

2007 election overview and key issues

Background

- 2.1 The 2007 federal election was announced by the Prime Minister the Hon John Howard MP on Sunday 14 October 2007. Writs for the election were issued on Wednesday 17 October for the House of Representatives election and a half-Senate election.¹
- 2.2 Once the writs are issued, a timetable is specified in the *Commonwealth Electoral Act 1918* for a range of tasks and events including the close of the electoral rolls, the nomination of candidates, the declaration of nominations and polling day. The date of other events associated with the election, including the return of the writs, flow on from these events (table 2.1).
- 2.3 Following amendments to the Commonwealth Electoral Act in 2006, the close of rolls period changed from seven days after the issue of the writ to 8pm on the day the writs for the election are issued for a person enrolling for the first time or re-enrolling after having been removed from the roll.
- 2.4 The close of roll amendments also provided for a period of three 'working days' after the writs are issued for people to complete and submit a proof of identity compliant enrolment form in limited circumstances:
 - if a person is 17 years of age, but will turn 18 between the day after the issue of the writs and election day (inclusive);
 - if a person will become an Australian citizen between the day after the issue of the writs and the day before election day (inclusive); or

1 Australian Electoral Commission, submission 169, p 5.

- if a person is on the roll, but with an out of date address or name details.²

2.5 As a public holiday fell on Friday 19 October 2007 (Show Day on Flinders Island, Tasmania), that day was not a 'working day' within the meaning of the Commonwealth Electoral Act, extending the close of rolls deadline to Tuesday 23 October 2007 for those people meeting the circumstances as outlined above.³

Table 2.1 2007 federal election timetable

Event	Date
Election announced	Sunday 14 October 2007
Issue of writ	6pm Wednesday 17 October 2007
Close of rolls	
Deadline for new enrolments	8pm Wednesday 17 October 2007
Deadline for changes to enrolments	8pm Tuesday 23 October 2007
Close of nominations	12pm Thursday 1 November
Declaration of nominations	12pm Friday 2 November
Polling day	Saturday 24 November 2007
Return of writs	
Senate writ for Tasmania	Friday 14 December 2007
Senate writ for NSW	Wednesday 19 December 2007
Senate writ for Queensland	Wednesday 19 December 2007
Senate writ for WA	Wednesday 19 December 2007
Senate writ for SA	Thursday 20 December 2007
Senate writ for Victoria	Friday 21 December 2007
Senate writs for the ACT and NT	Friday 21 December 2007
House of Representative writs for all States and Territories	Friday 21 December 2007
Closing date for the lodgement of petitions to the Court of Disputed Returns	Wednesday 30 January 2008

Source Australian Electoral Commission, submission 169, p 5.

2.6 At the close of nominations on Thursday 1 November, 1,054 candidates were nominated to contest the 150 House of Representatives seats and 367 candidates had nominated for the 40 vacant seats in the half-Senate election.⁴

2 Australian Electoral Commission, *Changes to the Commonwealth Electoral Act 1918 since the 2004 election* (2007), Electoral Newsfile, p 2.

3 Australian Electoral Commission, submission 169, p 5.

4 Australian Electoral Commission, *Electoral pocketbook: election 2007* (2009), p 52.

- 2.7 Polling day, which must be held on a Saturday and at least 33 days after the issue of the writs, was held on Saturday 24 November 2007.⁵ The time between the issue of the writs and polling day was 39 days, slightly longer than most Federal elections since 1993 but one day less than the 2004 election (table 2.2).

Table 2.2 Time between the issue of the writs and polling day, 1993 to 2007 elections

	1993	1996	1998	2001	2004	2007
Issue of writs	8 Feb	29 Jan	31 Aug	8 Oct	31 Aug	17 Oct
Polling day	13 Mar	2 Mar	3 Oct	10 Nov	9 Oct	24 Nov
Total days	34 days	34 days	34 days	33 days	40 days	39 days

Source Australian Electoral Commission, submission 169, p. 5; Joint Standing Committee on Electoral Matters, *Report on the 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto* (2005), Commonwealth of Australia, p 2.

Administration of the 2007 election

- 2.8 Aside from necessary changes arising from legislative adjustments, the Australian Electoral Commission (AEC) implemented a number of administrative changes for the 2007 election. Some of these arose from issues raised in the former Joint Standing Committee on Electoral Matters' review of the 2004 election and the AEC's own internal review of the conduct of the 2004 election. Feedback provided to the committee by major political parties during the inquiry indicated that they were generally satisfied with the administration of the election by the AEC.

2004 election issues

Postal voting improvements

- 2.9 At the 2004 federal election there were significant problems experienced with the administration of postal voting, particularly in regional Queensland. Major issues caused by, or related to, the use of the AEC's automated postal vote issuing system (APVIS) included:
- non-receipt or the delayed receipt of postal votes by those who had lodged postal vote applications or were registered as general postal voters (GPVs);

5 Commonwealth Electoral Act 1918, ss 157 and 158.

- receipt of postal votes by one member of a family but not another, when those postal vote applications (PVAs) had been submitted together at the same time;
- inadequate and inconsistent responses by the AEC to electors, Members of Parliament and their staff, who were enquiring about the whereabouts of postal votes;
- lack of timely and accurate advice to stakeholders about postal voting problems;
- incorrect ballot papers sent to some postal voters;
- incorrect postal voting material sent to some postal voters;
- inadequate awareness of geography and distance issues by AEC call centre staff when dealing with electors' enquiries relating to postal voting;
- inadequate contractual arrangements for the provision of postal voting services;
- inadequate planning and project management of the postal voting process by the AEC, in the lead up to and during the election period;
- inadequate quality assurance procedures for the production and regeneration of postal voting material; and
- inadequate tracking and reporting mechanisms for postal vote production.

2.10 So acute were these problems that the Governor-General issued a proclamation the day before the election to extend the time during which affected postal voters could vote and return their ballot papers to the AEC.⁶

2.11 Following the 2004 election, postal voting arrangements were placed under the microscope by the then Joint Standing Committee on Electoral Matters and by consultants Minter Ellison, and a number of administrative changes were made to ensure that there would be no repeat of these experiences. Action taken by the AEC involved:

- a new tender process was initiated, resulting in the selection of a new postal vote production contractor for the 2007 election;

6 Joint Standing Committee on Electoral Matters, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto* (2005), Commonwealth of Australia, p 52.

- there was an increased focus on detailed functional requirement specifications in the contract;
- considerable emphasis was placed on contract management processes to ensure the timely and effective delivery of postal voting services;
- three separate trial production runs were undertaken in the lead-up to the 2007 election to test and improve processes;
- the AEC and Australia Post entered into a Memorandum of Understanding related to postal voting delivery arrangements;
- the AEC engaged the services of mail house experts to assist with the tender evaluation, quality assurance during trial productions, and live production;
- a range of enhancements were made to APVIS to ensure best use of Australia Post delivery data; and
- the PVA was revised in a number of ways. Important elements of this revision included providing applicants with information about alternative early voting options, obtaining the applicant's contact information in circumstances where an elector required postal voting materials by a specific date, and obtaining information from the elector about preferred alternative delivery methods (where post was not viable).⁷

2.12 The AEC told the committee that the major issues from 2004 in relation to the performance of the postal voting central production contractor were 'predominantly attributable to slow production exacerbated by management problems and slow correction of errors in the production process'.⁸ In order to remedy this, the contract for the production of the 2007 election postal voting pack (PVP) contained specific production requirements, including the production of up to 500,000 PVPs by 6 November 2007, and up to 100,000 PVPs each working day after 6 November 2007.

