



Inquiry into the future of Victoria's electoral administration

Discussion Paper

Electoral Matters Committee

November 2012

Parliament of Victoria

Electoral Matters Committee

Inquiry into the future of Victoria's electoral administration – discussion paper

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Making a submission to the inquiry

You are invited to make a submission on issues relevant to the inquiry into the future of Victoria's electoral administration.

The closing date for submissions is:

Friday, 1 February 2013

Anyone can make a submission to the inquiry. The Committee is interested to hear from all those who have an interest in Victoria's electoral administration, including organisations and individuals based interstate and overseas.

The Committee welcomes submissions from organisations and individuals who made a submission to the Committee's inquiry into the 2010 Victorian state election. However, the Committee requests that submissions from those who had input into the 2010 Victorian state election inquiry be limited to information that was not provided to that inquiry, unless the information responds directly to conclusions and recommendations in the Committee's final report.

There is no set format for submissions. Submissions may be as short or as long as you like. They may contain facts, opinions, arguments or recommendations. The Committee's terms of reference for this inquiry do not include elections pursuant to the *Local Government Act 1989* (Vic).

Written comments and submissions should be sent to –

Inquiry into the future of Victoria's electoral administration
Executive Officer
Electoral Matters Committee
Parliament House
Spring Street
MELBOURNE VIC 3002

Telephone: (03) 8682 2885
Email: emc@parliament.vic.gov.au

Hard copy submissions should be accompanied by an electronic version if possible.

Submissions by email are encouraged.

Public hearings. The Committee will hold public hearings at Parliament House on Tuesday 12 and Thursday 14 March 2013. The public hearings will be advertised in major Melbourne metropolitan newspapers, on the Committee's website at <http://www.parliament.vic.gov.au/emc/> and through social media.

Confidentiality. All submissions are treated as public documents and will be published on the Committee’s website, unless confidentiality is requested and granted by the Committee. If you want your submission to remain confidential, please say so clearly in a covering note attached to your submission. Please indicate why you want it to be kept confidential.

Parliamentary privilege. All submissions received and statements made at the public hearings are protected by parliamentary privilege.

If you have any questions about this discussion paper or the inquiry, please contact the Committee secretariat. If you use social media, you can also follow the inquiry’s progress through Twitter.

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The Electoral Matters Committee

Functions of the Committee

The Electoral Matters Committee is a Joint Investigatory Committee of the Parliament of Victoria. The Committee comprises five Members of Parliament drawn from both Houses.

The powers and responsibilities of the Committee are determined by the *Parliamentary Committees Act 2003 (Vic)*. The functions of the Committee, as defined by Section 9A, are, if so required or permitted under this Act, to inquire into, consider and report to Parliament on any proposal, matter or thing concerned with—

- The conduct of parliamentary elections and referendum in Victoria;
- The conduct of elections of Councillors under the *Local Government Act 1989 (Vic)*; and
- The administration of, or practices associated with, the *Electoral Act 2002 (Vic)* and any other law relating to electoral matters.

Matters are referred to the Committee either by resolution of the Council or the Assembly or by Order of the Governor in Council. The *Parliamentary Committees Act 2003 (Vic)* also enables a Joint Investigatory Committee to inquire into and report to Parliament on any annual report or other document relevant to its functions and which have been laid before either House of Parliament.

Committee Address

Address:	Electoral Matters Committee Parliament of Victoria Spring Street MELBOURNE VIC 3002
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Terms of Reference

This discussion paper addresses terms of reference self-referenced by the Committee on 7 March 2012. Such an inquiry does not include elections pursuant to the *Local Government Act 1989* (Vic).

That the Electoral Matters Committee, pursuant to Section 33(3) of the *Parliamentary Committees Act 2003* (Vic), inquires into and reports to Parliament by March 2014 on the future of Victoria's electoral administration and matters related thereto.

Abbreviations

AEC	Australian Electoral Commission
ALP	Australian Labor Party
CALD	Culturally and linguistically diverse
EAV	Electronically assisted voting
JSCEM	Joint Standing Committee on Electoral Matters
NSW	New South Wales
OPV	Optional preferential voting
USA	United States of America
VEC	Victorian Electoral Commission
VGSO	Victorian Government Solicitor's Office

Summary of questions

Discussion point one: direct enrolment

What can you tell the Committee about direct enrolment in Victoria, and where applicable, other jurisdictions, including comparable overseas countries?

Besides direct enrolment, what other approaches can be used to address declining rates of electoral enrolment?

What do you think about compulsory electoral enrolment? Should people be fined for failing to update and maintain their electoral enrolment details?

Do you have concerns about the privacy implications of Victoria's direct enrolment laws?

Discussion point two: compulsory voting

What do you think about compulsory voting?

Do you think that people should be fined for failing to vote?

Do you think that civic education is a good way to increase community understanding about compulsory voting?

Can you offer the Committee observations about comparable overseas countries that have / do not have compulsory voting? What can Australia learn from these countries?

Discussion point three: informal voting

Can you share your views with the Committee about informal voting in Victoria?

What are some ways to reduce informal voting?

The Committee has learnt that education programs focused on voting help reduce levels of informal voting in CALD communities. Do you have any other ideas to address the increasing trend in informal voting in Victoria?

Do you have a view about optional preferential voting? Can it help reduce informal voting in Victoria?

Do you have a view about ticket voting / savings provision voting? Can it help reduce informal voting in Victoria?

Discussion point four: early voting

What do you think about early voting? Do you think the increase in early voting at recent Victorian elections is a desirable trend?

Do you have any comments about early voting in other Australian and international jurisdictions?

Given current rates of early voting, do you think that holding elections on a single “election day” is appropriate for Victoria? Or should Victoria move toward an “election period”?

Do you have a view about the eligibility requirements for early voting in Victoria?

Do you have a view about the impact of early voting on political campaigning?

Discussion point five: community engagement with electoral processes

What can you tell the Committee about the VEC’s community engagement programs?

Do you have any suggestions or strategies to encourage electoral participation by Victorians?

What do you think of the name of Victoria’s Upper House, the Legislative Council? Do you think changing the name of the Upper House would increase community awareness of the Parliament and its work? Or can you suggest other strategies?

Research shows membership of Australian political parties is declining. Do you think that moving to US-style primaries for candidate selection would help address this trend?

Discussion point six: electronic voting

Electronic voting is a relatively new feature of Victoria’s electoral system; do you have any views about electronic voting in Victoria?

What can you tell the Committee about the concept of voter verifiability?

At present electronic voting in Victoria is limited to voting centres. Do you think votes for Victorian elections should be issued remotely, i.e., via the internet?

Do you have a view about electronic roll mark-off, as used at the 2012 Niddrie District and Melbourne District by-elections?

What do you think about remote voting? Do you have a view about the security implications?

What role does technology have to play in Victoria's electoral future? Are there any other technologies that could improve Victoria's electoral administration?

Discussion point seven: social media and Victorian electoral administration

What can you tell the Committee about the use of social media as a tool for political campaign communication?

Do you think that social media content should be exempt from campaign material authorisation requirements in Victoria?

Do you have any other comments about the relationship between social media and Victoria's electoral administration?

