

Polling and voting

- 4.1 At the 2010 election, some 14 086 869 electors were entitled to cast their votes in order to determine who would govern Australia.¹
- 4.2 Some timing and environmental factors, which are discussed in other parts of this report, affected the ability of some voters to either cast a vote or, as discussed further in this chapter and in Chapter 7 on formality, to have their vote counted.
- 4.3 Irrespective of whether the votes were cast and counted, or cast and rejected, each person who attended a polling place, pre-poll voting centre, mobile polling location, Australian Electoral Commission (AEC) divisional office, or who lodged a postal or other declaration vote, did so in the knowledge that they were free to vote in the way that they chose, and that the election result would be based on the formal votes that were cast.
- 4.4 There is a special quality about elections that are conducted by independent, impartial and professional electoral bodies like the AEC, in accordance with electoral legislation that is inclusive and continues to meet the needs of the community as those needs change.
- 4.5 With this in mind, the Committee examined the events that unfolded at the 2010 federal election to determine where voting processes worked well, where problems were encountered, and sought solutions to voting and polling issues where improvements were needed.
- 4.6 There are a number of ways in which an elector may cast a vote at an election. These include:
- ordinary votes lodged at a polling place on polling day;

1 Australian Electoral Commission, Submission 87, p. 22.

- pre-poll ordinary votes and pre-poll declaration votes lodged at a pre-poll voting centre (PPVC) or AEC divisional office;
- postal votes which require either that an elector be a registered general postal voter (GPV) where postal votes are automatically issued by the AEC for each election or referendum, or by lodging a postal vote application (PVA) with the AEC (including at overseas posts);
- absent votes, lodged as declaration votes at a polling place on polling day in an elector's home state or territory; and
- provisional votes, lodged as declaration votes at a polling place in the elector's home division in circumstances where their name does not appear on the roll, are marked as having already voted, or where their name appears on the roll but their address details are suppressed.

Table 4.1 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*.

Source Australian Electoral Commission, *Submission 87, Table 5.2, p. 75.*

4.7 Each of these types of votes and issues around polling are dealt with by the Committee in this chapter.

Ordinary votes

- 4.8 Ordinary votes are issued to electors at a polling place, at mobile polling facilities, or at pre-poll voting centres in or for their home division. Voters have their names marked off the certified list of voters and they are issued ballot papers for the House of Representatives division in which they are enrolled and a Senate ballot paper for the state or territory in which their respective electoral division is located.
- 4.9 Ordinary voters cast their vote then deposit their ballot papers in ballot boxes before leaving the polling place.
- 4.10 At the 2010 federal election some 11 081 712 ordinary votes were cast in this fashion for the Senate² at 7 760 polling places and 531 pre-poll voting centres, which operated for up to three weeks prior to polling day.³
- 4.11 In respect of polling places and mobile polling teams, the Committee received few submissions which detailed serious problems, however, a number of minor issues were raised, such as:
- the viability of polling places that take a small number of votes;⁴
 - a proposal to lengthen polling time to 11 hours from the current 10 hours;⁵
 - why Norfolk Island electors must cast declaration votes for the division of Canberra, instead of ordinary votes;⁶
 - the viability of mobile polling locations,⁷ and reviewing mobile polling schedules;⁸
 - suitability,⁹ recruitment and training¹⁰ and numbers¹¹ of polling place staff;
 - the font size required on How-to-Vote cards;¹² and

2 AEC website, <http://results.aec.gov.au/15508/Website/SenateVotesCountedByState-15508.htm>, viewed 20 June 2011.

3 Australian Electoral Commission, Submission 87, p. 74.

4 Mr Russel Broadbent MP, Member for McMillan, Submission 9, p. 1; and Mr Rowan Ramsey MP, Member for Grey, Submission 32, p. 1.

5 Ms Lyndall Ryan, Submission 10, p. 1.

6 Mr Duncan Evans, Submission 83, p. 1.

7 Mr Rowan Ramsey MP, Member for Grey, Submission 32, p. 1.

8 Mr Warren Snowdon MP, Member for Lingiari, Submission 70, p. 1

9 Liberal Party of Australia, Submission 94, p. 2.

10 Community and Public Sector Union, Submission 95, pp. 2-3.

11 Liberal Party of Australia, Submission 94, p. 2.

- queuing times at polling places.¹³
- 4.12 However, with the exception of the issues outlined above, it appears that ordinary voting at polling places proceeded well in most cases.
- 4.13 In respect of pre-poll ordinary voting, which was first undertaken at the 2010 federal election, there were two significant failings of process in the divisions of Boothby (SA) and Flynn (Qld) which saw nearly 4 300 votes excluded from the count.
- 4.14 The matters came to light shortly after polling day when the AEC became aware of the apparent premature opening of ballot boxes containing pre-poll ordinary votes at pre-poll voting centres at Oaklands Park in the division of Boothby and at Blackwater and Emerald in the division of Flynn.¹⁴
- 4.15 The AEC issued media releases declaring the seriousness of the matter.¹⁵ On 2 September 2010, the AEC engaged the services of a former senior public servant and a former Electoral Commissioner, Mr Bill Gray AM, to undertake an urgent examination of the facts surrounding each incident and to report his findings, along with recommendations for future action to the Electoral Commissioner.¹⁶
- 4.16 Mr Gray provided his report on 22 September 2010, in which he concluded that there was no evidence of tampering with the affected ballot papers. Mr Gray made three recommendations. They were:
1. That the training materials and working manuals for the OIC [Officer in Charge] 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

12 Liberal Party of Australia, Submission 94, p. 5.

13 Mr Warren Snowdon MP, Member for Lingiari, Submission 70, p. 1; Mr Russel Broadbent MP, Member for McMillan, Submission 9, p. 1; and Mr Duncan Evans, Submission 83, p. 1.

14 Australian Electoral Commission, Submission 87, p. 110.

15 The statements of 31 August 2010 are available on the AEC's website, http://www.aec.gov.au/About_AEC/Media_releases/e2010/index.htm.

16 Australian Electoral Commission, Submission 87, p. 110.

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.¹⁷

4.17 The AEC advised that the three person Electoral Commission met formally on 24 September 2010 and accepted all three recommendations in the Gray report, directing that action be taken to implement them.¹⁸

4.18 As discussed in Chapter 2, inquiry participants, while critical that the incidents had occurred, were of the view that the AEC took appropriate steps to ensure that the events were reported in a transparent manner and that prompt action was taken to investigate and address the causes. Opposition members believe it is important to ensure that events such as this continue to be thoroughly investigated in the future, particularly with the risk of votes being deliberately tampered with. As such, Opposition members believe it is necessary for a fraud division to be established within the AEC to investigate any such claims.

