

**AUSTRALIAN ELECTORAL COMMISSION**

**SUBMISSION TO THE INQUIRY BY THE JOINT  
STANDING COMMITTEE ON ELECTORAL MATTERS  
INTO THE 2007 FEDERAL ELECTION**

**19 MAY 2009**

## 1. INTRODUCTION

1.1 This submission provides responses to requests for information taken on notice at the public hearing attended by the Australian Electoral Commission (AEC) in Canberra on 11 May 2009.

## 2. DEFECTIVE POSTAL VOTE APPLICATIONS

2.1 On page EM12 of the transcript of the public hearing of 11 May 2009, in discussions about defective postal vote applications (PVAs), Mr Sullivan requested information as follows:

**Mr SULLIVAN**—Do you track what happens to those defectives? Do we know how many of those 50,000 that were returned turned into votes?

**Mr Dacey**—We would have that information, but not with us.

**Mr SULLIVAN**—I wonder if you could supply that?

**Mr Dacey**—We expect so. I cannot confirm. We will go back to the office and check.

**Mr SULLIVAN**—The other figure I would be interested in, because I was quite astounded by the quantum that you told us about, is how many ballot papers are subsequently ruled out because of defective witness signatures or dates or the like?

**Mr Dacey**—We do code them. We do not have that, but we would be happy to take that on notice. We can provide you by a code as to the reason why the ballot was not counted..

### *AEC Response*

2.2 The AEC has previously advised that it received approximately 50,000 defective PVAs. Of these, approximately 5,500 fell into the categories of 'received too late' (i.e. after the Thursday before polling day cut-off); 'cancelled'; 'could not be matched to an enrolled elector'; and 'multiple defectives' (i.e. some electors lodged more than one defective application).

Accordingly, these have been excluded, leaving a balance of approximately 44,500 defective PVAs.

2.3 The AEC can advise that

(a) approximately 41,000 of those electors who lodged defective PVAs cast a vote (although about 580 of these electors did in fact cast postal votes which were subsequently rejected because they were either cast after polling day or received too late. Technically these electors had to be categorized as non-voters so are included in the total of apparent non-voters below); and

(b) approximately 4,000 of those who lodged defective PVAs were listed as apparent non-voters.

2.4 For those electors who initially lodged defective PVAs, 164 postal vote certificates were rejected on the basis of not being witnessed correctly. A further 418 were rejected because they were either cast after polling day or received too late.

### **3. ELECTRONIC ENROLMENT**

3.1 At the public hearing on 11 May 2009 (Hansard pages EM26-27), the Committee requested that the AEC provide practical advice on how the AEC might have confidence in the veracity of data received electronically directly from an elector for electoral enrolment update purposes. This request relates to the Internet based enrolment model previously suggested in the AEC's submissions.

#### *AEC Response*

#### **Background**

3.2 The increasing trend towards on-line government service delivery presents a significant challenge to the AEC, particularly in relation to the AEC continuing to be able to incorporate the existing paper-based enrolment form in the paper-based processes of other government agencies.

3.3 For example, up until 2002 the ACT government provided a single paper-based form to allow ACT residents to update their address for all government services. An enrolment form was included in this 'whole of government' change of address form. During its existence, over 30% of all enrolment transactions in the ACT came from this source.

3.4 In 2002 the ACT 'whole of government' change of address form was abolished and replaced by an on-line service (Canberra Connect). Consequently, the AEC lost this valuable paper-based source for receipt of enrolment updates.

3.5 Additionally, the AEC currently leverages off the paper-based change of address advice sent to licence holders in Queensland who change their address. This scheme is the second highest source of enrolment updates in Queensland. The scheme will come to an end in 2009 as the Queensland Transport Authority is moving from their existing paper-based process to an electronic system.

3.6 In its report into the conduct of the 2004 Federal Election, the Committee recommended that the AEC display enrolment forms in Centrelink and Medicare offices as a means for increased accessibility within the community. Since implementing this recommendation in 2007 less than 40,000 enrolment updates have occurred from forms sourced from these offices. This compares to over half a million Internet sourced forms received by the AEC in same time period.

3.7 The above examples demonstrate that while the AEC is restricted to paper-based processes for enrolment update, accessibility for electors will continue to reduce.

3.8 An increasing number of government service delivery agencies are allowing clients to notify a change of address either by telephone or on-line. A range of personal particulars are verified by these agencies prior to accepting the address change. Government agencies and private entities engaging with their clients electronically have increased client expectations that electronic facilities will be available to them.

3.9 The AEC has proposed that electronic enrolment would be appropriate for currently enrolled electors moving address, but would not be available to elector's enrolling for the first time. However, given the checking processes undertaken by the Department of Immigration and Citizenship (DIAC) before citizenship is granted, there is scope to consider whether electronic enrolment may be extended to new citizens.

