

Electoral Commissioner

Our ref: 4490

Inquiry Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Additional Questions on Notice – public hearing 6 December 2019

Please find enclosed responses to additional Questions on Notice following the Joint Standing Committee on Electoral Matters (JSCEM) public hearing on 6 December 2019.

Question 1.

In your submission the AEC talks about the prescriptive nature of the *Commonwealth Electoral Act*, and how Australians have digital expectations of an analogue system.

- a. What are the main challenges for the AEC with the Act in its current form?
- b. What more needs to be done to modernise the AEC?
- c. Without any changes to the Act, will Australians be able to expect a clear result on election night into the future?
- d. In their submission the ANAO made a range of recommendations for the AEC to improve processes. Where is the AEC up to in responding to these recommendations (Sub 10)?
- e. What action has the AEC undertaken to modernise the election management system?
- f. Were electronic certified lists used at every polling station during the last Federal election?
- g. Can you please provide some details about the AEC's Information Technology Strategic Plan?

AEC response:

1a. Current challenges in the *Commonwealth Electoral Act 1918* (Electoral Act) include prescriptiveness rather than flexibility with when, how and by whom certain tasks can be done, and constraints on the Australian Electoral Commission (AEC) being able to innovate. The AEC works closely with the Department of Finance, Minister for Finance and the Assistant Minister Finance, Charities and Electoral Matters offices to consider legislative reform.

1b. A critical part of our role is to ensure the machinery of electoral administration remains relevant into the future. The AEC is aware it must continuously improve if it is to keep pace with trends and events, and maintain its reputation. For example, rapid change in voting behaviour and practices, such as the growth in early voting has major implications for the way the AEC operates. However, our ability to continue to innovate and accommodate the evolving expectations of the community will also depend on the resourcing and legislative environment.

The AEC remains of the view that the Electoral Act and related laws should be refined to remove unnecessarily prescriptive language and to further streamline processes. The language in the current Electoral Act impedes the AEC's ability to innovate and to deliver services in the most efficient manner possible. For example, the AEC is acutely aware of the expectation that an indicative election result will be available soon after the close of polls at 6pm on election day. However, the AEC must conduct the counting of votes strictly in accordance with the Electoral Act. Options that may improve the timeliness of the count, such as introducing an automated or electronic counting system for the House of Representatives, or at least commence the counting pre-poll ordinary votes prior to 6pm on election night would require legislative change.

As has been highlighted to JSCEM previously, IT systems and infrastructure are the key to our successful delivery of electoral events and the AEC has reached a critical point - many of the AEC's IT and other systems are old and in need of updating or replacement. Our core election and enrolment systems are ageing and costly to maintain, and are not able to be quickly (or safely) reconfigured to adapt short notice legislative or procedural changes. We continue to work with the Department of Finance to progress a business case to replace these legacy systems. We must continue to modernise and re-develop our IT election systems to better respond to contemporary election and security risks, improve practices, and create efficiencies.

The expanded use of Electronic Certified Lists (ECLs) polling place technology at the 2019 federal election was a success, and further expansion for future events could improve electoral integrity through the centralised mark off of voter names as they present to a polling place. The mark off of names on a centralised system may also help to minimise the possibility of multiple voting, if ECLs were deployed to every issuing point.

1c. The AEC is committed to delivering a result as quickly as possible. Certain factors outside the AEC's control affect whether the result is clear on election night, such as close seats and large pre-poll counts. While seats may be claimed or conceded by candidates, the AEC can only formally declare a seat result under section 284 of the Electoral Act once ballot papers have been rechecked and the numbers make it impossible for an outcome to be otherwise. It should be noted that there are five tests set out in section 274 of the Electoral Act to determine which candidate has received an absolute majority of votes for the House of Representatives. The Electoral Act also determines that declaration votes (including postal votes) have until 13 days after election day to be received by the AEC. Where it is possible that the number of outstanding votes that could arrive in this time period could affect the result, the AEC must wait for the 13 day period to pass before finalising the result.

The increasing proportion of pre-poll votes has a direct impact on the timing and percentage of the indicative results known on election night. The significantly larger vote counts that result from pre-poll voting centres take longer to process and count on election night. One possible option for improvement to the timeliness of indicative (election night) results is to enable votes cast prior to election day to be counted on election day prior to 6pm, as occurs in New Zealand, or for postal and declaration votes to be opened and ballot papers extracted ready for the count, as modelled by the UK. This which would require legislative change.

1d. In line with the AEC's response to the Australian National Audit Office (ANAO) the AEC has completed work to meet the recommendations made by the ANAO in the audit of the AEC's Procurement of Services for the Conduct of the 2016 Federal Election. The measures implemented to answer the recommendations was endorsed by the AEC's audit committee.

1e. A multi-disciplinary team has been established to drive a modernisation program. The team is using lessons learnt from other governments such as Canada and New Zealand who have recently upgraded their election systems. Lessons learnt have also been sought across other Government departments that have/or are running similar ICT programs.

Modernised systems will ensure the highest level of election integrity by reducing the possibility of systems failure. They will be more resilient to cyber threats, more agile and more responsive to change, and they will provide a future pathway to enhance voter services.

1f. During the 2019 federal election, ECLs were deployed at every ordinary and declaration vote issuing point for pre-poll voting centres, mobile teams and remote mobile teams as well as large static multi divisional polling centres and interstate voting centres operating on polling day. This was a total number of 4,513 machines.

Scoping work has commenced to support a broader expansion of the ECLs in the future. The AEC is currently investigating scalable solutions to use ECLs at all issuing points at a future event. No expansion in the use of ECLs is possible without additional funding.

1g. The AEC's information communication technology (ICT) strategic plan 2018-2022 (ICT Strategy) was developed to help plan IT investment and aligns capability with the AEC's long-term corporate planning. The ICT strategy aims to provide resilient, modern and secure systems informed by data and insights, and to upskill teams to develop innovative products and services.

Question 2. I understand you can only book polling day venues once the writs are issued – and often don't have much choice as to what's available.

- a. Does the AEC have a MOU with the state departments of education to use primary schools? Or local governments to use showgrounds?
- b. Can the AEC compel any organisation to provide venue space?
- c. Is the AEC taking any measures to mitigate this challenge?

AEC response:

2a. The AEC has a number of arrangements with state departments including education, TAFEs and other community groups, such as religious organisations. The AEC does not currently have any MOUs with local government entities.

2b. No, this is not a power afforded to the AEC under the Electoral Act.

2c. The AEC identifies preferred premises and potential back-up premises well in advance of a potential election and maintains contact with venue providers in order to secure the venue as soon as an election is announced.

Question 3. How does the AEC engage with scrutineers prior to, during and after the 2019 Federal election?

AEC response:

The AEC publishes information for scrutineers on the AEC website, including a Scrutineers Handbook. The AEC also conducts information sessions for candidates and political parties, where rules and procedures for scrutineers are discussed. Scrutineers are given an induction and briefing when they are present at polling places and counting centres during and after election day.

Question 4. Can you please provide an update on the AEC's Disability Advisory Committee? Has the Committee made any recommendations that have been implemented?

