

**Electoral Commissioner**

Mr Daryl Melham MP  
Chair  
Joint Standing Committee on Electoral Matters  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

Original by e-mail: [jscem@aph.gov.au](mailto:jscem@aph.gov.au)

Dear Chair

**Inquiry into allegations of irregularities in the recent South Australian state election**

I refer to the referral made by the Senate on 13 May 2010 to the Joint Standing Committee on Electoral Matters (JSCem) concerning allegations of irregularities that occurred on the polling day for the South Australia State (SA) election on 20 March 2010. I also refer to the letter from the JSCem Secretary dated 27 May 2010 in which the Australian Electoral Commission (AEC) was invited to make a submission to the Inquiry.

2. The AEC is only able to assist the JSCem in relation to paragraphs (c) and (d) of the terms of the current Senate referral, that is:

“(c) whether comparable activity would be considered to be legal under the *Commonwealth Electoral Act 1918*, including the implications flowing from the decisions in *Bray v Walsh (1976)*, *Evans v Crichton-Browne (1981)*, *Webster v Deahm (1993)* and *Re Carroll v Electoral Commission of Queensland (1998)*; and

(d) what changes would be required to the *Commonwealth Electoral Act 1918* so as to prevent a political party (or others) engaging in such misleading and deceptive conduct at future federal elections;”

3. The other matters raised in the Senate referral do not fall within the AEC’s purview as they involve allegations relating to conduct that did not arise in the conduct of a federal election and therefore do not involve the application or interpretation of the *Commonwealth Electoral Act 1918* (Electoral Act).

**The current AEC advice**

4. The AEC has recently confirmed the advice cited by the Special Minister of State (Senate Hansard 13 May 2010 page 1) at the hearing of the Senate Finance

and Public Administration Committee (F&PA page 76 , 27 May 2010) that formal advice was provided by the AEC to the Minister on 25 March 2010 that:

*“While it is not possible for the Australian Electoral Commission (AEC) to pre-empt a finding of a Court dealing with similar matters under the Commonwealth Electoral Act 1918 (Electoral Act), the AEC is of the view that the offence contained in section 329 of the Electoral Act would more likely than not apply to make the publication of similar material in a federal election campaign unlawful.”*

5. Section 329(1) of the Electoral Act provides that:

*“A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.”*

6. Section 329 of the Electoral Act regulates any matter or thing that is likely to mislead or deceive electors in casting a vote. This is in contrast to section 113 of the SA *Electoral Act 1985* which deals with electoral advertisements that contain statements of fact that are inaccurate or misleading to a material extent. The misleading or deceptive matter or thing in section 329 of the Electoral Act can go beyond mere statements of fact.

7. In the case of *Evans v Crichton-Browne* (1981) 147 CLR 169, the High Court held that the intention of section 161(e) (which is now subsection 329(1) of the Electoral Act) is not to regulate the content of political messages directed at influencing the choice of preferred candidates or political parties by voters, but to regulate publications and broadcasts that are directed at influencing the way in which the ballot paper is actually marked. In the case of *Webster v Deahm* (1993) 116 ALR 222, Justice Gaudron of the High Court, sitting as the Court of Disputed Returns, held that a particular election pamphlet did not breach subsection 329(1) because it did not mislead in relation to the actual casting of the vote.

8. Having examined the How-to-Vote material in issue in the SA case, the AEC is of the view that if similar material was used in a federal election, it is more likely than not that a Court would find that the publication of such material in breach of section 329 of the Electoral Act. The reason for this conclusion is twofold. First, in a federal election context there is no requirement in section 328 to include the name of the political party on whose behalf the electoral advertisement was published. Accordingly, a voter would have no information on the face of the How-to-Vote card that would indicate the political association of the person who authorised the card. Second, there were media reports about the SA case indicating that some voters had stated that they had been misled into marking a ballot paper giving second preference to ALP candidates rather than sixth preference as set out in the official Family First Party How-to-Vote material. This misleading information would therefore directly involve the actual “casting of a vote” and therefore attract the prohibition contained in section 329 of the Electoral Act.