Introduction

- 1.1 The past decade has been a time of substantial interest in electoral reform in Victoria. In 2003, the Victorian Parliament passed legislation introducing proportional representation for the Legislative Council and fixed-term elections for both Houses of Parliament every four years. These changes were the first substantial constitutional revisions to Victoria's electoral architecture in over 100 years. More recently in the 56th Parliament the *Electoral Act 2002* (Vic) was amended to enact, amongst other measures, provisional voting and direct enrolment. Many of these changes were based on recommendations from the then Electoral Matters Committee, whose inquiries into the 2006 Victorian state election, and voter participation and informal voting, kept electoral administration in the legislative spotlight in Victoria following the 2003 reforms.
- 1.2 Since 2009, there have been continued calls from many sectors of the community for a comprehensive parliamentary review of Victoria's electoral system. As part of the Committee's inquiry into the 2010 Victorian state election, the Victorian Electoral Commission (VEC) prepared a research paper for the Committee examining different options for how Victoria's electoral system might look in the future.¹ The VEC proposed that the time was right to consider a new design for electoral administration in Victoria.²
- 1.3 The Committee has also supported a wide-ranging inquiry into Victoria's electoral administration. During the inquiry into the 2010 Victorian state election, the Committee received evidence from a wide range of organisations and individuals about not only the state election, but the changing electoral landscape in Australia. The Committee appreciated the efforts and evidence of everyone who participated in the inquiry. However, Members formed the view that many of the issues raised in submissions warranted further examination and that importantly, those with an interest in Victoria's electoral system, were given the opportunity to engage with a parliamentary inquiry dedicated to the topic of Victoria's electoral future. To this end, on 7 March 2012 the Committee self-referenced an inquiry into the future of Victoria's electoral administration, with the only exclusion being local government elections pursuant to the *Local Government Act 1989* (Vic).³

¹ Victorian Electoral Commission, "Shaping Victoria's Electoral Future". Victorian Electoral Commission, Melbourne, October 2011, p.24.

² Victorian Electoral Commission, "Shaping Victoria's Electoral Future". Victorian Electoral Commission, Melbourne, October 2011, p.24.

³ Parliament of Victoria, Electoral Matters Committee.
<http://www.parliament.vic.gov.au/emc/article/1810>.

- 1.4 There is no doubt that the electoral environment shaping Victoria, and indeed Australia, is changing rapidly. Innovations in information technology have enabled some electoral commissions to introduce electronic voting for electors with disabilities and low levels of English. The VEC has led the way in this regard, and continues to do so with its participation in the Pret a Voter project developing an end-to-end verifiable electoral protocol.⁴ Further, changes in social and work patterns across Australia have contributed to increasing numbers of electors taking advantage of the opportunity to vote early before election day, either by post or in person. In Victoria the growth in early voting has been significant; since 2002 there has been a 200 percent increase in rates of early voting in person for Victorian state elections.⁵ Alongside this, Australia-wide there is evidence pointing to a declining trend in electoral enrolment and participation. The Australian Electoral Commission (AEC) estimates that nearly 1.5 million eligible electors are not enrolled to vote on the electoral roll.⁶ Given increasing rates of informal voting – in Victoria, the 2010 Victorian state election saw a substantial increase in the number of apparently deliberately informal votes⁷ – and declining rates of voter turnout, these trends are cause for analysis for electoral commissions, parliamentary committees and anyone interested in Australian politics and elections.
- 1.5 Accordingly, this inquiry, and this discussion paper, should be seen as part of a national discussion about what sort of electoral system Australia should have in the future. The Committee wishes to note that there is a significant level of interest around Australia in electoral reform. However, to the Committee’s knowledge this is the first inquiry of its kind by a parliamentary committee into all aspects of one jurisdiction’s electoral administration. While the Committee’s research agenda builds on the findings of other parliamentary committees, including the Commonwealth Parliament’s Joint Standing Committee on Electoral Matters (JSCEM), the Committee has been careful in deciding what topics to exclude from the inquiry’s terms of reference. Therefore, with the exception of local government elections pursuant to the *Local Government Act 1989* (Vic), the Committee welcomes discussion on a diverse range of topics and expects the results of the inquiry to further reinforce the capacity of parliamentary committees in Australia to play an important role in electoral reform.
- 1.6 The Committee looks forward to the progress of the inquiry. As noted earlier submissions can take many forms, and the Committee is interested in hearing

⁴ Craig Burton, Chris Culnane, James Heather, Thea Peacock, Peter Y. A. Ryan, Steve Schneider, Sriramkrishnan Srinivasan, Vanessa Teague, Roland Wen, Zhe Xia, “Using Pret a Voter in Victorian state elections”. Accessed 3 October 2012 from <http://www.vec.vic.gov.au/files/RP-EVT.pdf>.

⁵ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”. Parliament of Victoria, Melbourne, May 2012, p.75.

⁶ Edward Killesteyn, Australian Electoral Commissioner, Australian Electoral Commission, *Transcript of Evidence*, Public Hearing, Canberra, 17 March 2009. Retrieved 3 October 2012 from <http://www.aph.gov.au/hansard/joint/committee/J11799.pdf>.

⁷ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”. Parliament of Victoria, Melbourne, May 2012, p.91.

from as wide a range of people as possible. Public hearings will be held in March 2013. The Committee particularly encourages young people, people from culturally and linguistically diverse (CALD) communities and people with disabilities to participate in the inquiry.

- 1.7 It is also worth noting that Parliament has recently developed a social media presence. Those interested in engaging with the Parliament online can follow Parliament and certain aspects of the progress of this inquiry, such as advertising for public hearings, on Twitter - @Vicparliament and @Vicparlctees. In addition, Parliament has published clips on YouTube detailing how parliamentary committees work.

Purpose and layout of the discussion paper

- 1.8 The purpose of this discussion paper is primarily to assist anyone interested in making a submission to, or participating in, the inquiry. Given the broad terms of reference, the Committee wishes to provide stakeholders with further information about the background to the inquiry and the main issues of interest to the Committee.
- 1.9 The Committee has structured the paper as a series of short research notes based around “discussion points”. In general these are topics in electoral administration which were raised during the Committee’s inquiry into the 2010 Victorian state election, and which may have been considered by the then Electoral Matters Committee during the 56th Parliament. These discussion points are:
- Direct enrolment;
 - Compulsory voting;
 - Informal voting;
 - Early voting;
 - Community engagement with electoral processes;
 - Electronic voting; and
 - Social media and Victorian electoral administration.
- 1.10 At the end of each discussion point, the Committee lists a series of questions. These are intended as a guide on how to respond to this discussion paper. Submissions which address these questions indirectly, or not at all, will be valued equally by the Committee.
- 1.11 A list of all questions posed in this discussion paper can be found on pages xii-xiv.

Initial stages of the inquiry

- 1.12 Since tabling its report on the 2010 Victorian state election in Parliament in May 2012, the Committee has conducted preliminary research based on the topics the Committee decided to further investigate from the 2010 Victorian state election inquiry, and other topics which potentially fall within the terms of reference of this inquiry. This research has assisted the Committee to prepare this discussion paper.
- 1.13 This discussion paper is being distributed to a wide range of stakeholders representing a cross section of the community. Many have shown an interest in or participated in previous inquiries by the Committee.
- 1.14 In November 2012, after the distribution of this discussion paper, the Committee will formally call for submissions to the inquiry. It will advertise in major metropolitan newspapers, on the Victorian Parliament's website and through social media. The window for making a submission to the inquiry will run through to February 2013. This will allow anyone interested in the inquiry ample time to prepare a submission.
- 1.15 On 12 and 14 March 2013, the Committee will hold public hearings for the inquiry at Parliament House. The public hearings will be advertised in major metropolitan newspapers, on the Parliament's website and through social media. The Committee will invite witnesses to the public hearings in February 2013.
- 1.16 Following public consultation, the Committee will begin to prepare its final report for the inquiry in mid-2013 for tabling by March 2014 in Parliament.