AEC response:

The AEC's Disability Advisory Committee (DAC) is the primary mechanism through which the AEC communicates with, and understands issues for, people with disability.

It is comprised of key stakeholders from Australia's peak disability organisations and members of the Electoral Council of Australia and New Zealand¹ (ECANZ).

The DAC allows the AEC to collaborate with the disability sector and ECANZ in the delivery of accessible electoral services across jurisdictions. Furthermore, it enables the AEC to understand new and emerging issues of concern and learn about initiatives being developed in other sectors for people with disability. For example DAC members have raised concerns from the disability community regarding terminology in the Electoral Act that is seen as offensive. The objection provisions regarding a person's capacity to understand the nature and significance of enrolment and voting is referred to in the Electoral Act as being of 'unsound mind'. Changing the wording of this provision has been raised by the DAC and the AEC has forwarded the DAC's concerns to the Department of Finance for consideration.

The AEC works closely with the DAC in enhancing the availability of information and resources to support people with disability and this has in part informed the AEC service offering for the 2019 federal election.

During the 2019 federal election the AEC supported people with disability through:

- assistance to vote at a polling place was available to all electors at a polling place
- training for all AEC staff but particularly for those working in polling places, AEC staff were provided supporting materials and specifically developed video training
- postal voting – an eligible voter with disability or mobility restrictions were able to apply to receive ballot papers in the mail
- mobile polling - the AEC delivered mobile polling at 3,053 locations nationally
- telephone voting - voters who are blind or have low vision were able to cast a vote in secret from any location, including from their own homes, by phone
- all information on the AEC website is accessible, including the online enrolment form. Additional information is available in large print, e text, MP3 and Braille
- improved Easy Read Guides covering topics on enrolling to vote, voting at a polling place and voting by mail

¹ The Electoral Council of Australia and New Zealand (ECANZ) is a consultative council of the Electoral Commissioners from electoral authorities of the Commonwealth, States and Territories of Australia and New Zealand.

- educational videos on enrolling and voting in federal elections. These videos are recorded in Auslan and are supported with a voiceover and plain English captions available on AEC website and social media platforms.
- an AEC pilot of a small number of Accessible Voting Centres during the pre-poll period. These Centres included features such as improved physical accessibility, larger floor space, adjustable lighting (at selected venues) and access to Auslan interpreters.

The AEC will continue this valuable relationship with the disability community for the next electoral event.

Question 5. How did the AEC engage with Indigenous Australians during the 2019 Federal election? What proportion of Indigenous Australians voted in the 2019 Federal election?

AEC response:

The AEC works with key stakeholders, partners and other government agencies to engage with Indigenous Australians. Via these relationships, the AEC raises electoral awareness through information sessions and promoting AEC resources designed to increase enrolment, turnout, improve formality and increase the number of politically neutral Indigenous Australians available for employment by the AEC.

During the 2018-19 year there have been a number of activities to help raise Indigenous participation in the electoral process. Below is a brief description of some of these activities.

- Indigenous Language Videos: Distributed through AEC and Department of Human Services (DHS) digital platforms, social media and the DHS Service Centres. Videos on enrolment, voting and employment opportunities for the election in 11 Aboriginal and Torres Strait Islander languages and easy English with English captioning.
- Enrolment stimulation event: Contacted Australians who may be unenrolled via email/sms and letter to encourage eligible electors to enrol. This activity included people who self-identify as Indigenous Australians.
- "Your Vote is Your Future": Partnerships with the Brisbane Broncos and the West Coast Fever to deliver electoral education sessions to increase youth enrolment and electoral awareness of school students aged 16 years and above
- Partnership with the AFL: The AEC partnered with the AFL to distribute educational videos to remote communities in the Northern Territory through: the AFL's NT Facebook page, the AFL's Northern Territory electronic newsletter; and the AFLX tournament in March 2019.
- Indigenous Knowledge Centre: Deliver electoral education through the Cherbourg Indigenous Knowledge Centre and a promotion campaign targeted at Indigenous youth through the local radio station, school and Indigenous Knowledge Centre.
- Vote Talk: Conversations in podcast format by local community members regarding electoral experiences and electoral education.
- Department of Human Services: Disseminated educative materials and participation messaging through their social media and digital platforms, in their Remote service Centres and scripts for clients enquiring about Indigenous specific payments such as ABSTUDY
- Easy Read Guides: These guides explain how to enrol to vote and how to vote at a federal election. The information in these guides is written in an easy to read way with descriptive pictures are used to explain some ideas.
- Election specific messaging through the AEC 'Our Vote Our Future' Facebook page
- Remote Area Mobile Polling (RAMP): To engage with Indigenous Australians living in remote areas, the AEC delivers voter services through remote polling teams in communities. For the 2019 federal election voting services were delivered by around 40 RAMP teams.

- The AEC's event based communications (including advertising and PR) included a separate Indigenous advertising campaign, the AEC works with an expert Indigenous consultancy on this campaign. This included specific RAMP scheduling communication.
- In the lead up to the 2019 federal election, the AEC trialed an Electoral Awareness Officer pilot to improve electoral education and support enrolment in remote communities.
- The Electoral Commissioner also travelled to Galiwin'ku in the Northern Territory in July 2018, to observe first hand, AEC initiatives to improve electoral education, increase formal voting and support enrolment in remote Indigenous communities.
- Currently, the AEC has embedded an AEC officer in Nhulunbuy to assist community members with their enrolment. This officer has been sourced from the local community.

The AEC also is the Chair of the ECANZ Indigenous Electoral Participation Working Group. This group has developed strategies for Indigenous electoral engagement in urban, remote and prisoner settings and are currently developing strategies for youth and temporary election workforce. This is a collaborative cross-jurisdictional work and is providing opportunities to implement nationally consistent and best practice strategies aimed at increasing Indigenous electoral engagement.

In relation to the proportion of Indigenous Australians who voted at the 2019 federal election, the AEC is unable to provide this breakdown as this information is not available at the individual elector level.

Question 6. What are the challenges associated with the conduct of elections in rural and regional areas, hospitals, disability and aged care facilities, and ethnic communities?

AEC response:

Whilst a high majority of Australians fulfil their enrolment and voting obligations, there is evidence to suggest that some people face challenges in effectively meeting their enrolment and voting obligations.

The culturally and linguistically diverse component of the Australian community is growing, and these electors may experience barriers to participation based on language and or culturally influenced motivational factors. People with disability may experience barriers to participation through difficulties in accessing electoral services and or information.

People living in rural and remote areas face geography challenges impacted by limited mail services and telecommunication connectivity. A challenge relating to the conduct of elections in hospitals and aged care facilities include limited access to facilities to conduct mobile polling. Limited access may be for a variety of reasons ranging from internal facility rules to individual medical or health concerns. The AEC encourages people who may not be able to access either a polling place or a mobile polling team to apply for a postal vote, or if they are eligible to register as a general postal voter.

Question 7. What percentage of the AEC's temporary staff have worked over multiple elections? What training is available to the staff?

