



AEC SUBMISSION

Joint Standing Committee on Electoral Matters
inquiry into the 2025 federal election

2025 federal election

The Australian Electoral Commission (AEC) welcomes the opportunity to make this submission to the Joint Standing Committee on Electoral Matters' (JSCEM) inquiry into the 2025 federal election. As custodians and stewards of the electoral process, the AEC remains committed to electoral integrity and continuous improvement in a rapidly changing operating and threat environment.

The 2025 federal election was successfully delivered with very high levels of integrity, record levels of enrolment and a robust service offering. Survey data indicates that Australians hold high levels of confidence, trust and satisfaction in the AEC's delivery of federal elections. This reflects the AEC's decade-long commitment to enhancing our service offering and strengthening electoral integrity, as well as the professionalism of the AEC's electoral administration.

Australia is recognised globally as a leader in electoral management, however in a time of growing threats to democratic systems, we must not be complacent. To remain world-leading and maintain resilient, trusted and equitable democratic electoral processes, we must continue to invest in our electoral system through sustained funding, commitment, innovation, and vigilance.

The AEC recently published a [report on the 2025 federal election](#) on the AEC website which outlines key components of the election in detail. Therefore, this submission is limited to outlining aspects of the election that were challenging, and issues where the AEC would welcome JSCEM's discussion and consideration of potential reform.

Accordingly, this submission is intended to support JSCEM discussion and consideration on:

- The voters' experience, including campaign conduct and privacy concerns (Part 1)
- Regulatory challenges, particularly with respect to the information and communications environment (Part 2)
- Enhanced education and service delivery (Part 3).

Part 1: The voters' experience

Campaigner conduct

1. Political campaign workers play a crucial role in every election. They are an essential conduit between the candidate and the voter. They need to be effective and persuasive advocates to perform their role in influencing the voter, but they can also positively, or negatively, influence the environment outside a polling place.
2. During the last election, the AEC witnessed the vast majority of campaign workers being respectful to other campaigners, other party workers and to voters. Despite being political opponents, they make an effort to get along, passing the long hours and days outside polling places with engaging, respectful conversation and sometimes great humour. It sets an excellent environment for all electoral participants and is a big part of the inclusive election environment that Australia is internationally renowned for (along with democracy sausages and cake stalls). However, in every election a few issues between campaign workers arise that could have a potentially adverse effect on the environment outside the polling place. Generally, these are minor in nature and are resolved quickly.
3. While the vast majority of 2025 federal election candidates and campaign workers engaged in respectful exchanges of ideas and perspectives, we saw some instances of aggressive, obstructive and, at times offensive, behaviour at polling places, notably in metropolitan Melbourne and Sydney, particularly in areas that were considered close seats. For the protection of staff, the public and campaign workers, the AEC encouraged its temporary election workforce to contact local police where individuals felt unsafe.
4. A small number of incidents were logged by AEC staff nationally regarding antisocial, intimidating or threatening behaviour, including where this caused disruption to electoral processes. This included allegations of harassment or intimidation between voters and campaign workers in the immediate vicinity of a polling place, as well as photography, filming and verbal abuse of AEC staff undertaking their duties.
5. We also noted an increase in public complaints about campaign behaviour, prompting us to introduce a new 'Political Party' category of complaints so as to monitor and analyse trends of this kind more closely. For the 2025 federal election, the AEC received more than 2,200 complaints in this category, covering various activities by political parties including spam SMS messages, postal vote applications, advertising, and campaign worker behaviour. Of those complaints, 550 related to voter harassment and intimidation by campaign workers. This included aggressive and pushy behaviour, being bombarded with signs, blocking walkways, asking individuals their voting intentions, and yelling.
6. We also detected more single or limited issues motivated groups or individuals campaigning in this election than in previous elections. The AEC engaged with around 130 new entities or individuals during the 2025 federal election in relation to their potential disclosure obligations as a campaigner. It was apparent that many had little or no knowledge of electoral law and practices.
7. The intention of most campaign workers is of course to persuade people to cast their vote in favour of their political party or candidate. However, it may be that such poor campaign behaviour has the opposite effect. Robust academic research on the impact and potential implications of poor campaign behaviour and tactics might help further inform the behaviour of some campaign workers in the future and drive a more appealing approach for the voter.
8. In a country where it is compulsory to vote, we all need to work hard to make the voter's attendance at the polling place as easy, inviting and pleasant as possible. Fully engaged, active participation by voters in elections is an essential element in maintaining the strength of our democracy. Strongly democratic elections such as ours need engaged and respectful candidates and campaign workers. Campaign workers have a very important role to play in engaging voters

and contributing to the integrity of the election—by increasing awareness about the election, how to vote formally, and by being scrutineers for the count.

9. To help nurture a positive election environment, the AEC promotes lawful and respectful campaigning through media statements, candidate guidance, and direct engagement with candidates and campaign workers. We also exercise our regulatory role, however, beyond communicating with campaign workers and their teams, the AEC has limited powers to control or regulate their behaviour.

10. There were times during the election when voters and candidates seemed frustrated by the limitations of the AEC's legislative powers. The AEC's powers around polling places are largely restricted to within the 6-metre boundary from the entrance to the polling place, as outlined in section 340 of the *Commonwealth Electoral Act 1918* (Electoral Act). Outside that zone, the AEC can only regulate the authorisation of campaign communications. Matters such as electoral bribery or interference with political liberty are criminal offences that must be enforced by the police and must meet the high criminal prosecution threshold for police to prosecute.

11. Any change or expansion of the AEC's remit in this regard needs to be carefully considered. Other state and territory jurisdictions in Australia have taken some steps to address and reduce poor campaign conduct. These include restricting the number of campaign workers and/or the amount of signage at polling places, banning campaign activity on election day (as in New Zealand) and extending campaign exclusion zones.

12. For example, in Tasmania, the Australian Capital Territory (ACT) and the Northern Territory (NT), campaigning is banned within 100 metres of a polling place. In Victoria, campaign signs may not be placed within 100 metres of a polling place, and in South Australia (SA), signs are now banned. While some of these approaches may be effective in their respective jurisdictions, that does not mean that such approaches will necessarily be effective in the context of a federal election. Further, any law restricting electoral campaigning would need to be consistent with the constitutionally-implied freedom of political communications.

