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Committee Secretary
Joint Standing Committee on Electoral Matters
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Inquiry into the 2025 federal election

Dear Committee Secretary,

Thank you for the opportunity to make a submission to the JSCEM inquiry into the conduct of the 2025 Australian federal election. My submission cuts across several terms of reference, focusing on a particular challenge facing the parliament and the Australian Electoral Commission (AEC): rising expectations for election service delivery, in an era of rising citizen surveillance and declining trust in government. I first outline the problem as it stands, propose solutions, and describe the threats of inaction.

The problem: unreasonable expectations on the Australian Electoral Commission

We all – academics, parliamentarians, media, citizens – take great pride in the AEC. We export expertise in electoral administration around the world. In the most recent Australian Public Service Commission's Survey of Trust, the AEC was (again) the most trusted public agency, with 91 per cent of respondents reporting satisfaction with the election services provided by the AEC. Electoral management bodies (EMBs) around the world dream of this level of public support.

However, this esteem is under threat from expectations that the AEC does more at every federal election. All EMBs are responsible for organising accessible elections, broadly speaking. In a voluntary voting system, this responsibility ends with providing polling places that most voters can access, minimal 'convenience voting' (e.g. postal, early, and telephone voting) alternatives, and facilitating electoral registration. In Australia's compulsory voting system, the AEC is additionally asked to (among other things):

- administer the Federal Direct Enrolment and Update program;
- provide two weeks (and sometimes longer) early voting in every electoral division;
- provide two weeks of remote in-person voting services across the country;
- provide targeted outreach to divisions with high rates of informal voting; and
- respond to and correct misinformation and disinformation about the electoral process.

Lowering the costs of enrolling, turning out to vote, and filling out a valid ballot paper is unequivocally good for democracy. Combined, however, they represent enormous demand on the AEC.

Compounding these expectations is a very low tolerance for mistakes. Famously, the disappearance of one box of Senate ballot papers from the Division of Forrest at the 2013 federal election initiated both a high-level federal investigation (the 'Keelty Review') and the resignation of incumbent Electoral Commissioner Ed Killesteyn. It is perhaps gauche to compare scandals across public service agencies, but it is not difficult to

think of more consequential mistakes in other parts of the Australian Public Service that have resulted in far milder repercussions. The AEC is held to uniquely high standards.

We may well say that this is necessary – that absolute excellence in the service of democracy is the bare minimum standard. The specific threat to the AEC here is that their failure to deliver on one dimension will undermine their reputation on other dimensions. An EMB tasked with minimising informal voting in an electoral division with high rates of non-native English speakers, and with a fundamentally complex electoral system and ballot paper design, will inevitably come up short. That EMB has been set up to fail.

What are the consequences if the AEC fails to perform its new functions? Should we expect the public to continue to trust them to the same degree when conducting the core aspects of election management? Can we believe them when they insist pencils are safe to use on ballot papers? Can we believe them when they say polling boxes aren't tampered with?

Concurrently, public surveillance of the AEC increases. Provisions in the *Electoral Legislation Amendment (Electoral Reform) Bill 2024* have responded to a rise in unsolicited filming of temporary election workers and voters. The increasing hostility of polling booths as a workplace is a real threat to the AEC's ability to deliver excellent elections. Yet there is little recognition from parliamentarians, candidates, and parties that this level of scrutiny might be excessive. While sunlight might be the best disinfectant for corruption, harsh camera glare can make elections impossible to run.

It is tempting to dismiss public scrutiny of the AEC as the provenance of a small number of disaffected Australians, namely 'sovereign citizens' and the like. But a substantial core of Australian voters is disaffected with the country's politicians and democratic system. Data from the Australian Election Study (on which I am an investigator) show that the percentage of Australians who believe parties are necessary to make our political system work has fallen by ten points since 1996. The percentage who believes there is a good deal of difference between the parties, and who believe those parties care what voters think, remain consistently below 30 per cent. In a voluntary voting system, these voters would probably stay home. In our compulsory system, they are primed to make the AEC collateral damage for democratic disaffection which is beyond its control.