Discussion point one: direct enrolment

- 2.1 Direct enrolment, also known as automatic enrolment, is a form of electoral enrolment when electoral commissions access information from other trusted agencies to change an individual's enrolment records without direct action from the elector. This can involve an electoral commission either updating, or including, an elector's enrolment record on the electoral roll.

Current arrangements in Australia

- 2.2 There are different arrangements for direct enrolment across Australia. Since 2009 New South Wales, Victoria and the Commonwealth have introduced direct enrolment. Each jurisdiction has different requirements. In Queensland the Bligh Labor government investigated introducing direct enrolment and opted to delay its implementation until after the 2012 Queensland state election.⁸

New South Wales

- 2.3 In 2009 New South Wales (NSW) was the first Australian state to legislate for direct enrolment. Direct enrolment in NSW is known as "Smart Roll" and is provided for by Section 29 of the *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009* (NSW).⁹ Under Smart Roll, the NSW Electoral Commissioner may, at any time, initiate an enrolment for a person who is not on the electoral roll and change in address for a person who is not on the roll. Electors are sent notification in writing (by SMS text message, email or other electronic means) and have seven days to respond, after which direct enrolment takes place.¹⁰ Electors are then notified the enrolment has occurred. The main sources of information for direct enrolment in NSW are the Commonwealth electoral roll, Roads and Maritime Services and Births, Deaths and Marriages.¹¹

⁸ State of Queensland, Department of Premier and Cabinet, "Reforming Queensland's Electoral System", Brisbane, December 2010. Retrieved 24 October 2011 at <http://www.premiers.qld.gov.au/community-issues/open-transparent-gov/assets/electoralreform-whitepaper.doc>.

⁹ NSW Electoral Commission, "Smart Roll", Sydney, October 2011. Retrieved 9 October 2012 From http://www.elections.nsw.gov.au/enrol_to_vote/smartroll.

¹⁰ NSW Electoral Commission, "Smart Roll", Sydney, October 2011. Retrieved 9 October 2012 From http://www.elections.nsw.gov.au/enrol_to_vote/smartroll.

¹¹ NSW Electoral Commission, "Smart Roll", Sydney, October 2011. Retrieved 9 October 2012 From http://www.elections.nsw.gov.au/enrol_to_vote/smartroll.

Victoria

- 2.4 In 2010 Victoria was the second Australian state to introduce direct enrolment. In 2009 the then Electoral Matters Committee tabled its report to Parliament on voter participation and informal voting. This inquiry was the first time direct enrolment was the subject of a parliamentary committee inquiry in Victoria. The Committee received submissions from the VEC and other interested stakeholders, recommending that Victoria investigate the introduction of direct enrolment as a method to address declining levels of electoral participation.¹² The Committee ultimately supported these recommendations, and the Victorian Government later responded in 2010 by introducing amendments to the *Electoral Act 2002* (Vic) to provide direct enrolment.¹³
- 2.5 The Victorian Electoral Commissioner may initiate an enrolment for a person who, within 21 days of turning 18 years of age, has not applied to be on the electoral roll. Electors are notified and a response period of seven days applies.
- 2.6 For the 2010 Victorian state election the VEC took a cautious approach to direct enrolment. It opted to directly enrol only students registered with the Victorian Curriculum and Assessment Authority.¹⁴ The total number of eligible electors directly enrolled for the 2010 Victorian state election was 1,932.¹⁵ Since then, the VEC has continued to expand direct enrolment arrangements, utilising the records of VicRoads and the AEC.

Commonwealth

- 2.7 The Commonwealth has recently adopted direct enrolment through two amendments to the *Commonwealth Electoral Act 1918* (Cwth). Both Bills were referred to the Commonwealth JSCEM to inquire and report on before March 2012.
- 2.8 On 24 July 2012 the *Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012* (Cwth) received royal assent, amending the *Commonwealth Electoral Act 1918* (Cwth) to provide the Australian Electoral Commissioner with discretion to directly enrol people who are eligible but not currently on the electoral roll.¹⁶ In addition, on 24 July 2012 the *Electoral and Referendum Amendment (Maintaining Address) Bill 2012* (Cwth) received royal assent, amending the *Commonwealth Electoral Act 1918* (Cwth) to allow the Australian Electoral Commission to directly update address details of

¹² Parliament of Victoria, Electoral Matters Committee, “Inquiry into voter participation and informal voting”, Parliament of Victoria, Melbourne, July 2009, p.58.

¹³ *Electoral Amendment (Electoral Participation) Act 2010* (Vic). Retrieved 9 October 2012 from http://www.austlii.edu.au/au/legis/vic/num_act/eap84a201041o2010430/.

¹⁴ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”. Parliament of Victoria, Melbourne, May 2012, p.40.

¹⁵ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”. Parliament of Victoria, Melbourne, May 2012, p.40.

¹⁶ *Electoral and Referendum Amendment (Protecting Elector Participation) Act 2012* Cwth. Retrieved 9 October 2012 from <http://www.comlaw.gov.au/Details/C2012A00111>.

people who are already on the electoral roll, based on administrative data provided by trusted agencies.¹⁷

- 2.9 These amendments followed on from reports from the Commonwealth JSCEM, including two recommendations supporting direct enrolment by the Commonwealth JSCEM in its report on the inquiry on the 2010 federal election.¹⁸

Commentary about direct enrolment

- 2.10 There is a wide range of opinion about direct enrolment.

2.11 Some argue that direct enrolment is the most effective mechanism to address declining rates of electoral enrolment in Australia. Jackman, Brent and Costar have previously shown that the AEC's traditional enrolment stimulation programs, including the continuous roll update, have proven more effective at getting people off the electoral roll than keeping them on.¹⁹ Similarly, the AEC has stated that there are approximately 1.5 million eligible Australians who are not on the electoral roll.²⁰ Direct enrolment is seen by many as the best way to ensure that the electoral roll is as accurate and up to date as possible.

2.12 In Victoria, the VEC has outlined the benefits of direct enrolment in submissions to the Committee, as have other Committee stakeholders, such as the Democratic Audit of Australia.

2.13 In contrast, some question the efficacy of direct enrolment. At the Commonwealth level, in minority reports for inquiries in which the Commonwealth JSCEM has recommended direct enrolment, Coalition members have argued against direct enrolment on the basis that it modifies the electoral process to a point where it removes responsibility away from the individual elector for their electoral enrolment.²¹ In addition to this, both at the Commonwealth level and the state level, Coalition members have suggested that large scale reform is not necessarily the best way to ensure that more people are on the electoral roll.²²

¹⁷ *Electoral and Referendum Amendment (Maintaining Address) Act 2012* Cwth. Retrieved 9 October 2012 from <http://www.comlaw.gov.au/Details/C2012A00110>.

¹⁸ Commonwealth Parliament, Joint Standing Committee on Electoral Matters, "The 2010 federal election: report on the conduct of the election and related matters". Commonwealth Parliament, Canberra, June 2011, p.36.

¹⁹ See: Brian Costar, Rob Hoffman, "Direct enrolment will just make democracy easier". *The Age*, 20 March 2012. Retrieved 9 October 2012 from <http://www.smh.com.au/opinion/direct-enrolment-will-just-make-democracy-easier-20120319-1vfl3.html>.

²⁰ Edward Killesteyn, Australian Electoral Commissioner, Australian Electoral Commission, *Transcript of Evidence*, Public Hearing, Canberra, 17 March 2009. Retrieved 3 October 2012 from <http://www.aph.gov.au/hansard/joint/committee/J11799.pdf>.

²¹ Commonwealth Parliament, Joint Standing Committee on Electoral Matters, "The 2010 federal election: report on the conduct of the election and related matters". Commonwealth Parliament, Canberra, June 2011, p.183.

