



## Electoral Commissioner

REF: IQ20-000007

[REDACTED]  
Committee Secretary  
Joint Standing Committee on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

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Dear [REDACTED]

### Question on Notice – Eligible Overseas Electors

Please find enclosed a response to a written Question on Notice from the Joint Standing Committee on Electoral Matters (JSCEM) received on 23 November 2020. We trust this information assists the Committee's inquiry on the future conduct of elections operating during times of emergency situations.

#### Question:

*Australians residing abroad must apply to be an Eligible Overseas Elector within 3 years of leaving Australia. We've heard from Australians living overseas, who had not applied because they planned to return within three years, but were stuck overseas when Covid hit and missed the deadline. They asked the AEC to waive the requirement and allow them to register as overseas electors, but were told the AEC has no discretion to waive the operation of s.94(1B) of the Cth Electoral Act.*

*Is this an issue that has been raised with the government? Are you aware of any reform being considered to give flexibility around eligible overseas voters unable to return home as planned due to an emergency situation?*

#### Answer:

There have been a small number of registered overseas electors who have raised this matter with the Australian Electoral Commission. Registered *eligible* overseas electors are not being disenfranchised by the COVID-19 travel restrictions. Australians who are already registered as eligible overseas electors, and who are not able to return to Australia, are able to apply to have their registration extended for a further period of one year, pursuant to subsection 94(13)(f) of the *Commonwealth Electoral Act 1918* (the Electoral Act). Overseas Australians who are not enrolled may apply for enrolment at their residential address upon their return to Australia.

The eligibility requirements in the Electoral Act are designed to safeguard the accuracy of the Electoral Roll. Currently there are no proposed amendments to change the eligibility requirements for overseas electors as prescribed in the Electoral Act.

In addition to these provisions, enrolled voters who are overseas at the time of a federal election – and are not registered overseas electors – have the option to vote by post.

Yours sincerely

Tom Rogers

2 December 2020