13. Options that JSCEM, political parties and candidates may consider include:

- a) publicly pledging to their own code of conduct for their campaign and campaign workers and putting measures in place, such as online education resources, to help achieve the behavioural standards they are seeking to achieve
- b) larger political parties agreeing to a coordinated and bipartisan approach to publicly commit to a code of conduct or similar that outlines the expected behaviours of their campaign workers
- c) collaborating with the AEC to lead a consultative design process to develop a code of conduct for parties and candidates to publicly adopt, including measures for parties and candidates to implement to give it effect.

14. There are a number of examples of electoral campaigning codes of conduct around the world that focus on similar themes, with varying levels of detail and application. In Australia, the NT Electoral Commission has established a code of conduct for candidates, campaign workers and scrutineers for both [NT Legislative Assembly elections](#) and [local government elections](#).

15. These codes reference electoral offences directly from relevant electoral legislation and stipulate the following behaviours that must be observed at all voting centres:

'Candidates, campaign workers and scrutineers must not:

- a) *use language that provokes violence towards other candidates, campaign workers or members of the public*
- b) *intimidate candidates or voters*
- c) *enter the prohibition zone set by the officer-in-charge of the voting centre unless duly appointed*

- d) *publish or display false information about other candidates*
- e) *plagiarise any other candidate's name, acronym or symbol*
- f) *offer any inducement or reward to a person to vote for a candidate*
- g) *destroy, remove or deface posters belonging to other candidates.*

A person who does not comply with these conditions may be removed from the voting centre by the officer-in-charge or by the police. Penalties may apply.'

16. In South Africa, the *Electoral Act 1998* contains an [electoral code of conduct](#) for political parties and candidates aimed at promoting conditions that are conducive to free and fair elections and creating a climate of tolerance, free political campaigning and open debate. This code features most of the behaviours stipulated in the NT codes of conduct referenced above, with a particular focus on prohibiting behaviours that could lead to violence or unlawfully attempting to influence the outcome of an election.

17. The United Kingdom (UK) Electoral Commission has established a [code of conduct](#) for campaigners at UK Parliamentary general elections in Great Britain, local elections in England and Police and Crime Commissioner elections. This code provides a guide for campaigners, electoral administrators and police on what is, and is not, acceptable behaviour at polling stations and in the community in the lead up to polling day. This code primarily focusses on maintaining the integrity of the vote by following proper process throughout the various stages of the election.

18. In Canada, Elections Manitoba established a [code of ethical conduct](#) to foster confidence in the integrity and fairness of the electoral process. The code was developed through consensus with political parties and sets out guiding principles and specific practices that establish a framework for the conduct expected of participants in the political process. Although this code encompasses some similar themes to the codes referenced above, it also includes guidelines on fundraising practices and disclosure of political contributions and election spending.

19. Although adopting a code of conduct for electoral campaigning in Australian federal elections would not be compulsory or enforceable, it might nonetheless help drive better conduct with apparent breaches or non-compliance being reported by media and other stakeholders. The AEC will continue to look at developing further online education material to support a better campaign environment. This would complement [Candidate information hub](#) on the AEC website, including the [Candidate Handbook](#), and [A Candidate's Guide to the Changing Electoral Environment](#).

20. While the AEC continues to expand education and support for candidates and campaign workers to best understand their obligations, and the crucial role they play in facilitating a tolerant and civil election, we also recommend strengthening enforcement mechanisms and penalties for non-compliance with campaign rules as set out further in this submission.

Voter privacy

Third-party postal vote applications

21. The voter experience is also influenced by political campaign strategies. Despite being a long-standing feature of the Electoral Act (see section 184AA), voters are increasingly making complaints (and have been for many elections) about receiving unsolicited postal vote applications (PVAs) from political parties or candidates. Voters unable to attend a polling place to vote on election day can apply for a postal vote. Voters can apply online via the AEC website, or they can submit a paper postal vote application (PVA) form. Voters registered with the AEC as general postal voters automatically receive their ballot papers via the mail.

22. Under the Electoral Act, political parties, candidates and other third parties are permitted to distribute and collect PVA forms (broadly referred to as party PVAs) and send election material together with those forms. For the 2025 federal election, 316,117 paper PVAs were recorded as being from these entities with the vast majority driven by major political parties. These paper PVAs from parties accounted for approximately 72 per cent of all paper applications. In addition, the AEC

recorded over 357,000 redirections to the AEC website from third-party postal voting websites. These websites required voters to add their details into an online form before being redirected to the AEC's online postal vote application, providing third parties with sensitive personal data.

23. Party PVAs cause confusion, privacy concerns, and processing delays and ultimately can undermine confidence in the integrity of the process. In addition, driving up the number of postal voters introduces inherent risk of errors, disenfranchisement, as well as costs and delays to election results.

24. During the 2025 federal election, the AEC received more than 260 complaints about party PVAs. Voter commentary and complaints highlighted that many voters did not realise that applying via a party PVA meant their application was first handled by the party, not the AEC. Applicants first entering information into a third-party website did not always realise it would not immediately constitute having submitted a valid application.

25. A higher number of postal voters may also result in an increased chance of voters not having the opportunity to cast their vote if their application is not transferred to the AEC by the third-party in a timely manner, with the result that their postal vote is not received on time. There is also a risk of not having their vote counted because it fails to comply with the AEC's specific postal vote requirements.

26. The use of third-party PVAs that involve political parties collecting and processing personal voter information prior to submission to the AEC raises significant concerns under current privacy practices and drives many complaints to the AEC in relation to the voter's privacy. These practices are increasingly out of step with prevailing community expectations and legal principles governing data protection.