²² Commonwealth Parliament, Joint Standing Committee on Electoral Matters, "The 2010 federal election: report on the conduct of the election and related matters". Commonwealth Parliament, Canberra, June 2011, p.36.

2.14 Some are also concerned about the implications of direct enrolment for privacy. During the Commonwealth JSCEM’s inquiry into the *Electoral and Referendum Amendment (Protecting Electoral Participation) Bill 2012* (Cwth), the Australian Privacy Foundation argued that direct enrolment raised privacy concerns in relation to the sharing of information between government agencies.²³

The Electoral Matters Committee and direct enrolment

2.15 The Committee has closely followed the debate about direct enrolment in Australia.

2.16 In May 2012 the Committee tabled its report on the 2010 Victorian state election. Based on submissions from the VEC, the Committee recommended the Victorian government amend the *Electoral Act 2002* (Vic) to allow the VEC to use information from the AEC for the purposes of direct enrolment.²⁴

2.17 In the report, the Committee also examined evidence about compulsory electoral enrolment. In Victoria and Australia, it is compulsory for eligible electors to be on the electoral roll, and to maintain their enrolment details. During the inquiry the Committee considered a recommendation from the VEC to make failing to update enrolment details an infringeable offence; the Committee asked the VEC to work with the Department of Justice on this matter.²⁵

2.18 Nevertheless, the Committee shares the VEC’s concern about declining electoral enrolment and is committed to examining methods to address declining electoral enrolment as part of this inquiry.

Questions

What can you tell the Committee about direct enrolment in Victoria, and where applicable, other jurisdictions, including comparable overseas countries?

Besides direct enrolment, what other approaches can be used to address declining rates of electoral enrolment?

²³ Australian Privacy Foundation, “Submission to the JSCEM inquiry into the Electoral and Referendum Amendment (Maintaining Address) Bill 2011”, p. 7. Retrieved 9 October 2012 from http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=em/maintainingbill/subs.htm.

²⁴ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, May 2012, p.42.

²⁵ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, May 2012, p.48.

What do you think about compulsory electoral enrolment? Should people be fined for failing to update and maintain their electoral enrolment details?

Do you have a view about the impact of Victoria's direct enrolment laws on privacy?

Discussion point two: compulsory voting

- 3.1 Voting is compulsory for all eligible Victorian electors 18 years of age and over for state and federal elections.

History of compulsory voting

- 3.2 Compulsory voting is one of the hallmark features of Australia's electoral system. It has consistently enjoyed bipartisan support and is seen as a positive feature of Australia's democracy.
- 3.3 Compulsory enrolment for federal elections was introduced in 1911. Voting for the first nine federal elections was voluntary.²⁶
- 3.4 According to the AEC, the major impetus for compulsory voting at federal elections appears to have been a decline in voter turnout from more than 71 percent at the 1919 election to less than 60 percent at the 1922 election.²⁷ The Bruce-Page government (a conservative coalition of the Nationalist and Country parties) was reluctant to be too closely identified with such a proposal. In 1924, a private member's bill providing for compulsory voting, the *Commonwealth Electoral Act 1924 (Cwth)*, was introduced in the Senate and sponsored in the House of Representatives. It was only the third private member's bill passed into law since 1901.²⁸
- 3.5 Following the introduction of compulsory voting, voter turnout increased to 91 percent at the 1925 federal election.
- 3.6 Queensland introduced compulsory voting for state elections in 1915. Victoria introduced compulsory voting in 1926, NSW and Tasmania in 1928, Western Australia in 1936 and South Australia in 1942.²⁹

²⁶ Australian Electoral Commission, "Compulsory voting". Australian Electoral Commission, Canberra, 2012. Retrieved 9 October 2012 from http://www.aec.gov.au/voting/Compulsory_Voting.htm.

²⁷ Australian Electoral Commission, "Compulsory voting". Australian Electoral Commission, Canberra, 2012. Retrieved 9 October 2012 from http://www.aec.gov.au/voting/Compulsory_Voting.htm.

²⁸ Australian Electoral Commission, "Compulsory voting". Australian Electoral Commission, Canberra, 2012. Retrieved 9 October 2012 from http://www.aec.gov.au/voting/Compulsory_Voting.htm.

²⁹ Australian Electoral Commission, "Compulsory voting". Australian Electoral Commission,

Arguments for and against compulsory voting

3.7 While Australia has a long history of compulsory voting, there is a longstanding debate about the merits of compelling people to participate in elections.

3.8 Some of the arguments supporting compulsory voting are:

- Due to compulsory voting, Australian elections routinely achieve some of the highest rates of voter turnout in the world.
- As a result of this, and the use of preferential voting, some argue that Australian election results have a higher level of legitimacy and more accurately reflect the will of the electorate.
- There are normative benefits to compulsory voting. It teaches civic participation and that voting is a civic duty, like paying taxes, for everyone.
- In contrast to comparable jurisdictions like the United Kingdom and the United States of America (USA), Australian political parties do not have to campaign to encourage voter turnout. As a result it is argued that Australian campaigns can be more focused on issues, rather than mobilising electors.

3.9 Some of the arguments against compulsory voting are:

- That it is undemocratic.
- That it is inherently an infringement of an individual's civil liberty. It is argued that many people who have little or no interest in politics are forced to vote.
- That electors compelled to vote are more likely to vote informally or submit a donkey vote.
- Significant resources must be devoted to non-voter enforcement.

Parliamentary inquiries

3.10 The Commonwealth JSCEM has considered compulsory voting on a number of occasions. This has usually occurred during one of JSCEM's inquiries into a federal election, which are held a few months after each federal election.

Canberra, 2012. Retrieved 9 October 2012 from http://www.aec.gov.au/voting/Compulsory_Voting.htm.

3.11 As part of its inquiry into the 1996 federal election the JSCEM recommended that compulsory voting should be repealed.³⁰ At the time the Australian Labor Party (ALP) and Democrat members of the JSCEM did not support the recommendation, nor did the Howard government. Later, as part of its inquiries into the 1998 and 2001 federal elections, the JSCEM received submissions about compulsory voting. However, the JSCEM chose not to pursue the matter. In addition, as part of its inquiry into the 2004 federal election the JSCEM recommended that a separate inquiry into compulsory voting be held. The inquiry has not occurred.

The Electoral Matters Committee and compulsory voting.

3.12 The Committee has not received a considerable amount of evidence about compulsory voting during the 57th Parliament.

3.13 In 2012, as part of its inquiry into the 2010 Victorian state election, the Committee considered a proposal from the VEC to direct the proceeds of compulsory voting enforcement towards the establishment of an electoral education trust.³¹ The Committee was told that the trust would be used to fund the roll out to schools in Victoria of the VEC's civics education module, the *Passport to Democracy*, which has proven effective at increasing awareness amongst secondary school students about the importance and significance of voting.³² While the Committee was broadly supportive of the VEC's proposal, Members agreed the VEC should work directly with the Department of Justice on this matter.³³

3.14 The Committee remains interested in compulsory voting. While the Committee may not necessarily make findings or recommendations, members believe that a thorough review of Victoria's electoral administration warrants consideration of this matter.

Questions

What do you think about compulsory voting?

Do you think that people should be fined for failing to vote?

³⁰ Commonwealth Parliament, Joint Standing Committee on Electoral Matters, "Inquiry into all aspects of the conduct of the 1996 federal election and matters related thereto", Commonwealth Parliament, Canberra, June 1997. Retrieved 9 October 2012 from http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=em/elec/elecrec.htm.

³¹ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.134.

³² Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.134.

³³ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.134.

Do you think that civic education is a good way to increase community understanding about compulsory voting?

Can you offer the Committee observations about comparable overseas countries that have / do not have compulsory voting? What can Australia learn from these countries?

