



Inquiry into voter participation and informal voting in Victoria

Report to Parliament

Electoral Matters Committee

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Committee information

Functions of the Committee

The Electoral Matters Committee is a Joint Investigatory Committee of the Parliament of Victoria. The Committee comprises seven Members of Parliament drawn from both Houses.

The powers and responsibilities of the Committee are determined by the *Parliamentary Committees Act 2003* (Vic). The functions of the Committee, as defined by Section 9A, are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with—

- The conduct of parliamentary elections and referendums in Victoria;
- The conduct of elections of Councillors under the *Local Government Act 1989* (Vic); and
- The administration of, or practices associated with, the *Electoral Act 2002* (Vic) and any other law relating to electoral matters.

Matters are referred to the Committee either by resolution of the Council or the Assembly or by Order of the Governor in Council. The *Parliamentary Committees Act 2003* (Vic) also enables a Joint Investigatory Committee to inquire into and report to Parliament on any annual report or other document relevant to its functions and which have been laid before either House of Parliament.

Committee members

Mr Adem Somyurek MLC (Chair)

Mr Michael O'Brien MP (Deputy Chair)

Hon Candy Broad MLC

Hon Christine Campbell MP

Mr Peter Hall MLC (1 March 2007 – 10 June 2008)

Mr Robin Scott MP

Mr Murray Thompson MP

Mr Philip Davis MLC (from 10 June 2008)

Staff

Executive Officer:	Mr Mark Roberts
Research Officer:	Dr Natalie Wray
Research Officer/	
Committee Administration Officer:	Mr Nathaniel Reader

Committee contact details

Address:	Parliament House Spring Street East Melbourne Victoria 3002
Telephone:	(03) 8682 2885
Facsimile:	(03) 8682 2858
Email:	emc@parliament.vic.gov.au
Internet:	http://www.parliament.vic.gov.au/emc

Terms of Reference

On 5 May 2008, the Electoral Matters Committee, pursuant to Section 33(3) of the *Parliamentary Committees Act 2003* (Vic), self-referenced an inquiry to consider and report to Parliament by 30 June 2009 on issues relating to voter participation and informal voting.

Acknowledgements

The Electoral Matters Committee would like to thank Mignon Turpin for her editing work and Matt Clare of Mono Design for the cover design.

Chair's Foreword

The Electoral Matters Committee ('the Committee') is pleased to present this report on its inquiry into voter participation and informal voting to the Parliament of Victoria.

Encouraging voter participation is currently a major concern worldwide. Research shows a trend towards declining electoral participation in many established democracies, including Canada, the US and the UK. While these countries do not have a compulsory voting system like Australia, election results from these countries help put the issue of declining participation in context. For instance, in 2008, turnout at the 40th Canadian general election was 59.4 percent – the lowest rate ever recorded for a Canadian general election. In the UK, the voter turnout at the 2005 general election of 61.4 percent was the third lowest rate since the turn of the 20th century and, in fact, the third lowest since 1847. In the US, while voter turnout rates have improved in recent years, during this inquiry the Committee learnt that there are still major impediments to full electoral participation, based on ethnicity, educational attainment and voter registration practices.

Australia has a long history of free and fair elections. Voter turnout rates for Australia federal elections are amongst highest in the world. In Victoria, the average voter turnout rate for Victorian state elections since 1976 is 93.38 percent: at this level, Victoria too has one of the highest voter turnout rates for periodic general elections worldwide. Victoria's enrolment rate has also consistently been above the national average, ranking third or fourth among the states and territories.

However, while all Australians and Victorians should be proud of their democratic heritage, during this inquiry the Committee learnt that Victoria cannot afford to rest on its laurels. As is the case worldwide, Victoria is facing a number of major challenges to ensure that all eligible Victorians participate in the electoral process. Statistics from recent Victorian state elections suggest there are a number of undesirable trends in relation to Victoria's democratic performance that need to be addressed – this has been the Committee's focus during this inquiry.

The first of these trends relates to electoral enrolment. While it is true that Victoria has one of the highest rates of electoral enrolment in Australia, during this inquiry the Committee learnt that approximately 250,000 eligible Victorians are not on the electoral roll, and are not participating in the electoral process. At the 2006 Victorian state election, as many as 66,000 eligible Victorians attempted to vote but had their ballots rejected because they were not on the electoral roll. In addition to this, there are a significant

number of Victorians who are enrolled but not participating in elections – at the 2006 Victorian state election, the Victorian Electoral Commission issued 146,474 “Apparent Failure to Vote” notices to eligible Victorian electors.

The Committee considered a range of strategies to increase electoral enrolment in Victoria. The Victorian Electoral Commission informed the Committee that traditional enrolment enumeration processes are no longer as effective as they once were. Many people, particularly those groups most likely not to enrol to vote, such as young people aged 18 to 25, are simply not returning enrolment forms or responding to mail-outs. Of all the strategies the Committee considered, automatic enrolment clearly has the most potential to increase the number of people on the electoral roll in Victoria, although not all members of the Committee agreed with this proposal.

Voter turnout was another major concern during this inquiry. As noted earlier, voter turnout rates have declined, or are declining, in many Western democracies. To some extent, Australia and Victoria are immune from reaching the low levels of turnout seen in the US and the UK, due to Australia’s compulsory voting system. Nevertheless, this sort of systemic protection should not be a cause for complacency. During this inquiry the Committee considered a range of initiatives to encourage voter turnout in Victoria, and recommended changes to the three-month rule for voting and strategies to encourage community groups with low levels of electoral participation to vote at election time.

Of all the trends addressed by the Committee, the most concerning relates to informal voting. At the 2006 Victorian state election, the informal voting rate for the Legislative Assembly was 4.56 percent, having increased from 3.42 percent at the 2002 Victorian state election. This is the highest rate of informal voting for the Legislative Assembly ever recorded for a Victorian state election. It is also concerning that a large number of Victorians who voted and expressed a clear preference for a candidate did not register a formal ballot because the ballot paper was not filled out correctly according to legislation: results from a VEC survey of a sample of informal ballot papers at the 2006 Victorian state election found that approximately 40 percent of informal District ballots indicated a clear preference by the voter, either as a number “1” or a tick or cross. Practices in other Australian jurisdictions, such as South Australia which has ticket voting and savings provisions in its electoral legislation, appear to offer a way to permit these types of votes to be included in the election count and thus increase the rate of formal voting at Victorian state elections. Again, not all Committee members agreed with this view or the Committee’s recommendation to investigate changes to formality interpretation.

Evidence suggests there is a strong correlation between informal voting and voters from non-English speaking backgrounds. Building on the Committee's work during the inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee made a number of recommendations in this report to improve electoral participation by Victorians who have difficulty accessing the electoral process.

While there are a number of community groups in Victoria with low levels of electoral participation, evidence received by the Committee shows that throughout Australia young people aged 18 to 25 years need to be encouraged to enrol to vote. This is particularly the case for those aged 18 and 19 years; while the average electoral enrolment rate for Australians aged 20 to 25 years is 86.35 percent, the average enrolment rate for those aged 18 and 19 years is nearly 20 percent below this figure. Teaching young people about the value and importance of their vote at a young age through school-based civics and citizenship education programs clearly seems to be the most appropriate strategy to encourage youth electoral enrolment. Young people who learn about democracy and voting at school are more likely to participate in civic activities as they grow older.

All of these initiatives are designed to strengthen Victoria's democracy, and encourage electoral participation by all members of the Victorian community.

In closing, I would like to point out that this inquiry has taken place at a time of great interest in electoral reform around Australia. Like the Committee's previous inquiry into political donations and disclosure, this inquiry has been informed by the Commonwealth Government's Electoral Reform Process, and the Australian Government's stated commitment to harmonise aspects of Australia's electoral laws. While the Committee is committed to the harmonisation of electoral laws, during this inquiry the Victorian Electoral Commissioner suggested there was scope for Victoria to make significant improvements to its electoral laws independent of the Commonwealth.

On behalf of the Committee, I would like to thank all those who provided submissions and appeared before the Committee to give evidence, both in Victoria and internationally. Given that participation has been a central theme in this inquiry, the Committee was pleased that it received evidence from a diverse range of inquiry participants, including academics, electoral administrators, interest groups and members of the public.

I would like to thank the Committee members for their contribution to the inquiry. As was the case during past inquiries, the Committee's investigations were enhanced by members' bipartisan approach. Where there have been disagreements about particular policy approaches and

recommendations, I am pleased to say that this has not detracted from the quality of the final report.

Finally, I would like to thank the Committee Secretariat for their work on this inquiry. Mr Mark Roberts, the Committee's Executive Officer, provided valuable leadership throughout the inquiry. I would also like to thank the Committee's research staff – the principal researcher for this inquiry, Mr Nathaniel Reader, and Dr Natalie Wray – for their significant contribution to the report.

Adem Somyurek MLC

Chair

Electoral Matters Committee

27 July 2009

Recommendations

Recommendation 2.1: The Victorian and Commonwealth Governments consider how best to harmonise electoral laws to ensure a uniform and consistent approach.

Recommendation 3.1: The Committee recommends the Victorian Government examine legislative reform to achieve the following goals:

- Maximising the electoral enrolment of eligible Victorians, including enforcement of the compulsory enrolment provisions of the *Electoral Act 2002 (Vic)*; and
- Ensuring the accuracy of the electoral roll and prevention of fraudulent enrolment.

The examination should consider the following options:

- Smart enrolment;
- Automatic enrolment;
- Election day registration (EDR); and
- A dormant roll.

Recommendation 4.1: The Victorian Government amends the *Electoral Act 2002 (Vic)* to exempt electors who change residential address (but remain within their existing electorate) without updating their enrolment.

Recommendation 5.1: The Victorian Electoral Commission continues to analyse informal voting statistics following all Victorian state elections and publishes the results in the form of an informal voting survey in its election report to Parliament.

Recommendation 5.2: The Victorian Electoral Commission continues to develop advertising in the lead up to Victorian state elections to advise voters of the different voting requirements for the Victorian Legislative Assembly and Legislative Council.

Recommendation 5.3: The Victorian Government examine legislative reform to the formality interpretation provisions in the *Electoral Act 2002 (Vic)* to maximise the electoral participation of eligible Victorians, whilst maintaining a system of compulsory preferential voting. The examination should consider South Australian ticket voting and other possible rules governing the informality of ballots and savings provisions.

Recommendation 6.1: The Victorian Electoral Commission considers including in their annual report to Parliament a section specifically examining youth electoral enrolment and electoral participation.

Recommendation 6.2: The Victorian Electoral Commission considers examining the feasibility of conducting electoral enrolment drives at Victorian universities, TAFE colleges and secondary schools in the year of Victorian state elections.

Recommendation 6.3: The Victorian Government fully funds the Victorian Electoral Commission's *Passport to Democracy* program, given its potential to increase electoral enrolment and voter turnout amongst young people.

Recommendation 6.4: The Victorian Electoral Commission considers introducing SMS reminders for electoral enrolment and voting.

Recommendation 7.1: The Victorian Government reviews the *Electoral Act 2002 (Vic)* to ensure compliance with the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

Recommendation 7.2: The Victorian Government makes representations to the Commonwealth Government to progress the Premises Standards which will harmonise the Australian Building Code and the *Disability Discrimination Act 1992 (Cth)*.

Recommendation 7.3: The Victorian Electoral Commission considers encouraging all aged care facilities to include an electoral enrolment form in the welcome pack for new residents.

Recommendation 7.4: The Victorian Electoral Commission considers developing further partnerships with aged care service providers in order to provide electoral education for residents, carers and facility administrators.

Recommendation 7.5: The Victorian Electoral Commission considers appointing community members as 'Democracy Ambassadors' during electoral events to directly liaise with relevant communities.

Recommendation 7.6: The Victorian Electoral Commission considers conducting community education on formal voting provisions for those from non-English speaking backgrounds.

Recommendation 7.7: The Victorian Electoral Commission considers making representations to the Australian Electoral Commission and the Electoral Council of Australia regarding the development of electoral enrolment forms in languages other than English.

Recommendation 7.8: Subject to the outcome of Recommendation 7.7, the Victorian Government considers funding electoral enrolment forms in languages other than English and/or considers funding the development of an in-language companion form to be provided with the electoral enrolment form.

Recommendation 7.9: The Victorian Electoral Commission continues to develop strategies to encourage renters and persons who are geographically mobile to maintain their electoral enrolment details.

Recommendation 7.10: The Victorian Government makes representations to the Commonwealth Government to amend Section 96 of the *Commonwealth Electoral Act 1918* (Cth).

Recommendation 7.11: The Victorian Government amends Section 23(4) of the *Electoral Act 2002* (Vic) to exempt only those classified as homeless from the requirement to notify the Victorian Electoral Commission in writing of a person's new address within 21 days after being entitled to be enrolled on the register of electors in respect of living at that new address.

Recommendation 7.12: The Victorian Government funds the Victorian Electoral Commission to continue to expand the location of mobile voting centres to organisations serving people experiencing homelessness.

Recommendation 7.13: The Victorian Government funds the Victorian Electoral Commission to provide information to persons experiencing incarceration, corrections service providers, and the Department of Justice to enhance the prisoner franchise in Victoria.

Recommendation 7.14: The Victorian Government makes representations to the Commonwealth Government to amend the *Commonwealth Electoral Act 1918* (Cth) to reduce the complexity of the process involved with registration as an overseas elector.

Recommendation 7.15: The Victorian Electoral Commission considers including in its annual report to Parliament a section specifically examining electoral engagement activities.

Recommendation 8.1: The Victorian Government considers introducing the Weighted Inclusive Gregory Method of counting votes for the Legislative Council.

Recommendation 8.2: The Victorian Government amends the *Electoral Act 2002* (Vic) to allow very limited electronic voting trials for those eligible electors with a motor-impairment, people with poor English-language skills and people who are illiterate in English.

Recommendation 8.3: The Committee supports the current penalty quantum and arrangements for electors who fail to vote without a valid and sufficient excuse.

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Abbreviations

€	Euro
ABC	Australian Broadcasting Corporation
ABS	Australian Bureau of Statistics
AEC	Australian Electoral Commission
ALP	Australian Labor Party
ANAO	Australian National Audit Office
ARC	Australian Research Council
ATS	Austrian Schilling
AUD	Australian Dollar
BRL	Brazilian Real
CALD	Culturally and Linguistically Diverse
CD	Compact Disc
CIRCA	Cultural and Indigenous Research Centre Australia
CIRCLE	Centre for Information and Research on Civic Learning and Engagement (Tufts University)
CORE	Computing Research and Education Association of Australasia
CPS	Current Population Survey
CRU	Continuous Roll Update
Cth	Commonwealth
DFAT	Department of Foreign Affairs and Trade
DVD	Digital Versatile Disc
EARC	Electoral and Administrative Review Committee
EDR	Election Day Registration
ECCV	Ethnic Communities' Council of Victoria
ICCPR	International Covenant on Civil and Political Rights

IDEA	Institute for Democracy and Electoral Assistance
JSCEM	Joint Standing Committee on Electoral Matters
MLC	Member of the Legislative Council
MOU	Memorandum of Understanding
MP	Member of Parliament
NESB	Non-English Speaking Background
NSW	New South Wales
NZ	New Zealand
PILCH	Public Interest Law Clearing House
PR	Proportional Representation
QLD	Queensland
SA	South Australia
SG	Singapore
SMS	Short Message Service
UK	United Kingdom
UN	United Nations
UNYA	United Nations Youth Association
US	United States of America
VAP	Voting Age Population
VCAA	Victorian Curriculum and Assessment Authority
VCE	Victorian Certificate of Education
VEC	Victorian Electoral Commission
VELS	Victorian Essential Learning Standards
VEP	Voting Eligible Population
Vic	Victoria
VMC	Victorian Multicultural Commission
WA	Western Australia

WIGM	Weighted Inclusive Gregory Method
YES	Youth Electoral Study

Chapter 1: Introduction

- 1.1 On 5 May 2008 the Electoral Matters Committee (“the Committee”), pursuant to Section 33(3) of the *Parliamentary Committees Act 2003* (Vic), self-referenced an inquiry to consider and report to Parliament by 30 June 2009 on issues relating to voter participation and informal voting.¹
- 1.2 This chapter introduces the Committee’s report to Parliament on voter participation and informal voting. The chapter discusses the background to the inquiry, encompassing issues raised during the Committee’s inquiry into the conduct of the 2006 Victorian state election and matters related thereto. The chapter concludes with an outline of the inquiry process, evidence received and a summary of the remaining chapters in this report.

Responsibilities of the Committee

- 1.3 The Committee is one of 12 joint investigatory Committees of the Parliament of Victoria. The functions of the Committee are defined by Section 9A of the *Parliamentary Committees Act 2003* (Vic) to inquire into, consider and report to Parliament on any proposal, matter or thing concerned with:
1. The conduct of parliamentary elections and referendums in Victoria;
 2. The conduct of elections of Councillors under the *Local Government Act 1989* (Vic); and
 3. The administration of, or practices associated with, the *Electoral Act 2002* (Vic) and any other law relating to electoral matters.²
- 1.4 The Committee was established in the 55th Parliament of Victoria. However, no members were appointed to the Committee during the 55th Parliament and it did not meet. In the 56th Parliament, members were appointed and the Committee met for the first time on 26 March 2007.

¹ Electoral Matters Committee, Parliament of Victoria, Terms of reference, 10 July 2008. Retrieved 11 March 2009 from <http://www.parliament.vic.gov.au/emc/Inquiry%20into%20Voter%20Participation/terms.htm>

² *Parliamentary Committees Act 2003* (Vic) s9. Retrieved 22 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/pca2003273/

Background to the inquiry

Overview of issues

- 1.5 In his opening remarks at the Committee's public hearings for this inquiry, the Victorian Electoral Commissioner, Mr Steve Tully, commented on electoral participation in Victoria. He noted that Victoria has the second highest voter turnout rate of any Australian state at state elections and high voter turnout and participation rates when measured against comparable international jurisdictions. In its submission to the inquiry, the Victorian Electoral Commission (VEC) noted that when considering Victoria's electoral performance, it was important to remember that Australia is one of the few developed nations where voting and enrolment for parliamentary elections is compulsory.
- 1.6 Despite this, Mr Tully noted that there is a trend, evident both in Victoria and other Australian jurisdictions, towards declining electoral participation. In particular, Mr Tully observed that there are "fewer eligible electors enrolling or keeping their details current",³ and that this has contributed to there being fewer eligible electors on the electoral roll. This trend has led some commentators to suggest that the electoral roll is not keeping pace with population changes and that the number of electors on the roll is effectively "shrinking".⁴
- 1.7 In its submission to the inquiry, the Democratic Audit of Australia suggested that while Australia has a high voter turnout rate when compared internationally, this should not be cause for complacency.⁵ At the public hearings, Professor Brian Costar, Chair of Victorian Parliamentary Democracy, Swinburne University and member of the Democratic Audit of Australia, also stressed the importance of an active focus by policymakers on participation and informal voting.⁶
- 1.8 The Committee is concerned about the composition of eligible electors who are not participating fully in the electoral process. This includes:
- Those who are enrolled and eligible to vote at election time but fail to do so. The VEC suggests that motivation is one of the factors explaining why eligible voters fail to participate in the electoral process. Following the 2006 Victorian state election, there were 146,474 voters who were issued an "Apparent Failure to Vote" notice;⁷

³ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 24 July 2008, p.2.

⁴ P Brent and S Jackman, "A shrinking Australian electoral roll", Discussion Paper, Australian National University, June 2007. Retrieved 10 May 2009 from <http://democratic.audit.anu.edu.au/papers/20070620brentjackmanaecroll.pdf>

⁵ Democratic Audit of Australia, *Submission No.5*, p.1.

⁶ B Costar, Democratic Audit of Australia, *Transcript of evidence*, Public Hearing, Melbourne 24 July 2008, pp.2,3.

⁷ Victorian Electoral Commission, *Annual report 2007-08*, Victorian Electoral Commission, Melbourne, 2008, p.36.

- Those who attempt to vote but are unable to do so because they are not listed on the electoral register. During this inquiry the Committee was informed that up to 235,000 eligible Victorian electors may not be on the electoral roll. The Committee also considered evidence from the VEC that approximately 66,000 people attempted to vote at the 2006 Victorian state election, but had their ballots rejected because they were not on the electoral roll;⁸ and
- Those who vote at election time but do so informally. While the VEC estimates that approximately half of all informal District and Region ballots at the 2006 Victorian state election were deliberately informal, the Committee is concerned that a large number of voters voted, but did so informally. The VEC's 2006 Victorian state election informal ballot survey found that over 53.16 percent of District informal ballots were informal as a result of numerical or sequencing errors. 12.25 percent were informal due to being marked with either ticks or crosses. The VEC suggested legislative change may help reduce the occurrence of this type of informal voting.⁹ High informal voting also coincided with areas with high proportions of residents from non-English speaking backgrounds (NESB).¹⁰

Related inquiries in Australia

- 1.9 In recent years voter participation has been the subject of, or a central issue in, several parliamentary committee inquiries around Australia, including:
- The Parliament of Victoria's Scrutiny of Acts and Regulations Committee inquiry, Victorian Electronic Democracy, 2005;
 - The Australian Capital Territory Legislative Assembly's Standing Committee on Education, Training and Young People inquiry into the eligible voting age, 2007;
 - The Parliament of Queensland's Legal, Constitutional and Administrative Review Committee inquiry into young people engaging in democracy, 2006;
 - The Parliament of New South Wales (NSW) Joint Standing Committee on Electoral Matters (JSCEM) inquiry into voter enrolment, 2007; and
 - The reports of the Commonwealth Parliament's JSCEM, into the 2004 and 2007 federal elections.
- 1.10 On 17 December 2008, then Cabinet Secretary and Special Minister of State, Senator the Hon John Faulkner, announced that an Electoral Reform

⁸ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.5.

⁹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, pp.93, 96.

¹⁰ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.88.

Green Paper on issues relating to national electoral laws would be released in 2009.¹¹

- 1.11 Following a public call for submissions, the Committee lodged a submission with the Commonwealth Government's Electoral Reform secretariat on 23 February 2009. The submission outlined the Committee's findings during its international investigations for this inquiry and the Committee's inquiry into political donations and disclosure. The Committee's submission can be found at Appendix 6.

Legislative framework

- 1.12 In Victoria the *Electoral Act 2002* (Vic) is the principal legislation which provides for the enrolment of voters and conduct of elections, as well as setting out the role of the VEC.
- 1.13 The *Constitution Act 1975* (Vic) sets out "who is entitled to enrol as an elector, who is entitled to be elected to Parliament, and the size and term of Parliament".¹²

The Committee's inquiry into the conduct of the 2006 Victorian state election

- 1.14 On 1 March 2007 the Committee received terms of reference from the Legislative Assembly of Victoria to inquire into the conduct of the 2006 Victorian state election and matters related thereto and report to Parliament by 30 June 2008. During its investigations, the Committee agreed to include matters relating to the Albert Park District and Williamstown District by-elections, held on 15 September 2007.
- 1.15 The 2006 Victorian state election report was the Committee's first report to Parliament and was tabled in June 2008. It was also, to the Committee's knowledge, the first detailed report into a state election produced by a committee of the Parliament of Victoria.
- 1.16 The Committee received a range of evidence from different stakeholders, including the VEC, psephologists, academics, political parties, advocacy groups and the public.
- 1.17 For the purposes of this report, two particular trends were noted during the Committee's investigations.

¹¹ Commonwealth of Australia, Department of Prime Minister and Cabinet, Electoral reform, 13 October 2008. Retrieved 10 February 2009 from http://www.pmc.gov.au/consultation/elect_reform/index.cfm

¹² Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, p.8

Voter turnout

- 1.18 The first trend related to voter turnout. In the VEC's report to Parliament on the 2006 Victorian state election, it was reported that the voter turnout rate for Victoria as a whole was 92.73 percent of electors enrolled. This figure represents a slight decrease on turnout at the 2002 state election, of 93.2 percent.¹³
- 1.19 Further to this, the VEC reported that participation at Victorian elections has gradually been declining from a peak of 95.13 percent in 1992. In its report to Parliament, the VEC recommended further research into voter turnout.¹⁴

Informal voting

- 1.20 The second trend noted by the Committee related to informal voting. Statistics show that the informal voting rate for the 2006 Victorian Legislative Assembly election increased from 3.42 percent in 2002 to 4.56 percent in 2006.¹⁵ Informal voting for the Legislative Council election rose from 3.67 percent in 2002 to 4.28 percent in 2006.¹⁶
- 1.21 Although the Committee shares the VEC's assessment that these informal voting figures could partly be explained by the introduction of a new voting system for the Legislative Council at the time of the 2006 Victorian state election, the Committee agreed that further consideration of the causes of informal voting was necessary and that the most appropriate framework for this to take place was during this inquiry into voter participation and informal voting.

Outline of the inquiry

Conduct of inquiry

- 1.22 As noted earlier, the inquiry into voter participation and informal voting was self-referenced by the Committee on 5 May 2008.
- 1.23 The Committee invited interested individuals and organisations to make a submission to the inquiry, by directly contacting stakeholders from the inquiry into the conduct of the 2006 Victorian state election and matters related thereto and other potential witnesses following preliminary research. The call for submissions and the dates for public hearings were advertised in the *Herald Sun*, *The Age* and *The Weekend Australian* on 24 May 2008.

¹³ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.88.

¹⁴ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.88.

¹⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

¹⁶ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

While the deadline for submissions officially closed on 27 June 2008 late submissions were received and accepted.

Submissions

1.24 The Committee received 14 submissions from a range of groups and individuals. A list of the submissions can be found at Appendix 1. The submissions addressed a range of topics, including:

- Electoral enrolment;
- Voter turnout;
- Electoral participation, including legislative and policy strategies to encourage participation;
- Informal and formal voting;
- Young people's participation in the electoral system;
- Electoral engagement strategies and issues relating to the Victorian franchise;
- Accessibility of voting for people with disabilities and people from culturally and linguistically diverse (CALD) backgrounds;
- Civics and citizenship education strategies;
- Voting systems; and
- Electronic voting.

Public hearings

1.25 A number of individual and organisational stakeholders were contacted by the Committee throughout June 2008 and asked to elaborate on their written submissions at a public hearing. The public hearings were held in K Room, Parliament House, Melbourne, on Wednesday 23 July and Thursday 24 July 2008.

1.26 The Committee heard evidence relating to voter participation and informal voting from 16 witnesses. They included representatives from the VEC, academic institutions, advocacy and interest groups and the general public. A list of those who gave evidence at the public hearings can be found at Appendix 2. The transcripts of evidence are also displayed on the Committee's website.

1.27 Opportunity for the public to address the Committee, known as "comments from the floor", was also provided at the public hearings.

Site visits

1.28 As part of the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, on 25 February 2008 Committee members and the Committee secretariat visited Hanover Welfare Services' Southbank Crisis Centre and Transitional Support Housing, to meet with clients and case workers. The site visit assisted the Committee with its

understanding of the difficulties people experiencing homelessness face when participating in the electoral process.

International investigations

- 1.29 The Committee's terms of reference for its inquiry into political donations and disclosure required the Committee to consider and review political finance systems in Canada, the United Kingdom (UK) and other relevant jurisdictions.¹⁷
- 1.30 The Committee resolved to investigate issues relating to voter participation and informal voting during the course of its international investigations into political donations and disclosure.
- 1.31 Throughout June and July 2008 the Committee identified key organisations of interest and international experts in the field of voter participation and contacted them with a view to establishing an international investigations program and travel itinerary.
- 1.32 The Committee travelled to Canada, the United States of America (US) and the UK in August and September 2008. The Committee later travelled to New Zealand (NZ) in February 2009 to further its investigations.¹⁸ All meetings were transcribed and a meeting schedule can be found at Appendices 4 and 5. The Committee also collected secondary materials during its international investigations, including research reports, pamphlets, electoral materials and other research literature in electoral administration.¹⁹
- 1.33 The Committee tabled a report on its international investigations in December 2008 entitled *Report on international investigations into political donations and disclosure and voter participation and informal voting*.²⁰ Evidence from this report formed a major component of the Committee's submission to the Commonwealth Government's Electoral Reform process. Many of the issues considered during the international investigations feature in this report.

Data analysis

- 1.34 The recommendations in this report are primarily based on evidence received by the Committee in the form of submissions, evidence received at the public hearings and during its international investigations. For this

¹⁷ Electoral Matters Committee, Parliament of Victoria, Terms of reference, 10 July 2008. Retrieved 11 March 2009 from <http://www.parliament.vic.gov.au/emc/Inquiry%20into%20Political%20Donations%20and%20Disclosure/terms.htm>

¹⁸ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.4.

¹⁹ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.87, 88.

²⁰ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008.

inquiry, the Committee considered issues which were also raised during the course of its investigations into the conduct of the 2006 Victorian state election and matters related thereto. Evidence received by the Committee was analysed thematically to identify key themes.

- 1.35 The Secretariat also reviewed secondary literature in the field of voter participation, civic participation and informal voting, building on the Committee's research for the inquiry into the conduct of the 2006 Victorian state election and matters related thereto.
- 1.36 All research materials informed the Committee's deliberation process and contributed to the Committee's findings.

Inquiry feedback

- 1.37 The inquiry into voter participation and informal voting was welcomed by inquiry participants. The Victorian Electoral Commissioner, Mr Steve Tully, noted the timeliness of the inquiry in light of the VEC's research into voter turnout and informal voting following the 2006 Victorian state election.²¹ At the public hearings, Mr Tully added that electoral disengagement was a major concern across Australia. He said:

The issue is broad ranging, and a number of stakeholders have a role to play: political parties, members of Parliament, education institutions, the media and of course electoral commissions.²²

- 1.38 Other inquiry participants supported the timeliness of the Committee's inquiry. The Ethnic Communities' Council of Victoria (ECCV) acknowledged the Committee's continued focus on electoral participation, and the importance of ensuring that all Victorians participate in electoral processes.²³ Mr Aaron Martin, doctoral candidate at the Australian National University, noted the Committee's inquiry came at a time of significant international interest in youth electoral participation.²⁴
- 1.39 During its international investigations the Committee also received positive feedback about its inquiry into voter participation and informal voting.²⁵

²¹ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 24 July 2008, p.2.

²² S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 24 July 2008, p.3.

²³ Ethnic Communities' Council of Victoria, *Submission No.12*, p.1.

²⁴ A Martin, *Submission No.11*, p.1.

²⁵ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.81.

Report outline

- 1.40 The report is organised into nine chapters, including this introductory chapter.
- 1.41 Chapter Two provides further background to this inquiry, placing electoral participation in context in Australia, Victoria and internationally. Chapter Two also defines the key terms of this inquiry.
- 1.42 Chapter Three addresses electoral enrolment in Victoria.
- 1.43 Chapter Four addresses voter turnout in Victoria.
- 1.44 Chapter Five addresses informal and formal voting in Victoria.
- 1.45 Chapter Six addresses young people and electoral enrolment in Victoria.
- 1.46 Chapter Seven addresses electoral engagement in Victoria.
- 1.47 Chapter Eight addresses voting systems, electronic voting and compulsory voting enforcement in Victoria.
- 1.48 Chapter Nine concludes the report and highlights its key findings.

Chapter 2: Electoral participation in context

- 2.1 The Committee's inquiry into voter participation and informal voting comes at a time of strong interest in electoral participation worldwide. Many major Western democracies, including Canada, the US and the UK, have recently held major electoral events and are, like Australia, considering ways to improve electoral participation. This chapter considers Australian, Victorian and international electoral participation in context.
- 2.2 The chapter concludes by defining the key terms of this inquiry, 'voter participation' and 'informal voting'.

Electoral participation in Australia

Commonwealth

- 2.3 Australia has a reputation for innovation in its electoral administration and the overall fairness of its electoral processes.²⁶ During the Committee's international investigations, representatives from the United Nations (UN) Electoral Assistance Division informed Members that the UN appreciates Australia's commitment to holding free and fair elections, and that the Division has used election materials developed by the Australian Electoral Commission (AEC) for its international electoral assistance programs.²⁷
- 2.4 Internationally, Australia has one of the consistently highest voter turnout rates for federal elections.²⁸ The percentage of enrolled electors that voted

²⁶ At the public hearings, the Democratic Audit of Australia drew the Committee's attention to Australia's high ranking on the *Economist Intelligence Unit Index's* Democracy ranking for 2007. See: Democratic Audit of Australia, *Submission No.5*, p.2. In addition, according to the International Institute for Democracy and Electoral Assistance (IDEA), Australia has achieved the highest possible rank for federal elections since 1972, being 1, using a methodology developed by Freedom House to test political fairness and civil liberties relating to voter turnout. See: International Institute for Democracy and Electoral Assistance, Country view – Australia, 19 May 2009. Retrieved 10 March 2009 from http://www.idea.int/vt/country_view.cfm?CountryCode=AU

²⁷ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.22.

²⁸ International Institute for Democracy and Electoral Assistance, (IDEA) Country view – Australia,

in the 2007 federal election was 94.76 percent for the House of Representatives and 95.17 percent for the Senate.²⁹ Research indicates that countries with compulsory voting record higher voter turnout rates than countries with non compulsory voting. This observation is supported by the Democratic Audit of Australia and the VEC in evidence to this inquiry.³⁰

2.5 The Committee notes that comparing Australia to other countries with compulsory voting is methodologically difficult. There is considerable diversity between compulsory voting systems worldwide. When comparing each system against a common set of criteria it is important to remember that jurisdictions with compulsory voting each have different political and social histories. Chapter Eight contains a list of major countries with compulsory voting.

2.6 The VEC expanded on the relationship between voter turnout and compulsory voting in Australia in its primary submission to the inquiry.

International comparisons indicate that compulsory voting makes an enormous difference to voter turn-out. There have been arguments that Australia's record is not as impressive as it appears if numbers voting are measured against the total voting age population (VAP).³¹ Thus, the International IDEA (Institute for Democracy and Electoral Assistance) survey estimates voter turnout at the 1998 federal election at 83.2 percent of VAP. An article by Peter Tucker contended that only 80 percent of eligible voters voted in the 2004 federal election, and that Australia's performance is not vastly superior to that of other Western countries without compulsory voting. However, such arguments ignore the very large number of non-citizen residents of Australia who by law cannot enrol. If voter turnout is measured against the total number of those eligible to enrol, it is substantially higher than that of most other countries – 87.4 percent at the 2007 federal election.³²

2.7 Maintaining an accurate electoral roll remains a major issue in electoral administration at the Commonwealth level. At the public hearing on 17 March 2009 for the Commonwealth Parliament's JSCEM inquiry into the 2007 federal election, the Australian Electoral Commissioner, Mr Ed Killesteyn, provided evidence to JSCEM about the number of enrolled

19 May 2009. Retrieved 10 March 2009 from http://www.idea.int/vt/country_view.cfm?CountryCode=AU

²⁹ The Committee notes there are a number of different measurements for voter turnout. Australian Electoral Commission, 2007 federal election turnout by division, Australian Electoral Commission, Canberra, 2008. Retrieved 10 March 2009 from http://www.aec.gov.au/Elections/federal_elections/2007/Voter_Turnout.htm

³⁰ Democratic Audit of Australia, *Submission No.5*, pp.1-2; Victorian Electoral Commission, *Submission No.6*, p.6.

³¹ According to International IDEA, "the voting age population (VAP) includes all citizens above the legal voting age. VAP figures can complement voter registration figures for two reasons. First, registration figures can be inaccurate or unavailable, and sometimes voter registers are not used...The voting age population is based on a country's population over the age of 18. It is not intended to be an exact measure of the number of citizens entitled to vote as it does not take into account legal or systemic barriers to the exercise of the franchise or account for non-eligible members of the population, such as resident non-citizens (the voting eligible population – VEP – would capture these discrepancies but it is very hard to achieve the data required to measure VEP)." See: International IDEA, Glossary, 19 May 2009. Retrieved 10 July 2009 from <http://www.idea.int/vt/glossary.cfm>

³² Victorian Electoral Commission, *Submission No.6*, p.6.

electors in Australia.³³ Mr Killesteyn explained that while there has been an increase in the number of electors enrolled since the 2007 federal election to 13.8 million people, this increase does not match the number of eligible voters in the community. Moreover, Mr Killesteyn estimated that there were approximately 1.2 million eligible electors not currently on the electoral roll.³⁴

- 2.8 In terms of informal voting, research indicates that Australia’s informal voting rate has fluctuated over the past two decades and is affected by a variety of factors.³⁵ In its submission to this inquiry, the VEC notes that informal voting is usually lower in comparable countries: “for example, 0.9 percent in Canada in 2004, and 0.3 percent in the UK in 2005”.³⁶ One factor explaining this trend might be that “simple first past the post voting systems in many of those countries make it easy to vote correctly”.³⁷ Low informal voting rates may also be related to voluntary voting: the VEC points out that “people who take the trouble to vote when they don’t have to are not likely to deliberately spoil their vote”.³⁸
- 2.9 In Australia, evidence indicates there is a correlation between informal voting rates and the type of voting system used for state elections. As noted by the VEC, Queensland, which has an optional preferential system which allows voters just to vote “1”, has the lowest average informal voting rate at Australian Lower House elections of 2.0 percent.³⁹ Chapter Five considers optional preferential voting and strategies to reduce informal voting in more detail.
- 2.10 Despite Australia’s strong performance in several key indicators relating to electoral administration and elections, electoral authorities and commentators have identified a number of areas for improvement. These include:
- Enrolment: The Committee is aware there is an increasing number of eligible electors not participating effectively at election time. In a submission to the inquiry, the Democratic Audit of Australia suggests that one of the major challenges to maintaining a full and accurate electoral roll is the current provision allowing the AEC to remove an elector from the roll because of a change of address.⁴⁰ The Democratic

³³ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, Mr E Killesteyn, Australian Electoral Commissioner, *Transcript of Evidence*, Public Hearing, Canberra, Tuesday 17 March 2009, p.3. Retrieved 10 May 2009 from <http://www.aph.gov.au/hansard/joint/commttee/J11799.pdf>

³⁴ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, Mr E Killesteyn, Australian Electoral Commissioner, *Transcript of Evidence*, Public Hearing, Canberra, Tuesday 17 March 2009, p.3. Retrieved 10 May 2009 from <http://www.aph.gov.au/hansard/joint/commttee/J11799.pdf>

³⁵ Australian Electoral Commission, *Research report 10 - Informal voting at state and territory elections*, Australian Electoral Commission, Canberra, 2006. Retrieved 31 March 2009 from http://www.aec.gov.au/About_AEC/publications/Strategy_Research_Analysis/paper10/page03.htm

³⁶ Victorian Electoral Commission, *Submission No.6*, p.10.

³⁷ Victorian Electoral Commission, *Submission No.6*, p.10.

³⁸ Victorian Electoral Commission, *Submission No.6*, p.10.

³⁹ Victorian Electoral Commission, *Submission No.6*, p.10.

⁴⁰ Democratic Audit of Australia, *Submission No.5*, pp.2-3.

Audit of Australia proposes the introduction of an automatic enrolment system, through amending the Commonwealth Electoral Act 1918 (Cth) to allow the AEC to automatically reinstate those who are deleted due to a change of address, and to automatically enrol eligible 18 year olds to vote using established existing databases.⁴¹

- Young people and electoral participation: There is concern in many Western democracies that young people aged 18 to 25 years have lower rates of electoral participation than the general eligible population.⁴² In Australia, at the time of the 2004 federal election approximately 82 percent of young Australians aged 17 to 25 years were enrolled, compared with 95 percent of other Australians.⁴³

Recent electoral developments in Australia

- 2.11 This inquiry comes at a time when the Australian Government and Commonwealth Parliament are considering issues relating to electoral reform.
- 2.12 On 22 June 2006, the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (Cth) received royal assent.⁴⁴
- 2.13 The Act contained measures arising from recommendations of the Commonwealth Parliament's JSCEM report *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, which was tabled in the Commonwealth Parliament on 10 October 2005, and additional reform measures considered a priority by the then Australian Government.⁴⁵ The Act amended the *Commonwealth Electoral Act 1918* (Cth), the *Referendum (Machinery Provisions) Act 1984* (Cth), the *Income Tax Assessment Act 1997* (Cth) and the *Income Tax Assessment Act 1936* (Cth).⁴⁶
- 2.14 Following the election of the Rudd Government on 24 November 2007, the then Cabinet Secretary and Special Minister of State, Senator the Hon John Faulkner, advised the Committee by letter on 7 January 2008 that a comprehensive review of close of rolls arrangements would be undertaken as part of the Commonwealth Parliament's JSCEM inquiry into the

⁴¹ Democratic Audit of Australia, *Submission No.5*, p.3.

⁴² I Fyfe, "Researching youth political participation in Australia: Arguments for an expanded focus", *Youth Studies Australia*, vol.28, no.2, March 2009, p.37.

⁴³ L Saha, M Print and K Edwards, *Youth Electoral Study Report 1: Enrolment and voting*, Australian Electoral Commission, Canberra, 2004, pp.2-3.

⁴⁴ *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (Cth). Retrieved 20 June 2009 from

http://www.austlii.edu.au/au/legis/cth/consol_act/earaiaoma2006668/

⁴⁵ Australian Electoral Commission, *AEC annual report 2005-06*, Australian Electoral Commission, Canberra, October 2007. Retrieved 31 March 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2006/events.htm#integrity_act_explanation

⁴⁶ Australian Electoral Commission, *AEC annual report 2005-06*, Australian Electoral Commission, Canberra, October 2007. Retrieved 31 March 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2006/events.htm#integrity_act_explanation

- 2007 federal election and matters related thereto.⁴⁷ On 22 June 2009, JSCEM tabled its *Report on the conduct of the 2007 federal election and matters related thereto*. The report contains a number of recommendations for amendment to the *Commonwealth Electoral Act 1918* (Cth) relating to the close of roll provisions and proof of identity requirements.⁴⁸
- 2.15 On 17 December 2008, Senator Faulkner released the Electoral Reform Green Paper – *Donations, Funding and Expenditure* – for public comment.⁴⁹ This paper, the first of two on electoral reform, covered issues relating to the disclosure of political donations, and the funding and expenditure of political parties and others involved in the political process. A second Green Paper on a broader range of issues to improve national electoral laws will be released for public comment in 2009. As mentioned earlier, the Committee lodged a submission with the Electoral Reform secretariat on 23 February 2009.
- 2.16 The Committee understands that some of the issues raised in this inquiry were discussed at a meeting of Australian ministers on electoral matters in Sydney on 30 May 2008. In particular, the Committee understands that the Ministers considered the harmonisation of certain aspects of Australia's electoral laws. Mr John Lenders MLC, Treasurer, represented Victoria at the meeting.
- 2.17 The Committee is also aware that electoral participation was raised at the Australian Government's 20/20 summit, held on 19 and 20 April 2008 at Parliament House, Canberra.⁵⁰ One of the goals of the summit was to stimulate discussion about major challenges facing Australia beyond the "three year cycle of government".⁵¹ Participants were asked to debate policy challenges in ten subject areas. One of these areas was the "future of Australian governance".⁵²
- 2.18 Summit participants considered the theme of collaborative governance and ways to improve how government and the community interact.⁵³ Several ideas for reforming electoral processes were proposed, including the

⁴⁷ J Faulkner, Special Minister of State, Parliament of Australia, Correspondence, 7 January 2008.

⁴⁸ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *Report on the conduct of the inquiry into the 2007 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2009, p.xxiv-l.

⁴⁹ Commonwealth of Australia, Department of Prime Minister and Cabinet, Electoral reform, Department of Prime Minister and Cabinet, Canberra, 13 October 2008. Retrieved 10 February 2009 from http://www.pmc.gov.au/consultation/elect_reform/index.cfm

⁵⁰ Commonwealth of Australia, Australia 20/20, Department of Prime Minister and Cabinet, Canberra, 2009. Retrieved 31 March 2009 from <http://www.australia2020.gov.au/index.cfm>

⁵¹ Commonwealth of Australia, Australia 20/20 – About the summit, Department of Prime Minister and Cabinet, 2009. Retrieved 31 March 2009 from <http://www.australia2020.gov.au/index.cfm>

⁵² Commonwealth of Australia, Australia 20/20 – About the summit, Department of Prime Minister and Cabinet, 2009. Retrieved 31 March 2009 from <http://www.australia2020.gov.au/index.cfm>

⁵³ Commonwealth of Australia, Australia 20/20 – Summit topics – Governance, Department of Prime Minister, 2009. Retrieved 31 March 2009 from <http://www.australia2020.gov.au/topics/governance.cfm>

introduction of universal automatic enrolment to vote and automatic re-enrolment of eligible voters. Optional enrolment to vote and voting for Australians aged between 16 and 18 years was also discussed.⁵⁴

- 2.19 On 22 April 2009 the Australian Government released its response to the 20/20 summit.⁵⁵ In response to the Governance Stream's proposals relating to electoral reform, the Australian Government indicated that it would address these issues in the second Electoral Reform Green Paper.⁵⁶

Victoria

- 2.20 At the 2007 federal election, Victoria's voter turnout rate by division was stronger than national voter turnout rates, by 0.41 percent for the House of Representatives and by 0.43 percent for the Senate.⁵⁷ According to the VEC, Victoria's average informal voting rate is the second lowest in Australia.⁵⁸

- 2.21 Like other Australian states Victoria has recently introduced a number of electoral reforms. The Legislative Council's electoral system was substantially reformed by the *Constitution (Parliamentary Reform) Act 2003 (Vic)*.⁵⁹ These reforms included:

changes to the method by which the Legislative Council is elected, the re-drafting of electoral boundaries for the Legislative Council, the introduction of a new ballot paper, the establishment of fixed terms for both Houses of Victoria's Parliament, a reduction in the number of the Legislative Councillors from 44 to 40 and the introduction of a new process for filling casual vacancies in the Legislative Council.⁶⁰

- 2.22 Notwithstanding this, in its primary submission to the inquiry, the VEC notes that voter turnout has declined at each of the last four Victorian state elections, and that the informal voting rate has increased at each of the last three Victorian state elections.⁶¹

⁵⁴ Commonwealth of Australia, Australia 20/20 summit – final report, Department of Prime Minister and Cabinet, Canberra, May 2008, p.308. Retrieved 31 March 2009 from http://www.australia2020.gov.au/docs/final_report/2020_summit_report_9_governance.doc

⁵⁵ Commonwealth of Australia, Responding to the Australia 2020 summit, Department of Prime Minister and Cabinet, Canberra, April 2009. Retrieved 22 April 2009 from http://www.alp.org.au/download/now/australia_2020_summit_final_response.pdf

⁵⁶ Commonwealth of Australia, Responding to the Australia 2020 Summit, Department of Prime Minister and Cabinet, April 2009, p.227. Retrieved 22 April 2009 from http://www.alp.org.au/download/now/australia_2020_summit_final_response.pdf

⁵⁷ Australian Electoral Commission, 2007 federal election turnout by division, Australian Electoral Commission, Canberra, 2008. Retrieved 10 March 2009 from http://www.aec.gov.au/Elections/federal_elections/2007/Voter_Turnout.htm.

⁵⁸ Victorian Electoral Commission, *Submission No.6*, p.3.

⁵⁹ Parliament of Victoria, Legislative Council, Information sheet no.16 – a new electoral system for Victoria's Legislative Council, Parliament of Victoria, Melbourne, October 2007. Retrieved 31 March 2009 from

http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm

⁶⁰ Parliament of Victoria, Legislative Council, Information sheet no.16 – a new electoral system for Victoria's Legislative Council, Parliament of Victoria, Melbourne, October 2007. Retrieved 31 March 2009 from

http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm

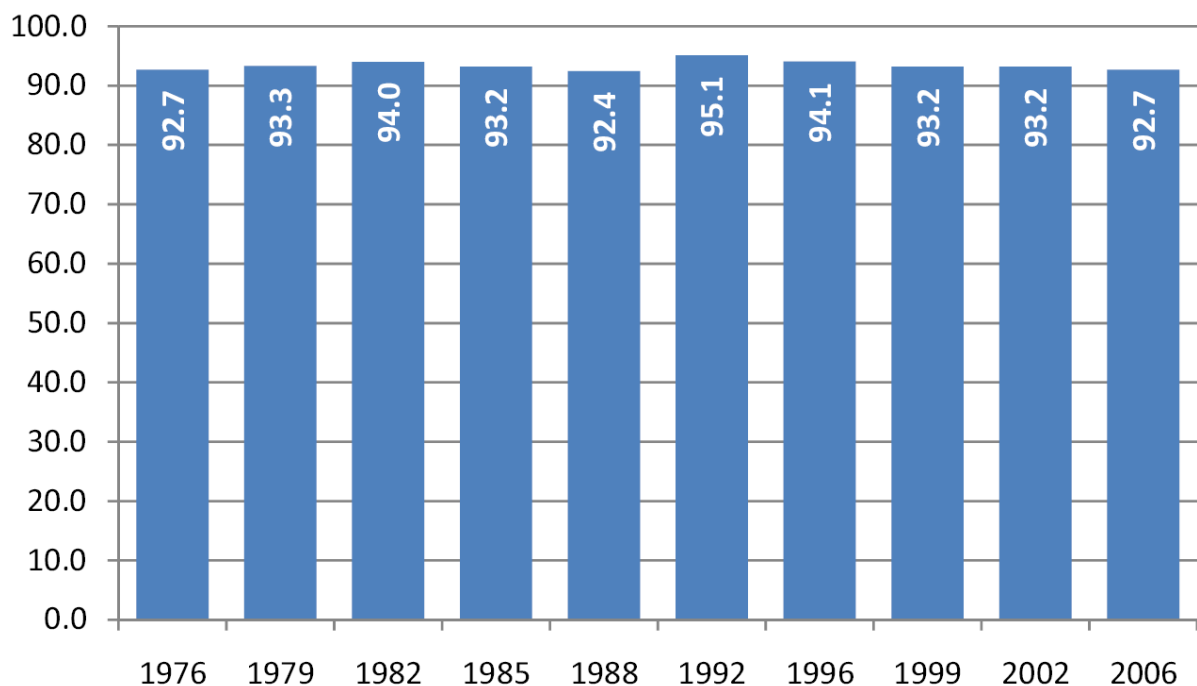
⁶¹ Victorian Electoral Commission, *Submission No.6*, p.3.

2.23 The Committee shares the VEC's view that the results of the past four Victorian state elections point to a number of undesirable trends for Victoria's democracy. Some of the key areas for improvement are voter participation, enrolment, informal voting, youth electoral enrolment and electoral engagement.

Voter participation

2.24 Figure 2.1 shows that voter participation at Victorian state elections since 1976 has remained relatively steady, and has generally peaked at elections where there has been a change of government.

Figure 2.1: Voter participation at Victorian state elections, 1976 - 2006



Source: L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

2.25 The voter turnout rates at the Albert Park District and Williamstown District Legislative Assembly by-elections, held on 15 September 2007, are also of concern to the Committee. Albert Park District had a participation rate of 70.67 percent and Williamstown District an 84.93 percent participation rate.⁶² The voter turnout rate at the Kororoit District by-election, held on 28 June 2008, was 83.2 percent.

2.26 Figure 2.2 charts voter turnout and informal voting rates at Victorian by-elections since 1977. While participation rates for by-elections give some

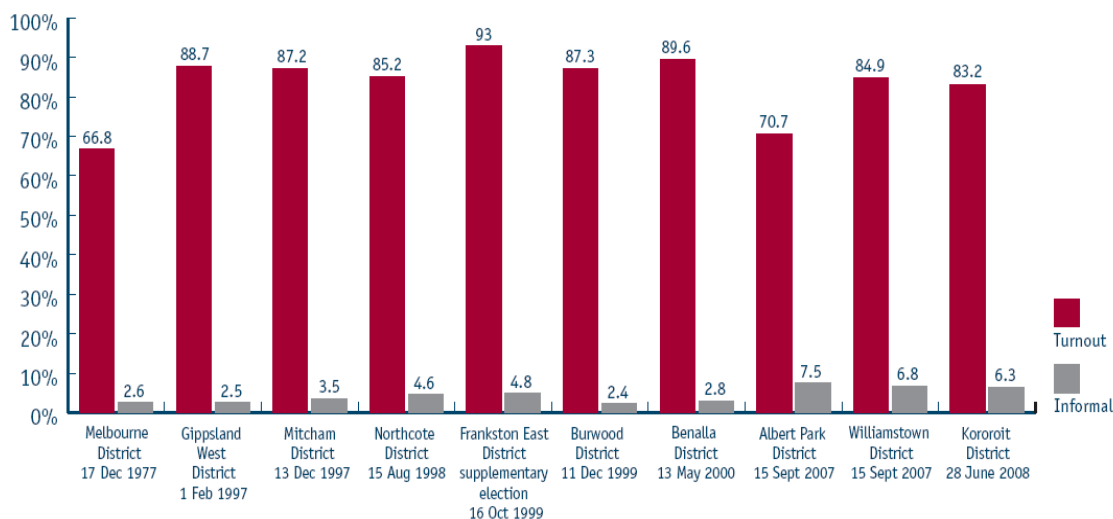
⁶² Victorian Electoral Commission, *Report on the Albert Park and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.5.

insight into electoral participation, the Committee is mindful of the VEC's comments in its primary submission to this inquiry that by-election participation rates are generally lower than general elections, given that by-elections rarely attract the same interest as general elections.⁶³ In terms of Victorian by-elections, the high turnout rate at the 1999 Frankston East District supplementary election may be explained by the importance of that particular electoral contest to the outcome of the 1999 Victorian state election.

2.27 In addition, according to the VEC in relation to by-elections:

There are geographical variations, with higher participation in country districts such as Benalla, and lower participation in inner suburban districts such as Albert Park. Turn-out can also be affected by the political parties contesting a by-election: if a major party fails to put up a candidate, supporters of that party may feel that they have no one to vote for. This appears to have been a factor in the low voter turn-outs for the 1998 Northcote by-election and 2007 Albert Park by-election.⁶⁴

Figure 2.2: By-election voter turnout and informal voting rates



Source: L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 27 May 2009.

Enrolment

2.28 At the time of the 2006 Victorian state election there were 3,353,845 enrolled electors, of whom 3,110,172 voted.⁶⁵ Using the

⁶³ Victorian Electoral Commission, *Submission No.6*, p.7.

⁶⁴ Victorian Electoral Commission, *Submission No.6*, p.7.

⁶⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.4.

enrolment participation rate measure as an indicator of participation,⁶⁶ this represents a voter participation rate of 92.73 percent. A total of 243,673 eligible Victorian electors did not vote at the 2006 Victorian state election, representing 7.27 percent of eligible Victorian electors.⁶⁷

- 2.29 As noted in Chapter One, there was also a significant number of eligible voters who attempted to vote at the 2006 Victorian state election but were unable to do so because they were not on the electoral roll. During this inquiry and the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the VEC told the Committee that 66,807 declaration votes were rejected from the election count.⁶⁸ These matters are discussed further in Chapter Three, at 3.62, 3.63 and 3.64.
- 2.30 The Committee considers issues relating to enrolment and the electoral roll in Chapter Three.

Informal voting

- 2.31 The informal voting rate for the Legislative Assembly increased from 3.42 percent at the 2002 Victorian state election to 4.56 percent at the 2006 Victorian state election.⁶⁹ This remains the highest recorded rate of informal voting for a Victorian Legislative Assembly election. Of the District informal ballots, "19.54 percent were apparently deliberate. If blank votes are added, 40.82 percent of the District informal votes were probably deliberate".⁷⁰
- 2.32 The informal voting rate for the Legislative Council rose from 3.67 percent at the 2002 Victorian state election to 4.28 percent at the 2006 Victorian state election.⁷¹ Of the Region informal ballots, "16.2 percent were apparently deliberate. If blank votes are added, 49.34 percent of the informal votes were probably deliberate".⁷²
- 2.33 The Committee notes that many informal votes were not counted despite the voter indicating a clear preference on the ballot. According to the VEC's informal voting survey following the 2006 Victorian state election, for the Legislative Assembly the VEC estimates that 41.47 percent of informal District votes indicated a clear preference, either as a number "1" or a tick.⁷³ For the 2006 Victorian Legislative Council election, the VEC estimates that

⁶⁶ Enrolment participation is calculated by comparing the number of eligible electors currently enrolled to the total number of persons estimated to be eligible to enrol.

⁶⁷ Democratic Audit of Australia, *Submission No.5*, p.2.

⁶⁸ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

⁶⁹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.2.

⁷⁰ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

⁷¹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

⁷² Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

⁷³ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

32.87 percent of informal votes indicated a clear preference, either as a number “1” or a tick or cross below-the-line.⁷⁴

- 2.34 At the September 2007 Albert Park District and Williamstown District by-elections, the rate of informal voting was higher than that (for the same districts) at the 2006 Victorian state election. In Albert Park District, the informal voting rate at the by-election was 7.47 percent (an increase of 3.14 percent on the 2006 Victorian state election).⁷⁵ In Williamstown District, the informal voting rate at the by-election was 6.79 percent (an increase of 1.16 percent on the 2006 Victorian state election).⁷⁶ Of these two electorates, Albert Park has a higher proportion of tertiary qualified residents and of residents who live in flats or apartments.⁷⁷ It is also worth noting that 62.5 percent of people in Albert Park had also moved address before the last census, in contrast to 37.8 percent of Williamstown residents.⁷⁸
- 2.35 The informal voting rate for the Kororoit District by-election held on 28 June 2008 was 6.30 percent,⁷⁹ less than the informal voting rate for that District at the 2006 Victorian state election of 7.81 percent.⁸⁰ In its report to Parliament on the 2008 Kororoit District by-election, the VEC notes that approximately 12.5 percent of Kororoit residents have a low level of proficiency in English.⁸¹
- 2.36 While the introduction of proportional representation can partly explain the increase in the informal voting rate for the Legislative Council, the Committee is concerned at the increase in the informal voting rate at the 2006 Victorian state election, and at the 2007 Albert Park District and Williamstown District by-elections.
- 2.37 One of the major issues considered during this inquiry is strategies to address informal voting, specifically strategies to deal with ballots that are completed informally according to legislation but indicate a clear preference of voter intention. In South Australia (SA), full preferential voting is used and incomplete preferences (usually “1” only) for elections for the SA House of Assembly are completed with a voting ticket supplied by the candidate. In all

⁷⁴ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

⁷⁵ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.27.

⁷⁶ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.30.

⁷⁷ Democratic Audit of Australia, *Submission No.5*, p.9.

⁷⁸ Democratic Audit of Australia, *Submission No.5*, p.9.

⁷⁹ Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, p.6.

⁸⁰ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.89.

⁸¹ Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, p.9.

SA State elections since its introduction in 1985, the rate of votes completed by voting ticket has been higher than the informality rate.⁸²

Young people and electoral enrolment

- 2.38 Victoria has one of the highest youth enrolment rates for those aged 18 to 24 years in Australia, of 84.78 percent, 3.3 percent higher than the national average for youth voting in 2007/2008.⁸³
- 2.39 However, as noted by the VEC, the number of young Victorians registered to vote is approximately 8 percent below that of the general population.⁸⁴
- 2.40 In many Western democracies, research indicates that some young people feel disengaged from formal political processes.⁸⁵ Nonetheless, results from the Australian component of the 2004 Citizenship survey conducted by the International Social Survey program demonstrate that while many young people might only have a weak or passing interest in traditional forms of political activity, involvement in other forms of political activity, such as demonstrations or Internet forums, was strong.⁸⁶
- 2.41 The Committee considers youth electoral participation in Chapter Six.