4.19 The AEC submitted that the Commonwealth Electoral Act and the *Referendum (Machinery Provisions) Act 1984* should 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 Commonwealth Electoral Act, and that a savings provision in the event of an official error be included.¹⁹

4.20 The AEC also noted the overall success of the move to issuing pre-poll ordinary votes, submitting that some 996 875 home division pre-poll votes were cast, representing 28.5 per cent of all early votes cast in the election.²⁰

4.21 Issuing pre-poll votes as ordinary votes and counting them on polling night removes the need for the votes to be placed in envelopes and transported to the divisional offices. Further, it takes away the requirement for them to be put through time consuming preliminary scrutiny procedures, thus speeding up the count and allowing more resources to be devoted to other tasks.

17 Australian Electoral Commission, Submission 87, p. 111.

18 Australian Electoral Commission, Submission 87, p. 111.

19 Australian Electoral Commission, Submission 87, p. 113.

20 Australian Electoral Commission, Submission 87, p. 77.

- 4.22 The AEC reported that including those home division pre-poll votes cast as ordinary votes, it counted more than 11 million votes on polling night, which is around one million more votes than were counted on polling night at the 2007 federal election.²¹
- 4.23 The Liberal Party of Australia welcomed the new pre-poll arrangements which allowed pre-poll votes cast in their home division to be counted on election night, submitting that:
- It is undoubtedly advantageous that a significant number of votes are able to be included in the results on the night. Our scrutineers confirmed that, on the whole, the count of pre-poll votes proceeded smoothly and without disruption to the count of ordinary votes.²²
- 4.24 However, the AEC submitted that the practice of requiring electors to complete and sign a declaration when casting ordinary votes was an unnecessary step. It suggested that removing this requirement could potentially speed up the issuing process. The AEC also noted that written declarations are no longer required in a number of state and territory jurisdictions, with no issues of integrity having been reported.²³
- 4.25 On a related note, the AEC asked the Committee to consider changing the timetable for the commencement of pre-poll voting, submitting that the logistical challenges encountered in preparing, proofing, printing and distributing in excess of 43 million ballot papers along with Senate group voting ticket booklets, printed by 11 contracted printing firms distributed across all states and territories, is becoming difficult to achieve. At the 1996 federal election, around 37.5 million ballot papers were printed.²⁴
- 4.26 The AEC noted that just 24 hours is available after the deadline for the lodgement of group voting tickets before pre-poll voting can commence.

Committee conclusion

- 4.27 The Committee notes that the 2010 election was the first at which pre-poll ordinary voting was available, and that despite the mishandling of votes in the divisions of Boothby and Flynn, pre-poll ordinary voting proceeded without incident in all other locations.

21 Australian Electoral Commission, Submission 87, p. 11.

22 Liberal Party of Australia, Submission 94, p. 1.

23 Australian Electoral Commission, Submission 87, p. 79.

24 Australian Electoral Commission, Submission 87, p. 70.

- 4.28 The Committee also notes the actions undertaken by the AEC in dealing with the mishandling of votes. The Committee is satisfied that the AEC has acted appropriately and has taken action to implement the recommendations made in the Gray report.
- 4.29 The Committee, however, notes the criticism levelled at the AEC by inquiry participants and recognises the seriousness of the consequences for voters who would have otherwise had their votes counted.
- 4.30 The Committee shares the view of the AEC that the Commonwealth Electoral and Referendum Acts should be amended to specifically provide that a ballot box may not be opened before the close of polling other than in accordance with provisions in the Commonwealth Electoral Act. However, the Committee does not accept that a savings provision is necessary as the AEC must ensure that circumstances such as those that occurred in Boothby and Flynn do not reoccur.

Recommendation 9

- 4.31 **The Committee recommends that the *Commonwealth Electoral Act 1918* be amended, wherever appropriate, to specifically provide that a ballot box containing votes cast by electors may not be opened before the close of polling other than in accordance with the relevant provisions of the Act.**
- 4.32 Notwithstanding the mishandling of votes, the Committee notes the obvious success of the move to issuing pre-poll ordinary votes, and is confident that there is no justifiable reason for retaining the written declaration for pre-poll votes issued as ordinary votes.

Recommendation 10

- 4.33 **The Committee recommends that the requirement at section 200DH of the *Commonwealth Electoral Act 1918* for an applicant for a pre-poll ordinary vote to complete and sign a certificate be repealed.**
- 4.34 Opposition Committee members feel that section 200DH of the Commonwealth Electoral Act being repealed will increase the likelihood of voter fraud and threaten the integrity of the electoral roll. Providing a signature when placing a pre-poll vote is not an onerous responsibility for the elector and Opposition members believe there is not only no reason to repeal this section of the Commonwealth Electoral Act but doing so could lead to an increase in fraudulent voting. Opposition Committee members therefore reject Recommendation 10.
- 4.35 The Committee understands the complexities involved in preparing, printing and distributing ballot papers in the short window of opportunity that exists following the deadline for the lodgement of group voting tickets.
- 4.36 In respect of other issues relating to timing of events during the election period, the Committee makes recommendations about the timeframes for nominations in Chapter 9.
- 4.37 The Committee notes that if Recommendations 33 and 34 are taken up by the Government, the slight reduction in the nominations period will allow the AEC an extra day for the printing of ballot papers.
- 4.38 The Committee agrees, however, that an application for a pre-poll vote should not be made prior to the Monday, 19 days before polling day.

Recommendation 11

- 4.39 **The Committee recommends that section 200D of the *Commonwealth Electoral Act 1918* be amended to provide that an application for a pre-poll vote cannot be made before the Monday, 19 days before polling day.**

Pre-poll declaration votes

4.40 Just over 1.5 million pre-poll votes were cast at the 2010 federal election, representing an increase of 37.9 per cent of the 1 110 334 pre-poll votes cast in 2007. Pre-poll voting commenced on Monday 2 August 2010.²⁵

4.41 The AEC advised that 531 pre-poll voting centres operated at the 2010 federal election; an increase of 102 from the 2007 election.²⁶ It noted that the increase reflected voter demand and was consistent with recommendations contained in the Committee's report on the conduct of the 2004 federal election, and with comments made in the report on the 2007 federal election.²⁷

4.42 The AEC's State Manager for Queensland, Ms Anne Bright, noted that an increased number of PPVCs were provided in Queensland, but that there were some issues arising from a winter election:

Due to the timing of the election, in winter, there was a marked increase in the number of electors travelling across Queensland and, I would say, the neighbouring states and territory too...