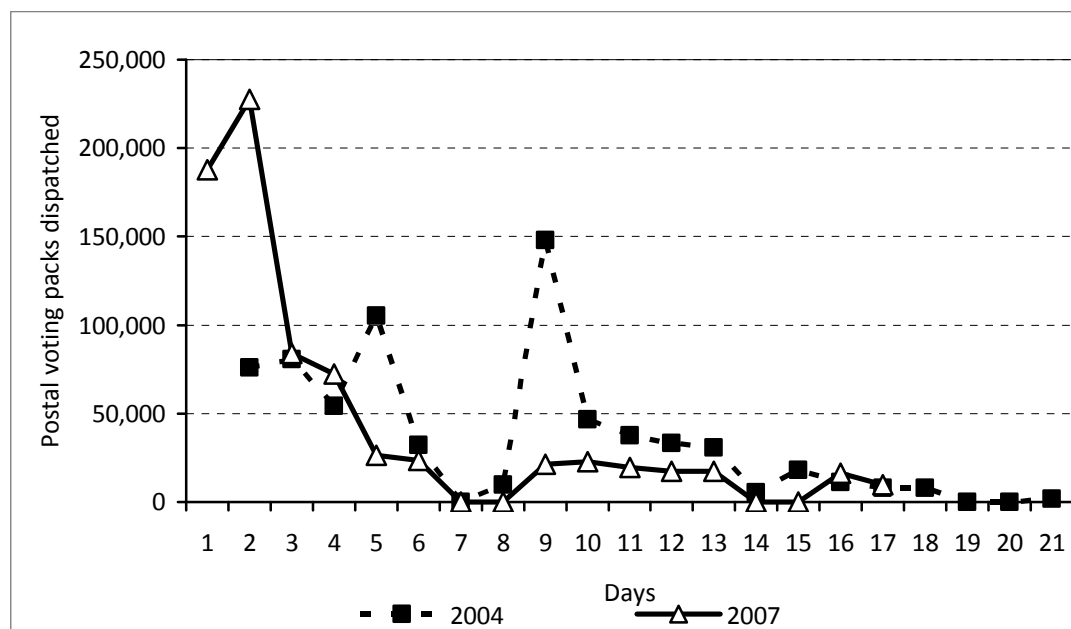
2.13 The AEC advised that the specified production arrangements were met on every occasion for the 2007 election. This resulted in a marked improvement in the production output of PVPs when compared to the 2004 election, with significantly higher numbers of PVPs lodged earlier in the election period at the 2007 election (figure 2.1). In relation to the quality of the production process, the AEC specified a service level

7 Australian Electoral Commission, submission 169, p 32.

8 Australian Electoral Commission, submission 169, p 32.

standard for PVPs damaged in the production process (0.004 per cent of all production), which was met on all occasions.⁹

Figure 2.1 Postal voting pack lodgement, 2004 and 2007 federal elections



Source Australian Electoral Commission, submission 169, p 33.

- 2.14 In addition to these improvements in the production system for PVPs, the AEC noted that the 2007 election also saw the introduction of Australia Post delivery information into the postal voting management system, which was used to determine the method of production that would ensure the best possible chance of a PVP reaching the applicant in time to complete and return his or her vote.¹⁰ The AEC outlined how this system worked to improve the likelihood a PVP would be dispatched and received as quickly as possible using the postal voting management system (APVIS):

In 2007, the AEC used three postal vote production methods: central print, local print and hybrid print. Central printing takes place at the premises of the APVIS contractor which could be in a different state to the elector; local printing takes place at the AEC divisional office in which the details of the application are entered into the system; and hybrid printing takes place at another AEC office. APVIS guides the person inputting the PVA details as to which is the most appropriate production method, taking into

⁹ Australian Electoral Commission, submission 169, p 32.

¹⁰ Australian Electoral Commission, submission 169, p 32.

account the postal vote delivery destination and the proximity to polling day, based on Australia Post mail delivery information.

The initial batches of postal votes were produced by central print and were produced and dispatched by the AEC contractor, SEMAGROUP, in Melbourne. Central print is the default method for producing postal votes when delivery times are sufficient to allow timely delivery by Australia Post's published delivery standards.

For local print, the PVP was produced and dispatched by the divisional office that received the PVA. Initially this occurred where the postal vote was destined for an overseas address or where the applicant had indicated urgent delivery or delivery by particular means other than Australia Post. In the later stage of the postal voting period, after the date on which Australia Post delivery standards could ensure delivery from the central print site in Melbourne to around Australia, local print became the default.

Where the postcode area of the PVA destination was listed by Australia Post as having irregular mail deliveries (i.e. one or two deliveries per week), special consideration was given to the most reasonable and practical means of delivery. In these cases, hybrid print was often used. This meant that APVIS directed production of the postal vote to the AEC divisional office best placed to arrange the most reasonable and practicable delivery of the postal vote (not necessarily the PVA's 'home' division).¹¹

- 2.15 The committee recognises the work of the AEC to improve the receipt and dispatch processes for postal vote applications.
- 2.16 That said, there remain areas of concern around the timely return of postal votes that are beyond the control of the AEC which resulted in around 3,000 votes that were signed and posted before polling day being excluded from the count because they were postmarked after polling day.¹² This issue is examined in detail in chapter 3.

Greater access to pre-poll facilities

- 2.17 In its 2004 election report, the then Joint Standing Committee on Electoral Matters expressed concern about the location of pre-poll facilities,

11 Australian Electoral Commission, submission 169, p 32.

12 Australian Electoral Commission, submission 169.5, p 6.

especially given the difficulties experienced in administering postal voting in regional Queensland. That committee recommended that the AEC should review its pre-polling arrangements with a view to ensuring that, wherever practical, pre-poll centres are located at appropriate Commonwealth, State or Territory government, or local government, agencies in regional areas.¹³

- 2.18 The then government supported the recommendation, indicating that for the next election, the AEC would trial the use of state government agencies to issue pre-poll votes in rural and regional areas of Queensland.
- 2.19 As a result, there were over 100 additional pre-poll voting centres in Queensland at the 2007 election, with the AEC utilising courthouses, Queensland Government Agencies and other locations throughout rural and regional Queensland.¹⁴
- 2.20 There is likely to be continued pressure on the AEC to meet the rising demand and expectation of convenient access to early voting. This issue is examined in chapter 7.

Electronic voting trials

- 2.21 Two trials of electronic voting methods were conducted at the election. The first trial provided electronically assisted voting for electors who are blind or have low vision at 29 metropolitan and regional pre-poll voting centres. The second trial provided for defence personnel in four locations overseas to cast a remote electronic vote using the Department of Defence's secure intranet.
- 2.22 An earlier separate report by the committee on the electronic voting trials recommended that they be discontinued. The committee recognised the work of the AEC and its partners in delivering the trials, including the Department of Defence and non-government organisations representing or providing services to people who are blind or have low vision. The committee also recognised the sustained effort over a relatively short period to develop solutions to a number of technical, logistical, administrative and legislative issues.¹⁵

13 Joint Standing Committee on Electoral Matters, *The 2004 federal election: Report of the inquiry into the conduct of the 2004 federal election and matters related thereto* (2005), Commonwealth of Australia, p 86.

14 Australian Electoral Commission, submission 169, p 30.

15 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto* (2009), Commonwealth of Australia, p 1.

