

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Finance and Administration Portfolio

Australian Electoral Commission

Budget Estimates Hearing – May 2007

Question: F51, F62-64

Outcomes 1 and 2, Outputs 1.1 and 2.1.1

Topic: What AEC checks when the election is very close, multiple voting, and prioritising

Hansard Page: F&PA 46; and

Written Questions on Notice

Senator Fierravanti-Wells asked:

F51: Senator FIERRAVANTI-WELLS—Perhaps you could take that on notice and provide me with a detailed response about what would happen if the vote was very close and in particular the sorts of checks that you would undertake. ...

F62: Please provide details of all electorates where multiple voting was experienced at the last Federal Election.

F63: Where there have been instances of multiple voting at the last federal election, please specify what action, if any, was taken in each of those federal electorates where the multiple voting was experienced.

F64: In relation to questions F57-F62, did you adopt any form of priority eg. Were investigations in marginal seats given a priority?

Answer:

The AEC conducts a full recheck of all ballot papers returned from polling places in the week after polling day. Declaration votes are also rechecked. These processes may be observed by scrutineers.

Details regarding multiple voter follow-up from the 2004 Federal Election are contained in the AEC report to the Joint Standing Committee on Electoral Matters of December 2006 titled “Statistics on Non-Voting and Multiple Voting at the 2004 Federal Election”. A copy of the report is provided at [Attachment A](#).

In relation to multiple voting, following polling day, all certified lists of voters, on which voters' names have been marked off, are optically scanned. From this process, apparent non-voter and multiple marks lists for each division are prepared. These lists are then reviewed to determine if there is any evidence of apparent multiple voting sufficient to affect the result of the election. The certified lists for divisions where the

result appears to be close are scanned first and a higher priority is then given to the review of the resulting multiple mark lists in those Divisions.

In a small number of cases of multiple voting, eg where an elderly and confused person casts a postal vote and also accidentally votes at a polling place on polling day, the AEC takes no further action. Where there is no satisfactory explanation in response to the multiple voter notices sent to suspect electors or no reply to the notices or the voter admits to voting more than once, the cases are referred by Divisional Returning Officers (DRO) to the Australian Electoral Officer (AEO) for the State or Territory for further consideration. All multiple voting cases involving three or more marks are referred to the AEO.

Cases where there appears to be sufficient evidence to pursue the matter further are then referred by the AEO to AEC National Office (eg where voted more than twice in close proximity to enrolled address and no response to AEC notices). Senior staff at the AEC then determine whether the cases should be referred to the Australian Federal Police (AFP) for investigation taking into account the Prosecution Policy of the Commonwealth, the AEC Prosecution Policy and the AFP's Case Categorisation and Prioritisation Model.

Following the 2004 Federal Election, the AEC referred 64 cases of apparent multiple voting to the AFP, which were initially not accepted for investigation on the grounds of resource constraints. However, following discussions between the AEC and the AFP, the AFP suggested a 'day of action' to investigate a discreet number of previously rejected cases (25 of the 64 cases referred) and pursue these by conducting formal interviews with the alleged offenders. The day of action occurred on 28 September 2005.

The AFP advised that in most cases the electors denied multiple voting and in the absence of other proof there was insufficient evidence available to proceed to prosecution. While the AEC continued liaison with the AFP in the light of evidence it obtained and advice from the DPP, there were no prosecutions for multiple voting in the 2004 Federal Election.

With respect to enrolment matters, priority is not given to marginal seats. With respect to roll review, activities are undertaken to target people who are in under-enrolled groups, such as youth, and areas where there is high growth or high turnover of residents. The AEC's major ongoing roll review activities (continuous roll review) is targeted to people for whom the AEC has received information that they have moved and not updated their enrolment, or that have recently become entitled to enrol but have not enrolled.