27. In today's digital landscape, and noting recent large scale privacy breaches, Australians are increasingly seeking stronger assurances around how their personal information is being managed. The *Privacy Act 1988 (Cth)* and the Australian Privacy Principles (APPs) set clear standards for how personal information must be collected, used, and protected. Registered political parties are exempt from the Privacy Act, and members of parliament, their staff and their volunteers are exempt from the Privacy Act when carrying out political activities.

28. Practices that obscure the flow of sensitive data, especially in the context of democratic participation, and collect personal voter information perhaps not always with the voter's full knowledge and understanding, increasingly conflict with community expectations.

29. As with previous submissions,¹ the AEC again requests the JSCEM further consider legislation that either:

- a) removes the option for any third-party to promote or send out PVAs both in hard copy or electronically (as recommended by the JSCEM Report into the Conduct of the 2022 federal election and other matters),² or
- b) allows third parties only to facilitate PVAs electronically and removes paper-based options, which will help reduce duplication and inefficiencies in processing, and reduce voter concerns about how their information has been captured.

30. In Victoria, the *Electoral Act 2002 (Vic)* explicitly prohibits the practice of PVAs being attached to material provided by a person or organisation other than the Victorian Electoral

¹ AEC [submission 330](#) and supplementary [submission 330.7](#) to the 2022 federal election JSCEM inquiry.

² JSCEM Final Report on the [Conduct of the 2022 federal election and other matters](#):

Recommendation 20 - 5.157 The Committee recommends that section 184AA of the Electoral Act, application forms for postal votes, be amended or removed, so that postal vote applications can no longer be included with other material.

Recommendation 21 - 5.158 The Committee recommends that section 184 of the Electoral Act be amended to clarify that postal vote applications must be sent directly to the Australian Electoral Commission's nominated addresses.

Commission, while SA's approved form states that the application must be returned directly to the SA Electoral Commissioner. In 2024, the NSW Joint Standing Committee on Electoral Matters recommended:

*'The NSW Government prohibits political participants from distributing and collecting postal vote applications.'*³

In April 2025 the NSW Government accepted this recommendation and stated *'the Government will introduce a Bill to give effect to this recommendation'*.⁴

31. If JSCEM considers the second option is the best approach, exemptions for political actors should also be removed from the Privacy Act. This will mean that political parties, parliamentarians and candidates will have to provide notice to voters around the collection and use of their personal information. If these exemptions are not removed, then political parties should be required, specifically in relation to PVA forms, to make it clear to voters that they are not interacting directly with the AEC and that their data and application will be transferred to the AEC.

Spam text messages

32. During the 2025 federal election, the AEC received over 150 complaints from members of the public about receiving unauthorised spam messages from political parties, including in relation to the inclusion of party website links.

33. Voters are increasingly complaining about the receipt of unsolicited spam text messages sent during election campaigns. Voters have expressed that they feel this is an invasion of their privacy and they are unsure, and concerned, about how the sender has obtained their mobile phone number. Some complainants accuse the AEC of providing or even selling voters' mobile phone numbers – this has never and will never happen – and the perception of this has the potential to undermine trust in the AEC.

34. To strengthen public trust in political communication, the *Spam Act 2003 (Cth)* could be amended to ban political parties and other political participants from sending "spam messages" (should such an amendment not offend the implied freedom of political communication) or alternatively require those sending spam text messages for election campaigning to adhere to the Spam Act. This would require political parties to first obtain consent from recipients, properly identify themselves as the sender, and provide an easy way for recipients to unsubscribe.

Public access terminals

35. The AEC maintains the view previously made to JSCEM,⁵ that the legislation requiring Public Access Terminals (PATs) to display the electoral roll is outdated and poses a serious privacy risk to voters. The balance between transparency of the electoral roll alongside serious privacy and security risks for voters in the current environment needs to be further considered. This could include either modernising the method of accessing PAT data, or removing the requirement for roll PATs altogether which is the AEC's preference.

36. Section 90A of the Electoral Act requires the AEC to make a copy of the roll available for public inspection for free at AEC offices at any time during office hours. With the exception of voters whose addresses are suppressed as per the provisions of section 83 ('silent electors'), the information to be made available includes each voter's surname, given names and 'place of living'. It is apparent from various references in the Electoral Act that 'place of living' means residential address.

³ NSW Joint Standing Committee on Electoral Matters, [report on the administration of the 2023 NSW state election and other matters](#) (Recommendation 8), Parliament of New South Wales 2024.

⁴ The Hon John Graham MLC, [NSW Government response](#) to Report 1/58 of the Joint Standing Committee on Electoral Matters, Parliament of New South Wales 2025.

⁵ AEC [submission 330](#) and supplementary [submission 330.7](#) to the 2022 federal election JSCEM inquiry.

37. The Commonwealth Ombudsman has previously expressed the view that the right of inspection conferred by section 90A is unfettered, and that stricter access policies (such as those adopted by the AEC in the past, e.g. increasing supervision of users and terminating sessions when used for purposes not related to electoral processes) 'would be inconsistent with the law'.

38. While not stated explicitly in the legislation, it is apparent from relevant explanatory material that a public right to inspect the electoral roll was introduced for the purposes of maintaining roll integrity by enabling voters to verify their own enrolment and support a sound objection process. As outlined below, the intent of this legislation is being misapplied or abused. AEC staff are often advised or overhearing conversations indicating that many are accessing the roll data for the purposes of supporting debt collection, private investigations, research into family history or even school reunions. It is likely that some are also using it for criminal purposes.

39. Private objections play an important role in helping the AEC maintain the accuracy of the electoral roll. One of the arguments in favour of the right of inspection of the electoral roll is that it allows a person who believes a voter is not enrolled at the correct address to verify the voter's enrolled address before lodging an objection on non-residence grounds. Under the Electoral Act, a person wishing to lodge a private non-residence objection must pay a \$2 deposit, which is forfeited if the AEC rejects the objection. However, a review of PAT-usage and objections data from 1 January 2024 to 30 June 2025 suggests PATs are very rarely being used to support non-residence objections. Specifically:

- a) while 605,794 PAT searches were conducted nationally in that 18-month period, only 69 (0.22 per cent) of the 31,473 private objections lodged in the same period were based on non-residence (we have no data on what proportion of the 69 utilised a PAT prior to lodging a private objection, but we expect a very small proportion did)
- b) 31,404 (99.78 per cent) of private objections were based on cognitive impairment, which does not require prior verification of the voter's enrolled address.