AEC response:

The AEC was able to retain 42.3 per cent of its temporary election staff (employed under the Electoral Act) between the 2016 and 2019 federal elections.

2019 Polling staff training

For the 2019 federal election a thorough redevelopment of training was conducted with extensive user testing. Senior static polling staff, all pre-poll staff and all mobile and remote mobile staff were enrolled in online training to be completed prior to attending face to face training. Training videos were embedded in the online training, they were also provided as a just-in-time resource via the AEC website and YouTube channel.

The face to face training content was redeveloped to provide more practical hands on experience to staff and was largely conducted by professional facilitators with AEC subject matter experts assisting. Staff were also briefed by the officer in charge prior to the start of polling.

All staff were provided with a role specific handbook to refer to while working.

Question 8. It is clear more Australians want to vote before election day.

- a. Of the pre-poll voting cohort, how many voted in the last five days?
- b. How many would have been affected if the early voting period was shortened to two weeks?
- c. Is a vote cast before the election more expensive than one cast on election day?
- d. Australians can pre-poll, declaration vote and postal vote – is there a way these options could be streamlined?
- e. We've had complaints about postal vote ballots being received after the election – is Australia Post capable of ensuring postal votes remain relevant?
- f. Is it a possibility that postal voters receive their ballot papers electronically so that they can print at home and then post back?
- g. Declaration votes are sent from the voter to the candidate – do you see any advantages or disadvantages with this system?
- h. How does mobile polling – at nursing homes and hospitals etc. – actually work?
 - i. Can people still be expected to vote if they are incapacitated?
 - ii. Is there any possibility of removing people from the roll (e.g. if they have dementia).

AEC response:

8a. 2.57 million votes (53.9 per cent of pre-poll votes taken prior to polling day) were issued in the last 5 days of the pre-poll voting period.

8b. At the 2019 federal election approximately 662,000 votes (13.9 per cent of pre-poll votes taken prior to polling day) were issued in the first week of the pre-poll voting period and may be affected by a shortening of the pre-poll voting period.

It is difficult to estimate how many voters might be impacted under this hypothetical scenario as elector behaviour is impacted by various environmental influences, including the time and services available to them to cast their vote. Worldwide trends suggest that the high use of pre-poll services will continue and would still occur in a truncated period closer to polling day. That is something that voting services would need to cater for.

8c. The cost per vote varies for every pre-poll voting centre and polling place. Cost is directly dependent on factors such as the agreed cost of each premises hire, staffing, materials and location (for example a regional polling place may take a lot less votes than one in a capital city, potentially resulting in a higher cost per vote). Resources are applied equally to pre-poll and polling day voting, in that the parameters the AEC uses to calculate the required number of staff and materials for a polling place is based on the anticipated vote estimates and are applied in the same way whether for a pre-polling day or polling day.

8d. The Electoral Act is very prescriptive in the way that different voting options are managed. There are opportunities for streamlining each of these options, which would require legislative change. Casting a pre-poll ordinary vote is more efficient to issue and count than a pre-poll declaration vote, however the declaration vote option is currently required for electors that cannot be located on the roll or are outside their division.

8e. The AEC continues to work closely with Australia Post to deliver a range of election activities including postal voting. The timely delivery and return of postal votes remains an ongoing challenge that is outside the AEC's control.

As noted in the AEC's main submission, legislative change to make the cut-off for postal vote applications earlier, currently 6pm on the Wednesday prior to polling day, would assist in reducing this issue.

8f. This option is not possible under the Electoral Act. This would require legislative change. The security, logistic and administrative implications of this change would need careful consideration. Access to ballot paper artwork is currently very limited and highly secure.

8g. Declaration votes are not sent from the voter to the candidate. Postal vote applications can be issued by political parties or candidates, which may then be returned to those parties or candidates to be forwarded to the AEC, or returned directly to the AEC. This system can delay postal vote applications arriving to the AEC and being processed, which in turn delays the delivery of ballot papers to postal voters. Completed postal votes are returned directly to the AEC by the elector using the supplied pre-addressed, reply paid postal vote declaration envelope.

8h. AEC mobile polling teams visit hospitals, nursing homes, prisons and remote areas of Australia to take votes from voters who are not able to attend a polling place. A polling area may be set up for voters, or/and AEC staff will conduct bedside voting.

8h(i). Under section 245 of the Electoral Act, voting is compulsory for all enrolled electors. There is no specific provision for people who are 'incapacitated'. However, a voter will not be required to pay a penalty for failing to vote if they provide a "valid and sufficient reason" (s 245(4)(d)).

8h(ii) People who are no longer capable of understanding the nature and significance of voting can be removed from the electoral roll under sections 114-118 of the Electoral Act. Applications can only be made by private citizens (not the AEC – s 114(3)) and must be accompanied by a medical certificate (s 117(4)). The removal process also includes an opportunity for the person to respond (s 116(1)). Removals cannot occur between the close of rolls for an election and polling day (s 118(5)). As noted at 8h(i), these electors would have a "valid and sufficient reason" for not voting.

Question 9. We've received a large number of submissions that complain about electoral advertising.

- a. Are signage rules applied inconsistently across polling centres?
- b. Has the AEC ever taken action regarding problems with How to Vote cards?
- c. Why didn't the AEC take action on all complaints? (sub 77)
- d. Do the State electoral commissions have more powers under their legislation to take more action on misleading and deceptive advertising than the AEC? If so, why is that?

AEC response:

9a. The AEC applied the signage rules in the Electoral Act consistently at the 2019 federal election. The rules required:

- no signage canvassing votes was permitted within six metres of the entrance to a polling place; and
- all signs with electoral communications were properly authorised.

A narrow criminal offence in section 329 of the Electoral Act also established an offence for publications that were likely to mislead or deceive an elector in relation to the casting of a vote. Other than these requirements the Act does not regulate the content or placement of electoral communications. At the election complaints about signage were escalated to the AEC's National Office. If it was determined that a sign did not comply with the Electoral Act, the AEC first asked campaign workers to voluntarily remove the sign. At the election there was compliance with all the requests made by the AEC.

9b. Yes. At the 2019 federal election the AEC warned some candidates, parties and third parties about distributing how to vote cards that were not authorised in accordance with the Electoral Act.

9c. The AEC considered all complaints it received about potential breaches of Electoral Act. As reported in the AEC's submission to JSCM (submission 120), the AEC investigated 528 complaints regarding the legality of electoral communications. Of these the AEC determined 439 communications did not breach the Electoral Act and required no further action. For the 89 communications that did breach the Act (e.g. improper authorisation or misleading or deceptive content), these breaches were addressed by requiring the responsible person or entity to rectify or remove the communication. No further action was required at the 2019 federal election, because breaches were addressed.