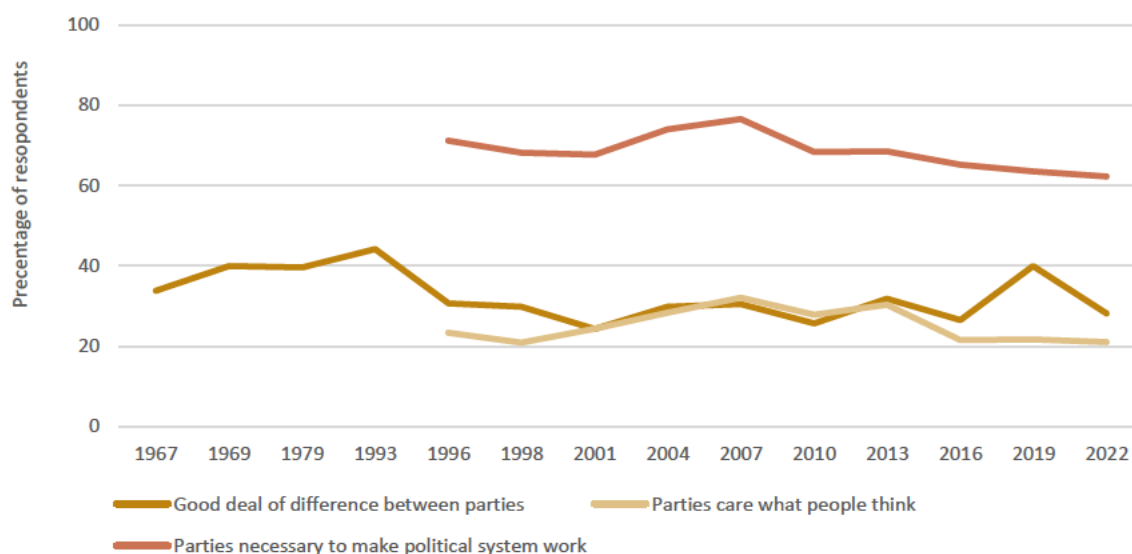


Figure 1: Australian National Political Attitudes Survey (1967-1979) and Australian Election Study (1993-2022) data on trust in politics

Possible solutions: more money or fewer core responsibilities?

As it stands, the AEC cannot continue to meet the demands placed upon it by both parliamentarians and the general population. It cannot achieve city-level rates of voter turnout in rural and remote communities. It cannot entirely negate the gap in informality rates between outer western Sydney and inner metropolitan areas. The parliament has two reasonable options: better resource the AEC, or demand less of it.

Two arguments mitigate against increased resourcing. First, the opportunity cost. Any additional dollar spent on electoral education, polling place leases, or employing the temporary election workforce is a dollar not spent on the NDIS, Newstart, or the Australian Defence Force. Second, and related, is that money spent on elections has (like all things) diminishing marginal returns. After a point, an extra day spent providing mobile polling booths in a remote community is not going to return an additional vote. A 15th polling place in a rural electorate will likely not boost turnout. Expecting the AEC to increase voter turnout nationally from 91 per cent to, say, 95 per cent and admonishing them when they fail will unduly undermine their excellence. And again, other liberal democracies would dream of such problems!

Alternatively, the parliament can ask less of the AEC. It can heap less pressure on the Commission when it commits human error. It can get on the front foot with regard to defending and promoting the AEC's work. That would necessarily include declining to litigate small complaints in forums like Senate Estimates and JSCEM hearings.

Importantly, it would include taking on more of the work of promoting democracy, electoral engagement, and voter turnout in house. In countries with voluntary voting, the job of voter mobilisation (or 'getting out the vote') is predominantly borne by parties and candidates. Voters need to be convinced of the benefits of voting, not just relieved of the costs.

This is not to endorse partisan electoral management bodies, nor to revert to voluntary voting. It is to instead urge Australian parties and political leaders to feel some pressure to defend our democracy from malaise, which I would argue is a much more urgent threat than foreign interference or artificial intelligence.

I do urge the committee and parliament *not to introduce any form of 'truth in advertising' legislation* that would empower the AEC or a similar agency to preside on what is political truth. Such a move would burden the AEC even more than currently, and further delegate responsibilities of democratic stewardship from parliamentarians and political parties to a small number of public servants.

I also urge the committee to *consider fixed three-year parliamentary terms* to create greater (though not perfect) certainty for the Commission in raising a temporary workforce and leasing polling places, among myriad other things.

The risks of inaction

A happy consequence of compulsory voting is that it does not necessarily matter if voters are unhappy with parties, or candidates, or even the AEC – they will still turn up to vote. And remarkably, they remain satisfied with compulsory voting: at the 2022 election, 69 per cent of AES respondents expressed support for compulsory voting, and 77 per cent said they would have voted even if not compelled.

If we continue to ask more of the AEC, it will inevitably fall short and these numbers will fall.

The AEC survived the 2013 mistake, although it has taken more than 10 years to craft a new, confident, and proactive public profile. The Commission's recent (extremely successful) ventures into misinformation and disinformation mitigation, for instance, have only been possible because of a decade of assiduous reputation management and process implementation.

If and when the AEC fails due to expansion of its responsibilities, trust in the agency – currently so strong – could fall quickly. And with trust in the AEC, so falls trust in Australian elections and Australian democracy. Such has been the fate of liberal democracies around the world in recent decades.

This is perhaps only abstractly important to parliamentarians – 'public trust in democracy' is not necessarily a material concern to people in the business of passing laws and running government. At some point though, distrust in elections and democracy will manifest as distrust in the parliament's capacity to represent its citizens.

I argue that how we empower, talk about, and fund our electoral commission has significant consequences for the Australian Parliament's capacity to legislate on behalf of the country. The 2025 federal election was

another exceptional showing from the Australian Electoral Commission, but we should not expect the AEC to continue to protect Australian democracy on its own.

Yours sincerely

Dr Jill Sheppard