40. Since the right of electronic inspection was introduced in 2004, the AEC has also established a 24-hour online enrolment verification facility (OEVF) known as [Check my enrolment](#). The OEVF enables voters to remotely verify their own enrolment. A person can also use the OEVF to verify the enrolment of another voter (excluding those that are enrolled as silent electors), as long as they know that voter's full name and the street and suburb in which they reside. As such, the OEVF performs a similar function to PATs in enabling the public to help maintain the accuracy of the electoral roll, however unlike a PAT, it does not enable a person to search for any enrolment details of another voter without knowing their full name and address. The AEC advertises the OEVF feature during elections, particularly during the close of rolls period and does not have any data to indicate that it is abused.

41. Since the introduction of electronic inspection in 2004, the evolution of technology and growth of social media mean the risks associated with facilitating the right of inspection via PATs have increased considerably. The AEC has for some time been open and explicit about the challenges of facilitating the right of inspection while also maturing its privacy management practices. Due to the increasing number of large-scale data breaches in Australia, public expectations about the management and security of personal information have changed.

42. This change, together with the erosion of social cohesion since the COVID-19 pandemic, suggests it is timely for the AEC to again consider the risks associated with PATs and the options available for mitigating these. The importance of such a review was underscored in June 2025, when it was reported via X (in a post the AEC has seen), that an activist group had made a public call for supporters to access AEC PATs to locate targets for, and then carry out, politically motivated violence.

43. Similarly, in the context of increasing security threats, the AEC has observed a key concern among parliamentarians about the risks arising from the public's ability to access their home address details via the PATs.

Part 2: Regulatory challenges

Information environment

44. The AEC strives to be a model electoral regulator. Stakeholders expect the AEC to respond swiftly and decisively to unauthorised electoral material, and mis- and disinformation about the electoral process. However, in an increasingly fast-paced and complex online information environment, those expectations often exceed what is possible under the regulatory framework in the Electoral Act.

AEC's approach

45. The AEC maintains a strong educative approach in the lead up to and during the election period to ensure accurate and timely electoral information is available for voters. This includes via digital, social media and web platforms, through a national advertising campaign, and community education and engagement. Initiatives have included:

- a) monitoring campaign communications to ensure they are properly authorised to help voters identify who is responsible for electoral communications
- b) running the 'Stop and Consider' campaign to remind voters to check the source of electoral communications and to exercise caution when it is unclear
- c) maintaining a Disinformation Register on the AEC website that corrects disinformation about the electoral process
- d) publishing informative AEC TV videos
- e) conducting other education initiatives to build resilience to mis- and disinformation and provide voters with accurate information about the electoral process.

46. The AEC received an additional \$1.856 million as part of the 2024-25 MYEFO to expand our Digital Media Literacy Program to deliver communication and education activities aimed at reducing susceptibility amongst voters towards false or misleading information. This funding represented a small component of an overall funding allocation for the AEC to address false or misleading electoral communication in the lead up to a federal election.

47. It is difficult to measure the effectiveness of a small component of the campaign but given the feedback we have received, the complaints and the changing nature of the online environment, more sustained investment is needed.

Engagement with online platforms

48. The AEC recognises the importance of engaging with all significant online spaces where Australian voters interact and get information during elections. The AEC engages with technology companies predominantly based in the United States, to ensure they understand Australian electoral processes and laws, and to confirm each platform's ongoing commitment to combatting deceptive information and technologies.

49. Along with other Australian Government agencies, the AEC also engages with foreign-language platforms with significant user bases in Australia. However, managing non-English election content and translations is very challenging and requires a lot of resources, and we mostly depend on users or the media to alert us to issues on foreign-language platforms.

50. To promote trust in, and mitigate threats to, the integrity of Australian electoral processes, the AEC also proactively monitors electoral content on media and digital platforms. If the AEC sees electoral content that has breached Commonwealth law (such as the Electoral Act) or platform terms of use, the AEC refers it to the respective platform for review and moderation.

Response from online platforms to mis- and disinformation

51. During the 2025 federal election, the AEC observed differences in response times and results for online content referral and enquiries compared to previous elections. While some

platforms improved their responsiveness, others were notably less responsive. The AEC also observed that platform responses to AEC content referrals containing electoral mis- or disinformation, or otherwise misleading electoral information, vary due to the scope of Australian laws.

52. For example, section 329 of the Electoral Act creates an offence for publishing electoral matter that is likely to mislead or deceive voters in relation to the casting of a vote. Courts have determined that this offence does not regulate the content of political messages, only communications that are directed at influencing the way in which a ballot paper is marked, meaning the AEC cannot rely on this law to address all electoral process mis- and disinformation.

53. Many of these differences can be directly attributed to changes in online platforms' approaches to content moderation, with a number of US-based companies moving to a model based on user feedback (such as 'Community Notes') and the prioritisation of preserving the US constitutional right of freedom of speech or alternatively referred to by some as freedom of expression, even when their platform policies have been violated.

54. Noting this change in posture by the platforms, it is timely to consider whether the AEC's legislative and regulatory powers enable an effective response to meet current and future Australian voter and candidate/political party expectations in the online environment.

How to support the voter and further enhance electoral integrity

55. Targeted efforts by the AEC are not enough to build permanent voter resilience and remain a prominent component of Australian's digital engagement throughout the electoral cycle. Voter experiences online shape their views around trust and integrity in the electoral process.

56. Voters also need to be prepared for continuous changes in the online environment, including the continued evolution of Artificial Intelligence (AI) that will further degrade and complicate the information environment around elections.

57. Without sustained education and support on how to navigate the online information environment during an election period, and without the AEC being able to effectively regulate electoral content online, the voter's trust in the electoral process and potentially the AEC will be impacted. This is becoming even more critical noting the ubiquity of electoral mis- and disinformation on social media, and a decreasing appetite from platforms to remove, de-elevate, or label incorrect or misleading electoral information.