9. The AEC has stated in its publication “Electoral Backgrounder – Electoral Advertising” at paragraph 49 that:

*“On the basis of relevant decisions handed down by the courts over the years, ‘second preference’ how-to-vote cards would probably be held by a court to be in contravention of s 329(1), if they were very similar in appearance to the official how-to-vote card for another political party or independent candidate. This might mislead a voter into thinking it is the official how-to-vote card and thereby mislead the voter in casting a vote.”*

10. The AEC is of the view that the alleged factual circumstances involved in the SA case would fall within the above categorisation if similar circumstances were to arise in the conduct of a federal election.

11. The AEC is also on the record as stating that the similar “How to Vote Green” how to vote material published in 2004 by the Liberal Party in WA for the Senate would have been in breach of section 329 of the Electoral Act, if the AEC had actually received a copy of the original material and had time to take action (a section 383 injunction). The practical difficulty with attempting to address such unlawful actions on polling day is that the damage has already been done by the time that the AEC becomes aware of the unlawful publication and is able to obtain an injunction under section 383 of the Electoral Act to restrain persons from continuing to act unlawfully by distributing the misleading how to vote material.

12. As mentioned by the Minister in his evidence before the Finance & Public Administration Estimates Committee, the AEC was subsequently requested by the Minister to prepare options for amendments to the Electoral Act to remove this doubt and to regulate How to Vote cards. The proposed amendments were included in Schedule 1 to the Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010 that was introduced into the House of Representatives on 2 June 2010 (House of Representative Hansard page 13).

#### Value of How-to-Vote cards?

13. The AEC is of the view that How-to-Vote cards serve a useful purpose to inform voters, enable the franchise and to minimise informal votes (see the comments at paragraph 2.110 of the Joint Standing Committee on Electoral Matters “Report on the inquiry into the conduct of the 1998 federal election and matters related thereto” (the 1998 JSC EM Report)). The AEC is also of the view that an appropriate amendment to the Electoral Act would be one that ensures that voters are clearly informed of the registered political party or candidate on whose behalf a particular How-to-Vote card has been published.

14. The AEC notes that the publication of second preference HTVs that have not been authorised by the candidate or registered political party who is listed as the first preference has been a vexed issue over a considerable period of time. Paragraphs 2.110 to 2.129 of the 1998 JSC EM Report summarise the history and some of the significant issues.

#### Other jurisdictions

15. The AEC is aware that some of the State jurisdictions (Victoria, Queensland and NSW) have moved to a registration system for How-to-Vote cards. South Australia has a process (see section 66 of the SA *Electoral Act 1985*) that provides for How-to-Vote cards to be submitted to the SA Electoral Commission for inclusion in a poster that will appear at polling places. However, the SA system also allows for other How-to-Vote cards to be handed out to voters near polling places. Tasmania and the A.C.T. have different systems in place which have the effect that How-to-Vote cards are unable to be handed out on polling day itself (in Tasmania) or within 100 metres of a polling booth (in the A.C.T.).

16. The AEC submits that the How-to-Vote card pre-registration systems may be manageable in a single jurisdiction with comparatively small numbers of candidates and in a single time zone. However, for a general election in the federal jurisdiction involving nearly 1,500 candidates for both the Senate and the House of Representatives, such a system is likely to result in practical difficulties in having How-to-Vote cards submitted to the AEC, registered and approved for publication in the short time between the close of nominations for candidates and the commencement of pre-poll voting. In addition, the resources necessary to administer such a scheme are currently not available and this runs the risk of diverting the AEC from its primary election activities.

17. The AEC notes the conclusions reached by the Victorian Parliament's Electoral Matters Committee in the February 2010 Report entitled "Inquiry into the provisions of the *Electoral Act 2002* (VIC) relating to misleading or deceptive political advertising". The reference to the Committee included truth in electoral advertising issues. The Committee's conclusion was:

*"While the Committee acknowledges the limitations of the current provisions in the Electoral Act 2002 (Vic), the Committee was not convinced that many of the proposed measures put to the Committee ... would improve the regulation of misleading or deceptive political advertising. The Committee was concerned that expanded measures to regulate misleading or deceptive political advertising would have implementation difficulties and increase the risk of a more litigious approach to elections and electoral law. The Committee is reluctant for the Victorian Electoral Commissioner to have an expanded role monitoring, reviewing and investigating breaches of the Electoral Act 2002 (Vic) relating to misleading or deceptive political advertising. In addition, the Committee does not support the establishment of a separate agency for compliance purposes. The Committee was also concerned that the subjective nature of political discourse would make it difficult for any compliance agency to define and determine what is a fact, opinion or comment."*

18. The SA *Electoral Act 1985* has a broad offence in section 113 which a person who authorises, causes or permits the publication of an electoral advertisement is guilty of an offence if the advertisement contains a statement purporting to be a "statement of fact that is inaccurate and misleading to a material extent". The AEC is aware that the SA Electoral Commissioner has apparently obtained legal advice that the circumstances surrounding the publication of the How-to-Vote card in the SA case did not breach this section.