- 2.23 The trial of assisted electronic voting for electors who are blind or vision impaired saw a lower-than-expected 850 votes cast across 29 metropolitan and regional locations. The average cost per vote cast was \$2,597. This compares to an average cost per elector of \$8.36 at the 2007 federal election.¹⁶
- 2.24 The committee concluded that the high cost of improving the quality of the voting experience for a limited number of voters was unsustainable given the low number of votes cast and limited opportunities to lift participation. In coming to this conclusion, the committee was mindful that these electors will not be disenfranchised by discontinuing electronically assisted voting, with existing provisions in the Commonwealth Electoral Act facilitating assisted voting where required.¹⁷
- 2.25 The trial of remote electronic voting for selected Australian Defence Force personnel serving overseas saw 2,012 personnel registered to participate in four areas of operation — Afghanistan, Iraq, the Solomon Islands and Timor-Leste. Of these, 1,511 personnel cast their votes electronically at an average cost of \$1,159.¹⁸
- 2.26 The committee noted that while defence force personnel should be provided with every possible opportunity to vote at federal elections, remote electronic voting imposed a significant additional burden on personnel in operational areas. In its place, the committee considered that an alternative model, jointly endorsed by the Department of Defence and the AEC, and involving AEC-trained defence personnel issuing pre-poll and postal votes, should be used at future federal elections.¹⁹
- 2.27 In making these recommendations the committee does not consider it has closed the door on electronic voting. Changed circumstances including, improvements in technology and higher levels of demand may lead to electronic voting or other alternatives being reconsidered at some time in

16 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto* (2009), Commonwealth of Australia, p 63.

17 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto* (2009), Commonwealth of Australia, p 63.

18 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto* (2009), Commonwealth of Australia, p 35.

19 Joint Standing Committee on Electoral Matters, *Report on the 2007 federal election electronic voting trials: Interim report of the inquiry into the conduct of the 2007 election and matters related thereto* (2009), Commonwealth of Australia, p 42.

the future. A subsequent proposal raised by the AEC is discussed in chapter 11.

Comments on the conduct of the 2007 election

- 2.28 Overall, feedback received by the committee from inquiry participants recognised the good job that the AEC had done in managing the 2007 election. With over 13 million electors and over 1,421 candidates participating in the election the committee recognises that the AEC will be unable to satisfy all of the demands placed on it to everyone's satisfaction.
- 2.29 Some of the issues raised by participants where there was a perception that the conduct of the AEC and/or election officials did not meet expectations (rather than policy-related issues that were outside the AEC's control) included:
- the conduct of assisted voting and distribution of how-to-vote material in remote South Australia;²⁰
 - counting procedures used by a polling official at the Epping West booth in the division of Bennelong;²¹ and
 - the opening times and polling arrangements at Australia House in London and the need for greater promotion of overseas voting arrangements by the AEC prior to departure in Australia.²²
- 2.30 The committee does not see its role as examining each individual instance where inquiry participants raise concerns about the conduct and management of the election by the AEC. Unless an issue appears to point to systemic problems — such as the problems experienced by postal voters in regional Queensland at the 2004 election — the committee does not examine each issue presented to it. That said, it is important that these issues are raised with the committee so that the AEC is made aware of concerns in a transparent way so that the AEC can investigate these matters and respond appropriately.
- 2.31 In relation to the conduct of assisted voting in remote South Australia, the AEC advised the committee that the comments made in the submission by Mr Rowan Ramsay MP did not refer to AEC staff.²³

20 Mr Rowan Ramsay MP, Member for Grey, submission 27, p 1.

21 Stewart L, submission 98, pp 3–4.

22 ALP Abroad, submission 1, pp 5–7.

23 Drury C, Australian Electoral Commission, transcript, 20 August 2008, pp 6–7.

- 2.32 Feedback from the major political parties suggests that overall the election was well managed by the AEC. The Liberal Party of Australia told the committee that:

The Liberal Party commends the AEC on its administration of the 2007 election. While we have a number of comments and suggestions to make, it is our view that overall the operation of the election was well managed.

It clearly built on the experience and feedback of previous campaigns. We are particularly pleased with the increased liaison between the AEC and key stakeholders including, in particular, the political parties since the 2004 election. It is clear this feedback led directly to improvements in the administration of the election and we commend the Commission for its approach and willingness to engage with the Parties.²⁴

- 2.33 The Federal Director of The Nationals, Mr Brad Henderson also commented positively on the AEC's conduct of the election:

I would first like to record the Nationals' appreciation of the efforts of the AEC in administering the 2007 federal election. I would like to recognise gains made in addressing some of the problems that the Nationals identified in our submission to this committee's inquiry into the 2004 federal election. We have also appreciated the very active efforts made by the AEC under the former commissioner, Mr Campbell, to engage in active consultation regarding continuous improvement in the administration of federal elections.²⁵

- 2.34 As always, it is important that the AEC review and improve on its processes to ensure that the next election is also well managed. The committee has noted that there may be a number of issues to be addressed regarding the funding position of the AEC and whether the business model adopted by the AEC, which is largely driven by processes imposed by the Commonwealth Electoral Act, needs some attention (chapter 9).

24 Liberal Party of Australia, submission 156, p 1.

25 Henderson B, Federal Director, The Nationals, transcript, 3 February 2009, p 1.

The multiple voting myth

- 2.35 Unsurprisingly, allegations of multiple voting and enrolment fraud were again raised with the committee during the course of its inquiry.²⁶
- 2.36 Allegations of multiple voting at federal elections are not new and have been used over the years as something of a 'bogeyman' to support the supposed need for a significant tightening of laws covering enrolment and voting processes. Recent amendments to the Commonwealth Electoral Act, discussed later in this chapter, were largely based on the premise that action needed to be taken to address the 'integrity' of the electoral roll. Introducing amendments to the Act in 2004, the then Parliamentary Secretary to the Minister for Finance and Administration stated that:
- The government remains committed to preserving and enhancing the integrity of the electoral roll and believes the introduction of new arrangements for proof of identity and address at the point of enrolment will significantly enhance roll integrity and reduce electoral fraud.²⁷
- 2.37 It is noteworthy that when the Court of Disputed Returns was considering its decision in relation to the division of McEwen, much was made by the media and others of eight cases of apparent multiple voting and the possible implications of this on the election outcome, including the possibility that the result could be declared void and a fresh election required.²⁸
- 2.38 When the Hon Fran Bailey MP, the Member for McEwen, appeared before the committee in November 2008, the eight cases of apparent multiple voting and another case of alleged multiple voting were raised.²⁹ Ms Bailey told the committee that a constituent, Reverend Ivor Jones, had voted at a pre-poll centre in the division of McEwen and yet his name and address had been provided at five different places throughout the electorate.³⁰ Ms Bailey contended that the eight instances of apparent

26 See Hon Peter Lindsay MP, Member for Herbert, submission 57, p 3; Kirkpatrick B, submission 84; Stewart L, submission 98, p 5.

27 Hon Peter Slipper MP, Parliamentary Secretary to the Minister for Finance and Administration, House of Representatives Debates, 1 April 2004, p 27,931.

28 See Economou N, media interview, 'McEwen electoral dispute heads to court', The World Today, ABC Radio, 3 March 2008, viewed on 17 April 2009 at <http://www.abc.net.au/worldtoday/content/2008/s2178127.htm>

29 Hon Fran Bailey MP, Member for McEwen, transcript, 25 November 2008, p 6.

30 Hon Fran Bailey MP, Member for McEwen, transcript, 25 November 2008, p 6.

multiple voting and this additional case supported the need to adopt a system to check a voter's identity at a polling place.³¹

- 2.39 In October 2008, the AEC had already been able, through its review processes to determine that the eight cases of apparent multiple voting in the division of McEwen were almost all the result of confusion on the part of electors, telling a Senate estimates committee that:

In relation to McEwen, in the court case eight dual voters were mentioned. Those eight were referred to the Australian electoral officer. I have reviewed them, and we have one of those where there is some evidence to support a matter, is likely that it will not be sent to the AFP and the person will be issued with a warning letter. The other matters were either people who were confused or people who were aged and their families et cetera had assisted them in voting.³²

- 2.40 In relation to the allegations concerning Reverend Ivor Jones, the AEC conducted an investigation that did not find any evidence to support the claims made by Ms Bailey:

AEC records indicate that no electors in the division of McEwen voted more than twice. The AEC can confirm that a letter was sent to Reverend Jones indicating that according to AEC records, it appeared he may have voted twice, and seeking his clarification on the matter. Reverend Jones' response made it clear that he had voted only once, through an early declaration vote.