Electoral engagement

- 2.42 Encouraging electoral participation by all Victorians is an important issue to the Committee and a key theme in this inquiry.
- 2.43 The Committee has previously commended the VEC for its initiatives to promote electoral participation in Victoria. The Committee also welcomes the VEC's participation in this inquiry and acknowledges the submissions it has received detailing the VEC's commissioned research into barriers to enrolment and voting for community groups who experience difficulty voting, and the civics education program *Passport to Democracy*. These subjects are addressed more fully in Chapters Six and Seven.
- 2.44 Several inquiry participants, including the Democratic Audit of Australia, the Australian Greens,⁸⁷ Public Interest Law Clearing House (PILCH) Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre, the Victorian Association for the Care and Resettlement of Offenders,⁸⁸ and the ECCV,⁸⁹ noted the importance of a continued focus by the Parliament, the VEC and the Committee on electoral engagement.

⁸² South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, p.1. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

⁸³ Victorian Electoral Commission, *Submission No.6*, p.13.

⁸⁴ Victorian Electoral Commission, *Submission No.6*, p.13.

⁸⁵ I Fyfe, "Researching youth political participation in Australia: Arguments for an expanded focus", *Youth Studies Australia*, vol.28, no.2, March 2009, p.37.

⁸⁶ A Martin, *Submission No.14*, p.2.

⁸⁷ Australian Greens Victoria, *Submission No.9*, p.1.

⁸⁸ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.8*, p.1.

⁸⁹ Ethnic Communities' Council of Victoria, *Submission No.12*, p.1.

International investigations

- 2.45 As noted in Chapter One, as part of its investigations for this inquiry the Committee travelled to Canada, the US, the UK and NZ. None of these countries have compulsory voting.
- 2.46 In Canada the Committee met with the country's chief electoral authority, Elections Canada. The Committee learnt there has been a downward trend in voter turnout at Canadian general elections⁹⁰ and that despite the concerted efforts of electoral authorities in Canada to address this trend there were record low turnout rates at the 2004 and 2008 general elections.⁹¹ These results have led to an increased level of scrutiny of voter participation. Elections Canada has implemented a number of information and community outreach programs, focusing on First Nation groups and other voters with special needs. Declining youth participation is also an issue of concern.⁹²
- 2.47 During its time in Canada the Committee was informed about Canada's National Register of Electors. The Register is a database of all eligible Canadian voters which contains basic information about each person. The information on the Register is used to produce the preliminary voter lists for federal elections, by-elections and referendums.⁹³ Chapter Three considers Canadian approaches to electoral enrolment in detail.
- 2.48 The Committee also notes that Elections Canada is proposing a test run of Internet voting in a by-election some time in the next four years, as a means to address falling levels of voter turnout.⁹⁴
- 2.49 During its meetings in the US, the Committee was informed about current rates of electoral participation in North America. In the US, electoral participation has been a major issue for over two decades.⁹⁵ The Committee

⁹⁰ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.14.

⁹¹ *Reuters Canada*, "Voter turnout lowest on record", 15 October 2008. Retrieved 10 March 2009 from

<http://ca.reuters.com/article/domesticNews/idCATRE49E9BO20081015>

⁹² Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.14.

⁹³ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 21 July 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

⁹⁴ *TheStar.com*, "Elections Canada backs on-line voting", 26 June 2009. Retrieved 21 July 2009 from <http://www.thestar.com/article/657514>

⁹⁵ According to the United States Department of State's Bureau of International Information Programs, reports of strong voter turnout at the November 2009 presidential election are important given that, "in recent decades, barely half of eligible voters cast ballots". See: United States Department of State, Bureau of International Information Programs, US voter turnout on course to set record, US Department of State, Washington, 2008, 4 November 2008. Retrieved from <http://www.america.gov/st/elections08-english/2008/November/20081104195842esnamfuak7.772464e-02.html>

discussed electoral participation with representatives from Demos, a public policy research and advocacy organisation based in New York City. According to Demos, some of the major barriers to full electoral participation in the US are ethnicity, educational attainment, economic status and voter registration.⁹⁶

- 2.50 Election day registration (EDR) has been adopted by many US states and Demos provided information to the Committee about some of the issues surrounding its implementation in the US. Demos also provided the Committee with background information about electoral legislation in the US, notably the *National Voter Registration Act 1993* (US), also known as the 'motor voter law'.⁹⁷
- 2.51 While in the US, the Committee also met with the UN Electoral Assistance Division. During these discussions, the Committee learnt of the voter registration programs developed by the UN for the Democratic Republic of the Congo. These voter registration programs led to the establishment of a national electronic database, which captured 26 million eligible residents of the Congo, out of a potential 28 million. The UN was very pleased with this registration rate.
- 2.52 In the UK, there has been a downward trend in voter turnout at general elections. Of particular note is the difference in turnout rates at the 1992, 1997, 2001 and 2005 general elections. In 1992, 77.7 percent of registered voters participated in the general elections.⁹⁸ In 1997, 71.4 percent of registered voters participated, a surprisingly low voter turnout given the change of government. This number fell to 59.4 percent in 2001, and only increased marginally to 61.4 percent at the 2005 general election.⁹⁹ The Committee discussed electoral participation and informal voting with the UK Electoral Commission, the Electoral Reform Society, Unlock Democracy, the Hansard Society and the Agent-General for Victoria, Mr David Buckingham. Given that voting is not compulsory in the UK, the UK Electoral Commission and other organisations are working on ways to reach people and to improve the electoral register.¹⁰⁰ Other current issues in electoral administration in the UK include falling political party membership rates,

⁹⁶ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.20-22, 30-32.

⁹⁷ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.31.

⁹⁸ The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874_E__N__S__W__.pdf

⁹⁹ The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874_E__N__S__W__.pdf

¹⁰⁰ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.49.

youth electoral participation, e-democracy initiatives such as electronic voting, and the implications of these technologies for informal voting rates.

- 2.53 In NZ, the Committee met with a range of different organisations in the field of electoral administration and discussed issues relevant to the inquiry. During its meetings with the NZ Electoral Enrolment Centre and the Chief Electoral Office, Ministry of Justice, the Committee discussed EDR and was informed about some of the strategies used by the Electoral Enrolment Centre to maintain an accurate electoral roll. The Committee was interested to learn that permanent residents of NZ are permitted to vote: this is considered further in Chapter Seven of this report.
- 2.54 At an international level, one theme considered by the Committee during this inquiry and during its previous inquiry into the conduct of the 2006 Victorian state election and matters related thereto, is the link between declining levels of voter turnout in Western democracies and theories about civic participation.¹⁰¹
- 2.55 In a submission to this inquiry, the VEC notes the decline in voter turnout in Western democracies might be partially explained by a decline in civic participation.¹⁰²
- 2.56 A recent paper by Mr Scott Brenton of the Democratic Audit of Australia also cites survey results showing that while Australians are generally satisfied with Australian democracy and Australia's political system, indications of citizen engagement with government and politics are not strong.¹⁰³

Harmonisation of electoral law

- 2.57 This inquiry comes at a time of national discussion about the future of Australia's electoral laws.
- 2.58 As outlined in Chapter One, the Committee has contributed to this discussion through its inquiry into political donations and disclosure. While the issues related predominantly to political finance, the Committee offered in-principle support for the harmonisation of electoral finance laws, and supported Victoria's participation in a deliberative discussion about electoral reform.¹⁰⁴
- 2.59 For this inquiry, the Committee noted that the Commonwealth Government has committed to releasing the second part of its Electoral Reform Green Paper in 2009. The Committee anticipates that the second Green Paper will address some of the issues being considered in this inquiry, particularly the introduction of an automatic electoral enrolment system across Australia.

¹⁰¹ R D Putnam, *Bowling alone: The collapse and revival of American community*, Simon and Schuster, New York, 2000.

¹⁰² Victorian Electoral Commission, *Submission No.6*, p.15.

¹⁰³ S Brenton, Democratic Audit Discussion Paper 8/08 - "Public confidence in Australian Democracy", December 2008. Retrieved 2 April 2009 from http://democratic.audit.anu.edu.au/papers/20050501_brenton_public_conf_dem.pdf

¹⁰⁴ Electoral Matters Committee, *Inquiry into political donations and disclosure*, Parliament of Victoria, Melbourne, April 2009, p.128.

2.60 In its submission to the inquiry, the VEC welcomed discussion about the merits of the harmonisation of electoral laws. The VEC stated:

Differences in enrolment legislation and procedures across jurisdictions can cause difficulties. It is significant that Commonwealth, State and Territory Ministers [in 2008] met to discuss harmonisation of electoral law and practice, and that green papers on this matter are forthcoming. Harmonisation offers the prospect of improving electoral participation.¹⁰⁵

Recommendation 2.1: The Victorian and Commonwealth Governments consider how best to harmonise electoral laws to ensure a uniform and consistent approach.

Definition of key terms

Voter participation

2.61 One measure of a vibrant democratic state is the degree to which its citizens participate in political and electoral processes.

2.62 However, what is meant by political participation is open to consideration. Some of the first definitions of political participation were developed in the US in the mid 1960's and "identified a distinct separation of the citizen from the processes and structures of government".¹⁰⁶ In this form, political participation was primarily expressed through the act of voting in elections.

2.63 Recently the definition of participation has grown to include activities beyond the act of voting, taking into account the role of participating in political parties, political campaigns and civil organisations.¹⁰⁷

2.64 Recent studies in Australia, the UK, the US and NZ have considered how the Internet, and new social networking technologies, can promote participation in political and electoral processes.¹⁰⁸

2.65 For this inquiry, the Committee refers to a classification of voter participation used by the VEC in its primary submission to the inquiry. The submission denotes three measures of participation in any electoral system:

- Enrolment: the degree to which those who are eligible enrol to vote;
- Turn-out: the degree to which those who are enrolled vote in elections; and

¹⁰⁵ Victorian Electoral Commission, *Submission No.6*, p.25.

¹⁰⁶ I Fyfe, "Researching youth political participation in Australia: Arguments for an expanded focus", *Youth Studies Australia*, vol.28, no.2, March 2009, p.38.

¹⁰⁷ I Fyfe, "Researching youth political participation in Australia: Arguments for an expanded focus", *Youth Studies Australia*, vol.28, no.2, March 2009, p.38.

¹⁰⁸ K Gross, "The Internet and youth participation", *Youth Studies Australia*, vol.26, no.3, September 2007, p.63; A Vromen, "Building virtual spaces: Young people, participation and the internet", *Australian Journal of Political Science*, vol.43, no.1, March 2008, p.79; R Ferguson, "Convergent evolution: The development of online engagement in Westminster and Whitehall through the use of online forums", *Parliamentary Affairs*, vol.61, no.1, January 2008, p.216.

- Formal voting: the degree to which those who vote cast a formal vote.¹⁰⁹

Informal voting

- 2.66 In Victoria, correctly filled out ballot papers for the Legislative Assembly and the Legislative Council are known as formal votes. The *Electoral Act 2002 (Vic)* stipulates how ballot papers should be correctly completed. The Act provides instructions on how to complete the Legislative Assembly ballot paper and the Legislative Council ballot paper respectively.¹¹⁰
- 2.67 An informal vote is a ballot paper which is deemed to have been completed outside of the parameters of this legislation.

Committee's view

- 2.68 Encouraging electoral participation is currently a major issue in many Western democracies. While Australia and Victoria regularly achieve high voter turnout rates when compared internationally, the Committee acknowledges that this is not a cause for complacency.
- 2.69 The Committee notes that many of the key issues in this inquiry are currently being considered in other countries and in other Australian jurisdictions.

¹⁰⁹ Victorian Electoral Commission, *Submission No.6*, p.1.
¹¹⁰ *Electoral Act 2002 (Vic)* s93(a). Retrieved 22 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

Chapter 3: Electoral enrolment in Victoria

- 3.1 At the 2006 Victorian state election, there were 3,353,845 enrolled electors in Victoria. Of this number, 3,110,172 voted. 243,673 eligible voters did not vote at the 2006 Victorian state election.¹¹¹
- 3.2 This chapter addresses electoral enrolment in Victoria, including eligibility requirements for electoral enrolment, the electoral roll, joint roll arrangements and the harmonisation of electoral enrolment laws. Statistics concerning electoral enrolment in Australia and Victoria are discussed. The chapter concludes by considering strategies to increase electoral enrolment, including evidence from Canada, the US and NZ about automatic electoral enrolment and EDR.

Electoral enrolment in Victoria

Enrolment eligibility in Victoria

- 3.3 In Victoria, to vote in federal, state and local government elections, all eligible electors must be correctly enrolled on the electoral roll.
- 3.4 The electoral roll is a “list of electors’ names and addresses that is used to determine who can vote at elections. It is formed from the enrolment database, which also includes people’s date of birth and gender”.¹¹²
- 3.5 In Victoria, the *Constitution Act 1975 (Vic)* qualifies who is entitled to enrol as an elector for the Victorian Legislative Assembly and the Legislative Council.¹¹³
- 3.6 Enrolment is compulsory in Victoria for all persons who:
- Are, or become, an Australian citizen (or British subject who was on an Australian electoral roll on 26 January 1984 and – for Victorian elections only – if they were a British subject enrolled between 26 October 1983 and 25 January 1984 inclusive);

¹¹¹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.4.

¹¹² Victorian Electoral Commission, VEC: Enrolment, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolment.html>

¹¹³ *Constitution Act 1975 (Vic)* s48. Retrieved 10 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/

- Are aged 18 years or over; and
- Have lived at their current address in Victoria for at least one month.¹¹⁴

3.7 The VEC stipulates that all eligible electors must fill out a new electoral enrolment form each time they change their residential and postal address.¹¹⁵

Compulsory enrolment

3.8 At a briefing with the VEC in Melbourne on 4 May 2009, a Committee member raised the subject of compulsory enrolment with the Victorian Electoral Commissioner, Mr Steve Tully, and the penalties that currently exist under the *Electoral Act 2002 (Vic)* for someone who fails to enrol to vote.¹¹⁶

3.9 Section 23(5) of the *Electoral Act 2002 (Vic)* states that proceedings must not be instituted against someone for failing to enrol to vote or updating their enrolment, provided they forward to the VEC a claim for enrolment or a notice of change of address.¹¹⁷

3.10 Mr Tully explained that the VEC's approach has been to focus on encouraging people to enrol and maintain their details, rather than pursue people through the courts. According to Mr Tully, it was often the case that people being pursued for not enrolling to vote would complete their enrolment forms on the steps of court, after much time and expense had been involved in collecting evidence and materials for a case.¹¹⁸

3.11 As a result of this, Mr Tully noted that pursuing people for failing to enrol was not cost effective.¹¹⁹

3.12 In addition, Mr Tully stated the issue of penalty enforcement and fining people for not enrolling to vote was a topic of interest amongst electoral commissioners across Australia. Mr Tully indicated there was a shared view amongst electoral commissioners that pursuing people for not keeping their enrolment details current would generally discourage people from participating in the electoral process.¹²⁰ He noted:

Firstly, the commissions have always tried to use motivation to enrol and a good sense of enrolling rather than a penalty; and secondly, the sheer practicalities of bringing about a conviction — the costs that are required, and then matters have

¹¹⁴ Victorian Electoral Commission, VEC: Enrolment, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolment.html>

¹¹⁵ Victorian Electoral Commission, VEC: Enrolment, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolment.html>

¹¹⁶ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, pp.11-12.

¹¹⁷ *Electoral Act 2002 (Vic)* s 23(5).

¹¹⁸ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, pp.11-12.

¹¹⁹ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of Evidence*, Private briefing, Melbourne, 4 May 2009, pp.11-12.

¹²⁰ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, pp.11-12.

often been solved on the steps of court and have come to nothing — mean it has been a cost issue as well.¹²¹

- 3.13 On 6 July 2009, Deputy Victorian Electoral Commissioner, Ms Liz Williams, reiterated that the Victorian Electoral Commissioner had raised the issue of a “national push for fining eligible electors for not voting” with other electoral commissioners across Australia.¹²² Ms Williams stated:
- The current legislation that is mirrored around Australia is seen as a difficulty and the concerns of mounting expensive prosecution action in the context of the matter being resolved on the steps of the court by the person completing an enrolment form remain.¹²³
- 3.14 On 6 July 2009, the VEC also provided the Committee with copies of the latest versions of correspondence it sends to electors who need to update enrolment information. These can be found at Appendix 7.
- 3.15 The Committee appreciates that the task of initiating legal proceedings against every individual who fails to enrol to vote or maintain their enrolment details is a costly and time consuming process.
- 3.16 However, the Committee is of the view that the Victorian law be enforced wherever practicable. The Committee believes that electors faced with the choice of enrolling, or facing a fine or legal proceedings for failing to enrol, would ultimately choose to enrol.
- 3.17 The Committee expects that the VEC will enforce the electoral enrolment enforcement provisions of the *Electoral Act 2002* (Vic). If the legislation is counterproductive to current practice, it is up to the Electoral Commissioner to report the matter to the Parliament, seeking the appropriate remedies. In this instance, it would seem that legislation should be changed to reflect current practices in enrolment administration, or that practice should be changed to reflect provisions in the *Electoral Act 2002* (Vic).

Special enrolment options

- 3.18 There are a range of options for those with special enrolment requirements.¹²⁴

General postal voter

- 3.19 It is possible to enrol as a general postal voter if eligible electors face difficulties getting to a voting centre on election day. Those eligible to become a general postal voter include people who:
- Live more than 20 km from a voting centre;

¹²¹ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commissioner, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.12.

¹²² L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

¹²³ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

¹²⁴ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

- Have a disability;
- Have ill health;
- Care for someone with ill health;
- Hold religious beliefs that prevent them from voting on election day;
- Are serving a prison sentence of less than three years;
- Are patients at a nursing home;
- Enrolled as a silent elector; or
- Are 70 years old or older.¹²⁵

Overseas elector

3.20 Eligible electors may register as overseas electors if they are:

- Enrolled and intend to leave Australia within the next three months, and intend to return to Australia within six years; or
- Enrolled and left Australia less than three years ago, and intend to return to Australia within six years of leaving.¹²⁶

3.21 Registering as an overseas elector does not mean that the VEC will send ballot papers directly to the individual. Eligible overseas electors must still vote in person at an Australian Diplomatic Post that provides full consular services, or by applying for a postal vote.¹²⁷

3.22 Issues associated with enrolment and overseas voters are discussed in Chapter Seven.

Silent elector

3.23 Eligible electors can apply to enrol as a silent elector if they believe that, by having their address printed on the electoral roll, their personal safety or their family's safety could be at risk. Silent enrolment means that an individual's address will not be shown on future editions of the electoral roll.¹²⁸

¹²⁵ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹²⁶ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹²⁷ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹²⁸ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

Homelessness and those with no fixed address

3.24 There are a range of enrolment options for eligible electors experiencing homelessness and for those with no fixed address. For those eligible electors with no fixed address, there are provisions to enrol by using one of the following addresses:

- The address where a next of kin lives;
- The place where the person last lived;
- The individual's place of birth; or
- If they were not born in Australia, a place in Australia they feel the closest connection to.¹²⁹

Provisional enrolment

3.25 Eligible Victorians of 17 years of age can enrol to vote provisionally. The advantage of enrolling for provisional electors is that they are automatically enrolled when they turn 18 years, and that they will be entitled to vote in an election even if they turn 18 years of age after the close of roll provisions and before or on election day.¹³⁰

3.26 New citizens of Australia are also eligible to apply for provisional enrolment if they have been notified that they will become an Australian citizen between the date of the writ and the polling day for election. People in this category must provide evidence of the Immigration Department's notification the date of their citizenship ceremony, to either an AEC officer or an elector from the list of authorised persons who can be shown an Immigration Department notification.

Enrolment for those with a cognitive disability or impairment

3.27 The VEC provides a brochure which outlines the rights of people with cognitive disabilities or impairments to vote, and the assistance available to carers of people with cognitive disabilities or impairments to help them vote at a voting centre or participate in the electoral process as a General Postal Voter. The form also provides details to carers on the process involved to have a registered medical practitioner assess whether someone in care is no longer able to understand the nature and significance of enrolling and voting.¹³¹

¹²⁹ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹³⁰ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹³¹ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

Enrolment for those serving a prison sentence

3.28 The VEC provides a brochure detailing the requirements for prisoners to enrol to vote for both federal, state and local government elections.¹³²

Electors disqualified to vote in Victoria

3.29 The following persons are disqualified from voting in Victoria;

- Persons deemed to be of unsound mind, pursuant to Section 48(2)(d) of the Constitution Act 1975 (Vic).¹³³
- Persons convicted of treason or treachery under state or Commonwealth law who remain unpardoned;
- Persons serving a prison sentence of five years or longer will be automatically taken off the State electoral roll and are not entitled to vote; and
- Persons who have not lived in their principal place of residence, as registered on the electoral roll, for three months prior to election day.¹³⁴

Electoral roll

3.30 The VEC defines the Victorian electoral roll as a list of the names of all the people who are entitled to vote in Victorian state and local government elections.¹³⁵

3.31 The VEC's Register of Electors is a database of the names of eligible electors in Victoria.

3.32 On 4 May 2009, the Victorian Electoral Commissioner, Mr Steve Tully, briefed the Committee about electoral enrolment processes in Victoria.

3.33 Mr Tully told the Committee that Victoria has a joint roll arrangement with the AEC.¹³⁶ The aim of this joint roll arrangement is to ensure that there is one continuous source of enrolment information in Australia, and one common

¹³² Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹³³ *Constitution Act 1975* (Vic) s48(2)(d). Retrieved 10 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/ – For further information about the term “unsound mind” in an electoral context, see: Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, p.81.

¹³⁴ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

¹³⁵ Victorian Electoral Commission, Glossary, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 July 2009 from <http://www.vec.vic.gov.au/glossary.html>

¹³⁶ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.9.

enrolment form.¹³⁷ He stated that all electoral administrators across Australia supported joint roll arrangements.¹³⁸

3.34 The electoral roll is maintained through the Continuous Roll Update (CRU) program, administered by the AEC:

[CRU] commenced in 1997 and is now an established process by which the AEC systematically reviews the Commonwealth electoral roll to ensure its ongoing accuracy and currency. Under the authority of the *Commonwealth Electoral Act 1918* (Cth), the AEC obtains information for this exercise from other agencies, who supply the AEC with change of address data and new clients details. Regular and ongoing CRU reviews of electoral enrolment are conducted by mailing letters to selected electors at addresses. However, where mail review is not effective or appropriate a residence may be reviewed and [door knocked] by a fieldwork officer who actually visits the residence.¹³⁹

3.35 At the briefing, Mr Tully noted that Victoria is a leader amongst Australian jurisdictions in terms of CRU services.¹⁴⁰ Victoria has piloted a number of CRU initiatives, including with the motor registry VicRoads and a number of other authorities.¹⁴¹ As a result of this, Victoria is recognised for its contribution to the joint roll arrangement through a discount of 25 percent on CRU services because of what Victoria contributes to the federal electoral roll.¹⁴²

3.36 The VEC's *Annual Report 2006-2007* provides further detail about CRU processes. According to the VEC:

Electors targeted through data matching initiatives with the Residential Tenancies Bond Authority, Victorian Tertiary Admissions Centre and VicRoads are sent enrolment forms as they register a change of address. Data supplied by the Victorian Curriculum and Assessment Authority (VCAA) enables the VEC to send a birthday card with enrolment form to Victorians in the education system as they turn 17 years of age (Victorians are eligible to enrol at 17 but cannot vote until they are 18). According to VEC tracking of enrolments, 29 percent of 17 year olds who enrolled in 2007-08, did so as a result of VEC initiatives.¹⁴³

3.37 A memorandum of understanding (MOU) between the VEC and AEC sets out how information is shared between the authorities. It also establishes

¹³⁷ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹³⁸ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹³⁹ Australian Electoral Commission, AEC: Electoral roll – frequently asked questions, Australian Electoral Commission, Canberra, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/FAQs/Electoral_Roll.htm

¹⁴⁰ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹⁴¹ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹⁴² S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹⁴³ Victorian Electoral Commission, *Annual report 2006-2007*, Victorian Electoral Commission, Melbourne, 2008, p.19. Retrieved 10 July 2009 from <http://www.vec.vic.gov.au/files/annualreport2007part2.pdf>

costs for improvements to the electoral roll, for services such as database matching.¹⁴⁴

- 3.38 The Committee was advised that the VEC met with the AEC in July 2009 to discuss the current MOU regarding CRU programs conducted by the VEC and AEC and the associated cost arrangements. The VEC informed the Committee that the activities and initiatives for the 2008-2009 MOU would be redrafted to include the 2009-2010 program. The 2008 Victorian Local Government Elections and the 2009 Black Saturday bushfires reduced the CRU activities for the 2008-2009 year. It was decided to renegotiate the MOU over a two-year period to catch up on any lost effort.¹⁴⁵
- 3.39 At the briefing, Mr Tully discussed a number of enrolment update strategies with the Committee. A Committee member raised the idea that one strategy to capture enrolment information could be for the Commonwealth to provide a space on departure cards for international travellers to fill in their email address, as email has become an integral means of day-to-day communication. It was also suggested that by extension, electoral authorities might want to consider whether it was possible to access information from the Commonwealth Government's *Smart Traveller* website, as it was likely that this website contained email addresses for Australians registered with the site who were travelling overseas.
- 3.40 Mr Tully noted that this issue would need to be considered by the AEC, but that the VEC would evaluate it.¹⁴⁶

Geospatial data

- 3.41 Mr Tully told the Committee that the VEC has a strong interest in and employs geospatial technologies to assist with its commitments in relation to the MOU.¹⁴⁷ Spatial data is also known as geospatial data or geographic information. According to Geoscience Australia, it refers to information that identifies the geographic location of natural or constructed features and boundaries on the earth, including the oceans. Spatial data is used in a wide variety of applications, including economic, social and environmental research.¹⁴⁸
- 3.42 Mr Tully noted that the VEC has used spatial data to assist the organisation with electoral redistributions and also as part of the CRU process to identify properties where it believes individuals who are not enrolled correctly are residing:

¹⁴⁴ Australian Electoral Commission, *AEC Annual report 2005-06*, Australian Electoral Commission, Canberra, 2007. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2006/overview_partnerships.htm

¹⁴⁵ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

¹⁴⁶ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.6.

¹⁴⁷ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹⁴⁸ Geoscience Australia, *Australian Spatial Data Infrastructure*, Geoscience Australia, 2005. Retrieved 5 June 2009 from <http://www.ga.gov.au/nmd/asdi/>

[S]patial data, in my view, is the way to go, not only for redistributions but also for the roll review because [we] have skills in the office now where we can overlap maps of electors against spatial data, see which properties have not got anyone living in them or enrolled in them and target those properties.¹⁴⁹

- 3.43 The Committee commends the VEC's initiatives in relation to the use of geospatial data and the CRU system.

Differences between the Victorian and Commonwealth electoral rolls

- 3.44 Mr Tully told the Committee that while there are differences between the Victorian and Commonwealth electoral rolls, wherever possible the VEC attempts to ensure that all changes to the electoral register occur through a centralised channel, specifically the AEC.¹⁵⁰ The VEC also clarified the differences between the Victorian electoral roll and the Commonwealth electoral roll:

[T]here may be a small variation of hundreds. That may be because someone has filled in at the close of the roll an application form that satisfies state requirements but does not satisfy Commonwealth requirements. So the joint roll arrangements and the memorandum of understanding says that the AEC will enrol them for state purposes only. They need to follow them up to make sure they get their point of identification checked.¹⁵¹

There are itinerants that we pick up;...differences in prisoners. I think Antarctic is the same, and there is proof of identity.¹⁵²

- 3.45 The Committee Chair noted that this may be an area that any process to harmonise Australia's electoral enrolment laws would need to consider.¹⁵³

Discussion of potential harmonisation of electoral enrolment laws

- 3.46 Throughout this inquiry, the Committee has considered the Commonwealth Government's Electoral Reform process and its implications for electoral administration in Victoria. While the Committee's approach to harmonisation has recently focused on reforms to political donations and disclosure, the Committee is mindful that the Commonwealth Government, as noted in Chapter Two of this report, is planning to release the second part of its Electoral Reform Green Paper in 2009. The Green Paper may raise a number of issues relating to Australia's electoral enrolment laws.

¹⁴⁹ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.7.

¹⁵⁰ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.9.

¹⁵¹ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.9.

¹⁵² S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.9.

¹⁵³ A Somyurek, Committee Chair, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.9.

- 3.47 At the briefing, the Committee queried Mr Tully about the degree to which Victoria could introduce changes to Victorian electoral enrolment without substantially affecting the joint roll arrangement between the VEC and the AEC.¹⁵⁴
- 3.48 Mr Tully told the Committee that it would be possible for Victoria to introduce changes to its electoral enrolment laws that would not materially affect the commonality of the joint roll arrangement. According to Mr Tully, cost was an issue:
- It is just a question of money, really. If the Victorian Parliament was inclined to give 15, 16 or whatever year olds the right to vote, I think we would incorporate that on a joint enrolment form, extend the memorandum of understanding to capture that data; it would still be captured and recorded by the Commonwealth, and we would just have to pay for the additional costs that that incurred.¹⁵⁵
- 3.49 In addition, Mr Tully noted that there was scope for Victoria to independently legislate changes to state electoral enrolment laws.¹⁵⁶
- 3.50 While the Committee supports a harmonised approach to Australia's electoral laws, it also notes the Victorian Electoral Commissioner's comments.

Issues relating to enrolment at federal elections

Commonwealth Electoral Act 1918 (Cth)

- 3.51 During the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, inquiry participants raised concerns about changes to enrolment requirements for federal elections, specifically those relating to proof of identity requirements and close of roll provisions.¹⁵⁷
- 3.52 Commonwealth electoral legislation stipulates that "electors need to provide proof of identity (driver's licence number or Australian passport number) when enrolling for the first time, re-enrolling to get back on the electoral roll, updating their address and/or name details if they have changed".¹⁵⁸ Where an "elector does not possess this identification, two electors can sign to

¹⁵⁴ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.8.

¹⁵⁵ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.8.

¹⁵⁶ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.8.

¹⁵⁷ L Allison, Leader, Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p.6; G Diego, Divisional Policy Officer, United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p.5; G Clarke, Research Officer, Victorian Aboriginal Legal Service Co-operative Limited, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p.2. All Retrieved 1 June 2009 from

¹⁵⁸ <http://www.parliament.vic.gov.au/emc/2006%20State%20Election/transcripts.htm>
Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, p.32.

confirm the elector's name and that they have known the elector for at least one month. The legislation provides for the electoral roll to close earlier".¹⁵⁹

3.53 As noted in Chapter Two, the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (Cth) introduced a timetable for the close of the electoral roll provisions in the leadup to a federal election. Figure 3.1 outlines changes to the close of roll provisions.

3.54 At a public hearing for the inquiry into the conduct of the 2006 Victorian state election and matters related thereto in Melbourne on 29 August 2007, then Senator Lyn Allison, Leader of the Australian Democrats, stated that the earlier roll closure may disenfranchise up to 100,000 people at a general election. She said:

I think more time, the better...because people frankly forget, do not get around to it, need prompting, do not know they have to do it, and so on.¹⁶⁰

3.55 Ms Giselle Diego, then Divisional Policy Officer from the United Nations Youth Association of Australia, Victorian Division, also noted:

Closing the polls so early on will exclude a large demographic who are not already represented enough in Parliament, considering we do not even have a youth ministry. This is another way of taking away the voice of young people in the democratic process, especially at the federal level.¹⁶¹

3.56 While these issues are for the Commonwealth and outside the scope of this inquiry, the Committee notes correspondence it has received from the then Special Minister of State, Senator the Hon John Faulkner, on 7 January 2008 that a comprehensive review of the close of roll arrangements would be undertaken as part of the Commonwealth Parliament's JSCEM inquiry into the 2007 federal election. As noted in Chapter Two, the report contains a number of recommendations for amendment to the *Commonwealth Electoral Act 1918* (Cth) relating to the close of roll provisions and proof of identity requirements.¹⁶²

3.57 The Committee also notes that as part of its submission to this inquiry, the Democratic Audit of Australia made a series of recommendations involving changes to the *Commonwealth Electoral Act 1918* (Cth). These recommendations included:

That the Commonwealth Electoral Act be amended to require the AEC to automatically reinstate those deleted from the roll because of a change of address;

Given that enrolment of 18 and 19 year-olds are regularly reported at levels 25 percentage points below the all-age average, that the *Commonwealth Electoral*

¹⁵⁹ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, p.32.

¹⁶⁰ L Allison, Leader, Australian Democrats, *Transcript of evidence*, Public Hearing, Melbourne, 29 August 2007, p.6.

¹⁶¹ G Diego, United Nations Youth Association of Australia, Divisional Policy Officer, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p.5.

¹⁶² Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *Report on the conduct of the inquiry into the 2007 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2009, p.xxiv-l.

Act 1918 (Cth) be amended to permit the AEC to automatically enrol eligible 18 year olds who can be identified by State Education Department and other data bases;

That an electronic version of the roll be used at each polling place so that would-be voters can determine immediately where they are enrolled. We note that at the 2006 Victorian state election electronic versions of the roll were made available on Personal Digital Assistants at 123 voting places, including at the provincial centre of Casterton to allow firefighters to vote;

That the current (post-2006) proof of identity requirements to enrol be removed;

That the current enrol to vote form be simplified – removal of the ID requirements will facilitate this; and

That enrolment online be permitted. This is particularly important for young citizens.¹⁶³

**Figure 3.1: AEC factsheet:
New deadlines for enrolling to vote**

If you are:	The electoral rolls will close and your deadline for the AEC to receive your correctly completed enrolment form is:
Enrolling for the first time Except if: You are 17, but will turn 18 years of age between the day after the issue of the writs and election day (inclusive) or You will become an Australian citizen between the day after the issue of the writs and the day before election day (inclusive)	8pm on the same day the writs for the election are issued Then the deadline is 8pm, three working days after the day the writs for the election are issued Then the deadline is 8pm, three working days after the day the writs for the election are issued
Re-enrolling to get back on the roll after having been removed for any reason	8pm, on the same day the writs for the election are issued
On the roll, but with an out-of-date address or name details	8pm, three working days after the day the writs for the election are issued

Source: Australian Electoral Commission, Factsheet, Deadlines for enrolling to vote for federal elections. Retrieved 7 June 2009 from http://www.aec.gov.au/About_AEC/publications/fact_sheets/close_of_rolls.htm

3.58 While the Democratic Audit’s recommendations focus on changes to the *Commonwealth Electoral Act 1918* (Cth), the Committee is of the view that

¹⁶³

Democratic Audit of Australia, *Submission No.5*, pp.3-4.

recommendations could be tailored to apply to Victorian legislation, namely the *Electoral Act 2002* (Vic).

Electoral enrolment statistics

- 3.59 Several inquiry participants provided evidence to the Committee about current levels of electoral enrolment in Victoria and Australia.¹⁶⁴
- 3.60 The Committee has also been guided by evidence it received during its inquiry into the conduct of the 2006 Victorian state election and matters related thereto.

Enrolment at the 2006 Victorian state election

- 3.61 At the 2006 Victorian state election, there were 3,353,845 enrolled electors in Victoria.¹⁶⁵ Of this number, 3,110,172 voted. In correspondence to the Committee on 9 June 2009, the Deputy Victorian Electoral Commissioner, Ms Liz Williams, indicated that on 31 December 2006 93.81 percent of eligible Victorians were enrolled to vote, and that this was the most accurate quarterly figure for that period from the AEC's Roll Integrity Unit.¹⁶⁶
- 3.62 At the 2006 Victorian state election, a total of 243,673 eligible electors did not vote.¹⁶⁷
- 3.63 At the 2006 Victorian state election, there were 74,403 declaration votes cast, a decrease on the 91,961 declaration votes at the 2002 Victorian state election.¹⁶⁸ A total of 32,179 were classified as "absent not on roll"¹⁶⁹ by the

¹⁶⁴ Democratic Audit of Australia, *Submission No.5*; Victorian Electoral Commission, *Submission No.6*; Australian Greens Victoria, *Submission No.9*.

¹⁶⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.4.

¹⁶⁶ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 9 June 2009.

¹⁶⁷ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, p.4.

¹⁶⁸ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.4.

¹⁶⁹ Votes cast by electors on election day who attend a voting centre outside the electorate for which they are enrolled (and the voting centre does not have access to the whole state roll). They complete an absent declaration at the voting centre. Their completed ballot paper is placed in the declaration envelope and it is returned to the Election Manager for the electorate the elector is claiming enrolment for after election day. If the Election Manager cannot subsequently locate the elector on the roll, the declaration is sent to the VEC's enrolment branch for further checking. See: L Williams, Deputy Victorian Electoral Commissioner, Correspondence, 28 July 2009.

VEC. 39,667 were classified as “unenrolled”¹⁷⁰ and 1,493 were classified as “early not on roll”.¹⁷¹

- 3.64 Of the declaration votes, 7,596 were admitted and 66,807 were rejected. Of those admitted, most were found using specialist search techniques including phonetics and date of birth as the key identifiers. Those electors whose declaration votes were rejected believed they were on the roll. The figure of 74,403 relates to the number of declaration votes that required further checking. A total of 255,161 early votes, 199,517 absent votes and 39,667 unenrolled votes were issued for the election.¹⁷²
- 3.65 In its report into the 2006 Victorian state election, the VEC notes that while it was relatively satisfied with the state electoral roll at the close of the rolls in 2006, there was still a significant number of eligible Victorians who were disqualified from voting because “they were either not enrolled, or had not properly maintained their enrolment details and information”.¹⁷³
- 3.66 The VEC suggested that allowing people to directly update their enrolment information as they update other forms of government records would result in greater efficiencies in the enrolment process and required investigation by all electoral authorities in Australia.¹⁷⁴
- 3.67 The VEC also notes that approximately 66,000 people presented to vote on election day unaware that they were not on the roll, and that this makes a strong case for improvements to the system of electoral enrolment.¹⁷⁵
- 3.68 In the six months preceding the 2006 Victorian state election, the VEC processed 382,547 enrolments.¹⁷⁶

¹⁷⁰ An elector attending a voting centre or early voting centre and their name cannot be found on the roll. They claim they are entitled to vote and complete an unenrolled declaration. The unenrolled declaration is sent to the VEC's enrolment branch after election day to determine if the elector is entitled to vote. Very few of these are subsequently admitted to the count.

¹⁷¹ See: L Williams, Deputy Victorian Electoral Commissioner, Correspondence, 28 July 2009. Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.4. Where an elector votes at an early voting centre or an early mobile centre and the official does not have access to the full state roll, the elector's ballot paper is enclosed in a declaration envelope and the elector completes their details and declares that they are eligible to vote on the envelope. These envelopes are returned to the Election Manager for which the elector is claiming entitlement after the close of early voting. If their name cannot be found on the roll, the declarations are sent to the VEC's enrolment branch for further checking. See: L Williams, Deputy Victorian Electoral Commissioner, Correspondence, 28 July 2009.

¹⁷² L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 9 June 2009.

¹⁷³ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.27.

¹⁷⁴ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.27.

¹⁷⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.79.

¹⁷⁶ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.27.

VEC's submission to this inquiry

- 3.69 The VEC's primary submission to this inquiry provides detailed information about electoral enrolment in Victoria and Australia.
- 3.70 In its submission, the VEC notes that the AEC's Roll Integrity Unit has produced statistics on a state-by-state basis of electors as a proportion of those eligible to enrol (broadly, Australian citizens of 18 years or over, plus British subjects who were enrolled as at the start of 1984).¹⁷⁷
- 3.71 The AEC's Roll Integrity Unit was "established in February 2003 to implement recommendations from the 2002 reports of the Australian National Audit Office (ANAO) and the Commonwealth Parliament's JSCEM".¹⁷⁸
- 3.72 Figures provided by the VEC of those eligible to vote are based on census statistics and estimates by the Australian Bureau of Statistics (ABS), and are not completely reliable (the VEC's submission points out "that the statistics using the 2006 census as a base vary by up two percent from the statistics using the 2001 census").¹⁷⁹ The Democratic Audit of Australia offers a similar view to the VEC about enrolment statistics in its submission to this inquiry.¹⁸⁰
- 3.73 Table 3.1 charts the percentage of enrolled electors across Australian jurisdictions, between October 2004 and March 2008.

Table 3.1: Percentage of enrolled electors, Australia, October 2004 – March 2008

Date	AUS	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
COR2004	91.54	91.58	92.95	89.32	90.52	93.17	95.62	93.38	80.93
30/6/05	91.5	91.34	93.53	88.2	91.61	93.26	95.6	93.65	80.97
30/6/06	90.2	90.32	92.02	86.51	89.73	92.93	95.42	92.83	78.39
30/6/07	91.6	92.09	92.94	88.59	90.81	93.41	95.53	95.5	78.39
COR2007	92.28	92.85	93.27	89.34	92.24	93.31	96.24	96.56	82.42
31/12/07	92.55	93.19	93.47	89.51	92.52	93.6	96.81	96.74	83.23
31/3/08	92.36	93.05	93.25	89.31	92.15	93.47	96.63	96.61	83.42

Source: Victorian Electoral Commission, Submission No.6, p.3. (COR – close of rolls)

¹⁷⁷ Victorian Electoral Commission, *Submission No.6*, p.3.

¹⁷⁸ Enrolment Steering Committee, Electoral Council of Australia, "Report of the Enrolment Steering Committee to the Electoral Council of Australia", 2005. Retrieved 1 June 2009 from http://www.eca.gov.au/reports/cru_report_0405.pdf

¹⁷⁹ Victorian Electoral Commission, *Submission No.6*, p.3.

¹⁸⁰ Democratic Audit of Australia, *Submission No.5*, p.2.

- 3.74 The VEC notes that Victoria's enrolment rate has "consistently been above the national average, ranking third or fourth among the States and Territories".¹⁸¹

Federal enrolment rates in context

- 3.75 Given the joint roll arrangement between the VEC and the AEC, the Committee is of the view that it is important to consider Australian enrolment rates in order to understand enrolment rates and trends in Victoria.

- 3.76 The VEC's primary submission to this inquiry provides information about the number of enrolled electors in Australia. According to the VEC, the number of enrolled electors in Australia, as shown in the second column in Table 3.1, has not fallen "below 90 percent of those eligible to enrol, and has been very stable, with a maximum variation of no more than 2 percentage points".¹⁸² The VEC also notes:

The enrolment rate declined slowly after the 2004 election to a low point of 90.2 percent in mid 2006, and then rose again in the lead-up to the 2007 federal election to reach a high point of 92.55 percent by the end of 2007. This is a normal pattern: people tend to enrol in anticipation of an election, and afterwards to be taken off the roll through the objection process if they change address and do not bother to re-enrol for their new address. In 2007, there was concern that a more demanding enrolment process and the close of the roll for new electors on the day of the issue of the writs for a federal election would depress enrolment rates. In response, the AEC launched an unprecedented enrolment campaign, which appears to have worked satisfactorily. The latest enrolment figures, for 31 March 2008, show a slight decline from election-related peak.¹⁸³

Number of people enrolled to vote

- 3.77 The AEC's *Annual Report 2007-2008* provides enrolment numbers by year and by state since 2000, as shown in Table 3.2.¹⁸⁴

- 3.78 According to the AEC, the total number of people enrolled to vote increased by 311,356 people from 13,451,214 in 2007 to 13,762,570 in 2008. In the AEC's view, this was the result of a combination of factors, including "the AEC's enrolment stimulation activities, advertising campaign and public awareness raising; media coverage; and general public awareness of electoral matters leading up to the federal election, as well as natural increases due to population growth".¹⁸⁵

¹⁸¹ Victorian Electoral Commission, *Submission No.6*, p.4.

¹⁸² Victorian Electoral Commission, *Submission No.6*, p.4.

¹⁸³ Victorian Electoral Commission, *Submission No.6*, p.4.

¹⁸⁴ Australian Electoral Commission, *AEC Annual Report 2007-2008*, Australian Electoral Commission, Canberra, 2008. Retrieved 29 May 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/index.htm

¹⁸⁵ Australian Electoral Commission, *AEC Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

3.79 In addition, the AEC's annual report notes that at the close of rolls for the 2007 federal election, 13,645,073 people were enrolled – an increase of 623,843 on the number enrolled for the 2004 federal election.¹⁸⁶

Table 3.2: People enrolled at 30 June by State or Territory, 2000 – 2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
NSW	4,187,911	4,154,672	4,216,767	4,270,127	4,310,662	4,311,489	4,299,510	4,427,879	4,528,444
VIC	3,153,514	3,199,570	3,253,105	3,265,797	3,283,191	3,338,389	3,324,691	3,405,136	3,467,794
QLD	2,241,387	2,326,846	2,353,278	2,369,873	2,441,694	2,463,798	2,458,457	2,563,157	2,642,032
WA	1,169,243	1,203,847	1,204,743	1,207,713	1,217,279	1,265,107	1,259,528	1,291,576	1,326,577
SA	1,030,970	1,024,112	1,052,739	1,044,802	1,039,531	1,054,730	1,058,029	1,068,303	1,083,154
TAS	324,838	325,535	332,896	332,228	335,940	341,172	343,494	346,911	353,031
ACT	215,212	214,949	218,735	218,949	223,782	226,737	226,576	235,015	241,628
NT	107,776	105,611	109,717	109,250	109,388	113,053	111,254	113,237	119,910
TOT.	12,430,851	12,555,142	12,741,980	12,818,739	12,961,467	13,114,475	13,081,539	13,451,214	13,762,570

Source: Australian Electoral Commission, AEC: People enrolled at 30 June by State or Territory, 2000-2008 – Output 1.1.1, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

Enrolment participation rate in Australia

3.80 The AEC calculates voter participation rates using ABS population data derived from the census. According to the AEC:

The population data is adjusted, using other data that relates specifically to those who are not eligible to be enrolled to vote, to estimate the total number of people eligible to enrol. The total is then compared to the actual number of people enrolled on the AEC's electoral roll database, to estimate the "participation rate".¹⁸⁷

¹⁸⁶ Australian Electoral Commission, *AEC Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

¹⁸⁷ Australian Electoral Commission, *AEC: Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

Table 3.3: Estimated rates of enrolment, October 2004 to June 2008

Date	Proportion of eligible Australians enrolled
Federal election 2004 (9 October 2004)	91.5 percent
30 June 2005	91.5 percent
30 June 2006	90.2 percent
30 June 2007	91.6 percent
Federal election 2007 (24 November 2007)	92.3 percent
30 June 2008	92.2 percent

Source: Australian Electoral Commission, AEC: Estimated rates of enrolment, October 2004 to June 2008, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

Issues about electoral enrolment in Victoria and Australia

- 3.81 During this inquiry, the Committee has considered evidence from inquiry participants and stakeholders expressing concern about electoral enrolment in Victoria and Australia.
- 3.82 In its submission, the Democratic Audit of Australia argues that at the 2006 Victorian state election, turnout was about 93 percent, and 95 percent of those votes were admitted as formal for the Legislative Assembly.¹⁸⁸ Put another way, the Democratic Audit’s submission states that 88 percent of enrolled Victorians cast a valid vote, a “relatively low figure for an electoral system in which enrolment and voting are compulsory”.¹⁸⁹
- 3.83 The Democratic Audit also estimates that approximately 234,000 eligible Victorians were not on the electoral roll in 2006, which means “that 620,000 citizens did not participate in the election of that year because: they were not on the roll; they were on the roll but did not turn out to vote; or they attempted to vote but spoiled their ballot paper”.¹⁹⁰
- 3.84 Further to this, the Democratic Audit’s submission raises concerns about the electoral roll and its accuracy in light of population changes. While the Democratic Audit cites research supporting the integrity of the electoral roll, the submission also refers to research indicating that the AEC, through database and information sharing arrangements, might be more adept at

¹⁸⁸ Democratic Audit of Australia, *Submission No.5*, p.2.

¹⁸⁹ Democratic Audit of Australia, *Submission No.5*, p.2.

¹⁹⁰ Democratic Audit of Australia, *Submission No.5*, pp.2-3.

removing people from the electoral roll, “but not at putting them back on”.¹⁹¹ The Democratic Audit concludes that the same databases the AEC uses to administer its mail out programs could be used to form the basis of an automatic enrolment system to enrol electors.¹⁹²

3.85 In its submission to the inquiry, the VEC also cites research from Mr Peter Brent and Mr Simon Jackman¹⁹³ who argue that the total number of electors is failing to keep pace proportionally with population growth.¹⁹⁴

3.86 In contrast to the Democratic Audit of Australia, the VEC’s conclusions about this trend are more circumspect:

Although enrolments increased substantially for the 2007 Federal election, the longer-term picture is still unclear.¹⁹⁵

3.87 Throughout this inquiry, the Committee has monitored the progress of the Commonwealth Parliament’s JSCEM inquiry into the 2007 federal election, and reviewed secondary literature on the subject of the 2007 federal election.

3.88 At a public hearing held by the Commonwealth Parliament’s JSCEM on 17 March 2009, the Australian Electoral Commissioner, Mr Ed Killesteyn, informed JSCEM that one of the major challenges facing electoral authorities is ensuring that all eligible Australians are enrolled to vote. According to Mr Killesteyn:

As at the end of February 2009, there were over 13.8 million electors on the electoral roll. While this figure represents an increase in the number of electors enrolled since the 2007 federal election—that is, 13.645 million—it does not match the increase in the number of eligible voters in the community. At the 2007 federal election an estimated 92.3 percent of the total number of eligible voters were on the electoral roll. This represented an increase of 0.8 percent on the estimated participation rate at the 2004 federal election. The enrolment participation rate has now dropped to a level of 91.63 percent in spite of the increase in the number of electors currently on the electoral roll. Discussion of the participation rate in percentage terms, however, masks the true extent of the disenfranchisement that exists in the Australian community. We estimate there are about 1.2 million eligible voters currently not on the electoral roll and therefore are not able to exercise their franchise.¹⁹⁶

3.89 In a recent article, Professor Brian Costar, Chair of Victorian Parliamentary Democracy, Swinburne University and member of the Democratic Audit of

¹⁹¹ Democratic Audit of Australia, *Submission No.5*, p.2; P Brent, “Time to introduce automatic enrolment in Australia”, Democratic Audit of Australia, Discussion Paper, February 2008, p.3.

¹⁹² Democratic Audit of Australia, *Submission No.5*, p.3.

¹⁹³ Peter Brent is a Democratic Audit team member. He is doing doctoral research on the history of electoral administration funded by a linkage grant with the Electoral Council of Australia.

¹⁹⁴ P Brent and S Jackman, “A shrinking Australian electoral roll”, Democratic Audit of Australia, Discussion Paper, June 2007. Retrieved 10 June 2009 from <http://democratic.audit.anu.edu.au/papers/20070620brentjackmanaecroll.pdf>

¹⁹⁵ Victorian Electoral Commission, *Submission No.6*, p.4.

¹⁹⁶ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, Mr E Killesteyn, Australian Electoral Commissioner, *Transcript of evidence*, Public hearing, Canberra, Tuesday 17 March 2009, p.3. Retrieved 10 May 2009 from <http://www.aph.gov.au/hansard/joint/commttee/J11799.pdf>.

Australia, also drew attention to the significance of Mr Killesteyn's evidence to the Commonwealth Parliament's JSCEM.¹⁹⁷

Committee's view – enrolment statistics

- 3.90 The Committee notes that while Victoria's enrolment rates are generally better than the national average, it is concerning that many eligible Victorians are not participating in the electoral process as a result of incorrect enrolment.
- 3.91 Leading on from the Australian Electoral Commissioner's evidence, the Committee shares Mr Killesteyn's concerns about the number of unenrolled Australians.
- 3.92 The Committee notes the Victorian Electoral Commissioner's views about the practicalities of Victoria introducing changes to enrolment law independent of the Commonwealth. While the Committee has previously indicated its commitment to a harmonised approach to Australia's electoral laws,¹⁹⁸ Mr Tully's comments suggest there may be scope for Victoria to continue to conduct its own research into strategies to increase enrolment and electoral participation in Victoria.

Strategies to increase electoral enrolment

- 3.93 During this inquiry the Committee has considered evidence from several inquiry participants, stakeholders, and from its international investigations in Canada, the US, the UK and NZ, outlining strategies to increase electoral enrolment.
- 3.94 This chapter discusses automatic enrolment, EDR and NZ's dormant electoral roll. Chapters Six and Seven discuss strategies to increase electoral enrolment amongst specific community groups.

Automatic enrolment

Canada – National Register of Electors

- 3.95 Elections Canada, the country's chief electoral authority, operates the National Register of Electors.¹⁹⁹
- 3.96 According to Elections Canada, the National Register of Electors is a database of Canadians who are qualified to vote. It "contains basic information about each person – name, address, sex and date of birth.

¹⁹⁷ B Costar, "St Patrick's day massacre", *Inside Story*, 3 April 2009. Retrieved 10 June 2009 from <http://inside.org.au/st-patricks-day-massacre/>

¹⁹⁸ Electoral Matters Committee, Parliament of Victoria, *Inquiry into political donations and disclosure*, Parliament of Victoria, Melbourne, April 2009, p.128.

¹⁹⁹ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

Canadians may choose whether or not to have their names listed in the Register".²⁰⁰ The Register was introduced in 1997.²⁰¹

3.97 The information in the National Register of Electors is used to:

Produce the preliminary voters lists for federal elections, by-elections and referendums. It may also be used to produce voters lists for provinces, territories, municipalities and school boards that have signed agreements with Elections Canada, as permitted by the *Canada Elections Act* and provincial and territorial statutes.²⁰²

3.98 Elections Canada informed the Committee that the impetus for the national database stemmed from the practice of door-to-door enumeration. It was suggested that this way of gathering electoral information was both time consuming and expensive.²⁰³ The Register has helped address some of these inefficiencies and created an electronic database system where "sharing voters lists with provincial, territorial and municipal electoral agencies reduces duplication, results in higher quality lists of electors, and creates savings for taxpayers".²⁰⁴

3.99 The Committee noted the similarities between the Canadian Register and the joint roll arrangements in Australia.

3.100 The Committee was interested to learn that there are a number of sources which provide information to the Register, including taxation information from Revenue Canada, citizenship registers, driver's licence providers and documents listing deceased persons. A "permanent national register of electors who live abroad is also maintained, and lists around 9,000 electors".²⁰⁵

²⁰⁰ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

²⁰¹ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.13.

²⁰² Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

²⁰³ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.13.

²⁰⁴ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

²⁰⁵ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

3.101 In terms of automatic enrolment systems, the Committee was also told that Canada adopts a principle of “active, informed consent” with the Register.²⁰⁶ Information from federal data suppliers will be transferred to Elections Canada only with the consent of the individuals concerned.²⁰⁷

3.102 In addition, according to Elections Canada, on Canadian income tax returns:

[T]he Canada Revenue Agency includes a section that Canadian tax filers can check to declare their Canadian citizenship and have their name, address and date of birth forwarded to Elections Canada; in this way, if they are Canadian, their information can be updated in the National Register of Electors or added to the Register if not already in it. A similar section exists on Citizenship and Immigration’s citizenship application forms so that new Canadians can give consent for their names to be added to the National Register of Electors. A consent mechanism also exists on Canada Post’s Change of Address form.²⁰⁸

Evidence from inquiry participants about automatic enrolment

3.103 In its primary submission to the inquiry, the VEC outlines current enrolment arrangements in Victoria.

3.104 While noting that mail-outs have become the electoral commissions’ primary means of keeping the electoral roll up to date, the VEC records its concern that many people contacted this way do not send enrolment forms back to the commissions, and that general effectiveness of mail-out programs is questionable:

Mail-out programs have become the electoral commissions’ primary means of keeping the electoral roll up to date. However, they face the issue that only a minority of those contacted send enrolment forms [back]. The AEC conducts targeted doorknocks of those who fail to respond, but these doorknocks have only partial success. Furthermore, the effectiveness of the mail-out programs in general appears to be declining. The birthday card program, for example, originally had a response rate of more than 40 percent, but is now down to less than 20 percent. It may be that people in general are becoming more inclined to throw out what they see as junk mail without reading it. Electors who do not respond to mail-outs are largely taken off the roll through the objection process, and many of them do not realise this until they find that they are not on the roll at the next election.²⁰⁹

3.105 In the VEC’s view, there is significant potential for the harmonisation of electoral laws to improve voter participation. However, in terms of electoral enrolment, the VEC notes that the “essential problem” with current practice

²⁰⁶ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.13.

²⁰⁷ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

²⁰⁸ Elections Canada, Elections Canada on-line: general information, Elections Canada, Ottawa, July 2007. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=gen&document=ec90780&dir=bkg&lang=e&txonly=false>

²⁰⁹ Victorian Electoral Commission, *Submission No.6*, p.25.

is that it still relies on people taking the time to fill in enrolment forms. The VEC states:

Since Commonwealth legislative changes came into effect last year, the enrolment form is now substantially longer and more complicated, which could have a deterrent effect (quite apart from the proof of identity requirements in the new form).²¹⁰

3.106 Following on from these issues, the VEC proposes a number of smart and automatic enrolment strategies for the Committee's consideration.

Smart enrolment would involve changes to administrative processes rather than legislation. Under this proposal, an electoral commission could populate the fields on an enrolment form from the information it held, or a person could fill in an enrolment form on-line. In view of the complexities of the enrolment form, the electoral commission could present a questionnaire for the applicant to complete on-line, and the answers to the questionnaire would populate the form and be captured on a database held at the commission. On completion of the questionnaire, the applicant would print the form, sign it and send it to the commission. The form would be barcoded, and the barcode would be scanned at the commission to bring up the information that was entered on-line. Validity checks would take place prior to adding the elector to the roll. This method of enrolment would eliminate the need for data entry at the commission.

The VEC and AEC would need to consider the costs and administrative implications of smart enrolment. It would appear to make enrolment much easier for applicants. However, it would still depend on people taking the trouble to sign and return enrolment forms.²¹¹

Direct enrolment Under a system of direct, or automatic, enrolment, an electoral authority would enrol people itself, based on information it held, instead of waiting for individuals to take the initiative and send an enrolment form to the electoral authority. Such a system would reverse the responsibility for registration from the individual to the government. In a number of countries registration is the responsibility of the government. Where citizens and residents are obliged to register with the government and have an identity card, government-initiated registration can produce a high degree of coverage of those eligible. In Canada, once an individual gives consent to a government agency, Elections Canada can use data from that agency to add the individual to the national register of electors.

In a submission to the Commonwealth Parliament's JSCEM in 2007, the AEC suggested a system of direct enrolment, at least for enrolment updates. The AEC noted a trend of increasing resistance to direct mail and to doorknocks, and also a growing expectation, especially among young people, that government agencies should take the initiative to provide targeted services to individuals. Legislative change would be needed to introduce direct enrolment. The VEC would use information from government agencies to enrol people (such as 17 year old students on the VCAA database) or update their enrolment on the VEC's register of electors. It would then write to the electors providing their enrolment details, and asking them to correct any errors. A system of direct enrolment should greatly increase the enrolment rate among those eligible, and virtually end applications for unenrolled votes on election day. However, electoral authorities would need to ensure that only those eligible were enrolled. In particular, there would have to be precautions against

²¹⁰ Victorian Electoral Commission, *Submission No.6*, p.25.