9d. State and territory regulation of electoral campaigning is broadly similar to the Commonwealth. In regard to misleading and deceptive electoral advertising, only South Australia has a broader offence for authorising or causing to be published an electoral advertisement that is materially inaccurate and misleading. This offence was introduced in South Australia in 1997. No other jurisdiction in Australia has introduced a similar offence. In 2010, the Victorian Parliament's Electoral Matters Committee on truth in electoral advertising identified a number of difficulties and risks from broadening the regulation misleading or deceptive political advertising. JSCM most recently considered truth in electoral advertising in the terms of the reference for the Interim Report on the authorisation of voter communications (9 December 2016). However, the recommendations made by JSCM did not address this issue.

Question 10. I have a few questions about the different ways political parties are treated.

- a. Some submitters have alleged that certain candidates could register but not provide any proof of their declaration (sub 61). How does the AEC validate claims made under s44 declarations?
- b. What is the requirement that a party is deemed to be a federal party?
- c. The electoral roll can be accessed for the purposes of political communication – is this only available to incumbents? Does this unfairly disadvantage independent candidates?
- d. Are AEC staff allowed to provide information on individual candidates (e.g. at polling places).
- e. How are Senate nominations lodged? Is there any impediment to lodging online?
- f. Can you clarify if independent candidates' expenses are deductible?

AEC response:

10a. The Electoral Act does not provide the AEC with the authority to conduct eligibility checks on potential candidates. As part of the candidate nomination process, the qualification checklist enables candidates to outline their eligibility to be elected to parliament under Section 44 of the Constitution. The AEC checks that all mandatory questions have been answered and additional documents provided if required.

10b. Under section 287(1) of the Electoral Act a federal party means a registered political party that has a federal branch and two or more State branches that are registered as political parties.

10c. Section 90B (1) sets out the provisions for who the AEC must provide electoral roll data to if requested. This includes sitting Members and Senators and Political Parties whom have a Member or Senator. Data is also provided to registered political parties where a branch or division is organised on the basis of that State or Territory.

In addition, once nominated for an election, a candidate in a House of Representatives election, including an independent candidate, is entitled to a copy of the certified list of voters for the Division in which the candidate is seeking election.

10d. In order to maintain strict political neutrality, AEC staff do not provide information on individual candidates. Voters are directed to party or candidate literature, such as how-to-vote cards, or other media or online sources. The Electoral Act prohibits canvassing within six metres of the entrance to a polling place or within a polling place. All qualification checklists relating to section 44 are published on the AEC website.

10e. Legislation passed in 2019 allows the Electoral Commissioner to determine the manner of nomination. For the 2019 election, consistent with previous elections, nominations were lodged either in person, by post or by fax. The AEC has commenced scoping an online nomination system, which will help streamline the nominations process for candidates, parties and the AEC.

10f. The AEC administers the Electoral Act. The matter of whether independent candidates' expenses are tax deductible is a matter for the Australian Taxation Office.

Question 11. The Electoral Integrity Assurance Taskforce was in place for the first time for the 2019 election.

- a. Who was the lead agency on the integrity taskforce?
- b. What steps are being taken to protect voting infrastructure from cyberattack or cyber threat?
- c. Will this taskforce continue during non-election periods?
- d. How will this taskforce evolve in the future?

AEC response:

11a. The Electoral Integrity Assurance Taskforce was jointly led by the AEC and the Department of Finance.

11b. The AEC is committed to its cyber security program to help reduce the risk of cyber attacks on election systems. The AEC has implemented the Australian Signals Directorate's Essential Eight mitigation measures and has certified and accredited each of its key election systems in line with Information Security Manual (ISM) requirements. The AEC continues to work closely with relevant partner security agencies to better understand the cyber threat environment. For the 2019 federal election, the AEC engaged specialist cyber security monitoring services, ensuring the AEC's IT Security team would be able to respond effectively to potential cyber attacks against voting infrastructure and the general AEC network.

11c. The Taskforce is no longer in operation, however a governance board will continue to consider governance matters during non-election periods.

11d. The Taskforce made recommendations for relevant agencies that seek to build resilience in the Australian electoral environment for future elections. Consideration is being given to these recommendations.

Question 12. Our Senators are supposed to represent the States and Territories, but they are mostly based in metro areas.

- a. How can we move to a district based system for the Senate that would encourage more representation for regional Australians?
- b. What other ways can we ensure people outside of the cities are represented?
- c. What have you seen work in other jurisdictions?

AEC response:

12a. Section 7 of the Australian Constitution provides that each state will be one electorate for electing Senators until the Parliament otherwise provides. The Parliament has not made any laws to change single electorates for the states. But single state electorates for the Senate have been enforced by section 39 of the Electoral Act, which prevents the Queensland State Parliament from making a state law pursuant to section 7 of the Constitution to establish more than one electorate for electing the Senators for Queensland.

Should the Parliament wish to change the Senate voting system (such as introduce single-member electorates, or smaller multi-member electorates), or establish residency requirements for Senate candidates or Senators, this would require change to the relevant legislation.

12b. See response to 12a.

12c. See response to 12a. The AEC notes that JSCEM canvassed candidate residency requirements in its 2014 report, *Inquiry into and report on all aspects of the conduct of the 2013 Federal Election: Senate voting practices report*.

Question 13. What are the challenges in ensuring that Australian Defence Force members on manoeuvres or operations are able to vote?

AEC response:

During an electoral event a significant number Australian Defence Force (ADF) personnel can be deployed overseas and military personnel are often engaged in domestic defence exercises. Voting services for these personnel are provided through collaborative arrangements between the Department of Defence and the AEC.

ADF and AEC have jointly developed a presentation for delivery by ADF staff to ADF personnel during pre-deployment briefings. The ADF Personnel Administration Manual also outlines what staff need to do if they are deployed and an election is called. The presentation and manual recommends ADF personnel apply to become General Postal Voters, or otherwise, apply for a postal vote online. The production of postal vote packages for ADF personnel is prioritised and packs addressed to ADF addresses receive expedited delivery through the Australia Post/ADF mail distribution system. Where practical, access to early voting services is also offered through Overseas Voting centres operated at approved Department of Foreign Affairs and Trade/Austrade overseas posts.

Appropriate voting opportunities are provided to ADF personnel engaged in domestic exercises in consultation with the Department of Defence including direct liaison with the ADF personnel managing the exercises to refine the services offered. The timely delivery and return of postal votes remains an ongoing challenge that is outside the AEC's control.

Question 14. How has the AEC responded to Recommendation 3 of the JSCEM review of the 2016 election, recommending the appointment of a non-partisan independent expert scrutineer to each CSS Centre.

AEC response:

The decision about whether to respond, and what policy to implement is absolutely the sole preserve of the government of the day after due parliamentary process, and is not a matter for the AEC. However, there are a number of issues with implementing Recommendation 3, not the least of which are:

- 1) The difficulties of proving 'non-partisan', 'independent' and 'expert' in relation to a scrutineer.
- 2) It is the AEC's legislated role to deliver elections in an 'independent, non-partisan' manner. Essentially, the AEC is not a participant in the election – it is the independent 'umpire'. Accordingly, the appointment of (another) independent arbitrator would create significant confusion, and potentially prevent the AEC from fulfilling its statutory function. Further, such a process would significantly impact the efficiency of electoral processes and the timeliness of producing a result.