58. The Finnish Government's [Cyber Security Strategy 2024-2035](#) outlines Finland's integrated approach to information defence, strategic communications, and democratic resilience. It emphasises the role of media literacy in countering disinformation and foreign interference, particularly during elections.

59. Finland's [Ministry of Education and Culture Strategy 2030](#) outlines Finland's commitment to education, culture and democratic values through inclusive policies, digital literacy and civic engagement, and reinforces the role of media literacy in sustaining democracy and countering disinformation.

60. The Finnish Government aims to equip citizens to critically assess information, reducing the impact of mis- and disinformation and foreign interference during elections. While the AEC provides voter education and digital literacy resources during election periods (for about a 6-week period every 3 years), they are not embedded in a broader, continuous approach. To better support the voter, the AEC would require specific funding to maintain electoral and digital literacy efforts between elections.

Legislative and regulatory options

61. It is timely to also review the AEC's legislative and regulatory powers to try and keep pace, if not leap ahead and predict the information environment of elections into the next decade. The AEC would benefit from JSCEM's consideration of the following:

- a) whether section 329 of the Electoral Act can be reconstructed by parliament to apply outside of the polling period and potentially to relate to misleading and deceptive communication that relates to the electoral process (i.e. deliberately misleading others about how an election is conducted) and the imitation of AEC colours and branding.

62. While the AEC maintains a strong educative approach from the outset of an election period and engages with electoral participants to inform them of their legal obligations, the effectiveness of this strategy diminishes as polling day nears. In the days leading up to and including polling day, swift action is necessary to counter misconduct, requiring further AEC powers.

63. While the threshold would remain necessarily high to prove a criminal offence, apparent breaches of this provision would give the AEC stronger grounds to have the communication removed from social media platforms when they require us to demonstrate that the communication in question has breached the Electoral Act.

64. Alternatively, or additionally, subject to implied freedom of political communication concerns, the AEC could have the legislative power to issue a notice to platforms for the occurrence of mis- or disinformation relating to the electoral process, ordering the post to be removed. This measure would assist in curbing the deliberate dissemination of disinformation relating to the election process, an erosion of trust in elections and reduce voter confusion.

65. For example, over the last three election cycles the AEC has sought to deal with a trend where voters have been encouraged to issue a 'Vote of No Confidence' (VONC), under a mistaken impression that if enough voters submit a ballot with the message written 'there is no suitable candidate to meet my will', this will invalidate an election and cause a new election to be called. This type of misleading conduct only serves to undermine the franchise of those people misled by the VONC messaging, and stronger enforcement mechanisms would allow the AEC to more effectively deal with this type of disinformation.

- b) Legislatively requiring social media companies to adhere to minimum standards with respect to how they discharge the following:
 - i. educate their platform users about digital literacy, specifically how to identify mis- and disinformation in the context of an election
 - ii. respond to legislative breaches of the Electoral Act with minimum timeframes to undertake the required action
 - iii. maintain minimum standards for an advertisement library that tracks all political advertising and expenditure, so this is available to all voters in a consistent format across platforms (applicable to platforms that continue to allow political advertising).

Authorisations and communications

66. The Electoral Act requires that certain electoral communications, such as campaign materials, must include an authorisation statement or message that identifies the person or entity responsible for the communication. A purpose of this requirement is to enable voters to know the source of communications that could influence their voting decisions during a federal election.

67. The AEC takes a proactive approach by educating both the public and election participants about the authorisation requirements. For the 2025 federal election, the AEC published the [Authorisations Better Practice Guide](#) to encourage compliance, and increased reviews of electoral communications in response to complaints or concerns, as well as through ongoing monitoring by AEC staff.

68. During the federal election period (2 February – 3 May 2025), the AEC reviewed 7,418 communications, a significant increase from communications reviewed during the 2022 federal election. 1,677 breaches of the authorisation requirements were identified, representing a 77 per cent compliance rate of those reviewed. The communications reviewed included 2,606 social media

communications (including 18 podcasts or influencer posts), with 62 per cent of those found to be compliant.

69. The communication environment has changed significantly since the authorisation requirements were updated and consolidated in Part XXA of the Electoral Act in 2018. Further, Justice Edelman observed in *Laming v Electoral Commissioner of the Australian Electoral Commission* [2025] HCA 31, that, as a result of the majority decision, the current authorisation framework is not fit for purpose to address evolving communication methods and technology, writing that:

Unless or until any amendment is made by the Commonwealth Parliament, there will now be a radical change in the digital equivalent of the treatment, which has endured for more than a century, of a political campaigner who would have committed 1,000 offences by dropping 1,000 contravening pamphlets in letterboxes. The political campaigner of today will commit only a single contravention by an electronic message transmitted and received by 1,000, 10,000, 100,000 or 1,000,000 unique profiles on Facebook, or on TikTok, Reddit, or any other social media.

The same reasoning applies, by necessary analogy, to transmissions by text message or email; indeed, as is plain from the passages quoted from the JSCEM Report in the introduction to these reasons, Facebook posts were intended to be treated in the same way as text messages. The democratic roadblock presented by today's interpretation of s 321D, from which I dissent, can be appreciated without speaking of the penalty of \$25,200 for a single contravention of that provision having become "an acceptable cost of doing business."⁶

70. Some of the matters for JSCEM consideration include:

- a) replacing the subjective dominant purpose test for “electoral matter” with an objective standard
- b) clarifying the nature of contraventions of the authorisation requirements and/or strengthening penalties for unauthorised electoral communications, particularly having regard to the recent High Court decision in *Laming v Electoral Commissioner of the Australian Electoral Commission* [2025] HCA 31
- c) clarifying and strengthening the investigatory powers of the AEC to enable the AEC to more quickly gather evidence and make timely regulatory decisions in the fast-paced electoral communications environment
- d) extending regulatory powers in relation to authorisations, including relating to removing signs in breach after appropriate warnings have been issued and non-compliance continues
- e) updating authorisation requirements to have a single, simple requirement for all different types of communications
- f) allowing abbreviations to be used in the authorisation statement, in certain circumstances
- g) requiring communication that contains a deepfake⁷ (e.g., AI generated images of another candidate) to declare the presence of a deepfake in the authorisation to help voters better understand and navigate the communication
- h) clarifying the position on communications made through news media outlets by disclosure entities
- i) considering to what extent, if any, authorisations provisions should apply to podcasts and influencers and whether the collaborative posting of podcasts by content creators and

⁶ [Laming v Electoral Commissioner of the Australian Electoral Commission](#) [2025] HCA 31, paragraph 130.