²¹¹ Victorian Electoral Commission, *Submission No.6*, p.26.

enrolment by non-citizens. As with election-day enrolment, direct enrolment needs further investigation.²¹²

- 3.107 In its submission, the Democratic Audit of Australia calls for the introduction of an automatic enrolment system. As noted earlier in this chapter, the Democratic Audit also calls for federal legislative change to enrolment laws to facilitate enrolment for young people using state and federal education databases.²¹³
- 3.108 In its submission, the Australian Greens Victoria, indicate they would welcome the introduction of automatic enrolment, particularly for 18 year old voters and new citizens.²¹⁴

Election day registration

The United States of America

- 3.109 During its international investigations, the Committee travelled to New York and met with a number of organisations, including the UN Electoral Assistance Division, Department of Political Affairs, the New York City Campaign Finance Board and Demos.²¹⁵
- 3.110 Demos is a public policy research and advocacy organisation founded in 2000. Demos works with advocates and policymakers across US in pursuit of a range of political, social and economic goals.²¹⁶
- 3.111 Demos is also one of the leading sources of information, and advocacy centres for election day registration, known as EDR or Same Day Registration, in the US.
- 3.112 In eligible states, EDR permits eligible voters to register and vote on the same day as an election.²¹⁷
- 3.113 As of June 2009, there are nine states in the US that have introduced EDR for local, state and federal electoral contests. These are Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, Wyoming and North Carolina.²¹⁸
- 3.114 Evidence from the US Election Project shows that states that have introduced EDR enjoy higher than average voter turnout figures than non-EDR states, of around seven percent.²¹⁹

²¹² Victorian Electoral Commission, *Submission No.6*, pp.27-28.

²¹³ Democratic Audit of Australia, *Submission No.5*, p.4.

²¹⁴ Australian Greens Victoria, *Submission No.9*, p.1.

²¹⁵ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.iii.

²¹⁶ Demos, Demos – Ideas and action: About Demos, Demos, New York. Retrieved 10 June 2009 from <http://www.demos.org/about.cfm>

²¹⁷ Demos, Demos fact sheet: Same day registration, Demos, New York, 2 June 2009, p.1. Retrieved 9 June 2009 from http://www.demos.org/pubs/EDR_factsheet.pdf

²¹⁸ Demos, Demos fact sheet: Same day registration, Demos, New York, 2 June 2009, p.1. Retrieved 9 June 2009 from http://www.demos.org/pubs/EDR_factsheet.pdf

²¹⁹ Demos, Demos fact sheet: Same day registration, Demos, New York, 2 June 2009, p.1. Retrieved 9 June 2009 from http://www.demos.org/pubs/EDR_factsheet.pdf

- 3.115 According to Demos, there is a strong case for EDR in the US:
- Removing barriers to participation: Same Day Registration makes voting accessible and convenient by removing barriers to participation. EDR provides opportunity for all eligible voters to register to vote, even when an error has occurred in registration and their name and details may have been recorded incorrectly by a database. According to a May 2001 poll, nearly two-thirds (64 percent) of all non-voters said that allowing people to register and vote on election day would make them more likely to vote;
 - More votes count under EDR: In the 2004 US presidential election, around two million provisional ballots were discounted. Under EDR, it is estimated that as many as 60 percent of voters whose ballots were rejected could have registered and cast regular ballots that were counted;
 - Registration deadlines are removed effectively with EDR; and
 - States with EDR have higher voter participation rates. As noted above, evidence suggests that states with EDR record voter turnout rates seven percent higher than the average recorded by non-EDR states.²²⁰

EDR at the 2008 US general election

- 3.116 It is estimated that around 1.5 million individuals used EDR to register at the 2008 US general election.²²¹
- 3.117 According to Demos, voter turnout in the nine states that allowed people to register and vote on the same day in the 2008 US general election was, on average, over seven percent higher than states without EDR.²²²

Smart and automatic registration, National Voter Registration Act 1993 US

- 3.118 The Committee was informed by Demos about the *National Voter Registration Act 1993* (US). Otherwise known as the 'motor voter law', the Act ensures that individuals are offered the opportunity to register to enrol when they apply for a motor vehicle licence, or when they apply for certain social security benefits.²²³
- 3.119 Demos noted that implementation rates amongst the states have been mixed. However, in a research paper, Demos also suggests that EDR allows election officials to update and record voter registration details on election

²²⁰ Demos, Demos fact sheet: Same day registration, Demos, New York, 2 June 2009, p.1. Retrieved 9 June 2009 from http://www.demos.org/pubs/EDR_factsheet.pdf

²²¹ Demos, Demos fact sheet: Same day registration, Demos, New York, 2 June 2009, p.1. Retrieved 9 June 2009 from http://www.demos.org/pubs/EDR_factsheet.pdf

²²² Demos, Demos fact sheet: Same day registration, Demos, New York, 2 June 2009, p.1. Retrieved 9 June 2009 from http://www.demos.org/pubs/EDR_factsheet.pdf

²²³ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.31-32.

day.²²⁴ Given that these officials typically have higher levels of training in relation to processing electoral registration than Department of Motor Vehicle employees, Demos suggested that EDR states had more successful registration regimes in place as a result of EDR and the 'motor voter law'.

New Zealand

3.120 During the Committee's international investigations in NZ, the Committee met with the NZ Electoral Enrolment Centre and discussed NZ's research into EDR.²²⁵

3.121 In NZ, electors can enrol up until midnight on the day before polling day. According to the VEC:

[In NZ] the roll used in polling places is as at the issue of the writ for the election. Electors who have enrolled after the issue of the writ are given a special vote, which is checked after the close of voting to determine whether the voter is on the roll and the vote should be admitted. At the 2005 election, 102,914 enrolment forms were received in the month between the issue of the writ and the day before polling day, resulting in a net increase to the roll of 35,363 electors (1.35 percent of the total). About 50 percent of the enrolments were received in the last week. There has been no evidence of fraudulent enrolment and little controversy about this aspect of the New Zealand electoral system, which functions satisfactorily.²²⁶

3.122 In addition, Mr Murray Wicks, National Manager, NZ Electoral Enrolment Centre, informed the Committee that the case for EDR was considered at length in NZ in 2001, by the NZ Parliament's Justice and Electoral Select Committee.²²⁷

3.123 The Justice and Electoral Select Committee noted that while a large number of New Zealanders were likely to take up the option to enrol to vote on election day, the introduction of EDR in NZ would require a substantial increase in resourcing for elections, including more staff, voting materials and larger polling places. Overall, the report notes that this would undermine the general voting experience for all New Zealanders.²²⁸

3.124 The report also notes that introducing EDR would put at risk completing the official election count on the tenth day following polling day.²²⁹

3.125 During its meeting with the Electoral Enrolment Centre, Mr Wicks reinforced the report's findings and noted that there were major administrative implications to consider in relation to the introduction of EDR.²³⁰

²²⁴ Demos and Iowa Citizen Action Network Education Foundation, EDR talking points, Demos and Iowa Citizen Action Network Education Foundation, 2004. Retrieved 9 June 2009 from http://www.yawp.com/ican/ICANVote/EDR_talking_points.pdf

²²⁵ M Wicks, National Manager, Electoral Enrolment Centre, *Discussions*, Auckland, 11 February 2009.

²²⁶ Victorian Electoral Commission, *Submission No.6*, p.26.

²²⁷ M Wicks, National Manager, Electoral Enrolment Centre, *Discussions*, Auckland, 11 February 2009, p.18.

²²⁸ Electoral Enrolment Centre, Chief Electoral Office, Enrolment on polling day, 7 May 2001.

²²⁹ Electoral Enrolment Centre, Chief Electoral Office, Enrolment on polling day, 7 May 2001.

²³⁰ M Wicks, National Manager, Electoral Enrolment Centre, *Discussions*, Auckland, 11 February 2009, pp.18-19.

Canada

- 3.126 On 16 July 2009, Elections Canada provided information to the Committee about EDR in Canada, known as polling day registration.
- 3.127 Section 161 of the *Canada Elections Act* S.C. 2000, c.9 (Canada) provides for polling day registration.²³¹
- 3.128 All electors who meet the eligibility requirements for voting in Canada may register to vote at their assigned polling station on an ordinary polling day or at an advance poll. Prior to legislative amendments in 1993, polling day registration was permitted only in rural polling divisions on the premise that these areas were more difficult to canvass during enumeration. Polling day registration was extended to urban areas following a constitutional challenge in 1988 and upon recommendation of the Royal Commission on Electoral Reform and Party Financing in 1991. In 2000, the distinction between rural and urban polls was removed entirely from the Act.²³²
- 3.129 Elections Canada told the Committee that on polling day, it is the responsibility of registration officers assigned to each polling division to receive applications from electors and, on the basis of the evidence, to determine whether to accept or reject the applications. Established procedures are detailed in the registration officers' manual, *Registration at the Polls: Election or Referendum*. A copy of this document was provided to the Committee by Elections Canada.²³³
- 3.130 The Committee notes an audit report was commissioned by Elections Canada in response to parliamentarians' concerns with possible voter fraud at the 2004 election. The report, *Polling day registrants in the riding of Trinity – Spadina for the 39th Canadian general election*, is available on Election Canada's website.²³⁴

Evidence from inquiry participants about EDR

- 3.131 Several inquiry participants provided evidence to the Committee about EDR.
- 3.132 The VEC noted:

Introduction of EDR in Victoria would require substantial legislative change. A person enrolling on election day or at an early voting centre would be given a declaration vote, and the enrolment would need to be checked before the vote could be admitted. In effect, this procedure would replace the current procedure for unenrolled voters, with the difference that a much higher proportion of the election day enrollers would be admitted to the count.

The number of voters that would be affected by a change to EDR is unpredictable. Instead of enrolments being concentrated in the period up to the close of rolls, they

²³¹ Canada Elections Act S.C. 2000, c9 (Canada). Retrieved 22 July 2009 from <http://www.canlii.org/en/ca/laws/stat/sc-2000-c-9/latest/sc-2000-c-9.html>

²³² A Pelletier, Assistant Director, Parliamentary Affairs and Corporate Research, Elections Canada, Correspondence, 16 July 2009.

²³³ A Pelletier, Assistant Director, Parliamentary Affairs and Corporate Research, Elections Canada, Correspondence, 16 July 2009.

²³⁴ A Pelletier, Assistant Director, Parliamentary Affairs and Corporate Research, Elections Canada, Correspondence, 16 July 2009.

could be spread right over the election period. If large numbers did enrol during the election period, and particularly on election day, it would increase the administrative burden on the electoral authorities and could slow voting and the counting of votes. Furthermore, it would not necessarily greatly increase the number of electors. It is noteworthy that in the seven-day close of roll period in 2006 there were no more new enrolments and only 2,000 more enrolment updates than on the three-day close of roll period in 2002. It seems that there was a similar pool of eligible people who took the time available to enrol or update their details.²³⁵

3.133 The VEC calls for further research into the administrative implications and scope for electoral fraud related to EDR.

3.134 In its submission, the Democratic Audit of Australia calls for consideration of EDR.²³⁶

3.135 At a briefing with the Committee in Melbourne on 4 May 2009, the Committee Deputy Chair queried the Victorian Electoral Commissioner, Mr Steve Tully, about the relationship between EDR and the three-month rule for electoral enrolment. The Deputy Chair expressed concern about removing the three-month rule in light of any proposal to introduce EDR.²³⁷

3.136 To qualify to vote in Victoria, electors are required to satisfy the three-month rule. The three-month rule as stated in the *Electoral Act 2002* (Vic) uses the elector's principal residence, three months prior to the election day, as a measure of the elector's entitlement to vote.²³⁸ The provisions stipulate that:

A person is entitled to vote in an election...if the person—
in the case of an elector enrolled under [S]ection 22(1), is enrolled in respect of the address of the person's principal place of residence or the address of the place that was the person's principal place of residence during the period of three months immediately before election day.²³⁹

3.137 Mr Tully noted that this issue was an area of concern for the VEC, but that the VEC strives to ensure consistent administration.²⁴⁰

3.138 Chapter Four discusses the three-month rule in further detail.

EDR and election fraud

3.139 One of the issues discussed by the Committee during its meeting with Demos in New York was the relationship between EDR in the US and election fraud.

²³⁵ Victorian Electoral Commission, *Submission No.6*, p.26.

²³⁶ Democratic Audit of Australia, *Submission No.5*, p.4.

²³⁷ M O'Brien, Deputy Chair, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.14.

²³⁸ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, p.167.

²³⁹ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, p.167.

²⁴⁰ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Private briefing, Melbourne, 4 May 2009, p.14.

- 3.140 Mr Miles Rapoport, President of Demos, said there have been a number of claims about electoral fraud in EDR states since 2004 but that many of these claims have turned out to be either false or the result of misunderstandings.²⁴¹
- 3.141 The Committee was told that prisoner disenfranchisement is a major public policy concern in the US. Given that there is no uniform, federal approach to voter rights for convicted felons, it has been the case that those released from incarceration have attempted to vote in elections, but have been turned away due to state legislation which bans them from voting. The Committee was told that critics of EDR have attempted to link this development to evidence that EDR results in electoral fraud.²⁴²
- 3.142 The results of surveys of electoral officials working in EDR states in the US reinforce the notion that EDR does not result in electoral fraud. For instance, during the course of litigation challenging Connecticut's voter registration deadline:
- Wyoming's former Republican Attorney General and Secretary of State Joseph B. Meyer said that, "there have been very few cases, if any...of voter fraud", and that in his 35 years of governmental experience, "there has not been much evidence of it" in his state. Secretaries of State Ben Yursa of Idaho (a Republican) and Matthew Dunlap of Maine (a Democrat) wrote, in May 11 2007, [an] op-ed appearing in *The New York Times*, that the crime of voter fraud was...exceedingly rare or nonexistent in states that offer EDR. Citizens of Maine, for instance, have benefited from same-day registration since the early 1970s and no case of voter fraud has ever been attributed to the policy.²⁴³
- 3.143 In correspondence on 16 July 2009, Demos drew the Committee's attention to some of the measures states with EDR in the US were taking to prevent voter fraud. According to an implementation guide about EDR produced by Demos in 2009, some of these measures include:

Maine, Wisconsin, Idaho and Minnesota send out non-forwardable mailings to new registrants after each election. If the cards are returned as undeliverable, an investigation is launched which sometimes results in voters being purged from the registration list, although any ballots they may have cast will already have been counted. However, these situations are rare and almost always have an innocent explanation.

In Wyoming, registrations are entered into the state-wide registration database to identify potential duplicates. Matches are made based on driver's license number and/or social security number, as well as birth date and name. Duplicate registrations are then investigated to determine if fraud has actually been perpetrated. Lynne Fox of Uinta County, Wyoming, reports that duplicate registrations are usually due to a change of residence, change of name or clerical error. Research by Demos and the

²⁴¹ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.31-32.

²⁴² Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.31-32.

²⁴³ L C Minnite, Election day registration and: A study of voter fraud allegations and findings on voter roll security, Demos, New York. Retrieved 20 July 2009 from <http://www.demos.org/pubs/EDRVF.pdf>

Brennan Centre for Justice also shows that duplicate registrations are rarely indicative of voter fraud.

Voters in Maine must disclose their previous place(s) of registration or state that they have never before registered to vote. Registrations will not be accepted without this information. In instances of prior registration, the registrar is required to send a cancellation form to the previous jurisdiction, whether in or out of state.

Proof of residency and other verification requirements at the polls for new registrants help to deter those who might use fraudulent identities to vote. In Maine, voters without the required documents are allowed to “self-attest” to their residency or identity by signing an oath. However, these voters are given a “challenged ballot”. Challenged ballots are counted, but if the race is very close the challenged votes are investigated to verify the correct residency.²⁴⁴

- 3.144 On 18 February 2009, Mr Rapoport delivered testimony to the Nebraska Senate Committee on Government, Military and Veterans Affairs, on the subject of LB125 Provide Voter Registration on Election Day.²⁴⁵ Mr Rapoport noted:

In states that have EDR, there have been virtually no instances of illegal activities related to fraudulent registration on Election Day. There have been periodic “fraud” studies in the EDR states; the most recent were completed after the 2004 election. Following the 2004 election there were examinations of EDR voters by the Attorneys General in New Hampshire and Wisconsin. Both found no fraud directly attributable to EDR...to accomplish this, they use...simple cost effective mechanisms to register people and prevent fraud, such as identification at the polls, specialised workers for the day, and voter and poll-worker education.²⁴⁶

- 3.145 In the US, research by the Caltech/MIT Voting Technology Project indicates that EDR can complicate the election process, and result in additional administrative duties for poll workers.²⁴⁷ According to Caltech/MIT:

Polling place workers need to serve two tasks – registering new voters and assisting them as they cast their ballots. States with EDR have developed many innovative polling place practices to deal with these administrative issues, like having “greeters” immediately inside the polling place, helping direct voters either to a table where they can register or to a table where they can vote. Getting new voters to the right polling place is also a difficult administrative task, especially in the election cycles immediately following a transition to EDR. But again, election administrators in EDR

²⁴⁴ C Vasile and R Eaton, Election day registration: Best practices – an implementation guide, Demos, New York, February 2009. Retrieved 18 July 2009 from <http://www.demos.org/publication.cfm?currentpublicationID=8FCFEFB2-3FF4-6C82-55E0B61E47C0A787>

²⁴⁵ M Rapoport, Demos, *Transcript of evidence*, Nebraska Senate Committee on Government, Military and Veterans Affairs, 18 February 2009, p.5. Retrieved 1 June 2009 from http://www.demos.org/pubs/nebraska_miles.pdf

²⁴⁶ M Rapoport, Demos, *Transcript of evidence*, Nebraska Senate Committee on Government, Military and Veterans Affairs, 18 February 2009, p.5. Retrieved 1 June 2009 from http://www.demos.org/pubs/nebraska_miles.pdf

²⁴⁷ R M Alvarez, S Ansolabehere, C H Wilson, “Election day registration in the United States: How one-step voting can change the composition of the American electorate”, Working Paper no.5, January 2009, p.19. Retrieved 13 July 2009 from <http://www.vote.caltech.edu/drupal/node/16>

states have devised a variety of strategies to educate potential voters about their correct polling places, thus mitigating problems on election day.²⁴⁸

- 3.146 As noted earlier, research prepared for the NZ Electoral Enrolment Centre found that there was potential for EDR to cause significant administrative issues in the lead up to election day.
- 3.147 The Committee notes the Victorian Electoral Commissioner's comments regarding the scope for Victoria to implement legislative change in relation to electoral enrolment laws, independent of the Commonwealth.

Dormant roll

- 3.148 During its international investigations in New Zealand, the Committee was informed that New Zealand utilises a dormant electoral roll.
- 3.149 The dormant roll contains previously enrolled electors who have changed address within the last three years and not updated their enrolment details.
- 3.150 According to Mr Murray Wicks, National Manager, Electoral Enrolment Centre, the Dormant Roll contains all people who have changed their residential address and written correspondence has been returned to the Registrar of Electors undelivered and/or they have failed to re-enrol for their new address. The electors' names are removed from the Main Roll (because they have gained a residential qualification for another address) and placed on the Dormant Roll for the constituency they were enrolled in for a period of three years or until they re-enrol. Any elector remaining on the Dormant Roll on the three year anniversary of being placed on it (one election cycle) is deleted. Prior to any elector's name being placed on the Dormant Roll the Registrar of Electors is required to undertake suitable inquiries in order to be satisfied that the elector no longer resides at their enrolled address.²⁴⁹
- 3.151 At the time of an election any voter who is on the Dormant Roll will not appear on the printed roll and will need to cast a Special Declaration Vote. In completing the Special Declaration form the voter supplies the last residential address they have lived at for one month. If that address is in the same constituency as they are on the Dormant Roll then both their constituency and party votes count. If it is in another constituency then only their party vote counts.²⁵⁰

Text enrolment

- 3.152 During the Committee's inquiry into the conduct of the 2006 Victorian state election, the Committee recommended that the VEC investigate the feasibility of introducing SMS text enrolment in Victoria.

²⁴⁸ R M Alvarez, S Ansolabehere, C H Wilson, "Election day registration in the United States: How one-step voting can change the composition of the American electorate", Working Paper no.5, January 2009, p.19. Retrieved 13 July 2009 from <http://www.vote.caltech.edu/drupal/node/16>

²⁴⁹ M Wicks, National Manager, Electoral Enrolment Centre, Correspondence, 6 July 2009.

²⁵⁰ M Wicks, National Manager, Electoral Enrolment Centre, Correspondence, 6 July 2009.

3.153 In December 2008, the Victorian Government responded to the Committee's recommendation, pointing out that the AEC had trialled Short Message Service (SMS) texts for request of enrolment forms for the 2007 federal election. The Victorian Government indicated that rather than duplicate the AEC's efforts in this area, the VEC would investigate other alternatives to improve the number of enrolments.

3.154 As part of its international investigations, the Committee learnt that New Zealand introduced a system where it is possible to request an enrolment form via SMS.²⁵¹

Recommendation 3.1: The Committee recommends the Victorian Government examine legislative reform to achieve the following goals:

- **Maximising the electoral enrolment of eligible Victorians, including enforcement of the compulsory enrolment provisions of the *Electoral Act 2002 (Vic)*; and**
- **Ensuring the accuracy of the electoral roll and prevention of fraudulent enrolment.**

The examination should consider the following options:

- **Smart enrolment;**
- **Automatic enrolment;**
- **Election day registration (EDR); and**
- **A dormant roll.**

²⁵¹

M Wicks, National Manager, Electoral Enrolment Centre, *Transcript of evidence*, Auckland, 11 February 2009, p.16.

Chapter 4: Voter turnout in Victoria

- 4.1 This chapter addresses voter turnout in Victoria and Australia. It provides an overview of voter turnout rates for federal and Victorian elections, considers voter turnout rates at recent Victorian by-elections and examines evidence received by the Committee exploring declining levels of voter turnout. Following this, the chapter addresses international trends in voter turnout and concludes by considering strategies to increase voter turnout at Victorian elections.

Definition of voter turnout

- 4.2 Voter turnout has been the subject of research and inquiry in several major Western countries in recent years, including Canada, the US, the UK and NZ.²⁵²
- 4.3 The VEC defines voter turnout as the measure of the degree to which those who are enrolled vote in elections.²⁵³
- 4.4 The Committee notes that there are some limitations to this definition, given that there are a number of eligible Victorians who are not voting at elections. This may be because they are not enrolled, they attempted to vote thinking that they were enrolled but were not, or they changed address and were removed from the electoral roll. The Committee also notes research from the VEC demonstrating that a large number of Victorians voted at the 2006 Victorian state election, but recorded an informal vote.

²⁵² See: J Jedwab, "Reducing the democratic deficit: The causes of low voter turnout as viewed by Canadians", Association for Canadian Studies, December 2004. Retrieved 20 June 2009 from <http://www.acs-aec.ca/oldsite/Polls/08-12-2004.pdf>; Elections Canada, Past Elections, Elections Canada, Ottawa, 12 March 2009. Retrieved 1 July 2009 from <http://www.elections.ca/content.asp?section=pas&document=turnout&lang=e&textonly=false>; The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf; M McDonald, *United States election project: Voter turnout*, Department of Public and International Affairs, George Mason University, Fairfax. Retrieved 10 June 2009 from http://elections.gmu.edu/voter_turnout.htm; Ministry of Social Development; *The social report 2008: Civil and political rights, voter turnout*, Ministry of Social Development, Wellington, 2008. Retrieved 1 July 2009 from <http://www.socialreport.msd.govt.nz/civil-political-rights/voter-turnout.html>

²⁵³ Victorian Electoral Commission, *Annual report 2007-2008*, Victorian Electoral Commission, Melbourne, 2008, p.32.

4.5 Some secondary research measures voter turnout using the total voting age population method, or VAP. According to International IDEA:

The VAP includes all citizens above the legal voting age. VAP figures can complement voter registration figures for two reasons. First, registration figures can be inaccurate or unavailable, and sometimes voter registers are not used. Second, the voting age population figures can provide a clearer picture of participation as they signal [issues] with the voters' register or registration system.²⁵⁴

General factors affecting voter turnout

4.6 There is a wide range of literature considering the factors why people do or do not vote. Evidence suggests a number of factors influence or affect voter turnout.

4.7 IDEA has suggested that voter turnout is affected by contextual, systemic, individual and social factors.²⁵⁵ More specifically, *contextual* factors relate to events at a national level. Examples can include, but are not limited to:

- Perceptions of the effectiveness of political competition;
- The competitiveness and salience of the electoral event;
- The nature of the party system;
- Campaign spending;
- Voting traditions in different communities;
- Strategic voting. Voters may be more willing to turn out to prevent an undesired outcome;
- Length of time between elections. When elections are held with great frequency, it has generally been found that voter turnout suffers, although there are many theories as to why this is so;
- Weather may be a more important factor in some climates than others; extreme weather conditions may work to hamper turnout levels; and
- The nature of the electoral event itself.²⁵⁶

²⁵⁴ International IDEA, Voter turnout: glossary, International Institute for Democracy and Electoral Assistance, Stockholm, 19 May 2009. Retrieved 10 June 2009 from <http://www.idea.int/vt/glossary.cfm>

²⁵⁵ International IDEA, *Engaging the electorate: Initiatives to promote voter turnout from around the world* (including voter turnout data from national elections worldwide 1945-2006), International Institute for Democracy and Electoral Assistance, Stockholm, 2006, p.12. See also: A Ellis, Acting Director of Operations and Head of Electoral Processes, "Tuning in to democracy: challenges of young people's participation and civic education", Keynote Speech at *Engaging Youth in Modern Democracy*, University of Sydney, Sydney, 12 October 2006. Retrieved 1 July 2009 from <http://aceproject.org/ero-en/topics/electoral-participation/turnout/ae-keynote-speech-061012.doc>

²⁵⁶ International IDEA, *Engaging the electorate: Initiatives to promote voter turnout from around the world* (including voter turnout data from national elections worldwide 1945-2006), International Institute for Democracy and Electoral Assistance, Stockholm, 2006, pp.12-14.

- 4.8 *Systemic* factors generally include administrative and legal changes relating to voting, and include:
- Electoral system choice. Almost all electoral systems can generally be categorised as plurality/majority, proportional representation (PR), or mixed systems. It has been found that the more responsive the electoral system is in representing the choices made by the electorate, the higher voter turnout will be. Turnout in PR systems is often higher than in plurality/majority systems;
 - Voter registration as a state or individual responsibility;
 - Compulsory versus voluntary voting;
 - Single versus multiple polling days;
 - Elections taking place on a workday or a rest day, the argument being that holding elections on holidays or weekends makes participation more convenient. Studies have reached differing conclusions as to whether this is true in practice;
 - The availability of alternative voting procedures (advance voting, proxy voting, postal voting etc.) allows voters who may be unable to participate on election day still to cast a ballot;
 - Physical access to the polls; and
 - The use of new technologies, such as electronic voting, to complement conventional processes.²⁵⁷
- 4.9 Many of these points may not apply specifically to Victoria, given that voting is compulsory in Victoria and Victoria's fixed election day for state general elections.

Voter turnout in Australia

Voter turnout at federal elections

- 4.10 During this inquiry, the Committee received evidence from the VEC and the Democratic Audit of Australia about voter turnout at federal, state and territory elections.
- 4.11 In its primary submission to the inquiry, the VEC provided voter turnout statistics for federal, state and territory elections over the past ten Lower House elections, as seen in Table 4.1. Referring to Table 4.1, the VEC notes:

Except for the Northern Territory, which faces special problems of dispersion and remoteness, all jurisdictions had an average turnout rate of more than 90 percent. Federal elections have a higher profile than State elections, so it is not surprising that

²⁵⁷

International IDEA, *Engaging the electorate: Initiatives to promote voter turnout from around the world* (including voter turnout data from national elections worldwide 1945-2006), International Institute for Democracy and Electoral Assistance, Stockholm, 2006, pp.12-14.

they lead the field. In addition, the longer election period and the greater range of voting facilities overseas and interstate contribute to higher turnout at federal elections.²⁵⁸

Table 4.1: Voter turnout figures in Australia for the last ten Lower House elections

Election	AUS	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
1	94.64	93.29	92.68	88.93	90.13	93.56	94.54		
2	94.17		93.3	91.69	90.78	93.37	93.76		
3	93.84		93.97	91.25	88.44	93.04	93.49		
4	95.31		93.21	91.18	89.02	93.17	93.81		
5	95.75	93.58	92.35	91.48	91.33	93.46	93.07	94.31	
6	95.77	93.62	95.13	91.44	90.73	94.43	94.98	93.53	81.59
7	94.99	93.8	94.08	92.85	93.5	93.57	95.77	89.49	80.67
8	95.39	93.12	93.23	92.59	89.99	91.75	95.01	91.83	78.99
9	94.32	91.87	93.16	91.44	90.56	93.59	93.73	90.9	80.56
10	94.76	92.67	92.73	90.47	89.84	92.31	94.88	92.77	80.07
AV	94.89	93.14	93.38	91.33	90.43	93.23	94.30	92.14	80.38

Source: Victorian Electoral Commission, Submission No.6, p.5.

- 4.12 In correspondence to the Committee on 6 July 2009, Deputy Victorian Electoral Commissioner, Ms Liz Williams, outlined the differences between Victorian state election and federal election timetables. Victorian State elections are held on a 25 day timeline from the issue of the writ to election day (unless special circumstances exist), whereas federal elections occur on a timeline between 33 and 68 days.²⁵⁹
- 4.13 Appendix 8 compares the 2006 Victorian state election timeline (25 days) and the 2007 federal election timeline (38 days). The early/postal voting period for federal elections is three weeks whereas for Victorian state elections it is two weeks.
- 4.14 The AEC's website also provides voter turnout figures for all federal elections. Table 4.2 outlines voter turnout figures, for Senate and House of Representatives elections and for referenda, since 1974.

²⁵⁸
²⁵⁹

Victorian Electoral Commission, *Submission No.6*, p.4.
L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

Table 4.2: Voter turnout Senate, House of Representatives and Referenda, 1974 – 2007

Year	Senate	House of Representatives	Referendum
1974	95.50	95.40	95.50
1975	95.40	95.40	~
1977	~	~	92.28
1977	95.08	95.08	~
1980	94.35	94.35	~
1983	94.64	94.64	~
1984	94.55	94.17	94.05
1987	94.34	93.84	~
1988	~	~	92.04
1990	95.81	95.31	~
1993	96.22	95.75	~
1996	96.20	95.77	~
1998	95.34	94.99	~
1999	~	~	95.10
2001	95.20	94.85	~
2004	94.82	94.32	~
2007	95.17	94.76	~

Source: Australian Electoral Commission, AEC – voter turnout, Australian Electoral Commission, Canberra, 2008. Retrieved 10 June 2009 from http://www.aec.gov.au/Elections/Australian_Electoral_History/Voter_Turnout.htm

4.15 Table 4.3 provides voter turnout rates for Victoria for the House of Representatives and the Senate, for the 1996, 1998, 2001, 2004 and 2007 federal elections.

Table 4.3: Voter turnout figures for Victoria at federal elections, 1996 – 2007

Election year	House of Representatives	Senate
2007	95.17	95.60
2004	94.87	95.43
2001	95.14	95.58
1998	95.61	95.89
1996	96.11	96.52

Source: Australian Electoral Commission, AEC – Voter turnout, Australian Electoral Commission, Canberra, 2008. Retrieved 10 June 2009 from http://www.aec.gov.au/Elections/federal_elections/2007/Voter_Turnout.htm; http://www.aec.gov.au/Elections/federal_elections/2004/Voter_Turnout.htm; http://www.aec.gov.au/Elections/federal_elections/2001/Voter_Turnout.htm; http://www.aec.gov.au/Elections/federal_elections/1998/Voter_Turnout.htm; http://www.aec.gov.au/Elections/federal_elections/1996/Voter_Turnout.htm.

Voter turnout at federal elections using VAP

4.16 Some secondary evidence suggests that Australia’s performance in relation to voter turnout is better assessed using the VAP method.

4.17 In a 2005 article, Peter Tucker contends that when the VAP method is used to assess the voter turnout rate for the 2004 federal election, Australia’s voter turnout rate is actually closer to 80 percent of eligible voters, and closer to 75 percent when informal voting rates are factored in as unsuccessful ballots.²⁶⁰

4.18 Using the VAP method, IDEA suggests that the average VAP measured voter turnout at Australian federal elections between 1996 and 2007 is 82.64 percent.²⁶¹

4.19 The VEC also comments on this issue in its primary submission to the inquiry. It notes that arguments for the VAP method:

Ignore the very large number of non-citizen residents of Australia who by law cannot enrol. If voter turn-out is measured against the total number of those eligible to enrol,

²⁶⁰ P Tucker, “The median Australian voter and the values that influence their vote choice”, *Online Opinion*, 19 October 2005. Retrieved 1 July 2009 from <http://www.onlineopinion.com.au/view.asp?article=3822>

²⁶¹ International IDEA, Country view: Australia, International Institute for Democracy and Electoral Assistance, Stockholm, 19 May 2009. Retrieved 10 July 2009 from http://www.idea.int/vt/country_view.cfm?CountryCode=AU

it is substantially higher than that of most other countries – 87.4 percent at the 2007 federal election.²⁶²

Voter turnout in Victoria

Voter turnout at Victorian state elections and by-elections

4.20 For this inquiry, the Committee has referred to voter turnout figures for Victorian elections between 1976 and 2006.

4.21 As Table 4.4 shows, the participation rate at Victorian elections since 1976 has fluctuated. The voter turnout figure was lowest in 1988 at 92.35 percent compared with the highest voter turnout in 1992 of 95.13 percent, when there was a change of government. There has been a small yet steady decline in voter turnout since peaking in 1992; on average, 0.5 percent per election. However, an examination of figures over the 30 year period shows that voter turnout has remained steady from 92.68 percent in 1976 and 92.73 percent in 2006.

Table 4.4: Voter turnout at Victorian elections, 1976 – 2006

Election year	Percentage of voter turnout
1976	92.68
1979	93.30
1982	93.97
1985	93.21
1988	92.35
1992	95.13
1996	94.08
1999	93.23
2002	93.16
2006	92.73
Average	93.38

Source: L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 3 July 2009.

²⁶²

Victorian Electoral Commission, *Submission No.6*, p.6.

4.22 In its primary submission to the inquiry, the VEC notes that the voter turnout rate for the 2006 Victorian state election was similar to that for most state elections in the 1970s and 1980s.²⁶³

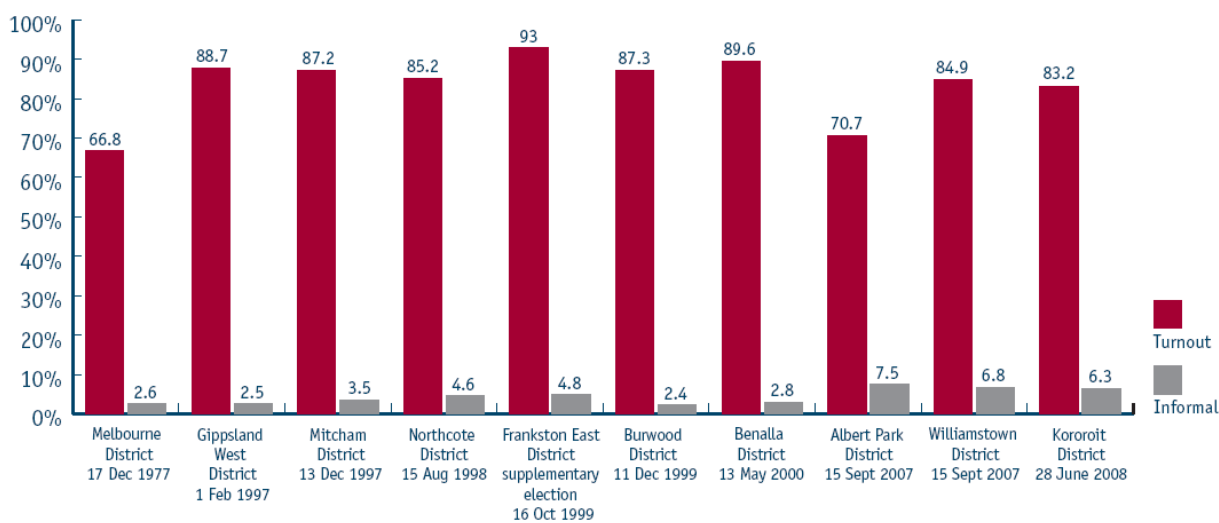
4.23 The VEC also notes variations in voter turnout *within* Victorian state elections:

In 2006, turnout rates ranged from 84.84 percent in Melbourne District to 94.74 percent in Lowan District. Voter turnout was lowest in the inner suburban districts, where the population is very mobile, and highest in some country and outer suburban districts. There was a moderate negative correlation of -0.6593 between population mobility and voter turnout, meaning that the more inclined the residents of a district were to move, the lower the turnout rate was likely to be. Population mobility can affect voter turnout in two ways – firstly through new residents having little engagement with their area and being less inclined to vote, and secondly through departing residents being slow to update their enrolment and so artificially depressing the turnout rate.²⁶⁴

4.24 Victorians are required to vote in federal, state and local government elections, as well as federal and state by-elections.

4.25 Figure 4.1 charts voter turnout and informal voting rates for Victorian Legislative Assembly District by-elections between 1977 and 2008.

Figure 4.1: By-election voter turnout and informal voting rates



Source: L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 27 May 2009.

²⁶³ Victorian Electoral Commission, *Submission No.6*, p.4.
²⁶⁴ Victorian Electoral Commission, *Submission No.6*, p.4.

- 4.26 Several inquiry participants provided evidence to the Committee on the subject of trends in voter turnout at Victorian state elections.
- 4.27 In its submission, the Democratic Audit of Australia drew attention to the difference between Victoria's voter turnout rate for federal elections, and its voter turnout rate for the 2006 Victorian state election. The Democratic Audit notes:
- At the November 2006 state election 3 109 907 [sic] Victorians voted in the 88 Legislative Assembly districts. This represented a turnout of 92.7 percent of enrolled voters, down only 0.5 percent since 2002, but there has been a decline in turnout of 2.4 percent since 1999. By contrast the percentage of Victorians voting at federal elections has dropped only 1.4 percent between 1993 and 2007, from 96.6 percent to 95.17 percent. A falling voter turnout, of course, constitutes a decline in political participation, with which the Electoral Matters Committee is currently concerned.²⁶⁵
- 4.28 In addition, the Democratic Audit raises the issue of voter turnout rates at the Albert Park District and Williamstown District by-elections, held on 15 September 2007. It noted that:
- Turnout is not uniform across all districts and tends to be lower in inner-metropolitan electorates which contain a higher proportion of young people and apartment dwellers. It is instructive to compare recent turnouts in the districts of Albert Park and Williamstown – both at the 2006 general election and at by-elections held on 15 September 2007...At the by-elections the gap between the two widened to nearly 14 percentage points – the latter is a reasonable figure for a by-election, but the former is very low.²⁶⁶
- 4.29 Given this, the Democratic Audit of Australia recommends further research by the VEC into the causes of low voter turnout.²⁶⁷
- 4.30 As noted in Chapter Two, the Committee is of the view that while by-elections provide some insight into electoral participation, general elections provide a better measure to test voter turnout.
- 4.31 In a submission, the Australian Greens Victoria express concern about declining levels of voter turnout at Victorian state elections:
- Low voter turnout, particularly amongst the young and the homeless is a problem which undermines the legitimacy of elected governments, and can increase the alienation of these groups from democracy and society in general...Our understanding is that most of this comes from people under 25 and the homeless, but if there is a significant pool of non-voters amongst the elderly and new communities then this also needs to be addressed (this is separate from the question of encouraging immigrants to take out citizenship). As far as the Greens are aware the problem is primarily one of enrolment rather than access to the polls on or in the lead-up to election day.²⁶⁸
- 4.32 In its primary submission, the VEC puts Victoria's voter turnout rates into international context. The VEC observes that many Western nations have in

²⁶⁵ Democratic Audit of Australia, *Submission No.5*, p.8.

²⁶⁶ Democratic Audit of Australia, *Submission No.5*, pp.8-9.

²⁶⁷ Democratic Audit of Australia, *Submission No.5*, p.9.

²⁶⁸ Australian Greens Victoria, *Submission No.9*, p.2.

recent years experienced a trend to declining participation.²⁶⁹ The VEC's primary submission also discusses the causes of this decline in voter turnout:

There has been a wealth of analysis and discussion about the magnitude, causes and effects of this decline in participation. Broadly, the decline in voter turnout appears to be linked to general social trends of declining civic participation and identification with bodies such as trade unions, churches, voluntary organisations and professional societies, and increased individualism and mobility. In addition, the distinctions between political parties in terms of ideology, character and policies are less clear than they used to be, which may give voters the feeling that their choice does not mean as much as in the past. In an era of globalisation, regional and national issues may seem less important to voters.²⁷⁰

Voter turnout and compulsory voting

4.33 Several inquiry participants discussed the relationship between compulsory voting and voter turnout.

4.34 In its submission, the Democratic Audit of Australia noted that one of the reasons why Victoria achieves high voter turnout rates when compared to many other international jurisdictions is because of compulsory voting:

Victoria (and Australia generally) has comparatively high rates of voter participation – if that is measured by turnout at periodic, general elections. The reasons, of course, are the longstanding, legislative practices of compulsory enrolment and voting which the Legislative Assembly adopted in 1926 and the Legislative Council in 1935.²⁷¹

4.35 The Democratic Audit recommends that Australia and Victoria retain compulsory voting.²⁷²

4.36 In its primary submission, the VEC notes the strong correlation between compulsory voting and voter turnout:

International comparisons indicate that compulsory voting makes an enormous difference to voter turnout. There have been arguments that Australia's record is not as impressive as it appears if numbers voting are measured against the total VAP. Thus, the International IDEA survey estimates voter turnout at the 1998 federal election at 83.2 percent of VAP. An article by Peter Tucker contended that only 80 percent of eligible voters voted in the 2004 federal election, and that Australia's performance is not vastly superior to that of other Western countries without compulsory voting. However, such arguments ignore the very large number of non-citizen residents of Australia who by law cannot enrol. If voter turnout is measured against the total number of those eligible to enrol, it is substantially higher than that of most other countries – 87.4 percent at the 2007 federal election.²⁷³

4.37 In relation to compulsory voting, the Committee understands that this issue has been considered as part of the Commonwealth Parliament's JSCEM inquiry into the 2004 federal election. JSCEM's report considered the arguments for and against compulsory voting arrangements and some of the

269 Victorian Electoral Commission, *Submission No.6*, pp.5-6.

270 Victorian Electoral Commission, *Submission No.6*, p.6.

271 Democratic Audit of Australia, *Submission No.5*, pp.1-2.

272 Democratic Audit of Australia, *Submission No.5*, p.2.

273 Victorian Electoral Commission, *Submission No.6*, p.6.

broader philosophical concerns relating to electoral legitimacy and public choice.²⁷⁴

- 4.38 As JSCEM was conducting its inquiry into the 2004 federal election, the former Prime Minister, the Hon John Howard MP, placed compulsory voting on the political agenda through a series of media articles.²⁷⁵

Committee's view: Voter turnout in Victoria

- 4.39 There are various methodological approaches to measure voter turnout rates. The Committee notes that when considered over a 30 year period (from the 1976 Victorian state election to the 2006 Victorian state election) voter turnout in Victoria has remained steady. This is despite variances when a change in government occurred.
- 4.40 The Committee supports the retention of compulsory enrolment and voting in Victoria.

International trends in voter turnout

- 4.41 One of the major issues discussed during the Committee's international investigations in Canada, the US, the UK and NZ was declining trends in voter turnout. Many of the organisations the Committee met with were able to provide the Committee with a first-hand insight into current issues in voter turnout in each of the countries visited.

Canada

- 4.42 As noted earlier in this report, during its international investigations in Canada the Committee met with Elections Canada, Canada's chief electoral authority. Elections Canada provided the Committee with an overview of historical voter turnout rates at Canadian elections.²⁷⁶
- 4.43 Declining voter turnout is a major concern in Canada. Soon after the Committee's international investigations, Canada held its 40th general election on 14 October 2008. The voter turnout rate at this election was 59.1 percent, when voter turnout is measured as a percentage of those registered to vote.²⁷⁷ This figure was slightly below the previous lowest

²⁷⁴ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, pp.183-190.

²⁷⁵ J Koutsoukis, "Coalition set to change the way we vote", *The Age*, 11 June 2005. Retrieved 20 July 2009 from <http://www.theage.com.au/news/National/Coalition-set-to-change-the-way-we-vote/2005/06/10/1118347597185.html>

²⁷⁶ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.14.

²⁷⁷ Canadian Broadcasting Centre, Voter turnout drops to record low, 15 October 2008. Retrieved 10 June 2009 from <http://www.cbc.ca/news/canadavotes/story/2008/10/15/voter-turnout.html>

turnout figure of 60.9 percent, recorded at the 38th Canadian general election held on 28 June 2004.²⁷⁸

- 4.44 A report by the Electoral Law, Policy and Research Unit of Elections Canada, produced in 2003, predicted that voter turnout at Canadian federal elections would continue to decline. It found that:

The voting rates of generations entering the electorate in the last two decades, and particularly since 1993, are substantially lower than those of previous generations. While "life cycle" effects help to increase the initial low participation rate of all generations, they have not brought those who became eligible during the 1980s or later up to the participation levels of earlier entrants. There has been, according to the authors, a long-term secular decline in the electoral participation of successive generations of Canadians. An effective response to this trend will require more than short-term, small-scale reform measures. The evidence assembled in this report indicates that further efforts in the areas of education and administration of elections could have some beneficial impact.²⁷⁹

United States of America

- 4.45 While in the US, the Committee met with Demos and the UN Electoral Assistance Division. Both organisations provided unique insights into voter turnout in the US.²⁸⁰
- 4.46 During its meeting with Demos, the Committee met with Mr Miles Rapoport, President of Demos and former secretary of state for Connecticut between 1995-1998.²⁸¹
- 4.47 Mr Rapoport provided the Committee with an overview of trends in voter turnout in the US. He also suggested the Committee consider research produced by Fairvote, Voting and Democracy Research Centre, into voter turnout.²⁸²
- 4.48 According to a Fairvote report into voter turnout, in US national elections, voter turnout has a history of rising and falling over time, but has never reached the levels achieved by other established democracies.²⁸³

²⁷⁸ Canadian Broadcasting Centre, Voter turnout drops to record low, 15 October 2008. Retrieved 10 June 2009 from <http://www.cbc.ca/news/canadavotes/story/2008/10/15/voter-turnout.html>

²⁷⁹ J H Pammett and L LeDuc, "Explaining the turnout decline in Canadian federal elections: A new survey of non-voters", Elections Canada, Ottawa, March 2003. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=loi&document=index&dir=tur/tud&lang=e&text only=false>

²⁸⁰ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.19, 30.

²⁸¹ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.31.

²⁸² Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.31.

²⁸³ Fairvote Voting and Democracy Research Centre, Voter turnout, Fairvote, Takoma Park. Retrieved 1 July 2009 from <http://www.fairvote.org/?page=262>

- 4.49 Statistics also indicate that while turnout rose “sharply from 1948 to 1960, turnout declined in nearly every election until dropping to barely half of eligible voters in 1988. Since 1988, it has fluctuated, from a low of 52.6 percent of eligible voters (and 49.1 percent of VAP) in 1996 to a high of 61 percent of eligible voters in 2004, the highest level [at the time] since 1968”.²⁸⁴
- 4.50 The Committee notes that the 2008 US presidential election recorded an even higher level of voter turnout than in 2004 (61.6 percent). Final figures showed that more than 131 million Americans voted, the most for a presidential election, compared with 122 million in 2004. Voter turnout has now increased for the third consecutive election.²⁸⁵
- 4.51 In the US, low voter turnout is most likely in “off-year elections for state legislators and local officials as well as primaries”.²⁸⁶
- 4.52 The Committee was also told about research into the relationship between income levels and voter turnout in the US. According to Fairvote:
- 86 percent of people with incomes above \$75,000 claim to have voted in presidential elections as compared with only 52 percent of people with incomes under \$15,000. As a result of the participation disparity across demographic lines, politicians are more responsive to the opinions of high-income constituents.²⁸⁷
- 4.53 Mr Rapoport noted there were a number of structural barriers to voter participation in the US. Voter registration was a key area for reform.²⁸⁸ As noted in Chapter Three, Demos supports the introduction of EDR throughout the US.
- 4.54 Another barrier to increased voter participation in the US is that elections are often scheduled during the working week.²⁸⁹

United Kingdom

- 4.55 In the UK, the Committee met with a range of organisations working in the field of electoral participation, including the Hansard Society, the UK Electoral Commission and Electoral Reform Society.

²⁸⁴ Fairvote Voting and Democracy Research Centre, Voter turnout, Fairvote, Takoma Park. Retrieved 1 July 2009 from <http://www.fairvote.org/?page=262>

²⁸⁵ PR Newswire, “Voter turnout increases by 5 million in 2008 presidential election, US Census Bureau”, Pr Newswire and US Census Bureau, Washington, DC, 20 July 2009. Retrieved 27 July 2009 from <http://news.prnewswire.com/ViewContent.aspx?ACCT=109&STORY=/www/story/07-20-2009/0005062598&EDATE=>

²⁸⁶ Fairvote Voting and Democracy Research Centre, Voter turnout, Fairvote, Takoma Park. Retrieved 1 July 2009 from <http://www.fairvote.org/?page=262>

²⁸⁷ Fairvote Voting and Democracy Research Centre, Voter turnout, Fairvote, Takoma Park, Retrieved 1 July 2009 from <http://www.fairvote.org/?page=262>

²⁸⁸ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.31.

²⁸⁹ Fairvote Voting and Democracy Research Centre, Voter turnout, Fairvote, Takoma Park. Retrieved 1 July 2009 from <http://www.fairvote.org/?page=262>

4.56 The UK Electoral Commission produced a report into voter turnout rates at the last UK general election held on 5 May 2005. Turnout at the 2005 general election was 61.4 percent.²⁹⁰ While this turnout rate is an improvement on the 2001 general election, the Commission's report highlights several issues:

Just over 17 million of those registered to vote decided not to do so; and

Turnout was still some 10 percentage points lower and 5 million voters lower than it was in 1997— itself a post-war low at the time. Turnout was better than it had been in both 1918 and 2001 but was the third lowest since the turn of the twentieth century — it was, in fact, the third lowest since 1847 although that election pre-dated the mass franchise.²⁹¹

4.57 In this report, the UK Electoral Commission also demonstrates that young people were half as likely to vote as older age groups and estimated turnout among young people was lower than in 2001: it was 37 percent in 2005 compared to 39 percent in 2001.²⁹² At the 2005 UK general election, there were also significant variations in turnout according to ethnicity, occupational class, income and educational attainment.²⁹³

4.58 Table 4.5 charts voter turnout rates at United Kingdom general elections between 1918 and 2005.

4.59 While in the UK, the Committee also met with the Electoral Reform Society, an advocacy group campaigning for voting system reform in the UK. Mr Lewis Baston, Research Director, Electoral Reform Society, briefed the Committee about factors affecting voter turnout in the UK. As in the US, voter registration reform was a major issue in the UK. Unlike Australia, where voter registration takes place on an individual basis, in the UK voters can register as part of a household. Mr Baston informed the Committee that this registration system was subject to regular allegations of electoral fraud. He also indicated that household registration presented opportunities for the compromise of the secret ballot.²⁹⁴

²⁹⁰ The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005, p.20. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf.

²⁹¹ The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005, p.7. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf

²⁹² The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005, p.7. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf

²⁹³ The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005, p.7. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf

²⁹⁴ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.60-61.

Table 4.5: Voter turnout at United Kingdom general elections, 1918 – 2005

Year	Turnout (percent)	Year	Turnout (percent)
1918	57.2	1964	77.1
1922	73.0	1966	75.8
1923	71.1	1970	72.0
1924	77.0	1974	78.8
1929	76.3	1974	72.8
1931	76.4	1979	76.0
1935	71.1	1983	72.7
1945	72.8	1987	75.3
1950	83.9	1992	77.7
1951	82.6	1997	71.4
1955	76.8	2001	59.4
1959	78.7	2005	61.4

Source: The Electoral Commission, *Turnout 2005: how many, who and why?* The Electoral Commission, October 2005, p.20.

New Zealand

- 4.60 In February 2009, the Committee travelled to NZ and met with a range of organisations to discuss voter turnout.
- 4.61 Prior to this inquiry, in August 2007 the Committee met with the Parliament of NZ's Justice and Electoral Committee. One of the topics discussed during the NZ Committee's visit was voter turnout; the Electoral Matters Committee was encouraged to consider voter turnout in NZ as part of future investigations into voter participation.
- 4.62 Unlike Australia, it is not compulsory to vote in NZ. However, eligible individuals are required to be registered on the Parliamentary Electoral Roll.²⁹⁵
- 4.63 According to the NZ Ministry of Social Development, there has been a downward trend in voter turnout at NZ general elections. In 2005, voter

²⁹⁵ Elections New Zealand, Important decisions you can make – Enrolling and voting, Elections New Zealand, Wellington, 17 September 2007. Retrieved 1 July 2009 from <http://www.elections.org.nz/democracy/taking-part/tp-enrolling-and-voting.html>

turnout was 77 percent. Voter participation in general elections declined from 89 percent in 1984 to 78 percent in 1990, increased to 81 percent in 1996, then declined to 72.5 percent in 2002.²⁹⁶

4.64 For the 2008 general election, voter turnout was 79.46 percent of registered voters.²⁹⁷

Increasing voter turnout

4.65 For this inquiry, several inquiry participants gave evidence to the Committee about strategies to increase voter turnout.

4.66 In its primary submission, the VEC outlines two strategies which it believes might increase voter turnout in Victoria.²⁹⁸ The first is expanding electronic voting trials, the second repealing the three-month rule. Expanding electronic voting trials at future Victorian state elections is considered in Chapter Eight.

4.67 Chapter Seven considers strategies to increase voter turnout among specific community groups.

Repealing the three-month rule

4.68 To qualify to vote in Victoria, electors are required to satisfy the three-month rule. The three-month rule as stated in the *Electoral Act 2002 (Vic)* uses the elector's principal residence, three months prior to the election day, as a measure of the elector's entitlement to vote. The provisions stipulate that:

A person is entitled to vote in an election...if the person—

in the case of an elector enrolled under [S]ection 22(1), is enrolled in respect of the address of the person's principal place of residence or the address of the place that was the person's principal place of residence during the period of three months immediately before election day.²⁹⁹

4.69 NSW and Western Australian (WA) legislation requires electors to fulfil requirements in relation to length of residence in the electorate/district/division prior to being qualified to vote.³⁰⁰ This is not the case in state elections in SA or for federal elections, in which cases electoral

²⁹⁶ Ministry of Social Development, *The social report 2008: Civil and political rights, voter turnout*, Ministry of Social Development, Wellington, 2008. Retrieved 1 July 2009 from <http://www.socialreport.msd.govt.nz/civil-political-rights/voter-turnout.html>

²⁹⁷ Elections New Zealand, 2008 official election results, Elections New Zealand, Wellington, 2008. Retrieved 20 June 2009 from <http://www.elections.org.nz/record/2008-election-official-results.html>

²⁹⁸ Victorian Electoral Commission, *Submission No.6*, pp.28-29.

²⁹⁹ *Electoral Act 2002 (Vic)* s82(1)(c). Retrieved 10 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

³⁰⁰ *Electoral Act 1907 (WA)* s119(1)(c). Retrieved 10 July 2009 from http://www.austlii.edu.au/au/legis/wa/consol_act/ea1907103/; *Parliamentary Electorate and Elections Act (NSW) 1912* s99(1)(b). Retrieved 20 July 2009 from http://www.austlii.edu.au/au/legis/nsw/consol_act/peaea1912382/

legislation does not stipulate a period of time in which an elector must reside in their principal place of residence.³⁰¹

4.70 At the public hearing, the Victorian Electoral Commissioner, Mr Steve Tully, suggested that repealing the three-month rule would increase voter turnout at Victorian state elections.³⁰²

4.71 The VEC's primary submission to this inquiry provides further detail about this issue.

The three-month rule is based on the principle that only people who live within an electorate should be able to vote for that electorate. This is a strong principle, but the rule has a potentially far-reaching impact. Victoria has a highly mobile population, with mobility concentrated in younger age groups. Moves tend to be quite short in distance. Of people moving within Victoria, 76.2 percent move less than 20 kilometres, and 37.6 percent move less than five kilometres. These statistics suggest that a high proportion of people changing address could move within their electoral district. Despite the VEC's enrolment programs, and concentrated advertising before the roll closes, a substantial number of electors do not update their enrolment in time. These are likely to include a high proportion of the more mobile segments of the population, such as young people, the unemployed and the mentally ill.³⁰³

4.72 The VEC's submission also provides an estimate of the number of people who are denied a vote through the application of the three-month rule:

It is estimated that around 10,000 people were denied a vote through the application of the three-month rule at the 2006 State election. Notwithstanding the VEC's training and instructional material, the three-month rule was difficult to interpret and apply. Questions arose, for example, about whether it applied to an elector who had lived overseas for a period, had just returned to Australia, but intended to change address shortly. There is a risk of inconsistent administration of the three-month rule.³⁰⁴

4.73 During the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the VEC provided a submission about the three-month rule. In its submission to that inquiry, the VEC emphasised that Victoria has a mobile population and that:

[A]n ABS survey shows that 28.8 percent of adult Victorians change address over three years. This mobility is concentrated in younger age groups, with 41.8 percent of 18-24 year olds and 52.7 percent of 25-34 year olds moving in three years. These moves tend to be quite short in distance.³⁰⁵

³⁰¹ *Electoral Act 1985 (SA) s72(1)(a)*. Retrieved 20 July 2009 from http://www.austlii.edu.au/au/legis/sa/consol_act/ea1985103/; *Commonwealth Electoral Act 1918 (Cth) s229(1)*. Retrieved 19 July 2009 from http://www.austlii.edu.au/au/legis/cth/consol_act/cea1918233/

³⁰² S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Public hearing, Melbourne, 24 July 2008, pp.2-3.

³⁰³ Victorian Electoral Commission, *Submission No.6*, p.29.

³⁰⁴ Victorian Electoral Commission, *Submission No.6*, p.30.

³⁰⁵ Victorian Electoral Commission, *Submission No.20*, p.123. Received as part of the Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, 18 July 2007.

- 4.74 For that inquiry, the Committee received evidence that the three-month rule may potentially disenfranchise people who are unemployed and mentally ill.³⁰⁶
- 4.75 On 6 July 2009, Ms Liz Williams, Deputy Victorian Electoral Commissioner, provided correspondence to the Committee reiterating the VEC's view that it would be desirable for the Committee to recommend that the three-month rule be repealed, or exempting those who change residential address within an electorate without updating their enrolment.³⁰⁷

Recommendation 4.1: The Victorian Government amends the *Electoral Act 2002 (Vic)* to exempt electors who change residential address (but remain within their existing electorate) without updating their enrolment.

³⁰⁶ Victorian Electoral Commission, *Submission No.20*. p.123. Received as part of the Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, 18 July 2007.