19. One of the previous concerns held by the AEC related to the fact that it is difficult to define what is a How-to-Vote card as it is merely a subset of “electoral advertising”. The AEC has in the past been on the record as supporting an approach that all “electoral advertising” should have improved authorisation requirements (e.g. the 1999 AEC submission to JSCEM) as under the Electoral Act there is no requirement for the registered political party or candidate affiliation to be shown on such advertisements. This is in marked contrast to several State jurisdictions (including South Australia) where identity of the candidate and/or political party on whose behalf the “electoral advertisement” (which includes How-to-Vote cards) is published must be clearly shown.

20. It is noted that the Tasmanian *Electoral Act 2004* contains an offence in section 198(1)(a) that prohibits a person on polling day distributing “*any advertisement, “how to vote” card, handbill, pamphlet, poster or notice containing any electoral matter*”. Two points to note. First, the Tasmanian Act does not contain any definition of what is a How-to-Vote card. Arguably, this is not necessary as the reference to a How-to-Vote card in this section is merely a subset of the other examples of electoral advertisements that are all prohibited from distribution on polling day. Second, the ban is only on polling day itself (and any adjourned polling day) and does not appear to prevent How-to-Vote cards at pre-poll voting centres.

21. In the A.C.T. there is also no absolute ban on the publication of How-to-Vote cards. Section 303 of the A.C.T. *Electoral Act 1992* provides that it is an offence “*to do anything for the purpose of influencing the vote of an elector as the elector is approaching, or while the elector is at, the polling place*”. The “polling place” in the A.C.T. includes an area 100 metres from the polling booth. This has the practical effect of restricting the issuing of How-to-Vote cards near polling places. However, it is apparent that How-to-Vote cards can still be published and distributed in the A.C.T. otherwise section 305 would not be required. Section 305 is headed “*How-to-vote material in polling places*” but the prohibition in this section is only that a person must not “*exhibit or leave in a polling place any printed electoral matter*”. Once again there is no definition of what is a How-to-Vote card in the A.C.T. Act.

22. In Queensland, sections 161 to 163 of the Queensland *Electoral Act 1992* deal with electoral advertisements. Section 3 of the Queensland Act contains the following definition of a How-to-Vote card:

“*how-to-vote card*” means a card, handbill or pamphlet that--

(a) is or includes--

(i) a representation of a ballot paper or part of a ballot paper; or

(ii) something apparently intended to represent a ballot paper or part of a ballot paper; or

(b) lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of the candidates; or

(c) otherwise directs or encourages the casting of preference votes, other than first preference votes, in a particular way.”

23. Section 161A of the Queensland Act provides that:

*“(1) During the election period for an election, a person must not distribute, or permit or authorise another person to distribute, a how-to-vote card that does not comply with subsections (2) to (4).*

*Maximum penalty--*

*(a) for an individual--20 penalty units; or*

*(b) for a corporation--85 penalty units.”*

24. The particulars in subsections 161A(2) of the Queensland Act that How-to-Vote cards are required to include are:

*“(a) the name and address of the person who authorised the card;*

*(b) if the card is authorised--*

*(i) for a registered political party or a candidate endorsed by a registered political party--the party's name; or*

*(ii) for a candidate who is not endorsed by a registered political party--the candidate's name and the word 'candidate'.”*

25. Subsection 161A(3) of the Queensland Act requires that the address must not be a postal box. Subsection 161A(4) of the Queensland Act adds the locations and font size for the authorisation details in subsection 161A(2) that are to appear on How-to-Vote cards:

*“(a) at the end of each printed face of the how-to-vote card; and*

*(b) in prominent and legible characters in print no smaller than--*

*(i) if the card is not larger than A6--10 point; or*

*(ii) if the card is larger than A6 but not larger than A3--14 point; or*

*(iii) if the card is larger than A3--20 point.”*

26. Subsection 161A(5) of the Queensland Act adds the following offence:

*“(5) During the election period for an election, a person must not distribute, or permit or authorise another person to distribute, a how-to-vote card if the person knows, or ought reasonably to know, that the particulars, or any of the particulars, mentioned in subsection (2) on the card are false.”*

