

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL ESTIMATES 2014-15

Finance Portfolio

Department/Agency: Australian Electoral Commission

Outcome/Program: General

Topic: Pre-polling

Senator: Xenophon

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Type of question: Written

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Question:

I refer to reports of early voting as the fastest-growing trend in Australian electoral participation. At the 2013 Federal Election, I understand some 2.5 million Australians voted before Election Day – an increase of one million since the 2010 numbers.

1. Can the AEC provide a breakdown of the total amount of votes cast prior to Election Day in the 2007, 2010 and 2013 Federal Elections by:
 - a) State;
 - b) Pre-poll voting;
 - c) General Postal voters;
 - d) Electors living overseas; and
 - e) Silent Electors.
2. What research has the AEC conducted into this increasing trend, and what were the findings?
3. On what grounds is pre-polling specified under the Commonwealth Electoral Act?
 - a) Are voters casting pre-poll votes under these grounds?
4. During the 2007, 2010 and 2013 Federal Elections, how many pre-poll voting centres were established?
 - a) At what cost to the taxpayer are these centres? Can you also advise of what cost this is as a percentage of Total Election spends for 2007, 2010 and 2013?
5. I understand voters do not have to state the grounds under which they are applying for a pre-poll vote. Does the AEC consider that this information would assist in addressing the reasons behind this trend? Are there options currently which would let voters elect to provide this information?

6. With the increasing number of pre-poll voting, does the AEC consider this could disadvantage independents and minor parties who have limited resources to provide campaign materials to voters prior to Election Day?
7. Can increased amounts of early votes result in delayed election results?
8. I refer to an article published on The Conversation on 5 February 2015 ‘Why more and more Australians are voting before election day’ by Nathaniel Reader (<http://theconversation.com/why-more-and-more-australians-are-voting-before-election-day-37159>). The article states, “One of the key tenets of democratic theory is that citizens should, as much as possible, vote at the same time”. Does the AEC agree with this statement?
 - a) Does the AEC agree doing so confers equality on the contest?
 - b) Is it reasonable to suggest that if some people vote prior to the election there is always the chance they may miss a major campaign announcement that could influence their vote?
9. With regards to postal votes, I understand political parties are able to send out postal vote application forms across whole electorates, with reply-paid envelopes for return to the MP or candidate, rather than to the AEC.
 - a) How many complaints were received by the AEC about this practice in the 2013 Election?
 - b) There are concerns that parties often deliberately design materials in ways that allow unsuspecting voters to believe they are dealing with the AEC. What are the existing regulations for MPs and Candidates with regards to sending out and receiving postal vote application forms?
 - c) What safeguards does the AEC have in place to protect the integrity of the process?

Answer:

1. In response to 1 a) and 1 b), the total amount of House of Representatives votes cast prior to Election Day in the 2007, 2010 and 2013 Federal Elections were:

Event	Vote Type	ACT	NSW	NT	QLD	SA	Tas	Vic	WA	Total
2007	Pre-poll votes issued	39,552	380,955	17,401	175,456	58,536	21,221	339,397	77,816	1,110,334
	Postal votes (a)	10,485	220,040	3,648	164,333	54,864	18,076	225,953	52,167	749,566
2010	Pre-poll votes issued (b)	51,325	508,758	23,571	273,032	73,076	27,386	449,397	124,756	1,531,301
	Postal votes (a)	9,235	223,042	3,509	194,721	76,088	24,184	257,824	66,123	854,726
2013	Pre-poll votes issued (b)	85,778	875,440	26,445	524,572	114,859	35,921	710,181	169,416	2,542,612
	Postal votes	11,603	306,636	4,011	252,648	78,086	26,069	359,679	94,898	1,133,630
Notes										
a.	The number of postal vote certificates returned by voters.									
b.	Includes pre-poll votes made by electors within their own division (termed pre-poll ordinary votes) which are counted with ordinary votes on polling night.									

In relation to 1 c) – as all General Postal Voters (GPVs) cast postal votes, they would all be considered to have cast early votes (unless they cancelled their postal vote and voted on polling day instead). The number of GPVs at the 2013 Federal Election was

230,926. The number of GPVs at the 2010 Federal Election was 209,426 and the number at the 2007 Federal Election was 168,948.