For these reasons the AEC does not intend to take any action regarding this recommendation unless legislatively compelled to do so.

Question 15. Can the AEC provide a full list of changes made to the Senate data entry computer system between the 2016 and 2019 Federal elections?

AEC response:

After each electoral event the AEC undertakes incremental improvements to the systems and processes used. There were incremental improvements made to the systems that focused on continued accuracy of data, efficiency of processes, and moving error detection earlier in the processes (to reduce re-work). There were a range of measures to increase the security of all systems and infrastructure.

Key refinements included:

- Updates to the workflow processing rules;
- Implementation of an interface for the Fuji Xerox Document Management Solutions (FX) and AEC systems (two way data exchange to facilitate reconciliation and monitoring); and
- A range of minor improvements including: additional data quality checks; renaming queues; updates to scanning templates; and security enhancements.

Question 16. Who is responsible for the selection, procurement and calibration of the 3 optical recognition engines used in the data capture process? Which companies provided the engines used? Was the calibration of these engines done in consultation with the AEC?

AEC response:

As part of Fuji Xerox's engagement they provided expertise and the solution, which included the optical recognition engines. The AEC was involved in the calibration of the optical recognition engines through significant testing and processing of over 10,000 sample ballot papers. Additionally, the AEC defined the exception business rules and workflow requirements, including the need for double blind human data entry.

Question 17. For the count at the 2019 Federal election, what percentage of Senate ballots followed the following pathway at Central Senate Scrutiny:

- "perfect capture" by recognition engines with no unusual markings detected
- Full blind data entry (Data Entry 2)
- No mismatch detected, formal unbroken sequence
- Admitted to count

AEC response:

The pathway in the question appears to describe simple ballot papers that are clear and easy to follow. However the pathway steps do not account for the identification of exceptions that is completed at multiple stages of the workflow.

Approximately 40 per cent of ballot papers broadly followed the indicated pathway and met the following requirements.

- the data entry operator can read all the numbers;
- the data entered matched what was captured by the optical character recognition (OCR);
- it is a formal ballot paper;
- there are no missing or duplicate numbers;
- there are no other marks on the ballot paper requiring a decision.

All such ballot papers would be seen by only one data entry operator.

Question 18. Would such a ballot be only seen by one data entry operator during CSS?

AEC response:

As noted in response to question 17, such a ballot paper would be seen by only one data entry operator if it also met the following criteria:

- the data entry operator can read all the numbers;
- the data entered matched what was captured by the OCR;
- it is a formal ballot paper;
- there are no missing or duplicate numbers;
- there are no other marks on the ballot paper requiring a decision.

Question 19. During CSS AEC and Fuji staff had access to a "control" screen that showed how many ballots were currently placed in each data entry queue. Is it AEC's position that scrutineers should be able to view this information during the count? Does the scrutineers' handbook provide full details (including diagrams) regarding the operation of the various data entry queues?

AEC response:

The "control" screen is used by Fuji Xerox staff to manage the data entry queues and staffing levels of each queue. There is no reason for a scrutineer to have access to this data as it relates to the management of the Central Senate Scrutiny (CSS), not the scrutineer's assurance role at the CSS. Operational details of various data entry queues are provided to scrutineers during their induction training at the CSS (this level of detail is not in the Scrutineers Handbook). The scrutineers are welcome to raise any further questions with the AEC staff at the CSS.

Question 20. How did the Senate scanning solution determine which ballots required "Data entry 1" where an unusual marking was detected? What percentage of Ballots required data entry 1? Are there any controls in the system to prevent the same data entry operator performing both DE1 and DE2 on the same ballot?

AEC response:

Approximately 50 per cent of ballot papers went through the DE1 queue. Ballot papers were passed to DE1 if:

- the software was unable to identify preference marks with a high level of confidence;
- a voter may have identified themselves (determined using optical mark recognition across the ballot paper);
- there is a potential illegal ballot paper modification (determined using intelligent character recognition across the group and candidate names); or
- the ballot paper was not able to be positively identified as authentic (determined using optical mark recognition across specific regions of the ballot paper).

Controls are in place to ensure no operator can process the same batch of ballot papers across multiple queues.

Question 21. Please provide the following information for each of these data entry queues: Fx Super, Validation, Export Check, AEC, Retrieval.

- How was the data entry queue automatically populated?
- Which data entry queues could manually flag a ballot to be placed in this queue?
- What percentage of Ballots entered this queue?
- How were data entry operators selected to work this queue?

Did this information change between States? If so, please provide a breakdown for each State and Territory.

AEC response:

The workflow processing rules were refined during the project implementation and each state had the same implementation of the solution. Thousands of sample ballot papers, with predefined scenarios, were used to test the workflow and associated rules.

The data entry operators working these queues were either AEC staff (Export Check, AEC, and Retrieval) or FX labour hire staff that had been given additional training (FX Supervisor and Validation). The decision for which staff were on which queue was made by the AEC and based upon the required level of skill and degree of interpretation to complete the processing work at each queue.

Data mismatches or a manual exception flag from DE1 and DE2 would send a ballot paper to the Supervisor queue. Approximately 20 per cent of ballot papers went through this queue. A ballot paper that was informal, had a sequence break down, or was in an informal batch would go to the validation queue. Approximately 10 per cent of ballot papers went through this queue.

A ballot paper that could not be scanned or was blank in a formal batch would go to the Retrieval queue. Less than 1 per cent of ballot papers went through this queue. Ballot papers that were manually flagged (from FX operated queues), deemed to be more complex, or required a subjective determination (e.g. voter identified determinations, ballot paper authenticity, or illegal form alterations) were sent to the AEC queue. Less than 0.5 per cent of ballot papers went through this queue. Ballot papers were sent to the Export Check queue if they had invalid data that required review prior to being exported. Approximately 0.0015 per cent of ballot papers went to this queue.

Question 22. Scrutineers have reported that the "Export check" was not listed in the 2019 scrutineer manual. Why was this omitted?

AEC response:

There are a number of automated queues in the processing of batches and ballot papers that were not listed as they were data assurance, batch management or automated queues. The "Export Check" queue was in place to validate the data that had been captured against pre-defined conditions. If any of these conditions were not met the ballot paper was placed in this queue so the data could be manually validated. The manual validation process was open to scrutineers.

Question 23. How many ballots were flagged to the "Scrutineer" queue?

AEC response:

Less than 0.005 per cent of ballot papers were flagged to the Scrutineer queue in the 2019 federal election. This does not mean there were less than 0.005 per cent of ballot papers discussed between AEC staff and scrutineers. The scrutineers were encouraged to discuss, and resolve, any challenges with the AEC Staff at the queue in which the challenge was raised.

Question 24. How many ballots were flagged to the "AEO" queue?

AEC response:

Approximately 40 per cent of ballot papers sent to the scrutineer queue were flagged to the Australian Electoral Officer (AEO) queue at the 2019 federal election. As stated above, each challenge was discussed and potentially resolved in the queue in which the challenge was raised. Therefore, in general more complex questions were sent to the scrutineer queue and hence, more of these issues required AEO adjudication.