27. Section 161B of the Queensland Act also contains a registration process for How-to-Vote cards that must be lodged with the Electoral Commission of Queensland (ECQ) by 5pm on the Friday 7 days before polling day. The ECQ is then required to examine the How-to-Vote cards and to determine whether or not they comply with section 161A. There is an offence in subsection 161B(7) for distributing How-to-Vote cards that have not been registered by the ECQ.

28. The AEC has not been able in the limited time available to examine the legislation for the other jurisdictions dealing with How-to-Vote cards (including NZ and Canada – the UK legislation does not deal with electoral advertisements).

The 1998 JSCEM Report

29. The 1998 JSCEM Report on the 1998 election contains a discussion at pages 37 to 41 on the issue of How-to-Vote cards advocating second preference votes. At paragraph 2.110 of the Report, the JSCEM stated that there was some utility in continuing to have How-to-Vote cards as there is an argument that they “provide the public with useful information about the candidates”.

30. The AEC recommended at the time that section 328 of the Act be amended to add a requirement only for second preference How-to-Vote cards, that the name and address of the of the person authorising the How-to-Vote cards and the name of the political party of origin should be at the top in 12 point font in the interests of transparency.

31. The 1998 JSCEM Report rejected the limited approach suggested by the AEC and instead recommended an approach similar to that which exists in Queensland. The 1998 JSCEM Report describes the Queensland approach as:

*“The Queensland Committee felt that in applying the Court’s suggestion:*

- (i) the more stringent authorisation requirements should apply only to How To Vote cards;*
- (ii) that the authorisation requirements should apply to all How To Vote cards and should not be restricted to second preference How To Vote cards;*
- (iii) that a How To Vote card be broadly defined to include those How To Vote cards that are narrative in nature;*
- (iv) that the authorisation must contain the name or abbreviation of the party of origin or the name of the independent candidate as well as the other authorisation details; and*
- (v) that the text of the authorisation appear on every printed face of the document and that the font size of the authorisation range from 10 point for an A6 size card to 20 point for an A3 size card.”*

32. At paragraph 2.128 of the 1998 JSCEM Report it states:

*“The Committee therefore recommends that the AEC develop an authorisation regime for all How To Vote cards guided by the findings of the Queensland Legislative Assembly Legal, Constitutional and Administrative Review Committee.”*

33. The 1998 JSCEM Report also recommended:

*“That the AEC develop an expanded authorisation regime for How To Vote cards which will:*

- (i) define How To Vote cards broadly so as to include How To Vote cards that are narrative in nature;*
- (ii) ensure the authorisation details include the name of the political party of origin or the name of the independent candidate as well as the other authorisation details; and*
- (iii) include a requirement for the authorisation details to be printed prominently (in 12 point) on each printed side of the How To Vote card.”*

34. The then Government response to this JSCEM recommendation was:

*“Supported in principle. The problem of second and later preference how-to-vote (HTV) cards, that could, in breach of section 329 of the Electoral Act, mislead voters, will not be resolved by an unenforceable authorisation regime, or administrative guidelines, given the recent history of litigation on this subject.*

*The Government does not support the first dot point of the recommendation, because HTV cards, including those of a narrative character, are already encompassed in the definitions of “electoral advertising” containing “electoral matter” set out in sections 328(5) and 4(1) of the Electoral and Referendum Acts respectively. A definition of HTV cards would only encourage disputes about interpretation, and in any case, the Government believes that the improved authorisation requirements should apply to all electoral advertisements governed by section 328(1) of the Electoral Act, not just HTV cards.*

*Further, the Government does not support the second and third dot points of the recommendation. They are too prescriptive and unnecessary.”*

### Previous AEC views

35. The AEC lodged a supplementary submission with the JSCEM dated 15 October 1999 entitled “Second Preference How-To-Vote Cards”. The AEC’s view at that time was two-fold. First, to ban all second preference How-to-Vote cards by amending section 351 of the Electoral Act. Second, to amend section 328 of the Electoral to require that all electoral advertisements advocating a second preference vote must show the party affiliation of the person who authorised the electoral advertisement. This should be done in at least 12 point font at the top of the advertisement. The AEC also provided to the JSCEM an extract from an advice from the Office of the Director of Public Prosecutions (DPP) showing that there are significant legal problems with attempting to define what is an How-to-Vote cards and proving this in a criminal prosecution.