At around the same time, the AEC sent a letter to the elector appearing immediately above Reverend Jones on the certified list, indicating that according to AEC records that elector had not voted, and seeking clarification on the matter. The response from the elector indicated that the person had cast a vote at the same polling booth where AEC records indicated Reverend Jones had voted. The responses of both Reverend Jones and the elector immediately above Reverend Jones on the certified list led the Divisional Returning Officer for McEwen to conclude that a polling official error had occurred. No further action was taken in either case.³³

31 Hon Fran Bailey MP, Member for McEwen, transcript, 25 November 2008, p 6.

32 Pirani P, Australian Electoral Commission, Senate Standing Committee on Public Finance and Administration, Supplementary budget estimates, transcript, 10 October 2008, p 10.

33 Australian Electoral Commission, submission 169.12, p 1.

- 2.41 Information from the AEC shows that the number of incidents investigated by the AEC is relatively small and although the initial number of apparent multiple voters starts out at a relatively high number, on further detailed investigation by the AEC, relatively few cases are found to reflect deliberate attempts to vote on multiple occasions and are referred to the Australian Federal Police (table 2.3).

Table 2.3 Multiple voting statistics, 1998 to 2007 elections

	1998	2001	2004	2007
Number of apparent multiple voters letters sent	na	16,949	14,402	20,633
Number of responses indicating no further action required (% of letters sent)	na	14,903 (88%)	12,082 (84%)	18,037 (87%)
Number of non-responses/return undelivered (% of letters sent)	na	921 (5%)	913 (6%)	1,282 (6%)
Number of admissions of multiple voting	na	896	1,046	1,167
Of admissions: number due to confusion, poor comprehension, aged (a) (% of total admissions)	na	739 (82%)	835 (80%)	955 (82%)
Number referred to AFP	263	138 (c)	64 (b)	10
Number of prosecutions	0	0	0	0

Note na Not available. (a) Of the admissions/aged category 98 per cent were 70 or over. (b) Of the 64 cases referred, 25 were subsequently investigated by the AFP in a day of action approach. The AFP made referrals to the DPP, but no cases were prosecuted. (c) Of these 130 referrals, five were accepted for investigation.

Source Australian Electoral Commission, submission 169.15, p 5; submission 203 to the Joint Standing Committee on Electoral Matters Inquiry into the 2001 election, p 5.

- 2.42 Expressed as a proportion of electors on the electoral roll, apparent multiple voting, admissions of multiple voting and referrals to the AFP are extremely small (table 2.4). There has been no clear upward or downward trend in apparent multiple voting rates at the past three elections, except for a continuing increase in admissions due to confusion, poor comprehension and age.

Table 2.4 Multiple voting rates, 2001 to 2007 elections (per cent)

	2001	2004	2007
Number of apparent multiple voters letters sent as a proportion of total electors (%)	0.1334	0.1100	0.1512
Number of responses indicating no further action required as a proportion of total electors (%)	0.1173	0.0922	0.1322
Number of admissions of multiple voting as a proportion of total electors (%)	0.0071	0.0080	0.0086
No of admissions due to confusion, poor comprehension, aged as a proportion of total electors (%)	0.0058	0.0064	0.0070
Number referred to AFP as a proportion of total electors (%)	0.0011	0.0005	0.0001

Source Australian Electoral Commission, submission 169.15, p 5; 2007 Electoral pocketbook: election 2007 (2009), p 46.

- 2.43 Electoral authorities need to be vigilant to ensure that multiple voting is discouraged and, if detected, that those responsible are identified and appropriate action taken. There are two separate offences for multiple voting. The penalty for voting more than once in the same election is 10 penalty units (\$1,100). The penalty for intentionally voting more than once in the same election is 60 penalty units (\$6,600) or 12 months imprisonment, or both.³⁴
- 2.44 The AEC employs a number of approaches to detect multiple voting including scanning certified lists following an election to identify electors who have been marked more than once, and investigating allegations of multiple voting arising from incident reports reported by AEC election officials and those reported in the media and/or parliament on a case by case basis.
- 2.45 Investigation by the AEC is a multi-stage process that can take up to two years to complete following an election. The process involves a check of the scanned certified lists from polling places and sorting through the scanned lists to detect accidental contamination of the lists and polling official errors. The AEC then examines the apparent cases of multiple voting that remain after the administrative eliminations and writes to each elector against whose name more than one mark is shown, or no mark at all is shown, to seek details from the elector of whether, when and where they voted.³⁵

34 Commonwealth Electoral Act 1918, s 339(1C).

35 Australian Electoral Commission, *Compulsory voting* (2007), Electoral backgrounder no 14.

2.46 After the 2007 election, the AEC sent 20,633 letters to electors who, based on AEC records, appeared to have voted more than once. Of these, the AEC indicated that no further action was required, due to either an admission of multiple voting (1,167) or the response indicated that no further action was required (18,037). Common examples given by the AEC where a person may have voted more than once but the AEC took no further action include where the:

- elector casts a pre-poll vote and an ordinary vote but stated that they had only cast an ordinary vote on polling day (frequently aged/culturally and linguistically diverse electors);
- elector casts a postal vote following receipt of a political party PVA but appears to have no understanding that they have done so, then casts an ordinary vote on polling day (there were quite a few examples of this, particularly with culturally and linguistically diverse electors);
- elector applies for and completes a postal vote and then thinks it has been misplaced so votes again but then discovers another family member had posted it;
- elector from culturally and linguistically diverse background casts a declaration vote in a division outside their home division and then due to confusion or concern that their vote may be misplaced or they have not complied with requirements properly, votes again in their home division;
- elector is marked off as an ordinary voter at two polling places, denies voting more than once, and there is no match with an apparent non-voter; and
- elector demonstrates confusion with State/local government events when replying.

2.47 It is revealing that of those electors who had admitted to multiple voting, 82 per cent cited confusion, poor comprehension or were aged – of those in the aged category 98 per cent were aged 70 or over.³⁶

2.48 Of those who had not responded to the AEC or where letters had been returned as undelivered (1,282), the AEC conducted a follow up involving approximately 900 electors in late December 2008 and mid-January 2009. The AEC advised the committee that as at 11 March 2009, approximately 300 replies had been received. While 16 responses contained admissions of multiple voting, the multiple voting was not intentional, but rather

36 Australian Electoral Commission, sub 169.15, p 4.

resulted from either confusion or poor comprehension on the part of the elector, with a number of these cases involving elderly electors and electors from non-English speaking backgrounds.³⁷

- 2.49 Of the remaining responses, approximately 125 have been recorded as polling official error (including matches with apparent non-voters), 40 letters were returned undelivered and the remaining approximately 120 responses fall into a variety of categories including elector denial and evidence inconclusive.³⁸
- 2.50 Of the 10 cases of apparent multiple voting referred to the AFP, eight cases were from NSW and two were from Victoria. The AEC told the committee that it has been advised by the AFP that it did not have the resources to investigate these, therefore no further action was taken.³⁹
- 2.51 The AEC advised the committee that it wrote to the AFP in February 2009 to explore a replacement service agreement but that it was 'satisfied that the current process enables it to identify the possibility of any potential serious multiple voting issues in relation to close seats in sufficient time to lodge a petition with the Court of Disputed Returns, should it be deemed necessary'.⁴⁰
- 2.52 The committee noted that the AEC intends to conduct an internal review of non-voter (and multiple voter) legislation, policy and procedures in the near future with a view to identifying any gaps or deficiencies in current processes.⁴¹ The AEC indicated that when the review was finalised that it would report to the committee on the outcomes, including any recommendations for legislative change.⁴²