³⁰⁷ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

Chapter 5: Informal voting in Victoria

- 5.1 At the 2006 Victorian state election, the informal voting rate for the Legislative Assembly was 4.56 percent, having increased from 3.42 percent at the 2002 Victorian state election.³⁰⁸ This is the highest rate of informal voting for the Legislative Assembly ever recorded for a Victorian state election.
- 5.2 The Committee notes that at the 2006 Victorian state election, a large number of Victorians who voted and expressed a clear preference for a candidate did not register a formal ballot because the ballot paper was not filled out in accordance with the provisions of the *Electoral Act 2002* (Vic).
- 5.3 This chapter considers informal voting in Victoria. A definition of informal voting for Victorian state elections is provided. Informal voting rates at federal elections are also considered, including research into informal voting at the 2007 federal election. The VEC's informal voting survey from the 2006 Victorian state election is analysed. The chapter also addresses strategies to reduce informal voting, including legislative changes to formality interpretation provisions, such as optional preferential voting and ticket voting.

Definition of informal voting

- 5.4 As noted in Chapter Two, a correctly filled out ballot paper at Victorian state elections for either the Legislative Assembly or Legislative Council is known as a formal vote.
- 5.5 The *Electoral Act 2002* (Vic) stipulates how a ballot paper must be completed to be formal, and additional provisions determining whether or not a ballot paper will be accepted into or excluded from the election count. Section 93 and Section 93A of the Act set out instructions on how to complete the Legislative Assembly ballot paper and the Legislative Council ballot paper respectively.³⁰⁹
- 5.6 An informal vote is any ballot paper which is completed outside the parameters set by the *Electoral Act 2002* (Vic).³¹⁰

³⁰⁸ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

³⁰⁹ *Electoral Act 2002* (Vic) s93, s93A. Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

³¹⁰ *Electoral Act 2002* (Vic). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

- 5.7 In Victoria, it is not an offence to vote informally. However, pursuant to Section 84(2) of the *Electoral Act 2002 (Vic)* a person printing, publishing or distributing an electoral advertisement that contains instructions that is likely to induce an elector to mark the elector's vote otherwise than in accordance with the directions on the ballot paper is committing an offence.³¹¹
- 5.8 During the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the VEC provided the Committee with a copy of the VEC's *Scrutineer Handbook*. The document provides a formality guide for the District and Region ballots, written instructions for interpreting formal ballots and images of the different kinds of informal District and Region ballots scrutineers at Victorian state elections are likely to encounter.³¹²

Formality advice for Victorian state elections

Legislative Assembly

- 5.9 The VEC's *Scrutineer Handbook* outlines provisions for determining the formality of Legislative Assembly ballots. These include:
- Each ballot paper must have a number 1 in, or adjacent to, or level with one box;
 - All boxes should be numbered using the full sequence of numbers as indicated on the ballot paper. The only exception is where one box is left blank and would logically have contained the last preference, i.e. with 6 candidates, the number 6 may be omitted;
 - More than one box left blank makes the vote informal;
 - Any duplication or omission of a number from the sequence makes the vote informal;
 - Numbers next to, or on the other side of the names, are acceptable providing the voter's intention is clear;
 - Amendments are acceptable providing the voter's intention is clear. All other marks are to be ignored; and
 - The number "0" (zero) makes the vote informal.³¹³

Legislative Council

- 5.10 The VEC's *Scrutineer Handbook* also outlines provisions for determining the formality of Legislative Council ballots, covering ballots which are completed

³¹¹ *Electoral Act 2002 (Vic)* s84(2). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

³¹² Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006.

³¹³ Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p.14.

above-the-line, below-the-line and where ballots have been marked both above and below the line.³¹⁴

5.11 For ballot papers marked **above-the-line**, ballot papers are formal if:

- The number 1 appears by itself;
- A tick appears by itself;
- A cross appears by itself; or
- A single first preference and second, third etc. preference appears (the numbers after 1 are ignored).³¹⁵

5.12 Alternatively, ballot papers marked **above-the-line** are informal if:

- The number 1 appears more than once;
- The number 1 and a tick appear in different boxes;
- The number 1 and a cross appear in different boxes;
- A tick and cross appear in different boxes;
- A tick appears more than once in different boxes; or
- A cross appears more than once in different boxes.³¹⁶

5.13 For ballot papers marked **below-the-line**, ballot papers are formal if;

- At least the numbers 1 to 5 appear in sequential order.³¹⁷

5.14 Alternatively, ballot papers marked **below-the-line** are informal if:

- The number 1 does not appear against any candidate's name (a tick or a cross is not acceptable below-the line-on a region ballot paper);
- Any of the numbers 1 to 5 are repeated against two or more candidates' names; or
- Any of the numbers between 1 and 5 are missing.³¹⁸

Formality advice for federal elections

5.15 The AEC provides formality interpretation instructions for federal elections for the House of Representatives and the Senate, in a handbook format similar to the VEC's *Scrutineer Handbook* for Victorian state elections.³¹⁹

³¹⁴ Victorian Electoral Commission, *Scrutineer handbook*, Victorian Electoral Commission, Melbourne, 2006, p.15.

³¹⁵ Victorian Electoral Commission, *Scrutineer Handbook*, Victorian Electoral Commission, Melbourne, 2006, p.15.

³¹⁶ Victorian Electoral Commission, *Scrutineer Handbook*, Victorian Electoral Commission, Melbourne, 2006, p.15.

³¹⁷ Victorian Electoral Commission, *Scrutineer Handbook*, Victorian Electoral Commission, Melbourne, 2006, p.15.

³¹⁸ Victorian Electoral Commission, *Scrutineer Handbook*, Victorian Electoral Commission, Melbourne, 2006, p.15.

³¹⁹ Australian Electoral Commission, *Scrutineer's handbook: Formality of votes*, Australian Electoral Commission, Canberra, October 2008. Retrieved 8 July 2009 from

- 5.16 In Australia, the system of voting for Australian federal elections for the House of Representatives is known as full preferential voting. Provisions for this voting system are contained in the *Commonwealth Electoral Act 1918* (Cth). As in Victoria, the Commonwealth Act establishes how preferences are to be distributed and defines the provisions determining whether a ballot paper will be accepted or excluded from the election count.³²⁰
- 5.17 The AEC summarises Sections 239 and 240 of the *Commonwealth Electoral Act 1918* (Cth) relating to the correct marking of ballot papers in *Electoral Backgrounder No.18*, which is found on the AEC's website.³²¹
- 5.18 The AEC's *Electoral Backgrounder No.18* also summarises Sections 268 and 269 of the *Commonwealth Electoral Act 1918* (Cth) relating to provisions determining the formality of ballots for the House of Representatives and the Senate.³²²

Informal voting in Australia

- 5.19 During this inquiry, several important analyses of informal voting in Australia were released.³²³ This research has helped the Committee develop an understanding of some of the major issues affecting informal voting across Australia, as well as trends in informal voting rates at federal elections.
- 5.20 For Australian federal elections since 1977, the AEC provides analysis of informal voting rates.³²⁴
- 5.21 In general, research from the AEC, VEC and various secondary sources indicates that Australia has one of the highest rates of informal voting in the world. This is most likely due to Australia's compulsory enrolment and voting system, the compulsory preferential voting system in the House of Representatives, and below-the-line voting in the Senate.³²⁵

http://www.aec.gov.au/About_AEC/Publications/handbooks/scrutineers/5formality_of_votes.htm

³²⁰ *Commonwealth Electoral Act 1918* (Cth). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/cth/consol_act/cea1918233/

³²¹ Australian Electoral Commission, *Electoral Backgrounder no.18*, Australian Electoral Commission, Canberra, 2004, p.2-5. Retrieved 2 July 2009 from www.aec.gov.au/pdf/backgrounders/18/EB_18_Informal_Voting.pdf.

³²² Australian Electoral Commission, *Electoral Backgrounder no.18*, Australian Electoral Commission, Canberra, 2004, p.2-5. Retrieved 2 July 2009 from www.aec.gov.au/pdf/backgrounders/18/EB_18_Informal_Voting.pdf.

³²³ Australian Electoral Commission, , *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009; Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *Report on the conduct of the inquiry into the 2007 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2009.

³²⁴ See: www.aec.gov.au

³²⁵ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005.

Informal voting rates at Australian federal elections

- 5.22 The rate of informal voting at Australian federal elections for the House of Representatives averaged 3.78 percent between 1977 – 2007, and ranged from 2.1 percent in 1983 and 6.3 percent in 1984, as demonstrated in Table 5.1.³²⁶
- 5.23 At the 2007 federal election, the rate of informal voting fell to 3.95 percent. The AEC credits this decrease in informal voting at the 2007 federal election to a range of initiatives it implemented prior to the election, including translating its advertising into languages other than English.³²⁷

Table 5.1: Informal voting rates for the House of Representatives and Senate, 1977 – 2007

Election year	House of Representatives Rate of informal voting	Senate Rate of informal voting
1977	2.5	9.0
1980	2.5	9.6
1983	2.1	9.9
1984	6.3	4.3
1987	4.9	4.1
1990	3.2	3.4
1993	3.0	2.6
1996	3.2	3.5
1998	3.78	3.24
2001	4.8	3.9
2004	5.2	3.8
2007	3.95	2.5

Source: Australian Electoral Commission, *Informality, State/National Summaries 1997 – present*, Australian Electoral Commission, Canberra, 2007. Retrieved 1 July 2009 from www.aec.gov.au/voting/informal_voting/summary.htm

³²⁶ Australian Electoral Commission, *Informality, state/national summaries 1997 – present*, Australian Electoral Commission, Canberra, 2007. Retrieved 1 July 2009 from www.aec.gov.au/voting/informal_voting/summary.htm

³²⁷ Australian Electoral Commission, *Informality, state/national summaries 1997 – present*, Australian Electoral Commission, Canberra, 2007. Retrieved 1 July 2009 from www.aec.gov.au/voting/informal_voting/summary.htm

- 5.24 As seen in Table 5.1, the rate of informal voting in the Senate was at its highest in 1983 at 9.9 percent. In 1984, the House of Representatives also recorded its highest ever rate of informal voting of 6.3 percent. Research indicates that this was influenced by the introduction of above the line voting in the Senate.³²⁸ Allowing electors to just vote “1” for the first time in the Senate may have had the affect of confusing a large number of voters, who may have thought that this method of voting also applied to the House of Representatives.³²⁹
- 5.25 In its primary submission to this inquiry, the VEC provides informal voting rates for the last ten Lower House general elections in Australia. These are outlined in Table 5.2.

Table 5.2: Informal voting at the last ten Lower House elections in Australia

Election	AUS	NSW	VIC	QLD	WA	SA	TAS	ACT	NT
1	2.09	1.76	2.54	1.50	4.08	3.85	3.80		
2	6.34	2.30	3.01	1.50	3.18	2.71	3.85		
3	4.94	3.10	2.61	2.17	3.52	4.44	5.66		
4	3.19	2.40	2.68	3.00	2.83	5.78	5.93		
5	2.97	3.28	3.89	2.25	2.63	3.47	5.35	5.69	
6	3.20	9.32	3.81	1.75	7.35	2.83	4.54	6.47	3.10
7	3.78	5.15	2.30	1.45	4.13	3.10	5.18	6.24	3.81
8	4.81	2.51	3.20	2.27	4.39	4.04	3.91	4.32	5.17
9	5.18	2.62	3.42	1.99	4.54	3.12	4.87	3.97	4.27
10	3.95	2.69	4.56	2.08	5.24	3.60	4.44	2.65	3.75
AV	4.05	3.51	3.20	2.00	4.19	3.69	4.75	4.89	4.02

Source: Victorian Electoral Commission, *Submission No.6*, p.10.

³²⁸

Democratic Audit of Australia, *Submission No.5*, p.9.

³²⁹

Australian Electoral Commission, *Annual report 2005-06*, Australian Electoral Commission, Canberra, 2006. Retrieved 2 July 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2006/output2_1_4.htm

Informal voting rates for Victoria at federal elections

5.26 Table 5.3 outlines informal voting rates for Victoria at federal House of Representatives and Senate elections since 1977.

Table 5.3: Informal voting for Victoria at federal House of Representatives and Senate elections, 1977 – 2007

Election year	House of Representatives	Senate
1977	2.8	9.1
1980	2.7	11.1
1983	2.2	10.7
1984	7.5	3.7
1987	5.3	4.0
1990	3.5	3.6
1993	2.8	3.1
1996	2.9	3.6
1998	3.51	3.78
2001	4.0	5.6
2004	4.1	5.1
2007	3.25	2.55

Source: Australian Electoral Commission, *Informality, state/national summaries 1997 – present*, Australian Electoral Commission, Canberra, 2007. Retrieved 1 July 2009 from www.aec.gov.au/voting/informal_voting/summary.htm

AEC analysis of informal voting at the 2007 federal election

5.27 As noted earlier, during this inquiry the Committee has considered research into informal voting in Australia, predominantly from the AEC and the Democratic Audit of Australia.

5.28 In June 2009, the AEC released a research paper analysing informal voting at the 2007 federal election.³³⁰ The AEC has also previously analysed informal voting at the 2001 and 2004 federal elections.

5.29 While the 2009 research paper focuses on ballots from both the House of Representatives and the Senate, more attention is given to ballot papers from the House of Representatives, “which traditionally have a far higher rate of informal voting since the 1993 election”.³³¹

³³⁰ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009.

³³¹ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.2.

Table 5.4: Informal voting by category at the 2001, 2004 and 2007 House of Representatives elections

	Year	ACT	NSW	NT	QLD	SA	TAS	VIC
Blank	2001	2,007	37,174	827	15,069	12,252	2,824	27,432
	2004	1,752	47,911	794	18,256	12,842	3,320	30,247
	2007	1,365	38,515	590	13,483	10,434	2,874	23,801
1 only	2001	1,823	58,826	1,131	44,766	18,565	2,314	28,654
	2004	2,643	80,395	1,170	53,402	17,143	2,633	27,204
	2007	1,369	76,633	972	31,930	9,436	1,698	23,034
Incomplete numbering	2001							
	2004	227	11,936	157	5,553	1,691	324	3,829
	2007	164	11,195	143	4,619	1,277	438	3,139
Tick or cross	2001	545	21,090	407	10,426	7,098	1,518	13,591
	2004	654	23,858	381	8,828	6,497	1,344	9,260
	2007	539	23,264	599	8,204	4,966	702	8,611
Non-sequential	2001	492	40,040	615	9,750	6,972	1,303	14,683
	2004	363	33,914	840	11,729	7,829	964	25,122
	2007	524	33,375	960	13,290	6,180	1,473	23,136
Marks & scribbles	2001	298	10,877	126	5,026	3,350	1,205	9,607
	2004	1,545	23,220	708	19,916	8,369	2,975	26,435
	2007	1,187	24,354	523	14,222	5,773	2,456	21,640
Voter identified	2001	2	52	-	23	11	2	76
	2004	-	76	2	77	25	8	70
	2007	6	144	8	37	12	2	136
Other includes symbols	2001	1,187	11,509	884	9,846	1,438	701	13,102
	2004	247	3,477	179	2,068	1,062	201	2,780
	2007	135	4,039	141	1,923	752	153	3,095
Total	2001	6,354	179,568	3,990	94,906	49,686	9,867	107,145
	2004	7,431	224,787	4,231	119,829	55,458	11,769	124,947
	2007	5,289	211,519	3,936	87,708	38,830	9,796	106,592

Source: Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, 2009, p.10.

- 5.30 The average national informality rate for the 2007 House of Representatives election was 3.95 percent. This represents a decrease of 1.23 percent on the 2004 federal election, and is the “first decline in the national rate of informal voting since the 1993 federal election”.³³²
- 5.31 As with all Australian elections, there was a proportion of informal ballot papers that the AEC found to be deliberately or intentionally informal as they were either left blank or marked with scribbles. In 2007, there were around 178,600 informal ballot papers in this category, representing 1.4 percent of total ballot papers.³³³
- 5.32 In Chapter Eight of the Commonwealth Parliament’s *JSCEM Report on the conduct of the inquiry into the 2007 federal election and matters related thereto*, JSCEM welcomed the decrease in informal voting at the 2007 federal election but expressed concern that over 510,000 people still cast an informal ballot and were effectively disenfranchised by voting informally.³³⁴
- 5.33 Table 5.4 shows informality by category at the 2001, 2004 and 2007 federal elections.

Factors influencing informal voting rates

- 5.34 Research into the incidence of informal voting at Australian elections indicates that a range of factors influence the rate of informal voting in Australia.
- 5.35 According to the AEC, the following four issues had a major influence on the rate of informal voting at the 2007 federal election:
- Divisions with high candidate counts;
 - Differences in state and federal electoral systems;
 - Proximity to other election events; and
 - A high proportion of NESB citizens.³³⁵

Divisions with high candidate counts

- 5.36 The results of the AEC’s analysis suggest that “divisions which have a higher than average number of candidates are generally more likely to also have higher than average rates of informality”.³³⁶ One of the AEC’s key findings from the analysis is that the decrease in informal voting across the

³³² Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.2.

³³³ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.2.

³³⁴ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *Report on the conduct of the inquiry into the 2007 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2009, p.219.

³³⁵ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.2.

³³⁶ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.2.

past two federal elections coincided with a decrease in the average number of candidates per division (7.27 in 2004 to 6.66 in 2007).³³⁷

Differences in state and federal electoral systems

- 5.37 Evidence indicates that there may be an association between unintentional informal voting at Australian federal elections related to differences in formality rules amongst Australian jurisdictions.
- 5.38 The AEC's analysis shows that divisions from NSW regularly appear in the top 20 divisions for informality (17 out of 20 in 2007).³³⁸ It is believed that voters who normally just vote "1" for state elections, as is permissible in NSW and QLD state elections, might not be aware that voting this way in federal elections will register an informal vote.³³⁹

Proximity to other electoral events

- 5.39 In its report into informal voting at the 2007 federal election, the AEC notes:

It has been noted in previous studies of informality that *proximity to another electoral event* may increase the level of informality in a federal election...The confusion surrounding *how* to cast a formal vote appears to contribute to unintentional informality in some states. Equally, the familiarity for voters coming from a recent federal election to the same electoral system in a federal by-election appears to lessen the rate of informality.³⁴⁰

A high proportion of NESB citizens

- 5.40 NESB electors may experience difficulties voting formally, and these difficulties may be heightened by the additional challenges to formal voting suggested above. The AEC's research indicates that at the 2007 federal election:

[F]ive of the top six divisions with the highest rates of informality, were also the top five electorates with the highest proportion of NESB. The 14 divisions with the highest rate of informality in 2007, all border each other in a concentration based around western Sydney.³⁴¹

Committee's view – informal voting at federal elections

- 5.41 The Committee commends the AEC's research into informal voting at the 2007 federal election.

³³⁷ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.2.

³³⁸ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.12.

³³⁹ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.9.

³⁴⁰ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.3.

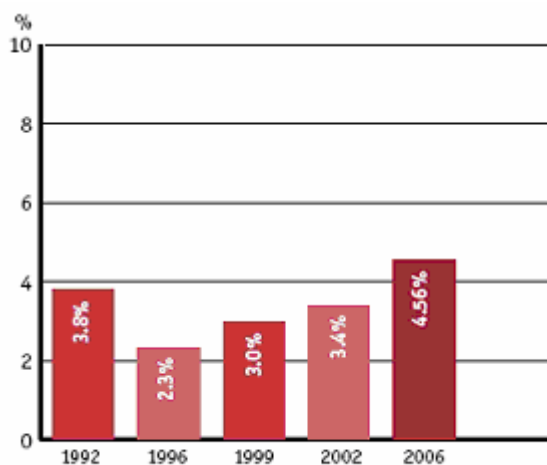
³⁴¹ Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election*, Australian Electoral Commission, Canberra, 2009, p.3, p.12.

- 5.42 The Committee notes that the research informed the Commonwealth Parliament's JSCEM considerations about informal voting for its report into the 2007 federal election.
- 5.43 The Committee also notes that the list above is not an exhaustive list of factors determining the rate of informal voting in Australia or Victoria.

Informal voting in Victoria

- 5.44 During the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee briefly considered informal voting in Victoria but elected to investigate the issues surrounding informal voting in Victoria in more detail as part of this inquiry.
- 5.45 For this inquiry, the Committee has revisited statistics from the VEC about informal voting it received during the 2006 Victorian state election inquiry.³⁴² The VEC also provided evidence about strategies to address informal voting as part of its primary submission to this inquiry.
- 5.46 As shown in Figure 5.1, the rate of informal voting at Victorian state elections for the Legislative Assembly has steadily increased since the 1996 Victorian state election.

Figure 5.1: Informal voting at Victorian Legislative Assembly elections, 1992 – 2006



Source: Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, 2007, p.2.

³⁴²

Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.2.

Informal voting at the 2006 Victorian state election

- 5.47 The rate of informal voting at the 2006 Victorian state election for the Legislative Assembly was 4.56 percent, an increase of 1.14 percent on the informal voting rate for the Legislative Assembly at the 2002 Victorian state election of 3.42 percent.³⁴³ The Committee notes that this is the highest ever recorded rate of informal voting for a Victorian Legislative Assembly election.
- 5.48 The informal voting rate for the Legislative Council at the 2006 Victorian state election was 4.28 percent, an increase of 0.61 percent on the informal voting rate at the 2002 Victorian state election of 3.67 percent.³⁴⁴
- 5.49 As noted in Chapter Two, Victoria has recently introduced a number of electoral reforms. The Legislative Council's electoral system was substantially reformed by the *Constitution (Parliamentary Reform) Act 2003 (Vic)*.³⁴⁵ These reforms included changes to the way the Legislative Council is elected. It is likely that these changes contributed to the increased informal voting rate for the Legislative Council for the 2006 Victorian state election. The VEC also supports this conclusion in its primary submission to the inquiry.³⁴⁶

Informal voting at the 2007 Williamstown District and Albert Park District by-elections

- 5.50 The Williamstown District and Albert Park District by-elections were held on 15 September 2007.
- 5.51 At the Williamstown District by-election, the informal voting rate was 6.79 percent, an increase of 1.16 percent on the informal voting rate at the 2006 Victorian state election of 5.63 percent.³⁴⁷
- 5.52 At the Albert Park District by-election, the informal voting rate was 7.47 percent, an increase of 3.14 percent on the informal voting rate at the 2006 Victorian state election of 4.33 percent.³⁴⁸

³⁴³ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.2.

³⁴⁴ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

³⁴⁵ Parliament of Victoria, Legislative Council, Information sheet no.16 – a new electoral system for Victoria's Legislative Council, Parliament of Victoria, Melbourne, October 2007. Retrieved 31 March 2009 from http://www.parliament.vic.gov.au/council/info_sheets/New_system.htm

³⁴⁶ Victorian Electoral Commission, *Submission No.6*, p.10.

³⁴⁷ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.21.

³⁴⁸ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.21.

Informal voting at the 2008 Kororoit District by-election

- 5.53 The Kororoit District by-election was held on 28 June 2008.
- 5.54 At the Kororoit District by-election, the informal voting rate of 5.95 percent was lower “in absolute percent terms than at the 2006 Victorian state election, when the informal voting rate was 7.81 percent.”³⁴⁹ The VEC notes that the informal voting rate of 5.95 percent was higher than the average informal voting rate for the Victorian state election at 4.56 percent.³⁵⁰

VEC informal voting survey – 2006 Victorian state election

- 5.55 Following the 2006 Victorian state election, the VEC conducted further analysis of informal voting. According to the VEC’s report to Parliament on the 2006 Victorian state election, a number of factors prompted further consideration of informal voting. The VEC was concerned at the increase in informal voting for both the Legislative Assembly and Legislative Council elections, and the fact that the level of informal voting for the Legislative Assembly was the highest ever recorded rate for a Victorian Legislative Assembly election.³⁵¹ The VEC also noted that the introduction of a new voting system for the Legislative Council meant that, for the first time, Victorians had to vote differently for the Legislative Assembly and the Legislative Council.³⁵²
- 5.56 The aims of the survey were to test the incidence of informal voting at the 2006 Victorian state election, consider the various types of informal voting, and determine whether the new Legislative Council voting system had an overall effect on informal voting rates at the 2006 Victorian state election.³⁵³
- 5.57 The VEC did not conduct an informal voting analysis following the 2002 Victorian state election. Prior to the 2006 survey, the last time the VEC conducted an analysis of informal voting in Victoria was at the 1988 Victorian state election.
- 5.58 For the survey, the VEC chose a range of electorates to profile, including Brunswick, Ferntree Gully, Gippsland East, Melbourne, Mildura, Northcote, Richmond, Rodney and Shepparton Districts, and the Western Metropolitan and Western Victoria Regions.³⁵⁴ In choosing these Districts and Regions to profile, the VEC noted:

³⁴⁹ Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, p.17.

³⁵⁰ Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, pp.17-19.

³⁵¹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

³⁵² Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

³⁵³ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

³⁵⁴ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

These electorates cover a wide range of Victorians. The four inner-suburban districts (Brunswick, Melbourne, Northcote and Richmond) are characterised by high proportions of residents born overseas, relatively high household incomes, and a generally young, mobile population with a high rate of Internet usage. In contrast, the four country districts (Gippsland East, Mildura, Rodney and Shepparton) have small numbers of residents born overseas, lower household incomes, and a generally older population. The outer-suburban district of Ferntree Gully is distinguished by its high household income, low rate of unemployment and relatively young population. Of the two regions surveyed, Western Metropolitan had the highest informal vote in the State, and has the highest rate of unemployment in the State, a high proportion of residents born overseas, and a population that is less mobile than the State average. Western Victoria Region includes Geelong and Ballarat, as well as the rural areas of western Victoria, and has the lowest household income of any region and a low proportion of residents born overseas.³⁵⁵

5.59 Table 5.5 shows how District informal ballots were categorised for the survey.

Table 5.5: Informal District ballot papers categories, VEC Informal Voting survey, 2006 Victorian state election

Blank	The bulk of these ballot papers were presumably deliberately informal, though they might include ballot papers lodged by people who had difficulties with the whole voting process.
Numbers – 1 only	These include ballot papers cast by voters who misapplied the way to vote above-the-line for the Upper House.
Numbers – insufficient	Ballot papers including insufficient numbers to constitute a formal vote.
Numbers – apparently deliberate	Ballot papers including number sequences such as all '1's, or '0', or '1', '10', '300', which indicate an intention to cast an informal vote.
Numbers – other	
Ticks/crosses – preference	Ballot papers indicating a clear preference for a candidate through a single tick or cross.
Ticks/crosses – apparently deliberate	Ballot papers with ticks or crosses in every square, indicating an intention to reject all the candidates.
Ticks/crosses – other	
Writing – apparently deliberate	Ballot papers with writing or drawings indicating opposition to all the candidates, including those with a cross over the whole paper.
Writing – other	Vague scrawls not indicating any intention.
Administrative error	Ballot papers which are really formal, or which have been issued for the wrong district.

Source: Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, 2007, p.91.

³⁵⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.90.

- 5.60 As noted by the VEC, results of the District informal ballot survey indicate that ballot papers marked with a single “1” were the largest category of informal votes, both overall at 26.38 percent and in each district surveyed.³⁵⁶
- 5.61 Due to this, the VEC suggests that it might be appropriate to consider informal voting in other jurisdictions. Western Australia has a similar voting system to Victoria for both lower and upper house elections. At the 2005 Western Australian Legislative Assembly election, 26.95 percent of informal votes indicated a first preference only.³⁵⁷
- 5.62 According to the VEC, “53.16 percent of District informal votes were the result of numbering errors. Ticks and crosses made up 12.25 percent”.³⁵⁸
- 5.63 Apparently deliberate informal votes were 19.54 percent of the total number of District informal votes. If blank votes were added, 40.82 percent of votes were, according to the VEC, intentionally deliberate.³⁵⁹
- 5.64 The VEC’s survey notes that at least 41.47 percent of informal District ballots indicated a clear preference, either as a number “1” or a tick or cross.³⁶⁰
- 5.65 Blank ballot papers were the largest informal vote category for the Legislative Council.³⁶¹ Table 5.6 shows how Region informal ballots were categorised for the survey.
- 5.66 As the VEC notes, the second largest category were below-the-line “1” only ballots, representing 27.36 percent of Region informal votes. 5.84 percent of voters also made errors repeating numbers below-the-line.³⁶²
- 5.67 45.52 percent of informal votes were informal due to numbering errors. 8.27 percent were informal due to ticks and crosses. It should be noted that a single tick or cross above-the-line for the Legislative Council is counted as a formal ballot.³⁶³
- 5.68 Apparently deliberate informal Region votes represented 16.2 percent of informal votes. If blank votes are added, the VEC suggests 49.34 percent of informal votes were intentionally deliberate.³⁶⁴

³⁵⁶ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

³⁵⁷ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

³⁵⁸ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

³⁵⁹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

³⁶⁰ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.93.

³⁶¹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

³⁶² Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

³⁶³ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

³⁶⁴ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

Table 5.6: Informal Region ballot papers categories, VEC Informal Voting survey, 2006 Victorian state election

Blank	
Writing – apparently deliberate	
Writing – other	
Administrative error	
Fragments	Ballot papers which have been torn up. It can be difficult to determine how many pieces make up a single ballot paper.
Above-the-line: numbers – ALP/DLP	Ballot papers with ‘1’ in both the ALP and DLP squares
Above-the-line: numbers – apparently deliberate	
Above-the-line: numbers – other	
Above-the-line: ticks/crosses – apparently deliberate	Ballot papers with ticks or crosses in every square, indicating an intention to reject all the candidates. (Ballot papers with a tick or cross in a square above-the-line are formal.)
Above-the-line: ticks/crosses – other	
Below-the-line: numbers – 1 only	These are ballot papers cast by voters who misapplied the way to vote above-the-line.
Below-the-line: numbers – insufficient	
Below-the-line: numbers – repetitions	Ballot papers with sequences of ‘1’ to ‘5’, or ‘1’ to the number of candidates in a group, in several or all of the groups below-the-line.
Below-the-line: numbers – apparently deliberate	
Below-the-line: numbers – other	
Below-the-line: ticks/crosses – preference	
Below-the-line: ticks/crosses – apparently deliberate	
Below-the-line: ticks/crosses – other	

Source: Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, 2007, p.95.

- 5.69 32.87 of informal Region votes indicated a clear preference, either as a number “1” or a tick or cross below-the-line.³⁶⁵
- 5.70 As part of its analysis, the VEC concluded that the informal voting rate at the 2006 Victorian state election was influenced by the introduction of a new voting system for the Legislative Council. It notes that many voters just marked “1” on the District ballot paper, and it was likely that these voters may have misinterpreted the instructions on the Legislative Assembly ballot paper, after completing their Region ballot paper.³⁶⁶
- 5.71 The VEC notes that “legislative change would be required for ‘1’ only votes or single ticks or crosses on district ballot papers to be accepted as formal”.³⁶⁷ This issue is explored in detail later in this chapter.

VEC informal voting survey – Williamstown District, Albert Park District and Kororoit District by-elections

- 5.72 In its reports to Parliament on the Williamstown District, Albert Park District and Kororoit District by-elections, the VEC conducted an analysis of informal voting at the by-elections. The VEC used the same methodology as for the 2006 Victorian state election informal voting survey.
- 5.73 The composition of informal voting was different in both Williamstown and Albert Park. According to the VEC, 40 percent of informal ballot papers were blank in Albert Park, whereas Williamstown recorded approximately half this number.³⁶⁸ Deliberately informal ballot papers with writing indicating an informal ballot paper represented 22.88 percent of the informal vote in Williamstown, but only 11.45 percent in Albert Park.³⁶⁹
- 5.74 In contrast to the 2006 Victorian state election, there was a significant reduction in the number of informal votes that were marked “1” only. The total for both by-elections was 6.56 percent, 19.82 percent less than the total of ballot papers surveyed for both Districts as part of the VEC’s survey of informal voting at the 2006 Victorian state election.³⁷⁰ The VEC notes that this supports the conclusion that voters at the state election were influenced

³⁶⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

³⁶⁶ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

³⁶⁷ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.96.

³⁶⁸ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.22.

³⁶⁹ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.22.

³⁷⁰ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.22.

by the fact that they could vote “1” above-the-line on their [Region] ballot paper, and misapplied the method to their [District] ballot paper.³⁷¹

5.75 There was also an increase in the number of ballot papers in the “writing – apparently deliberate” category, up 5.39 percent to 16.92 percent for both Districts at the by-elections.³⁷² The VEC notes that “reports from election managers” indicated that many of these ballot papers referred to the fact that no Liberal Party candidate contested either by-election and it was likely that this contributed to the increase in apparently deliberate informal voting.³⁷³

5.76 In its report into the Kororoit District by-election, the VEC notes:

Kororoit District has the sixth highest proportion of residents who were born outside Australia, at 48.9 percent, and the great majority of those residents come from non-English speaking countries. People who are not proficient in English make up 13.6 percent of the residents – the seventh highest rate in the State. At State elections, there is a strong correlation between informal voting and the proportion of residents who are not fluent in English.³⁷⁴

5.77 The largest category of informal votes at the Kororoit District by-election was those ballot papers featuring numbering errors, representing 42.6 percent of total informal ballots. Of these, 21.14 percent were spoiled due to the use of ticks and crosses, representing an increase of 8.89 percent on the rate of this type of informal voting across Victoria at the 2006 Victorian state election.³⁷⁵

5.78 The VEC indicates there may be a correlation between the use of ticks and crosses and perceptions of voting practices amongst certain community groups, who may reside in Kororoit District.³⁷⁶

5.79 In its submission, the ECCV provided a table (Table 5.7) demonstrating local government areas which recorded high informal voting rates and low participation rates at the 2006 Victorian state election.

371 Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.22.

372 Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.22.

373 Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, pp.22-23.

374 Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, p.17.

375 Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, pp.17-20.

376 Victorian Electoral Commission, *Report on the Kororoit District by-election held on 28 June 2008*, Victorian Electoral Commission, Melbourne, January 2009, p.19.

Table 5.7: Population diversity in local councils, Victoria

Electorate	Local Government Area	Percentage of CALD population based on LGA	Percentage of voter non participation rate	Percentage of informal voting
Derrimut	Brimbank	43.3 (overseas born) 53.7 (language other than English)	8.3	8.5
Clayton	Monash	39.7 (overseas born) 38.6 (language other than English)	5.5	5.8
Dandenong	Greater Dandenong	51.5 (overseas born) 55.2 (language other than English)	8.8	6.9
Preston	Darebin	32 (overseas born) 39 (language other than English)	8.8	6.8
Footscray	Maribyrnong	38.8 (overseas born) 42.8 (language other than English)	9.7	6.8
Broadmeadows	Hume	29.2 (overseas born) 36.2 (language other than English)	9.6	8.3
Williamstown	Hobsons Bay	29.1 (overseas born) 28.1 (language other than English)	8.2	5.6
Melbourne	Melbourne	42.2 (overseas born) 33.1 (language other than English)	15.2	3.7

Source: Victorian Multicultural Commission, Population diversity in local councils in Victoria: 2006 Census, cited in Ethnic Communities Council, *Submission No. 12*, p.2.

Committee's view – VEC's informal voting surveys

5.80 The Committee commends the VEC for preparing comprehensive statistics relating to informal voting at the 2006 Victorian state election, the 2007 Williamstown District and Albert Park District by-elections and the 2008 Kororoit District by-election.

Recommendation 5.1: The Victorian Electoral Commission continues to analyse informal voting statistics following all Victorian state elections and publishes the results in the form of an informal voting survey in its election report to Parliament.

5.81 The Committee supports the VEC's observation that the level of informal voting at the 2006 Victorian state election was influenced by the introduction of a new voting system for the Legislative Council. It is likely that many voters were confused by the instructions on the Region ballot paper inviting them to vote "1" only above-the-line, and adopted this method of voting to complete their District ballot paper.

Recommendation 5.2: The Victorian Electoral Commission continues to develop advertising in the lead up to Victorian state elections to advise voters of the different voting requirements for the Victorian Legislative Assembly and Legislative Council.

5.82 The Committee also notes that the VEC's survey of informal voting at the 2006 Victorian state election indicates that a large number of informal votes for both the Legislative Assembly and Legislative Council were informal but still expressed a clear preference of voter intention.

Legislative strategies to reduce informal voting

5.83 During this inquiry, the Committee received evidence from several inquiry participants about strategies to reduce the level of informal voting at Victorian elections.

5.84 Some inquiry participants, notably the VEC and the Democratic Audit of Australia, submitted evidence about *legislative* strategies to reduce informal voting, including potential modifications to Victoria's system of full preferential voting for the Legislative Assembly. These submissions addressed options to reduce informality by relaxing or changing formality interpretation laws in the *Electoral Act 2002* (Vic).³⁷⁷

5.85 Some inquiry participants also proposed *non-legislative* strategies to reduce informal voting. These are addressed in Chapter Seven.

³⁷⁷ Democratic Audit of Australia, *Submission No.5*, p.10; Victorian Electoral Commission, *Submission No.6*, p.31.

Increasing threshold requirements for nomination as a candidate for the Legislative Assembly

- 5.86 Earlier in this chapter the Committee referred to research from the AEC highlighting the link between rates of informal voting and the number of candidates running for election in House of Representatives divisions.
- 5.87 In Victoria, the *Electoral Act 2002* (Vic) s 69(3) requires that nomination for the Legislative Assembly be signed by the candidate and six persons entitled to vote at the election. The nomination must also be accompanied by a deposit of \$350, which is returned if the candidate receives 4 percent or more of the primary vote.³⁷⁸
- 5.88 In its submission to this inquiry, the Democratic Audit of Australia makes a case for increasing threshold requirements for nomination as a candidate for the Legislative Assembly. The Democratic Audit notes that there were a record number of candidates at the 2006 Victorian state election, 459 for the Legislative Assembly and 248 for the Legislative Council.³⁷⁹ Overall, according to the Democratic Audit, this represents an increase of 68 percent in candidate numbers when compared to the 2002 Victorian state election.³⁸⁰
- 5.89 The Democratic Audit recommends that a nomination form for the Legislative Assembly be signed by 50 persons eligible to vote at the election and be accompanied by a deposit of \$750.³⁸¹
- 5.90 Further to this recommendation, the Democratic Audit states that approximately only 30 percent or 140 candidates who nominated for the Legislative Assembly had a realistic chance of election, given that 36 Districts were held by margins of more than 10 percent.³⁸²
- 5.91 While the Committee appreciates that there is a link in Australian elections between informal voting and large candidate counts, the Committee cannot support a recommendation which makes it significantly more difficult financially and administratively for Victorians to nominate for election to the Legislative Assembly.

Optional preferential voting

- 5.92 Elections for the Legislative Assembly in Victoria are conducted using the preferential voting method. Preferential voting is a method of voting by which voters rank the candidates on the ballot paper in order of preference.
- 5.93 The full preferential voting method requires the elector to mark each candidate on the ballot paper with a number in order of preference. This system is regarded as a form of majoritarian voting in that it requires

³⁷⁸ *Electoral Act 2002* (Vic) s69(3). Retrieved 22 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/; Democratic Audit of Australia, *Submission No.5*, p.10.

³⁷⁹ Democratic Audit of Australia, *Submission No.5*, p.10.

³⁸⁰ Democratic Audit of Australia, *Submission No.5*, p.10.

³⁸¹ Democratic Audit of Australia, *Submission No.5*, p.10.

³⁸² Democratic Audit of Australia, *Submission No.5*, p.10.

candidates to acquire an absolute majority of the formal vote (i.e., 50 percent + 1) in order to be elected.³⁸³ If, at the first count of votes, no candidate has achieved more than 50 percent plus 1 of formal votes, the candidate with the least number of first preference votes is excluded from the count. This candidate's ballot papers are then distributed to remaining candidates according to the second preferences marked on those ballot papers.³⁸⁴ This process of excluding the candidate with the least number of first preference votes, and distributing to the next available preference, continues under full preferential voting until one candidate achieves 50 percent plus 1 of total formal votes, and is therefore elected.

- 5.94 Several arguments are used to support the full preferential system of voting:
- Full preferential voting elects candidates most preferred by voters, due to the allocation of preferences;
 - Minor parties have influence on the election process through the allocation of preferences; and
 - Parties which are allied, or in coalition, can run against one another without this necessarily affecting the electoral prospects of either party.³⁸⁵
- 5.95 Full preferential systems can be slightly different to one another. For instance, in Victoria it is possible to still vote formally for the Legislative Assembly by omitting the last number from the ballot paper.
- 5.96 In contrast to full preferential voting, *optional preferential voting* offers voters the opportunity to not complete ballot papers and still submit a formal vote. Typically, in optional preferential systems, the onus is on the voter to express all the preferences they wish, as preferences are still distributed: voters are not required to complete all preferences in order to have their preference allocations count.
- 5.97 It is significant that in Australian optional preferential elections, voters must still number "1" on the ballot paper, and not use ticks or crosses.
- 5.98 There are a number of criticisms of optional preferential voting. One of the most common, as noted by Commonwealth Parliament's JSCEM during its inquiry into the 2004 federal election, is that optional preferential voting has the potential to become a defacto form of "first past the post" voting.³⁸⁶ According to JSCEM:

³⁸³ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, p.1. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

³⁸⁴ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, p.1. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

³⁸⁵ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, pp.1-2. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

³⁸⁶ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.220.

[A] “first past the post” system is where the candidate who receives the highest proportion of the primary vote is elected, even if this proportion is less than 50 percent. This is because candidates are entirely at the mercy of the voter and their decision whether or not to include preferences, so preferences can be quickly exhausted where a large number of voters choose to vote “1” only. This is particularly problematic where a large number of candidates contest a seat.³⁸⁷

- 5.99 In Australia, one issue with optional preferential voting has been that some political parties have used the system of voting to run campaigns encouraging voters to vote just “1”, even when the option exists to express further preferences. Evidence of this practice has been seen in Queensland, notably at the most recent Queensland state election in 2009.³⁸⁸
- 5.100 Supporters of optional preferential voting argue that the voting system delivers a number of benefits. One of these benefits is that optional preferential voting can lead to reductions in error-related informal voting. As noted by Commonwealth Parliament’s JSCEM, “it is easier to vote correctly if a voter is not required to record preferences for all candidates”.³⁸⁹
- 5.101 Whilst the Committee recognises that optional preferential voting can lead to reductions in error-related informal voting, the introduction of optional preferential voting in Victorian lower house elections could lead to voter confusion at Victorian federal and local government elections (where full preferential voting only is available to electors) and an increase in informal voting rates. The Committee notes that NSW and Queensland have higher rates of informal voting in federal elections given that NSW and Queensland electoral systems provide for optional preferential voting, whereas federal House of Representatives elections do not.
- 5.102 Under optional preferential voting, and as again noted by Commonwealth Parliament’s JSCEM, Langer style votes would be formal.³⁹⁰ This type of

³⁸⁷ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.220.

³⁸⁸ M Singer, ““Angry” voters will just vote 1”, *Brisbane Times*, 12 March 2009. Retrieved 1 July 2009 from <http://www.brisbanetimes.com.au/articles/2009/03/12/1236447375345.html>

³⁸⁹ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.223.

³⁹⁰ Mr Antony Green defines Langer Voting on the Australian Broadcasting Corporation’s (ABC’s) website: “The [*Commonwealth Electoral Act 1918* (Cth)] was amended before the 1984 election so that votes with all squares numbered, but where a numbering error occurred, could remain in the count, with preferences valid up until the point where the error occurred. The Parliament did not intend that this to become a form of optional preferential voting, so publicising this form of voting was made illegal. However, a Melbourne political activist, Albert Langer, chose to encourage people to vote deliberately in this way, say to vote 1,2,2,2, etc to deny the major parties preferences. He was eventually ordered by The Electoral Commission (UK) to stop encouraging these votes, and when he defied the order, was briefly gaoled. As a result, this form of voting has become known as ‘Langer voting’. The provision which allowed duplicate numbering to be formal was removed after the 1998 election, and all Langer-style ballot papers are again informal. See: Australian Broadcasting Corporation, *Glossary of Election Terms – Federal Election 2007*, Australian Broadcasting Corporation, 2009. Retrieved 10 July 2009 from http://www.abc.net.au/elections/federal/2007/guide/glossary.htm#langer_voting

voting is where, when required to mark all preferences on a ballot paper, the elector completes the ballot paper with the numbers, for instance, 1,2,3,3,3. In Victoria,³⁹¹ at present, this type of vote is informal. Under optional preferential, this type of vote would be permitted because the vote would be counted up to “the point of error.”³⁹²

- 5.103 In his submission to the Commonwealth Parliament’s JSCEM inquiry into the 2004 federal election, Professor Emeritus Peter Bayliss, giving evidence in a private capacity, stated that there are practical benefits related to the introduction of optional preferential voting, including removing the need to decide to distribute preferences, a lesser need for electoral staff to educate voters on how to vote, easier scrutineering and counting of votes.³⁹³
- 5.104 Chapter Nine in the Commonwealth Parliament’s JSCEM report into the 2004 federal election provides additional detail about the arguments for and against optional preferential voting systems, in an Australian context.³⁹⁴

³⁹¹ In Victoria, up to 1984, Sections 204 and 205 of the *Constitution Act Amendment Act 1958* (Vic) prescribed that voters had to number all the boxes in the ballot paper in sequential order. The only savings provision was that if a voter left one square blank, this was deemed to be the voter’s last preference and the vote was counted as formal (provided all the other numbers were correct).

The Constitution Act Amendment (Electoral Legislation) Act 1984 (Vic) followed Commonwealth legislation in many areas, including the “savings” provisions. Under section 205, a vote was to be formal if it included a single “1” and any other numbers in all the other squares, or all the squares but one. Under section 208, votes saved by this provision were to be set aside as exhausted at the point of a break in the sequence. Section 267B prohibited any printed or published material (including on radio or television) that contained a representation of a ballot paper that was likely to induce an elector to vote otherwise than in accordance with the directions on the ballot paper. In 1995, legislation extended this prohibition to how-to-vote cards (section 267(5)(b)).

The “savings” provisions applied at the 1985, 1988, 1992 and 1996 elections. State elections were not as troubled by Mr Langer’s activities as Federal elections. However, at the 1996 State election, Mr Peter Muldowney (an associate of Mr Langer), challenged the VEC’s decision to refuse to register how-to-vote cards that advocated an optional preferential vote. The Administrative Appeals Tribunal upheld the VEC’s decision and the legislation.

The Constitution Act Amendment (Amendment) Act 1999 (Vic) repealed the savings provisions. The amendments had bipartisan support, and speakers in Parliament explicitly stated that the reason for the legislation was to act in conjunction with the Commonwealth to put an end to Mr Langer’s efforts to abuse the savings provisions to end compulsory preferential voting.

Since 1999, the only savings provision has been the one that applied before 1985, allowing votes with one blank square. Source; L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 17 July 2009.

³⁹² Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.223.

³⁹³ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.223.

³⁹⁴ Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.205.

- 5.105 Optional preferential voting is used in Australia to elect the lower house in NSW state elections and in Queensland for state and local government elections (in those councils divided into single member wards).
- 5.106 Throughout its history Queensland has trialled a number of different voting systems. From 1892 to 1942 a version of optional preferential voting, known as Contingent Voting, was used.³⁹⁵
- 5.107 Optional preferential voting was introduced in Queensland following a recommendation by the Queensland Parliament's Electoral and Administrative Review Committee (EARC). Optional preferential voting was introduced in Queensland on 11 April 1991.³⁹⁶
- 5.108 Evidence from Queensland state elections between 1992 – 2001 indicates that the majority of voters, in the first two state elections using optional preferential voting in 1992 and 1995, still completed their ballot papers by marking all preferences. However, in 2001, there was a significant increase in what some commentators call “plumping”, that is, the practice of simply marking the ballot paper with a “1” and no more preferences, to the point where at the 2001 Queensland state election, 60 percent of votes were marked just “1”.³⁹⁷
- 5.109 Some research suggests that the increase in “plumping” at Queensland state elections is linked to the Australian Labor Party’s “Just Vote 1” campaign. According to research produced for the South Australian State Electoral Office, this campaign was designed to influence ALP and non-ALP supporters.³⁹⁸ It is suggested that the advantage of the campaign for Labor was that it split the conservative vote in Queensland, as around 53 percent of One Nation voters “plumped” and a third of Liberal voters also “plumped”.³⁹⁹ With over 77 percent of ALP supporters “plumping”, these preferences were not directed to One Nation.
- 5.110 In its submission to this inquiry, the VEC suggests that the introduction of optional preferential voting at Victorian state elections could reduce informal voting.⁴⁰⁰ The Committee notes that the VEC has raised the idea of legislative change to voting systems to reduce informality on a number of

³⁹⁵ Electoral Commission Queensland, *Optional preferential voting factsheet*, Queensland Electoral Commission, Brisbane, p.1. Retrieved 1 July 2009 from <http://www.ecq.qld.gov.au/data/portal/00000005/content/12942001126163592578.pdf>

³⁹⁶ Electoral Commission Queensland, *Optional preferential voting factsheet*, Queensland Electoral Commission, Brisbane, p.1. Retrieved 1 July 2009 from <http://www.ecq.qld.gov.au/data/portal/00000005/content/12942001126163592578.pdf>

³⁹⁷ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, pp.10-11. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

³⁹⁸ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, pp.10-11. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

³⁹⁹ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, pp.10-11. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

⁴⁰⁰ Victorian Electoral Commission, *Submission No.6*, p.31.

occasions, notably in submissions to this inquiry and also in its report to Parliament on the 2006 Victorian state election.

5.111 The VEC notes that over 26 percent of informal votes for the Legislative Assembly at the 2006 Victorian state election just voted “1” and that 27 percent of Legislative Council informal ballot papers featured just the number “1” below-the-line.⁴⁰¹

5.112 On this subject, the VEC continues:

The most direct way to reduce informal voting would be to amend the legislation. There are two ways in which this could be done – optional preferential voting, and ticket voting. Under optional preferential voting, a voter for a district election would simply have to vote “1”, and the vote would be accepted. Voters could number as many squares after “1” as they wished. Victoria already has optional preferential voting below the line for the Upper House (voters have to vote “1” to “5”). It is noteworthy that Queensland, which has optional preferential voting, consistently has the lowest informal voting rate in Australia. However, optional preferential voting alters the dynamics of elections, and can lead towards a de facto first past the post system. This involves policy matters beyond the scope of the VEC.⁴⁰²

Ticket voting or “savings provisions” for full preferential voting

5.113 Ticket voting is a system where voters could just vote “1” for their preferred party and have their preferences distributed to their desired party as per party voting tickets, or choose to number all their preferences individually.

5.114 This system was discussed as part of the Commonwealth Parliament’s JSCEM inquiry into the 2004 federal election.⁴⁰³

5.115 In Australia, SA uses a ticket voting “savings provision” in elections for the House of Assembly.⁴⁰⁴

5.116 Elections for the House of Assembly are conducted using the full preferential voting system, and voters are required to mark all preferences on their ballot paper (except the last number). Where SA differs to Victoria is that it has a “savings” provision in legislation for ballot papers which are not fully completed. This does not alter the full preferential voting system in SA: it is a legislative provision designed to have certain types of informal votes re-admitted to the election count.

5.117 If an elector indicates a single first preference for a candidate and does not complete any further preferences, the ballot paper is saved as formal and preferences are allocated according to the “ticket” registered for that candidate. Where two tickets are registered, the number of ballot papers

401 Victorian Electoral Commission, *Submission No.6*, p.31.

402 Victorian Electoral Commission, *Submission No.6*, p.31.

403 Joint Standing Committee on Electoral Matters, Commonwealth Parliament, *The 2004 federal election: Report on the conduct of the inquiry into the 2004 federal election and matters related thereto*, Commonwealth of Australia, Canberra, 2005, p.228.

404 South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, p.2. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

indicating a first preference for that candidate are split equally between the tickets.⁴⁰⁵

5.118 If any elector indicates a “1” and incomplete preferences (i.e., does not include a preference for all candidates), the ballot paper is saved as formal if the partially complete paper is consistent with a ticket registered by the candidate. If the additional preferences are not consistent with a ticket registered by that candidate, the ballot paper is deemed to be informal.⁴⁰⁶

5.119 According to the SA State Electoral Office:

Candidates have the option of lodging a voting ticket with the Electoral Commissioner within 72 hours of nominations closing. The advantage of lodging a voting ticket is that ballot papers which are only partially complete but are in accordance with the nominated ticket are not informal, but may be re-included into the count with preferences following the ticket.⁴⁰⁷

5.120 Ticket voting was introduced before the 1985 SA state election.

5.121 As noted again by the SA State Electoral Office, the amount of votes remaining in the count due to ticket voting provisions is significant. In the 1989 SA state election 6 percent of total votes were ticket votes. In 2002, 4 percent of total votes were ticket votes.⁴⁰⁸

5.122 Under the *Electoral Act 1985 (SA)*, it is an offence for electoral participants to publicise the savings provision.⁴⁰⁹

5.123 In its primary submission to this inquiry, the VEC indicated that ticket voting could reduce informal voting at Victorian state elections. The VEC stated:

An alternative would be to adopt ticket voting as in SA. Under this system, parties and candidates can lodge a ticket of voting preferences with the electoral authority, much the same way as Upper House group voting tickets are now lodged with the VEC. Voters who just vote “1” are deemed to follow the party’s or candidate’s ticket, and their preferences are allocated accordingly. This system preserves many votes that would otherwise have been informal, while maintaining the compulsory preferential voting system. However, it would entail an additional administrative burden for parties and the VEC.⁴¹⁰

⁴⁰⁵ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 17 July 2009.

⁴⁰⁶ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 17 July 2009.

⁴⁰⁷ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, p.2. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

⁴⁰⁸ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, p.2. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

⁴⁰⁹ South Australian State Electoral Office, *Report on optional preferential voting 2003-2004*, SA State Electoral Office, Adelaide, 2004, p.2. Retrieved 10 July 2009 from http://www.ecsa.sa.gov.au/apps/uploadedFiles/news/264/OPTIONA_PREFS_FINALlow.pdf

⁴¹⁰ Victorian Electoral Commission, *Submission No.6*, p.31.

Recommendation 5.3: The Victorian Government examine legislative reform to the formality interpretation provisions in the *Electoral Act 2002 (Vic)* to maximise the electoral participation of eligible Victorians, whilst maintaining a system of compulsory preferential voting. The examination should consider South Australian ticket voting and other possible rules governing the informality of ballots and savings provisions.

Chapter 6: Youth electoral enrolment in Victoria

- 6.1 Victoria has one of the highest youth electoral enrolment rates in Australia.⁴¹¹
- 6.2 For 2007-2008, Victoria's youth enrolment rate was 84.78 percent, approximately 3.3 percent higher than the national average in 2007-2008.⁴¹² A total of 89.68 percent of enrolled 18 to 24 year olds voted at the 2006 Victorian state election.⁴¹³ 18 to 24 year olds who voted at the 2006 Victorian state election comprised 76 percent of those eligible to enrol.⁴¹⁴
- 6.3 This chapter considers youth enrolment in Victoria. It provides an age-based definition of young people. Youth electoral enrolment statistics in Australia, Victoria and internationally are also noted. Following this, the chapter considers evidence from inquiry participants about youth electoral participation, particularly evidence addressing the broader implications of declining youth electoral participation in Western democracies. The chapter concludes by examining strategies to increase youth electoral enrolment and participation, in particular civics education, the VEC's *Passport to Democracy* program, automatic enrolment and SMS reminders for enrolment and voting.

Definition of young people

- 6.4 While there is concern in Australia and internationally about youth electoral participation, there is no fixed definition of the age range for young people.
- 6.5 As part of its inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee received evidence from several inquiry participants about youth participation and young people. UNYA defined young people as those aged 18 to 24 years.⁴¹⁵

⁴¹¹ Victorian Electoral Commission, *Submission No.6*, p.13.

⁴¹² Victorian Electoral Commission, *Submission No.6*, p.13.

⁴¹³ L Williams, Deputy Electoral Commissioner, Victorian Electoral Commission, Correspondence, 23 July 2009

⁴¹⁴ L Williams, Deputy Electoral Commissioner, Victorian Electoral Commission, Correspondence, 23 July 2009.

⁴¹⁵ United Nations Youth Association of Australia, Victorian Division, *Submission No.23*, p.2. Received as part of the Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, 2008, p.2.

- 6.6 For this inquiry, the Committee has noted a number of definitions of young people.
- 6.7 As indicated by Aaron Martin, doctoral candidate at the Australian National University, in his submission to this inquiry, the International Survey Program defines young people as those aged 18 to 24 years.⁴¹⁶
- 6.8 The ABS defines young people as those aged 18 to 25 years.⁴¹⁷
- 6.9 In its submission to this inquiry, the VEC considers young people to be those aged 18 to 25 years.⁴¹⁸
- 6.10 During this inquiry, the Committee has noted a strong media interest in Generation Y. A common definition of Generation Y is those aged 18 to 30 years.⁴¹⁹
- 6.11 While the Committee notes that there are a number of alternative definitions used to define the age of young persons, for this inquiry, the Committee defines young people as those aged 18 to 25 years.

Youth electoral enrolment in Australia

- 6.12 According to the AEC's 2007-2008 *Annual Report*, the AEC has an enrolment target figure of 80 percent for those aged 18 to 25 years.⁴²⁰
- 6.13 Based on the ABS 2006 census, in Australia the estimated proportion of eligible people aged 18 to 25 years enrolled at 30 June 2008 was 82 percent. This was an increase of 1 percent from 81 percent at 30 June 2007.⁴²¹
- 6.14 At the close of rolls for the 2007 federal election, youth enrolment level was 84.5 percent.⁴²² This was a 2.3 percent increase from the enrolment level at the 2004 election. Since the 2007 federal election the youth enrolment level has declined to 82 percent. The AEC notes that this could reflect "the fact that enrolled voters matured and left the target group and were replaced by

⁴¹⁶ A Martin, *Submission No. 14*, p.1.

⁴¹⁷ Australian Government, Australian Bureau of Statistics, *Australian social trends – 2006*, 20 July 2006, Australian Bureau of Statistics, Canberra, p.52.

⁴¹⁸ Victorian Electoral Commission, *Submission No.6*, pp.13-14.

⁴¹⁹ S Armour, "Generation Y: They've arrived at work with a new attitude", *USA Today*, 11 June 2006. Retrieved 10 July 2009 from http://www.usatoday.com/money/workplace/2005-11-06-gen-y_x.htm; H Mitchell, "Cocky and cosseted gen Y not so youthful any more, but still annoying", 28 May 2009. Retrieved 10 July 2009 from <http://business.brisbanetimes.com.au/business/cocky-and-cosseted-gen-y-not-so-youthful-any-more-but-still-annoying-20090527-bnoa.html>

⁴²⁰ Australian Electoral Commission, *AEC Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 July 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

⁴²¹ Australian Electoral Commission, *AEC Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 July 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

⁴²² Australian Electoral Commission, *AEC Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

people reaching enrolment age without an imminent federal election to motivate them to enrol promptly”.⁴²³

6.15 As of June 2008, it was estimated that around 400,000 young Australians aged 18 to 25 years were not enrolled to vote.⁴²⁴

6.16 Research also indicates that the enrolment rate for those aged 18 and 19 years in Australia is substantially lower than the average enrolment rate for those aged 18 to 25 years. As demonstrated in Table 6.1, in 2007, the enrolment rate for Australian citizens aged 18 years was 58.29 percent, 22.77 percent less than the average enrolment rate for 2007 for the 18 to 25 age group.⁴²⁵ For those aged 19 years, the enrolment rate was 74.44 percent, 6.62 percent less than the average enrolment rate for 2007 for the 18 to 25 age group.⁴²⁶

Table 6.1: Participation rates for young Australians aged 18 to 25 years of age, 2007

Age	Revised ABS est of eligible population	Actual federal enrolment	Participation rate as percent ABS est.
18 year olds	261,927	152,687	58.29
19 year olds	261,373	194,559	74.44
20 year olds	256,903	209,751	81.65
21 year olds	256,157	220,421	86.05
22 year olds	249,831	213,768	85.57
23 year olds	243,892	212,112	86.97
24 year olds	236,210	209,773	88.81
25 year olds	232,427	207,042	89.08
Overall 18-25 year old cohort	1,998,720	1,620,113	81.06

Source: B Hallett, “Legislation on youth enrolment and voting”, in L Saha, M Print and K Edwards (eds.), *Youth and political participation*, Rotterdam, Sense Publishers, 2007, p.15.