As a result of the number of fellow Australians travelling across Queensland, there was evidence of queues in particular polling places and also some ballot paper shortage issues that arose in various locations.²⁸

4.43 As the 2010 federal election was the first winter election since 1987, the AEC had to provide polling venues in places that had not been serviced for some considerable number of years. Ms Jenni McMullan, AEC State Manager for Victoria, explained:

A winter election meant that there were a lot of people holidaying in the snow and we needed to work out the best way to provide a service to those electors...

As a consequence, we established additional pre-poll voting centres in the towns around the base of the mountains and undertook an extensive advertising campaign through local

25 Australian Electoral Commission, Submission 87, p. 77.

26 Australian Electoral Commission, Submission 87, p. 77.

27 Australian Electoral Commission, Submission 87, p. 77.

28 Ms Anne Bright, State Manager for Queensland, Australian Electoral Commission, Transcript, 4 March 2011, p. 43.

media, flyers at tourism outlets and visual messaging signs along the highways.²⁹

- 4.44 In Western Australia, the AEC took some steps to try and address issues which arise because of the number of fly-in fly-out workers who require pre-poll facilities. The AEC State Manager for Western Australia, Mr Peter Kramer, informed the Committee that:

In 2010, in addition to what we had done before, we included the operation of pre-poll voting centres from six sites for a two-week period leading up to the election day in the domestic and general aviation terminals...

We took a bit over 9,000 votes at the airport polling stations. Given the total size of that workforce we were fairly pleased with that.³⁰

- 4.45 Not all inquiry participants supported the increase in pre-poll availability, with some questioning the rationale behind the establishment of some PPVCs and the number of pre-poll votes issued.³¹
- 4.46 The Nationals submitted that the rise in early voting was cause for concern and called on the Committee to examine the trend to early voting and the application and relevance of the provisions of the Commonwealth Electoral Act.³²
- 4.47 Others noted the inconvenience caused by the increased numbers of travellers and interstate visitors especially in rural and remote centres. The Hon Warren Snowdon MP submitted that:

The large number of tourists voting pre-poll resulted in long queues and wait times at the pre-poll booths and exacerbated the difficulty experienced by the AEC in recruiting sufficient staff for the booths.³³

29 Ms Jenni McMullan, State Manager for Victoria, Australian Electoral Commission, Transcript, 30 March 2011, p. 16.

30 Mr Peter Kramer, State Manager for Western Australia, Australian Electoral Commission, Transcript, 30 March 2011, p. 19.

31 Dr. Mal Washer MP, Submission 7; and Mr Russell Broadbent MP, Submission 9.

32 The Nationals, Submission 93, p. 4

33 The Hon Warren Snowdon MP, Submission 70, p. 2.

Committee conclusion

- 4.48 The Committee notes that the AEC has provided additional pre-poll voting centres in response to recommendations made by the Committee in the past and that attempts are being made to address comments made in previous reports.
- 4.49 The Committee is satisfied that the AEC is taking appropriate actions to address the issues arising out of previous inquiries.
- 4.50 The Committee notes that some inquiry participants were concerned about the increase in early voting and the provision of more PPVCs by the AEC in response to the demand.
- 4.51 However, the Committee is of the view that the electoral system must be adjusted to respond to the changing expectations of the community. One example of these changes, to which the AEC is responding appropriately, is the growing number of fly-in fly-out workers, both in Western Australia and in Queensland. It is appropriate that such workers be afforded an opportunity to participate in elections and the Committee supports moves by the AEC to do so.
- 4.52 However, the Committee also notes the delays to voters, especially those in rural and remote areas, where PPVCs encountered increased demand as a result of the election being conducted in winter.
- 4.53 The Committee takes some comfort that the AEC now has a new winter election benchmark to take into account in its future planning, as indicated in the evidence presented by the AEC State Manager for Queensland, Ms Bright, who advised that:
- I think the winter election in 2010 now gives us a more accurate benchmark as to the likely numbers of people that may be travelling right across Northern Queensland in fact.³⁴
- 4.54 The Committee will continue to monitor the uptake of early voting into the future, with a view to assessing any effects on the efficient conduct of elections.

34 Ms Anne Bright, State Manager for Queensland, Australian Electoral Commission, Transcript, 4 March 2011, p. 49.

Postal voting

- 4.55 Postal voting continues to increase at every election. The AEC submitted that it issued 133 832 more postal votes in 2010 than it did in 2007.³⁵
- 4.56 The AEC advised that it received 821 836 postal vote applications, in addition to the 209 426 General Postal Voters (GPVs) registered, totalling 1 031 262 applications in all.³⁶ It issued 957 322 postal voting packs (PVPs) from within Australia, with another 9 252 PVPs issued at overseas posts.³⁷
- 4.57 Postal voting continues to be an integral element of the democratic process, and is one aspect of election processes that has been successfully modernised over the past decade, reducing workloads in divisional offices, despite its increased usage. Opposition members maintain that much of the success of this system is because political parties process a number of postal vote applications prior to handing them to the AEC, and argue that any change to the legislation which would stop political parties from doing this would significantly increase the AEC's workload.
- 4.58 The AEC utilises an automated process for the production and despatch of postal voting packs, each containing a postal vote certificate (PVC) envelope, ballot papers and postal voting instructions to electors. This process, known as the automated postal vote issuing system (APVIS), was first used at the 1999 referendum and has become a permanent and accepted feature of election processing.
- 4.59 The Committee examined the operation of APVIS following the 2004 federal election at which a number of postal vote issuing irregularities occurred.³⁸ However, since then APVIS has performed to a high standard, with the AEC placing an increased focus on the system and its performance.

35 Calculated by subtracting PVCs issued in 2007 from those issued in 2010, Australian Electoral Commission, Submission 87, p. 82.

36 Australian Electoral Commission, Submission 87, p. 80.

37 Australian Electoral Commission, Submission 87, p. 80.

38 For a full discussion of the 2004 APVIS issues, see Joint Standing Committee on Electoral Matters, *Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, September 2005, Commonwealth Parliament of Australia, available at <http://www.aph.gov.au/house/committee/em/elect04/report.htm>.

4.60 Despite the continued and successful use of APVIS, the Commonwealth Electoral Act does not expressly provide that it may be used. The AEC has submitted that it should do so, and explained that:

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.³⁹

4.61 The AEC noted that few problems were encountered with processing postal vote applications by contractors in 2010. However, it was aware of some instances where lodgement of PVPs with Australia Post was delayed.