Committee conclusion

- 2.53 There is no evidence that the outcome of the 2007 election, or previous federal elections, suffered from or are associated with systemic multiple voting problems.
- 2.54 Alleged cases of multiple voting raised following the 2007 election are illustrative of an unfounded fear of the effects of multiple voting that are

37 Australian Electoral Commission, sub 169.15, p 4.

38 Australian Electoral Commission, sub 169.15, p 4.

39 Australian Electoral Commission, sub 169.15, p 4.

40 Australian Electoral Commission, submission 169.19, p 13.

41 Australian Electoral Commission, submission 169.19, p 7.

42 Australian Electoral Commission, submission 169.19, p 7.

inevitably raised following an election but, when subject to close examination, do not stand up to scrutiny.

- 2.55 It is surprising that, despite the recent legislative changes being imposed for reasons of 'integrity', there was an overall increase in apparent multiple voting rates at the 2007 election, as evidenced by the statistics reported to the committee by the AEC.
- 2.56 It is important that the AEC continue to improve its processes to follow up on allegations of multiple voting and its administrative arrangements to identify instances of apparent multiple voting. The AEC have identified that they will further review arrangements to improve multiple voter follow up processes.
- 2.57 That said, it needs to be more widely recognised that fears about the effects of multiple voting are, and have been, overstated and should not be used to deny eligible electors the opportunity to meaningfully participate in the democratic process.
- 2.58 The restriction of the franchise prior to the 2007 election, largely through the introduction of a proof of identity regime for enrolment and provisional voting, was largely based on a view that such changes would 'strengthen' integrity. The AEC's evidence on multiple voting does not support any claim of systemic and organised voting fraud at the 2007 election, nor previous federal elections.
- 2.59 The simple effect of these changes was to disenfranchise hundreds of thousands of eligible electors without any noticeable improvement in integrity.

Election context and major issues

- 2.60 Every election is a unique event, influenced by a range of specific factors as well as underlying changes in our society, culture and technology. Preceding the 2007 election were a number of legislative changes that significantly affected processes for applying to be on the electoral roll, updating enrolment details and voting. Some of the major issues examined by the committee are related to these legislative changes. Other important issues include fallout from the court challenge over the election result in the division of McEwen and strategies to deal with underlying changes in our democratic system. The committee has identified a number of questions that it has sought to answer in relation to these issues.

Enfranchisement of eligible electors

- 2.61 The Commonwealth Electoral Act imposes obligations on all eligible electors to maintain the currency of their enrolment and vote at federal elections and referenda.⁴³
- 2.62 Despite this obligation, there are large numbers of eligible electors who, for a number of reasons, are not able to have their say on who they would like to represent them in the federal parliament and form government. This includes eligible electors who:
- are not on the electoral roll;
 - participate in an election but find that they are not enrolled when they turn up to vote on polling day; and
 - cast a vote only to have their vote excluded from the count because their vote was recorded as being too late to accept into the count or they were unable, or found it inconvenient, to prove their identity after casting their vote on polling day.
- 2.63 A key consideration for the committee is the extent of disenfranchisement and whether some of the barriers to disenfranchisement can be addressed. Participation in the electoral system by some groups of people in the community is lower than that of the population generally. The committee examines participation by Indigenous electors and homeless electors in chapter 6.
- 2.64 There are a number of different markers of the extent of under participation in the electoral system across the general population. The committee has noted a number of outcomes relating to the 2007 election and some that have become evident following the election that it intends to examine throughout this report including:
- the estimated 1.2 million eligible electors as at March 2009 who are not on the electoral roll and therefore unable to exercise the franchise (chapters 3 and 4);⁴⁴
 - the estimated 1.1 million eligible electors who were not on the electoral roll for the 2007 election (chapters 3 and 4);⁴⁵

43 *Commonwealth Electoral Act 1918*, ss 101 and 245.

44 Killesteyn E, Australian Electoral Commission,

45 Australian Electoral Commission, *Annual Report 2007-08*, p 35; *Electoral pocketbook: election 2007* (2009), p 47.

- the 198,742 electors, other than provisional electors, whose declaration votes were rejected from the count because the elector was not on the roll (chapter 4);⁴⁶
- the 100,370 electors who missed out on the close of rolls and could not, as a result, enrol or update their enrolment details (chapter 4);⁴⁷
- the 143,470 electors who cast a provisional vote but had their vote rejected at the preliminary scrutiny compared to the 90,366 electors whose votes were rejected at the 2004 election,⁴⁸ including
 - ⇒ 27,529 electors at the 2007 election who did not satisfy the proof of identity requirements that they present identification at the time of voting or at an AEC office by the Friday following polling day in order to have their vote included in the count (chapter 3);⁴⁹
- the 23,600 electors who applied for a postal vote but did not vote by post or other means (chapter 3);⁵⁰ and
- the 91,354 electors who appeared to make a genuine attempt to vote in the House of Representatives election but whose votes were ruled informal because they made a mistake in numbering the ballot paper (chapter 8).⁵¹

Legislative changes between the 2004 and 2007 federal elections

- 2.65 A number of significant changes were made to the Commonwealth Electoral Act and the *Referendum (Machinery Provisions) Act 1984* between the 2004 and 2007 federal elections, including altered enrolment requirements for new enrollees and those updating their enrolment details, and the introduction of identity requirements for electors casting provisional votes.
- 2.66 The *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* made a number of significant amendments to the Commonwealth Electoral Act commencing on 22 June 2006, including:
- Introduction of proof of identity for enrolment – From 16 April 2007, people were required to provide evidence of identity when enrolling or

46 Appendix C, table C.5.

47 Australian Electoral Commission, submission 169, p 30.

48 Appendix C, table C.5.

49 Australian Electoral Commission, submission 169, p 48.

50 Campbell I, Australian Electoral Commission, transcript, 1 September 2008, p 10.

51 Australian Electoral Commission, *Analysis of Informality during House of Representatives 2004 Election* (2005), Research report number 7, p 10.

updating their enrolment. People enrolling or updating their enrolment from within Australia are required to provide their driver's licence number on their enrolment application. If people do not have a driver's licence, then they are required to show a specified type of document, for example an Australian passport or birth certificate, to an elector in a specified class, for example an accountant or medical practitioner. If they do not have a driver's licence or do not possess one of the prescribed documents, they are required to have their application countersigned by two electors who have known the applicant for at least one month and who can confirm the applicant's name.