⁴²³ Australian Electoral Commission, *AEC Annual Report 2007-2008 – Output 1.1.1*, Australian Electoral Commission, Canberra, 2008. Retrieved 1 June 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/output1_1_1.htm

⁴²⁴ L Saha, M Print and K Edwards, *Youth electoral study report 5: youth, schools and learning about politics*, Australian Electoral Commission, Canberra, 2009, p.2.

⁴²⁵ B Hallett, “Legislation on youth enrolment and voting”, in L Saha, M Print and K Edwards (eds.), *Youth and political participation*, Sense Publishers, Rotterdam, 2007, pp.15-32.

⁴²⁶ B Hallett, “Legislation on youth enrolment and voting”, in L Saha, M Print and K Edwards (eds.), *Youth and political participation*, Sense Publishers, Rotterdam, 2007, pp.15-32.

- 6.17 The Committee notes the average enrolment rate for Australians aged 20 to 25 years is 86.35 percent. Enrolment rates for those aged 20 to 25 years are significantly higher than those aged 18 and 19 years. In the Committee's view, this indicates that young people are more likely to enrol to vote as they grow older, to a level approaching an enrolment rate similar to that of the general eligible population.

Provisional enrolment

- 6.18 All eligible Australian citizens aged 18 years and over are required to enrol and vote in elections.
- 6.19 In addition, eligible Australian citizens aged 17 years can apply to enrol to vote. Their name is placed on the electoral roll so that they will be able to vote in federal, state and local government elections as soon as they turn 18 years. This is known as provisional enrolment.⁴²⁷
- 6.20 Enrol to Vote week is the AEC's main program for secondary school students. In 2009, Enrol to Vote week will take place from 27 July to 2 August. As part of the program, the AEC contacts secondary schools throughout Australia to seek their participation in the program. In 2009, AEC staff will visit schools to assist teachers with the program. Teachers are encouraged to arrange an enrolment or electoral related event for those aged 17 years.⁴²⁸
- 6.21 In Victoria, the VEC sends a birthday card with an enrolment form to all Victorians in the education system when they turn 17 years old. The information for this program comes from the VCAA.⁴²⁹
- 6.22 When discussing youth enrolment, the Committee has previously considered the relationship between rates of provisional enrolment for 17 year olds and the complexity of the electoral enrolment form. During its inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee recommended the VEC consider simplifying the enrolment form. In December 2008, the Victorian Government indicated that:

The current enrolment form has been developed in conjunction with the Commonwealth and facilitates enrolment for all tiers of government in Victoria. As there are different requirements for State and Commonwealth enrolment, the information required has meant the form has increased in size in recent years making it appear more imposing. To retain a joint application for all tiers of government means that there is very little scope for simplification of the current enrolment form.

⁴²⁷ Victorian Electoral Commission, VEC: Special enrolment options, Victorian Electoral Commission, Melbourne, 2009. Retrieved 1 June 2009 from <http://vec.vic.gov.au/enrolmentoptions.html>

⁴²⁸ Australian Electoral Commission, Enrol to Vote Week, Australian Electoral Commission, Canberra, 2009. Retrieved 21 July 2009 from <http://enroltovoteweek.aec.gov.au/default.aspx>

⁴²⁹ Victorian Electoral Commission, *Annual report 2006-2007*, Victorian Electoral Commission, Melbourne, 2008, p.19. Retrieved 10 July 2009 from <http://www.vec.vic.gov.au/files/annualreport2007part2.pdf>

The Victorian Government will consult with the Commonwealth Government to determine whether the identity requirements for enrolment can be streamlined and the current joint enrolment form simplified.⁴³⁰

Youth enrolment statistics and research across Australia

6.23 Concern about youth electoral enrolment is a common issue throughout all Australian jurisdictions. Table 6.2 provides a summary of enrolment rates for Australian citizens aged 18 to 25 years for 2006.

Table 6.2: Youth electoral enrolment, Australian states, 2006

Age	18 years		19 years		20 years		21-25 years	
	Enrolled	%	Enrolled	%	Enrolled	%	Enrolled	%
NSW	34,652	41	49,303	58	66,966	78	339,034	84
VIC	38,275	60	49,079	77	54,861	84	268,969	87
QLD	21,687	42	32,066	60	40,385	75	205,003	79
WA	12,585	46	18,712	68	22,363	82	106,235	85
SA	12,329	64	14,960	73	16,723	83	81,640	84
TAS	4,170	62	5,537	87	5,749	84	26,518	92
ACT	2,370	51	3,565	72	4,423	89	22,762	88
NT	644	22	1,433	53	1,859	59	11,251	70
TOTAL	126,712	49	174,655	66	213,329	79	1,061,412	84

Source: Legal, Constitutional and Administrative Review Committee, Parliament of Queensland, *Voices & Votes – A parliamentary committee inquiry into young people engaging in democracy*, Parliament of Queensland, August 2006, part C, p.15.

6.24 In recent years, there have been several inquiries by Australian parliamentary committees which have focused on the issue of youth electoral participation and enrolment.

6.25 In 2006, the Parliament of Queensland's Legal, Constitutional and Administrative Review Committee released its report into young people and democracy, entitled *Voices and votes – A parliamentary committee inquiry into young people engaging in democracy*.⁴³¹

⁴³⁰ Victorian Government, *Government response to the Electoral Matters Committee*, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, 2009, p.5. Retrieved 27 July 2009 from <http://www.parliament.vic.gov.au/emc/Government%20Reponse.pdf>

⁴³¹ Legal, Constitutional and Administrative Review Committee, Parliament of Queensland, *Voices & votes – A parliamentary committee inquiry into young people engaging in democracy*, Parliament of Queensland, Brisbane, August 2006.

- 6.26 In addition, in 2006, the Parliament of NSW's JSCEM released its report into voter enrolment.⁴³² Whilst a number of other enrolment issues were examined as part of this inquiry, it is notable that the terms of reference for the inquiry specifically mentioned youth enrolment:
1. The current level of voter enrolment in New South Wales, particularly among young people and any other groups with special needs in relation to voter enrolment;
 2. The impact on voter enrolment of Commonwealth reforms to introduce new identification requirements for people seeking to enrol to vote or to change their enrolment details; and
 3. Any additional strategies to maintain or improve the level of voter enrolment and to ensure that the roll remains up to date, with particular regard to the needs of particular groups (such as young people) and other demographic changes (such as the ageing population).⁴³³
- 6.27 The Parliament of NSW's JSCEM inquiry canvassed a wide range of issues to improve youth electoral participation, including automatic enrolment, proposals to lower the voting age to 16 years of age and improvements to civics education.⁴³⁴
- 6.28 Federally, the Commonwealth Parliament's JSCEM inquiries into the 2004 and 2007 federal elections considered issues relating to youth participation and enrolment.⁴³⁵
- 6.29 Alongside parliamentary-level research, there has also been a strong scholarly interest in youth enrolment and electoral participation in Australia.
- 6.30 One of the most comprehensive research projects in the area of youth participation in Australia is the *Youth Electoral Study* (YES). Initiated in 2004, the study examined what motivates young Australians to participate in the electoral process and to vote.⁴³⁶ The project involved a team of researchers from the University of Sydney and the Australian National University working in conjunction with the AEC, with funding provided by the Australian Research Council (ARC) and a major contribution from the AEC.⁴³⁷
- 6.31 The Australian Youth Research Council also conducts a number of ongoing research projects into youth political engagement.⁴³⁸

⁴³² Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006.

⁴³³ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006, p.vi.

⁴³⁴ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006, p.vii.

⁴³⁵ See; <http://www.aph.gov.au/House/committee/em/>

⁴³⁶ L Saha, M Print and K Edwards, *Youth electoral study report 1: enrolment and voting*, Australian Electoral Commission, Canberra, 2004.

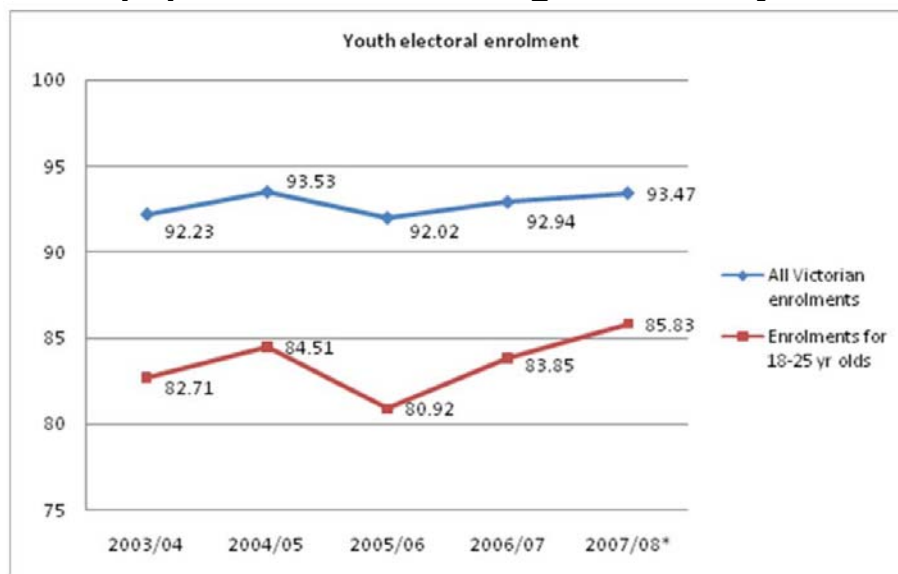
⁴³⁷ L Saha, M Print and K Edwards, *Youth electoral study report 1: enrolment and voting*, Australian Electoral Commission, Canberra, 2004.

⁴³⁸ Legal, Constitutional and Administrative Review Committee, Parliament of Queensland, *Voices & votes – A parliamentary committee inquiry into young people engaging in democracy*, Parliament of Queensland, Brisbane, August 2006, part C, p.24.

Youth electoral enrolment in Victoria

- 6.32 Census statistics indicate that at the time of the 2006 census, there were 673,895 young persons aged 18 to 24 years living in Victoria.⁴³⁹ A total of 342,703 were male and 331,192 were female. Overall, young persons aged 18 to 24 years made up 17 percent of the Victorian population at the time of the 2006 census.⁴⁴⁰
- 6.33 For this inquiry, the Committee received a submission from the VEC outlining youth electoral enrolment statistics for Victoria.
- 6.34 As noted earlier, Victoria has one of the highest youth enrolment rates in Australia, at 84.78 percent.⁴⁴¹ This is 3.3 percent higher than the national youth enrolment average for those aged 18 to 25 years. However, the youth electoral enrolment rate in Victoria is approximately 8 percent lower when compared to the enrolment rate of the general eligible voting population.⁴⁴²
- 6.35 Figure 6.1 charts electoral enrolment rates in Victoria and electoral enrolment rates for those aged 18 to 25 years in Victoria.

Figure 6.1: Electoral enrolment in Victoria, general population and those aged 18 to 25 years



Source: Victorian Electoral Commission, *Submission No.6*, p.13.

- 6.36 In its primary submission, the VEC also notes that electoral enrolment rates may be even lower for some groups in the 18 to 25 age group; in particular,

⁴³⁹ Australian Government, Australian Bureau of Statistics, 2006 census tables, Victoria (state), age by sex, *2006 census of population and housing*, Australian Bureau of Statistics, Canberra, 2006. Retrieved <http://www.censusdata.abs.gov.au>

⁴⁴⁰ Australian Government, Australian Bureau of Statistics, 2006 census tables, Victoria (state), age by sex, *2006 census of population and housing*, Australian Bureau of Statistics, Canberra, 2006. Retrieved <http://www.censusdata.abs.gov.au>

⁴⁴¹ Victorian Electoral Commission, *Submission No.6*, p.13.

⁴⁴² Victorian Electoral Commission, *Submission No.6*, p.13.

young people experiencing homelessness, Indigenous young people and young people from CALD communities.⁴⁴³

- 6.37 The VEC also estimates that some 60,000 young Victorians become eligible to enrol each year, but only 73 percent of these enrol within a year of turning 18 years.⁴⁴⁴

Committee's view – youth electoral enrolment in Victoria

- 6.38 Encouraging young people aged 18 to 25 years to enrol is clearly a major issue for all electoral commissions in Australia and internationally.

- 6.39 As for informal voting, the Committee is of the view that it would be beneficial for the Committee and to those interested in Victorian democracy, for the VEC to produce a report into youth electoral enrolment and participation in Victoria annually. It would be appropriate to include this information in the VEC's annual report.

Recommendation 6.1: The Victorian Electoral Commission considers including in their annual report to Parliament a section specifically examining youth electoral enrolment and electoral participation.

Youth electoral enrolment: International jurisdictions

- 6.40 During the Committee's international investigations in Canada, the US, the UK and NZ, the Committee was interested to learn that youth electoral enrolment and participation is seen as a major issue in many of these countries.

Canada

- 6.41 Whilst in Canada, the Committee discussed youth electoral participation with several expert witnesses and organisations, including Elections Canada and Dr Lisa Young, a lecturer in the Department of Political Science, University of Calgary.⁴⁴⁵
- 6.42 During its meeting with the Committee, Elections Canada explained that one of the reasons why Canada's voter turnout rate has fallen significantly in recent years, as noted in Chapter Four, is largely due to reduced participation in the electoral process by young voters aged 18 to 24 years.

⁴⁴³ Victorian Electoral Commission, *Submission No.6*, p.14.

⁴⁴⁴ Victorian Electoral Commission, *Submission No.6*, p.13.

⁴⁴⁵ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.9-17.

This age group has a participation rate approximately 20 percent below the average participation rate of the general population.⁴⁴⁶

- 6.43 A study commissioned by Elections Canada on the rate of participation at the 2000 general election showed that younger Canadians were voting at significantly lower rates than older electors.⁴⁴⁷ For the 2004 general election, Elections Canada conducted a study that cross-referenced actual votes with data from the National Register of Electors to find out how many people were voting in each age group. The results showed that approximately 37 percent of electors aged 18 to 24 years voted.⁴⁴⁸ For the 2006 general election, a similar study showed that approximately 44 percent of electors aged 18 to 24 years voted.⁴⁴⁹
- 6.44 A key issue for Elections Canada is that many young people aged 18 to 24 years were not voting in elections, and that their propensity to vote later in life also reduced as a result of this.⁴⁵⁰ This trend has a flow on effect for general electoral participation rates, and may explain current low levels of voter turnout at recent Canadian elections.
- 6.45 Elections Canada informed the Committee about its voter outreach programs for young people. These include the “Leave Your Mark” campaign, which involves sending a card to people who reached voting age and to those who have not responded to previous mail contact from Elections Canada and are not already in the National Register of Electors.⁴⁵¹ Eligible Canadian citizens receiving the card are advised that they are not on the voter list and urged to have their names added. These mail-outs are sent to approximately 100,000 young people each month.⁴⁵²

⁴⁴⁶ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.14.

⁴⁴⁷ J H Pammett, L LeDuc, “Explaining the turnout decline in Canadian federal elections: A new survey of non-voters”, Elections Canada, Ottawa, March 2003. Retrieved 1 June 2009 from <http://www.elections.ca/content.asp?section=loi&document=index&dir=tur/tud&lang=e&textonly=false>

⁴⁴⁸ Elections Canada, “Estimation of voter turnout by age group at the 39th federal general election”, Working Papers Series, Elections Canada, Ottawa, 23 January 2006, p.1. Retrieved 18 July 2009 from <http://www.elections.ca/content.asp?section=pub&document=index&dir=onl&lang=e&textonly=false>

⁴⁴⁹ Elections Canada, “Estimation of voter turnout by age group at the 39th federal general election”, Working Papers Series, Elections Canada, Ottawa, 23 January 2006, p.1. Retrieved 18 July 2009 from <http://www.elections.ca/content.asp?section=pub&document=index&dir=onl&lang=e&textonly=false>

⁴⁵⁰ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.14-15.

⁴⁵¹ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.15.

⁴⁵² Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.15.

- 6.46 Other initiatives adopted by Elections Canada to encourage youth electoral enrolment and participation in Canada include placing polling sites in university campus residences to make voting more convenient for students, encouraging the hiring of youth election officers and partnerships with student associations to distribute information during the election campaign through email bulletins and posters.⁴⁵³
- 6.47 In addition to Elections Canada, the Committee also discussed youth electoral participation with Dr Lisa Young. Dr Young told the Committee about the results of research she undertook in 2000 examining membership of the five major Canadian political parties. While the research demonstrated that young people were vastly under-represented as members of political parties, it also found that young people often preferred to join campus political societies and interest groups.⁴⁵⁴
- 6.48 The Committee took a great deal from its meeting with Elections Canada about strategies to encourage youth electoral participation. The Committee encourages the VEC to carefully examine Elections Canada's approach to improving youth participation.
- 6.49 The Committee is of the view that conducting electoral enrolment drives at Victorian universities, TAFE colleges and secondary schools in the year of Victorian state elections will provide another avenue for young people aged 18 to 25 years to enrol to vote.

Recommendation 6.2: The Victorian Electoral Commission considers examining the feasibility of conducting electoral enrolment drives at Victorian universities, TAFE colleges and secondary schools in the year of Victorian state elections.

United States of America

- 6.50 According to research by the Centre for Information and Research on Civic Learning and Engagement (CIRCLE), Tufts University, youth voter turnout for those aged 18 to 30 years at the 2008 US presidential election was approximately 52 percent.⁴⁵⁵
- 6.51 In the US, there is no official count of voters by age. CIRCLE uses pre-poll data and data from the Census Bureau's Current Population Survey (CPS) for its research.⁴⁵⁶
- 6.52 Results from the 2008 CPS survey indicate that youth turnout increased at the 2008 US presidential election. According to the US Elections Project,

⁴⁵³ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.15.

⁴⁵⁴ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.16.

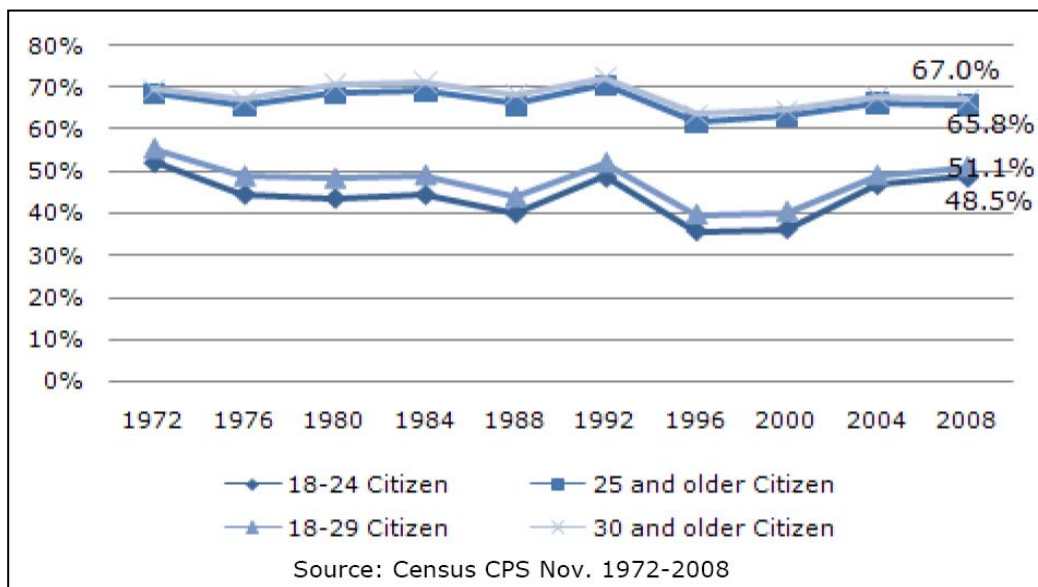
⁴⁵⁵ Centre for Information and Research on Civic Learning and Engagement, Tufts University, Youth voting. Retrieved 17 July 2009 from http://www.civicyouth.org/?page_id=241

⁴⁵⁶ Centre for Information and Research on Civic Learning and Engagement, Tufts University, Youth voting. Retrieved 17 July 2009 from http://www.civicyouth.org/?page_id=241

George Mason University, the CPS turnout rate for citizens aged 18 to 29 years increased 2.1 percent between 2004 and 2008 while turnout rates for all other age groups declined.⁴⁵⁷

- 6.53 One of the major factors supporting this increase in youth turnout and voting was support for then presidential candidate Barack Obama. According to reports from CIRCLE, while only 45 percent of young voters self-identified as “Democrat”, over two-thirds in this age cohort voted for Barack Obama in 2008.⁴⁵⁸ Figure 6.2 shows voter turnout by age for US presidential elections.

Figure 6.2: Voter turnout by age at United States presidential elections



Source: Centre for Information and Research on Civic Learning and Engagement, Tufts University, “The Youth Vote in 2008”, CIRCLE, 22 June 2009, p.1. Retrieved 21 July 2009 from http://www.civicyouth.org/PopUps/FactSheets/FS_youth_Voting_2008_updated_6.22.pdf

United Kingdom

- 6.54 While in the UK the Committee was fortunate to meet with the UK Electoral Commission and the Hansard Society. Both organisations are considered to be at the forefront of promoting youth electoral participation in the UK.
- 6.55 According to the UK Electoral Commission, youth electoral participation rates in Britain have been a source of concern for some time. At the 2001 general election, the youth participation turnout rate was 39 percent, over 20 percent less than the turnout rate for the general population of

⁴⁵⁷ M McDonald, *United States election project: Voter turnout*, Department of Public and International Affairs, George Mason University, Fairfax. Retrieved 10 June 2009 from http://elections.gmu.edu/voter_turnout.htm; Ministry of Social Development

⁴⁵⁸ Centre for Information and Research on Civic Learning and Engagement, Tufts University, “Young Voters in the 2008 Presidential Election”, CIRCLE, 19 December 2008, p.3. Retrieved 21 July 2009 from http://www.civicyouth.org/PopUps/FactSheets/FS_08_exit_polls.pdf

59.4 percent.⁴⁵⁹ In a report into voter turnout at the 2005 general election, the UK Electoral Commission noted that “turnout among those [aged 18 to 24 years fell from 39 percent to 37 percent] between 2001 and 2005 – one of only two age groups bucking the trend of a modest improvement in turnout”.⁴⁶⁰

6.56 Given that voting is not compulsory in the UK, the Committee was informed that the UK Electoral Commission spends a great deal of time developing strategies to encourage people to list their details on the electoral register. One of the Commission’s target groups is young people aged 18 to 24 years.⁴⁶¹

6.57 The UK Electoral Commission told the Committee that one of the main ways it hoped to improve youth participation was through more accurate registration.⁴⁶² As noted in Chapter Three, the UK uses a household electoral registration system. As part of its Corporate Plan, the UK Electoral Commission has committed to run public information campaigns to help people understand how to register to vote and encourage them to do so. These campaigns will target under-registered groups, such as young people. The Committee also notes that the British Government has announced its intention to introduce individual electoral registration by 2015.⁴⁶³

6.58 The Hansard Society runs several citizenship and civics education initiatives. Mr Michael Raftery, Director of the Citizenship Education Program, told the Committee about the recent history of civics education in the UK and how it was boosted in 2002 by the introduction of the Citizenship Curriculum program by the British Government.⁴⁶⁴

459 The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005, p.7. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf

460 The other age cohort recording a decrease in electoral participation was voters aged 45 to 54 years. The Electoral Commission (UK), *Election 2005 turnout: How many, who and why?* UK Electoral Commission, London, 18 October 2005, p.35. Retrieved 10 March 2009 from http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/47256/Election2005turnoutFINAL_18826-13874__E__N__S__W__.pdf

461 Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.49.

462 Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.16.

463 The Electoral Commission (UK), *Corporate plan 2009-10, 2013-14*, UK Electoral Commission, London, 2009, p.10.

464 Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.41.

- 6.59 As noted in its report to Parliament about its international investigations, the Committee learnt about two of the Hansard Society's current civics education projects, the Y Vote Mock Elections program and "Heads Up".⁴⁶⁵
- 6.60 Through the Mock Elections program, the Society provides schools with literature and guidelines to assist teachers to run mock elections at the same time as national or local government elections. Schools reported high levels of interest from students in the mock elections. At the time of the 2005 UK general election, approximately 500,000 students participated in mock elections organised by the Hansard Society.⁴⁶⁶
- 6.61 "Heads Up" is an online forum which began in 2003. It is a "moderated, online space for people under 18 years to debate political issues with their peers and decisions makers around the UK".⁴⁶⁷ According to the Hansard Society, the forum helps young people develop political awareness and promotes active citizenship.⁴⁶⁸

New Zealand

- 6.62 During its meeting with the NZ Electoral Enrolment Centre, the Committee learnt that the number of eligible unenrolled New Zealanders in 2005 was approximately 250,921. Of this number, approximately 104,191 were aged 18 to 24 years.⁴⁶⁹

Why are young people under-represented on the electoral roll?

- 6.63 As noted earlier, young people are under-represented on the electoral roll throughout Australia when compared to enrolment rates for the general eligible population. Although the rate of under-representation varies, evidence considered by the Committee suggests this is a common problem throughout Australia, and certainly internationally.
- 6.64 Research also indicates that many young Australians do not think that voting is an important civic responsibility. According to results of a survey of 16 and 17 year olds conducted as part of the YES, approximately 50 percent of

⁴⁶⁵ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.41.

⁴⁶⁶ Electoral Matters Committee, Parliament of Victoria, *Report to Parliament on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.41.

⁴⁶⁷ Hansard Society, HeadsUp: Home, 2009. Retrieved 17 July 2009 from <http://www.headsup.org.uk/content/>

⁴⁶⁸ Hansard Society, HeadsUp: Home, 2009. Retrieved 17 July 2009 from <http://www.headsup.org.uk/content/>

⁴⁶⁹ Elections New Zealand, Young NZers swamp the numbers of people not enrolled to vote, Elections New Zealand, Wellington. Retrieved 15 July 2009 from <http://www.elections.org.nz/news/young-nzers-swamp-not-enrolled.html>

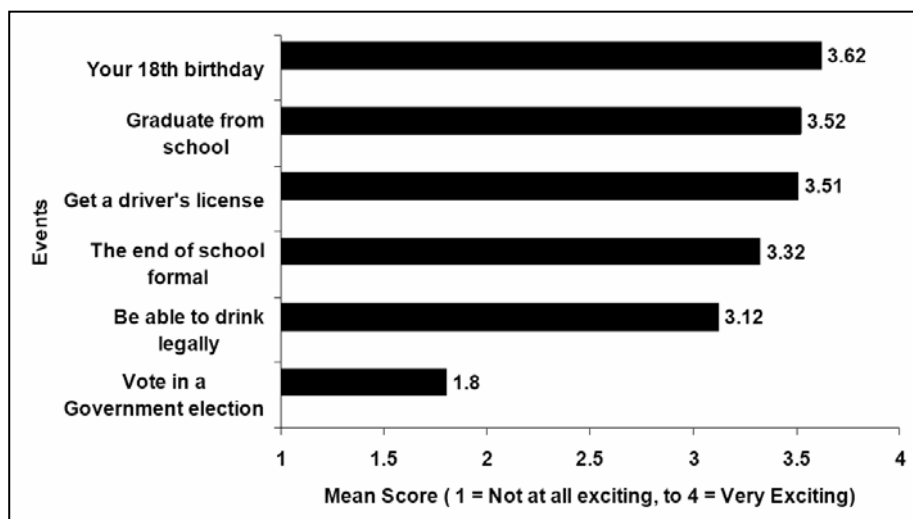
those surveyed said they would not vote upon turning 18 years if it were not mandatory.⁴⁷⁰

6.65 During this inquiry, several inquiry participants raised the issue of youth under-representation on the electoral roll and youth participation.

6.66 In its primary submission to the inquiry, the VEC believes the literature about youth participation can be separated thematically into two areas: the first, relating to young people’s alienation and or disengagement from formal political processes; the second, relating to a lack of knowledge or access to information about the political process and how democracy works.⁴⁷¹

6.67 In relation to disengagement from formal political processes, one of the main points noted by the VEC is that young people are not apathetic about politics, and often participate in political activities in other ways.⁴⁷² Mr Aaron Martin, doctoral candidate at the Australian National University, also notes that young people are politically active but through other participatory forms, such as by signing petitions, engaging with or posting on an Internet social or political forum or attending a demonstration in person.⁴⁷³

Figure 6.3: Youth Electoral Survey - How Exciting Are the Following Events?



Source: L Saha, M Print and K Edwards, *Youth electoral survey report 1: enrolment and voting*, Australian Electoral Commission, Canberra, December 2004, p.17.

6.68 Research shows some young people are uninterested in politics. According to the Australian component of the 2004 Citizenship survey by the International Social Survey Program, only 40 percent of young people said they were interested in politics, and only 46 percent found it important to

470 L Saha, M Print and K Edwards, *Youth electoral study report 1: enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p.8.

471 Victorian Electoral Commission, *Submission No.6*, pp.14-15.

472 Victorian Electoral Commission, *Submission No.6*, pp.14-15.

473 A Martin, *Submission No. 14*, pp.2-3.

vote regularly.⁴⁷⁴ The YES also found that, for many young Australians, voting was unexciting.⁴⁷⁵ Figure 6.3 demonstrates that for the young people surveyed as part of the YES, “voting was by far judged as the least exciting of the number of rite-of-passage events typical of late adolescence”.⁴⁷⁶

- 6.69 Some evidence noted by the Committee also suggests that some young people do not hold positive views about political institutions, politicians and the political process. As noted by the VEC, survey results from the YES strongly support this contention: the study found that “few students had a glowing view of politicians or political institutions and a majority did not really consider that voting was an effective way of expressing their political views”.⁴⁷⁷
- 6.70 Further to this, in its primary submission, the VEC contends that its own experiences providing electoral education support this view, in that schools have “reported that young people feel that they are not heard in politics, and that their issues are not represented”.⁴⁷⁸
- 6.71 In relation to knowledge about political processes, many young people feel ill equipped to participate in formal political processes because they do not understand politics or parliamentary processes. During the Committee’s inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee heard from UNYA representatives about the importance of civics education as a way to help prepare young people for the responsibility of voting:
- If students are educated at a young age, by the time they reach the voting age they can easily understand those policies and decipher politicians, policies and political-speak at the same level as any other adult could.⁴⁷⁹
- 6.72 The Committee also considered other explanations for why young people are under-represented on the electoral roll and less inclined to participate in formal political processes.
- 6.73 The VEC suggests that globalisation may have contributed to a trend where young people find international politics more interesting than national politics.⁴⁸⁰
- 6.74 It has also been suggested that technological changes have contributed to young people’s lack of interest in politics. While social networking has been used to positive effect to mobilise people around political campaigns, as seen in the US during the 2008 US presidential election campaign, some commentators have suggested that as young people are spending more

⁴⁷⁴ A Martin, *Submission No. 14*, p.1.

⁴⁷⁵ L Saha, M Print and K Edwards, *Youth electoral study report 1: enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p.17.

⁴⁷⁶ L Saha, M Print and K Edwards, *Youth electoral study report 1: enrolment and voting*, Australian Electoral Commission, Canberra, 2004, p.17.

⁴⁷⁷ Victorian Electoral Commission, *Submission No.6*, p.14.

⁴⁷⁸ Victorian Electoral Commission, *Submission No.6*, p.14.

⁴⁷⁹ G Diego, Divisional Policy Officer, United Nations Youth Association of Australia, Victorian Division, *Transcript of evidence*, Public Hearing, Melbourne, 28 August 2007, p.6.

⁴⁸⁰ Victorian Electoral Commission, *Submission No.6*, p.6.

time online, they are becoming less inclined to participate in person-to-person social events.⁴⁸¹

Implications of youth under-representation on electoral roll

6.75 In his submission, Mr Aaron Martin, draws the Committee's attention to some of the long term implications of declining levels of youth electoral enrolment and participation. He notes that it is important for Australia's democratic system to ensure that young voters, the next generation of voters, feel as if they can make meaningful contributions to politics and are well-prepared to engage in it.⁴⁸²

Increasing youth electoral enrolment and participation

6.76 Several inquiry participants discussed strategies to increase youth electoral enrolment and participation. Broadly, evidence received by the Committee focused on two areas: increasing awareness of the importance of enrolment and voting through school and non-school based civics and citizenship education initiatives; and changing the system of electoral enrolment in Victoria.

6.77 Throughout Australia electoral commissions have identified the importance of civics and citizenship education as a means to improve youth enrolment and electoral participation.

6.78 In its primary submission to the inquiry, the VEC emphasises the importance of taking a diverse range of approaches to encouraging youth participation. This includes "measures to make enrolment as practically accessible as possible and providing effective communication and information campaigns".⁴⁸³ Importantly, this also includes providing education programs to provide a "more enduring understanding of the democratic system and why participation is important".⁴⁸⁴

6.79 The Committee notes that the VEC ranks "its education responsibilities as at least equally important as the conduct of elections".⁴⁸⁵

6.80 Mr Aaron Martin notes that promoting civics education in schools was also a major topic of discussion at the Citizens' Parliament, held on 6-9 February 2009 at Old Parliament House, Canberra.⁴⁸⁶

⁴⁸¹ "Cyber-hedonism: Virtual pleasures", *The Economist*, 5 February 2009. Retrieved 10 July 2009 from http://www.economist.com/world/international/displaystory.cfm?story_id=13062236

⁴⁸² A Martin, *Submission No. 14*, p.3.

⁴⁸³ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁸⁴ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁸⁵ Victorian Electoral Commission, *Submission No.6*, p.17.

⁴⁸⁶ A Martin, *Submission No. 14*, p.3.

Current electoral education in Victorian schools

- 6.81 In Victoria, as noted by the VEC, the teaching of civics and citizenship occurs within the context of the State-based curriculum, the Victorian Essential Learning Standards (VELS) and a federal government initiative, *Discovering Democracy*.
- 6.82 According to the VCAA, VELS describe what is essential for Victorian students to achieve from Prep to Year 10:
- [I]t provides a whole school curriculum planning framework that sets out learning standards for schools to use to plan their teaching and learning programs, including assessment and reporting of student achievement and progress.⁴⁸⁷
- 6.83 In its primary submission, the VEC notes that civics and citizenship is a key component of the Victorian school curriculum. VELS is organised into six sections, one for each level of achievement from Level 1 (Prep) to Level 6 (Years 9 and 10).⁴⁸⁸ From Level 3, civics and citizenship education consists of two programs:
- Civic knowledge and understanding “focusing on the principles and practices that underpin civic institutions and civic life in communities and societies. Students explore concepts of democracy and the key features of Australian and other democracies”.⁴⁸⁹
 - Community engagement “focusing on the development of skills and behaviours students need to interact with the community and to engage with organisations and groups. Students participate in processes associated with citizenship such as decision making, voting and leadership, using their knowledge of rules and laws of governance, and concepts such as human rights and social justice”.⁴⁹⁰
- 6.84 According to the Commonwealth Department of Education, Employment and Workplace Relations, the Australian Government initiated the *Discovering Democracy* program in 1997.⁴⁹¹ That program was:
- [P]remised on the conviction that civics and citizenship education is central to Australian education and the maintenance of a strong and vital citizenship. To be able to participate as active citizens throughout their lives, students need a thorough knowledge and understanding of Australia’s political heritage, democratic processes and government, and judicial system. Civics and citizenship education is underpinned by Australian history, and the history of other societies which have influenced that historical tradition. Civics and citizenship education also supports the

⁴⁸⁷ Victorian Curriculum and Assessment Authority, *Victorian Essential Learning Standards – VELS*, 15 June 2009. Retrieved 15 July 2009 from <http://vels.vcaa.vic.edu.au/>

⁴⁸⁸ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁸⁹ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁹⁰ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁹¹ Australian Government, Department of Education, Employment and Workplace Relations, *Discovering Democracy*, 2009. Retrieved 17 July 2009 from <http://www.civicsandcitizenship.edu.au/cce/background,8985.html>

development of skills, values and attitudes that are necessary for effective, informed and reflective participation in Australia's democracy.⁴⁹²

6.85 *Discovering Democracy* was designed in response to concern about civics education in Australia.⁴⁹³ As part of the program:

[A] range of print, audiovisual and electronic resources which related to State and Territory curriculum frameworks were produced [and] distributed free to all Australian schools. The program ran between 1997 and 2004 and, "while new resources are not being produced, the initiative continues, though Celebrating Democracy Week, the school grants program and the National Forum for Civics and Citizenship Education held in Canberra in early June."⁴⁹⁴

6.86 Despite these programs, research completed in 2006 found that very few young people, "in either Years 6 or 10, were able to demonstrate a sophisticated understanding of Australian democracy and related civics and citizenship issues or concepts".⁴⁹⁵ Based on this, the VEC outlines the following issues with school-based civics education:

There is a lack of a coordinated approach between states and territories in the implementation of civics and citizenship education within schools. This has been acknowledged in [a 2007 Commonwealth Parliament's JSCEM report into civics education] which states, given the significant discrepancy in the subjects in which civic and citizenship is taught across states and territories, a more concerted, coordinated approach is required.

The need to promote a culture of participation and embed the principles of democracy within school practice – that is, civics and citizenship should not be simply "taught" as a subject but students should be encouraged to become active citizens at school. If democracy is simply presented to children as a concept which they must contribute to at some future point rather than a school ethos in which they are included, and are expected to contribute on a daily basis they are unlikely to embrace the notion of democratic principles, presented in such an abstract form.

The availability of resources is not enough to ensure the uptake of civics and citizenship programs within schools. For example the evaluation of *Discovering Democracy* showed that about one half of schools surveyed had fairly limited implementation of the course within a broader program of civics and citizenship, and only 10 percent of schools reported teaching a comprehensive program for civics and citizenship education. Provision of resources should not be seen as a substitute for professional development.

The need to focus specifically on electoral education and the mechanisms by which to contribute to the political process namely through political parties. The AEC's school elections program and Electoral Education Centres are an excellent resource in terms of teaching the mechanics of the electoral process, but a gap still remains for students regarding other forms of participation in the democratic process including involvement in political parties. Party membership remains a fundamental part of our democratic system and declining party membership is a clear indicator of the diminishing health of our democracy.

⁴⁹² Australian Government, Department of Education, Employment and Workplace Relations, *Discovering Democracy*, 2009. Retrieved 17 July 2009 from <http://www.civicsandcitizenship.edu.au/cce/background,8985.html>

⁴⁹³ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁹⁴ Victorian Electoral Commission, *Submission No.6*, p.15.

⁴⁹⁵ Victorian Electoral Commission, *Submission No.6*, p.16.

The above point also highlights the need for professional development. Teachers themselves are not always confident in their understanding of Australian electoral processes and the democratic system as it applies to the three levels of government. Therefore, in a crowded curriculum they are likely to opt for more familiar topics. Teachers have also expressed their discomfort with addressing the issue of party politics and how to deal with potentially partisan issues.⁴⁹⁶

The civics and citizenship curriculum is very broad and requires a good deal of preparation to make relevant to students' interests and needs. A crowded curriculum means many competing demands for class time and preparation time; while there are ample resources available to help, it would take teachers considerable time to research these to put together lesson materials that they can effectively use with their classes.⁴⁹⁷

The VEC's electoral education initiatives

6.87 In recent years, the VEC has implemented a number of school-based education programs. In 1999, the VEC produced a teacher resource book, *Your Opinion Counts*, "created in consultation with teachers and specialist curriculum consultants".⁴⁹⁸

6.88 More recently, as noted by the VEC in its primary submission:

[T]he VEC sought to provide a more comprehensive education program in partnership with the AEC. In 2003, the VEC and the AEC developed a joint business plan to coordinate the provision of electoral education in Victoria. The plan was implemented under the direction of a joint VEC/AEC steering group, and an electoral education facilitator was engaged to support and implement Victoria's contribution to the plan. The plan expired in March 2006, and the VEC is currently investigating the continuation of such an arrangement.⁴⁹⁹

6.89 Other VEC education initiatives include:

- Attendance at events including Teacher Civics and Citizenship national meetings, The Age Careers Expo, the Victorian Commerce Teachers' Association Conferences and the Herald Sun VCE Expo.
- Education supplements in *The Age*. A supplement produced in the lead-up to the 2006 Victorian state election allowed the VEC to provide students, teachers and the general public with a behind-the-scenes view of how the VEC operates, information on changes to the Legislative Council, and an overview of Victoria's democratic history.
- Production of the resource *Reggie and Desi's Excellent Voting Adventure*. This [production] explores the motivational context of voting and provides a simulation of voting and a demonstration of the proportional representation vote counting system. Each animation is available on the VEC's website, and was distributed to all Victorian schools prior to the 2006 Victorian state election.

⁴⁹⁶ Victorian Electoral Commission, *Submission No.6*, pp.16-17.

⁴⁹⁷ Victorian Electoral Commission, *Submission No.6*, p.17.

⁴⁹⁸ Victorian Electoral Commission, *Submission No.6*, p.17.

⁴⁹⁹ Victorian Electoral Commission, *Submission No.6*, p.17.

- A pocket sized z-card entitled Fast Facts – Voting in Victoria was developed and distributed to all Victorian secondary schools in 2006, accompanied by enrolment forms and reply-paid envelopes to encourage enrolment.
- Production of Your Voice Your Future information booklet for young people.⁵⁰⁰

Passport to democracy

6.90 During this inquiry, the Committee heard from the VEC about a school-based education initiative it trialled in 2007 – 2008, called *Passport to Democracy*. At the public hearings, Victorian Electoral Commissioner, Mr Steve Tully, and Ms Alex Markham, Electoral Education Officer, Victorian Electoral Commission, gave a presentation about the program.⁵⁰¹

6.91 *Passport to Democracy* is a short course for Victorian Year 10 students, focused on situating electoral education within the context of young people's lives and issues that are important to them.⁵⁰² As noted by the VEC:

[T]he course is aimed at motivating young people to participate in our democracy. While this includes the very important aspects of enrolling and voting, it also draws on students' own concerns and issues, helping them to make the connection between politics and the things that are important to them. *Passport to Democracy* prompts students to consider how they can make an impact on the issues they care about and ultimately how they can engage with democracy to achieve positive change. The program was piloted by two schools in 2007 and is being rolled out to seven new schools across Victoria in the third term of 2008. It is designed to be delivered in four double-period classes (though it is adaptable to individual school needs). The VEC has trained a number of Electoral Outreach Officers who will be available to support and guide teachers through the program. At the moment the focus is on quality of delivery over quantity of schools running the program. The VEC will assess the viability of extending the program to a broader range of schools after the Term Three implementation.⁵⁰³

6.92 In its first supplementary submission to the inquiry, the VEC outlined the results of its evaluation program for the 2007 pilot of *Passport to Democracy*, which was conducted at St Aloysius and St Columba's High Schools.⁵⁰⁴ Both schools "overwhelmingly endorsed the program's student-centred approach to teaching civics and citizenship" and made a number of recommendations to the VEC, including, mapping the course to the VELS curriculum, developing supporting audio-visual materials, producing a *Passport to Democracy* package and engaging a team of VEC educators to assist delivering the program.⁵⁰⁵

6.93 The pilot continued in school terms three and four in 2008 at five schools, Fawkner Secondary College, Melbourne Girls College, Strathmore

⁵⁰⁰ Victorian Electoral Commission, *Submission No.6*, pp.18-19.

⁵⁰¹ A Markham, Electoral Education Officer, Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 24 July 2008, p.5.

⁵⁰² Victorian Electoral Commission, *Submission No.6*, p.18.

⁵⁰³ Victorian Electoral Commission, *Submission No.6*, p.18.

⁵⁰⁴ Victorian Electoral Commission, *Submission No.7*, p.10.

⁵⁰⁵ Victorian Electoral Commission, *Submission No.7*, p.10.

Secondary College, Templestowe Secondary College and Werribee Secondary College.⁵⁰⁶

- 6.94 The VEC's evaluation process indicates that many of the students who participated found *Passport to Democracy* contributed to their knowledge of democracy. According to the VEC, 50 percent of students surveyed responded positively about the course and whether it had increased their knowledge of democracy when asked to complete a "bulls-eye" evaluation by VEC Outreach Officers. Almost two thirds (64 percent) responded that they are more likely to vote as a result of the program, and 60 percent said it made them feel more positive about democracy.⁵⁰⁷
- 6.95 The Committee notes that there was also positive feedback about the program from the teachers. Many noted that the Outreach Officers employed by the VEC to run the program were seen as experts, which enabled them to develop a strong rapport with students. In addition, they noted that the course outline was clear and the accompanying DVD material "inspiring" for students.⁵⁰⁸
- 6.96 During the program, all schools were provided with contact details for the AEC's Melbourne Electoral Education Centre. All schools participating in the pilot visited the centre prior to being involved in *Passport to Democracy*, and many commented that the visit helped reinforce the importance of civics education and democracy.⁵⁰⁹ The Committee notes that the closure of the AEC's Melbourne Electoral Education Centre will have a material affect on the VEC's *Passport to Democracy* program.
- 6.97 In its first supplementary submission, the VEC outlines the cost of delivering the *Passport to Democracy* program. The cost of delivery and materials per school varies according to the number of classes taking the program, but averages \$21.33 per child.⁵¹⁰
- 6.98 The VEC estimates that, to deliver the program to 300 schools, the cost would be \$225,653 (based on delivering the program to one class per school), \$551,558 (based on delivering the program to three classes per school), or \$1,040,417 (based on delivering the program to six classes per school). These costs do not include fees for training and recruitment of Outreach Officers to deliver the program.⁵¹¹
- 6.99 At the public hearing, Mr Steve Tully, Victorian Electoral Commissioner, proposed that the proceeds of compulsory voting enforcement be placed in a trust account, which would be devoted to funding the *Passport to Democracy* program.⁵¹² The VEC also mentions this recommendation in its first and second supplementary submissions to this inquiry.

⁵⁰⁶ Victorian Electoral Commission, *Submission No.7*, p.10.

⁵⁰⁷ Victorian Electoral Commission, *Submission No.7*, p.15.

⁵⁰⁸ Victorian Electoral Commission, *Submission No.7*, p.15.

⁵⁰⁹ Victorian Electoral Commission, *Submission No.7*, p.17.

⁵¹⁰ Victorian Electoral Commission, *Submission No.7*, p.18.

⁵¹¹ Victorian Electoral Commission, *Submission No.7*, p.18.

⁵¹² S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, *Transcript of evidence*, Public Hearing, Melbourne, 24 July 2008, p.7.

Committee's view – education initiatives and Passport to Democracy

- 6.100 Evidence received by this inquiry indicates that youth electoral enrolment and participation are important issues for all Australian governments. While Victoria has one of the highest youth electoral enrolment rates in Australia, the rate is still eight percent below that of the general eligible population. This situation must be improved for the future health of Victorian democracy.
- 6.101 The Committee commends the VEC for the breadth and range of its current civics education and citizenship programs.
- 6.102 Creating a culture where all young Victorians feel it is important to enrol and vote and that their views about politics are valued is a key concern for this Committee. As noted by the VEC and Mr Aaron Martin, it is not enough to simply provide civics education modules at schools. These programs should be interactive wherever possible and encourage students to think critically about their democracy, their input into it and their own knowledge of the political process. Encouraging these traits in young people, through education, was something that many of the organisations the Committee met with during its international investigations in Canada, the US, the UK and NZ fundamentally supported.
- 6.103 In the Committee's view, the VEC's *Passport to Democracy* program demonstrates clear potential to contribute to Victorian secondary school student's understanding of voting and Australia's democratic history.

Recommendation 6.3: The Victorian Government fully funds the Victorian Electoral Commission's *Passport to Democracy* program, given its potential to increase electoral enrolment and voter turnout amongst young people.

Automatic enrolment

- 6.104 Besides civics and citizenship education, the Committee considered evidence about changes to Victoria's system of electoral enrolment which might have a positive impact on levels of youth electoral enrolment and participation.
- 6.105 Chapter Three outlines evidence received by the Committee about automatic enrolment models, including direct enrolment and smart enrolment.
- 6.106 Of these two strategies, evidence from the VEC suggests that smart enrolment would capture a proportion of young people who are not on the electoral roll.⁵¹³ As noted in Chapter Three, under a system of direct enrolment, "an electoral authority would enrol people itself, based on information it...(gained from other government agencies), instead of waiting for individuals to take the initiative and send an enrolment form to the electoral authority. It would then write to the electors providing their enrolment details, and asking them to correct any errors".⁵¹⁴

⁵¹³ Victorian Electoral Commission, *Submission No.6*, p.26.

⁵¹⁴ Victorian Electoral Commission, *Submission No.6*, p.26.

- 6.107 Automatic enrolment for young people has also been an issue of interest in a number of parliamentary inquiries around Australia.
- 6.108 The Parliament of NSW's JSCEM considered automatic enrolment for young people as part of its 2006 inquiry into voter enrolment.⁵¹⁵ During that inquiry, several inquiry participants supported the introduction of automatic enrolment for young people when they turned 18 years. The Parliament of NSW's JSCEM noted that automatic enrolment had potential to improve the level of enrolment amongst young people.⁵¹⁶
- 6.109 The NSW Electoral Commissioner, Mr Colin Barry, supported the introduction of automatic enrolment on the basis that civics education may not directly lead to increases in youth electoral enrolment.⁵¹⁷
- 6.110 The Parliament of NSW's JSCEM concluded that a combination of civics education and automatic enrolment could lead to an increase in youth electoral enrolment.⁵¹⁸
- 6.111 As at 21 July 2009, the Committee notes that the NSW Government was not required to respond to the Parliament of NSW's JSCEM report into voter enrolment.
- 6.112 The Parliament of Queensland's Legal, Constitutional and Administrative Review Committee inquiry into engaging young people in democracy also considered automatic enrolment for young people. It concluded that as voting is compulsory for all eligible Queenslanders, eligible voters should be automatically put on the electoral roll when they become eligible, and recommended changes to the *Electoral Act 1992* (Qld) to reflect this.⁵¹⁹ The Committee's full recommendation is as follows:

The Attorney-General should consider amendment of the *Electoral Act 1992* (Qld) to provide for the direct (automatic) provisional enrolment of all eligible electors once they reach 17 years of age. In the interim:

- The Minister for Transport should include on all drivers' licence application, renewal and change of address forms, a box which may be ticked to indicate consent for the applicant's details to be forwarded to the Electoral Commission Queensland which will then send the applicant an electoral enrolment form;
- The Minister for Education should require provisional or full enrolment of all students who are eligible to enrol as a prerequisite for a Senior Certificate, Queensland Tertiary Admissions Centre and Technical and Further Education results; and

⁵¹⁵ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006.

⁵¹⁶ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006, p.35.

⁵¹⁷ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006, p.34.

⁵¹⁸ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, *Inquiry into voter enrolment*, Parliament of New South Wales, Sydney, September 2006, p.35.

⁵¹⁹ Legal, Constitutional and Administrative Review Committee, Parliament of Queensland, *Voices & votes – A parliamentary committee inquiry into young people engaging in democracy*, Parliament of Queensland, Brisbane, August 2006, part C, p.65.

– The Attorney-General and Minister for Justice should request of the federal Special Minister of State that provisional or full enrolment of all students who are eligible to enrol be a prerequisite to the issue of a tax file number and to Centrelink payments.⁵²⁰

6.113 In February 2008, the Queensland Government indicated that it did not support the recommendation:

The Government does not support the Committee's recommendation. In relation to drivers' licences, the measures proposed are already in place by virtue of an arrangement between the Australian Electoral Commission and the Department of Transport.

The Government does not favour an unduly punitive approach, especially as these proposals would only affect particular segments of the population, such as young people. The Government notes that research has shown that if young people are engaged in the democratic process in their schools they will be more likely to remain engaged as adults. The focus on students' civic responsibility should be placed on engaging them through the education process not through withholding their entitlements. The Government favours a program of awareness-raising in relation to students' civic responsibilities, in preference to a more punitive approach.⁵²¹

SMS reminders

6.114 During its international investigations in the UK and NZ the Committee was informed that some countries have used mobile phone technology to send an SMS to eligible electors to remind them to enrol and vote in elections.

6.115 In NZ, in the lead up to the 2005 general election, the NZ Electoral Enrolment Centre introduced a SMS service where people could submit a request for an enrolment form via SMS.⁵²² One of the aims of the program was to break down some of the barriers to youth electoral enrolment.⁵²³ Over 18,000 requests were sent during the first two weeks of the election campaign in 2005.⁵²⁴

⁵²⁰ Queensland Government, *Government Response to the Legal, Constitutional and Administrative Review Committee, Parliament of Queensland, Voices & votes – A parliamentary committee inquiry into young people engaging in democracy*, 8 February 2007, p.4. Retrieved 21 July 2009 from <http://www.parliament.qld.gov.au/view/committees/documents/lcarc/responses/LCARC08022007Response%2055Report%20-%20FINAL.pdf>

⁵²¹ Queensland Government, *Government Response to the Legal, Constitutional and Administrative Review Committee, Parliament of Queensland, Voices & votes – A parliamentary committee inquiry into young people engaging in democracy*, 8 February 2007, p.4. Retrieved 21 July 2009 from <http://www.parliament.qld.gov.au/view/committees/documents/lcarc/responses/LCARC08022007Response%2055Report%20-%20FINAL.pdf>

⁵²² H Catt and P Northcote, "Did a txt reminder on election day increase voter turnout?" Elections New Zealand, Wellington, 2009. Retrieved 22 July 2009 from http://www.elections.org.nz/files/Txt_trial_election_08_final_report.pdf

⁵²³ H Catt and P Northcote, "Did a txt reminder on election day increase voter turnout?" Elections New Zealand, Wellington, 2009. Retrieved 22 July 2009 from http://www.elections.org.nz/files/Txt_trial_election_08_final_report.pdf

⁵²⁴ H Catt and P Northcote, "Did a txt reminder on election day increase voter turnout?" Elections New Zealand, Wellington, 2009. Retrieved 22 July 2009 from http://www.elections.org.nz/files/Txt_trial_election_08_final_report.pdf

- 6.116 In Scotland, the Electoral Reform Society trialled a user-automated SMS reminder system in 2007. According to the Electoral Reform Society:
- [A]nyone texting “Vote” to a specified phone number – published extensively in the Scottish *Sun* newspaper – would receive two text messages on the day of the election, reminding them to vote and offering instructions on how to vote. A week before polling day, they already had 1,500 participants, drawn in part, perhaps, to the chance to win a Volkswagen Golf, dubbed the Voteswagon.⁵²⁵
- 6.117 The US has also had some success with SMS reminders. On the day before US congressional elections in November 2006, researchers from Princeton University and the University of Michigan sent SMS “messages to a random sample of more than 8000 young people around the country to remind them to go out and vote. The result, which was released in September 2007, showed that receiving a text message increased a person’s likelihood of voting by more than 4 percent”.⁵²⁶
- 6.118 In Australia, GetUp an advocacy organisation, trialled SMS reminders in the lead up to the 2007 federal election. GetUp sent approximately 20,000 SMS messages to remind people of changes to the close of roll provisions and to enrol to vote.⁵²⁷
- 6.119 Some organisations the Committee met with during its international investigations expressed reservations about the affect SMS reminders would have on young people. In particular, Unlock Democracy (UK) noted that SMS voting and other recent international initiatives tailored specifically to appeal to young people, undervalues the ability of the young to contribute to “normal” electoral processes.⁵²⁸

Recommendation 6.4: The Victorian Electoral Commission considers introducing SMS reminders for electoral enrolment and voting.

Encouraging youth participation on-line

- 6.120 One of the common themes that emerged from the Committee’s international investigations in Canada, the US, the UK and NZ was the positive affect that new and emerging information technologies, such as internet-based social networking, can have on youth electoral enrolment and participation.
- 6.121 In NZ, the Committee learnt that the NZ Electoral Commission has set up a Bebo – a popular social networking site – profile for its orange “Elections

⁵²⁵ Mobile Active.org, Txt out the vote, 26 August 2007. Retrieved 15 July 2009 from <http://mobileactive.org/txt-out-vote>

⁵²⁶ Telefonaktiebolaget LM Ericsson, SMS gets young people voting, 11 January 2008. Retrieved 15 July 2009 from <http://www.ericsson.com/ericsson/corpinfo/publications/telecomreport/archive/2007/december/article3.shtml>

⁵²⁷ “Lobby group sends SMS enrolment reminder”, *Herald Sun*, 14 October 2007. Retrieved 15 July 2009 from <http://www.news.com.au/heraldsun/story/0,21985,22583260-5005961,00.html>

⁵²⁸ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.53.

Man". Bebo users can view "Election Man's" profile, which contains links and information about NZ elections, enrolment and voting.⁵²⁹

- 6.122 As noted earlier in this chapter, in the UK the Committee also met with the Hansard Society and learnt about its online forum, 'Heads Up', which began in 2003. Heads Up is a "moderated, online space for people under 18 years to debate political issues with their peers and decisions makers around the UK".⁵³⁰ According to the Hansard Society, the forum helps young people develop political awareness and promotes active citizenship.⁵³¹
- 6.123 The Committee will continue to monitor how internet-based social networking can be used to help promote youth electoral enrolment and participation in Victoria. Mr Aaron Martin notes in his submission that during the 2008 presidential campaign, Barack Obama had 2,400,000 Facebook friends, and John McCain 624,000.⁵³²
- 6.124 In addition, the Committee encourages the VEC to investigate the Hansard Society's "Heads Up" program closely.

⁵²⁹ "Web used to inform voters", *Te Waha Nui*, 22 August 2008. Retrieved 15 July 2009 from <http://www.tewahanui.info/wordpress2/?p=406>

⁵³⁰ Hansard Society, *HeadsUp: Home*, 2009. Retrieved 17 July 2009 from <http://www.headsup.org.uk/content/>

⁵³¹ Hansard Society, *HeadsUp: Home*, 2009. Retrieved 17 July 2009 from <http://www.headsup.org.uk/content/>

⁵³² A Martin, *Submission No. 14*, p.3.

Chapter 7: Electoral engagement and education in Victoria

- 7.1 Chapter Seven examines electoral engagement strategies intended to strengthen active citizenship and participation of eligible Victorian electors in the Victorian electoral system.

What is electoral engagement?

Definition

- 7.2 Community engagement is an important theme in liberal democratic theory and has gained in popularity in the past two decades.⁵³³ The term ‘community’ is a broad term used to define groups of people. The term ‘engagement’ can refer to communication, education and public participation:⁵³⁴

‘Community engagement’ is therefore a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation or identity to address issues affecting their well-being. The linking of the term ‘community’ to ‘engagement’ serves to broaden the scope, shifting the focus from the individual to the collective, with the associated implications for inclusiveness to ensure consideration is made of the diversity that exists within any community.⁵³⁵

- 7.3 The Committee uses the term ‘electoral engagement’ to refer to a process of working with Victorian communities to maximise participation within the Victorian electoral system.

⁵³³ B W Head, “Community engagement: Participation on whose terms?” *Australian Journal of Political Science*, vol.42, no.3, September 2007, pp.441-442.