⁷ eSafety Commissioner [Deepfake definition](#)

influencers with disclosure entities need to be authorised by the creator and the disclosure entity.

71. Some of these clarifications could be addressed in the Authorisation Determination that the Electoral Commissioner can make under section 321D(7) of the Electoral Act. The AEC intends to review this Determination and consult with stakeholders on potential changes prior to the 2027/28 federal election. Before doing this, however, it would be very useful to know whether JSCEM considers that the underlying legislation should be updated to reflect the changed communications and media landscape.

Party registration

72. The AEC maintains the Register of Political Parties and administers the Commonwealth Party Registration Scheme, to establish a register of party names, abbreviations and logos that can be printed on the House of Representatives and Senate ballot papers at elections. Registration as a federal political party is not compulsory to contest federal elections – unendorsed (independent) candidates can also nominate for election. As of September 2025, 55 parties were registered (36 Parliamentary, 19 non-Parliamentary). The AEC reviews every party in the Register at least once between federal elections.

73. Although some registration provisions within the Electoral Act were amended in 2021, limitations and inconsistencies remain. These include inconsistency of application processes for changes to logos, names and abbreviations, and a definitional lack of clarity with respect to certain introduced terms. There is an ongoing need for clear, consistent party registration requirements. Amendments to the Electoral Act could be made to:

- a) clarify that all changes to the register should cease between the issue and return of election writs apart from changes to party office bearers
- b) clarify that notice of an application to register a political party can be published by the Electoral Commissioner (rather than the Electoral Commission)
- c) update the requirement to pay a fee for a change to the register to include applications to add or change a party logo
- d) extend the power to deregister a party for fraud or misrepresentation in obtaining registration to permit deregistration for fraudulent information or misrepresentation provided as part of a review of registration
- e) clarify timeframes for review periods to ensure that review periods commence from the date notice is provided rather than the date the decision came to the notice of an individual
- f) change the requirement to notify applicants by post, to a requirement to notify in writing. This allows for electronic notification
- g) streamline the registration process by reducing the timeframe for members to respond in 10 days rather than 30 days.

74. Additionally, it would be desirable to give legislative recognition to statistical membership testing methodologies recommended by the Australian Bureau of Statistics and to broaden the scope of matters to be considered in assessing an application for registration (for example, law enforcement concerns).

Non-voter provisions

75. The AEC addresses apparent non-voting at federal electoral events by regulating voter obligations as prescribed in the Electoral Act. Currently, this requires that a penalty notice is sent by post or delivered by other means to the last known address of each voter who appears to have failed to vote. If the voter does not reply to the first penalty notice, a second penalty notice must be sent, and, where a voter's response to a penalty notice does not satisfy the Divisional Returning

Officer (DRO) that they did in fact vote, or have a valid and sufficient reason for failing to vote, a further penalty notice is required to be sent.

76. The requirement to post or deliver up to three notices to the last known address is costly and relies on postal services that are increasingly limited in frequency and pose challenges in reaching voters residing in more remote areas. The ability to send notices via electronic or other means would enable the AEC to utilise modern communication methods that are more real-time, cost-effective, reliable, and meet community needs and expectations.

77. The \$20 administrative penalty for non-voting has not changed since 1991 and along with the ACT, is the equal lowest non-voting penalty in Australia. JSCEM's report on the conduct of the 2016 federal election recommended a review of the penalty for non-voting⁸. Consideration might be given to increasing the penalty for non-voting in line with Consumer Price Index (CPI) to reflect the significance of compulsory voting for Australia's democratic processes and provide a stronger deterrence to non-voting than the current penalty amount.

Electoral offences

78. The AEC considers that it would be appropriate for the Government to conduct a review of all offences in the Electoral Act to develop a coherent regulatory regime for elections. Many of the offences in the Electoral Act were introduced at different times, with the result that some are outdated or are drafted inconsistently with other related provisions. For these and other reasons, they are difficult to enforce. Including:

- a) the penalties for contravention are inconsistent
- b) the effect of the provisions regarding misleading or deceptive conduct is unclear
- c) there are very limited legislative tools for managing interference or unacceptable behaviour at elections.

79. Modernising the offences regime would be likely to assist the AEC's regulatory function and improve public understanding, ensure a consistent approach to penalties, and establish a contemporary framework targeted to contemporary electoral risks. This could include consideration of the following measures:

- a) empowering the AEC to issue infringement notices (along similar lines to the power of the Information Commissioner)
- b) creating an offence prohibiting interference in an election (e.g., interference by domestic or foreign actors using AI, cyber-attacks, or social media)
- c) clarifying the legislative scope of the misleading or deceptive publications offence in section 329 of the Electoral Act (as outlined above).

Such changes would:

- d) ensure consistency of penalties for breaches and ensure proportionality of penalties where conduct is comparable to other offences within the Electoral Act
- e) modernise the approach to regulating electoral offences by introducing a dual enforcement pathway (civil penalty and criminal prosecution) similar to the wage theft provisions in the *Fair Work Act 2009 (Cth)*
- f) remove some of the difficulties faced by the AEC in enforcing electoral offences due to the narrow scope of some provisions (i.e. misleading and deceptive publications) and the difficulty in establishing other elements of an offence (e.g. subjective tests).

⁸ JSCEM Final Report on the [Conduct of the 2016 federal election and matters related thereto](#):

Recommendation 10 – 3.110 The Committee recommends that the Australian Government review the penalty for non-voting.