- Reduced close of rolls period — The close of rolls period changed from a period seven days after the issue of the writ to close at 8 pm on the third working day after the date of the writ. There are two different deadlines for enrolling:
 - ⇒ The deadline for the AEC to receive a correctly completed proof of identity compliant enrolment form is 8 pm on the same day the writs for the election are issued if a person is enrolling for the first time or is re-enrolling to get back on the roll after having been removed for any reason;
 - ⇒ The deadline for the AEC to receive a correctly completed proof of identity compliant enrolment form is 8 pm three working days after the day the writs are issued if a person is 17 years of age, but will turn 18 between the day after the issue of the writs and election day (inclusive); or will become an Australian citizen between the day after the issue of the writs and the day before election day (inclusive); or is on the roll, but with an out-of-date address or name details.
- Provisional voting — Voters casting a provisional vote were required to provide evidence of identity at the time of casting the vote or to the AEC by the following Friday;
- Removal from the roll by objection on the grounds of non-residence — Prior to this amendment, if an elector was mistakenly removed from the electoral roll by objection on the ground of non-residence, his or her declaration vote would be admitted to the count.
- Funding and disclosure arrangements:
 - ⇒ All disclosure thresholds for political donations and receipts were increased to amounts above \$10,000, and are adjusted annually for inflation (\$10,900 for the period 1 July 2008 to 30 June 2009);
 - ⇒ Third parties (persons other than parties, candidates and groups, members of Parliament and Commonwealth departments and

agencies) that incur expenditure for a political purpose in excess of the disclosure threshold, or if they receive gifts that are used for such expenditure, are now required to complete annual disclosure returns. Previously, they were required to do so only for election periods;

- ⇒ The definition of 'associated entity' was extended to include entities with financial membership of, or voting rights in, a registered political party, and entities on whose behalf a person exercises such membership or voting rights; and
- ⇒ Broadcasters and publishers are no longer required to lodge disclosure returns on electoral advertisements broadcast or published during election periods.

2.67 Further amendments to the Commonwealth Electoral Act were made by the *Electoral and Referendum Legislation Amendment Act 2007* commencing on 15 March 2007 including:

- General postal voting status for certain electors — Members of the Australian Defence Force and Australian Federal Police personnel serving outside of Australia, and persons registered as eligible overseas electors, may apply for registration as general postal voters;
- Postal voting arrangements — A number of amendments relating to the receipt of applications for a postal vote and the dispatch of postal vote certificates including:
 - ⇒ The deadline for receipt of postal vote applications is 6 pm on the Thursday two days prior to election day. While not required to post or deliver postal voting material to those electors whose postal vote applications are received after this time, the AEC is to make reasonable efforts to contact applicants whose postal vote applications are received after the deadline to advise them of the need to vote by other means.
 - ⇒ Postal vote applications received by the AEC up to and including 6 pm on the Friday eight days before election day will be delivered to the applicant by post or other appropriate means (not being electronic means). For applications received within this time, the applicant may also request on the application form that a means of delivery other than post (not being electronic means) be used. If the alternative means is considered to be reasonable and practicable, then the AEC will deliver the postal voting material by that means.
 - ⇒ For postal vote applications received after 6 pm on the Friday eight days before election day and up to and including 6 pm on the

Thursday two days before election day, the AEC will deliver the postal voting material to the applicant by the most reasonable and practicable means (not being electronic means).

- ⇒ If a completed postal vote certificate (if posted or delivered before the close of the poll) would be unlikely to reach the appropriate Divisional Returning Officer (DRO) within 13 days after election day, the range of AEC officers who can receive such an envelope (on or before the close of the poll) has been expanded to include electoral visitors at hospitals and prisons, mobile team leaders, certain office holders and on-going employees at the AEC's capital city offices.

2.68 A key consideration for the committee in this report is to examine the impact of these legislative changes on the 2007 election.

2.69 Where possible, the committee has sought to determine the direct and indirect impact of these changes and has made appropriate recommendations regarding their continuing operation. The impact of legislative changes on the electoral roll is examined in chapters 3 and 4.

McEwen recount and Henderson review

2.70 Following the election, a petition was filed with the Court of Disputed Returns on 25 January 2008, relating to the conduct of the recount in the division of McEwen.

2.71 The initial count in the division of McEwen had found that candidate Mr Rob Mitchell (Australian Labor Party) had won the election by a margin of six votes. Following a recount, candidate Ms Fran Bailey (Liberal Party of Australia) was found to have won the election by a margin of 12 votes.⁵²

2.72 The basis of the petition before the court was that at least 40 of the 643 reserved ballot-papers had been wrongly rejected by the Australian Electoral Officer and that those ballot-papers each indicated a preference, by the elector, for the petitioner ahead of the first respondent. In one instance it was alleged that a ballot-paper which recorded a preference for the first respondent ahead of the petitioner had been wrongly admitted to the count.⁵³

52 *Mitchell v Bailey (No 2) [2008] FCA 692*, paragraph 3.

53 *Mitchell v Bailey (No 2) [2008] FCA 692*, paragraph 3.

- 2.73 The final decision by the court was made on 2 July 2008, with the court ruling that the final margin in favour of Ms Fran Bailey was 27 votes.⁵⁴
- 2.74 In coming to this view, the court conducted a review of 643 reserved ballot papers that had been set aside during the initial count when scrutineers challenged the decision of the Divisional Returning Officer. As a result of the court's review of these ballot papers, the Court reversed 154 of the decisions made by the Australian Electoral Officer during the recount in respect of the 463 ballot papers on which it ruled.⁵⁵
- 2.75 The court also made a number of important observations in respect of the issues associated with ruling on the formality of ballot papers and developed a set of 'principles' (the first two 'cardinal' principles and the second three 'subordinate' principles) that reflected past AEC practice in ruling on formality and various judgements by courts on these matters:
- That the ballot, being a means of protecting the franchise, should not be made an instrument to defeat it;
 - Doubtful questions of form should be resolved in favour of the franchise where there is no doubt as to the real intention of the voter;
 - When seeking to determine the voter's intention resort must be had, exclusively, to what the voter has written on the ballot paper;
 - The ballot paper should be read and construed as a whole; and
 - A voter's intention will not be expressed with the necessary clarity unless the intention is unmistakable and can be ascertained with certainty.⁵⁶
- 2.76 Following the court's decision, the AEC commissioned a recently retired senior public servant, Mr Alan Henderson PSM, to examine the implications of the decision by the Court of Disputed Returns on disputed ballot papers. The terms of reference for the review stated that:
- The review is to identify action that should be taken by the AEC to ensure that processes and procedures are in place for future elections to address the matters identified in the Court's decision. The review will culminate in the provision of a report to the Electoral Commissioner that sets out findings and recommendations and presents a way forward on dealing with these matters.
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54 *Mitchell v Bailey (No 2)* [2008] FCA 692, paragraph 84.

55 *Mitchell v Bailey (No 2)* [2008] FCA 692, Schedule.

56 *Mitchell v Bailey (No 2)* [2008] FCA 692, paragraph 52.

In conducting the review, the reviewer will:

- consider the specific ballot-papers and the Court's decision in Mitchell and any implications in the way in which electoral officials are supported by AEC policies, guidelines, procedures, manuals, and training in making decisions about the formality of ballot-papers;
- consult with key stakeholders about the impact of the Court's decision on the scrutiny process for electoral events;
- identify measures to improve the quality, consistency, transparency and accountability of decision-making by electoral officials on the formality of ballot-papers; and
- identify any necessary changes to the existing policies, guidelines, procedures, manuals and training produced by the AEC on the formality of ballot-papers.⁵⁷

2.77 The Court of Disputed Returns' decision on the McEwen petition, the findings of the Henderson review and the AEC's proposed response has important implications for the conduct of future elections, including interpretation of formality by electoral officials.

2.78 Some of the key formality issues addressed by the committee include:

- What changes, if any, are required in legislation, policy and practice as a result of the court's judgement and the Henderson review? (chapter 8)
- Should there be a change in the process for recount procedures so that more than one individual is responsible for deciding on the formality of ballot papers? (chapter 8)
- What are the major factors that contribute to informality at federal elections? (chapter 8)
- What measures, if any, can be taken to include votes in the election count where a clear preference has been expressed but a genuine mistake has been made in completing the ballot paper? (chapter 8)

Electoral roll

2.79 To be eligible to vote, electors who have changed their address for which they are enrolled or are not enrolled, must be proactive in completing a proof of identity compliant enrolment form prior to the close of rolls. At the close of rolls on 23 October 2007 (or 17 October for new enrolments),

57 Henderson A, *Review of ballot-paper formality guidelines and recount policy* (2008), attachment 1, p 39 (exhibit 4).

13,645,073 people were enrolled, an increase of 623,843 electors (4.8 per cent) compared to the 2004 election (table 2.5).