⁵³⁴ Victorian Government, Department of Sustainability and Environment, What is community engagement? Retrieved 16 June 2009 from <http://www.dse.vic.gov.au/DSE/wcmn203.nsf/childdocs/-0B996EB412EAB883CA2570360014F01A-6BC40C338B25036ECA257036001555F2?open>

⁵³⁵ Victorian Government, Department of Sustainability and Environment, What is community engagement? Retrieved 16 June 2009 from <http://www.dse.vic.gov.au/DSE/wcmn203.nsf/childdocs/-0B996EB412EAB883CA2570360014F01A-6BC40C338B25036ECA257036001555F2?open>

Main providers of electoral engagement

- 7.4 The *Electoral Act 2002* (Vic) states that one of the functions of the VEC is to “promote public awareness of electoral matters that are in the general public interest by means of the conduct of education and information programs”.⁵³⁶
- 7.5 The Community Engagement and Education Unit at the VEC is the main provider of electoral engagement strategies for Victorian elections. The Unit works with groups in the Victorian community to minimise barriers to democratic participation and encourage active citizens. The Unit works with a number of communities including schools, homeless agencies, residents’ associations, Indigenous groups, disability networks and other groups by offering:
- Support for the delivery of civics and citizenship programs in secondary schools or in an adult education context;
 - Workshops with community groups; and
 - Accessible information about how the electoral system works.⁵³⁷
- 7.6 The AEC also provides a variety of educational materials and strategies which encourages participation in the electoral system. The Education Section of the AEC aims to educate the Australian community about the electoral processes by which representatives of the Commonwealth Parliament are elected.⁵³⁸
- 7.7 The Melbourne Electoral Education Centre, part of the AEC, also provided education on “elections, the concept of democracy and the history of Australia’s federal system of representative government”.⁵³⁹ Although the Centre was closed by the AEC in 2009, it was reported that 16,676 people visited the Centre in 2007-08⁵⁴⁰ and the AEC received “positive responses to its innovative programs based around new, interactive computer displays”.⁵⁴¹ Closure of the Centre has been publicly criticised given that the Centre taught people about civics and voting.⁵⁴²

⁵³⁶ *Electoral Act 2002* (Vic) s8(2)(f). Retrieved 27 July 2009

http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

⁵³⁷ Victorian Electoral Commission, Community engagement and education, Victorian Electoral Commission, Melbourne. Retrieved 16 June 2009 from <http://www.vec.vic.gov.au/education.html>

⁵³⁸ Australian Electoral Commission, Education resources. Retrieved 14 July 2009 from <http://www.aec.gov.au/Education/index.htm>

⁵³⁹ Australian Electoral Commission, *AEC Annual Report 2007-08*, Australian Electoral Commission, Canberra, 2008, p.82. Retrieved 27 July 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/

⁵⁴⁰ Out of the 16,676 visitors, 8,748 were primary school students, 3,768 were junior secondary students, 1,414 were senior secondary students, 1,142 were adult visitors and 1,604 were accompanying adults. The total number of visitors was less than those recorded in 2006-07 (20,126 visitors) due to the Centre being closed for renovations for a few months.

⁵⁴¹ Australian Electoral Commission, *AEC Annual Report 2007-08*, Australian Electoral Commission, Canberra, 2008, p.87. Retrieved 27 July 2009 from http://www.aec.gov.au/About_AEC/Publications/Annual_Reports/2008/

⁵⁴² B Costar, “Democracy under siege for the sake of a few pennies”, *The Age*, 29 May 2009. Retrieved 14 July 2009 from <http://www.theage.com.au/opinion/democracy-under-siege-for-the-sake-of-a-few-pennies-20090528-boxi.html?page=-1>

- 7.8 The Committee is disappointed with the AEC's decision to close the Melbourne Electoral Education Centre, given the large number of students and adults who benefited from its programs. The Committee is aware that the VEC utilised this facility in Melbourne as part of its *Passport to Democracy* program. One of the consequences of the closure is that the VEC will need to adapt its electoral education program to cover the closure of the centre.
- 7.9 The Parliament of Victoria provides educational tours to primary and secondary school students, adult education networks and community groups informing them about the Parliament. The Education Office of the Parliament also publishes teaching materials and provides support for civics education.⁵⁴³
- 7.10 Submissions to this inquiry and the Committee's report into the conduct of the 2006 Victorian state election and matters related thereto noted that these aforementioned providers worked with other agencies to provide electoral education materials and services. These include PILCH Homeless Persons' Legal Clinic, Council to Homeless Persons, Hanover Welfare Services, ECCV and Swinburne University.⁵⁴⁴
- 7.11 As part of its international investigations, the Committee also gathered information on the main providers of public awareness programs for electoral events, enrolment and voting in international jurisdictions. The UK Electoral Commission conducts mainstream campaigns and the Partnership Grants Scheme to target young people not in formal education, people from ethnic minority communities and people with disabilities.⁵⁴⁵ In 2006, twelve grants and in 2007, seven grants were awarded to registered charities, charitable companies and public bodies.⁵⁴⁶ The aim of the grants is to "encourage voter registration, provide information on how to vote and improve understanding of the democratic process".⁵⁴⁷ The Committee also met with representatives of the Hansard Society in the UK, a political research and education charity, which is a provider of resources to help educators teach the citizenship curriculum in government schools.⁵⁴⁸ This initiative is discussed in Chapter Six.
- 7.12 In Canada, Elections Canada is the main provider of electoral education and voter outreach programs. Recently voter outreach programs have focused on

⁵⁴³ Parliament of Victoria, Education office, Parliament of Victoria, Melbourne. Retrieved 14 July 2009 from <http://www.parliament.vic.gov.au/education/eduoffice.html>

⁵⁴⁴ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, pp.37-92; Ethnic Communities' Council of Victoria Inc, *Submission No.12*; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*.

⁵⁴⁵ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.48-49.

⁵⁴⁶ Information about the grants awarded can be found at <http://www.electoralcommission.org.uk/about-us/partnership-grants/grants-awarded>

⁵⁴⁷ The Electoral Commission (UK), Partnership grants, UK Electoral Commission, London. Retrieved 16 July 2009 from <http://www.electoralcommission.org.uk/about-us/roles-and-responsibilities/partnership-grants>

⁵⁴⁸ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.41-42.

young persons, Aboriginal persons, persons from CALD backgrounds, persons with a disability and persons experiencing homelessness. The outreach programs are based on developing trust, accessibility and engagement.⁵⁴⁹

Human rights framework

7.13 The importance of electoral engagement stems from the right to electoral participation and to vote, which is protected under international and domestic law. Article 25 of the International Covenant on Civil and Political Rights (ICCPR) which Australia ratified in 1980, stipulates that:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.⁵⁵⁰

7.14 PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders state that:

This right also requires that governments take all such legislative and other steps to ensure that everyone is able to exercise their right to vote...Where citizens are required to enrol to vote, such enrolment must be facilitated and obstacles should not be imposed...[V]oter education and enrolment campaigns are necessary to ensure the effective exercise of the right to vote by an informed community.⁵⁵¹

7.15 The submission of PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders went further and noted that the:

Victorian Government must give proper consideration to the right to vote in international law, and the methods of implementing that right, in order to best understand how to ensure effective compliance with the right to vote under the Victorian Charter.⁵⁵²

7.16 The *Charter of Human Rights and Responsibilities Act 2006* (Vic) became operational as at 1 January 2008. Section 18 recognises and protects the right of Victorians to take part in public life:

⁵⁴⁹ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.14-15.

⁵⁵⁰ Office of the United Nations High Commissioner for Human Rights, International covenant on civil and political human rights. Retrieved 25 June 2009 from <http://www2.ohchr.org/english/law/ccpr.htm>

⁵⁵¹ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.7.

⁵⁵² PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.8.

(1) Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

(2) Every eligible person has the right, and is to have the opportunity, without discrimination—(a) to vote and be elected at periodic State and municipal elections that guarantee the free expression of the will of the electors; and (b) to have access, on general terms of equality, to the Victorian public service and public office.⁵⁵³

7.17 The *Charter of Human Rights and Responsibilities Act 2006* (Vic) also sets out that:

- All statutory provisions must be interpreted in a way that is compatible with human rights;⁵⁵⁴
- International law and the judgments of domestic, foreign and international courts and tribunals relevant to a human right may be considered in interpreting a statutory provision;⁵⁵⁵ [and]
- It is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.⁵⁵⁶

7.18 The PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders recommend that:

The Victorian Government should review and amend the *Electoral Act* and all policies and procedures of the VEC to ensure compliance with the Victorian Charter and the effective realisation of the right to vote.⁵⁵⁷

7.19 A review of the *Electoral Act 2002* (Vic) would require the Act be tested to determine whether any limit on human rights is reasonable and justifiable.⁵⁵⁸

7.20 The *Electoral Act 2002* (Vic) is not required by law to have the test applied given that the Act predates the *Charter of Human Rights and Responsibilities Act 2006* (Vic). Any amendments to the Act are required to be tested. The Committee notes that a review of the *Equal Opportunity Act 1995* (Vic), was conducted and completed in June 2008 to ensure its compliance with the Victorian Charter.⁵⁵⁹ The Committee considers there are also close links between the *Electoral Act 2002* (Vic) and the Victorian Charter given that both recognise that every eligible person has the right to vote and recommends that

⁵⁵³ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s18. Retrieved 25 June 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/

⁵⁵⁴ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s32(1). Retrieved 25 June 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/

⁵⁵⁵ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s32(2). Retrieved 25 June 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/

⁵⁵⁶ *Charter of Human Rights and Responsibilities Act 2006* (Vic) s38(1). Retrieved 25 June 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/

⁵⁵⁷ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.10.

⁵⁵⁸ Section 7(2) of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) stipulates the criteria in which any law can be tested against. Retrieved 25 June 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/

⁵⁵⁹ Victorian Government, Department of Justice, *An equality act for a fairer Victoria: Equal opportunity review final report*, Victorian Government, Melbourne, June 2008, p.8.

the Victorian Government should review the *Electoral Act 2002* (Vic) to ensure compliance with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

Recommendation 7.1: The Victorian Government reviews the *Electoral Act 2002* (Vic) to ensure compliance with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

Committee's findings from the inquiry into the conduct of the 2006 Victorian state election and matters related thereto

- 7.21 An analysis of electoral engagement strategies of the VEC and other agencies and issues associated with electoral engagement was conducted as part of this inquiry. To place these issues in context, the next section will summarise the findings of the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto as it relates to electoral engagement.
- 7.22 The Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto explored issues related to electoral engagement. In particular, the Committee reported on barriers and strategies to encourage active participation for the following groups:
- Young persons;
 - Older persons;
 - Persons with poor literacy skills;
 - Indigenous persons;
 - Persons from CALD backgrounds;
 - Persons from new and emerging communities;
 - New citizens;
 - Persons with disabilities;
 - Persons experiencing homelessness; and
 - Persons experiencing incarceration.⁵⁶⁰
- 7.23 A summary of the Committee's findings, recommendations and subsequent government response can be found at Table 7.1.

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Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, pp.38-89.

Table 7.1: Summary of recommendations and government response

Main findings	Recommended electoral engagement strategy	Government response
Young persons		
<p>Australian research shows that awareness of being permitted to provisionally enrol to vote at 17 years of age is low.</p> <p>Young people might not enrol to vote, provisionally or otherwise, because they assume that compulsory voting equates with an automatic right to vote at elections.</p> <p>Current research suggests that a proportion of young persons are disengaged or uninterested in electoral matters.</p> <p>The importance of electoral education in raising the political awareness and engagement of young persons.</p> <p>There is some interest in optional voting for 16 year old and 17 year old persons.</p> <p>The VEC and AEC develop a number of educational and motivational resources and activities designed to meet the needs of young persons.</p> <p>The internet, community and youth radio, newspapers and environments young persons visit were identified as important sources of information for young persons. There was no electoral advertising on youth radio stations for the 2006 Victorian state election</p>	<p>Recommendation 3.3 The VEC considers investigating the feasibility of introducing SMS text enrolment.</p>	<p>Not supported. The AEC trialled SMS texts for request of enrolment forms for the 2007 Federal election and from some 2,500 requests received 1,012 completed forms Australia wide. Given that the AEC has already set up the infrastructure (the biggest associated cost for this initiative) to update the roll via this method, rather than duplicating the effort the VEC will put its resources into investigating other alternatives to improve the number of enrolments.</p>
	<p>Recommendation 3.4 Victoria's Department of Education and Early Childhood Development inform the Electoral Matters Committee about the capacity to strengthen compulsory electoral education in secondary schools (pre-VEC).</p>	<p>Support. The VELs provide the curriculum framework for years Prep to 10. Within the VELs the Civics and Citizenship domain articulates the required knowledge, skills and understanding that students should develop in relating to elections. Knowledge about electoral systems that operate within Australia is included in this domain. Victorian government schools operate under an autonomous governance model and decisions about the precise content of the curriculum are made at the school level within the VELs framework.</p> <p>The VCAA will provide advice to the VEC regarding the development of curriculum resources that are consistent with the VELs for use by schools.</p>
	<p>Recommendation 3.5 For the 2010 Victorian state election, the VEC considers advertising electoral education material on youth radio stations.</p>	<p>Support in part. The VEC will consider its 2010 state electoral program based on previous placement, research results and advice from a media planning agency.</p> <p>Radio, as a communication channel, is different from other media in that it is aural. As such, advertising on radio must allow for the fact that the messages must be very short, the call to action clear and contact details memorable for it to be successful. This works well for increasing awareness, but not at all for education provision.</p>
	<p>Recommendation 3.6 The Parliament of Victoria's Education Office considers including a summary of the</p>	<p>Support in part. The website of the Parliament of Victoria is currently being redeveloped. As part of the redevelopment</p>

Main findings	Recommended electoral engagement strategy	Government response
	Parliament's activities on its website and liaising with print media outlets about the inclusion of a weekly legislative report in a major Victorian newspaper.	there will be a section called "What's New", targeted at news and media outlets that provide them with a summary of Parliament's activities.
Older persons		
<p>The provision of information about services available to assist older persons participate in the electoral process is an important part of the VEC's education program.</p> <p>Community service providers who regularly come into contact with older people are in an ideal position to distribute VEC information about elections and electoral matters to them.</p> <p>The exemption of voters who, at the time of the council election, are aged 70 years is not supported by the Council on the Ageing.</p>	<p>Recommendation 3.7 The VEC considers establishing relationships with community service providers to assist with the distribution of electoral information to older persons.</p>	<p>Support in principle. There is no current evidence that enrolment and participation levels amongst older people in Victoria is currently an issue. For the 2002 Victorian state election, 582,728 (18 percent) of the 3,228,466 electors were over 65 years on election day. For the 2006 state election this figure had increased to 634,341 (18.9 percent) of the total enrolment of 3,353,845 electors, which is to be expected with the ageing population. Equally, the number of non-voters over the age of 65 for the 2006 Victorian state election comprised only 0.015 percent of the total enrolment, or 0.35 percent of non-voters.</p> <p>Even though enrolment and participation levels in this demographic are not considered to be a major issue, prior to the 2006 Victorian state election, the VEC advertised in a number of seniors' magazines and sent information to every senior citizens centre and council in the state. This information included the date of the election and the availability of General Postal Voter status for older people, particularly for those who had a mobility issue.</p> <p>In the lead up to the November 2008 Victorian council elections the VEC implemented a strategy to inform carers and older persons of the council elections. Part of this was promotion of the availability of a new carers' brochure and articles in a number of magazines including Carers Victoria.</p>
	<p>Recommendation 3.8 The VEC considers conducting electoral education for older persons and distributes brochures at planned activity groups and senior citizens centres.</p>	<p>Support in principle. See the response to recommendation 3.7.</p>
Persons with poor literacy skills		
<p>Approximately 50 percent of Australian adults experience difficulty with reading and writing, as well as understanding</p>	<p>Recommendation 3.9 The VEC considers publishing its key electoral information and resources in accessible formats</p>	<p>Support. The publishing of key election information in accessible formats and Easy-English is a major commitment in the VEC's Disability Action Plan 2008-2011. The Disability</p>

Main findings	Recommended electoral engagement strategy	Government response
<p>and interpreting information in everyday life.</p> <p>Many electors may encounter difficulties filling in enrolment forms.</p> <p>Easy-English is a useful style of presenting information for persons who have poor literacy skills.</p>	<p>and Easy-English.</p>	<p>Action Plan itself is in Easy-English.</p> <p>The Easy-English version of the VEC's Guide to the 2006 Victorian state election was so highly regarded by disability organisation SCOPE, that it successfully entered it for inclusion at the International Society for Augmentation and Alternative Communication's biennial conference in Canada in August 2008. Since then, Easy-English versions of guides to the 2008 council elections have also been produced and focus group tested with people who have a disability and those who are experiencing homelessness. An Easy-English version of <i>Running Your Own First Past the Post Election</i>, primarily aimed at community clubs and Indigenous groups has also been produced. SCOPE holds the VEC to be a model government organisation when it comes to the provision of Easy-English material.</p> <p>Electoral information is also available via the VEC's website in 20 different languages and an interpreter service is advertised for every electoral event. This service provides either pre-recorded information specific to an event and provides an option for the caller to request the services of an interpreter.</p> <p>In addition, the VEC's website conforms with the Web Content Accessibility Guidelines 2.0 conventions for accessibility.</p>
	<p>Recommendation 3.10 The VEC considers investigating simplifying the current enrolment form.</p>	<p>Support in principle. The current enrolment form has been developed in conjunction with the Commonwealth and facilitates enrolment for all tiers of government in Victoria. As there are different requirements for State and Commonwealth enrolment, the information required has meant the form has increased in size in recent years making it appear more imposing. To retain a joint application for all tiers of government means that there is very little scope for simplification of the current enrolment form.</p> <p>The Victorian Government will consult with the Commonwealth Government to determine whether the identity requirements for enrolment can be streamlined and the current joint enrolment form simplified.</p>

Main findings	Recommended electoral engagement strategy	Government response
Indigenous persons		
<p>Factors which affect Indigenous Victorians' engagement with the Victorian electoral system include:</p> <ul style="list-style-type: none"> • The complicated history of the Aboriginal vote and its legacy; • Relatively low formal educational attainment and poor literacy rates amongst Indigenous persons; • Indigenous persons may change residences more frequently than non-Indigenous Australians; • Fears and misconceptions; and • Lack of meaningfulness of the voting system for Indigenous Australians. <p>Some Indigenous Australians experience difficulties completing enrolment forms.</p> <p>The VEC works with the Department of Justice's community outreach program, "Koories Know Your Rights", providing information on enrolment and voting.</p> <p>The VEC employs an Indigenous communication officer to establish networks with the Indigenous community in Victoria.</p> <p>The VEC developed posters and brochures about enrolment and voting that featured local Indigenous role models.</p> <p>Lack of public service announcements aired on television during Indigenous lifestyle and current affairs programs.</p> <p>Lack of data collection on Indigenous Australians enrolment and voter turnout.</p> <p>There is some interest in Indigenous representation in the Parliament of Victoria.</p>	<p>Recommendation 4.1 In consultation with Indigenous organisations and communities, the VEC considers liaising with the AEC to develop electoral education for Indigenous people in Victoria.</p>	<p>Support. The VEC, in consultation with Aboriginal Affairs Victoria, will consider opportunities to provide electoral education to Indigenous communities and is currently pursuing a possible partnership opportunity with an organisation aiming to have up to 300 Indigenous youth completing non-school programs each year.</p>
	<p>Recommendation 4.2 The VEC considers engaging well-known Indigenous persons to raise awareness about enrolment and voting among their communities.</p>	<p>Support. The composition of the Indigenous population in Victoria is a collection of many and various clans. The culture is such that each clan is almost to be considered as a unique identity and what works for one, should not be considered to be automatically appropriate for another. An elder or identity revered within one clan may have little or no relevance for another. Based on a recommendation in a small research project in early 2006, the VEC did try this approach using prominent former Carlton footballer, Syd Jackson.</p> <p>The VEC, in consultation with Aboriginal Affairs Victoria, will continue to consider opportunities to raise awareness about enrolment in Indigenous communities.</p>
	<p>Recommendation 4.3 The VEC considers investigating the impact of television advertising on improving Indigenous electors' knowledge of upcoming state elections and considers strategic placement of community television announcements during Aboriginal and Torres Strait Islander lifestyle and current affairs programs.</p>	<p>Support. The VEC will consult with Aboriginal Affairs Victoria and seek advice from media planning agencies on this recommendation.</p>
	<p>Recommendation 4.4 The VEC considers liaising with the ABS to investigate improving data collection on Indigenous enrolment.</p>	<p>Support. As part of the VEC's Indigenous enrolment initiatives the VEC considers that information on Indigenous enrolment and voting would be useful to measure how well these initiatives are working. The VEC will consider liaising with the ABS to investigate improving data collection on Indigenous enrolment.</p>
Persons from culturally and linguistically diverse backgrounds		
<p>The VEC has developed a strategic action plan to increase voting accessibility and communication about the election to</p>	<p>Recommendation 4.5 The VEC considers recruiting bilingual workers to conduct electoral education with</p>	<p>Not supported. This recommendation resulted from a submission suggesting that the use of interpreters was</p>

Main findings	Recommended electoral engagement strategy	Government response
<p>persons from CALD backgrounds.</p> <p>The VEC conducts electoral education presentations to targeted communities.</p> <p>Adult education networks teach electoral education for persons with various levels of proficiency in English.</p> <p>There was some interest in the VEC using bilingual workers rather than interpreters when conducting electoral education presentations to targeted communities.</p> <p>It was reported that communication strategies would be more effective if:</p> <ul style="list-style-type: none"> • Advertisements were longer, more informative and use clear and direct language about how to vote and where to vote; • There were more advertisements in different languages in different magazines, newspapers, radio stations, on television and a letter to each household regarding where and how to vote; and • There was more information on polling booths and billboards. <p>In some cases, written translations of VEC documents were problematic.</p>	<p>culturally and linguistically diverse communities.</p>	<p>problematic and less effective than the use of bilingual workers.</p> <p>The ECCV advises that the migrant communities are not able to distinguish between interpreters and bilingual workers from an information provision perspective. It suggests that the use of interpreters is entirely appropriate, especially given interpreters have professional guidelines for conducting this work where bi-lingual workers would not.</p> <p>Targeted education forums and presentations as suggested by the ECCV is a more prudent and efficient approach, particularly given the VEC's training in providing information in plain English, which can then be interpreted more easily.</p>
	<p>Recommendation 4.6 The VEC considers conducting electoral education about enrolment, voting and voting rights with culturally and linguistically diverse communities in accessible venues.</p>	<p>Support. Prior to the 2006 Victorian state election, the VEC attended statewide travelling roadshows with the VMC to provide translated material and a presentation on enrolling and voting for the 2006 Victorian state election. Changes in the system of voting were also covered. These sessions resulted in a number of requests for radio interviews and further presentations for specific ethnic groups, which the VEC performed. The VEC will continue with this proactive approach.</p>
	<p>Recommendation 4.7 The VEC continues to build and sustain relationships with relevant culturally and linguistically diverse community organisations about communication strategies and electoral information provision.</p>	<p>Support. The VEC has very good relationships with both the VMC and the ECCV and is continuing to build on them. See also the response to recommendation 4.5.</p>
	<p>Recommendation 4.8 For the 2010 Victorian state election, the VEC considers running frequent and lengthier advertisements and information sessions on televisions, newspapers, and radio popular with culturally and linguistically diverse communities about correct voting methods, where to vote, voting rights and responsibilities.</p>	<p>Support in principle. The Victorian Government sets a minimum spend requirement for multicultural advertising as part of any major advertising campaign – at least 5% of the total media spend must be on multicultural advertising. The VEC almost doubled this figure in 2006. The post-election research indicated a high level of satisfaction with the communication services and products provided for this group.</p>
	<p>Recommendation 4.9 The VEC considers translating its key electoral information and resources in relevant community languages and Easy-English.</p>	<p>Support. This is an ongoing activity within the Communication Branch of the VEC.</p>

Main findings	Recommended electoral engagement strategy	Government response
	<p>Recommendation 4.10 The VEC considers piloting its translated resources with the relevant communities to assess the appropriateness of translations.</p>	<p>Support. This will be done on partnered projects with ECCV and agencies where the ability to gather groups for focus testing is straightforward. The VEC is also now checking translations provided by one supplier by another translation supplier in order to ensure accurate translations.</p>
	<p>Recommendation 4.11 The VEC considers conducting electoral education about enrolment, voting and voting rights with new and emerging communities in accessible venues.</p>	<p>Support. The VEC has been involved with Horn of Africa Project and ECCV community sessions and will continue to seek opportunities in this area.</p>
Persons from new and emerging communities/New citizens		
<p>New and emerging communities in Victoria include humanitarian arrivals from the Horn of Africa, Sudan, Burma, Iraq and Afghanistan.</p> <p>Young persons from new and emerging communities are not motivated to enrol to vote.</p> <p>The Living in Harmony and Australia Africa Democracy projects is encouraging new and emerging community members to develop an understanding of the Victorian electoral system.</p> <p>Information in languages other than English should be available in easily accessible and different formats i.e. communities with a strong oral tradition prefer information in oral/audio format.</p> <p>There was some interest in the VEC using bilingual workers rather than interpreters when conducting electoral education presentations to targeted communities.</p> <p>Although the percentage of new citizens enrolling within three months of becoming an Australian citizen is relatively high (93 percent), there were concerns about the follow-up of those new citizens who do not enrol.</p>	<p>Recommendation 4.12 The VEC considers recruiting bilingual workers to conduct electoral education with new and emerging communities.</p>	<p>See the response to 4.5. The VEC will continue projects such as those mentioned above.</p>
	<p>Recommendation 4.13 The VEC considers translating its key electoral information and resources in new and emerging community languages and providing resources in an accessible format.</p>	<p>Support. The VEC will continue to take advice in this area from both the ECCV and the VMC. The move to new and emerging languages may slow given the extended period of time migrants must now be living in Australia prior to being able to apply for citizenship.</p>
Persons with disabilities		
<p>The VEC has developed a Disability Action Plan 2008-2011. The VEC provides services such as TTY service, Easy-English booklets; large text and audio files on the website.</p>	<p>Recommendation 4.14 The VEC considers translating its key electoral information and resources in accessible formats for people with disabilities.</p>	<p>Support. The VEC has been very active in this area and will continue to be so. The VEC will follow up on the recommendations that eventuate from its current disability research.</p>

Main findings	Recommended electoral engagement strategy	Government response
<p>Disability organisations called for more electoral information in accessible formats such as Easy-English and relevant community languages.</p> <p>A study found that 10 percent of persons with a disability do not vote at state elections because they are not on the electoral roll.</p> <p>Attitudes and understandings of carers and the general public contribute to people with a disability being excluded from participating in the electoral system.</p> <p>Some inquiry participants were concerned about the term 'unsound mind'.</p>	<p>Recommendation 4.15 The VEC continues to build and sustain relationships with relevant community organisations about communication strategies and electoral information provision for people with disabilities.</p>	<p>Support. This is a key commitment in the VEC's Disability Action Plan – which is ongoing in nature. Also, the results of the above mentioned research are expected to assist.</p>
	<p>Recommendation 4.16 The VEC considers conducting electoral education about enrolment, voting and voting rights with health professionals, residential care workers and carers of people with disabilities.</p>	<p>Support. The VEC will consider how to further improve its electoral education for persons with a disability once it completes its current research in this area.</p>
Persons experiencing homelessness		
<p>Victoria has reported a steady increase in the number of persons experiencing homelessness over the past five years.</p> <p>People experiencing homelessness report difficulties in registering to enrol and participating in elections. Reasons cited included that those who are homeless lack a fixed address and/or lack relevant identification.</p> <p>There was a high degree of civic disengagement and disillusionment manifested by a lack of interest in and lack of awareness of the state election among some people experiencing homelessness.</p> <p>The VEC developed a brochure for service providers and persons experiencing homelessness.</p>	<p>Recommendation 4.17 The VEC considers conducting electoral education about enrolment, voting and voting rights with people experiencing homelessness and staff of homeless organisations in accessible venues.</p>	<p>Support. This is a key commitment of the VEC and it has an ongoing relationship with St Mary's House of Welcome and other homelessness agencies. St Mary's House of Welcome also recently participated in a workshop on usability of the VEC's draft Easy-English Guide to Council Elections. A series of enrolment and presentation days were provided to these agencies, and have been supported by mobile voting facilities where required for the 2008 council elections.</p>
	<p>Recommendation 4.18 For the 2010 Victorian state election, the VEC considers promoting electoral participation in transitional housing and crisis accommodation centres.</p>	<p>Support. The VEC will take advice from current contacts within the homelessness area on the feasibility of this suggestion.</p>
Persons experiencing incarceration		
<p>Prisoner voting eligibility in Australia is dependent on the length of sentence and state law. There was some interest in extending the franchise.</p>		

Source: Electoral Matters Committee, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, 2008, pp.38-89; Victorian Government, *Government response to the Electoral Matters Committee, Parliament of Victoria, Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, 2009.

Issues and strategies

7.24 This section discusses the issues associated with voter participation and informal voting as they relate to particular communities and the strategies employed to mitigate barriers to enrolment and voting. The following communities will be considered, including:

- Persons with a disability;
- Persons residing in aged care facilities;
- Persons of 'unsound mind';
- Persons from CALD backgrounds;
- Chinese and Vietnamese communities;
- Indigenous persons;
- Persons who are geographically mobile;
- Persons experiencing homelessness;
- Persons experiencing incarceration;
- Overseas voters; and
- Permanent residents and citizenship.

7.25 Electoral engagement and education for young persons was discussed in Chapter Six. The issue of annual reporting of electoral engagement activities will be discussed in the last section of this chapter.

Persons with a disability

7.26 The VEC informed the Committee that it had developed and revised a Disability Action Plan "to improve access to electoral services and information for voters with a disability"⁵⁶¹ and had subsequently introduced a number of initiatives.⁵⁶² In addition, the VEC's submission and supplementary submission addressed barriers to enrolment and voting experienced by Victorians with a disability. Colmar Brunton Social Research had been commissioned to identify barriers to enrolment and voting among vision-impaired, physically-impaired, cognitively-impaired and people at aged care facilities; the findings of the latter group are discussed in a separate section in this report.⁵⁶³

⁵⁶¹ Victorian Electoral Commission, *Submission No.6*, p.22.

⁵⁶² The VEC's submission cites a number of initiatives including the establishment of an Electoral Access Advisory Group, customisation of election information for electors with special needs (i.e. audio and Easy-English posters, brochures), training video for election officials, signage at voting centres, establishment of TTY hotline, magnifying tools, user-friendly pencils and wheelchair-height voting screens at all voting centres.

⁵⁶³ Victorian Electoral Commission, *Submission No.6*, p.22; Victorian Electoral Commission, *Submission No.7*, pp.2-4.

- 7.27 In regards to enrolment, the research reported that vision-impaired and physically-impaired persons often required assistance with enrolment but their disability did not prevent them from enrolling. Cognitively-impaired persons' understanding of enrolment was more limited and it was proposed that information should be provided in simplified language to eligible electors, their families and carers.⁵⁶⁴
- 7.28 In regards to voting, the research reported that the nature of the disability impacted on electors' ability to vote in elections. The main issues and measures identified as part of the research are summarised in Table 7.2.

Table 7.2: Issues and measures to increase participation in the electoral system of Victorians living with a disability

Type of impairment	Issues	Measures
Vision	<p>Lack of secret ballot with attendance and postal voting</p> <p>Concern that voters who are not computer literate may struggle with electronic voting</p> <p>Limited number of electronic voting centres</p>	<p>VEC publicises accessibility of voting centres</p> <p>Election staff need to be well trained and tactful in dealing with voters with disabilities</p> <p>Encourage postal voting</p> <p>Support for online voting</p>
Physical	<p>Difficulties with travelling to and entering voting centres</p> <p>Disability access was separate from main entrance of voting centres</p> <p>Some voters felt uncomfortable being assisted 'singled out' by election officials</p>	<p>Extending the franchise for electronic voting to voters with physical disabilities</p> <p>Electoral visitation to residences to assist with and collect votes</p> <p>Ballot papers with simpler language, bigger writing or pictures</p>

Source: Victorian Electoral Commission, *Submission No.7*, pp.3-4.

- 7.29 The issues and measures reported in the Colmar Brunton Social Research study was similar to the findings of the Committee in its report on the conduct of the 2006 Victorian state election and matters related thereto.
- 7.30 The VEC advised the Committee that enabling electoral visitation to the homes of electors with disabilities would require legislative change.⁵⁶⁵
- 7.31 Regarding the issue of accessibility of voting centres, the Commonwealth Parliament's Standing Committee on Legal and Constitutional Affairs recommended that the "Premises Standards be introduced without delay" to assist those with physical disabilities entering buildings for purposes of

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Victorian Electoral Commission, *Submission No.7*, pp.2-3.

⁵⁶⁵

Victorian Electoral Commission, *Submission No.8*, p.9.

voting.⁵⁶⁶ This recommendation is supported by the Committee and should it be taken up by the Commonwealth Government, the new Premises Standards will provide equal access to premises so that people with a disability can fully participate in the Australian community, including the electoral system.

7.32 The Committee notes that in the Government response to the inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the VEC would develop recommendations about how to further improve the participation of persons with a disability in the electoral system once Colmar Brunton Social Research had completed the study.

7.33 On 23 July 2009, the Committee received a copy of the VEC's action plan for the 2010 Victorian state election, in response to the Colmar Brunton's study.

7.34 In correspondence on 23 July 2009, the VEC advised that it would be prepared to institute electoral visitation on a limited scale at the 2010 Victorian state election. The program would be an accelerated form of postal voting: where the VEC received a request for a postal vote and it was clear that there was insufficient time for the postal voting process and that the elector was incapable of reaching a voting centre, the VEC could send a staff member to issue and take back a postal vote. Experience in SA indicates that numbers would be no more than a few dozen. Scrutineers would not be present, as with normal postal voting. Given the small numbers of voters concerned, the VEC advised that security should not be an issue.⁵⁶⁷

Recommendation 7.2: The Victorian Government makes representations to the Commonwealth Government to progress the Premises Standards which will harmonise the Australian Building Code and the *Disability Discrimination Act 1992 (Cth)*.

Persons residing in aged care facilities

7.35 The VEC's supplementary submission addressed barriers to enrolment and voting experienced by Victorians living in aged care facilities, as identified by research conducted by Colmar Brunton Social Research. The VEC reported that the participation of residents of aged care facilities in the electoral system was mixed:

Many residents were keen to continue to vote...However, a substantial number of residents were apathetic about voting. Many high-care residents are no longer capable of understanding voting, and can be taken off the roll for that reason.⁵⁶⁸

7.36 The research also highlighted that maintaining enrolment details is not a high priority for those moving into aged care facilities. The VEC believed that

⁵⁶⁶ Standing Committee on Legal and Constitutional Affairs, Commonwealth Parliament, *Access all areas: Report of the inquiry into draft disability (access to premises buildings) standards*, Commonwealth Parliament, Canberra, June 2009, p.6.

⁵⁶⁷ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 23 July 2009.

⁵⁶⁸ Victorian Electoral Commission, *Submission No.7*, p.4.

this could be mitigated by encouraging “all aged care facilities to include an [electoral] enrolment form in their welcome pack”, so residents could update their address details.⁵⁶⁹

- 7.37 Mobile and postal voting were identified by residents of aged care facilities as the preferred mode of voting.⁵⁷⁰ Mobile voting teams visited aged care facilities at the 2006 Victorian state election. The provisions in the *Electoral Act 2002* (Vic) for persons aged over 70 years of age to register as a general postal voter facilitates residents of aged care facilities participating in the electoral system.⁵⁷¹
- 7.38 The Committee acknowledges the ongoing work of the VEC to further improve its communication strategy with older persons, including advertising electoral events in seniors and carers magazines, promoting registering to be a general postal voter, and developing a brochure for carers.⁵⁷² However, given that residents of aged care facilities identified the largest barrier to enrolment and voting as “a tendency to withdraw from active participation in society as a result of their change in life”,⁵⁷³ the Committee supports the proposed method of dealing with this issue:

[A] focussed communications exercise, directed to families and facility administrators as well as residents, that emphasises that seniors are valued members of society with an important voice during elections, and points out the services that the State government and councils provide for seniors.⁵⁷⁴

Recommendation 7.3: The Victorian Electoral Commission considers encouraging all aged care facilities to include an electoral enrolment form in the welcome pack for new residents.

Recommendation 7.4: The Victorian Electoral Commission considers developing further partnerships with aged care service providers in order to provide electoral education for residents, carers and facility administrators.

Persons of ‘unsound mind’

- 7.39 The Committee received a submission from the Democratic Audit of Australia which highlighted their concern about those of ‘unsound mind’ being excluded from enrolment and voting. In Victoria the *Constitution Act 1975* (Vic) s48(2)(d) stipulates that:

⁵⁶⁹ Victorian Electoral Commission, *Submission No.7*, p.4.

⁵⁷⁰ Victorian Electoral Commission, *Submission No.7*, p.4.

⁵⁷¹ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, pp.28-29.

⁵⁷² Victorian Government, *Government response to the Electoral Matters Committee*, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, 2009, p.4. Retrieved 22 July 2009 from <http://www.parliament.vic.gov.au/emc/Government%20Reponse.pdf>

⁵⁷³ Victorian Electoral Commission, *Submission No.7*, p.4.

⁵⁷⁴ Victorian Electoral Commission, *Submission No.7*, p.4.

A person who by reason of being of unsound mind, is incapable of understanding the nature and significance of enrolment and voting, is not entitled to be enrolled as an elector for the Council or Assembly.⁵⁷⁵

7.40 The VEC informed the Committee that “7,000 Victorians have been removed from the [electoral] roll because they were judged to be of ‘unsound mind’”.⁵⁷⁶ Since 1 July 2008, 992 electors have been removed from the Victorian Register of Electors.⁵⁷⁷

7.41 As part of its inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee received advice from the Chief Parliamentary Counsel’s Office about the term ‘unsound mind’. Although not defined in the *Constitution Act 1975 (Vic)*:

[I]ts meaning will [be] determined in the context of Section 48. However, in the context of the criminal law, unsound mind has been held to be synonymous with insanity, mental illness and disease of the mind (*R v Falconer (1990) 171 CLR 30*).⁵⁷⁸

7.42 The Democratic Audit of Australia argued that the exclusion of those of ‘unsound mind’ is problematic because:

This disqualification is neither defined in the legislation nor by common law decision. Electoral Commissions are left to rely on medical or other evidence, adduced ad hoc, typically by relatives or carers.⁵⁷⁹

7.43 In comparison, in NZ where enrolment (but not voting) is compulsory, those of ‘unsound mind’ who are disqualified from registration as electors is defined in the *Electoral Act 1993 (NZ)*:

(A) a person who is detained in a hospital under the *Mental Health (Compulsory Assessment and Treatment) Act 1992* or in a secure facility under the *Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003*, and to whom one of the following applies;

(i) the person has been found by a court or a Judge to be unfit to stand trial within the meaning of the *Criminal Procedure (Mentally Impaired Persons) Act 2003*, or has been acquitted on account of his or her insanity, and (in either case) is detained under an order or direction under Section 24 or Section 31 or Section 33 of that Act or under the corresponding provisions of the *Criminal Justice Act 1985* and has been so detained for a period exceeding three years;

(ii) the person has been found by a court, on conviction of any offence, to be mentally impaired, and is detained under an order made under Section 34 of the *Criminal Procedure (Mentally Impaired Persons) Act 2003* or Section 118 of the *Criminal Justice Act 1985*, and has been so detained for a period exceeding three years;

(iii) the person is subject to, and has for a period exceeding three years been subject to, a compulsory treatment order made following an application under Section 45(2)

⁵⁷⁵ *Constitution Act 1975 (Vic)* s48(2)(d). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/

⁵⁷⁶ Victorian Electoral Commission, *Submission No.7*, p.4.

⁵⁷⁷ L Williams, Victorian Deputy Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

⁵⁷⁸ G Varley, Chief Parliamentary Counsel, Department of Premier and Cabinet, Correspondence, 23 May 2008.

⁵⁷⁹ Democratic Audit of Australia, *Submission No.5*, p.6.

of the *Mental Health (Compulsory Assessment and Treatment) Act 1992* or a compulsory care order made following an application under Section 29(1) of the *Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003*; [and]

(iv) the person is detained under Section 46 of the *Mental Health (Compulsory Assessment and Treatment) Act 1992*, and is a person to whom paragraph (d) would otherwise apply.⁵⁸⁰

7.44 The Democratic Audit of Australia recommends:

That a similarly narrow disqualification to that of NZ be enacted in Australia, with reference to equivalent 'certification' under the relevant mental health legislation.⁵⁸¹

7.45 While the Democratic Audit of Australia cited justification for some exclusion,⁵⁸² they also went further and noted arguments against the exclusion of those of 'unsound mind':

The term 'unsound mind' may have offensive connotations. It also leaves some vulnerable citizens at the mercy of permanent disenfranchisement at the hands of their relatives/carers. This may be a particular issue in relation to younger people. It also tends to assume a static model of mental health impairment, whereas many people experience periods of greater and lesser (or nil) impairment.⁵⁸³

7.46 Stakeholders who participated in the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto raised similar concerns. The Committee noted in its report that it is:

[A]ware that the term 'unsound mind' is an anachronistic term and is sympathetic to the concerns held by some members of the public and advocacy groups. Nevertheless, the advice the Committee has received from the Chief Parliamentary Counsel's Office states that using a broader term such as 'cognitive impairment' or 'mental impairment' may mean that more people may be excluded from voting.⁵⁸⁴

7.47 Disenfranchisement of those of 'unsound mind' was found to be common practice in many countries. A study of 62 democracies by political science researchers at the Universite de Montreal (Canada) and University of Rochester (US) found that:

Only four countries, Canada, Ireland, Italy and Sweden, do not restrict in any way the right to vote for mentally challenged persons. ... The remaining [58] countries all have some kind of restriction; in most cases, the person has to be adjudged incompetent or of unsound mind by a court of law [and in most cases, the electoral law does not specify the details of disqualification based on mental deficiencies]. In some cases, the simple fact of being a patient in a mental hospital is enough to warrant disfranchisement. We find 12 countries, such as Bulgaria, Chile, Estonia,

⁵⁸⁰ *Electoral Act 1993* (NZ) s80(c). Retrieved 27 July 2009 from <http://www.legislation.govt.nz/act/public/1993/0087/latest/DLM307519.html>

⁵⁸¹ Democratic Audit of Australia, *Submission No.5*, p.7.

⁵⁸² Democratic Audit of Australia, *Submission No.5*, p.6. In their submission, the Democratic Audit of Australia argued that "On its face, some exclusion may be justified, either because compulsory voting may be a burden to some with intellectual/mental disabilities, or out of concern that the votes of those with serious intellectual/mental dependency may be exercised by their relatives/carers without regard to the vote holders' wishes."

⁵⁸³ Democratic Audit of Australia, *Submission No.5*, p.7.

⁵⁸⁴ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, pp.81-82.

Guyana, Jamaica and the Netherlands, where disenfranchisement for mental reasons is entrenched in the constitution.⁵⁸⁵

7.48 The findings of the study led the researchers to conclude that:

[I]t is only where democracy is strongly established that it becomes possible to envisage the option of not considering even serious mental deficiency as a sufficient cause of disenfranchisement.⁵⁸⁶

7.49 The Committee was requested to consider two other recommendations put forward by the Democratic Audit of Australia relating to those of 'unsound mind':

- That the Electoral Commissions (including, of course, the VEC) retain the discretion to accept as a 'reasonable excuse' for failure to vote, a letter from an elector or their relative/carer (with or without some evidence from a medical professional) stating that the elector was impaired by mental illness or intellectual disability on polling day; and
- That the Commissions should be funded to undertake a program of educating those concerned about these enhanced rights and expectations, through disability support groups, for example.⁵⁸⁷

7.50 The Committee notes that while voting is compulsory at state and local government elections and by-elections, for those electors who do not vote, there is a process for non-voter follow-up, as discussed in Chapter Eight.

7.51 The Committee notes that in relation to the Democratic Audit of Australia's third recommendation, the VEC's *Disability Action Plan 2008-2011* indicates that the VEC has begun educating persons and carers regarding the rights and responsibilities of electors.⁵⁸⁸ The Committee encourages the VEC to continue conducting targeted education sessions.

Persons from culturally and linguistically diverse backgrounds

7.52 The issue of electoral engagement by persons from culturally and linguistically diverse backgrounds was raised by the ECCV and the VEC.⁵⁸⁹

7.53 The VEC's submission outlined a number of community engagement strategies which were employed at the 2006 Victorian state election including:

⁵⁸⁵ A Blais, L Massicotte and A Yoshinaka, "Deciding who has the right to vote: A comparative analysis of election laws", *Electoral Studies*, vol.20, no.1, 2001, pp.51-52.

⁵⁸⁶ A Blais, L Massicotte and A Yoshinaka, "Deciding who has the right to vote: A comparative analysis of election laws", *Electoral Studies*, vol.20, no.1, 2001, p.52.

⁵⁸⁷ Democratic Audit of Australia, *Submission No.5*, p.7.

⁵⁸⁸ The *Disability Action Plan 2008-2011* sets out that the VEC will continue to (i) Develop networks with a range of organisations to distribute electoral information and education to Victorians with a disability (ii) Target special schools, adult day programs and sheltered workshops to provide an enrolment session and/or a 'voting experience' via a mock election, as part of Education Program and (iii) Produce a simple carers' brochure that outlines the conditions under which their charges can enrol and vote or be removed from the electoral roll, and the process for doing so. A copy of the Victorian Electoral Commission's *Disability Action Plan 2008-2011* can be found at <http://www.vec.vic.gov.au/publications.html>

⁵⁸⁹ Ethnic Communities' Council of Victoria, *Submission No.12*; Victorian Electoral Commission, *Submission No.6*.

- Community consultations with representatives from non-English speaking communities;
 - Employment of 1,141 multi-lingual election officials on election day who were identifiable by a sticker;
 - Brochures with voting instructions in 18 languages other than English distributed to all voting centres, the VMC and the ECCV; and
 - Interactive virtual voting experience in 18 languages other than English in CD format was distributed to over 300 major CALD associations and groups, local councils and community information centres.⁵⁹⁰
- 7.54 There are also a number of ongoing services which are specifically targeted to persons from CALD backgrounds including:
- Telephone enquiry service in 19 languages;
 - Interactive virtual voting experience on the VEC website; and
 - Electoral information in 18 languages other than English available on the VEC's website.⁵⁹¹
- 7.55 A number of barriers to voter participation were raised by both of the aforementioned inquiry participants including:
- Lack of engagement and interest in the voting process;⁵⁹²
 - Low level English proficiency rate of various communities;⁵⁹³
 - Lack of officials at polling booths speaking community languages;⁵⁹⁴
 - For oral communities, information-giving is in brochures rather than oral form;⁵⁹⁵
 - Lack of personal or family history of electoral participation in Australia;⁵⁹⁶ and
 - Difficult experiences with political processes, government and police.⁵⁹⁷
- 7.56 The ECCV made a number of recommendations which it anticipated would improve electoral and voting knowledge of CALD communities and in turn, improve voter participation. It recommended the development of outreach programs, including community information forums, booklets, DVD and audio CDs, should focus on the following:
- Introducing information to the responsibilities of State and Local Government;

⁵⁹⁰ Victorian Electoral Commission, *Submission No.6*, p.23.

⁵⁹¹ Victorian Electoral Commission, *Submission No.6*, p.23.

⁵⁹² Ethnic Communities' Council of Victoria, *Submission No.12*, p.3.

⁵⁹³ Ethnic Communities' Council of Victoria, *Submission No.12*, p.3.

⁵⁹⁴ Ethnic Communities' Council of Victoria, *Submission No.12*, p.3.

⁵⁹⁵ Ethnic Communities' Council of Victoria, *Submission No.12*, p.3.

⁵⁹⁶ Victorian Electoral Commission, *Submission No.6*, p.22.

⁵⁹⁷ Ethnic Communities' Council of Victoria, *Submission No.12*, p.3; Victorian Electoral Commission, *Submission No.6*, p.22.

- Develop case studies highlighting how individual votes shape legislation, policies and laws (i.e. the different roles of the Legislative Assembly and Legislative Council in Victoria); and
- Provide information on how to fill out ballot papers correctly.⁵⁹⁸

7.57 The ECCV made further recommendations including:

- Information and communication material for CALD communities should be funded and supported continuously with frequent advertisements and information sessions on ethnic television, newspapers and radio during election periods;
- Appointing community members as 'Democracy Ambassadors' during State and Local Government election periods to directly liaise with relevant communities;
- Political parties be required to devote 5 percent of their funding during campaigns to deliver messages to people from NESB and the Victorian Government to implement this recommendation with the *Electoral Act 2002*; [and]
- The Victorian Government should consider strengthening its CALD communication strategy through more practical approaches and initiatives to ensure CALD communities effectively contribute to the democratic process in Victoria in future State and Local Government elections.⁵⁹⁹

7.58 The Committee considered similar recommendations to these as part of its inquiry into the conduct of the 2006 Victorian state election and matters related thereto. While the Committee recognises the ongoing work of the VEC in relation to increasing CALD electoral engagement with the electoral system, the Committee supports the VEC incorporating new approaches into its electoral engagement strategies to respond to the needs of electors from CALD backgrounds. The appointment of community members as 'Democracy Ambassadors' may be particularly relevant, especially given the VEC has successfully trialled a similar strategy for the Indigenous community.

Recommendation 7.5: The Victorian Electoral Commission considers appointing community members as 'Democracy Ambassadors' during electoral events to directly liaise with relevant communities.

Recommendation 7.6: The Victorian Electoral Commission considers conducting community education on formal voting provisions for those from non-English speaking backgrounds.

Case study: Chinese and Vietnamese communities

7.59 One of the Committee's major concerns during this inquiry has been the strong correlation between levels of informal voting in Victoria and Districts and Regions where a large proportion of the population in those areas does not speak English, or comes from a NESB, as discussed in Chapter Five.

⁵⁹⁸ Ethnic Communities' Council of Victoria, *Submission No. 12*, p.3.

⁵⁹⁹ Ethnic Communities' Council of Victoria, *Submission No. 12*, p.4.

7.60 In its submission to this inquiry, the VEC informed the Committee that it had commissioned research by the Cultural and Indigenous Research Centre Australia (CIRCA) into barriers to enrolment and voting experienced by Chinese and Vietnamese Australians with low English language proficiency.⁶⁰⁰ According to the VEC, the purpose of this research was to establish whether confusion exists in these particular communities about how to vote formally, and use this information to inform strategies to reduce informal voting.⁶⁰¹

7.61 According to the VEC:

[CIRCA] used a mixture of focus groups and a telephone survey in its research. All interviews were conducted in language, and quotas were applied for gender, age and language groups to ensure a representative sample. A key finding of the research was that the Chinese and Vietnamese communities had very positive attitudes to participation in the electoral system. Nearly all respondents regarded enrolment and voting as important. Claimed participation was very high, with 96 percent of respondents stating that they were enrolled and 92 percent stating that they had voted in the last election. For the Chinese and Vietnamese communities, the problem is not motivation: it is lack of knowledge.⁶⁰²

7.62 The Committee shares the VEC's concern that many survey participants were not aware of some of the basic formality rules for Victorian state elections. The VEC notes:

There was also an alarming degree of confusion about how to vote correctly. Only 32 percent of participants in the quantitative survey knew that numbers should be used, while 39 percent mentioned ticks or crosses and 6 percent thought that candidates names should be crossed out. Mandarin speakers were more likely to cite non-numbering methods of voting, which were used in their countries of origin. This confusion about how to vote appears to be an important contributor to the informal vote in State, Federal and local elections.⁶⁰³

7.63 CIRCA recommended that in order to address these concerns, the VEC should consider:

- Providing enrolment forms in Vietnamese and Chinese;
- Holding in-language electoral literacy seminars arranged through local community groups, in the lead up to elections;
- Providing more information in targeted ethnic media; and
- Increasing bilingual staff in appropriate voting centres.⁶⁰⁴

7.64 The Committee considered similar recommendations to these as part of its inquiry into the conduct of the 2006 Victorian state election and matters related thereto. For that inquiry, the Committee recommended the VEC consider a range of initiatives for CALD and NESB communities, including

⁶⁰⁰ Victorian Electoral Commission, *Submission No.7*, pp.5-6.

⁶⁰¹ Victorian Electoral Commission, *Submission No.7*, pp.5-6.

⁶⁰² Victorian Electoral Commission, *Submission No.7*, pp.5-6.

⁶⁰³ Victorian Electoral Commission, *Submission No.7*, pp.5-6.

⁶⁰⁴ Victorian Electoral Commission, *Submission No.7*, pp.5-6.

having bilingual staff in voting centres and increasing its electoral literacy advertising campaigns in targeted ethnic media.⁶⁰⁵

7.65 The VEC noted the administrative challenges of enrolment forms in languages other than English:

This would present some challenges from an administrative view in terms of translating and registering the enrolment form – given that enrolment forms are joint forms with the AEC, that organisation would have to have some buy-in to this initiative too.⁶⁰⁶

7.66 To mitigate these administrative challenges, the VEC also put forward another approach:

[A] superior approach would be to develop in-language companion forms to be provided with the enrolment form – as opposed to a translated enrolment form itself.⁶⁰⁷

7.67 The Committee notes that the UK Electoral Commission provides electoral registration forms (and applications to vote by post) in 12 languages other than English.⁶⁰⁸

7.68 The Committee was pleased that the VEC had suggested an approach which may reduce the administrative burden of registering enrolment forms in languages other than English while on the other hand, facilitating enrolment of persons with limited English proficiency. However, the Committee supports the VEC liaising with the AEC to develop enrolment forms in languages other than English.

Recommendation 7.7: The Victorian Electoral Commission considers making representations to the Australian Electoral Commission and the Electoral Council of Australia regarding the development of electoral enrolment forms in languages other than English.

Recommendation 7.8: Subject to the outcome of Recommendation 7.7, the Victorian Government considers funding electoral enrolment forms in languages other than English and/or considers funding the development of an in-language companion form to be provided with the electoral enrolment form.

Indigenous persons

7.69 The VEC's submission outlined educational and information activities which have targeted Indigenous Victorians including:

- Employing an Indigenous communications officer;

⁶⁰⁵ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, p.xxii.

⁶⁰⁶ Victorian Electoral Commission, *Submission No.8*, p.9.

⁶⁰⁷ Victorian Electoral Commission, *Submission No.8*, p.9.

⁶⁰⁸ Electoral registration forms are in Arabic, Bengali, Chinese, French, Gujarati, Hindi, Latvian, Lithuanian, Polish, Portuguese, Punjabi and Urdu. Electoral registration forms in languages other than English can be found at <http://www.aboutmyvote.co.uk/languages.aspx>

- Developing a poster and brochure featuring local Indigenous role models about the importance of enrolment and voting which were distributed along with enrolment forms to Indigenous organisations in Victoria;
- Recruiting Mr Syd Jackson, an Indigenous former football player, to record a series of radio advertisements which were broadcast on regional Indigenous radio stations;
- Establishing an information and enrolment stand at the Victorian Aboriginal Health Service in October and November 2006 and at the 2008 Reconciliation Day at Federation Square; and
- Working with the Department of Justice's community outreach program, *Koories know your rights*, providing information on enrolment and voting.⁶⁰⁹

7.70 The VEC indicated that it "sees Indigenous Victorians as a priority for its future efforts to increase electoral participation".⁶¹⁰ The Committee congratulates the work of the VEC to date and supports the VEC's position to prioritise electoral engagement strategies with Indigenous Victorians.

Persons who are geographically mobile

7.71 The VEC's submission identified people who are geographically mobile and reside in rental accommodation – 'renters' – as a group which is underrepresented in the Victorian electoral system. The VEC indicated that this is evident in areas where work is seasonal and inner city suburbs.⁶¹¹

7.72 For example, the voter turnout rate at the Albert Park District by-election on 15 September 2007 was 70.7 percent. In comparison with voter turnout rates at by-elections since 1977, the voter turnout rate at the Albert Park District by-election was the second lowest.⁶¹² While it is recognised that voter turnout at by-elections is less than that of state elections,⁶¹³ political scientists believe that the residential living arrangements and lifestyles of residents affect voter turnout. For example, Albert Park has approximately 64 percent of its residents living in flats, units or apartments and many of these residents are young, mobile professionals.⁶¹⁴

7.73 The VEC noted that renters and geographically mobile persons should be targeted as part of its electoral engagement program because:

Typically people who rent or who have recently moved home are less likely to enrol to vote. People in this situation can have significant information linkages (as evidenced with high internet usage) but maintaining their enrolment details and

⁶⁰⁹ Victorian Electoral Commission, *Submission No.6*, pp.20-21.

⁶¹⁰ Victorian Electoral Commission, *Submission No.6*, p.20.

⁶¹¹ Victorian Electoral Commission, *Submission No.6*, p.24.

⁶¹² Over a thirty year period, the lowest voter turnout rate was 66.8 percent for the Melbourne District By-election on 17 December 1977; the highest voter turnout was 93 percent for the Frankston East District supplementary election on 16 October 1999.

⁶¹³ Victorian Electoral Commission, *Submission No.6*, p.7.

⁶¹⁴ P Strangio and B Costar, "A Liberal serve of good old humble pie", *The Sunday Age*, 16 September 2007, p.2.

voting are not priorities for them. Their mobility may act to reduce their connection with their local and broader communities, and their perception of the relevance of voting to their lives...Low voter turnout rates in the inner suburbs are partly the result of electors changing address and not bothering to update their enrolment, and partly due to the fact that many people living in the inner city fall in the 18-25 age group and are less likely to enrol as a result of their age.⁶¹⁵

- 7.74 The Committee noted that this issue is not restricted to Victoria. The UK Electoral Commission also identified private renters and people who have recently moved house as less likely to be on the electoral roll and therefore unable to vote.⁶¹⁶
- 7.75 The VEC advised the Committee that it “uses information from the Residential Tenancies Bond Authority to write to new tenants inviting them to update their enrolment”.⁶¹⁷
- 7.76 The Committee encourages the VEC to continue to target this group, especially as many of these persons fall in the 18-25 age group which, as discussed in Chapter Six, has low enrolment rates.

Recommendation 7.9: The Victorian Electoral Commission continues to develop strategies to encourage renters and persons who are geographically mobile to maintain their electoral enrolment details.

Persons experiencing homelessness

- 7.77 A 2009 report on homelessness in Australia estimated that there are 20,511 people experiencing homelessness in Victoria.⁶¹⁸ Of these, 13,821 were aged 19 years and over.⁶¹⁹ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders suggest that this is a “conservative estimate” given that there is “anecdotal information from service providers across Australia the number of people experiencing homelessness on any given night is increasing.”⁶²⁰
- 7.78 The VEC estimated that at the 2002 Victorian state election approximately 5,000 to 12,000 people experiencing homelessness were not enrolled to vote.⁶²¹ In response, the VEC has:

⁶¹⁵ Victorian Electoral Commission, *Submission No.6*, p.24.

⁶¹⁶ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.48.

⁶¹⁷ Victorian Electoral Commission, *Submission No.6*, p.24.

⁶¹⁸ This figure includes persons living in boarding houses (4,457), supported accommodation assistance programs (6,436), friends/relatives (7,414) and improvised dwellings/sleepers out (2,204). See C Chamberlain and D McKenzie, *Counting the homeless 2006: Victoria*, Australian Institute of Health & Welfare, Canberra, July 2009, p.6.