36. The AEC has previously made submissions to the JSCEM about adding to the authorisation details in sections 328 and 328A of the Electoral Act to include a requirement that the name of the candidate or registered political party on whose behalf the publication/material is printed must also be included. The AEC acknowledges that two immediate problems could arise from adding such a requirement. First, what does one do with third party electoral advertising and how does one close the obvious loophole where candidates or registered political parties could readily circumvent such a requirement by having third parties publish material on their behalf (e.g. Unions, employer bodies, associated entities). Second, the font size often used for the authorisation details often results in this information being overlooked and regarded as being merely fine print which is not drawn to the attention of voters.

### Impersonation

37. The AEC understand that part of the concerns about the events in SA involved the allegation that ALP volunteers were wearing blue T-Shirts with the Family First



message on them when handing out the How-to-Vote cards. The AEC is aware that this action has been described as “impersonation”.

38. However, the link between what is contained in the electoral advertisement itself (such as the How-to-Vote cards) and the conduct associated with how it was presented to a voter is a difficult issue to address. In the Queensland Supreme Court (sitting as the Court of Disputed Returns) decision of *Carroll v ECQ and Reeves* [1998] QSC 190, at paragraph 85 there was a lengthy discussion about the requirement that something must have been “*printed, published, distributed or broadcast*” during an election period. The Counsel for the ECQ was asked by the Court whether there was any relevance to the conduct of the persons who handed over the How-to-Vote cards and what was said at that time. At paragraph 93 the Court stated that the scope of the above phrase does **not** extend to “*verbal representations about the nature of the card seeking that a vote be cast in a particular way*”. The Court went on to state at paragraph 94 that the adoption of a wider view where the words accompanying the handing over of the document were within the scope of the section “*would create a problematic consequence*” as proof of “*this kind of ephemeral statements, proof of which often depend on word against word, must be relied on by the petitioner*”. Accordingly, the Court was not prepared to deal with the conduct that accompanied the publication of the How-to-Vote cards (see paragraph 131).

39. The AEC holds similar concerns to that expressed by the Court in the *Carroll* case in relation to any new offence being developed for inclusion in the Electoral Act that would require the AEC to obtain evidence of statements made on conduct associated with the handing out of How-to-Vote cards. This type of amendment would make the laws difficult to administer and would require the AEC to be provided with additional resources to both investigate such conduct and to prepare briefs for possible prosecution action. Further, as was apparently the case in SA, the How-to-Vote cards were only published on the actual polling day which would make it nearly impossible for the AEC to take any action before the apparent damage had occurred.

40. The AEC notes that there is no offence under electoral law relating to passing off. In the commercial area a passing off action is where one person is seeking to prevent another person from using a symbol, colour or logo that is owned or registered for use by another. In the case of registered political parties, there is nothing in the Electoral Act that regulates symbols, colours or logos that are used by each party. It is only the Party name and abbreviation of its name that is registered under section 133 of the Electoral Act. The registration of a political party under Part XI of the Electoral Act only has the legal effect of preserving a party name and abbreviation of that name for use on ballot-papers (see sections 169, 210A and 214 of the Electoral Act).

41. Accordingly, the above therefore results in there being no current offence in the Electoral Act for dealing with persons impersonating that they are volunteers for another candidate or political party. Without some scheme involving the registration of logos and colours it would be impossible to enforce such measures.

#### Other offences

42. Subsection 351(1) of the Electoral Act provides that:

*“If, in any matter announced or published by any person, or caused by any person to be announced or published, on behalf of any association, league, organization or other body of persons, it is:*

*(a) claimed or suggested that a candidate in an election is associated with, or supports the policy or activities of, that association, league, organization or other body of persons; or*

*(b) expressly or impliedly advocated or suggested:*

*(i) in the case of an election of Senators for any State—that a voter should place in the square opposite the name of a candidate on a ballot-paper a number not greater than the number of Senators to be elected; or*

*(ii) in the case of an election of a Member of the House of Representatives—that that candidate is the candidate for whom the first preference vote should be given;*

*that person shall be guilty of an offence.*

*Penalty:*

*(a) if the offender is a natural person—\$1,000; or*

*(b) if the offender is a body corporate—\$5,000.”*

43. The first point to note is that this offence only applies to “any matter announced or published”. The scope of “any matter” appears to be limited to printed material or material published on the Internet. Support for this view comes from the wording of subsection 351(5) which refers to the inclusion of the authorisation details required by section 328 and 328A as evidence of the person who announced or published the matter. This would therefore mean that statements made by the persons handing out the second preference How-to-Vote cards do not fall within the scope of section 351.