Table 2.5 Electors enrolled at close of rolls, by jurisdiction, 1998 to 2007 elections

Jurisdiction	1998	2001	2004	2007	2004–2007 % change
NSW	4,031,749	4,204,383	4,302,122	4,495,336	4.49
VIC	3,056,887	3,218,746	3,292,409	3,442,096	4.55
QLD	2,177,556	2,319,481	2,463,402	2,612,300	6.04
WA	1,140,845	1,200,438	1,237,349	1,312,942	6.11
SA	1,006,398	1,034,377	1,049,814	1,075,968	2.49
TAS	329,751	328,829	339,589	349,788	3.00
ACT	208,684	219,876	224,896	238,742	6.16
NT	104,755	110,501	111,649	117,901	5.60
Australia	12,056,625	12,636,631	13,021,230	13,645,073	4.79

Source Australian Electoral Commission, submission 169, p 7.

2.80 Differences in population growth and the effectiveness of efforts to get people on the electoral roll influence the growth of the electoral roll across jurisdictions. The Australian Electoral Commission estimated that at the close of rolls for the 2007 election, 92.3 per cent of eligible electors were enrolled to vote. This was an increase of 0.8 percentage points compared to the close of rolls at the 2004 election.⁵⁸

2.81 Since the election, the number of electors on the roll has dropped alarmingly. The AEC recently told the committee that an estimated 1.2 million electors were not on the electoral roll, and that to achieve the 2007 election participation rate of 92.3 per cent, an additional 300,000 electors would need to be placed on the electoral roll.⁵⁹

2.82 It is important to maintain the integrity of the electoral roll and ensure that it remains as accurate as possible but also that there are no unreasonable barriers to enrolling and maintaining enrolment. Some of the key issues relating to the electoral roll considered by the committee include:

- How did the legislative changes enacted between the 2004 and 2007 election affect eligible electors' ability to maintain their enrolment, or get on the roll, and successfully record a vote at the 2007 election? (chapters 3 and 4)

58 Australian Electoral Commission, submission 169, p 9.

59 Killesteyn E, Australian Electoral Commission, transcript, 17 March 2009, p 2.

- What was the effectiveness of strategies used by the AEC to ensure that eligible electors were on the roll both before and following the election? (chapter 4)
- What changes, if any, could be made to make it easier for electors to update and maintain their enrolment whilst not reducing the integrity of the electoral roll? (chapters 3 and 4)

Voter turnout and votes issued

2.83 A total of 13,364,359 people sought to cast a vote at the 2007 federal election. Voter turnout, calculated as the number of votes counted divided by the total number of electors on the roll for the election varied across jurisdictions and for the House of Representatives and the Senate (table 2.6).

Table 2.6 Voter turnout, House of Representatives and Senate, by jurisdiction, 2007 election (per cent)

Jurisdiction	House of Representatives		Senate	
	<i>Turnout 2007 election (%)</i>	<i>2004-2007 percentage point change</i>	<i>Turnout 2007 election (%)</i>	<i>2004-2007 percentage point change</i>
New South Wales	94.99	+0.29	95.40	+0.29
Victoria	95.17	+0.30	95.60	+0.17
Queensland	94.41	+0.67	94.81	+0.68
Western Australia	93.26	+0.47	93.86	+0.20
South Australia	95.42	+0.63	95.83	+0.47
Tasmania	95.76	+0.11	95.98	+0.08
Australian Capital Territory	95.85	+0.90	96.00	+0.79
Northern Territory	86.53	+2.28	86.88	+2.47
Australia	94.76	+0.44	95.17	+0.35

Source Australian Electoral Commission, *Virtual Tally Room*, accessed on 3 September 2008 at <http://results.aec.gov.au/13745/Website/HouseTurnoutByState-13745.htm> and <http://results.aec.gov.au/13745/Website/SenateTurnoutByState-13745.htm>.

2.84 Around 4 in 5 people nationally casting a vote at the 2007 Federal election did so in person, attending one of the 7,723 polling places operating on election day (table 2.7). The upward trend towards an increase in people seeking to utilise 'early voting' (pre-poll and postal voting) continued, with more than 1.1 million electors (8.3 per cent) casting a pre-poll vote at one of the 426 centres operating over the three weeks to polling day and more than 833 000 voters (6.2 per cent) casting a postal vote.⁶⁰

⁶⁰ Australian Electoral Commission, *Electoral pocketbook: election 2007* (2009), p 54.

Table 2.7 Votes counted by type, Senate, by jurisdiction, 1998 to 2007 elections

	1998		2001		2004		2007	
	Number	%	Number	%	Number	%	Number	%
Ordinary	9,513,300	82.1	10,172,617	84.1	10,195,459	82.1	10,396,694	80.0
Provisional	116,158	1.9	107,396	0.9	112,560	0.9	42,162	0.3
Absent	776,859	6.7	780,961	6.5	771,332	6.2	771,065	5.9
Pre-poll	692,377	6.0	585,616	4.8	726,797	5.9	1,073,330	8.3
Postal	488,671	4.2	451,900	3.7	613,871	4.9	704,563	5.4
Total	11,587,365	100	12,098,490	100	12,420,019	100	12,987,814	100

Source Appendix C, table C.2.

2.85 Of those votes issued, not all are necessarily included in the election count, with some votes rejected on the basis of an elector being ineligible to vote. At the 2007 election there was a marked decline in the proportion of provisional votes admitted to the count, with less than 15 per cent of provisional votes for the House of Representatives being admitted to the count, compared to an average of nearly 50 per cent over the previous five federal elections.⁶¹

2.86 While early voting is clearly an important service provided to many electors, administration of early voting places a higher workload on the AEC than ordinary voting and can have the effect of slowing down the counting of votes. Early voting also has implications for the way that the AEC administers the election and the campaign activities of political parties.

2.87 The reliance on the postal network for a timely return of postal votes is an issue for many electors, particularly those in rural and remote areas. At the 2007 election, some of the difference between the number of postal votes issued (833,178) and postal votes received (749,566) may reflect an inability of electors to meet the timelines for the return of postal votes, despite their best efforts to do so.

2.88 It is important that the act of voting is as accessible as possible whilst maintaining the integrity of the election count. Some of the key issues addressed by the committee include:

- How did the legislative changes enacted between the 2004 and 2007 election affect the likelihood of provisional and other declaration votes being included in the election count? (chapter 4)

61 See Appendix C, table C.1.

- What groups of electors, if any, are disadvantaged by current arrangements? What can be done to encourage greater participation by these groups in the electoral system? (chapter 6)
- What is the impact of the longer-term trend to more people voting before polling day through postal voting and pre-poll voting? What changes, if any, should be made in response to this trend? (chapter 7)
- How can postal voting arrangements be improved to better facilitate participation by electors, particularly those living in rural and remote areas? (chapter 3)

Informal voting

- 2.89 A small minority of people apparently intentionally seek to make an informal vote. However, the AEC and other researchers have found that the reason why many votes are ruled informal reflects a number of factors including low levels of literacy, English language competence and the complexity arising from different voting systems, rather than a lack of political interest.⁶² Statistical studies of informality at previous federal elections have linked informality rates with levels of education and proficiency in English, the number of candidates on the ballot paper, proximity to other election events and different voting systems for state and territory elections.⁶³
- 2.90 The rate of informal voting at the 2007 Federal election declined across all jurisdictions for both the House of Representatives and the Senate compared to the 2004 election (table 2.8). This was the first decline in the national rate of informal voting since the 1993 election.⁶⁴

62 Young S, submission 77, p. 2; Australian Electoral Commission, *Analysis of Informality during House of Representatives 2004 Election* (2005), Research report number 7, pp 2-3.