⁶¹⁹ Statistics are not available for the number of homeless people aged 18 years. See C Chamberlain and D McKenzie, *Counting the homeless 2006: Victoria*, Australian Institute of Health & Welfare, Canberra, July 2009, p.7.

⁶²⁰ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.13.

⁶²¹ Victorian Electoral Commission, *Submission No.6*, p.21.

- Formed a partnership with the Council to Homeless Persons and the Homeless Persons' Legal Clinic;⁶²²
- Established a homelessness and voting advisory committee;⁶²³
- Developed and distributed two brochures to approximately 330 homelessness organisations throughout Victoria, with 'no fixed address' and ordinary elector enrolment forms;⁶²⁴
- For the 2006 Victorian state election, and for the first time, a mobile voting centre visited St Mary's House of Welcome in Fitzroy. The mobile voting centre enabled 68 people experiencing homelessness to cast their vote during the visit;⁶²⁵
- Organised enrolment days;⁶²⁶ and
- Assisted a group of St Mary's House of Welcome clients to vote at the 2007 Commonwealth election;⁶²⁷
- Educated service providers at six homelessness network forums.⁶²⁸

7.79 The Democratic Audit of Australia and PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders congratulated the VEC on its proactive approach leading up to the 2006 Victorian state election.⁶²⁹ In particular, the Democratic Audit of Australia noted:

We recommend that these measures continue and be expanded – particularly the location of mobile polling places at centres serving the homeless as occurred at the 2006 Victorian state election.⁶³⁰

7.80 The submission from PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders referred to Commonwealth law and research to

⁶²² Victorian Electoral Commission, *Submission No.6*, p.21; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19.

⁶²³ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19.

⁶²⁴ Victorian Electoral Commission, *Submission No.6*, p.21; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19.

⁶²⁵ Victorian Electoral Commission, *Report to Parliament on the 2006 Victorian state election*, Victorian Electoral Commission, Melbourne, July 2007, p.35; Victorian Electoral Commission, *Submission No.6*, p.21; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19.

⁶²⁶ Victorian Electoral Commission, *Submission No.6*, p.21; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19.

⁶²⁷ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19

⁶²⁸ Victorian Electoral Commission, *Submission No.6*, p.21.

⁶²⁹ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.19;

⁶³⁰ Democratic Audit of Australia, *Submission No.5*, p.6.
Democratic Audit of Australia, *Submission No.5*, p.6.

support their view of the importance of voting for people experiencing homelessness.⁶³¹

7.81 Although the VEC and the Victorian Government was congratulated on being the first Australian jurisdiction to “clarify that people experiencing homelessness (as defined in the *Electoral Act 2002*) are eligible to vote as itinerant or no fixed address electors”,⁶³² inquiry participants outlined proposed legislative changes to further facilitate the enfranchisement of people experiencing homelessness. In regards to the *Commonwealth Electoral Act 1918* (Cth), it was proposed that the Victorian Government should make representations to the Commonwealth Government to amend Section 96 of the Act so that:

- Section 96 should be reformed to include a definition of homelessness in order to clearly include people experiencing homelessness as itinerant electors and to allow them access to their human right to vote. Section 3A of the Victorian Electoral Act should be used as a guide by the federal government in reforming Section 96(1);
- Section 96(9)(a)...should be repealed to ensure that itinerant voters are not penalised by being removed from the electoral roll if they fail to vote at a federal election. The...Act should be amended to recognise the difficult personal circumstances that homeless people (using the itinerant elector provisions) experience, by virtue of their homelessness and marginalisation in the community; [and]
- Section 96(8)...stipulates that a person ceases to be entitled to enrol as an itinerant elector if that person resides in a subdivision for one month or longer. As it is very common for people experiencing homelessness to live in temporary accommodation for up to six months (or more), Section 96(8) prevents a large proportion of people experiencing homelessness from enrolling as itinerant voters. The Clinic submits that people experiencing homelessness should be able to reside in a ‘real place of living’ for at least six months, rather than only one month, before they become ineligible to enrol as an itinerant elector.⁶³³

7.82 In regards to the *Electoral Act 2002* (Vic) legislative changes were put forward by PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders for the Committee's consideration. In

⁶³¹ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.14-15. The submission notes “the Preamble to the *Support Accommodation Assistance Act 1994* (Cth) provides that it is essential that people experiencing homelessness have the opportunity to have a say in decision-making processes and policy development ... [and] requires that the Supported Accommodation Assistance Program assist homeless people to participate fully in civil and political life.” In addition, the submission referred to research conducted by the Department of Human Services (Vic) and PILCH Homeless Persons' Legal Clinic which reported that persons experiencing homelessness would like the opportunity to enrol to vote at elections and regard participation in decision-making processes as “very important” but “frequently violated”.

⁶³² PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.11.

⁶³³ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.15.

correspondence on 20 July 2009, the VEC responded to each of these proposals.

The Victorian Government should amend Section 22 of the *Electoral Act* so that homeless people who have found temporary or permanent accommodation are exempt from the 21 day address requirement found in Section 22(1) and are given additional time to enrol to vote. This will ensure that people experiencing homelessness who have found accommodation can enrol to vote as 'normal electors'.⁶³⁴

- 7.83 The VEC notes that it cannot see any advantage to the homeless with this change. Altering the timeframe makes no difference to the enrolment category.⁶³⁵

That the Victorian Government amend Section 22(1) of the *Electoral Act* so that homeless people who reside in temporary accommodation for over one month are still eligible to enrol to vote as itinerant electors.⁶³⁶

- 7.84 If this recommendation were implemented by the Victorian Government, the VEC notes a new provision could be added to Section 22 of the Act to allow homeless persons as defined in Section 3A of the Act to enrol as a homeless elector. According to the VEC, introducing this recommendation could result in inconsistencies with the *Commonwealth Electoral Act 1918* (Cth) as a new class of elector would be created.⁶³⁷

Section 23(4) of the *Electoral Act* should be amended such that persons with a 'reasonable excuse' for failing to notify the VEC of a change of residence with [in] the 21 day timeframe are not guilty of an offence. Homelessness as defined in Section 3A of the *Electoral Act* should be deemed a 'reasonable excuse'.⁶³⁸

- 7.85 The VEC would be reluctant to have Section 23(4) altered to specify what could be considered a 'reasonable excuse' as it may be used by others seeking to avoid penalties. The VEC notes that to make such a change would result in resourcing and funding implications in terms of follow-up administration of those not classified as homeless. The VEC proposed that it might be appropriate to amend Section 23(4) of the Act to include 'only those classified as homeless are exempt' from this requirement.⁶³⁹

Section 63 of the *Electoral Act* should be amended to allow people experiencing homelessness to register to vote as an itinerant voter up to the day of the election.

⁶³⁴ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

⁶³⁵ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

⁶³⁶ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

⁶³⁷ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

⁶³⁸ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

⁶³⁹ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

Section 63 should also be amended to allow itinerant voters to register to vote in person at voting centres on election day.⁶⁴⁰

- 7.86 The VEC notes that allowing people experiencing homelessness to register to vote as an itinerant voter up to the day of the election would have significant resourcing and funding implications, as procedures would have to be drafted and training provided to election staff for just this category of elector as opposed to all electors.⁶⁴¹

Section 164(1) of the *Electoral Act* should be amended to allow electors to attend offices of the VEC in person to verbally respond to Section 163 notices.⁶⁴²

- 7.87 The proposed amendment does not comply with the *Infringements Act 2006* (Vic) which states that non-voting excuses must be in writing and signed as an evidentiary matter. The VEC is also concerned that there could be occupational health and safety issues for VEC staff, should people who have been issued with a Section 163 notice be permitted to attend the VEC's offices to respond in person.⁶⁴³

Section 166 of the *Electoral Act* should be amended such that a person experiencing homelessness be exempt from the offence or fine in Section 166 if they are homeless within the definition of Section 3A.⁶⁴⁴

- 7.88 The VEC has moved to negate the anxiety caused by the receipt of failure to vote notices by requesting an explanation for these electors by keeping a flag on the State roll of those who have enrolled as part of the VEC's homeless campaigns and communication with homeless agencies. According to the VEC, introduction of a new enrolment category as described above will ensure that no homeless non-voters on the register would be prosecuted for failing to vote.⁶⁴⁵

Section 163 of the *Electoral Act* should be expanded to ensure that valid and sufficient excuse specifically includes homelessness and other issues such as drug or alcohol addiction, mental illness and literacy problems.⁶⁴⁶

- 7.89 The VEC indicated that it would be reluctant to specify what a 'valid and sufficient excuse' is for not voting.⁶⁴⁷

⁶⁴⁰ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

⁶⁴¹ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

⁶⁴² PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

⁶⁴³ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

⁶⁴⁴ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

⁶⁴⁵ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

⁶⁴⁶ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, pp.16-18.

Recommendation 7.10: The Victorian Government makes representations to the Commonwealth Government to amend Section 96 of the *Commonwealth Electoral Act 1918* (Cth).

Recommendation 7.11: The Victorian Government amends Section 23(4) of the *Electoral Act 2002* (Vic) to exempt only those classified as homeless from the requirement to notify the Victorian Electoral Commission in writing of a person's new address within 21 days after being entitled to be enrolled on the register of electors in respect of living at that new address.

Recommendation 7.12: The Victorian Government funds the Victorian Electoral Commission to continue to expand the location of mobile voting centres to organisations serving people experiencing homelessness.

Persons experiencing incarceration

7.90 In Victoria, persons who have been convicted of an offence against the law of the Commonwealth, State or Territory and who are serving a prison sentence of five years or more are excluded from the electoral roll.⁶⁴⁸ The implications of this provision is that:

[V]oting is compulsory in Victorian state elections for prisoners serving a sentence of five years or less [sic]. A Victorian elector who is incarcerated for more than five years is automatically removed from the Victorian electoral roll and must re-enrol to vote in Victorian elections upon their release.⁶⁴⁹

7.91 Submissions from the Democratic Audit of Australia and PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders argued that all people experiencing incarceration should be enfranchised.⁶⁵⁰ The Democratic Audit of Australia indicated that "this fits with the logic of compulsory voting and of the sentencing purpose of rehabilitation".⁶⁵¹ Others agreed noting:

⁶⁴⁷ L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 20 July 2009.

⁶⁴⁸ *Constitution Act 1975* (Vic) s48(2). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/. In addition, section 26(3) of the *Electoral Act 2002* (Vic) states that "The Secretary to the Department of Justice must as soon as practicable after the beginning of each month forward to the Commission a list specifying the name, date of birth, sex and last known place of residence, of each person who during the preceding month has been convicted in Victoria and is serving a sentence of five years imprisonment or more for an offence against the law of Victoria, the Commonwealth or another State or a Territory of the Commonwealth". Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

⁶⁴⁹ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.12.

⁶⁵⁰ Democratic Audit of Australia, *Submission No. 5*, p.5; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.21.

⁶⁵¹ Democratic Audit of Australia, *Submission No. 5*, p.5.

We contend, therefore, that recognition of a prisoner's right to vote promotes social inclusion which in turn encourages rehabilitation, integration and participation in the community.⁶⁵²

7.92 The submission from PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders also referred to the international law including the *UN Basic Principles for the Treatment of Prisoners* and the *UN Standard Minimum Rules for the Treatment of Prisoners* to support their view of the importance of the right to vote for people experiencing incarceration.⁶⁵³ Both submissions noted the significance of the High Court Decision in *Roach v Electoral Commissioner* (2007):

Voting in elections for the parliament lies at the very heart of the system of government for which the Constitution provides. ... Prisoners who are citizens and members of the Australian community remain so. Their interest in, and duty to, their society and its governance survives incarceration. Indeed, upon one view, the Constitution envisages their ongoing obligations to the body politic to which, in due course, the overwhelming majority of them will be returned following completion of their sentence.⁶⁵⁴

7.93 However, the inquiry participants acknowledged that although the decision "recognised an (implied) constitutional entrenchment of a universal adult franchise" it is subject to "proportionate exclusions".⁶⁵⁵

7.94 The Committee noted arguments for and against extending the franchise for people experiencing incarceration in its report on the conduct of the 2006 Victorian state election and matters related thereto.⁶⁵⁶ As part of its international investigations, the Committee also discussed with Demos, a public policy research and advocacy organisation, the issue of prisoner voting and disenfranchisement.⁶⁵⁷ Arguments for and against prisoner voting were also enunciated by the Democratic Audit of Australia and PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre

⁶⁵² PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.21.

⁶⁵³ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.21. See Articles 5 and 10 of the *UN basic principles for the treatment of prisoners* and Article 60(1) of the *UN standard minimum rules for the treatment of prisoners*.

⁶⁵⁴ *Roach v Electoral Commissioner*, High Court of Australia, 2006, 43, p.8. Retrieved on 14 July 2009 from <http://www.federationpress.com.au/pdf/RoachvElectoral%20Commissioner.pdf>

⁶⁵⁵ Democratic Audit of Australia, *Submission No.5*, p.5; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No. 10*, p.22.

⁶⁵⁶ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, p.87-88.

⁶⁵⁷ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.31.

and the Victorian Association for the Care and Resettlement of Offenders for the Committee's consideration.⁶⁵⁸

7.95 The aforementioned inquiry participants also recommended that the Committee consider:

- The VEC should conduct education and awareness activities to ensure that eligible incarcerated Victorians are adequately informed and able to exercise their right to vote. These activities should, at a minimum, include those set out in this [PILCH et al's] submission;⁶⁵⁹
- The VEC should receive additional funding from the Victorian Government to fund the VEC in providing information to Victorian prisoners, prisons, service providers and Department of Justice staff to enhance prisoner franchise in Victoria;⁶⁶⁰
- That in order not to compromise prison security and general routine, prisoners vote by post rather than mobile polling booths;⁶⁶¹ and
- To ensure that prisoners enjoy unhindered (to the extent commensurate with their incarceration) access to the franchise, the attention of relevant corrections officials be drawn to Section 152(1) & (1A) of the *Electoral Act 2002 (Vic)*.⁶⁶²

7.96 A mobile voting centre was located at the Melbourne Remand Centre and the Melbourne Assessment Prison at the 2006 Victorian state election.⁶⁶³ Given that the *Electoral Act 2002 (Vic)* provides for an elector who is serving a sentence of imprisonment or is in lawful custody or detention can apply to the VEC to be a general postal voter,⁶⁶⁴ the Committee supports the VEC and relevant corrections officials educating people experiencing incarceration about the right to vote and registering as a general postal voter. The education and awareness activities raised in the PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders submission is worthy of consideration by the VEC.

⁶⁵⁸ Democratic Audit of Australia, *Submission No.5*, p.5; PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.21-22.

⁶⁵⁹ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.23. Activities to increase the participation of prisoners in the electoral process are contained in pages 22-23 of the submission.

⁶⁶⁰ PILCH Homeless Persons' Legal Clinic, the Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders, *Submission No.10*, p.23.

⁶⁶¹ Democratic Audit of Australia, *Submission No.5*, p.5.

⁶⁶² Democratic Audit of Australia, *Submission No.5*, p.5. Section 152(1) of the *Electoral Act 2002 (Vic)* states "A person shall not hinder or interfere with the free exercise or performance, by any other person, of any political right or duty that is relevant to an election under this Act". Section 152(1a) of the *Electoral Act 2002 (Vic)* states "A person who contravenes subsection (1) is guilty of an indictable offence. Penalty: Level 6 imprisonment (5 years maximum) or level 6 fine (600 penalty units)". Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

⁶⁶³ Victorian Electoral Commission, *VEC Annual Report 2006-07*, Victorian Electoral Commission, Melbourne, 2007, p.9.

⁶⁶⁴ *Electoral Act 2002 (Vic)* s24(1)(d)(i) and (ii). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

Recommendation 7.13: The Victorian Government funds the Victorian Electoral Commission to provide information to persons experiencing incarceration, corrections service providers, and the Department of Justice to enhance the prisoner franchise in Victoria.

Overseas voters

- 7.97 The Committee is concerned that there is a large number of Victorians travelling or residing overseas at the time of an election who are not voting in elections. As part of its international investigations, the Committee met with Mr David Buckingham, the Agent-General for Victoria in London. The Committee and the Agent-General discussed ways to improve awareness and participation in electoral events by Victorians in the UK.⁶⁶⁵
- 7.98 The Agent-General expressed a view that there was a large number of Australians in London who were eligible to vote in the 2006 Victorian state election (estimated 70,000 to 80,000 persons).⁶⁶⁶ Upon analysing the long-term departures data available from the ABS (since the Commonwealth Government does not keep records on Australians living outside the country), the VEC had difficulty reconciling this figure. In addition, given that there are approximately 1,700 persons registered as Victorian overseas electors in London (and 4,009 worldwide)⁶⁶⁷ and fewer than 3,000 Victorians living or residing in the UK voted in the 2006 Victorian state election,⁶⁶⁸ these figures suggest that only a small number of eligible electors are aware of methods of voting in Victorian elections from an overseas location and overseas elector registration.
- 7.99 The VEC outlined some reasons for the low take up of overseas elector status and overseas electors voting:
- Maintaining enrolment may be considered a low priority for many electors moving overseas;
 - Procedures to register as an overseas elector and to retain registration at the end of six years is complex and bureaucratic;⁶⁶⁹
 - There is a lack of information about overseas voting and registering as an overseas elector;
 - There is a limited number of voting locations and these may be difficult to access if electors do not reside nearby;
 - Late delivery of ballot papers to overseas voting locations; and

⁶⁶⁵ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, pp.69-71.

⁶⁶⁶ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.69.

⁶⁶⁷ Victorian Electoral Commission, *Submission No.8*, p.7.

⁶⁶⁸ Victorian Electoral Commission, *Submission No.7*, p.6.

⁶⁶⁹ Overseas electors who are delaying their return to Australia must apply to the AEC each year to extend their overseas elector status, in the three months before their qualification is to expire.

- The time frame for postal voting period in Victorian elections is shorter than for Commonwealth elections (two weeks compared with three weeks).⁶⁷⁰
- 7.100 The Agent-General enunciated strategies including advertising electoral events in newspapers and magazines and communicating with eligible Victorians via the 'Victorians Abroad' network.⁶⁷¹ The VEC also suggested the following:
- Using data from the Department of Foreign Affairs and Trade (DFAT) database to communicate with Victorians about their enrolment and voting options;
 - Adopting the New Zealand system whereby New Zealand electors overseas can access the election website and download a ballot paper and declaration and either post or fax it to an election office;
 - Adapting the Victorian method of assisting Antarctic electors for overseas electors;⁶⁷²
 - Advertising on selected real estate websites;
 - Using Australian High Commission databases;
 - Supplying leaflets to travel agents in Victoria; and
 - Electronic and on-line voting.⁶⁷³
- 7.101 Using the 'Victorians Abroad' network and DFAT database would not require legislative change, and the VEC has indicated that it would be cost-effective.⁶⁷⁴
- 7.102 The VEC informed the Committee that some of the strategies would not be pursued:
- [A]dvertising in a major [UK] newspaper is unlikely to be included [in the communication strategy], in view of the expense and the fact that the VEC tried this in the 1999 State election without discernible effect.⁶⁷⁵
- 7.103 To mitigate the complex and bureaucratic issues associated with registering to be an overseas elector, the Democratic Audit of Australia stated:
- A requirement to formally renew one's desire to remain enrolled and re-declare an intention to return sometime in the future, or the act of exercising the vote once in a three year cycle, is a reasonable expectation to remain on the roll.⁶⁷⁶

⁶⁷⁰ Victorian Electoral Commission, *Submission No.7*, pp.8-9; Victorian Electoral Commission, *Submission No.8*, p.6.

⁶⁷¹ Electoral Matters Committee, Parliament of Victoria, *Report on international investigations into political donations and disclosure and voter participation and informal voting*, Parliament of Victoria, Melbourne, December 2008, p.71.

⁶⁷² For Victorian elections, Antarctic electors are emailed their ballot papers which the elector completes and emails back to the VEC.

⁶⁷³ Victorian Electoral Commission, *Submission No.7*, pp.9-10; Victorian Electoral Commission, *Submission No.8*, p.7.

⁶⁷⁴ Victorian Electoral Commission, *Submission No.8*, p.7.

⁶⁷⁵ Victorian Electoral Commission, *Submission No.7*, p.9.

⁶⁷⁶ Democratic Audit of Australia, *Submission No.5*, p.6.

7.104 The Committee was pleased with the VEC's initiative to establish early voting centres at Melbourne and Avalon airports for short-term travellers. The VEC advised that this initiative is to be emphasised and expanded for the 2010 Victorian state election.⁶⁷⁷ However, the Committee was concerned about the challenges that Victorian electors face with registering as an overseas elector.⁶⁷⁸ The Committee views this as an important area for legislative reform given the movement of Australians living and working overseas.

Recommendation 7.14: The Victorian Government makes representations to the Commonwealth Government to amend the *Commonwealth Electoral Act 1918 (Cth)* to reduce the complexity of the process involved with registration as an overseas elector.

Permanent residents and citizenship

7.105 As outlined in Chapter Three, in terms of citizenship, to be eligible to enrol to vote in Victoria, an individual must be:

An Australian citizen (or British subject who was on an Australian electoral roll on 26 January 1984 and - for Victorian elections only - if they were a British subject enrolled between 26 October 1983 and 25 January 1984 inclusive).⁶⁷⁹

7.106 This criterion means that temporary and permanent residents are ineligible to enrol to vote in Victoria, which is also the case in other Australian states and the Commonwealth. The Australian Citizenship Test Review Committee estimates that there are approximately 900,000 permanent residents in Australia who are eligible to take up citizenship, the majority of these being from the UK, New Zealand and South Africa,⁶⁸⁰ and are in turn, ineligible to vote. While beyond the terms of reference, the Committee is concerned about the large number of permanent residents who are not taking up citizenship and fully participating in the Australian community. It has been suggested that one reason for large number of permanent residents are the "hurdles" for permanent residents seeking Australian citizenship. The Democratic Audit of Australia proposed that "the path to citizenship should be clear and non-discriminatory, with barriers restricted to the truly necessary and no more".⁶⁸¹ Subsequently, the Committee encourages the Commonwealth Department of Immigration and Citizenship to promote

⁶⁷⁷ Victorian Electoral Commission, *Submission No.8*, p.6.

⁶⁷⁸ Persons can register as an overseas elector if they intend to live overseas for up to six years. Overseas elector must nominate how long they will be away and an address for electoral communication to be sent. If an overseas elector fails to vote in a Federal election, he or she is removed from the electoral roll. Electors who are going overseas for less than a year can send an Overseas Notification Form to the AEC.

⁶⁷⁹ *Constitution Act 1975 (Vic)* s48. Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ca1975188/

⁶⁸⁰ Australian Citizenship Test Review Committee, *Moving forward: Improving pathways to citizenship*, Commonwealth of Australia, Canberra, August 2008, p.43. Retrieved 27 July 2009 from http://www.citizenship.gov.au/test/changes/_pdf/moving-forward-report.pdf

⁶⁸¹ Democratic Audit of Australia, *Submission No.5*, pp.7-8. In its submission, the Democratic Audit of Australia notes that "since 2005, the hurdles for permanent residents seeking Australian citizenship have been raised: the period of required residency has been doubled from two years to four years and a Citizenship Test imposed".

pathways to citizenship and the acquisition of citizenship with eligible permanent residents.

- 7.107 Another concern of the Committee, as shared with the Australian Citizenship Test Review Committee, is the lack of “coordination of [electoral] education and citizenship policies”.⁶⁸² The lack of a systematic approach to enrolment and citizenship was raised in the Committee’s previous report on the conduct of the 2006 Victorian state election and matters related thereto.⁶⁸³
- 7.108 The Democratic Audit of Australia also requested the Committee consider “permitting permanent residents (under certain conditions) to enrol, as is the case in New Zealand and is currently being adopted in Ireland”.⁶⁸⁴ In New Zealand, “citizens, along with permanent residents who have been in New Zealand for a year, are required to enrol.” Elections New Zealand outlined the common arguments for restricting and extending the franchise:

The common argument used to restrict the vote to citizens is that only those who have committed themselves to the country should have a say in how it is run. Being born in a country or taking citizenship in an adopted country are seen as indicators of a connection to the society and therefore a right to be part of the decision-making process. ... As more people move between countries to live and work the links between citizenship, residency and having an interest in the politics of a country are changing. These changes are likely to lead to new debates about whether non-citizen residents should be included in the franchise.⁶⁸⁵

- 7.109 The Committee notes that while there is some interest in permitting permanent residents to enrol to vote, there has not been broad public support.

Annual reporting on electoral engagement activities

- 7.110 The Committee is aware of the work the VEC does to further improve the participation of eligible Victorian electors in electoral events. The VEC’s efforts are commended, in particular their work establishing relationships with community groups, the development of an action plan and the delivery of portfolio outcomes.
- 7.111 The submissions prepared by the VEC for this inquiry, as well as for the inquiry into the conduct of the 2006 Victorian state election and matters related thereto, in relation to electoral engagement have been informative. For both inquiries, the submissions have set out the barriers to voter participation and methods to further improve participation of communities in Victorian electoral events. In line with the VEC’s values of open communication, the Committee believes it would be beneficial for the VEC to include in its annual report to Parliament a section specifically examining

⁶⁸² Australian Citizenship Test Review Committee, *Moving forward: Improving pathways to citizenship*, Commonwealth of Australia, Canberra, August 2008, p.46.

⁶⁸³ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, pp.74-75.

⁶⁸⁴ Democratic Audit of Australia, *Submission No.5*, p.8.

⁶⁸⁵ Elections New Zealand, *Who can vote: The franchise*, Elections New Zealand, Wellington. Retrieved on 17 July 2009 from <http://www.elections.org.nz/democracy/concepts/control-and-equality/who-can-vote.html>

electoral engagement activities. This would improve transparency and accountability of the VEC's practices.

Recommendation 7.15: The Victorian Electoral Commission considers including in its annual report to Parliament a section specifically examining electoral engagement activities.

Chapter 8: Voting systems, electronic voting, compulsory voting enforcement in Victoria

- 8.1 This chapter considers evidence received by the Committee proposing an alternative PR counting method for Victorian Legislative Council elections. The chapter also addresses evidence from the VEC and the Computing Research and Education Association of Australasia (CORE) about electronic voting. The chapter concludes by examining arrangements in Victoria relating to compulsory voting enforcement.

Alternative proportional representation counting method

- 8.2 PR is a type of vote counting system which can be used when there are multiple vacancies at an election. Using PR, “candidates are elected on the proportion of the total vote that they receive. Preferences are transferred from elected or excluded candidates to continuing candidates in order to determine the most popular, or preferred, candidates”.⁶⁸⁶
- 8.3 In Victoria, a system of PR is used to elect the Legislative Council.
- 8.4 PR is used throughout Australian jurisdictions. In the Commonwealth Senate, PR counting is known as the ‘Senate System’.⁶⁸⁷ In NSW, a form of optional preferential PR is used to elect the Legislative Council.⁶⁸⁸ In the Australian Capital Territory Legislative Assembly and the Tasmanian House of Assembly, the Hare-Clark method of PR is used.⁶⁸⁹ In South Australia, elections for the Legislative Council are counted using a modified Hare-

⁶⁸⁶ Western Australian Electoral Commission, “Proportional Representation Explained for the Legislative Council and Local Government in Western Australia”, Western Australian Electoral Commission, Perth, p.1.

⁶⁸⁷ Electoral Council of Australia, Electoral Systems – Distribution of a Surplus, Electoral Council of Australia. Retrieved 15 July 2009 from http://www.eca.gov.au/systems/proportional/by_category/distr_surplus.htm

⁶⁸⁸ Electoral Council of Australia, Electoral Systems – Distribution of a Surplus, Electoral Council of Australia. Retrieved 15 July 2009 from http://www.eca.gov.au/systems/proportional/by_category/distr_surplus.htm

⁶⁸⁹ Electoral Council of Australia, Electoral Systems – Distribution of a Surplus, Electoral Council of Australia. Retrieved 15 July 2009 from http://www.eca.gov.au/systems/proportional/by_category/distr_surplus.htm

Clark system.⁶⁹⁰ In WA, the Weighted Inclusive Gregory Method (WIGM) is used.⁶⁹¹

- 8.5 During this inquiry, the Committee received evidence from an inquiry participant, Mr Anthony van der Craats, proposing an alternative PR counting method for the Legislative Council. The evidence proposed that the method used to distribute surplus votes, and calculate a new surplus transfer value, should be changed “to be based on the value of the vote and not, as is currently the case, the number of ballot papers”.⁶⁹² It was also suggested the transfer of ballot papers should also include any remainders which should be retained and transferred with the distribution and allocation of the vote.⁶⁹³
- 8.6 At the public hearings, a Committee member suggested that WA might have a system which aligned closely to the model proposed. In view of this, the Committee contacted the WA Electoral Commission to obtain further information about PR in that state.
- 8.7 In 1987, WA introduced PR for Legislative Council elections in multi-member regions.⁶⁹⁴ In 2007, “PR was also made law for multi-ward elections in local government authorities. At the same time, the PR formula was modified to the WIGM system for the Legislative Council and local government”.⁶⁹⁵
- 8.8 The Committee received extensive documentation from the WA Electoral Commission about WIGM. In terms of the distribution of surplus values, WA’s WIGM system distributes surplus values on the basis that all excluded candidates’ votes are transferred in the order in which the excluded candidate received them and at the value at which they were received.⁶⁹⁶
- 8.9 Following the public hearings, the VEC also provided supplementary evidence to the Committee about PR in Victoria and the WIGM system, given that this was seen to be the system most similar to that proposed by Mr Anthony van der Craats.⁶⁹⁷
- 8.10 The VEC noted that the WIGM system is different to the PR system used in Victoria on the basis of the way it calculates transfer values when

⁶⁹⁰ Electoral Council of Australia, Electoral Systems – Distribution of a Surplus, Electoral Council of Australia. Retrieved 15 July 2009 from

http://www.eca.gov.au/systems/proportional/by_category/distr_surplus.htm

⁶⁹¹ Western Australian Electoral Commission, “Proportional Representation Explained for the Legislative Council and Local Government in Western Australia,” Western Australian Electoral Commission, Perth, p.1.

⁶⁹² A van der Craats, *Submission No. 1*, p.1.

⁶⁹³ A van der Craats, *Submission No. 1*, p.1.

⁶⁹⁴ Western Australian Electoral Commission, “Proportional Representation Explained for the Legislative Council and Local Government in Western Australia,” Western Australian Electoral Commission, Perth, p.1.

⁶⁹⁵ Western Australian Electoral Commission, “Proportional Representation Explained for the Legislative Council and Local Government in Western Australia,” Western Australian Electoral Commission, Perth, p.1.

⁶⁹⁶ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008.

⁶⁹⁷ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008.

distributing a surplus.⁶⁹⁸ It also varies from the PR used in Victoria in the way it transfers ballot papers from excluded candidates.⁶⁹⁹

8.11 As noted by the VEC, in Victoria when “distributing a surplus value after a candidate has achieved a quota, all ballot papers from the elected candidate are distributed to continuing candidates at a reduced value (transfer value) so that the total value distributed is equal to the surplus”.⁷⁰⁰

8.12 As noted by the VEC:

[T]he transfer value is calculated by dividing the surplus by the total number of ballot papers held by the elected candidate, and all ballot papers from the elected candidate are passed on to continuing candidates at the same transfer value ... this means that ballot papers previously received by the elected candidate at a value of 1 will be passed on at a lower value during the surplus distribution. Ballot papers received by the elected candidate at an earlier surplus distribution or exclusion at a value less than one can be potentially passed on at a higher value during a subsequent surplus distribution.⁷⁰¹

8.13 Under WIGM, “consideration is given to the value at which the elected candidate received each ballot paper. The distribution of a surplus under this method, involves calculating a different transfer value for each bundle of ballot papers (of same value) held by the elected candidate.”⁷⁰²

8.14 The new transfer value is calculated using the formula:

$$\text{New transfer value} = \frac{\text{surplus}}{\text{Total votes (value)}} \times \text{previous transfer value} \quad ^{703}$$

8.15 In the VEC’s view, the WIGM system may be a ‘purer’ form of proportional representation than that currently in use in Victoria. However, the VEC believes that in most cases, it would deliver the same result as the PR system used in Victoria.⁷⁰⁴ Mr Anthony van der Craats also supported this notion at the public hearing:

I am not familiar with the Western Australian scenario, but I am conscious of the fact that in most cases the system produces the same overall result.⁷⁰⁵

8.16 The VEC also notes that WIGM is an inherently more complex PR system, involving more calculations and distributions than the Victorian PR model. As such, while the VEC suggests that it might be possible to adopt WA’s WIGM system in Victoria, this would involve significant administrative and technical costs, including changes to the VEC’s Election Management System.⁷⁰⁶

⁶⁹⁸ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, pp.4-6.

⁶⁹⁹ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, p.4.

⁷⁰⁰ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, p.4.

⁷⁰¹ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, p.4.

⁷⁰² Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, p.4.

⁷⁰³ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, p.4.

⁷⁰⁴ Victorian Electoral Commission, *Questions on notice no. 1*, 28 July 2008, p.5.

⁷⁰⁵ A van der Craats, *Transcript of evidence*, 24 July 2008, p.3.

⁷⁰⁶ Victorian Electoral Commission, *Questions on notice no. 1*, 2 July 2008, p.6.

- 8.17 The Committee notes the VEC's view that the WIGM system may be a 'purer' form of counting PR votes. The Committee supports the introduction of the WIGM system of counting votes for the Legislative Council.

Recommendation 8.1: The Victorian Government considers introducing the Weighted Inclusive Gregory Method of counting votes for the Legislative Council.

Electronic voting in Victoria

- 8.18 Electronic voting was trialled at the 2006 Victorian state election for electors who were blind and or vision impaired.

- 8.19 During the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee made a number of recommendations, including that the VEC conduct further electronic voting trials at future Victorian state elections, and that electronic voting trials be extended to include people from the print disabled community.⁷⁰⁷

- 8.20 For this inquiry, the VEC informed the Committee that it is currently re-examining the electronic voting option from the 2006 Victorian state election for future elections. According to the VEC's second supplementary submission, the first part of this analysis:

[W]ill be conducted on the feedback from users at the 2006 Victorian state election and the work of the AEC in developing its own electronic voting solution for the 2007 federal election (and the feedback thereon) to see what modifications could be made to the kiosks to improve them. This will include looking at whether there are improvements that could be made that would reduce the cost of rolling out the solution.⁷⁰⁸

- 8.21 The second part of the analysis will examine the feasibility of introducing forms of remote voting in Victoria, namely voting via the internet or telephone in a controlled facility. According to the VEC:

[T]his will start with an examination of whether the existing software might be readily adapted to provide voting via these additional channels. It will also include an examination of whether remote electronic voting might be used to provide a more useable, more widely-available or more cost-effective means of providing secret voting to the blind and vision-impaired.⁷⁰⁹

- 8.22 As part of this analysis, the VEC hopes to achieve a better and more economical system of electronic voting for the blind and vision impaired for the 2010 Victorian state election.⁷¹⁰ It also hopes to improve its commercial knowledge of developments in electronic voting, and investigate the potential to offer remote voting to eligible Victorians living or working

⁷⁰⁷ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election and matters related thereto*, Parliament of Victoria, Melbourne, June 2008, pp.181-193.

⁷⁰⁸ Victorian Electoral Commission, *Submission No.8*, pp.1-2.

⁷⁰⁹ Victorian Electoral Commission, *Submission No.8*, pp.1-2.

⁷¹⁰ Victorian Electoral Commission, *Submission No.8*, pp.1-2.

overseas at the time of the next election. The VEC acknowledges that legislative change would be required for this to happen.⁷¹¹

- 8.23 Like the VEC, the Committee noted the recent tabling of the Commonwealth Parliament's *JSCEM 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*. The report recommended that electronic voting at federal elections should be "discontinued due to high cost and poor take up".⁷¹²
- 8.24 In its second supplementary submission, the VEC records its view that electronic voting should be available, as part of Victoria's commitment to the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, to enable all Victorians, particularly those with disabilities, to take part in elections and participate in public affairs.⁷¹³
- 8.25 Further to this, in its second supplementary submission, the VEC notes that as legislation does not permit the use of electronic voting by the blind and vision impaired at local government elections, the VEC offered voters an opportunity to register for a large-format ballot paper or one in Braille. Given the success of this program, the VEC suggests the same option be given to blind and vision impaired voters at the 2010 Victorian state election.⁷¹⁴
- 8.26 The Committee supports the VEC's initiative to provide Braille and large-format ballot papers to electors who register for these ballot papers for the 2010 Victorian state election.

Expanding the electronic voting franchise: Methods to increase voter turnout

- 8.27 Chapter Four considers voter turnout in Victoria and discusses the VEC's proposal to repeal the three-month rule as a strategy to increase voter turnout at Victorian state elections. In its primary submission, the VEC states that expanding the electronic voter franchise could also increase voter turnout and engage many Victorians in the electoral process who would otherwise not vote.
- 8.28 The VEC proposes expanding the electronic voting franchise to include:
- People with motor impairments, who may have difficulty filling out paper ballots by hand without assistance;
 - People with poor English-language skills who may have difficulties understanding the instructions on the ballot paper (instructions, formality warnings etc, can be provided in multiple languages);
 - People who are illiterate in either English or their primary spoken language (instructions and options could be provided in audio through the headphones in multiple languages); and

⁷¹¹ Victorian Electoral Commission, *Submission No.8*, pp.1-2.

⁷¹² Victorian Electoral Commission, *Submission No.8*, p.2.

⁷¹³ Victorian Electoral Commission, *Submission No.8*, p.2.

⁷¹⁴ Victorian Electoral Commission, *Submission No.8*, p.2.

- Electors outside Victoria.⁷¹⁵

8.29 As noted by the VEC, currently the software used for electronic voting in Victoria has been established to cater for people with motor impairments and poor English language skills.⁷¹⁶

8.30 For electors outside Victoria, the VEC notes:

Turning to electronic voting outside Victoria, stand-alone electronic kiosks in overseas and interstate voting centres would be able to easily supply ballot papers for any District and Region. Currently large numbers of paper ballots must be shipped to these venues – this would be replaced with a small number of CDs and smartcards. The votes could also be sent back to Melbourne electronically (as they were from the non-metropolitan locations in the 2006 trial) and printed for inclusion in the count on election night, reducing the delay that currently occurs waiting for the ballot papers to be transported to Victoria. The VEC would also consider the AEC's 2007 trial of voting over the Department of Defence's intranet. Many Defence personnel overseas are stationed in remote areas, and often the normal postal voting process does not serve them well.⁷¹⁷

8.31 In its submission, CORE outlines its concern that regardless of the size or form of electronic voting in Victoria, there should be a voter-verifiable paper trail resulting from each voting transaction.⁷¹⁸ CORE recommends that:

1. If electronic voting is extended to voters who can read their own printout, then it should provide a printout for them to verify (a voter-verifiable paper trail), or some other form of direct verification.
2. The auditor's report should be public, and the source code should be available to a much wider group of experts for analysis.
3. There should be an Australia-wide set of standards for electronic voting systems, and it should include points (1) and (2).⁷¹⁹

8.32 Electronic voting is currently a topical issue in Canada, the US, the UK and Australia. The Committee wishes to learn more about the issues relating to electronic voting, and is of the view that a separate inquiry into electronic voting will give the Committee sufficient scope to report to the Parliament. The Committee will consider self-referencing an inquiry into electronic voting.

8.33 For this inquiry, the Committee supports extending the current electronic voting trial to eligible electors with a motor impairment, people with poor English-language skills and people who are illiterate in English.

Recommendation 8.2: The Victorian Government amends the *Electoral Act 2002 (Vic)* to allow very limited electronic voting trials for those eligible electors with a motor-impairment, people with poor English-language skills and people who are illiterate in English.

⁷¹⁵ Victorian Electoral Commission, *Submission No.8*, p.2.

⁷¹⁶ Victorian Electoral Commission, *Submission No.8*, p.2.

⁷¹⁷ Victorian Electoral Commission, *Submission No.8*, p.2.

⁷¹⁸ Computing Research and Education Association of Australasia, *Submission No.13*, p.2.

⁷¹⁹ Computing Research and Education Association of Australasia, *Submission No.13*, p.2.

Compulsory voting enforcement

- 8.34 Part 9, Division 2 of the *Electoral Act 2002* (Vic) provides for the enforcement of compulsory voting in Victoria.⁷²⁰
- 8.35 In the VEC's *Report to Parliament into the Albert Park District and Williamstown District by-elections*, December 2007, the VEC requested the Parliament to consider:
- Reviewing the penalty for not voting at a state election or by-election; and
 - The appropriateness of the current non-voter follow-up arrangements and the penalty quantum.⁷²¹
- 8.36 These issues were also raised by the Deputy Premier and Attorney-General, Rob Hulls MP in correspondence with the Committee.⁷²²
- 8.37 During the Committee's inquiry into the conduct of the 2006 Victorian state election and matters related thereto, the Committee considered the issue of voter enforcement and penalties associated with non-compliance. The Committee agreed that due to the complexity of the matter, the Committee would examine the issue more fully during this inquiry.⁷²³
- 8.38 Following the 2006 Victorian state election, the VEC recorded that 243,673 electors did not vote, which represents just over 7 percent of enrolled electors.⁷²⁴
- 8.39 Once the VEC excluded those electors who provided a valid excuse for not voting, the VEC issued a total of 146,474 Apparent Failure to Vote notices. A total of 74,005 non-voters who did not provide a valid response or did not respond were then sent an infringement notice, whereby the non-voter was fined half a penalty unit (which at the time was \$54).⁷²⁵
- 8.40 In November 2007, 47,409 apparent non-voters records were lodged with the Infringements Court; these electors had not provided an acceptable excuse for not voting or had not responded to the notices.⁷²⁶
- 8.41 Table 8.1 provides a summary of compulsory voting enforcement statistics for Victoria by category.

⁷²⁰ *Electoral Act 2002* (Vic) Part 9, Division 2. Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

⁷²¹ Victorian Electoral Commission, *Report on the Albert Park District and Williamstown District by-elections held on 15 September 2007*, Victorian Electoral Commission, Melbourne, December 2007, p.26.

⁷²² R Hulls MP, Deputy Premier of Victoria and Victorian Attorney-General, Correspondence, 19 March 2008, p.1.

⁷²³ Electoral Matters Committee, Parliament of Victoria, *Inquiry into the conduct of the 2006 Victorian state election*, Parliament of Victoria, Melbourne, June 2008, pp.177-179.

⁷²⁴ L Williams, Deputy Victorian Electoral Commissioner, Correspondence, 21 May 2008.

⁷²⁵ Victorian Electoral Commission, *Annual Report 2007–08*, Victorian Electoral Commission, Melbourne, 2008, p. 36.

⁷²⁶ S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 3 March 2008.

Table 8.1: Compulsory voting enforcement statistics for Victoria

	Category	Number
1	Total Enrolment	3,353,845
2	Total who Voted	3,110,172
3	Total who Did not Vote	243,673
4	Voter participation	92.73%
5	Apparent Failure to Vote notices [Stage 1]	146,474
6	Infringement Notices issued [Stage 2]	74,005
7	Infringement Reminders issued [Stage 3]	54,707
8	No. of electors who paid fine	15,554
9	No. referred to Infringements court [Stage 4]	47,409

Source: L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 21 May 2008; Victorian Electoral Commission, *Annual Report 2007-08*, 2008, pp.32, 36; L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 16 July 2009; S Tully, Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 3 March 2008.

8.42 As noted previously in this report, the Committee supports compulsory voting. The AEC outlines arguments in favour of compulsory voting, including:

- Voting is a civic duty comparable to other duties citizens perform;
- Parliament reflects more accurately the “will of the electorate”;
- Governments must consider the total electorate in policy formulation and management; and
- Candidates can concentrate their campaigning energies on issues rather than encouraging voters to attend the poll.⁷²⁷

8.43 Prior to the introduction of compulsory voting in Australian federal elections in 1924, the voting rate at the 1922 House of Representatives general election was 59.38 percent. In subsequent decades the voting rate has risen to around 95 percent.⁷²⁸ Voting became compulsory in Victoria in 1926. As a consequence voting rates increased from 59.2 percent at the 1924 Victorian state election to 91.8 percent at the 1927 Victorian state election.⁷²⁹ Compulsory voting was introduced in Queensland in 1915.⁷³⁰

⁷²⁷ T Evans, *Compulsory voting in Australia*, Australian Electoral Commission, Canberra, 2006.

⁷²⁸ T Evans, *Compulsory voting in Australia*, Australian Electoral Commission, Canberra, 2006, p.7.

⁷²⁹ S Bennett, *Compulsory voting in Australian national elections*, Research Brief, Department of Parliamentary Services, Parliament of Australia, Canberra, October 2005, p.5.

⁷³⁰ T Evans, *Compulsory voting in Australia*, Australian Electoral Commission, Canberra, 2006, p.5.

VEC's process for non-voters

- 8.44 Enrolment and voting are compulsory in Victoria.⁷³¹ The VEC may fine the elector for not voting without a valid and sufficient excuse if the elector was enrolled at a state general election or by-election. The VEC is obliged to send notices to enrolled Victorians who appear not to have voted.⁷³²
- 8.45 If an elector does not vote at an election, the VEC's process is as follows:
- **Step one – Apparent failure to vote notice:** The voter may be sent an apparent failure to vote notice. This notice asks the elector to supply an explanation for why it appears the voter did not vote. The voter is required to respond to this notice within 28 days of receiving it. If the explanation is accepted, the voter may be excused for not voting and no further action would be taken.⁷³³
 - **Step two – Infringement notice:** If the voter does not respond to the apparent failure to vote notice within 28 days of receiving it, or the explanation is deemed to be invalid, the voter will be sent an infringement notice. This notice is accompanied by the request to pay a penalty. The voter is required to respond to this notice within 42 days of receiving it.⁷³⁴ The penalty for not voting is determined by the *Electoral Act 2002 (Vic)*. As determined by the Act, the infringement amount for not voting is half a penalty unit, currently set at \$58.41.⁷³⁵ Penalty units are indexed annually for inflation. Any change to the value of a penalty unit happens on 1 July each year.⁷³⁶
 - **Step 3 – Penalty Reminder Notice:** If the voter does not respond to the infringement notice (either the invalid response or the no response notice type), the voter is sent a penalty reminder notice. This notice is accompanied by a request to pay the infringement penalty plus prescribed costs of \$20.40.⁷³⁷

⁷³¹ *Electoral Act 2002 (Vic)* s23 and s87(3). Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

⁷³² *Electoral Act 2002 (Vic)* Part 9, Division 2. Retrieved 27 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/

⁷³³ Victorian Electoral Commission, 2008 state by-election non-voter follow-up, Victorian Electoral Commission, Melbourne. Retrieved on 20 July 2009 from <http://www.vec.vic.gov.au/statedidnotvote.html>

⁷³⁴ Victorian Electoral Commission, 2008 state by-election non-voter follow-up, Victorian Electoral Commission, Melbourne. Retrieved on 20 July 2009 from <http://www.vec.vic.gov.au/statedidnotvote.html>

⁷³⁵ Victorian Electoral Commission, 2008 state by-election non-voter follow-up, Victorian Electoral Commission, Melbourne. Retrieved on 20 July 2009 from <http://www.vec.vic.gov.au/statedidnotvote.html>

⁷³⁶ *Monetary Units Act 2004 (Vic)* s5. Retrieved on 23 July 2009 from http://www.austlii.edu.au/au/legis/vic/consol_act/mua2004202/

⁷³⁷ Victorian Electoral Commission, About voting - Local council elections, Victorian Electoral Commissioner, Melbourne. Retrieved on 20 July 2009 from <http://www.vec.vic.gov.au/lgvoting.html>

- **Step 4 – Infringements Court:** If there is no response to the Penalty Reminder Notice, or the voter does not pay the penalty outstanding, proceedings can be brought against the voter in the Infringements Court.⁷³⁸

Infringements process

- 8.46 The Committee notes that the current fine for not voting without a valid excuse is half a penalty unit. In the event that the fine for not voting is not paid, the matter is referred to the Infringements Court.
- 8.47 If the fine is still not paid, or all reminder notices are ignored, the elector may not be able to renew their vehicle registration.⁷³⁹
- 8.48 If the sanction of vehicle registration non-renewal is imposed against the elector, it will prevent VicRoads from renewing the person's vehicle registration. It will also prevent the person from selling their vehicle.⁷⁴⁰
- 8.49 Before this sanction is imposed, the elector will be sent a letter which includes full details of their infringement warrant. If the infringement warrant is cleared, then the sanction will not be applied and the vehicle registration may be renewed. If the infringement warrant is not cleared, VicRoads will not send a vehicle registration renewal form and the vehicle registration cannot be renewed.⁷⁴¹
- 8.50 To prevent the vehicle becoming unregistered, any outstanding infringement warrants must be paid in full.⁷⁴²
- 8.51 Another alternative to the non-renewal of motor vehicle registration is the suspension of the elector's driver's licence. In a similar process to above,

⁷³⁸ Victorian Electoral Commission, 2008 state by-election non-voter follow-up, Victorian Electoral Commission, Melbourne. Retrieved on 20 July 2009 from <http://www.vec.vic.gov.au/statedidnotvote.html>

⁷³⁹ Victorian Government, Department of Justice, Fines Fairer and Firmer, 2009. Retrieved 22 July 2009 from

<http://www.fines.vic.gov.au/CA2570F400057BC0/page/If+You+Ignore+Your+Fine-Vehicle+Registration+Suspension+?OpenDocument&1=33-If+You+Ignore+Your+Fine~&2=20-Vehicle+Registration+Suspension+~&3=~>
⁷⁴⁰ Victorian Government, Department of Justice, Fines Fairer and Firmer, 2009. Retrieved 22 July 2009 from

<http://www.fines.vic.gov.au/CA2570F400057BC0/page/If+You+Ignore+Your+Fine-Vehicle+Registration+Suspension+?OpenDocument&1=33-If+You+Ignore+Your+Fine~&2=20-Vehicle+Registration+Suspension+~&3=~>
⁷⁴¹ Victorian Government, Department of Justice, Fines Fairer and Firmer, 2009. Retrieved 22 July 2009 from

<http://www.fines.vic.gov.au/CA2570F400057BC0/page/If+You+Ignore+Your+Fine-Vehicle+Registration+Suspension+?OpenDocument&1=33-If+You+Ignore+Your+Fine~&2=20-Vehicle+Registration+Suspension+~&3=~>
⁷⁴² Victorian Government, Department of Justice, Fines Fairer and Firmer, 2009. Retrieved 22 July 2009 from

<http://www.fines.vic.gov.au/CA2570F400057BC0/page/If+You+Ignore+Your+Fine-Vehicle+Registration+Suspension+?OpenDocument&1=33-If+You+Ignore+Your+Fine~&2=20-Vehicle+Registration+Suspension+~&3=~>

notices are sent to the elector and provided all outstanding warrants are cleared within seven days, the sanction will not be applied.⁷⁴³

- 8.52 The Committee notes the recent comments by Sydney magistrate, Ms Jacqueline Milledge, where she stated her concern that the NSW Roads and Traffic Authority (VicRoads counterpart in NSW) suspends driving licences and cancels registrations for non-payment of fines. She noted:

People are being suspended for ridiculously small amounts of money. Curbing the road toll is one thing, but we are creating a dangerous, unlicensed, uninsured sub-class of motorists.⁷⁴⁴

Compulsory voting penalties across Australia

- 8.53 Electors who fail to vote at a state, territory or federal election and do not provide a valid excuse are penalised. Depending on the election, penalties range between \$20 and \$130. The Northern Territory has the highest first infringement penalty at \$130, or one penalty unit.
- 8.54 Several state and territory governments around Australia have recently increased the fines for failing to vote. Table 8.2 sets out current penalty arrangements in all Australian jurisdictions.

Table 8.2: Compulsory voting penalties in Australian jurisdictions

State	Infringement notice		Court/State Registry for enforcement of fines
	Stage 1	Stage 2	
Victoria	\$58.41 (0.5 penalty unit)	\$78.81	\$78.81 + court costs (further action may include non-renewal of motor car registration or drivers licence)
Queensland	\$50.00	\$100	\$100 + court costs
New South Wales	\$25 - State election \$55 - Local election		<\$55 + court costs (further action includes non-renewal of drivers licence)
Northern Territory	\$130 (1 penalty unit)		<\$130 + court costs +

⁷⁴³ Victorian Government, Department of Justice, Fines Fairer and Firmer – If You Ignore Your Fine, 2009. Retrieved 22 July 2009 from <http://www.fines.vic.gov.au/CA2570F400057BC0/page/If+You+Ignore+Your+Fine-Vehicle+Registration+Suspension+?OpenDocument&1=33-If+You+Ignore+Your+Fine~&2=20-Vehicle+Registration+Suspension+~&3=~>

⁷⁴⁴ E Woods and L Schmidt, "Law & Order", *The Sun-Herald*, Sunday Life Magazine, 14 June 2009, p.10-12.

State	Infringement notice		Court/State Registry for enforcement of fines
	Stage 1	Stage 2	
			victims levy (\$5)
South Australia	max \$50		\$230 including court costs
Western Australia	\$20*		(further action may include suspension of driver licence)
Tasmania	\$24 (0.2 penalty units)		<\$150 + court costs
Australian Capital Territory	\$20		\$50 + court costs
Federal election	\$20		Up to \$50 + court costs

* WA issues a \$50 penalty if the non-voter is recorded as having not voted at a previous state election, referendum or by-election.

Source: Victorian Electoral Commission, About voting - Local council elections, Victorian Electoral Commission, Melbourne. Retrieved on 20 July 2009 from <http://www.vec.vic.gov.au/lgvoting.html>; Electoral Commission Queensland, Non-voter information, Electoral Commission Queensland, Brisbane. Retrieved on 22 July 2009 from <http://www.ecq.qld.gov.au/asp/index.asp?pgid=295>; Electoral Commission New South Wales, Penalties for not voting, Electoral Commission New South Wales. Retrieved on 22 July 2009 from; http://www.elections.nsw.gov.au/state_government_elections/voting/penalties_for_not_voting; *Electoral Act 2004* (NT); *Electoral Act 1985* (SA); Western Australia Electoral Commission, Failure to Vote, Western Australian Electoral Commission, Perth. Retrieved on 22 July 2009 from http://www.waec.wa.gov.au/voting/state_elections/failure_to_vote.php; *Electoral Act 2004* (Tas); Australian Capital Territory Electoral Commission, Frequently asked questions – Elections, Australian Capital Territory Electoral Commission, Canberra. Retrieved on 22 July 2009 from <http://www.elections.act.gov.au/faqselection.html>; Australian Electoral Commission, Voting within Australia - Frequently Asked Questions, Australian Electoral Commission, Canberra. Retrieved on 22 July 2009 from http://www.aec.gov.au/FAQs/Voting_Australia.htm#Is voting compulsory

Compulsory voting enforcement – international perspectives

- 8.55 Australia is one of the few countries with compulsory voting and a Westminster parliamentary system.
- 8.56 Table 8.3 lists countries with a compulsory voting system, the year in which compulsory voting was introduced or period when it was compulsory to vote.

Table 8.3: Countries with compulsory voting

No.	Country	Region	Year
1	Australia	Oceania	1924
2	Nauru	Oceania	1965
3	Belgium	Europe	1919
4	Greece	Europe	1975
5	France (Senate only)	Europe	1950's or 60's
6	Cyprus	Europe	1960
7	Luxembourg	Europe	1919
8	Liechtenstein	Europe	1922
9	Italy	Europe	1945-1993
10	Spain	Europe	1907-1923
11	Netherlands	Europe	1917-1967
12	Switzerland (canton of Schaffhausen continues to have it)	Europe	1904-1974
13	Austria (Tyrol, Vorarlberg & Styria)	Europe	1929-2004
14	Mexico	N. America	N/A
15	Singapore	Asia	N/A
16	Turkey	Asia	N/A
17	Argentina	S. America	1912
18	Brazil	S. America	N/A

Source: International IDEA, Compulsory voting, International Institute for Democracy and Electoral Assistance, Stockholm, 2007. Retrieved on 24 June 2009 from http://www.idea.int/vt/compulsory_voting.cfm

Modes and sanctions of compulsory voting enforcement

8.57 Countries employ numerous ways and sanctions to enforce their compulsory voting systems. Many impose a combination of these options, or different

options in different circumstances.⁷⁴⁵ These sanctions can include (in order of increasing severity):

- At the most basic level, non-voters can provide a **legitimate reason** for failing to vote to avoid a fine.⁷⁴⁶ How this is handled varies from country to country. In some countries, non-voters are first asked to justify their non-participation before a decision is made whether or not to impose a fine. In other cases it is up to electors to take the initiative to explain their absence from the polls to the relevant authorities in order to avoid measures being taken to penalise them;⁷⁴⁷
- A formal reprimand;⁷⁴⁸
- A less common reprimand is some form of **public notification** that an individual has failed to carry out their civic duty to vote. This is known by the French term 'affichage', and was common in the 19th century;⁷⁴⁹
- **Fines** are the most common form of sanction for non-participation in elections today. Some countries have blanket fines for all instances of violation; in other cases fines are incremental, and can involve graduation over stages by increasing from the first to the second violation;⁷⁵⁰
- Some countries restrict non-voters from **participating in** certain aspects of **civil life**, such as banning them from voting in future elections, running for public office or holding public administration posts;⁷⁵¹
- Some countries also place temporary bans on access to goods and services, such as banking and passports;⁷⁵² and
- **Imprisonment** for non-voters is usually a last resort, but has been formally incorporated into the sanction regimes of a number of countries.⁷⁵³

⁷⁴⁵ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.7.

⁷⁴⁶ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.7.

⁷⁴⁷ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁴⁸ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁴⁹ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁵⁰ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁵¹ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, pp.8-9.

⁷⁵² S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.9.

⁷⁵³ In Australia, following the 1993 Australian federal election, 43 non-voters received prison sentences of one to two days. See S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.10.

Compulsory voting enforcement regimes

Belgium

- 8.58 Belgium has one of the oldest existing national compulsory voting systems in the world. Electors are required to take the initiative to explain their absence, and are directly fined if they do not vote and do not give an explanation.⁷⁵⁴ A fine of between €25 to €50 (AUD \$44 - \$88) is imposed for the first instance of non-voting, and €50 to €125 (AUD \$88 - \$220) for the second instance.⁷⁵⁵
- 8.59 Voters who fail to vote in at least four elections over the course of 15 years, are removed from the electoral roll for ten years.⁷⁵⁶ Those who have been removed from the electoral roll for failing to participate in successive elections cannot be hired to or promoted in public office, nor can they be awarded state honours.⁷⁵⁷

Singapore

- 8.60 Singapore combines the removal of voting rights with a fine. Non-voters have their names automatically removed from the electoral register until they reapply - and unless they can produce a valid and sufficient reason for not having participated, must pay a fee SG\$5 (AUD \$4.30) to have themselves reinstated.⁷⁵⁸ Non-voters are prohibited from contesting in future elections.⁷⁵⁹

Luxembourg

- 8.61 Electors are required to take the initiative to explain their absence. Fines for not voting are €100 (AUD \$176) or more, and can rise to as much as €1,000 (AUD \$1,760) for repeated violations.⁷⁶⁰

Brazil

- 8.62 Non-voters not having a valid reason are required to pay a fine.⁷⁶¹ Normally ranging from 1.06 BRL to 3.51 BRL (AUD \$0.68 - \$2.26), it can increase to 35.1 BRL (AUD \$22.65) in unusual circumstances.⁷⁶²

⁷⁵⁴ M Gratschew, *Voter turnout in Western Europe since 1945*, International Institute for Democracy and Electoral Assistance, Stockholm, p.28.