4.62 The AEC indicated that it views any delays in the issuing of postal vote certificates to electors with concern, and advised the Committee that it has reviewed the performance with the contractor and has agreed improved processes for the future.⁴⁰

4.63 The AEC again submitted to the Committee that it was aware of delays in the return to it of PVAs sent to political parties by electors in response to political party mail-outs and supplied Table 4.2 below to illustrate its concerns.

39 Australian Electoral Commission, Submission 87, pp. 82-83.

40 Australian Electoral Commission, Submission 87, p. 82.

Table 4.2 Period between witness signature date and receipt of postal vote applications

Date PVA signed	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

Source Australian Electoral Commission, Submission 87, Table 5.6., p. 84.

4.64 Inquiry participants appear to be divided on the issue of political party involvement in the postal voting process. Some, like The Nationals, argued that political parties should not be removed from the postal voting processes, and were opposed to the proposal to require PVAs to be returned directly to the AEC.⁴¹

4.65 The Liberal Party of Australia also opposed any changes which would limit political party participation in postal voting. It submitted that:

The present system for the handling of postal vote applications - including the opportunity for parties to process applications returned to them - has worked well for many years and no significant problems have been identified. The Liberal Party is

41 The Nationals, Submission 93, p. 6.

therefore strongly opposed to any change to the current arrangements.⁴²

4.66 In contrast, the Labor Party proposed that the Committee recommend banning political parties from reproducing and distributing PVAs and making the AEC the sole entity responsible for these functions.⁴³

4.67 The Committee explored the issue during public hearings, in an attempt to find a solution that would be acceptable to all involved in elections. The AEC indicated that it was seeking to address the problems in a way that did not disadvantage political parties. The Electoral Commissioner stated that:

Our concern is the potential for a delay between the sending of the postal vote application back to the political party, who then do whatever they need to do with it, and then the forwarding of it on to us. We need to get the postal vote pack out to the individual very quickly. We believe the way to do that is to have the postal vote application remitted directly back to us, where we can process the postal vote application and send out the certificates, but still look for a way to provide you with information about who was responding and so forth.⁴⁴

4.68 Timeliness of receipt for PVAs was also addressed by the AEC in the context of the cut-off timeframes for PVAs received in Australia for both domestic and overseas despatch. The AEC submitted that:

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.⁴⁵

42 Liberal Party of Australia, Submission 94, p. 3.

43 Australian Labor Party, Submission 55, p. 3.

44 Mr Ed Killesteyn, Australian Electoral Commissioner, Australian Electoral Commission, Transcript, 25 May 2011, p. 16.

45 Australian Electoral Commission, Submission 87, p. 80.

- 4.69 The AEC proposed that the cut-off for domestic issuing purposes should be 6 pm on the Wednesday prior to polling day, consistent with that provided for in New South Wales. For those being posted overseas, the cut-off for a receipt of a PVA should be 6 pm on the Monday prior to polling day. The latter also being consistent with New South Wales provisions.
- 4.70 Opposition Committee members note the Australian Electoral Commission's submission advises that approximately two thirds of electors, over 550,000 people, sent their postal vote application back to a political party. Electors choose this option in the full knowledge they will receive a How-to-Vote card from their chosen political party and the recommendation that all PVAs are now returned only to the AEC contravene the right of an elector to receive voting information. For this reason the Opposition does not support recommendation 13 and believes that voters should continue to have the choice as to where they return their PVA.
- 4.71 Opposition Committee members believe the AEC is seeking unnecessary restrictions on postal voters. The Opposition members note that the AEC has gone to great lengths to assist blind and vision impaired people vote, which is to be applauded, but their recommendation to deny electors the right to send their PVA to their chosen candidate goes against this. It is disappointing to see that once again the AEC's recommendation mirrors the position of the Australian Labor Party. Opposition members strongly believe it is not within the purview of the AEC to recommend changes of this nature, but simply to provide information about the process.
- 4.72 Opposition members feel that moving the day for postal vote applications to be received from 6 pm Thursday before polling day to 6 pm Wednesday before polling day will disadvantage postal voters by giving them less time to send in their application. Postal voters are well aware that there can be a delay in processing forms and leaving it late could mean they don't receive their ballot papers on time. However, it is better to focus on the efficiency of the AEC in processing these forms rather than giving electors less time to send in their application. The task of the AEC is to serve voters, not to make their own job easier.
- 4.73 Opposition members feel that the AEC should conduct a study about the effectiveness of the cut-off dates used at the March 2011 NSW Election, which is being proposed for federal elections. It is important to determine whether these dates affected the number of postal vote applicants and whether the cut-off dates resulted in postal voters missing out on their chance to vote. These members feel that the Committee should consider

the findings of any such study before implementing the NSW system at a federal level.

Committee conclusion

- 4.74 The Committee believes that postal voting is a fundamental aspect of the electoral system in Australia and that it services the needs of many in the community who, for a variety of reasons, are unable to attend a polling place or pre-poll voting centre. Like all voters, Opposition members believe that postal voters have the same right to a secret ballot as do ordinary or pre-poll voters. Opposition members also note that tens of thousands of electors send postal vote applications to their chosen political party knowing that they will receive information about how to vote for that political party prior to Election Day. These members believe that tampering with this system will ensure that voters do not receive adequate voting information.
- 4.75 The Committee notes that postal voting again increased at the 2010 federal election, moving closer toward one million PVPs being issued.
- 4.76 The APVIS, used by the AEC to automate the issue of PVPs has been of significant benefit to the community and to the electoral process, notwithstanding that some minor problems have been experienced as a result of its implementation by the AEC.
- 4.77 The Committee agrees with the AEC that the use of the APVIS should be specifically provided for in legislation and makes the following recommendation to remove any doubt about its use.

Recommendation 12

- 4.78 **The Committee recommends that the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* be amended to specifically allow for the automated issuing of postal votes by the Australian Electoral Commission.**
- 4.79 The Committee further believes that political parties have a right to be involved in postal voting, not least because it provides an opportunity for them to communicate with the electorate, and to provide their campaign material to electors much in the same way as when they hand out how to vote material at polling places and PPVCs. This freedom to communicate with electors is also one of the fundamental aspects of the election process in Australia.

