availability of premises in large rural divisions; c) negotiate the use of suitable Commonwealth-agency venues, in particular as pre-poll voting centres and fresh-scrutiny centres; and d) redevelop the strategic program of inspection of polling places to include systematic post-election evaluation and to identify improvements (where possible) of venues that are used as polling booths. 	<p>Status: In progress</p> <p>A number of standing agreements for polling places were in place for the 2010 federal election. Further options will be explored, particularly for Commonwealth-agency venues and 'single owner' of multiple sites.</p>
<p>Recommendation 8: ANAO recommends that the AEC:</p> <ul style="list-style-type: none"> a) develop strategies to mitigate the risk to the credibility of election results posed by the current practices for reporting of election-night counts by OICs; and b) identify and assess options for the storage and transport of completed ballot papers that provide greater physical security of ballot papers. 	<p>Status: In progress</p> <p>Reinforced procedures for the storage and transport of ballot materials for the election were included in training materials and staff advice.</p>
<p>Recommendation 9: ANAO recommends that, in order to provide transparent and accountable reporting on the conduct of elections, the AEC develop comprehensive performance standards for the conduct of elections and, following the conduct of each election, report to Parliament on the extent to which these standards have been met.</p>	<p>Status: In progress</p> <p>The 2010 federal election experience and data will be utilised to develop and enhance reporting on the conduct of elections.</p>