Question 25. Why was the 'validation' queue name changed from the 'non-standard / informal' queue in the 2016 election?

AEC response:

The queue was renamed as the term "Validation" more accurately reflected the processing work that was completed by the staff operating this queue.

Question 26. Was there a procedure if a batch of 50 was to reach CSS without a batch header? Did this occur?

AEC response:

If a batch of ballot papers was to reach the CSS without a batch header the CSS staff had the ability to print the missing cover sheet. CSS staff printed batch cover sheets where the batch cover sheet was missing, damaged or otherwise unable to be read.

Question 27. Are scrutineers provided with a list of Vote Collection Point IDs? If no, why not?

AEC response:

No, scrutineers were not provided with a list of Vote Collection Point IDs because they are a unique, internal identifier. There is no reason to provide these to scrutineers as they are not relevant for the scrutineer's assurance role. Scrutineers can use the polling place name or the division and declaration scrutiny count number as a means to identify the Vote Collection Point.

Question 28. Who was responsible for the recruitment of data entry staff for the 2019 election?

AEC response:

Fuji Xerox was responsible for the recruitment of data entry staff for the 2019 election. The AEC required all staff working on the federal election to:

- Have a satisfactory criminal history check;
- Sign a confidentiality agreement;
- Have completed training on the relevant policies and their role prior to starting work with production ballot papers or data.

Question 29. Was there an attempt to recruit Data Entry staff employed in the 2016 election?

AEC response:

Fuji Xerox was responsible for the recruitment of data entry staff for the 2019 election. All staff,

returning or new, were given full training in the process. In the 2019 election, many of the Fuji Xerox operational staff had also worked at the 2016 election.

Question 30. How many Data Entry operators were employed in each state and territory?

AEC response:

Fuji Xerox was responsible for the staffing levels at each site. Given the variability in the shift work loads, the number of shifts and weekend shifts, the staffing levels at each site, and for each shift, were scaled over the course of the event to ensure the writs were returned before the due date.

Nationally, across all roles at the Fuji Xerox sites there were approximately 800 staff engaged/provided by Fuji Xerox for each shift. This included logistics/warehouse, scanning, data entry, support and management, but as indicated the number scaled up and down, depending on conditions.

Question 31. What training did Data Entry staff receive? Who was this training provided by and by what means?

AEC response:

All data entry staff viewed a training video as part of their induction, prior to commencing work. The training was developed by Fuji Xerox, with the AEC defining the scope, and validating and approving all content. After the training package was delivered all staff received on the job supervision and assistance to ensure they were competent at their roles.

Question 32. Did Data Entry staff selected for floor supervision and processing roles receive additional training? If so, please describe the additional training.

AEC response:

Yes, supervisors received an additional training video that described the additional requirements of the role and additional on the job training. Training covered topics such as how to apply formality rules across the entire ballot paper, the formality guidelines, and to how escalate to the AEC if there were any outstanding questions on the ballot paper.

Question 33. Does the AEC have a maximum acceptable ratio of floor supervisors to Data Entry staff?

AEC response:

Fuji Xerox was responsible for the staffing levels of supervisors and data entry staff required to deliver the complete solution within the required timeframes. Fuji Xerox set the level of supervisors, in consultation with the AEC, to maximise the efficiency of the process and minimise cost. The AEC actively monitored staffing and performance across CSS sites and was able to request changes if necessary.

Question 34. How many scrutineers can each candidate appoint per scrutiny site?

AEC response:

A candidate is not entitled to be represented at the scrutiny at a particular counting centre by a number of scrutineers that is greater than the number of officers who are engaged in a scrutiny or

counting of ballot papers at that centre (Electoral Act, s264(2)). The number of officers who are engaged in a scrutiny or counting of ballot papers per site is contained in the answer to question 35.

Question 35. How many AEC officials were rostered to each CSS site per shift?

AEC response:

The number of officers who are engaged in a scrutiny or counting of ballot papers rostered to each CSS site per shift varied depending on the shift and the required work. Generally the states had:

NSW: 9
VIC: 7
QLD: 6
WA: 5
SA: 4
TAS: 4
ACT: 2
NT: 2

Question 36. Can the AEC change the number of scrutineers appointed by candidates to Central Senate Scrutiny unilaterally, or would that require amendment of the *Commonwealth Electoral Act 1918*?

AEC response:

Section 264(2) of the Electoral Act defines how many scrutineers a candidate can appoint at a counting centre.

Question 37. Which data entry queues had access to the full colour images? Who determined whether DE 1 and DE 2 had access to full colour images?

AEC response:

Any data capture by the character recognition software and data entry operators at the DE1 and DE2 queues were based on the bi-tonal images (black and white), the data entry operators did not have access to the colour images. Any preferences that could not be determined based on the scanned images, resulted in the physical ballot paper being retrieved for final adjudication, where necessary.

The capture of the additional colour images was trialled for the 2019 federal election.

As the colour images did not form part of the count the AEC did not require DE1 and DE2 workstations to have access to the colour images.

Question 38. Responses to questions at the hearing on 6 December 2019 indicated that full colour images were not made universally available due to cost and speed considerations. Under what circumstances were scrutineers able to request the full colour image?

AEC response:

All queue operators (excluding DE1 and DE2) could, if required, view the colour image of a ballot paper while discussing a challenge with a scrutineer (if a colour image of the ballot paper had been captured).

Question 39. Did the number of “Retrievals” required in the 2019 election differ from the number in the 2016 election? If so, to what do you attribute the difference?

AEC response:

There were more ballot papers sent for physical retrieval in 2019 than in 2016, however, it was not a significant increase. The majority of ballot papers that were requested for retrieval were requested by AEC to confirm preferences or as a result damaged ballot papers that couldn't be scanned. No formal analysis or categorisation of the ballot papers sent to the retrievals queue for either election has been completed.

Question 40. What instructions were given to election night Officers in Charge with regard to the conduct of the preliminary election night Senate tally?

AEC response:

An excerpt from the Election Procedures Handbook given to all Officers-in-Charge of static polling places (operating on election day) is at [Attachment A](#). These instructions were supported by face-to-face and online training.

Question 41. Scrutineers have reported that officers were asked to sort ballots which were "Obviously Informal" in a separate pile. What instructions were given as to what was to be considered "Obviously Informal"?

AEC response:

A Senate ballot paper is considered “obviously informal” if it is not possible to allocate it to a first preference bundle during the initial count; that is, it is blank, indicates more than one first preference or does not indicate a first preference for any candidate. All ballot papers placed in the ‘obviously informal’ pile were re-checked as part of the CSS scanning process.

Question 42. What changes were made to the Senate DRO check of Senate ballots from 2016 to 2019? Why were these made? Did the AEC observe any changes in stratification of Senate ballots as a result of these new procedures?

AEC response:

Changes to the Electoral Act in March 2019 meant that for the 2019 federal election, when an initial count of Senate votes had already been completed (for example at a polling place), the Divisional Returning Officer (DRO) was only required to verify that the total number of Senate ballot papers matched the number counted in the polling place (rather than re-counting the number recorded for each group and individual candidate).