Part 3: Enhanced education and service delivery

80. The AEC's communication, education and engagement initiatives play a central role in enabling voters to participate confidently and equitably in elections and therefore assist in increasing voter participation.

81. Ahead of the 2025 federal election, the AEC delivered its largest suite of accessible resources to-date, including Easy Read Guides, co-designed Auslan videos, and materials in 59 languages (34 culturally and linguistically diverse (CALD) languages, 25 First Nations languages). Over 1,000 community education sessions were delivered in 35 languages, with a focus on First Nations and multicultural communities, with 53 Indigenous funded partnerships, 798 First Nations engagements, 430 Yarn and Learn sessions, and 58 Community Electoral Participation Officers (CEPOs) employed. The AEC also employed 17,602 people who identified as bilingual, an increase of 2,565 from the 2023 referendum.

82. While the AEC has significantly uplifted efforts in education and engagement, persistent gaps in electoral literacy and participation remain for some groups, especially in remote and regional areas. There is an ongoing need for culturally appropriate, place-based engagement and education in civics, elections and voting, and digital literacy.

83. The AEC recommends continuing and expanding investment for ongoing targeted education and engagement, between and during elections, especially for First Nations, CALD, youth and people with disability, and supporting long-term partnerships and community-led approaches. This investment should be complemented by measures to assess the efficacy of these interventions on formality and turnout through longitudinal voter studies.

84. In 2025, the informality rate was 5.6 per cent for the House of Representatives and 3.45 per cent for the Senate. These rates are comparable to previous elections. Higher rates of informality continue to occur in divisions with a larger number of candidates and particularly where this coincides with a large number of voters with lower English proficiency. This is further exacerbated in NSW where optional preferential voting is used for state elections, resulting in confusion when it comes to completing ballot papers for a federal election, resulting in incorrectly completed ballot papers and informal votes.

85. The AEC conducts large-scale public information campaigns during elections and produces an Official Guide. This Guide was distributed to 11.8 million households for the 2025 federal election. Research undertaken found that, of those who recalled the AEC campaign, 98 per cent were more likely to report an intention to vote, compared to those who did not see the campaign. Further, the Official Guide effectively directed three-in-five (59 per cent) respondents to find more information and 65 per cent of respondents indicated it helped them understand how to correctly complete their ballot papers.

86. The constant provision of electoral education is required to ensure voters, especially new voters understand their obligations and how to fulfil them. Although educational activities are undertaken to the greatest extent possible within the funding envelope allocated for the election period, more sustained investment is required in electoral knowledge for all Australians between elections, particularly to increase the voter's understanding of the differences between the voting systems at the local, state and federal level.

Complex count

87. The AEC is continually working to improve the speed of the count, while at the same time adhering to our processes to deliver final, trusted results, according to law. The count for the 2025 federal election was conducted efficiently and with integrity and transparency, despite growing complexity. This complexity stemmed from a range of factors and produced some of the most complex count scenarios in Australia's electoral history. Some of these factors include:

- a) an increase in the spread of first preference votes amongst independent and minor party candidates

- b) the high number of candidates in multiple divisions, including 16 divisions with more than 10 candidates and another 16 divisions with nine candidates
- c) a greater reliance on pre-poll voting.

88. The initial two-candidate-preferred count (TCP), based on the two candidates predicted to receive the most votes, had to be reset in 15 divisions, with 9 resets occurring on election night. After election day, 13 divisions commenced a three-candidate-preferred count (an additional count used to try to determine which are the correct TCP candidates), up from just 4 divisions in 2022. Of the 150 divisions, 88 divisions were required to complete a full distribution of preferences before the AEC could declare the result (compared with 76 in 2022 and 34 in 2019).

89. The AEC has high levels of confidence in its count processes. The metrics work undertaken with Deakin University ensures the AEC is allocating sufficient numbers of staff to ensure the timely completion of counts and that staff are scheduled most efficiently.

90. The count process is now as fast as the AEC can make it within the current legislative constraints and with integrity. If, however, the overall result was closer, with less seats being clear in close proximity to election night, there is a significant risk of delay for the formation of government. Changes to legislation may allow the AEC to provide faster results for both the House of Representatives and the Senate without compromising the integrity of the count. Potential changes could include:

- a) allowing pre-poll ordinary votes to be unfolded and sorted from 12pm on polling day and permit the beginning of scrutiny prior to 6pm. Given the increasing trend in pre-poll voting, this would significantly assist the AEC in providing earlier results on polling night
- b) removing the requirement to conduct DRO Senate counts in out-posted centres. This will enable faster dispatch of ballot papers to Senate scanning centres and an earlier distribution of preferences
- c) removing the requirement to conduct a TCP count in divisions with complex counts where a distribution of preferences is required to determine the top two candidates.

Polling place technology

91. There is an ongoing need for investment in polling place technology and system modernisation to ensure the voting process also remains fast and accurate. The AEC's investment in technology, including the expansion of Electronic Certified Lists (ECLs) enabled by targeted Government funding, improved voter experiences and efficiency in election polling places.

92. The expansion of ECLs from 5,500 at the 2023 referendum to 12,300 at the 2025 federal election covered more than 5,500 polling places and mobile voting teams and 52.7 per cent of all in-person votes. In addition, 900 polling places – including all pre-poll voting centres nationally and all election day polling places in Tasmanian – trialled a new digital Officer in Charge return to enhance operational efficiency and visibility. Overall, this expansion resulted in significant benefits, including:

- a) reducing the number of out-of-division voters who were issued the incorrect House of Representatives ballot paper due to voters providing their wrong enrolled address details (1 in 12 declaration voters on election day in 2022 did not have their House of Representatives vote counted, reducing to less than 1 in 200 where ECLs were used in 2025)
- b) 53,000 voters completing an ordinary vote instead of a declaration vote due to accurately finding the voter on that division's ECL. This resulted in benefits for the voter (no need to complete a declaration envelope) and for the AEC (fewer envelopes to process and therefore quicker to count)
- c) an overall decrease of partially admitted provisional declaration votes where they were still required, from 36 per cent in 2022 to 7 per cent in 2025, increasing enfranchisement

- d) real-time identification and prevention of multi-voting. The increased use of ECLs reduced the apparent multi-voting rate from 0.02 per cent in 2022 to 0.01 per cent in 2025
- e) a quicker voting service in the polling place due to ECL lookup being faster than paper-based lookup
- f) earlier transmission of results on election night through direct results upload to the AEC's election management system by polling places trialling the digital Officer in Charge return. This replaced the need for polling officials to call divisional offices multiple times after the polls closed to relay the results
- g) greater visibility of polling place activities including queue lengths.