63 Australian Electoral Commission, *Informal Vote Survey House of Representatives 2001 Election* (2003), Research Report Number 1; *Analysis of Informality during House of Representatives 2004 Election* (2005), Research report number 7.

64 Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election* (2009), Research report number 11, p 2.

Table 2.8 Informal voting, House of Representatives and Senate, by jurisdiction, 2004 and 2007 elections (per cent)

Jurisdiction	House of Representatives		Senate	
	<i>Informal votes (%)</i>	<i>2004–2007 percentage point change</i>	<i>Informal votes (%)</i>	<i>2004–2007 percentage point change</i>
New South Wales	4.95	-1.17	2.24	-1.23
Victoria	3.26	-0.84	3.28	-1.85
Queensland	3.56	-1.60	2.34	-0.45
Western Australia	3.85	-1.47	2.42	-1.12
South Australia	3.78	-1.78	2.38	-1.15
Tasmania	2.92	-0.67	2.63	-0.74
Australian Capital Territory	2.31	-1.13	1.70	-0.76
Northern Territory	3.85	-0.60	1.94	-1.18
National	3.95	-1.23	2.55	-1.20

Source Australian Electoral Commission, submission 169, pp 62–63.

2.91 Analysis of informal ballot papers by the AEC revealed that almost three quarters of the decline in informality at a national level for the House of Representatives was due to a reduction of almost 46,000 ballot papers that were marked with a '1 only' and a 26,000 reduction in the number of 'blank' ballot papers.⁶⁵

2.92 Some of the key findings of the AEC's analysis of informal ballot papers were that:

- divisions with the highest percentage of informal votes in 2004 continued to have the highest levels in 2007;
- the ten divisions with the highest percentage of informal votes were all located in Western Sydney. They were: Blaxland, Watson, Chifley, Prospect, Fowler, Reid, Parramatta, Banks, Werriwa and Bennelong;
- in 2007 five of the top six divisions with the highest rates of informality were also the five electorates with the highest proportion of people from a non-English speaking background;
- the decrease in informal voting across the past two federal elections coincided with a decrease in the average number of candidates (7.27 in 2004 to 6.66 in 2007);
- NSW and QLD state electoral legislation provides for optional preferential voting at state elections. Both states continue to record the

65 Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election* (2009), Research report number 11, p 10.

highest proportion of informal votes in federal elections due to electors casting number '1 only' and 'incomplete' ballots.⁶⁶

2.93 It is important that where voters go to the effort of casting an informed and valid vote that their intentions are reflected in the way a formal vote is interpreted and counted. Some of the key issues relating to informal voting examined by the committee include:

- What were the factors that contributed to the improved overall informality result for both the Senate and House of Representatives? (chapter 8)
- What groups of electors and electorates, if any, are more likely to record an informal vote? What strategies should be pursued to improve an elector's ability to cast a valid vote? (chapter 8)
- What are the options for counting systems to be 'inclusive' and for the elector's intent to be determined thereby keeping votes otherwise ruled informal in the count for as long as possible? (chapter 8)

Election costs

- 2.94 The AEC estimate that the cost of the 2007 federal election was \$113 million (excluding \$49 million in public funding provided to election candidates), with most of the election related to staffing costs, although advertising and promotion expenses were also significant.⁶⁷
- 2.95 A key additional cost for the 2007 election was a \$24.4 million advertising campaign, consisting of \$14.9 million for pre-election enrolment advertising leading up to the announcement of the election and \$9.5 million for advertising after the announcement of the election.⁶⁸ The cost of advertising for the 2007 election was \$29.5 million in total, up from \$10.2 million for the 2004 election.⁶⁹
- 2.96 The cost of running elections has been steadily rising. In real terms, the cost per elector (excluding public funding) has risen by 22 per cent since 1996, with all of the increase occurring between the 2004 and 2007 elections (figure 2.2).

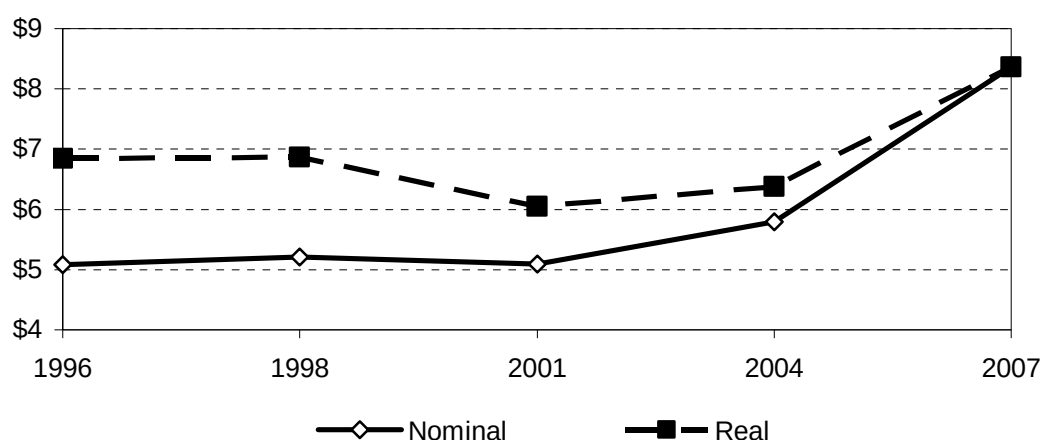
66 Australian Electoral Commission, *Analysis of informal voting: House of Representatives 2007 election* (2009), Research report number 11, p 4.

67 Australian Electoral Commission, submission 169, p 79.

68 Australian Electoral Commission, submission 169, p 22.

69 Australian Electoral Commission, *Electoral pocketbook: election 2007* (2009), p 73; *Electoral pocketbook: election 2004* (2005), p 91.

Figure 2.2 Election costs, 1996 to 2007 elections (\$ per elector)



Source Australian Electoral Commission, *Electoral pocketbook: election 2007* (2009), p 73.

2.97 A key driver of the higher cost of the 2007 election was the increased spending on advertising. The committee calculates that if the additional \$19.3 million spend on advertising was excluded, the cost per elector for the 2007 election would have been around \$6.95, representing an 8.9 per cent real increase in the cost of the 2007 election compared to the 2004 election. The AEC was required to fund this increased advertising expenditure by drawing on its accumulated cash reserves, running operating losses over the financial years 2006-07 and 2007-08.⁷⁰ Such a strategy to lift enrolment is obviously unsustainable over the longer term.

2.98 The AEC have pointed to a range of cost pressures, the implementation of an additional efficiency dividend and structural rigidities in some of their organisational areas, as creating a situation that may not allow future operations to continue on a sustainable basis.

2.99 It is important that the AEC is appropriately funded and managed so that it can conduct the essential operations required for the conduct of elections. Some of the key issues addressed by the committee include:

- What was the relative effectiveness and sustainability of the cost of advertising for the 2007 election? (chapter 4)
- What is the impact on the AEC of external budget factors and cost pressures in its areas of operation? (chapter 9)
- To what extent does the Commonwealth Electoral Act impose specific operational requirements and structures on the AEC? (chapter 9)

⁷⁰ Australian Electoral Commission, submission 169, p 79.

- Is the current business model of the AEC sustainable, and, does it encourage innovation given technological developments and the demands of electors? (chapter 9)