These changes were made because it is the AEO who makes the ultimate determination on formality and so there was little value in the DRO repeating the polling place count. The changes facilitate the ballot papers being able to move more quickly through to the CSS for the official count. There were not any observable differences in the stratification of Senate ballot papers moving to the CSS for this election; when it was in place for the previous election, generally there were only minor differences between results from the polling place and DRO check.

Question 43. Was an IRAP [Information Security Registered Assessors Program] assessment conducted ahead of the 2019 Federal election? Who conducted the assessment?

AEC response:

In the lead up to the 2019 federal election, IRAP assessors completed an assessment against the AEC's Senate Scanning Solution (SSS). The SSS IRAP assessment was completed by Platinum Cloud, who were engaged by the AEC's SSS provider Fuji Xerox Document Management Solutions.

Question 44. Please provide a list of all ICT suppliers to the AEC for the 2019 Federal Election, including a brief summary of the services provided.

AEC response:

The AEC's major suppliers for the 2019 federal election are as follows.

ICT suppliers	Summary of the services provided
DXC.Technologies, ABN 18 008 476 944	Mainframe Services
Telstra Corporation Limited, ABN 33051775556	NBN Services for Mobile Office Solution (MOS) Election Events Inbound telephony and Interactive Voice Response Services Mobile Voice and Data Services Telstra Integrated Messaging Service
Optus Networks Pty Ltd, ABN 92008570330	Optus Mobile / Data Services for MOS Optus Mobile Voice and Data Services Provision of Wide Area Network Data Services
SMS Consulting Group Ltd, ABN 17006515028	Provision of Web Hosting Solution Services
Department of Human Services, ABN 90794605008	Provision of Internet Gateway Services
Communications Design & Management Pty Limited, ABN 15053788720	Provision Fixed Voice Telephony Services
Fuji Xerox Australia Pty Limited, ABN 63000341819	Equitrac Software & Support via FXA Ongoing Support of Multi-Function Devices Hardware-MOS-Multi Functional Device-160-Lease
Canberra Data Centres Pty Ltd, ABN 59125710394	The provision of data centre accommodation at the Canberra Data Centre Hume
NEXTDC Limited, ABN 35143582521	The Provision of Data Centre Accommodation
FutureTrain Pty Ltd, ABN 44091016849	AEC Learning Management System
Nexus 6, ABN 65096841244	Hosting, Maintenance and Support for the Southrock Learning Management System
Aurion Corporation Pty Ltd, ABN 63050431868	Staff Pay and Entitlements System
Dell Australia Pty Ltd, ABN 46003855561	Provision of MOS equipment and services associated with the deployment of MOS devices for an Electoral Event. The procurement of ECL equipment and services associated with the deployment of ECL devices for an electoral event.

Amnesium Australia Pty Ltd, ABN 63608314978	Provision of Virtual Private Network Infrastructure to support Mobile Office Solution
Fuji Xerox Businessforce Pty Limited, ABN 94137933905	Provision of the Senate Scanning Solution Provision of Postal Vote Application and Certified List scanning and data capture services.
Ansible Pty Ltd, ABN 86097086390	Build and supply of the AEC Mobile Application

Question 45. At the hearing on 6 December 2019, the AEC indicated that negotiations were ongoing in relation to scanning solutions to be used for the next Federal election. When will a decision regarding procurement be made? Will any external consultation occur before a decision is made?

AEC response:

The AEC is in the process of making a decision on the scanning solutions to be provided for the next federal election.

Question 46. Please outline any plans to expand the number of fully accessible polling spaces for the next Federal election, including how locations will be decided.

AEC response:

The AEC is committed to providing fully accessible polling places for people with disability and aims to maximise accessibility of polling places for each electoral event. An assessment of polling place building access and polling place design for people with disability occurs when establishing and reviewing polling place locations. As far as possible, at each election, polling places are hired that have full wheelchair access available.

The AEC is exploring the possibility of expanding the parameters of the polling place accessibility classification to cater for a wider range of disabilities. This work is at a preliminary stage. The availability of venues will also determine locations.

Question 47. Will political parties be able to distribute materials such as 'How to Vote' cards at these polling booths?

AEC response:

Generally, yes. The AEC considers the capacity for electors to receive how-to-vote (HTV) materials is an important electoral service. The AEC attempts to establish polling locations that allow party workers to establish a HTV distribution area at least six metres from the entry. The AEC notes that – consistent with previous federal elections - there will be instances where fully accessible polling places will be located on private property (e.g. shopping centres or multi-storey office blocks) where the lessor/manager may not permit an area for distribution of HTVs.

Question 48. Will the AEC provide guidelines for choosing staff who will work at these locations? Will these staff receive any additional training? If so, please outline the nature of the training and how it will be rolled out.

AEC response:

As the election date is not known until the writs are issued, the AEC must find and train suitable staff (approximately 87,000) at short notice. As such all polling place staff are subjected to the same recruitment process and training that includes content regarding accessibility for electors. Training is

tailored by role, (such as Officer-in-Charge, Declaration Vote Issuing Officer, Inquiry Officer etc.) and also by the type (such as pre-poll voting, mobile voting etc.) but does not vary according to the characteristics of a polling location.

Question 49. Are there existing protocols for choosing accessible sites for pre-polling? If so, will these protocols be updated before the next election?

AEC response:

Yes. The AEC has a documented policy approach to assessing polling place building access and polling place design for people with disability.

Question 50. How many (in total, or as a percentage) people who request a postal ballot end up voting in person?

AEC response:

Approximately 10 per cent (153,411) of postal vote applicants voted in person.

Question 51. During responses to questions at the hearing on 6 December 2019, Mr Rogers and the Acting Assistant Commissioner for Disclosure Assurance and Engagement referred to a risk based matrix used to determine whether to initiate compliance actions. Please provide a copy of the matrix.

AEC response:

A risk matrix is used to assess parties and entities across a range of criteria to determine the relative risk of non-compliance with their disclosure obligations. The risk matrix is set for each annual compliance program and the release of that information would, clearly, not be in the public interest (as it would disclose methods of preventing, determining or investigating breaches of the law).

Yours sincerely

Tom Rogers
28 February 2020

Attachment A – Excerpt from Election Procedures Handbook

Senate count

The count of Senate ballot papers carried out at polling places is not considered a scrutiny. This means that at the polling place you do not make decisions on the formality of Senate ballot papers. You will, however, need to separate out the obviously informal ballot papers which cannot be allocated to any group because they are blank, indicate more than one first preference or do not indicate a first preference for any candidate. The scrutiny of Senate ballot papers is undertaken at the Central Senate Scrutiny (CSS) centre in the weeks following polling day. Scrutineers have the opportunity to challenge the formality of Senate ballot papers at the CSS.