Discussion point three: informal voting

- 4.1 A correctly filled out ballot paper is known as a formal vote. In Victoria the *Electoral Act 2002 (Vic)* determines how ballot papers must be completed for Legislative Assembly and Legislative Council elections, in order to be deemed formal.³⁴
- 4.2 An informal vote is any ballot paper which falls outside the parameters set by the *Electoral Act 2002 (Vic)*.
- 4.3 It is important to note that it is not an offence to vote informally.

Informal voting in Victoria

- 4.4 Rates of informal voting have increased at recent Victorian state elections and by-elections. While this trend is not unique to Victoria, the Committee is nonetheless concerned about the incidence of informal voting.
- 4.5 At the 2010 Victorian state election, the rate of informal voting for the Legislative Assembly was 4.96 percent.³⁵ This was the highest ever rate of informal voting for a Victorian Legislative Assembly election, up from 4.56 percent at the 2006 Victorian state election.³⁶
- 4.6 There has also been a notable increase in rates of informal voting at recent Victorian state by-elections. At the February 2011 Broadmeadows District by-election, the rate of informal voting was 9.50 percent.³⁷ For the March 2012 Niddrie District by-election, the rate of informal voting was 11.48 percent.³⁸ At the July 2012 Melbourne District by-election, the rate of informal voting was 9.34 percent.³⁹

³⁴ *Electoral Act 2002 (Vic)*. Retrieved 8 October 2012 from

³⁵ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.134.

³⁶ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.134.

³⁷ Victorian Electoral Commission, "Broadmeadows District by-election 2011", Victorian Electoral Commission, Melbourne, March 2011. Retrieved 8 October 2012 from <http://www.vec.vic.gov.au/Results/stateby2011resultBroadmeadowsDistrict.html>.

³⁸ Victorian Electoral Commission, "Niddrie District by-election 2012", Victorian Electoral Commission, Melbourne, 2012. Retrieved 8 October 2012 from <http://www.vec.vic.gov.au/Results/stateby2012resultNiddrieDistrict.html>.

³⁹ Victorian Electoral Commission, "Melbourne District by-election 2012", Victorian Electoral Commission, Melbourne, July 2012. Retrieved 8 October 2012 from <http://www.vec.vic.gov.au/Results/stateby2012resultMelbourneDistrict.html>.

- 4.7 The Committee notes there are a number of explanations for the high rate of informal voting at recent Victorian by-elections. The VEC has suggested that the lack of a Liberal Party candidate may have led some voters to vote informally.⁴⁰ The VEC also has suggested there is a relationship between rates of informal voting and the proportion of electors from non-English speaking backgrounds living in an electoral District.⁴¹ In addition, the Committee has noted that rates of informal voting at by-elections tend to be uniformly higher than at state elections.
- 4.8 In Victoria, there has also been a recent increase in apparently deliberate informal voting. This is when a ballot paper appears to have been marked informally in a deliberate fashion, such as by leaving the ballot paper blank or indicating in writing or drawings no preference for a candidate. Following each Victorian state election and by-election, the VEC conducts a survey of informal ballot papers for the purposes of research into informal voting. For the 2010 Victorian state election, the VEC found a large increase in blank and apparently deliberately informal ballots both for the Legislative Assembly and the Legislative Council. For the Legislative Assembly, the VEC estimates that approximately 35 percent of all informal ballot papers were apparently deliberately informal.⁴² For the Legislative Council, the VEC also estimates that while there was an overall increase in the number of informal votes, the number of deliberately informal ballots increased to represent over 70 percent of total informal ballot papers.⁴³

The Electoral Matters Committee and informal voting

- 4.9 The Committee has given considerable thought to informal voting in Victoria. In the 56th Parliament, the then Committee was concerned at overall rates of informal voting at Victorian state elections. The then Committee subsequently considered informal voting as part of its inquiries into the 2006 Victorian state election, and 2009 inquiry into voter participation and informal voting. Much of the evidence received by the Committee focused on education and how to assist electors from CALD communities to understand how to correctly complete ballot papers for Victorian elections.
- 4.10 In the 57th Parliament, the Committee has also focused on informal voting. As part of its inquiry into the 2010 Victorian state election, the Committee elected to consider the merits of optional preferential voting and ticket voting / savings provision voting as part of this inquiry.

⁴⁰ Victorian Electoral Commission, “Report to Parliament on Niddrie District by-election held on 24 March 2012”, Victorian Electoral Commission, Melbourne, March 2012, p.18.

⁴¹ Victorian Electoral Commission, “Report to Parliament on Niddrie District by-election held on 24 March 2012”, Victorian Electoral Commission, Melbourne, March 2012, p.18.

⁴² Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.91.

⁴³ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.93.

Optional preferential voting

- 4.11 Optional preferential voting (OPV) is a system of voting which differs to the preferential voting method used for Victorian Legislative Assembly elections. The preferential voting method requires the elector to mark each candidate on the ballot paper in order of preference. It is regarded as a form of majoritarian voting in that it requires candidates to achieve an absolute majority of the formal vote (i.e. 50 percent + one) in order to be elected.⁴⁴
- 4.12 In contrast, OPV allows electors to cast a formal vote without fully completing the ballot paper. Electors can select one, some or all of the candidates on the ballot paper and still register a formal vote.⁴⁵
- 4.13 In 2006 Victoria introduced a form of OPV for Legislative Council elections. Electors can choose to number “1” above the line on the Legislative Council ballot paper.
- 4.14 OPV is also used in NSW for elections to the Legislative Assembly and in Queensland for Legislative Assembly and local government elections.⁴⁶

Ticket voting / savings provision voting

- 4.15 Ticket voting / savings provision voting is a system of voting where electors are able to vote “1” only for a desired candidate and have their preferences distributed as per party voting tickets.⁴⁷ Alternatively electors have the option to number all of their preferences individually, as in normal full preferential voting.
- 4.16 South Australia uses ticket voting for elections to the House of Assembly. Ticket voting / savings provision voting is essentially a legislative provision designed to save certain types of informal votes – i.e., those completed with a “1” only – and have them readmitted to the election count.⁴⁸ If an elector indicates a single preference the ballot paper is saved as formal and preferences are indicated as per the ticket registered for that candidate. It is important to note that in South Australia ticket voting / savings provision voting is not promoted. It is also an offence to instruct electors to mark their ballot with only a “1”.⁴⁹

⁴⁴ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.94.

⁴⁵ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.94.

⁴⁶ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.94.

⁴⁷ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.97.

⁴⁸ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.97.

⁴⁹ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.97.

Inquiry into the 2010 Victorian state election

- 4.17 The Committee heard from many inquiry participants about OPV and ticket voting / savings provision voting. Several electoral commissioners, including Steve Tully, the former Victorian Electoral Commissioner, Colin Barry, NSW Electoral Commissioner and David Kerlake, Queensland Electoral Commissioner, indicated that OPV had the potential to reduce informal voting.⁵⁰ Antony Green, ABC Election Analyst, also noted that ticket voting / savings provision voting could potentially reduce informal voting at Victorian elections.
- 4.18 Through the VEC’s informal voting survey of the 2010 Victorian state election, the Committee also learnt there were a significant number of informal ballots deemed informal because they were marked with a single number “1”. This was the second largest category of informal ballot papers for the Legislative Assembly.⁵¹
- 4.19 Based on this evidence, the Committee determined to consider the merits of OPV and ticket voting / savings provision voting more fully as part of this inquiry.

Questions

Can you share your views with the Committee about informal voting in Victoria?

What are some ways to reduce informal voting?