⁷⁵⁵ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁵⁶ M Gratschew, *Voter turnout in Western Europe since 1945*, International Institute for Democracy and Electoral Assistance, Stockholm, p.28.

⁷⁵⁷ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, pp.8-9.

⁷⁵⁸ *Singapore Parliamentary Elections Act* (Singapore). Retrieved 27 July 2009 from http://statutes.agc.gov.sg/non_version/cgi-bin/cgi_getdata.pl?actno=2001-REVED-218&doctitle=PARLIAMENTARY%20ELECTIONS%20ACT%0A&segid=946439076-000003

⁷⁵⁹ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.9.

⁷⁶⁰ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁶¹ The Electoral Commission (UK), *Compulsory voting around the world*, Research report, UK Electoral Commission, London, June 2006.

8.63 Those who do not vote and do not pay the fine as well cannot obtain a 'suffrage certificate' (*título eleitoral*) and without such a certificate they are not able to:

- Be employed in the public sector;
- Be paid in public sector jobs;
- Carry out banking transactions;
- Obtain a passport for 90 days following the election;
- Receive state education;
- Get exemptions from military service; or
- Get exemptions from the payment of income tax.⁷⁶³

8.64 Non-voters are also prohibited from contesting in future elections. However it should be noted that the application of these sanctions is no longer widespread in Brazil.⁷⁶⁴

Greece

8.65 Until recently legislation prevented non-voters in Greece from obtaining a driver's license or passport but this was rarely enforced.⁷⁶⁵

Mexico

8.66 Whilst there are no formal sanctions, there are a range of social sanctions in place.⁷⁶⁶

Italy

8.67 Whilst there are no formal sanctions, social sanctions are in place. The latter are called "innocuous sanctions", which for example make it difficult to get a day-care place for a child.⁷⁶⁷ Up until compulsory voting formally ceased in 1993, Italy adopted a name & shame system wherein non-voter lists were put up in public spaces.⁷⁶⁸

⁷⁶² T Power, "Compulsory for whom? Mandatory voting and electoral participation in Brazil, 1986-2006", *Journal of Politics in Latin America*, January 2009: pp.97-122, p.107.

⁷⁶³ T Power, "Compulsory for whom? Mandatory voting and electoral participation in Brazil, 1986-2006", *Journal of Politics in Latin America*, January 2009: pp.97-122, p.107.

⁷⁶⁴ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.9.

⁷⁶⁵ M Gratschew, *Voter turnout in Western Europe since 1945*, International Institute for Democracy and Electoral Assistance, Stockholm, p.28.

⁷⁶⁶ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.9.

⁷⁶⁷ E Frankal, "Compulsory voting around the world", *The Guardian*, 4 July 2005. Retrieved on 22 July 2009 from <http://www.guardian.co.uk/politics/2005/jul/04/voterapathy.uk>.

⁷⁶⁸ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.9.

Swiss canton of Schaffhausen

- 8.68 Non-voters face a fine of 3 Swiss francs (AUD \$3.50), and until relatively recently district officers were sent to the elector's residence to collect them.⁷⁶⁹

Austria (some states)

- 8.69 Non-voters are fined between 300 and 3,000 ATS (AUD \$38.70 - \$387).⁷⁷⁰

Argentina

- 8.70 Non-voters are fined between 10 to 20 Argentinean Pesos (AUD \$3.30 - \$6.60).⁷⁷¹ In theory they are also ineligible for public office for three years following the election.⁷⁷²

Committee's view

- 8.71 The Committee views enrolment and voting as an integral part of civic participation. All Australians should feel proud to participate in free and fair elections.
- 8.72 The Committee notes that the penalty for not voting reflects prevailing community views. Fines imposed for failing to vote without a valid excuse are no different to any other fine in this respect.
- 8.73 The Committee understands that the VEC has resolved the initial administrative and reporting issues experienced with the Infringements Court and a forum is in place to deal with further issues as they arise.
- 8.74 The Committee believes that the current fine of half a penalty unit for not voting without a valid and sufficient excuse reflects prevailing community views. Electors have many opportunities for voting; in advance, by post and on election day itself. Consequently the Committee endorses the current penalties for those who fail to vote and do not have a valid excuse.

Recommendation 8.3: The Committee supports the current penalty quantum and arrangements for electors who fail to vote without a valid and sufficient excuse.

⁷⁶⁹ S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.8.

⁷⁷⁰ International IDEA, *Compulsory Voting - What is compulsory voting?* International Institute for Democracy and Electoral Assistance, Stockholm. Retrieved on 22 July 2009 from http://www.idea.int/vt/compulsory_voting.cfm.

⁷⁷¹ International IDEA, *Compulsory Voting - What is compulsory voting?* International Institute for Democracy and Electoral Assistance, Stockholm. Retrieved on 22 July 2009 from http://www.idea.int/vt/compulsory_voting.cfm.

⁷⁷² S Birch, *Full participation: A comparative study of compulsory voting*, United Nations University Press, New York, 2009, p.9.

Chapter 9: Conclusion

- 9.1 In this report the Committee has addressed a wide range of issues relating to voter participation and informal voting. In doing so, it has built on the Committee's work for the inquiry into the conduct of the 2006 Victorian state election and matters related thereto, and considered proposals to improve certain aspects of Victoria's electoral enrolment and voting systems.
- 9.2 Overall, this report has focused on strengthening Victoria's democratic system and contributed to current debate in Australia about electoral participation. The Committee received evidence from a diverse group of inquiry participants, many of whom shared the Committee's view that the inquiry has come at an opportune time. Evidence received addressed a wide range of topics, including:
- Electoral enrolment;
 - Voter turnout;
 - Electoral participation, including legislative and policy strategies to encourage participation;
 - Formal and informal voting;
 - Young people's participation in the electoral system;
 - Electoral engagement strategies;
 - Voting systems; and
 - Electronic voting.
- 9.3 Interest in this inquiry was not limited to Australia: during the Committee's international investigations many organisations supported the Committee's activities and noted the timeliness of this inquiry. Organisations the Committee met with overseas provided a wealth of information about some of the key policy issues the Committee considered during this inquiry.
- 9.4 In addition, the Committee wishes to note the contribution of the VEC to this inquiry. In addition to the VEC's formal submissions to this inquiry, Ms Liz Williams, the Deputy Victorian Electoral Commissioner, regularly assisted the Committee Secretariat with statistics and information on Victoria's electoral system.

Main findings

- 9.5 As noted earlier in this report, for this inquiry the Committee was particularly concerned about three issues:
- The rate of electoral enrolment in Victoria, and how to encourage enrolment by all eligible Victorians;
 - Voter turnout and strategies to encourage all Victorians to vote on election day, including those from community groups who have traditionally experienced low levels of voter turnout; and
 - Informal voting, including legislative and non-legislative strategies to increase the rate of formal voting at Victorian state elections.
- 9.6 In relation to electoral enrolment in Victoria, the Committee found that while Victoria has a good enrolment record when compared to other Australian states and territories, the fact that approximately 250,000 eligible Victorians are not on the electoral roll is a major cause for concern. Coupled with the fact that approximately 66,000 unenrolled Victorians attempted to vote at the 2006 Victorian state election, this gave the Committee ample reason to investigate methods to stimulate the electoral roll.
- 9.7 Declining voter turnout is a concern worldwide and in many major democracies at present. During this inquiry, the Committee considered a range of strategies to ensure that as many eligible Victorians participate in elections as possible. The Committee's recommendation to exempt those who move within an electorate from the three-month rule for electoral enrolment may have the affect of enfranchising thousands of eligible Victorians.
- 9.8 Developing strategies to address informal voting has been a major issue throughout this inquiry. Moreover, while there has been an increase in the informal voting rate across Victorian elections, what is more concerning to the Committee is that, at the 2006 Victorian state election, a large number of eligible Victorians attempted to vote, expressed a clear preference, but voted informally due to formality interpretation provisions in the *Electoral Act 2002* (Vic). Addressing this trend will require both legislative change and additional resources to help educate community groups who have high levels of informal voting.

Harmonisation of electoral laws: Future Committee work

- 9.9 During the Committee's inquiry, the Commonwealth Government established an Electoral Reform process, and in December 2008 released the first of two Green Papers on electoral reform.
- 9.10 The Committee notes that the second Green Paper will be released in late 2009. While it will predominantly address issues outside the Committee's scope of inquiry, it is likely that the Green Paper will canvass changes to

voter registration and enrolment practices, the issue of electronic voting, and a range of other topics in electoral administration, such as a national civics education program. Given the Committee has tabled this report prior to the release of the Green Paper, the Committee believes the Victorian Government will be well placed to contribute to the consultative process.

- 9.11 In addition, given that the Commonwealth Parliament's Joint Standing Committee on Electoral Matters recently recommended that electronic voting be discontinued at federal elections – and the VEC's strong interest in this technology – the Committee notes there may be scope to investigate issues relating to electronic voting at a later stage during the 56th Parliament.

Committee Room
Parliament House
27 July 2009

Appendix 1: List of submissions

No.	Name/Organisation	Date Received
1	Anthony van der Craats – Primary submission	5 June 2008
2	Anthony van der Craats – Supplementary submission	30 July 2008
3	Daryl Cox	23 June 2008
4	Michael Doyle	24 June 2008
5	Democratic Audit of Australia	25 June 2008
6	Victorian Electoral Commission – Primary submission	27 June 2008
7	Victorian Electoral Commission – Supplementary submission	2 March 2009
8	Victorian Electoral Commission – Supplementary submission	4 May 2009
9	Australian Greens Victoria	27 June 2008
10	PILCH Homeless Persons' Legal Clinic, Human Rights Law Resource Centre and the Victorian Association for the Care and Resettlement of Offenders	8 July 2008
11	Citizens Electoral Council of Australia	14 July 2008
12	Ethnic Communities' Council of Victoria	17 July 2008
13	Computing Research and Education Association of Australasia	26 September 2008
14	Aaron Martin	6 March 2009

Appendix 2: List of witnesses

No.	Date of Hearing	Witness	Position	Organisation
1	24 July 2008	Ms Caroline Adler	Manager and Principal Lawyer	PILCH Homeless Persons' Legal Clinic
2	24 July 2008	Ms Monika Pekevka	Secondee Lawyer	PILCH Homeless Persons' Legal Clinic
3	24 July 2008	Dr Mary-Ann Robinson	Manager, Research and Development	Victorian Association for the Care and Resettlement of Offenders
4	24 July 2008	Mr Stephen Luntz	Electoral Analyst	Australian Greens Victoria
5	24 July 2008	Mr Michael Doyle		
6	24 July 2008	Mr Jieh-Yung Lo	Policy/Project Officer	Ethnic Communities' Council of Victoria
7	24 July 2008	Mr Shaun Robson	Acting Chief Executive	Ethnic Communities' Council of Victoria
8	24 July 2008	Mr Anthony van der Craats		
9	24 July 2008	Mr Steve Tully	Victorian Electoral Commissioner	Victorian Electoral Commission
10	24 July 2008	Ms Liz Williams	Deputy Victorian Electoral Commissioner	Victorian Electoral Commission
11	24 July 2008	Ms Sue Lang	Manager, Communication, Education and Research	Victorian Electoral Commission
12	24 July 2008	Ms Alex Markham	Electoral Education Officer	Victorian Electoral Commission
13	4 May 2009	Mr Steve Tully	Victorian Electoral Commissioner	Victorian Electoral Commission
14	4 May 2009	Ms Liz Williams	Deputy Victorian Electoral Commissioner	Victorian Electoral Commission
15	4 May 2009	Ms Sue Lang	Manager, Communication, Education and Research	Victorian Electoral Commission
16	4 May 2009	Dr Paul Thornton-Smith	Senior Information and Research Officer	Victorian Electoral Commission

Appendix 3: Questions on notice

No.	Name/Organisation	Date Received
1	Victorian Electoral Commission	28 July 2008

Appendix 4: International investigations meeting schedule

No.	Date of Meeting	Witness	Affiliation
1	25 August 2008	Professor Fred Fletcher Dr Leslie Seidle	York University (Canada) Institute for Research on Public Policy (Canada)
2	25 August 2008	Mr Marc Mayrand Mr Matheiu Mainville Ms Janice Vezina Mr Marcel Vautour Mr Mike Saunders Mr Jeff Merrett Mr Richard Chiasson Ms Lyne Morin Ms Miriam Lapp	Elections Canada (Canada)
3	26 August 2008	Dr Lisa Young	University of Calgary (Canada)
4	27 August 2008	Mr Craig Jenness Mr Armando Martinez Valdes Mr Tadjoudine Ali-Diabacte Ms Sonja Bachman	Electoral Assistance Division of the United Nations (US)
5	27 August 2008	Ms Amy Loprest Ms Shauna Denkensohn Mr Eric Freidman Ms Elizabeth Upp Mr Christopher Oldenburg Ms Peri Horowitz Mr Erik Joerss	New York City Campaign Finance Board (US)
6	28 August 2008	Mr Miles Rapoport Ms Tamara Draut Ms Allegra Chapman	Demos (US)
7	1 September 2008	Professor Keith Ewing	King's College London (UK)
8	1 September 2008	Mr Alex Boughton Mr Michael Rafferty Ms Laura Miller Mr Alex Brazier	Hansard Society (UK)

9	1 September 2008	Mr Sam Younger Ms Caroline Evans Mr Clinton Proud Ms Lisa Klein	UK Electoral Commission (UK)
10	2 September 2008	Mr Peter Facey Ms Alexandra Runswick	Unlock Democracy (UK)
11	2 September 2008	Mr Lewis Baston Mr Havard Hughes Ms Amy Rodger	Electoral Reform Society (UK)
12	2 September 2008	Ms Oonagh Gay Mr Steve Priestly	Department of Information Services, House of Commons (UK)
13	2 September 2008	Mr David Buckingham Mr Iain Marland	Agent-General for Victoria (UK)
14	3 September 2008	Mr Peter Hawthorne	Committee on Standards in Public Life (UK)
15	3 September 2008	Ms Alda Barry	Parliamentary Commissioner for Standards, House of Commons (UK)

Appendix 5: New Zealand meeting schedule

No.	Date of Meeting	Witness	Affiliation
1	9 February 2009	Associate Professor Raymond Miller Associate Professor Ann Sullivan Dr Jennifer Curtin	New Zealand Election Study, The University of Auckland
2	9 February 2009	Mr Alex Penk Mr Steve Thomas	Maxim Institute
3	10 February 2009	Mr Robert Peden Ms Melissa Thomson Ms Kristina Temel	Chief Electoral Office, Ministry of Justice
4	10 February 2009	Mr Chester Borrows (Chair) Mr Simon Bridges (Deputy Chair) Mr Kalnwalijit Banshi Mr David Parker Ms Lynne Pillay Ms Jacinda Ardern Dr Kennedy Graham Ms Kate Wilkinson Mr James Picker (Clerk of Committee) Ms Vathani Shivanandan (Committee Report Writer)	Justice and Electoral Committee, New Zealand Parliament
5	10 February 2009	Associate Professor Andrew Geddis	Faculty of Law, University of Otago
6	10 February 2009	Ms Judy Kirk Mr Mark Oldershaw	New Zealand National Party
7	11 February 2009	Dr Helena Catt	Electoral Commission
8	11 February 2009	Mr Murray Wicks	Electoral Enrolment Centre
9	11 February 2009	Mr Mike Smith	New Zealand Labour Party
10	11 February 2009	The Hon Dr Lockwood Smith	Speaker of the New Zealand Parliament

Appendix 6: Electoral Matters Committee submission to the Commonwealth Electoral Reform process

23 February 2009

Electoral Reform Secretariat
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Dear Sir/Madam,

I refer to the Commonwealth Government's Electoral Reform process and the request for submissions.

The Victorian Parliament's Electoral Matters Committee welcomes this opportunity to make submissions to the Commonwealth Government's Green Paper process. The Committee comprises seven members of parliament, four from the Labor Party and three from the Liberal Party. The Committee currently has before it two inquiries, one dealing with issues relating to Political Donations and Disclosure, the other Voter Participation and Informal Voting. The report on the first reference is due to be tabled in the Victorian Parliament by early May 2009, the second by July 2009. I have enclosed for your interest information about the members of the Committee and the two terms of reference before it.

As part of its investigations into the two inquiries, the Committee advertised widely, seeking submissions from interested individuals and organisations. Following the receipt of the submissions, the Committee held public hearings in July 2008, providing those witnesses with the opportunity to expand further on their views. The submissions and evidence received by the Committee can be viewed on the Committee's website at www.parliament.vic.gov.au/emc.

The terms of reference for the inquiry into political donations and disclosure required the Committee to investigate legislative reforms in Canada, the United Kingdom and other relevant jurisdictions. The Committee travelled to Ottawa, New York and London where the Committee met with a range of experts on the relevant issues. Following the Committee's return to Australia, the Committee tabled a report on its international investigations in December 2008. This report can also be found on the Committee's website.

In early February 2009, the Committee travelled to New Zealand to investigate its two inquiries. Evidence from the New Zealand study tour is currently being examined. The Committee met with a number of key individuals and organisations, all of whom provided the Committee with

valuable insight and relevant practical experience on matters relating to the two inquiries.

It should be noted that whilst the evidence received on both international investigations was recorded with the agreement of the witnesses, it was done so on the basis that it would not be made public, rather to assist the Committee and secretariat to develop findings and recommendations for the reports. As such, the evidence is not on the Committee's website.

As you will appreciate, the Committee's first priority is to report to the Victorian Parliament on the findings and recommendations in relation to the two inquiries. Whilst the Committee supports harmonising electoral laws throughout Australia and Senator Faulkner's concerns about an escalating arms race in election expenditure across Australia, it is too early to determine whether the Committee's recommendations will coincide with that of the Commonwealth.

To assist the Commonwealth Government's Green Paper process, the Committee has attached a summary of the Committee's international investigations to Canada, USA and the United Kingdom. The Committee has separated the information into two documents. The first document deals with political donations and disclosure and the second document, voter participation and informal voting.⁷⁷³

The Committee wishes the Green Paper process every success and looks forward to receiving a copy of reports published. I will ensure you receive a copy of the Committee's reports on political donations and disclosure and voter participation and informal voting when tabled in the Victorian Parliament in May and July 2009 respectively.

Should you wish to contact the Committee further to discuss these submissions, please do so through the Committee's executive officer, Mark Roberts who will gladly assist you. Alternatively, you may wish to contact me directly, or the Committee's Deputy Chair, Michael O'Brien MP.

Further information about the Committee, including background about the Committee's current inquiries, recent activities and Member's profiles, can be found at <http://www.parliament.vic.gov.au/emc/>.

Yours sincerely,



Adem Somyurek, MLC

Chair

Electoral Matters Committee

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The Electoral Matters Committee submission on political donations and disclosure is not included in this report.

Report on international investigations into voter participation and informal voting

As part of its international investigations into voter participation and informal voting the Committee held meetings in Canada, the United States of America and the United Kingdom. The Committee met with the following individuals and organisations and discussed a range of issues, including methods to promote electoral participation, electoral education, comparisons of enrolment systems, automatic enrolment, election day registration and youth participation.

Canada

Elections Canada (Mr Marc Mayrand, Chief Electoral Officer)

Elections Canada is an independent, non-partisan agency that reports directly to the Parliament of Canada. Amongst other duties it conducts federal elections, by-elections and referenda and administers the political financing provisions of the *Canada Elections Act*.

The Committee's meeting with Elections Canada took place at a time when there was strong speculation that a general election would be called in Canada. The Committee was grateful to Elections Canada and Mr Mayrand for dedicating time to meet with the Committee during this busy period.

At this meeting the Committee met with Canada's Chief Electoral Officer, Mr Marc Mayrand and several other representatives from Elections Canada. Discussion extended to a range of topics, including the financing of political parties, Canada's National Register of Electors, voting methods, campaigns to increase voter enrolment and strategies to engage disenfranchised groups in voting.

The Committee learnt about Canada's National Register of Electors. According to Elections Canada's website, the:

National Register of Electors is a database of Canadians who are qualified to vote. It contains basic information about each person – name, address, sex and date of birth. Canadians may choose whether or not to have their names listed in the Register. The information in the National Register of Electors is used to produce the preliminary voters lists for federal elections, by-elections and referendums. It may also be used to produce voters lists for provinces, territories, municipalities and school boards that have signed agreements with Elections Canada, as permitted by the *Canada Elections Act* and provincial and territorial statutes.⁷⁷⁴

Elections Canada's website provides further information:

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Elections Canada. Retrieved 20 February 2008, from <http://www.elections.ca/content.asp?section=ins&document=national&dir=nre&lang=e&textonly=false>

About 17 percent of elector information changes every year. The National Register of Electors is updated with information (name, address, sex and date of birth) supplied by provincial, territorial and federal data sources between electoral events, and by electors themselves during federal electoral events. Elections Canada has signed agreements with data suppliers, including the Canada Revenue Agency, Canada Post Corporation, Citizenship and Immigration Canada, provincial and territorial registrars of motor vehicles and vital statistics, and provincial electoral agencies with permanent voters lists. Lists of electors from provincial and territorial elections are also used to update the Register. It is important to note that there is no database linkage between Elections Canada and these data suppliers.⁷⁷⁵

The Committee heard that one of the challenges Elections Canada faces is trying to keep the National Register's guiding database up to date. Although there is one register it is actually comprised of approximately 55,000 separate polling divisions and separate lists.

Registering to vote and voting is not compulsory in Canada. Requirements for both are that a person be 18 years of age or over, a Canadian citizen and can show proof of identity.

Voting methods were discussed. While the majority of people vote at polling booths on polling day the Committee was informed about other methods to vote in Canada. These include:

- Advance polls for voting on the tenth, ninth and eighth day before election day, which is always a Monday;
- Mobile voting stations and to institutions such as nursing homes and chronic care facilities; and
- Special voting rules, whereby voters who cannot get to a polling location, such as travellers, those with disabilities and those in isolated areas, can obtain a special envelope for postal voting. These votes must be received by 6 pm on polling day. Votes received after polling day are not included in the count.

Elections Canada provided the Committee with some very interesting evidence about methods used in Canada to promote and encourage voter participation. Ensuring that as many eligible Canadians as possible vote at election time is part of the Chief Electoral Officer's mandate.

The Committee learnt that there has been a decline in voter turnout at Canadian elections in recent years. Participation in Canadian elections has declined from a post-war turnout figure of approximately 75 percent to around 60 percent in 2004. Turnout at the 40th Canadian general election, held in October 2008, was 59.4 percent, the lowest rate ever recorded.

Due to this downward trend in participation and turnout, Elections Canada has placed a great deal of importance on electoral education programs.

Encouraging youth participation is seen as a major issue by Elections Canada due to research showing that 18-24 year olds are strongly

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Elections Canada. Retrieved 20 February 2008, from <http://www.elections.ca/content.asp?section=ins&document=national&dir=nre&lang=e&textonly=false>

represented in surveys of those not voting. Other communities with low voter turnout rates are aboriginal, First Nations, homeless people and people with special needs and disabilities.

Voter outreach programs directed at young people include “Leave Your Mark” reminder cards during an election period, and are sent to approximately 100,000 young people.

Outreach programs targeted at aboriginal and First Nations communities include the “Elder and Youth” program, which involves elders and young people working together at polling stations on election day, and the publication of election materials in community languages.

Elections Canada has a five-year strategic plan for voter participation, incorporating three objectives: trust, accessibility and engagement.

Dr Lisa Young, Researcher and Lecturer, Department of Political Science, University of Calgary

Dr Young’s interests include political parties, participation in politics, women’s participation in politics, interest groups and the development of social movements. She discussed a number of issues with the Committee relevant to voter participation and informal voting, including:

- **Youth participation.** Dr Young is the author of a number of studies about youth participation in Canada. She summarised the findings of research she completed analysing the membership of the five major Canadian political parties. Findings indicated that young people aged 18 to 24 were underrepresented as members of political parties, but were often members of university campus political organisations or youth groups which discussed political and social issues.
- **Profile of the Canadian political party membership.** Dr Young revealed that it was quite difficult to find reliable information about the membership of Canadian political parties. Membership tends to fluctuate with electoral activity; parties report an increase in membership applications at the time of key electoral events, such as a general election.

United States of America

United Nations, Electoral Assistance Division (EAD), Department of Political Affairs

The Electoral Assistance Division of the Department of Political Affairs is the United Nations (UN) focal point for electoral assistance activities, advising the Secretary-General on requests from Member states, and ensuring consistency in the delivery of electoral assistance by the United Nations.

The primary purpose of the EAD is to provide tactical support to those countries that request electoral support from the United Nations. Support can mean that the UN might send a volunteer or electoral expert to assist an

electoral authority with a technical issue, or provide governance and administrative support, such as in the Democratic Republic of the Congo, where the UN established a voter registration system.

The Committee was told of the EAD's approach to electoral support. As an international organisation the UN is conscious of its role as a "standard setting" institution. Nevertheless the EAD recognises that many UN member states have different cultural and social understandings of elections, and indeed contrasting experiences and histories of democracy. Given that the EAD works largely in post-conflict nations with developing institutional frameworks, much of the advice it provides is practical in nature.

During this meeting the Committee and EAD representatives discussed a range of issues relating to electoral participation. Members were particularly interested to learn more about the UN's work establishing a voter registration system in the Democratic Republic of Congo. The Congo is a geographically large nation with a land mass roughly the size of Europe. This fact led the UN to devise an electronic national elector database. The Committee learnt that the system recorded 26 million people out of a potential 28 million.

Electronic voter registration methods used in Iraq were also outlined to the Committee. The system is based on an electronic food database, involving digital identification technology.

The Committee was informed that in some developing African nations over 50 percent of the population is under 15 years of age. The UN anticipates that youth participation as a political issue will increase in importance in coming years.

The EAD also discussed some of the difficulties it has experienced developing electoral materials for people with little or no literacy. The Committee was shown examples of ballot papers produced by the EAD which feature electoral information in a predominantly visual format, for instance, ballot papers using pictorial representations of animals, easily recognized symbols as a means of identifying candidates. Indeed, one of the more practical issues the EAD faces in this respect is that many people in developing countries have never used a pencil.

On this subject the EAD noted the work of the Australian Electoral Commission (AEC). The UN regularly consults the AEC and has translated some AEC electoral materials into international languages, such as French and Spanish.

At the conclusion of the meeting Mr Craig Jenness, Director of EAD, told the Committee about a woman he had met in Cambodia while working as a human rights officer during the 1993 Cambodian elections.

At the close of polling, an ... old woman, who was well over 80, came hobbling down the road. She was limping and [Mr Craig Jenness] said, "Why did you come to vote?" she said, "Well, I had two sons and they were both killed in the war or by the Khmer Rouge, and people tell me that if I vote, other mothers won't lose their children."

New York City Campaign Finance Board (NYCCFB)

The NYCCFB was created in 1988 following a series of political finance scandals in New York City. The Board is an independent, non-partisan agency that aims to increase public confidence in the electoral process through the regulation of election campaign finance. The Board is composed of five members: two are selected by the Speaker of the New York City Council, two by the Mayor and the fifth, a chairman, is appointed to the Board by the Mayor following consultation with the Speaker.

The NYCCFB conducts various voter education and information projects. It also publishes a well-regarded voter guide which provides information about candidates for City Council elections in several languages. A telephone survey of New York City residents conducted by the Board found that over 92 percent of respondents thought the guide was a good idea. Over 2.7 million guides are sent out at election time.

DEMOS (Mr Miles Rapoport, President)

Mr Rapoport and the Committee considered a number of issues relating to voter participation in the United States and Australia.

Mr Rapoport suggested that some of the major factors influencing turnout rates at US elections were race, ethnicity, economic status and educational attainment.

DEMOS produces a wide range of literature about voter participation. Helping break down barriers to full and effective electoral participation is one of the organisation's key mandates. Mr Rapoport identified three areas of concern:

- **Registration restrictions.** Demos commended the practice of election day registration and the US states which permit voters to register on election day. In particular, Mr Rapoport noted Maine, Minnesota, Wisconsin, New Hampshire, Idaho, Wyoming, Iowa, Montana and North Carolina. According to Mr Rapoport, more states needed to embrace election day registration. Election day registration is a major topic of interest to the Committee. The Committee was interested to learn that many states have different laws and regulations for voter identification in relation to election day registration and that this has been a source of confusion for many years in the United States.
- **Prisoner voting and disenfranchisement.** The United States of America has one of the highest percentages of incarcerated citizens in the developed world. Strict control in some states of laws prohibiting convicted felons from voting has, in Mr Rapoport's view, affected election outcomes. In Florida at the time of the 2000 US presidential election, it is alleged that over 800,000 people were denied the right to vote due to Florida having a lifetime ban on voting for convicted felons.
- **Implementation of the National Voter Registration Act 1993.** This Act, also known as the 'motor voter law', provides that eligible Americans must be offered a chance to register to vote when they

apply or update their license details, and apply for certain social security benefits. The Committee was told that implementation and success rates amongst states have been mixed.

A general discussion of electoral administration in the United States also occurred. Mr Rapoport outlined the role of the Federal Election Commission (FEC), and offered some background information about the current legislative climate in the United States, and impetus for electoral reform.

United Kingdom

The Hansard Society

The Hansard Society is an independent, non-partisan political research and education charity. Amongst other activities, the Society is involved in political education and research, designing citizenship education for schools and administering a well-regarded internship program for university students. Representatives from the Society discussed the work of the charity's key programs and divisions. These were:

- **Citizenship Education Division.** Mr Michael Raftery, Director, outlined the work of the division. The Committee learnt that the division had designed citizenship modules for public school curricula. Members were especially interested to learn of the division's 'Y Vote' mock elections program. Through this program, the Society provides schools in Britain with literature and guidelines to run mock elections at the same time as general or local government elections. A total of 500,000 students participated in the program at the time of the 2005 general election.
- **Parliament and Government division.** The Parliament and Government division produces research on a range of subjects.
- **EDemocracy division.** Ms Laura Miller, Director, outlined a program currently run by the division called Digital Dialogues. The program is looking at methods of improving the clarity and effectiveness of online political communication. Given the Committee's interest in new forms of electronic communication and the relationship of these technologies to politics, a number of topics were addressed:
 - Further research was needed to assess the impact of social networking sites, such as Facebook and MySpace, on political activity;
 - Political engagement in online environments such as Second Life was discussed. As this was a relatively new form of political expression, Ms Miller cautioned that this technology was new and still being understood; and
 - The Committee and the Hansard Society discussed whether it was possible to use new 3G mobile phones to make contributions to parliamentary processes, such as parliamentary committees. Ms Miller noted that this was being investigated in the United Kingdom, and that

the implications of this technology were far-reaching and required further investigation.

Youth participation and voter registration emerged as key issues during the Committee's inquiries into the conduct of the 2006 Victorian state election.

It was suggested that participation by young people aged 18 to 24 in United Kingdom general elections could be improved.

The complexity of various electorates throughout the United Kingdom was discussed. The Committee was told that London was a diverse community and that the Society suspected that as many as 1 million people in that city were not registered to vote.

Further discussion took place about the Scottish and Welsh parliaments, devolution in the United Kingdom and general points about voting systems used in the United Kingdom. The Committee informed the Hansard Society that the Victorian Electoral Commissioner, Mr Steve Tully, had visited Scotland during the 2007 Scottish parliamentary elections to view electronic vote scanning and counting technologies in use there.

United Kingdom Electoral Commission

The Electoral Commission provided the Committee with a range of information about its voter registration and voter education programs.

Given that voting is not compulsory in the United Kingdom, ensuring full voter registration is one of the Electoral Commission's most important functions. 'Micro' advertising campaigns aimed at minority ethnic groups, people who have recently moved home, university students and young people are conducted on a regular basis. After the registration deadline has closed, the Commission also runs an electoral information campaign. The Committee was also told about the Commission's partnership grants program, which provides funding to charity organisations to provide voter outreach and education to groups that are difficult to reach through normal advertising methods.

Mr Younger, Chairman, suggested that current registration practice in the United Kingdom, requiring electors to register to vote as part of a household, was outdated. The Commission has made recommendations to the Parliament to introduce individual voter registration. These recommendations were prompted by allegations of fraud arising from the household voter registration system.

Unlock Democracy

Unlock Democracy was founded in November 2007 following the merger of Charter 88 and the New Politics Network. Unlock Democracy campaigns for democracy, rights and accountable government. The Committee and Unlock Democracy discussed several issues of relevance to the Committee's investigations into voter participation and informal voting.

The Committee was told that there is growing support throughout the United Kingdom for the harmonisation of electoral systems. A referendum on electoral reform was suggested as the most likely method of change.

Unlock Democracy has supervised hundreds of interns over the past decade and was well placed to discuss youth participation in electoral politics and political parties. Mr Peter Facey, Director, noted that while many of the interns were politically motivated and members of campus political clubs, it was rare to find an intern who was an active member of a political party. Mr Facey believed this pointed to a major problem with the party system, and problems with youth perceptions of politicians and the political process.

It was suggested that there was no 'quick fix' for youth participation. Expecting young people to embrace new technologies as a way to engage in politics was too simplistic an assumption.

Other issues discussed at the meeting included deliberative democratic processes in the United Kingdom, arguments for and against compulsory voting and observations about registration in the United Kingdom.

Electoral Reform Society

The Electoral Reform Society campaigns for voting system change in the United Kingdom. The Society supports this aim through a range of activities. While its activities have broadened somewhat over the years the Society is still primarily concerned bringing about change to voting practice in the United Kingdom.

Members were interested to discuss the Society's views about the rate of informal voting at the 2007 Scottish elections, having considered these issues during the Committee's inquiry into the conduct of the 2006 Victorian state election. The Scottish system was classified as being close to what Australians would recognise as an optional preferential voting system. Informal voting rates at the 2007 Scottish elections were influenced by a range of factors, including ballot paper design.

On the subject of Scotland, the Committee was pleased that representatives from the Society were able to shed some light on the electronic voting trials that occurred during the 2007 Scottish elections. Verification emerged as a major issue from the election.

Discussing youth participation, the Society revealed that SMS voting had been trialed in the United Kingdom.

Agent-General for Victoria, Mr David Buckingham

The Agent-General for Victoria assists Victorian businesses, industry association and other interested agencies and individuals in establishing trade, economic, financial and commercial ties with Europe.

The Committee met with Mr Buckingham and discussed issues affecting Australians and Victorians living in London. Some issues addressed included:


- It was suggested that over 500,000 Australians live in London at any one time. Of this figure, approximately 70,000 to 80,000 are Victorian and eligible to vote;

- Arrangements and facilities provided by the Agent-General for Victorians to vote;
- Mr Buckingham's experience and perceptions about trends in the number of Victorians living in London who voted at the time of the 2006 Victorian state election;
- Communication strategies. The Committee was told that the Agent-General had informed several federal parliamentarians about the large number of eligible voters living in London who were, by all accounts, not participating in the electoral process. Strategies used by the Agent-General to communicate with Victorians living in the United Kingdom were mentioned, such as newspaper advertisements, as well as advertisements in expatriate magazines such as TNT;
- The Agent-General outlined his office's "Victorians Abroad" program, a network designed to capture and store the details of expatriate Victorians; and
- Postal voting procedures for Victorians in London.

Appendix 7: Electoral enrolment in Victoria

Mail out supplement letter



Victorian Electoral Commission 

Our ref: 8567P3

WHY THIS FORM WAS SENT TO YOU

Under Victorian legislation, a number of organisations are required to provide the Victorian Electoral Commission (VEC) with information to assist in maintaining the electoral roll. When you register or change your details with one of these organisations, your details are provided to the VEC and you are sent this form to help you enrol or update your enrolment.

In this instance your information was provided to the VEC by VicRoads pursuant to Section 26(4) of the Electoral Act 2002.

If eligible you must enrol now

You must enrol or update your enrolment within 21 days of becoming eligible (see the section about enrolment and voting on page 1 of the enclosed form). If you've left an old address your name will be removed from the roll unless you complete a new application for electoral enrolment. If you don't enrol or update your enrolment you risk being fined and may not be able to vote.

Applications must be signed and witnessed

After completing the application you must sign the declaration at Question 9 in front of a witness, have the witness sign in the space provided and return the form to the VEC (if the form is not witnessed your application cannot be processed for State and local government enrolment and the form will be returned).

Electoral Registrar for
the Victorian Register of Electors
2 June 2009

Reminder letter



Victorian Electoral Commission 

Our ref: ????

6 July 2009

[insert name]
[insert address]
[insert locality state and postcode]

Dear [insert name]

REMINDER – YOU MUST RE-ENROL EVERY TIME YOU MOVE

The Victorian Electoral Commission (VEC) has not received a reply to the enrolment correspondence sent to you on [insert date of mail-out].

By law, you are required to complete a new application for electoral enrolment each time you move address.

Our records indicate that you are still enrolled at [insert current address as on roll]. If you have moved and this is no longer your principal place of residence, the VEC is required to remove your name from the register of electors in respect of this address.

To enable you to enrol for your new address, I have enclosed a new application for electoral enrolment. The form has been pre-filled to make it easier for you.


- Please check the pre-filled details carefully and amend anything that is not correct;
- Provide your driver's licence (or learner's permit) number at question 8 (if you don't have a driver's licence or learner's permit you will need to provide proof of identity using the alternative methods described on page 3);
- Read the information about enrolment and voting on page 1 to ensure you satisfy the enrolment criteria; and
- Sign the application in front of a witness, have the witness sign in the space provided and return the form to the VEC (if the form is not witnessed your application cannot be processed for State and local government enrolment and the form will be returned).

If you have not moved, already updated your enrolment or have any queries regarding this matter, please contact us on **1300 805 478**.

If you don't re-enrol you risk being fined and may not be able to vote.


Electoral Registrar for
the Victorian Register of electors

Electoral enrolment in Victoria form



Application for electoral enrolment in Victoria

Use this form to enrol, or change your residential or postal address or name details on the electoral roll



OFFICE USE ONLY

Use X in the boxes where appropriate. Use black or blue ink and BLOCK LETTERS

1 Your current name Mr Mrs Ms Miss Dr Other Date received at VEC _____

Family name _____
Given name(s) _____

2 Your current residential address You can give more detail or draw a simple map at Question 11 on Page 3 if necessary.
Clearly identify your residential address. A locality name or mail service number is not enough.

_____ State **V I C** Postcode _____

3 Postal address Leave blank if the same as residential address.
_____ State _____ Postcode _____

4 Contact details (Optional) Mobile phone _____ Daytime phone _____
You may be contacted regarding your enrolment details. Email _____

5 Date of birth D / M / Y / Y / Y / Y Gender

6 Are you enrolling to vote for the first time in Australia? Yes **GO TO QUESTION 7**
No Are you advising a change to:
 your address?
 What was your previous or old enrolled address?
 _____ State _____ Postcode _____
and/or your name?
 Previous family name _____
 Previous given name(s) _____

7 Are you an Australian citizen by birth? Yes Town of birth _____ **GO TO QUESTION 9**
You must be an Australian citizen, or a British subject who was on the Australian electoral roll on 25 January 1984, to be eligible to enrol.
If you are an Australian citizen by birth who was NOT born in Australia please provide information in the space provided at Question 11 on Page 3.
No Country of birth _____
Have you been granted Australian citizenship?
Yes Citizenship certificate number _____
If you need to add more details about your citizenship, for example, if you arrived in Australia under a different name please include these details at Question 11 on Page 3.
No Are you an eligible British subject who was enrolled on 25 January 1984?
Yes No You may not be eligible to enrol to vote. Call the Australian Electoral Commission on 13 23 26

8 Do you have an Australian driver's licence as proof of your identity for Commonwealth electoral enrolment? Driver's licence number _____ State or territory of issue _____ **GO TO QUESTION 9**
If you don't have an Australian driver's licence **GO TO QUESTIONS 9 and 10**

9 YOUR DECLARATION

- I have read the section about enrolment and voting on Page 1
- I am eligible to enrol at the above residential address and claim enrolment for Federal, State and local government elections in Victoria
- All the information I have given on this form, including any information given at Questions 10 and/or 11, is true and complete, and
- I understand that giving false or misleading information is a serious offence

 Your Signature or Mark _____ Date _____ / /
WITNESS DECLARATION —

- I am on the electoral roll for Victoria, and
- I saw the applicant sign or make a mark on this form and am satisfied that all statements in it are true

 Name of witness _____
 Signature of witness _____
 Address of witness _____

Witness declaration must be completed for State and local government enrolment and in all cases where an elector has made a mark, if unable to sign their name.

Page 2
VCEP-CRU-4E-D-8008

Proof of identity

10 How are you proving your identity for Commonwealth electoral enrolment?

A I have an Australian driver's licence and have given my licence details at Question 8. **You don't need to provide any other proof of identity. Please return the form to the address shown on Page 1**

OR

B I don't have an Australian driver's licence. I have an original of ONE of the documents from the list below which I can use as proof of my identity.

Mark (x) ONE document only

<input type="checkbox"/> Birth certificate, or an extract (must be Australian and issued at least 5 years ago)	<input type="checkbox"/> Firearms licence (must be current with a photograph and signature)
<input type="checkbox"/> Certificate of Australian citizenship	<input type="checkbox"/> Justice of the Peace appointment document (must be Australian)
<input type="checkbox"/> Concession card from Centrelink (must be current)	<input type="checkbox"/> Marriage certificate (must be registered in Australia)
<input type="checkbox"/> Concession card from the Department of Veterans' Affairs (must be current)	<input type="checkbox"/> Medicare card
<input type="checkbox"/> Credit or bank account card (must be current)	<input type="checkbox"/> Passport (must be Australian and current)
<input type="checkbox"/> Defence force, Australian discharge certificate	<input type="checkbox"/> Proof of age card issued by, or under the authority of, a state or territory government
<input type="checkbox"/> Divorce documents from the Family Court of Australia	<input type="checkbox"/> Security guard/crowd control licence (must be current)
<input type="checkbox"/> Employee identification card (must be current with a photograph and signature)	<input type="checkbox"/> Student identification card (must be current with a photograph)

SHOW your document to an authorised person **SEE THE LIST ON PAGE 4**
 The authorised person needs to complete and sign the declaration below.

DECLARATION — *by authorised person*

- I am enrolled on the Commonwealth electoral roll
- I am a person authorised to be shown an identity document
- I have sighted an original identity document for Name of applicant _____

Name of authorised person _____	Authorisation number from the list on Page 4 which most applies to you _____ Number _____
Signature of authorised person _____	Address of authorised person _____

▶ Please return the form in the reply-paid envelope

OR

C I don't have an Australian driver's licence and I don't have a document from the list above. TWO people who have known me for at least one month will confirm my identity below. (NOTE: These people do not have to be authorised persons)

DECLARATION — *by the TWO people who are confirming your identity. These people can be family or neighbours*

PERSON 1	PERSON 2
<ul style="list-style-type: none"> I am enrolled on the Commonwealth electoral roll I can confirm the identity of Name of applicant _____ I have known the applicant for at least one month 	<ul style="list-style-type: none"> I am enrolled on the Commonwealth electoral roll I can confirm the identity of Name of applicant _____ I have known the applicant for at least one month
Name of person 1 _____	Name of person 2 _____
Signature of person 1 _____	Signature of person 2 _____
Address of person 1 _____	Address of person 2 _____

▶ Please return the form in the reply-paid envelope

11 Use this space ONLY if you need to provide ADDITIONAL INFORMATION requested on Page 2. For example: Rural, remote and other residential address details, including your Crown Allotment number or Crown Parish name, or more details about your citizenship.

Page 3
VCEP-CRU-4E-D-8008

Why this form was sent to you

Under Victorian legislation, a number of organisations are required to provide the Victorian Electoral Commission (VEC) with information to assist in maintaining the electoral roll. When you register or change your details with one of these organisations, your details are provided to the VEC and you are sent this form to help you to enrol or update your enrolment.

People authorised to be shown an identity document at **1** on Page 3

- Authorisation number
- 1 Aboriginal and/or Torres Strait Islander incorporated organisation committee member or chairperson
 - 2 Accountant (must be a registered tax agent)
 - 3 Airline passenger carrier ground staff
 - 4 Australian Electoral Commission or other state or territory electoral authority staff
 - 5 Bank, credit union or building society officer (except the manager of a bank travel centre)
 - 6 Clerk, sheriff or bailiff of a court
 - 7 Commissioner for Affidavits, Declarations or Oaths
 - 8 Commonwealth, state or territory government full-time permanent or part-time employee (includes authorities)
 - 9 Commonwealth, state or territory Member of Parliament or local government councillor or member of their staff
 - 10 Defence force member
 - 11 Dentist
 - 12 Diplomatic or consular officer (except an honorary consular officer)
 - 13 Engineer, chartered professional or member of the Association of Consulting Engineers
 - 14 Finance Company officer
 - 15 Justice of the Peace
 - 16 Liquor license holder (must be current)
 - 17 Manager of a community, ethnic or remote resource centre
 - 18 Manager of a women's refuge or crisis and counselling centre
 - 19 Marriage celebrant (within the meaning of the Marriage Act 1961)
 - 20 Marriage counsellor (within the meaning of Family Law Act 1975)
 - 21 Master of a merchant vessel
 - 22 Medical Practitioner
 - 23 Member of the Association of Taxation and Management Accountants
 - 24 Member of the Institute of Company Secretaries of Australia
 - 25 Minister of Religion (within the meaning of the Marriage Act 1961)
 - 26 Nurse, registered or enrolled
 - 27 Person employed as a remote resource centre visitor
 - 28 Pharmacist
 - 29 Physiotherapist
 - 30 Pilot (must hold a current license)
 - 31 Police officer or police aide
 - 32 Postal manager or other permanent Australia Post employee
 - 33 Prison officer
 - 34 Real estate agent (must be licensed or registered)
 - 35 Statutory office holder receiving an annual salary
 - 36 Surveyor (must be registered or licensed)
 - 37 Teacher (primary, secondary or tertiary) (must be full-time permanent or part-time and currently employed)
 - 38 Veterinary Surgeon
 - 39 A person not listed above before whom statutory declarations may be made under a law of the Commonwealth, state or territory

Special enrolment

Contact the Victorian Electoral Commission for more information and special application forms if you:

- have no fixed address;
- are temporarily overseas;
- are in prison;
- are physically incapable of signing your name;
- are working in Antarctica;
- cannot attend a polling place on polling day;
- believe that having your address shown on a publicly available roll may endanger your safety or that of your family; or
- are over the age of 70 years and wish to become a General Postal Voter for Victorian State and local government elections.

Help in other languages

АМХЕТ	(03) 9209 0190	Amharic
عربي	(03) 9209 0100	Arabic
Bosanski	(03) 9209 0191	Bosnian
ខ្មែរ	(03) 9209 0192	Cambodian
粵語	(03) 9209 0101	Chinese (Cantonese)
國語	(03) 9209 0106	Chinese (Mandarin)
Hrvatski	(03) 9209 0102	Croatian
داری	(03) 9209 0193	Dari
Dinka	(03) 9209 0119	Dinka
Ελληνικά	(03) 9209 0103	Greek
Italiano	(03) 9209 0104	Italian
한국어	(03) 9209 0194	Korean
Македонски	(03) 9209 0105	Macedonian
فارسی	(03) 9209 0195	Persian
Русский	(03) 9209 0196	Russian
Српски	(03) 9209 0107	Serbian
Soomaalí	(03) 9209 0108	Somali
Español	(03) 9209 0109	Spanish
Türkçe	(03) 9209 0110	Turkish
Việt ngữ	(03) 9209 0111	Vietnamese
	(03) 9209 0112	All other

Need extra forms?

Forms are available on the VEC website, at Coles Supermarkets and Australia Post Offices, or by calling the VEC

1300 805 478 www.vec.vic.gov.au

Access to your information

Under Victorian and Commonwealth legislation the names and addresses of all electors (except silent electors) must be publicly available. The electoral roll can be inspected at the office of the Victorian Electoral Commission (VEC) and any Australian Electoral Commission (AEC) office.

Under Victorian and Commonwealth legislation electoral information is provided to other individuals, organisations and groups such as political parties, candidates, the Justice Commission and local government. Other agencies and organisations receive enrolment information for law enforcement and prevention or to assist with health screening or research.

A copy of the VEC's Privacy Policy and a list of agencies that receive electoral information in accordance with the Electoral Act 2002 is available at www.vec.vic.gov.au and from the VEC.

A list of agencies entitled to receive electoral information under the Commonwealth Electoral Act 1918 is available at www.aec.gov.au and from the AEC.

The AEC and the VEC exchange electoral information under a joint rolls arrangement to update the electoral roll. As part of the roll update activities the VEC may disclose your name to other people living at your enrolment address.

Form submitted by the Victorian Electoral Commission, Level 5, 122 Little Collins Street, Melbourne 3000
Printed by Select Group, 101 Farnley Road, Northcote, Victoria 3106

ENROL EVERY TIME YOU MOVE

You must be enrolled at this address if you are an Australian citizen 18 years of age or older and this is your principal place of residence.

WHAT TO DO WITH THIS FORM

- 1 Cross out anyone listed below who no longer permanently lives at this address.
- 2 List anyone else living at this address who may be eligible to enrol.
- 3 If eligible, complete the application for enrolment on page 2 and return this form to the VEC.

Why this form was sent to you (SEE PAGE 4)

Enquiries 1300 805 478

IMPORTANT You must read this information before completing the application on the on page 2

Enrolment and voting is compulsory

If eligible, you are required to enrol and vote in federal, State and local government elections and may be fined if you do not.

You see eligible to enrol and vote if you:

- are an Australian citizen, or a British subject who was enrolled on 25 January 1984 (and – for Victorian elections only – if you were a BRISB subject enrolled between 26 October 1963 and 25 January 1984 inclusively; and
- are 18 years or older; and
- have lived at an address which is your principal place of residence for at least one month.

* You can enrol when you are 17 years of age, but cannot vote until you are 18.

Special enrolment categories are listed on page 4.

If eligible you must enrol now

You must enrol or update your enrolment within 21 days of becoming eligible (see above). If you've left an old address your name will be removed from the roll unless you complete a new application for electoral enrolment. If you don't enrol or update your enrolment you risk being fined and may not be able to vote.

Proof of identity

You must prove your identity for Commonwealth electoral enrolment.

How to prove your identity?

- 1 If you have an Australian driver's licence, provide your licence details at Question 8.
- 2 If you don't have an Australian driver's licence, you need an authorised person to sign an original of ONE of the documents listed on Page 3. (Authorised person are listed on Page 4)
- 3 If you don't have an Australian driver's licence AND you don't have any of the documents listed on Page 3, you need TWO people who are enrolled and have known you for at least one month to confirm your identity.

Applications must be signed and witnessed

After completing the application you must sign the declaration at Question 9. For State and local government enrolment the witness declaration at Question 9 must also be signed.

What happens when you return the form?

If you have completed an application for electoral enrolment, it is checked and your name and address is placed on the electoral roll for federal, State and local government elections if you are eligible. If you have not received written confirmation of your enrolment within three weeks of applying, please call the Australian Electoral Commission on 13 23 26.

Completed forms

When completed, return this form in the reply paid envelope provided. If there is no envelope, post the form to: Victorian Electoral Commission Reply Paid 66506 MELBOURNE VIC 3000 No stamp required if posted in Australia.

Not an Australian citizen? Please tick this box and your name will be removed from our mailing list.

Electors enrolled at:

1. Cross the name out of anyone listed below who is no longer living permanently at this address, and write in their new address if you know it (this information will only be used by the VEC to invite the person to update their enrolment). If you cannot provide a new address, we must send correspondence to the person at this address to inform them that they are being removed from the roll.
2. List anyone else living at this address who may be eligible to enrol but who is not listed below. They should also complete an enrolment form (see "Need extra forms?" on page 4).

Names of other persons enrolled here:	New address or comments	Ref No. (Office use only)

Any questions, please telephone 1300 805 478

Is the list complete and accurate and have you completed the application on the other side? Yes No

Signature Name Date

Appendix 8: State and federal election timelines

Comparison - State and Federal Election Timelines					
Victorian State Election Timeline 2006			Federal Election Timeline 2007		
Day	Date	Activity	Day	Date	Activity
0	Tues 31 Oct	Issue of the Writs	0	Wed 17 Oct	Issue of the Writs Close of rolls for new enrolments
1	Wed 1 Nov		1	Thurs 18 Oct	
2	Thurs 2 Nov		2	Fri 19 Oct	
3	Fri 3 Nov		3	Sat 20 Oct	
4	Sat 4 Nov		4	Sun 21 Oct	
5	Sun 5 Nov		5	Mon 22 Oct	
6	Mon 6 Nov		6	Tues 23 Oct	Close of rolls for roll updates
7	Tues 7 Nov	Close of rolls	7	Wed 24 Oct	
8	Wed 8 Nov		8	Thurs 25 Oct	
9	Thurs 9 Nov		9	Fri 26 Oct	
10	Fri 10 Nov	Close of noms Early voting from 4pm	10	Sat 27 Oct	
11	Sat 11 Nov		11	Sun 28 Oct	
12	Sun 12 Nov		12	Mon 29 Oct	
13	Mon 13 Nov	Early voting/postal voting	13	Tues 30 Oct	
14	Tues 14 Nov		14	Wed 31 Oct	
15	Wed 15 Nov		15	Thurs 1 Nov	Close of noms
16	Thurs 16 Nov		16	Fri 2 Nov	Declaration of noms
17	Fri 17 Nov		17	Sat 3 Nov	
18	Sat 18 Nov		18	Sun 4 Nov	
19	Sun 19 Nov		19	Mon 5 Nov	Early voting/postal voting
20	Mon 20 Nov		20	Tues 6 Nov	
21	Tues 21 Nov		21	Wed 7 Nov	
22	Wed 22 Nov		22	Thur 8 Nov	

Comparison - State and Federal Election Timelines					
Victorian State Election Timeline 2006			Federal Election Timeline 2007		
Day	Date	Activity	Day	Date	Activity
23	Thurs 23 Nov		23	Fri 9 Nov	
24	Fri 24 Nov	Close of early voting	24	Sat10 Nov	
25	Sat 25 Nov	Election day	25	Sun 11 Nov	
			26	Mon 12 Nov	
			27	Tues 13 Nov	
			28	Wed 14 Nov	
			29	Thurs 15 Nov	
			30	Fri 16 Nov	
			31	Sat 17 Nov	
			32	Sun 18 Nov	
			33	Mon 19 Nov	
			34	Tues 20 Nov	
			35	Wed 21 Nov	
			36	Thur 22 Nov	
			37	Fri 23 Nov	Close of early voting
			38	Sat 24 Nov	Election Day

Source: L Williams, Deputy Victorian Electoral Commissioner, Victorian Electoral Commission, Correspondence, 6 July 2009.

Appendix 9: Extracts from the minutes of proceedings – 27 July 2009

The minutes of the proceedings of the Electoral Matters Committee show the following divisions which took place during consideration of the draft report. A summary of these proceedings follows:

Chapter Three

Question: That Recommendation 3.1 of Chapter Three stand part of the report – put.

The Committee divided.

Ayes: 4

Noes: 2

Mr Adem Somyurek MLC
Hon Candy Broad MLC
Hon Christine Campbell MP
Mr Robin Scott MP

Mr Michael O'Brien MP
Mr Philip Davis MLC

Question agreed to.

Chapter Five

Question: That Recommendation 5.3 of Chapter Five stand part of the report – put.

The Committee divided.

Ayes: 3

Noes: 2

Mr Adem Somyurek MLC
Hon Christine Campbell MP
Mr Robin Scott MP

Mr Michael O'Brien MP
Mr Philip Davis MLC

Question agreed to.

Minority report

Coalition members of the Committee do not support the following recommendations proposed and supported by Labor members:

3.1—The Committee recommends that the Victorian Government examine legislative reform to achieve the following goals –

Maximising the electoral enrolment of eligible Victorians, including enforcement of the compulsory enrolment provisions of the *Electoral Act 2002* (Vic); and

Ensuring the accuracy of the electoral roll and prevention of fraudulent enrolment.

The examination should consider the following options –

smart enrolment;

automatic enrolment;

election day registration; and

a dormant roll.

5.3—The Victorian Government examine legislative reform to the formality interpretation provisions in the *Electoral Act 2002* (Vic) to maximise the electoral participation of eligible Victorians, whilst maintaining a system of compulsory preferential voting. The examination should consider South Australian ticket voting and other possible rules governing the informality of ballots and savings provisions.

In recording our opposition to these recommendations, we note that it is inappropriate for the Committee to self-reference an inquiry into voter participation and informal voting in Victoria, conduct such an inquiry over many months (including collecting evidence from the United States, Canada, the United Kingdom and New Zealand) and then recommend that the Government inquire into essentially the same matters.

Coalition members believe that the Committee has an obligation to reach a conclusion on the proposals referred to in the contested recommendations, rather than handball them to Government for further inquiry.

Previous enquiries of this Committee have emphasised the importance of harmonisation of State and Federal electoral laws. Coalition members strongly support the streamlining of the enrolment process, subject to maintaining consistency with Federal electoral law and the primary obligation to preserve the integrity of the electoral roll.

Therefore, as a matter of principle, Coalition members support measures to enhance harmonisation of electoral laws and which will make the process of enrolment easier for citizens.

Measures such as “smart enrolment”, where an electoral commission can use information held by it about citizens to pre-populate fields on enrolment forms and thereby make completing forms easier, hold much promise in this regard.

However, measures proposed for further consideration by Labor members, such as “direct” or “automatic” enrolment, fundamentally change the civic balance between citizen and government.

As the Victorian Electoral Commission explains (at paragraph 3.106):

Under a system of direct, or automatic, enrolment, an electoral authority would enrol people itself, based on information it held, instead of waiting for individuals to take the initiative and send an enrolment form to the electoral authority. Such a system would reverse the responsibility for registration from the individual to the government. (emphasis added)

This measure would turn upside down over 150 years of democratic practice in Victoria.

For government to assert the right to enrol citizens, even without their knowledge, is fundamentally undemocratic and an abrogation of the long-held civic rights of individuals.

Enrolling to vote has always been a right and a responsibility of individual citizens. The idea that this right and responsibility should be taken away from individuals and usurped by government is not one which the Coalition members of the Committee can support.

Likewise, the recommendation proposed and supported by Labor members of the Committee that the Government examine so-called ticket voting is not one which Coalition members can support.

Under ticket voting, a voter who puts a 1 in a candidate's square is deemed to wish to follow the registered how-to-vote card of that candidate's party and the vote is counted accordingly.

While ticket voting may increase the level of formal voting, it does so at the expense of allowing individuals the right to freely express their choice at the ballot box, including those who may wish to deliberately record an informal vote by simply voting for a single candidate.

Coalition members do not believe that the government of the day, or the Parliament, should have the role of "deeming" what a particular voter may intend by a clearly marked ballot paper. Coalition members believe that a voter's clearly marked ballot paper should be taken as it is found. Any other action imports to the voter an intention that may not be held, and therefore interferes with that voter's exercise of his or her democratic rights.

For these reasons, Coalition members do not support recommendations 3.1 or 5.3.

Michael O'Brien MP (Deputy Chair)

Philip Davis MLC

Murray Thompson MP