- 4.80 However, the Committee is of the view that the delays associated with PVAs that are returned directly to political parties before being passed on to the AEC are not being reduced to the extent necessary to ensure that all electors receive their postal voting material in the most timely manner.
- 4.81 These delays must be reduced. The Committee has sought to identify a solution to the problem of delays, which does not disadvantage electors or political parties but provides for a more timely issue of PVPs.
- 4.82 The majority of the Committee is satisfied that amending the Commonwealth Electoral Act to require PVAs to be returned directly to the AEC should be made. In addition, amendments should be made to retain the ability for political parties to address campaign material to postal voters in a timely fashion, but in a way that provides a level playing field to all political parties, and does so in a transparent manner. However, the Opposition members believe that this would come at the expense of the postal voter's right to have a secret ballot and denies the right of the voter to choose to communicate solely with the candidate of their choice.

Recommendation 13

- 4.83 **The Committee recommends that the *Commonwealth Electoral Act 1918* be amended to provide specifically that completed postal vote application forms must be returned directly to the Australian Electoral Commission for processing.**

Recommendation 14

4.84 The Committee recommends that, should the Government accept Recommendation 13 above, that the *Commonwealth Electoral Act 1918* be amended to require the Australian Electoral Commission (AEC) to provide particular information contained on postal vote applications processed by the AEC:

- political parties who have endorsed candidates for the Senate for the state or territory, or candidates for the House of Representatives division in which the applicant for a postal vote claims to be enrolled; and
- candidates for election to the Senate for the state or territory, or candidates for the House of Representatives division in which the applicant for a postal vote claims to be enrolled.

The information provided must:

- be made securely available to eligible parties and candidates;
- be protected by appropriate safeguards;
- contain only the surname, given names, date of birth, claimed enrolled address and claimed enrolled division of the applicant, and, if provided by the applicant, the address to which the postal vote is to be delivered; and
- must not include any information that is subject to broader restrictions on release of information currently provided for in the *Commonwealth Electoral Act 1918*.

- 4.85 The majority of the Committee believes that the above recommendation is an appropriate solution to the problem and notes that it can now be done partly as a result of the use of APVIS, but also due to PVA modernisation measures recommended by the Committee following the 2007 federal election that have now taken effect.⁴⁶ Opposition members oppose this recommendation because it ignores the elector's right to a secret ballot if they choose to apply for a postal vote because their details will be made available to parties the elector does not wish to have them. The Australian Greens believe that while the Committee has acknowledged the problems associated with political parties sending postal vote forms to constituents the recommendations do not go far enough in resolving these problems. The Australian Greens support the recommendations to ensure forms are sent straight to the AEC rather than being routed through party offices, but want to see a halt to party-political material being attached to postal vote forms at all.
- 4.86 The Committee agrees with the AEC that the Thursday prior to polling day does not provide sufficient time for PVAs to be processed with the resulting PVPs being received with sufficient regularity to enable the electors to cast votes prior to polling day.
- 4.87 The Committee also agrees with the AEC regarding the cut-off time for PVAs received in Australia that require PVPs to be mailed overseas. However, the Committee notes that the AEC can fax or email such PVAs to overseas posts, where postage times may be sufficient for the despatch of PVPs to electors.

Recommendation 15

- 4.88 **The Committee recommends that subsection 184(5), and any other relevant provisions, of the *Commonwealth Electoral Act 1918* be amended to provide that the deadline for the receipt of postal vote applications be 6 pm on the Wednesday, three days before polling day.**

46 These measures were contained in *The Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010*.

Recommendation 16

4.89 The Committee recommends that section 184, and any other relevant provisions, of the *Commonwealth Electoral Act 1918* be amended to provide that 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 17

4.90 The Committee recommends that the Australian Electoral Commission send postal vote applications received in Australia after the cut-off, for addresses outside Australia, by facsimile, email or by other electronic means, to the most appropriate overseas post for processing, in order that, wherever possible, a postal voting pack may be sent to the applicant in sufficient time for the elector to cast a vote prior to polling day.

Absent voting

- 4.91 Absent voting continues to be a service utilised by many voters, although there is no evidence to indicate that it is increasing at the same rate as forms of early voting, including pre-poll and postal voting.
- 4.92 The AEC's virtual tally room indicates 832 950 absent votes were issued,⁴⁷ and 759 452 absent votes were counted.⁴⁸ This compares favourably with the trend over recent elections.
- 4.93 With the exception of matters already canvassed regarding waiting times in the Northern Territory and queues at some polling places, which may or may not have been attributable to absent voting, there was little comment made to the Committee regarding absent voting by inquiry participants.

47 AEC website, <http://results.aec.gov.au/15508/Website/GeneralDecVotesIssuedByState-15508.htm>, viewed 21 June 2011.

48 AEC website, <http://results.aec.gov.au/15508/Website/SenateVotesCountedByState-15508.htm>, viewed 21 June 2011.

4.94 The AEC, however, submitted that there were efficiencies to be gained if it was permitted to issue both absent and pre-poll ordinary votes. It stated that:

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.⁴⁹

4.95 The Committee sought further information from the AEC and discussed the proposal in some detail during the hearing on 4 March 2011. The Electoral Commissioner indicated that they anticipate growth in declaration voting and had started to explore measures to limit the number of votes in declaration envelopes.⁵⁰

4.96 Under the AEC's proposal, the elector would be marked off an electronic certified list and cast their vote. Their ballot paper would still go in an envelope for transportation to the relevant division, but would be treated as an absent ordinary rather than a declaration vote.

4.97 The use of an electronic list, which could be updated when the voter attends a polling place, would go some way to addressing concerns about possible multiple voting.

4.98 The AEC has proposed a trial at the next election of absentee votes as ordinaries. There were, however, concern was expressed that any attempt to change voting processes should occur at all polling venues, not just some.⁵¹

4.99 However, the Electoral Commissioner explained that the use of technology at every polling place to electronically mark the certified list has its practical limitations, stating that:

There is no doubt that we could have an electronic certified list in every single polling station around Australia. There is no doubt, with the technology that is available, that that could be linked back to a central database and the electoral roll updated almost instantly as people's names are marked off the

49 Australian Electoral Commission, Submission 87, p. 109.

50 Mr Ed Killesteyn, Australian Electoral Commissioner, Transcript, 4 March 2011, p. 10.

51 Senator Scott Ryan, Transcript, 4 March 2011, p. 12.

roll. Technically, it is possible. The cost would be rather large, however. It would be an extreme cost that I am not sure the government would be willing to invest in.⁵²