3.10 The AEC wants to be clear that the proposal for electronic enrolment is not an automatic roll update facility. It is simply an alternative mechanism for the elector to request that the AEC update their address. The AEC will not apply any updates to the roll until it is satisfied that the claim is legitimate and satisfies all the requirements of the *Commonwealth Electoral Act 1918* (CEA).

3.11 The existing enrolment application form seeks a range of personal information from the elector. The purpose for collecting this information is two-fold. Firstly, it is used to satisfy the AEC as to the identity and eligibility of the person making the claim. Secondly, it establishes the entitlement of the person to have their name included on the relevant divisional roll.

3.12 The AEC maintains a comprehensive enrolment history on all electors. Each time an elector updates their enrolment the AEC data matches the personal information provided on the enrolment form against the existing history for that elector. In addition, the AEC checks against other government agency data. If there is any discrepancy in any of the personal information provided, the AEC undertakes follow-up action directly with the elector before processing any roll update.

3.13 Electors who chose to access electronic enrolment will be required to provide all of the information that is currently required on a paper enrolment form. This includes:

- Current full name
- Former name (if applicable)
- Date of birth
- Current residential address
- Former residential address
- Country of birth
- Town of birth for those born in Australia
- Citizenship number for those not born in Australia
- Driver licence number (if applicable)

3.14 For all electronic enrolment requests, the AEC will match the elector's existing enrolment record with the information provided in the electronic request. All information provided **must** be an exact match with the AEC's existing records before the AEC will proceed to update the roll.

3.15 In addition, the new residential address would have to have been confirmed by the AEC to be a legitimate residential address for enrolment purposes.

3.16 Where any of the above information does not match exactly with the AEC's existing records and the relevant data from external authorities, the enrolment claim would not be processed. In these cases the AEC would investigate the matter including direct contact with the elector to clarify or obtain necessary information. The elector's enrolment record would not be updated until the AEC was satisfied that update action was appropriate.

3.17 The AEC would also continue its current practice of mailing an enrolment acknowledgement letter to every elector who updates their enrolment. This letter is mailed to the elector immediately following the roll update and provides the elector with both advice that their enrolment has been updated, and the opportunity to contact the AEC if any potential anomaly is identified. The AEC considers that this contact serves as an effective secondary mechanism for confirming that the enrolment update was instigated by the elector.

3.18 At the 11 May 2009 hearing the Committee raised questions relating to the integrity of an electronic enrolment model. In particular, some members of the Committee felt that the absence of a signature with an electronic submission may impact on the integrity of the transaction and could potentially increase the risk of fraudulent enrolment.

3.19 With the current paper-based system, it is only in cases where internal data matching and validation processes either fail to satisfy the AEC that the claimant is legitimate or identify a potentially erroneous claim, that the AEC seeks to validate the elector's signature against a previously imaged enrolment form.

3.20 Through the recommendations it has made to this inquiry, the AEC is seeking changes that would appropriately balance the need to maintain a roll of high integrity with the increasing public expectation of being able to undertake personal business with government agencies on-line. The AEC also wishes to ensure that the requirements for electronic enrolment are not onerous for an elector.

### **Options for additional verification**

3.21 As stated in the hearing on 11 May 2009, the AEC is confident that the existing integrity processes for enrolment update are sufficient to support on-line receipt of updated enrolment information from electors.

3.22 However, if these measures are not sufficient to satisfy the Committee, the AEC would investigate other options for additional evidence of identity verification.

3.23 If the AEC had appropriate legislative authority, additional evidence of identity could be requested from the elector as further corroborating evidence that the elector is who they claim. Additional evidence would need to be based on identifiers that are widespread in the population, with information that is accessible to the AEC in a timely manner. There are only a small number of data sources that provide broad coverage within the community. Examples are, NEVDIS (already used for drivers licence POI) and Medicare. The availability of this data for use in this manner would have to be specifically provided for in legislation.

3.24 In support of electronic enrolment the AEC will develop and implement an appropriate fraud control plan and an ongoing audit program for all electronic enrolment requests and subsequent roll updates.

3.25 In summary, the AEC recommends that the CEA be amended to provide for currently enrolled electors to notify their change of address electronically, without the need to complete and sign a paper-based enrolment form.

3.26 On receipt on an electronic request to update the roll, the AEC will undertake appropriate data verification and validation to be satisfied of the legitimacy of the request, prior to making any update to the roll.

3.27 If there is any question or doubt as to the authenticity of the request the AEC will not update the roll and will follow-up directly with the elector.

3.28 The AEC believes that the measures outlined in this response will continue to ensure that the current high standard of roll integrity is protected. However, if the Committee is of the view that additional evidence of identity would be appropriate, then legislative authority would be required for the AEC to access the necessary data source(s).