In relation to 1d) and 1e) - the Australian Electoral Commission (AEC) does not have data readily available on when votes were cast by Electors living overseas and Silent Electors as they may have voted as an ordinary or provisional voter on polling day, by postal vote or pre-poll vote (either ordinary or declaration). To provide the level of detail sought for these categories would involve an unreasonable diversion of agency resources.

2. The AEC has undertaken research on recent trends in early voting. This research has examined a range of factors, including:

- Current early voting trends
- Characteristics and motivations of early voters
- The likelihood for early voting to become habitual
- Impacts of increased early voting on election management bodies

The findings of this research were presented at the Australian Political Studies Association Conference last year (2014) and the research paper is publically available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2440075

3. Section 200A of the *Commonwealth Electoral Act 1918* (the Act) provides for the grounds of application for a pre-poll vote. Those grounds are then set out in Schedule 2 to that Act. Pre-poll votes are cast in accordance with those grounds.

4. For the 2007 Federal Election 429 pre-poll voting centres were established, for the 2010 Federal Election 531 were established, and for the 2013 Federal Election 645 were established. To provide this level of detail would involve an unreasonable diversion of agency resources.

5. This is a policy matter on which it would not be appropriate for the AEC to comment.

6. This is a policy matter on which it would not be appropriate for the AEC to comment.

7. This is a hypothetical question to which the AEC has no response.

8. This is a policy matter on which it would not be appropriate for the AEC to comment.

9. a). The AEC received approximately 150 complaints, out of a total of 1,329,215 postal votes applications (PVAs) processed, about the PVAs sent out by political parties for the 2013 Federal Election.

b) and c). As the PVA is an approved form under the Act, political parties are required to reproduce all of the information contained within the published (approved) version of the AEC's PVA.

Prior to the 2013 Federal Election, the AEC issued the following guidelines to political parties and candidates:

“The Act requires that a postal vote application (PVA) be in the approved form. An approved form is one that is approved by the Australian Electoral Commission (AEC) by notice published on the AEC's website.

Parties and candidates wishing to reproduce the PVA may obtain a camera-ready copy of the approved form from the Director, Election Services Delivery in the AEC's National Office by phoning 02 6271 4723 or emailing elections@aec.gov.au.

Section 184AA of the Act provides that a PVA may be physically attached to, or form part of, other written material issued by any person or organisation. It is the AEC's view that any reproduction of the PVA by parties or candidates must reproduce all of the text of the approved form. The information is required to enable electors to submit a valid application. It is accepted however that parties and candidates may use the blank space on the form for their own purposes, or attach information to the form.

The AEC does not approve PVAs reproduced by parties or candidates and independent legal advice should be sought by any party or candidate intending to produce a PVA that amends the text of the approved form.

AEC policy allows for a once off allocation of 200 PVAs printed by the AEC to be supplied to the electorate office of each Senator and each Member of Parliament on announcement of the Federal election, in order to cater for constituents who might come to an electorate office seeking a postal vote application.

If you produce PVAs, you need to be aware that restrictions apply to the timing of their distribution to electors:

- Postal vote applications may not be made until the issue of the writs or the announcement of polling day, whichever is earlier. If a PVA is dated by an elector prior to the issue of the writs or the announcement of polling day it is not a valid application and must be rejected by the AEC. This is the case even if that application is received by the AEC after the issue of the writs or the announcement of polling day.
- To avoid this problem the AEC does not distribute PVAs to post offices and the electorate offices of Senators and Members of Parliament, or publish the postal vote application on its Internet site, until the announcement of an election/referendum.
- To ensure that the franchise of potential postal voters is not put at risk, the AEC requests that parties and candidates also do not make any PVAs available to electors until the announcement of an election/referendum.

The current version of the form reflects current legislation. Should the legislation change between now and the election, then the AEC will make any necessary changes and publish a new version of the PVA. It is important to note that if that happens, then any material produced in the interim would be unusable and reprinting would be required.”

c). See the AEC’s Guidelines to political parties and candidates at b) above.