Committee conclusion

- 4.100 The Committee notes that the use of electronic certified lists is now permitted as a result of recent changes to the Commonwealth Electoral Act arising out of recommendations made by the Committee following its inquiry into the 2007 federal election.
- 4.101 However, the Committee remains concerned to ensure that the pace of change to election processes is one that can be managed by all election participants. Equity is one of the fundamental principles of Australian's electoral system.
- 4.102 Another concern to the Committee is whether the AEC is able to adequately prepare for the logistical arrangements that would be necessary at the next election, should such a move be permitted.
- 4.103 If absent votes were to be treated as ordinary votes, the AEC would be required to move all absent and pre-poll ballot papers issued as ordinary votes in all polling places and pre-poll centres across a state or territory, to the respective home divisions in such a short space of time as is required to ensure that the result is delivered much quicker than is provided for under the current arrangements.
- 4.104 The Committee notes that the AEC already moves large volumes of votes through the declaration vote exchange processes that it currently has in place. However, there are checks and balances in that process, including the retention of counterfoils in issuing divisions, that can be relied upon should some unforeseen event occur to prevent the vote reaching its destination.
- 4.105 The Committee is of the view that the efficiencies that could be gained by such a move justifies conducting a limited trial that can be properly evaluated by the Committee following the next election.
- 4.106 Whilst the Committee recognises that such a trial may not dispel the concerns regarding equity, it is also mindful that a limited trial will help in bedding down some of the various issues and processes that must be worked through in the minds of Committee members before a more permanent change to the Commonwealth Electoral Act is recommended.

52 Mr Ed Killesteyn, Australian Electoral Commissioner, Australian Electoral Commission, Transcript, 4 March 2011, pp. 10-11.

Recommendation 18

- 4.107 **The Committee recommends that section 222 of the *Commonwealth Electoral Act 1918*, and any other relevant provisions, be amended to enable the Australian Electoral Commission (AEC) to undertake a trial at the next election during which absent votes may be issued as ordinary votes in selected polling places where electronic certified lists containing state or territory certified list data are deployed.**
- **Votes issued in this manner must be placed in envelopes designed for the purpose of the trial and are to be forwarded to the Divisional Returning Officers for the divisions for which the vote is issued as soon as practicable following the close of polling.**
 - **When received by the Divisional Returning Officer for the enrolled division, the votes must be removed from the envelopes in accordance with the processes established for the trial and treated and counted as ordinary votes.**
 - **The AEC must keep adequate records of the trial for the purposes of evaluation by the Joint Standing Committee on Electoral Matters following the next federal election.**

Recommendation 19

- 4.108 **The Committee recommends that Part XVA of the *Commonwealth Electoral Act 1918* be amended to specifically allow electronic certified lists to be used as a basis for issuing pre-poll votes as ordinary votes.**
- 4.109 Opposition members feel that this recommendation should be altered to change 'certified lists' to 'copies of the electoral roll'. These members believe that marking off pre-poll votes from an electronic copy of the electoral roll is a good idea to help reduce voter fraud and efficiently process electors, however, using certified data from sources other than the electoral roll dramatically reduces the integrity of the roll and thus it is important to make it clear that only information from the electoral roll is being used. It is the view of Opposition members that Recommendation 19 should therefore read:

The Committee recommends that Part XVA of the Commonwealth Electoral Act 1918 be amended to specifically allow electronic copies of the electoral roll to be used as a basis for issuing pre-poll votes as ordinary votes.

Voting for blind and low vision electors

- 4.110 An important part of the AEC's role in administering the conduct of elections is to maximise the opportunities for eligible electors to exercise their voting franchise, while maintaining integrity in the electoral system.
- 4.111 At the 2010 federal election electors who are blind or have low vision had the choice of being assisted in casting in their vote by a person of their choice or a polling official at a polling place, postal voting or telephone voting through a call centre.
- 4.112 The new telephone voting system was utilised by 410 electors, who were blind or had low vision, during the polling period for the 2010 federal election.⁵³ It was at a cost of \$205 917, equating to approximately \$502 per vote.⁵⁴
- 4.113 Telephone voting involved the elector attending a specified location and having their name marked off the electoral roll. They would then be taken to a private area, where a call would be put through to an official at an AEC call centre.
- 4.114 The call centre operator reads the candidate options and the elector gives instructions on how they want their ballot paper to be marked. This transaction is listened to by a second call centre operator to ensure that the preferences were marked according to the voter's instructions. The identity of the voter is not revealed to the call centre worker, thus providing the voter with some independence and a degree of anonymity.
- 4.115 However, organisations representing blind and low vision persons did indicate that they had received some negative feedback from their memberships about the telephone voting system. They brought to the Committee's attention certain incidents and concerns expressed by blind and low vision voters who utilised the service to vote in the 2010 federal election.

53 Australian Electoral Commission, Submission 87, Annex 6, table A6.1, p. 189.

54 Australian Electoral Commission, Submission 87, p. 89.

4.116 Concerns expressed by Blind Citizens Australia members about telephone voting at the 2010 federal election included:

- the length of time taken to cast votes by telephone;
- privacy when voting, for example in cases where the booth had a curtained or concertina door and the voter was concerned that they could be overheard by others in the vicinity;
- the locations at which telephone voting was available may not have been readily accessible by public transport;
- the accessibility of How-to-Vote information in formats accessible by people who are blind and low vision; and
- limited options for persons with dual sensory (vision and hearing) loss.⁵⁵

4.117 Blind Citizens Australia also noted the short time between the call of the election and the late legislative amendments to permit other methods of voting, namely to provide for the telephone voting option. This meant that voters were not made aware of the telephone voting option at the outset and so many may already have applied for postal vote applications and were not aware that they could still choose to utilise the telephone voting option.⁵⁶

4.118 The Committee also notes Vision Australia's advice about problems experienced by electors who are blind or have low vision, including that:

- there were two incidents of voters' names being inadvertently given to the call centre operators;
- the NSW based contact centre was not properly set up by the first day it was due to be operational for pre-polling, which led to a voter who attended a polling place in Enfield being marked off the roll at 9 am, but was unable cast his vote until mid-afternoon, after twice returning to the polling place;
- some pre-paid mobile phones supplied to polling officials to be used for voters to talk with the contact centre operator ran out of credit; and
- routing problems occurred with the 1800 number used by the polling officials to link the voter with the contact centre.⁵⁷

55 Blind Citizens Australia, Submission 56, pp. 5-9.

56 Blind Citizens Australia, Submission 56, pp. 5-6.

57 Vision Australia, Submission 69, p. 4.

4.119 These incidents aside, generally the feedback about the telephone voting system at the 2010 federal election was positive, with many voters finding it to be a 'satisfactory way to cast a secret, independent and verifiable vote'.⁵⁸ Blind Citizens Australia submitted that:

Many described the system as 'easy', 'stress free', 'simple and pleasant' and stated that AEC officials were helpful and friendly. First time users of electronic assisted voting were particularly grateful for the availability of an accessible voting system...⁵⁹

4.120 In its submission, Blind Citizens Australia quoted feedback from one of its members in regional Victoria, who stated:

The centre is on the other side of town so it took me over an hour by bus to get there, but it was definitely worth it. The system is extremely easy to use. It's certainly not as good as the computer system which was in place in the last federal election, and which will also be available in the upcoming Victorian election on November 27, but it is a far better option than what was available to us before, ie, going into a polling centre and having someone else fill out a ballot paper for you.⁶⁰

4.121 When compared to most previous federal elections, telephone voting was a good additional option for electors who are blind or have low vision. However, some submitters felt that the 2010 telephone voting option fell short of the electronic assisted voting method trialled at the 2007 federal election.

