



Enabling the franchise (Chapter 3)

KEY POINTS:

- At every election and referendum since 1984, electors had seven days after the issue of the writs for an election to make sure they were on the electoral roll or to ensure their electoral details were up-to-date. In 2007 the roll closed for new and re-enrolments on the day the writ was issued and 6 days later for those updating existing details.
- Despite the Australian Electoral Commission spending some \$24 million on advertising in the lead up to the 2007 election, and phoning or visiting nearly one million electors to encourage enrolment, **(see page 95)** over 100,000 electors still missed the close of rolls.**(see page 50)**
- Some 466,000 electors were unable to exercise their franchise correctly — this is comprised of 167,000 who cast provisional votes, 100,000 who missed the close of rolls deadline and 199,000 who cast declaration votes that were rejected because they were not on the roll. A large number of these electors would have been able to exercise the franchise had the protections previously contained in the Electoral Act not been removed and additional barriers put in place.
- Around 27,000 provisional votes were rejected out of hand due to changes made by the former government requiring provisional voters to provide proof of identity at the time of voting or before the Friday following polling day – despite the AEC already holding signatures on enrolment forms that could have been used to prove the identity of those voters.
- The committee has made a number of recommendations to restore safety nets removed from electoral legislation by the former government – in effect restoring the franchise to electors who found themselves disenfranchised by the changes made prior to 2007:
 - o Restoring the previous close of rolls provisions which provide that the date fixed for the close of the rolls shall be 7 days after the date of the writ (recommendation 1). **(see page 51)**
 - o Removing the requirement for provisional voters to provide proof of identity at the time of voting, which has never before been required as the AEC could do signature checks against enrolment records wherever there was doubt (recommendation 2). **(see page 63)**
 - o Restoring provisions which allowed declaration voters to be reinstated to the electoral roll where they had been removed from the roll in error by the AEC (recommendation 3). **(see page 66)**

BACKGROUND:

- The Electoral Act has traditionally provided for a seven day close of rolls period for federal elections. (old s155)
- Following amendments made in June 2006, the electoral roll now closes for new enrolments on the day that the writ is issued. (current s155)
- The fortuitous delay between the election announcement and the issue of the writ in 2007 effectively provided new enrollees just four days in which to enrol, however, if a future election was to be announced on the same day as the writs issue (and there is nothing to prevent this), there would be mere hours during which new enrolments would be accepted with the roll closing at 8 PM on that day. **(see page 45)**
- Electors who attend polling places in their own electoral division but whose names cannot be found on the electoral roll, those who attend a polling place in another electoral division, those who vote at pre-poll voting centres and those who vote by postal vote, all cast declaration votes in which the ballot papers are enclosed in declaration envelopes before being placed in the ballot box.
- These votes are subject to a preliminary scrutiny in which the AEC determines the elector's eligibility to vote. Those votes deemed eligible are counted. Those votes deemed ineligible are not.
- It is common for election enrolment to be higher than close of rolls enrolment. **(see figure 3.2 page 53)** This is mainly due to the reinstatement of electors who were removed from the roll in error by the AEC but who lodged declaration votes at the election.
- A legislative change made by the former government prevented such electors from being reinstated to the roll in 2007. As a result the roll grew by just 1466 electors at the 2007 election compared to 97,425 in 1998 and 77,231 at the 2004 election. **(see page 53)**
- Changes made by the former government in 2006 also required Provisional voters to provide Proof of Identity at the time of voting or before the Friday after polling day.
- 167,682 voters cast provisional votes in 2007, but some 27,000 did not and their votes were not counted. **(see page 54)**
- However, all provisional voters sign the envelope in which their votes are cast. A simple signature comparison between the envelope and the relevant enrolment record held by the AEC could have been conducted to determine the identity of the person who cast the vote; however those votes were cast aside because of the changes. **(see page 57)**

For media comment: please contact the Committee Chair, Daryl Melham, on (02) 6277 2054 (Parliament House Office).

Further information: contact the Inquiry Secretary (02) 6277 2374, email jscem@aph.gov.au or visit the Committee's webpage at <http://www.aph.gov.au/em>