The Committee has learnt that education programs focused on voting help reduce levels of informal voting in CALD communities. Do you have any other ideas to address the increasing trend in informal voting in Victoria?

Do you have a view about optional preferential voting? Can it help reduce informal voting in Victoria?

Do you have a view about ticket voting / savings provision voting? Can it help reduce informal voting in Victoria?

⁵⁰ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.96.

⁵¹ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.91.

Discussion point four: early voting

- 5.1 Early voting is the act of casting a vote prior to election day. It is a common electoral practice across Australia. Early voting is also known as “pre-poll” voting, and is reported this way in the media at election time. However, for the purposes of this discussion paper the Committee prefers the term “early voting”.
- 5.2 In Australia early voting has been available in one form or another since 1906.⁵² Postal voting is the oldest form of early voting for federal elections and was first introduced in 1906.⁵³ Provisions for early voting in person were first introduced for the 1984 federal election as part of substantial revisions in 1983 to the *Commonwealth Electoral Act 1918* (Cwth). The first form of early voting was an oral application postal vote. In 1990 the *Commonwealth Electoral Act 1918* (Cwth) was amended to provide for early voting in its current form.
- 5.3 In Victoria, for state elections and by-elections electors are able to cast an early vote either by post, at a mobile voting centre or in person at an early voting centre.

Eligibility to vote early in Victorian elections

- 5.4 In Victoria Sections 98 and 99 of the *Electoral Act 2002* (Vic) determine the eligibility for early voting.⁵⁴
- 5.5 Section 98 states that a person may make an application to vote early if they will be unable to attend an election day voting centre during the hours of voting on election day.⁵⁵ Separately, electors may also vote early for Victorian elections if they are eligible to use electronically assisted voting facilities.
- 5.6 When voting early, Section 98 stipulates that eligible electors must declare that they will be unable to attend an election day voting centre during the hours of

⁵² Australian Electoral Commission, “Research Report 3: Analysis of Declaration Voting”, Australian Electoral Commission, January 2011. Retrieved 21 October 2012 from http://www.aec.gov.au/about_aec/Publications/Strategy_Research_Analysis/paper3/page3.htm.

⁵³ Australian Electoral Commission, “Research Report 3: Analysis of Declaration Voting”, Australian Electoral Commission, January 2011. Retrieved 21 October 2012 from http://www.aec.gov.au/about_aec/Publications/Strategy_Research_Analysis/paper3/page3.htm.

⁵⁴ *Electoral Act 2002* (Vic), s98, s99. Retrieved 21 October 2012 http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

⁵⁵ *Electoral Act 2002* (Vic), s98, s99. Retrieved 21 October 2012 http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

voting on election day.⁵⁶ This is called a declaration vote, meaning the elector must attest in writing to their eligibility to vote early.

- 5.7 In practice, when an elector attends an early voting centre VEC officials at early voting centres ask the elector whether they are eligible to vote early. The VEC’s “Election Manual for the 2010 Victorian state election” states that officials ask the question, “Are you unable to vote on election day?”⁵⁷ If the elector’s answer is “Yes” they are issued a vote.⁵⁸ Based on this answer the VEC is required, by Section 98 of the *Electoral Act 2002 (Vic)*, to accept the elector’s declaration.⁵⁹
- 5.8 The VEC cannot require electors to provide specific reasons for their inability to vote on election day.
- 5.9 On 16 October 2012, in response to several queries from the Committee during and subsequent to its inquiry into the 2010 Victorian state election, the VEC has advised the Committee it will amend its website to include examples of what being unable to vote on election day may include.⁶⁰ The VEC also proposes to include a note on its website, that electors who are able to vote on election day are not eligible to vote early in person or by post.⁶¹

Current trends in early voting in Victoria

- 5.10 There has been a significant increase in rates of early voting in person at recent Victorian state elections. From the 2002 Victorian state election to the 2010 Victorian state election, there was an increase of 202 percent in the rate of early voting in person.⁶²
- 5.11 543,763 people voted early in person at the 2010 Victorian state election, an increase of 90 percent on the rate of early voting in person at the 2006 Victorian state election.⁶³ Over 15 percent of the total number of eligible electors enrolled for the 2010 Victorian state election voted early in person. In total, the combined number of postal, early in person and absent votes at the 2010 Victorian state election was 1,012,000.⁶⁴ Put another way, 31 percent of total votes at the 2010 Victorian state election were cast prior to election day

⁵⁶ *Electoral Act 2002 (Vic)*, s98. Retrieved 21 October 2012
http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

⁵⁷ Victorian Electoral Commission, “Election Manual: Parliamentary Elections 2010”, Victorian Electoral Commission, Melbourne, 2010, p.111.

⁵⁸ Victorian Electoral Commission, “Election Manual: Parliamentary Elections 2010”, Victorian Electoral Commission, Melbourne, 2010, p.111.

⁵⁹ Victorian Electoral Commission, “Election Manual: Parliamentary Elections 2010”, Victorian Electoral Commission, Melbourne, 2010, p.111.

⁶⁰ Liz Williams, Acting Victorian Electoral Commissioner, *Correspondence*, 16 October 2012, p.1

⁶¹ Liz Williams, Acting Victorian Electoral Commissioner, *Correspondence*, 16 October 2012, p.1.

⁶² Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.75.

⁶³ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.75.

⁶⁴ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.76.

(including outside an elector's home District).

- 5.12 There has also been a notable increase in the number of people voting early in person at recent Victorian state by-elections. Over 4,000 people voted early at the July 2012 Melbourne District by-election, representing 13.21 percent of the total number of eligible electors enrolled for the 2012 Melbourne District by-election.⁶⁵

Early voting in Australia and internationally

- 5.13 Increasing rates of early voting are not unique to Victoria. Other Australian jurisdictions have seen similar increases in rates of early voting in person, as have comparable international jurisdictions.
- 5.14 Rates of early voting have increased across Australia. In NSW, there has been an upward trend in the past three state elections, and a 63 percent increase in the rate of early voting in person at the 2011 NSW state election compared to the 2007 NSW state election.⁶⁶ Similarly, at the 2012 QLD state election nearly 10 percent of all votes were votes cast early in person; nearly 100,000 more Queenslanders voted early in person in 2012 compared to the 2009 QLD state election.⁶⁷ In addition, the Committee has also learnt recently that rates of early voting have increased in Western Australia, the Northern Territory and the Australian Capital Territory.⁶⁸
- 5.15 The Committee also notes the incidence of early voting in the USA and the significance of early voting as an election issue for the 2012 presidential election. Early voting was first allowed in Texas in 1984. While early voting is more common in some states than others, not all states allow early voting in person and commentators have shown that there is nothing systematic to describe why some states have adopted early voting and some have not.⁶⁹ Historically, the rate of early voting for US elections has increased since the 1980s. It is estimated that over 20 percent of votes cast for the 2008 presidential election were early votes.⁷⁰ However, some reports suggest that the rate of early voting at the 2012 presidential election is likely to be closer to 15 percent.⁷¹

⁶⁵ Victorian Electoral Commission, "Report to Parliament on the 2012 Melbourne District by-election, Victorian Electoral Commission, Melbourne, 2012, p.9

⁶⁶ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.77.

⁶⁷ Electoral Commission of Queensland, "2012 State General Election – Election Summary", Electoral Commission of Queensland, Queensland, 2012. Retrieved 20 October 2012 from <http://www.ecq.qld.gov.au/elections/state/State2012/results/summary.html#5>.

⁶⁸ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.79.

⁶⁹ Paul Gronke, "Early voting information centre –reporters' FAQ for early voting", Early voting information centre, Reed College, Portland, 8 October 2012. Retrieved 20 October 2012 from <http://earlyvoting.net/commentary/reporters-faq-for-early-voting/>.