4.122 The Royal Society for the Blind of South Australia, Blind Citizens Australia and Vision Australia all expressed a preference for the electronic assisted voting system trialled at the 2007 federal election over the more limited telephone voting option in 2010.

4.123 The trial of electronic voting at the 2007 federal election involved electronically assisted voting for blind and low vision electors, and remote electronic voting for selected Australian Defence Force personnel serving overseas. The electronically assisted voting component of the trial for blind and low vision electors was at a cost of \$2.2 million, or \$2 597 per

58 Blind Citizens Australia, Submission 56, p. 4.

59 Blind Citizens Australia, Submission 56, p. 4.

60 Blind Citizens Australia, Submission 56, p. 5.

vote. This was in sharp contrast to the average cost for standard voting in the 2007 federal election at \$8.36 per elector.⁶¹

- 4.124 The previous Committee, regrettably, could not support the continuation of the form of electronic voting trialled due to the considerable cost.
- 4.125 Electronic voting options clearly held considerable appeal for electors who require assistance when voting. A number of submitters brought the NSW iVote system to the Committee's attention.
- 4.126 The iVote system is a remote electronic voting option that allows eligible electors to vote by telephone or the internet. This system was in place at the NSW state election in March 2011.
- 4.127 While the impetus for the NSW iVote system was to allow blind and low vision electors to vote independently, the legislation to permit its use extended eligible electors for this option to include electors who are illiterate, or have other disabilities, live more than 20 km from a polling place, or will be interstate or overseas on election day.⁶²
- 4.128 The Royal Society for the Blind of South Australia supports extending the use of electronic voting options to groups other than exclusively to electors who are blind or have low vision, stating that:
- To be viable in the longer term, any system that comes about needs to be not too expensive yet still address the issues or the difficulties blind people have.⁶³
- 4.129 The Committee notes that key features of the iVote system include:
- eligible voters are provided with a iVote number and a PIN;
 - voters have a 12 hour period to complete their vote;
 - the web based option allows voters to navigate the voting application using the assistive technology, screen magnification, synthetic speech screenreader, or refreshable Braille display, that they have at home or work and are familiar with;
 - voters can review their ballot papers before submitting; and

61 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto*, March 2009, Commonwealth Parliament of Australia, p. 50.

62 NSW Electoral Commission website, <http://www.elections.nsw.gov.au/voting/ivote>, viewed 6 April 2011.

63 Ms Katherine Johnson, Royal Society for the Blind of South Australia, Transcript, 30 March 2011, p. 53.

- voters are issued with a receipt number for submitted votes, which can be used to later confirm their vote was counted.

4.130 Vision Australia General Manager, Mr Michael Simpson, indicated the organisation had some involvement in the testing of the iVote system used in NSW prior to its use at the state election in March. He noted that Vision Australia had received 'nothing but positive feedback about the phone system that was deployed and mostly positive comment about the web based system'.⁶⁴

4.131 However, the Computing Research and Education Association of Australasia (CORE) expressed concern and stressed the need for exercising caution in the wider adoption of remote electronic voting technology. The CORE's expert in election voting systems, Dr Teague, stated:

I see four big issues that need to be addressed. One is vote verifiability, meaning whether the vote that gets recorded and transmitted actually is the vote that the voter asked for. Another is whether the privacy of the vote is maintained. Third is voter authentication – in this case I am talking about remote voting. Authenticating the voter is in the sense of making sure you know that the voter at the other end of the internet connection really is the eligible voter that you think they are. Fourth is demonstrating that the vote count is correct. If you take a big system like iVote, it takes in 47,000 votes and tells you at the end what they were. I feel that there needs to be a demonstration that they are clearly correct.⁶⁵

4.132 The Committee notes that the AEC has worked closely with stakeholder groups in developing the telephone voting option for use at the 2010 federal election and options for future elections.

4.133 In its submission, Blind Citizens Australia outlined the stages of the 'road map' that had been developed during the AEC consultations with these groups. It stated:

Stage 1: Telephone assisted voting made available from AEC divisional offices (this was the system used for the 2010 Federal election)...

64 Mr Michael Simpson, General Manager, Vision Australia, Transcript, 18 April 2011, p. 5.

65 Dr Vanessa Teague, Computing Research and Education Association of Australasia, Transcript, 13 April 2001, p. 47.

Stage 2: This interim model will only be used if Stage 3 cannot be implemented in time for the 2013 election. The process will be similar to Stage 1, with the exception of having a person in the call centre. In its place, the call centre will be automated and the system will prompt voters in the same way as the trial model in the 2007 election. This removes the need to have someone physically record the vote and allows for greater secrecy and a greater feeling of independence.

Stage 3: This model is proposed for implementation at the 2016 election and for future elections. Voters will pre-register, receive a PIN and will be able to vote using any telephone, including a telephone in their own home. This will provide the greatest level of independence and secrecy.⁶⁶

- 4.134 The Committee notes the advice from Blind Citizens Australia that the telephone voting option was only a stepping stone towards future voting options that will allow blind and low vision voters to exercise more independence in the casting of their vote.

Committee conclusion

- 4.135 The Committee commends the AEC for its consultation with stakeholders in developing options for blind and low vision electors to cast their votes with a greater degree of independence.
- 4.136 The Committee notes with interest the iVote system utilised by the NSW Electoral Commission for the state election in March 2011. The iVote electronic voting system has considerable potential for enabling blind and low vision electors to vote independently and secretly.
- 4.137 The Committee also noted CORE's advice about the security risks inherent in remote electronic voting systems.
- 4.138 The Committee appreciates that some degree of compromise is necessary when providing voting services to certain groups, such as people who are blind or have low vision, to make the method of voting accessible and ensuring the vote is secure.
- 4.139 The Committee believes that electronic assisted voting systems should be closely examined and rigorously tested, particularly before seeking to extend these options to other groups.