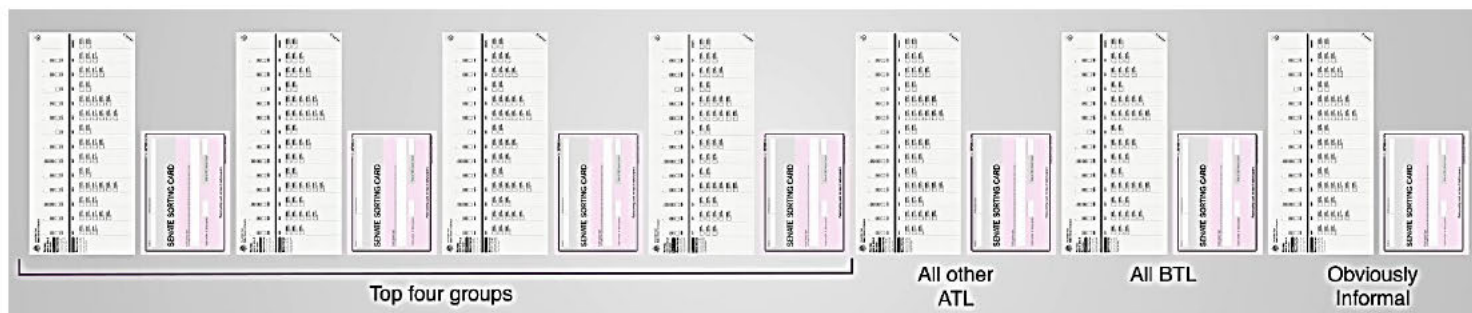
Polling officials are doing a preliminary count by first preference. Only those ballot papers that are obviously informal (i.e., no first preference or more than one first preference) will be included in the informal pile.

Staff should progressively be moved from unfolding to sorting as ballot papers become available.

Once unfolded, Senate ballot papers should initially be sorted into the following piles:

1. The top 3 or 4 Above the line (ATL) groups (the top groups will become apparent as you start sorting)
2. All remaining ATL groups – this pile will be sorted second.
3. All Below the line (BTL) – this pile will be sorted once all ATL ballot papers are counted, and
4. Obviously informal.

Ballot papers that are marked both ATL and BTL should initially be placed in the BTL pile.



Above the line

Sorting the ATL votes

Sort the ballot papers according to the first preferences shown for each group. When sorting initially starts, the staff should quickly identify the top three or four groups that are receiving the most votes. It is quicker to initially sort to these top three or four groups and place all other ATL votes in a separate pile.

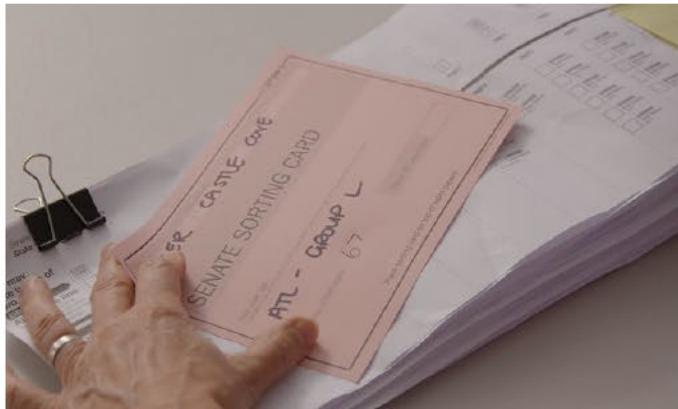
Staff can then progressively be moved to sort the 'ATL Other' pile. Use sorting cards and place the ballot papers in bundles along the tables in group order.

Note: Sorting cards should be marked with the letter(s) that represent that group on the ballot paper, for instance A, B, C etc., as it is easier to sort to the letter(s) than to the group party name.

Counting

To count ATL ballot papers:

1. Place them face up so that the first preference for the group can be checked as you count.
2. Count the ballot papers into bundles of 50 for each group and secure with a foldback (or bulldog) clip. Any bundle with less than 50 ballot papers should be identified by writing the number of ballot papers on a post-it note and sticking it to the top of the bundle, then secure the bundle with a foldback clip.
3. Do not fold or roll ballot papers.



4. Write the number of ballot papers for each group on the sorting card and secure the card with the foldback clip on the top bundle. **Do not write on ballot papers.**
5. Record each total first preference vote for each group on the *Senate Result of count phone-in slip* form in the OIC Return.

Below the line

The BTL votes are then to be sorted to their Group, i.e., a first preference for any BTL candidate under Group C will be sorted to Group C. Ungrouped candidates are to be sorted to individual candidates.

 Senate Ballot Paper
State – Election of 6 Senators

You may vote in one of two ways

Either

Above the line
By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C
		
		
PARTY	PARTY	PARTY

Or

Below the line
By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 1 ARMSTRONG Jack, Thomas PARTY
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 2 Jones Jessica PARTY
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	 3 Williamson Nicholas Edward PARTY

Sort to piles next to the ATL piles (do not merge ATL with BTL) and to separate piles for any ungrouped candidates.

Counting

To count BTL ballot papers:

1. Place them face up so that the first preference for the group or ungrouped candidate can be checked as you count.
2. Count the ballot papers for each group and for each ungrouped candidate into bundles of 50 and secure with a foldback clip. Any bundle with less than 50 ballot papers should be identified by writing the number of ballot papers on a post-it note and sticking it to the top of the bundle, then secure the bundle with a foldback clip.
3. Record the total first preference votes for each Group and any ungrouped candidate on the *Senate Result of count phone-in slip* in the OIC Return.

Bundle BTL votes

Once the BTL votes have been counted for each group and ungrouped candidate and totals recorded on the *Senate Result of count phone-in slip*, they are to be merged into one bundle and packaged as “BTL”.

1. Use a new sorting card labelled “BTL”.
2. Merge all BTL bundles into one, make new bundles of 50 from any bundles that did not add up to 50 in the sort (for example if you had 20 ballot papers in a bundle from Group A and 30 in a bundle for Group D, merge these together). Ensure all post-it notes are removed except if there is one remaining bundle that has less than 50 ballot papers.
3. Record the total number of BTL votes for the polling place on the sorting card and secure it with the foldback clip to the top bundle.

Obviously informal ballot papers

A Senate ballot paper is considered “obviously informal” if it is blank, indicates more than one first preference or does not indicate a first preference for any candidate. To assist you in determining whether a ballot paper is “obviously informal”, examples are provided from page 23.

Count the obviously informal ballot papers into bundles of 50, with any remainders on top with the number recorded on a post-it note. Foldback clips should be used to secure bundles. **Do not fold or roll ballot papers.**

Write the total number of ballot papers on the sorting card labelled “Informal” and secure the card on the top bundle.

Do not write on ballot papers.

Record the total number of informal votes on the *Senate Result of count phone-in slip* in the OIC Return.

Unused Senate ballot papers

Unused ballot papers that are still in bundles of 100 from the original allocation by the DRO do not need to be re-bundled after polling.

All other unused Senate ballot papers are to be counted into bundles of 50, with any remainders on top with the number recorded on a post-it note. Foldback clips should be used to secure bundles. **Do not fold or roll ballot papers.**

Write the total number of unused ballot papers on a sorting card labelled “Unused” and secure the card to the top bundle with the foldback clip.