⁷⁰ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.78.

⁷¹ Michael McDonald, United States Elections Project, George Mason University, October 2012. Retrieved 20 October 2012 from http://elections.gmu.edu/early_vote_2012.html.

Research about early voting

- 5.16 Little is known about why an increasing number of Australians are choosing to vote early.
- 5.17 Some primary research indicates that people are voting early because it is convenient and relates to lifestyle, work or travel choices. The VEC commissioned Colmar Brunton, a market research firm, to conduct an evaluation of the VEC’s services to voters at the 2010 Victorian state election. As part of this research Colmar Brunton conducted an intercept survey of 111 voters who voted at early voting centres across Victoria.⁷² The main reason why respondents voted early was because they were going to be at work on election day.⁷³ The second and third reasons were because they were going to be interstate on election day, or in another part of Victoria on election day.⁷⁴
- 5.18 Research also indicates many early voters have a positive view of the early voting experience. As part of its inquiry into the 2010 Victorian state election, the VEC told the Committee that many people are choosing to vote early because it fits in with their lifestyle decisions. Colmar Brunton’s evaluation of the 2010 Victorian state election shows that early voters were “very satisfied” with their experience at the voting centre, with more than nine out of ten “extremely satisfied”.⁷⁵ Colmar Brunton concludes that early voters view the option to vote early as a positive feature of Victoria’s electoral system. Similarly, in 2007 the Commonwealth JSCEM reported that many electors are expecting to participate at election time more flexibly, in a way consistent with their lifestyle decisions.⁷⁶
- 5.19 Beyond these sources, little sustained research about early voting in the Australian context exists. Relevant theories are also focused on the USA and differences between the US and Australian electoral systems, like compulsory voting, make direct comparisons difficult. As noted earlier, the Committee is closely following coverage about early voting at the 2012 US presidential elections, and is likely to review relevant developments during the course of this inquiry.
- 5.20 The Committee notes the widespread implications of the increased demand for early voting for Victoria’s electoral administration. It is clear that increasing rates of early voting in person impact on traditional notions about the primacy

⁷² Colmar Brunton, “Evaluation of services at the November 2010 Victorian state election”, Colmar Brunton, Melbourne, May 2011. Retrieved 24 October 2012 from <https://www.vec.vic.gov.au/files/RP-EvaluationOfServices2010.pdf>.

⁷³ Colmar Brunton, “Evaluation of services at the November 2010 Victorian state election”, Colmar Brunton, Melbourne, May 2011, p.11. Retrieved 24 October 2012 from <https://www.vec.vic.gov.au/files/RP-EvaluationOfServices2010.pdf>.

⁷⁴ Colmar Brunton, “Evaluation of services at the November 2010 Victorian state election”, Colmar Brunton, Melbourne, May 2011, p.11. Retrieved 24 October 2012 from <https://www.vec.vic.gov.au/files/RP-EvaluationOfServices2010.pdf>.

⁷⁵ Colmar Brunton, “Evaluation of services at the November 2010 Victorian state election”, Colmar Brunton, Melbourne, May 2011, p.11. Retrieved 24 October 2012 from <https://www.vec.vic.gov.au/files/RP-EvaluationOfServices2010.pdf>.

⁷⁶ Parliament of Australia, Joint Standing Committee on Electoral Matters, “Report on the conduct of the 2007 federal election”, Parliament of Australia, June 2009, p.173-175.

of a single “election day” in Australia. Early voting also affects the ability of political parties to campaign and present policy messages to electors at election time.

The Electoral Matters Committee and early voting

- 5.21 Early voting was one of the central issues of the Committee’s inquiry into the 2010 Victorian state election.
- 5.22 The Committee was concerned about aspects of the VEC’s administrative processes in relation to early voting. The Committee believed there was not enough information about early voting listed on the VEC’s website, and recommended the VEC amend its website to show more prominently the criteria for voting early for Victorian elections.⁷⁷ As noted earlier, on 16 October 2012 the VEC advised the Committee that it will amend its website to provide more information to electors about the eligibility for voting early for Victorian elections.
- 5.23 In addition, the Committee was concerned about the VEC’s training and quality assurance programs for early voting centres and early voting centre officials.⁷⁸
- 5.24 The Committee also recommended the VEC conduct detailed research into early voting at Victorian elections.
- 5.25 All of these issues are likely to be readdressed during this inquiry.

Questions

What do you think about early voting? Do you think the increase in early voting at recent Victorian elections is a desirable trend?

Do you have any comments about early voting in other Australian and international jurisdictions?

Given current rates of early voting, do you think that holding elections on a single “election day” is appropriate for Victoria? Or should Victoria move toward an “election period”?

Do you have a view about the eligibility requirements for early voting in Victoria?

Do you have a view about the impact of early voting on political campaigning?

⁷⁷ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.83.

⁷⁸ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.82.

Discussion point five: community engagement with electoral processes

- 6.1 The Committee recognises that community engagement is an important part of the democratic process. All Victorians, irrespective of their background, language or culture, are represented by the Parliament of Victoria and have the right to learn about the institution, its history, background and how laws are made.
- 6.2 Since its inception in 2007, the Committee has examined several aspects of the Victorian community's engagement with electoral processes. The Committee invites comment on the following three areas as part of this inquiry:
- **The VEC's education and community engagement programs:** The Committee has a longstanding interest in the VEC's education and community engagement programs, and its efforts as Victoria's electoral administrator to engage all Victorians in the electoral process.
 - **The Parliament of Victoria and the community:** The Committee seeks comment on how Parliament engages with the Victorian community. While many people are aware of the work Parliament does, there is always room for the Parliament to enhance its community engagement programs and to increase public awareness about the institution of Parliament, how laws are made and other aspects of the legislative process, including community recognition of the two Houses of the Parliament of Victoria.
 - **Political parties and community engagement:** The Committee has closely followed recent discussion in Australia and internationally about how political parties recruit and retain members and select candidates for election. In Australia there has been considerable discussion about the role of "primaries", and whether these can encourage a wider range of people to become involved in the political process.

The VEC’s education and community engagement programs

- 6.3 In Victoria Section Eight of the *Electoral Act 2002 (Vic)* stipulates that the VEC is to provide “education and information programs” to increase public awareness of electoral matters that are in the general public interest.⁷⁹ This function is overseen by the VEC’s Community and Education Unit. The Unit is the main provider of electoral engagement programs for elections in Victoria. Amongst other activities, it works with groups in the Victorian community to minimise barriers to democratic participation and encourage active citizens.
- 6.4 The VEC works closely with a range of community groups to encourage electoral participation. These groups include:
- Indigenous Victorians;
 - Victorians from culturally and linguistically diverse backgrounds;
 - Victorians experiencing homelessness;
 - Students and first-time voters; and
 - Victorians with a disability.
- 6.5 The Committee appreciates that each of these communities has unique challenges in terms of electoral engagement. The Committee encourages evidence from a range of stakeholders about the electoral experiences of all Victorians.

The Parliament of Victoria and the community

- 6.6 The Parliament of Victoria delivers a range of community engagement and activities through its Education and Community Engagement Unit. The programs provide learning and teaching resources for different levels of education in Victoria, including primary and secondary schooling, the Victorian Certificate of Education, university and TAFE, adult education and other DVD and print resources. A full list of the Parliament’s Education and Community Engagement Unit’s activities can be found on the Parliament’s website at: <http://www.parliament.vic.gov.au/education>.
- 6.7 The Department of the Legislative Assembly also runs community engagement and outreach programs through the Tours and Customer Service Unit of the Serjeant-at-Arms Office. A full list of these activities is outlined in the Department’s Annual Report 2011-2012 at: <http://www.parliament.vic.gov.au/publications/annual-reports>.
- 6.8 The Department of the Legislative Council also conducts education and community relations activities. Further details can be found in the Department’s

⁷⁹ *Electoral Act 2002 (Vic)*, s8. Retrieved 23 October 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

Annual Report 2011-2012 at:
<http://www.parliament.vic.gov.au/publications/annual-reports>.