93. Polling place technology, while providing significant benefits, does come at a cost. The AEC is considering its future polling place technology service offering to ensure we can continue to provide a fast, accurate, and contemporary voting service to Australians. Any expansion to further enhance these many benefits will require additional and sustained funding.

Service footprint

94. The AEC's service footprint for the 2025 federal election was extensive:

- a) pre-poll voting was significant, with 578 pre-poll voting centres issuing 6.84 million votes, representing 41.7 percent of all votes
- b) 2.16 million people voted by post, including more than 26,000 from overseas
- c) 7.24 million people voted at 6,630 polling locations on election day
- d) mobile voting was provided at over 2,700 locations, issuing 130,900 votes, and included expanded services in hospitals, mental health facilities, correctional facilities, and residential disability facilities
- e) remote voting teams delivered services to 469 remote locations across 6 jurisdictions in 10 days, issuing 27,459 votes.

95. The increasingly complex electoral environment, including a growing electoral roll and changing voting preferences and trends, poses challenges. There is an ongoing requirement to manage the increasing demand for early voting and deliver the polling footprint required to reach all voters. Voter behaviour and expectations are evolving, with legislated eligibility criteria for pre-poll voting having an apparently negligible impact on voters' choice to use the service that best meets their needs.

96. In considering voter accessibility and providing the most streamlined and efficient process as possible, disruptions and barriers to the voting process should be removed as far as possible. Eligibility criteria are currently reinforced in advertising, communications, products such as posters, questions in the polling place, lists on envelopes and flyers. However, voter surveys report the primary reason for accessing pre-poll voting is convenience, suggesting the eligibility criteria is not a consideration. It is also impossible for the AEC to enforce those criteria.

97. The AEC recommends the removal of the eligibility criteria for pre-poll voting. Removing the eligibility criteria for pre-poll will also:

- a) reduce the confusion around the eligibility criteria and the 'noise' it creates that impacts the voter when the most important focus needs to be on turnout and formality
- b) promote consistency across in-person voting methods
- c) enhance accessibility for voters with diverse needs and circumstances
- d) align with modern voter expectations of access to flexible voting options.

98. During the 2025 federal election, the AEC remained agile to ensure enfranchisement, particularly during the high-demand pre-polling period during which almost 7 million votes were cast in person.

99. The AEC is firmly of the view that a shorter pre-poll period would not decrease early voting but would compress the growing demand into a shorter period and increase operational risks, such as queues and shortages of appropriate venues. This is demonstrated by the fact that public holidays during previous pre-poll periods did not stem the growth of pre-poll voting overall. Despite the pre-poll voting period being reduced at the 2025 federal election by two days due to Easter Monday and ANZAC Day, the AEC issued record numbers of pre-poll votes.

100. The current two-week pre-poll period enables an appropriately scaled and accessible pre-poll voting footprint and is a necessary and appropriate period to allow for the effective delivery of mobile voting and remote voter services across Australia.

101. There is also always a risk that a service may be impacted, and closed due to environmental, health or other emergencies. JSCEM may wish to consider secure telephone voting as a safety net for eligible voters affected by natural disasters or otherwise unable to access a voting service. The electronic assisted voting service – previously offered to blind and low vision voters and extended to those in Antarctica in 2022 – was adapted for the 2022 federal election and successfully expanded as a ‘secure telephone voting’ service to Australians isolating due to COVID-19.

102. Following the JSCEM's inquiry into the 2022 federal election, they recommended the Government expand Part XVB of the Electoral Act, to permanently enable more people to vote via telephone.

103. While this focus was then on people with disability, it is worth considering whether such a service needs to be available to support Australians affected by natural disasters. Throughout the course of AEC operations, there have been occasions where adverse weather conditions have impacted on service delivery.

104. During the delivery of the 2025 federal election, a small number of communities were unable to receive a remote mobile voting service due to heavy rain and flooding, which resulted in some communities becoming inaccessible. In the event of an interruption to the planned service in close proximity to election day, the AEC currently lacks an effective mechanism to guarantee an alternative service to impacted voters.

105. Given the emergency nature of this requirement, JSCEM would need to consider who is best placed to authorise the use of this alternative voting service, and the factors to be considered in giving such an authorisation, including:

- a) determining the smallest specific geographical area to be subject to a proposed authorisation
- b) the time period the authorisation would have effect
- c) necessary consultation and notification processes.

106. In Canada, a broad power rests with the equivalent of the Electoral Commissioner to make operational adjustments during the election, noting that parliament will have been prorogued at the time these operational decisions are required. Appropriate consultation, notification and communication mechanisms can be built into any legislative provision or supporting regulation.

Promoting more efficient operations

107. There are a number of further potential changes to the Electoral Act which would improve the efficiency of electoral operations overall, including:

- a) permitting mobile voting on public holidays for teams appointed as pre-poll voting centres

- b) removing the voter and witness signature requirement from a declaration vote if marked off an ECL at the time of the vote being issued, to streamline the issuing of declaration votes in the polling place or pre-poll voting centre
 - i) the Electoral Act could provide that the DRO, being satisfied of all the requirements in Schedule 3 subparagraphs 6AA(a)–(d) being met, may take the envelope as being signed
- c) providing for additional scrutiny to occur prior to a recount decision, at the discretion of the Electoral Commissioner (e.g., to conduct further scrutiny of informal ballot papers or first preferences of the two lead candidates), to enable the AEC to take steps during the process that could avoid the need for a formal full recount after counting is complete.