44. Subsection 351(1A) contains a defence to a breach of subsection 351(1) *“if the person proves that he or she is authorised in writing by the candidate to announce the thing claimed, suggested or advocated.”* The AEC is of the view that this provision is of relevance to any revised amendments to the Electoral Act on this issue of statements made in How-to-Vote cards.

45. As was indicated in the 1998 JSCEM Report, the AEC has previous legal advice from the DPP that these type of How-to-Vote cards advocating an alternative second preference vote are unlikely to be found to be in breach of section 351(1)(b)(ii).

What “amendment”?

46. So the issue becomes what “amendment” could be made to the Electoral Act to address the SA case if it were to occur at a federal election. There appear to be numerous possible options including banning all How-to-Vote cards, banning just second preference How-to-Vote cards, banning all misleading or deceptive How-to-Vote cards or regulating all How-to-Vote cards.

47. The AEC had previously recommended that action should just be taken on second preference How-to-Vote cards. This was because the case law on deceptive information tends towards a narrow reading of the Electoral Act, making a more generalised approach difficult (see paragraph 2.127 of the JSCEM 1998 election Report). To be weighed up against this was the concern about defining what is a How-to-Vote card. However, the definition in section 3 of the Queensland Act would appear to be sufficiently broad to at least capture all of the previous How-to-Vote cards that have been complained of to the AEC.

48. Section 328 of the Electoral Act covers all “electoral advertisements” of which a How-to-Vote card is merely a subset. Given the evolving political strategies of candidates, registered political parties and others involved in the political process, perhaps issues relating to false or misleading information in all forms of electoral advertisements that are used to formulate the basis for which a voter will be casting their vote should be examined rather than just How-to-Vote cards. However, this goes close to truth in electoral advertising which would be difficult for the AEC to administer.

49. Many complaints were received prior to the 2007 general election about electoral advertisements where the authorisation details were not clearly displayed (including on postal vote applications sent by registered political parties). The AEC is of the view that many of those complaints could have been circumvented if the particular electoral advertisements:

- (a) contained the details of the registered political party or candidate on whose behalf the person who authorised the publication of the advertisement was acting; and
- (b) the authorisation details were displayed in a prominent position (rather than “at the end thereof” which is the current requirements in subsection 328(1)); and
- (c) the authorisation details were printed in a font size commensurate with the other printing in the advertisement so as to be readily drawn to the attention of voters.

#### The current Bill

50. The amendments contained in Schedule 1 to the Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Bill 2010 will introduce into the Electoral Act specific and expanded authorisation requirements for How-to-Vote cards. A contravention of these requirements will be an offence. The intention of the amendments is to make it clearer who will benefit from the preference flow suggested on a How-to-Vote card. It is intended that these amendments will reduce the potential for voters to be misled and to give voters the means to make informed decisions by ensuring that the political source of How-to-Vote material is clearly stated.

51. The amendments follow the approach contained in the Queensland *Electoral Act 1992* with:

- (a) a broad definition of a How-to-Vote card;

- (b) making it clear that a How-to-Vote card is a subset of an “electoral advertisement”;
- (c) adds a requirement for How-to-Vote cards to include the details of the candidate or registered political party on whose behalf it has been published; and
- (d) adds a requirement for How-to-Vote cards that the authorisation details must be prominently displayed at the top in appropriate specified font size.

52. The amendments appear to be sufficient to ensure that voters are informed as to the source of the How-to-Vote card and, because they are subject to an objective test (e.g. the contents of the authorisation, the location of the authorisation and the font size), the new provisions should be able to be administered by the AEC with the need for few, if any, additional resources.

53. I trust that the above information is of assistance to the Committee’s Inquiry.

Yours sincerely

Ed Killesteyn  
Electoral Commissioner

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