⁶⁶ Blind Citizens Australia, Submission 56, p. 2.

- 4.140 The Committee believes that electronic voting poses the challenge of striking the right balance between accessibility and user-friendliness for the elector and having a system that is reliable, transparent and secure. The Committee anticipates that this issue will feature prominently in future elections.
- 4.141 The Committee looks forward to the AEC progressing the road map it has developed in consultation with stakeholder groups to better ensure that blind and low vision electors can cast their vote with a greater level of independence and security.

Recommendation 20

- 4.142 The Committee recommends that the Australian Electoral Commission continue to work with organisations representing electors who are blind or who have low vision to develop sustainable voting arrangements which will provide secure, secret and independent voting for electors who are blind or who have low vision.**

Antarctic voting

- 4.143 Australians working in Antarctica may cast votes under provisions contained in Part XVII of the Commonwealth Electoral Act.
- 4.144 In order 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.
- 4.145 After the announcement of an election, the AEC liaises with the Australian Antarctic Division to finalise the list of registered Antarctic voters for each station. An Antarctic Returning Officer and an Assistant Antarctic Returning Officer are appointed for each station. Some 49 electors were eligible to cast votes from Antarctic stations in the 2010 federal election, with 43 votes actually cast.⁶⁷
- 4.146 One of the inherent problems with voting in Antarctica is the process used to transfer the votes of electors. While votes are cast in secret, they are placed into envelopes with the electors' names on them. These envelopes are subsequently opened, the ballot papers stapled to them, and, at an

⁶⁷ Australian Electoral Commission, Submission 87, p.p. 91-92

arranged time, a telephone call made by an Assistant Returning Officer to an AEC Operations Manager in Hobart.⁶⁸

- 4.147 The voters' details and the preferences indicated on ballot papers cast by the voters' are transcribed onto ballot papers by an AEC employee in Hobart, the transcribed ballot papers are placed into a pre-poll envelope then sealed and signed by the Australian Electoral Officer for Tasmania.⁶⁹ Votes are subsequently sent to the relevant Divisional Returning Officer where they are admitted to the count along with other pre-poll votes.
- 4.148 The AEC submitted that an opportunity to modernise the process used for Antarctic voters is now available with the introduction of a legal framework which enables development of an electronic voting solution to allow blind and low vision voters to cast a secret ballot. It suggests that the solution adopted for blind and low vision voters could be extended to Antarctic voters, affording them the same opportunity to cast a secret ballot.⁷⁰
- 4.149 The AEC notes that the solution used at the 2010 election, discussed earlier in this chapter, could be adopted as telephone facilities are available at Antarctic Stations and the supply vessel. The AEC further noted that in the event of system failure, it would be possible to have the current process in reserve to provide a back-up process.⁷¹
- 4.150 Under the existing legislative provisions, the AEC is obliged to compile a list of Antarctic electors who are based at each station. A person is only entitled to vote and receive a ballot paper if they appear on the list of electors at the particular station.
- 4.151 The AEC notes that with the increasing accessibility of Antarctica, and the mobility of expeditioners in the summer months, the current arrangements pose challenges for ensuring that a list of electors at a station reflects those electors who are actually based there as at the time of polling.⁷²
- 4.152 The AEC recommended that there were efficiencies to be achieved if the Commonwealth Electoral Act was amended to enable the production of a list of all Antarctic electors to be used at all Antarctic polling stations.⁷³

68 Australian Electoral Commission, Submission 87, pp. 91-92

69 Australian Electoral Commission, Submission 87, p.p. 91-92

70 Australian Electoral Commission, Submission 87, p.p. 91-92

71 Australian Electoral Commission, Submission 87, p.p. 91-92

72 Australian Electoral Commission, Submission 87, p. 93.

73 Australian Electoral Commission, Submission 87, p. 93.

Committee conclusion

- 4.153 The Committee sees merit in utilising the system which is already in operation for blind and low vision voters, to provide a secret ballot for the benefit of Antarctic electors, noting that there has been no final decision made yet as to what system might eventually be used into the future for blind and low vision voters.
- 4.154 The Committee believes it is appropriate that any system used for the benefit of blind and low vision electors could also be used by Antarctic electors.
- 4.155 The Committee believes that there is no reason to restrict the voting of Antarctic electors to a particular station, and finds merit in the AEC's proposal that a list of all Antarctic electors be available at each Antarctic Station.

Recommendation 21

- 4.156 **The Committee recommends that Part XVII of the *Commonwealth Electoral Act 1918* 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 electors.**

Recommendation 22

- 4.157 **The Committee recommends that Part XVII of the *Commonwealth Electoral Act 1918* be amended to enable the production of a list of all Antarctic electors to be used at all Antarctic Polling Stations.**

How-to-Vote cards

- 4.158 One of the benefits of the legislation under which elections are conducted in Australia is that the publication of How-to-Vote cards (HTVs) is both permitted and regulated.
- 4.159 Regulation is achieved by the operation of section 328B of the Commonwealth Electoral Act, which requires that HTVs must be authorised by or on behalf of a political party or candidate.

- 4.160 The authorisation must appear at the top or bottom of each printed face of the HTV and must contain the name and address of the person who authorised it, the name of the political party, or if not endorsed by a political party, the candidate's name and the word 'candidate'.
- 4.161 Subsection 328B (2) of the Act specifies the font sizes in which the authorisation must appear and provides that the font size is determined by the size of the printed HTV. The relevant provisions relating to font size were not in place at the 2010 election but have since been implemented.
- 4.162 The Liberal Party of Australia noted that while it was not required to implement the font sizes for authorisations used at the 2010 election, it did so, seeking to observe the spirit of the amendment. The Liberal Party submitted to the Committee that the font size specified was too large, noting that:
- The principle that the authorisation can be readily seen by voters is important. However, we believe that the font sizes prescribed need adjusting. The font sizes currently outlined in the Act are impractically large for some sizes of card.⁷⁴

Committee conclusion

- 4.163 The Committee notes the issue of font sizes on How-to-Vote cards raised by the Liberal Party of Australia.
- 4.164 The Committee is mindful that the font sizes specified for HTVs will affect all political parties and candidates and believes that in order to address the issue raised, it would not be appropriate for the Committee to propose alternative font sizes. However, the Committee considers it appropriate to recommend that the font sizes be reviewed.

Recommendation 23

- 4.165 **The Committee recommends that the Government review the minimum font sizes specified in section 328B of the *Commonwealth Electoral Act 1918* as being required for the authorisation on How-to-Vote cards.**

74 Liberal Party of Australia, Submission 94, p. 5.