Community connection with the parliamentary process

- 6.9 One of the issues that came to the Committee's attention as part of its inquiry into the 2010 Victorian state election was the Legislative Council's recognition by the community.
- 6.10 The Parliament of Victoria is a bicameral legislature, meaning that it consists of two chambers or houses. The Lower House is called the Legislative Assembly. The Upper House is called the Legislative Council.
- 6.11 The composition of the Legislative Council has varied since it became an elected house in 1856. Originally six provinces elected five Members for a total of 30 Members.⁸⁰ Membership of the Council peaked at 44 Members representing 22 provinces following reforms in 1974, which took effect at the 1976 Victorian state election.⁸¹ In 2003, the *Constitution (Parliamentary Amendment) Act 2003* (Vic) came into effect for the 2006 Victorian state election. The Council now consists of 40 Members representing eight Regions.⁸²
- 6.12 As part of its inquiry into the 2010 Victorian state election, the Committee learnt that there is some misunderstanding in the Victorian community about the Legislative Council. The Chair, Bernie Finn MLC, noted that in the course of his work as the Member for Western Metropolitan, he often met constituents and members of the general public who were either unaware of or confused by the Legislative Council and its role in the legislative process.⁸³ The Chair noted that it was common for people to mistake the Legislative Council with local government.⁸⁴
- 6.13 One of the contributing factors to this issue identified by the Committee is the name of Victoria's Upper House of Parliament, the Legislative Council. In Victoria and NSW, a Member of the Legislative Council may adopt the post-nominal "MLC", denoting Member of the Legislative Council. This differs to practice for the Commonwealth Parliament where Members of the Senate, the Upper House, are known as Senators. A similar practice also exists in the USA. There are 49 states in the USA with bicameral legislatures; in these jurisdictions, Members of the State Senate are referred to as Senators.
- 6.14 The Committee is of the view that community recognition of the Legislative Council is an issue closely linked to the Parliament's efforts to strengthen

⁸⁰ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.125.

⁸¹ Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.125.

⁸² Parliament of Victoria, Electoral Matters Committee, "Inquiry into the 2010 Victorian state election", Parliament of Victoria, Melbourne, May 2012, p.125.

⁸³ Richard Herr, *Transcript – Committee Briefing*, 23 February 2012, p.4.

⁸⁴ Richard Herr, *Transcript – Committee Briefing*, 23 February 2012, p.4.

community awareness about its work more generally. In this context, some commentators have questioned the role of the Council, pointing out that Queensland has a single house of Parliament.⁸⁵ Others have suggested that there are advantages to maintaining a bicameral legislature. According to Ken Coghill, Associate Professor, Monash University, the Upper House provides a crucial “check and balance” function and additional review of legislation.⁸⁶

- 6.15 Changing the name of the Legislative Council, and the post-nominal of Legislative Councillors, is just one option for developing increased awareness of the parliamentary process in Victoria. The Committee is interested in pursuing this matter further as part of this inquiry.

Political parties and community engagement

- 6.16 There is a wide literature on the relationship between political parties and electoral participation in Australia.
- 6.17 Research suggests some Australians are choosing to turn away from traditional forms of political participation. In 2004 the Democratic Audit of Australia reported that 55 percent of Australians had “not very much confidence” in Australia’s political parties, and 12 percent “none at all”.⁸⁷ Similarly, the Audit found that only nine percent believe that political parties had high standards in the conduct of their internal affairs.
- 6.18 Research has also examined rates of membership of Australian political parties. As shown by Norman Abjorensen, like most Western liberal democracies, Australia has experienced declining levels of political party membership.⁸⁸ In 2006 the Australian Bureau of Statistics estimated political party membership at around 1.3 percent of the adult population.⁸⁹ This is about the same percentage as in Britain, although lower than in other European countries.⁹⁰ Given such statistics, and research showing that the majority of Australia’s parliamentarians and political leaders come from political parties, some have called for the major Australian political parties to reform their internal structures, including the way they select candidates for election.

⁸⁵ Alan Howe, “MPs parked and paid for”, Herald Sun, 12 September 2011. Retrieved 23 October 2012 from <http://www.heraldsun.com.au/opinion/mps-parked-and-paid-for/story-e6frfhqf-1226134297538>.

⁸⁶ Alan Howe, “MPs parked and paid for”, Herald Sun, 12 September 2011. Retrieved 23 October 2012 from <http://www.heraldsun.com.au/opinion/mps-parked-and-paid-for/story-e6frfhqf-1226134297538>.

⁸⁷ Dean Jaensch, Peter Brent, Brett Bowden, “Australian Political Parties in the Spotlight”, Democratic Audit of Australia, The Australian National University, Canberra, 2004, p.vii.

⁸⁸ Norman Abjorensen, “The parties’ democratic deficit”, Inside Story, 10 February 2010, Swinburne University of Technology. Retrieved 23 October 2012 from <http://inside.org.au/the-parties-democratic-deficit/>.

⁸⁹ Norman Abjorensen, “The parties’ democratic deficit”, Inside Story, 10 February 2010, Swinburne University of Technology. Retrieved 23 October 2012 from <http://inside.org.au/the-parties-democratic-deficit/>.

⁹⁰ Norman Abjorensen, “The parties’ democratic deficit”, Inside Story, 10 February 2010, Swinburne University of Technology. Retrieved 23 October 2012 from <http://inside.org.au/the-parties-democratic-deficit/>.

6.19 One of the more popular methods raised by parties and commentators for party reform in Australia focuses on using US-style primaries to select candidates for election. A primary is a form of election used to narrow the field of candidates before an election to a particular office.⁹¹ Its use is widespread and popular in the USA, where several different forms of primaries are used for presidential and congressional elections by both the Republican and Democratic Parties nationally and at state level.⁹² Primaries are also used in other countries, including Italy, France and also by some parties seeking election to the European Parliament.

6.20 In September 2012 Queensland's Courier Mail staged a mock debate between two political commentators arguing for and against the benefits of primaries in the Australian context. On the affirmative side, it was suggested that primaries would:

- [Open primaries]...allow any Australian citizen, not just party members or registered supporters, to determine which candidates stand for election;
- Encourage a new political culture in Australia;
- Attract an increased number of talented people to stand for political office; and
- Compel parties to genuinely focus on appealing to people at a local level, and lessen the influence of the media in political campaigns.⁹³

6.21 On the negative side, it was suggested that primaries:

- Are expensive, and would force parties to divert funds away from other campaign activities;
- Would merely facilitate entry by wealthier candidates to political office, unless public funding were increased; and
- Primaries in the Australian context would require extensive administrative oversight, as occurs in the USA, in order to negate the potential for electoral fraud.⁹⁴

⁹¹ FairVote, The Center for Voting and Democracy, "Congressional and presidential primaries: Open, Closed, Semi-Closed and "Top Two". Retrieved 23 October 2012 from <http://www.fairvote.org/congressional-and-presidential-primaries-open-closed-semi-closed-and-top-two>.

⁹² FairVote, The Center for Voting and Democracy, "Congressional and presidential primaries: Open, Closed, Semi-Closed and "Top Two". Retrieved 23 October 2012 from <http://www.fairvote.org/congressional-and-presidential-primaries-open-closed-semi-closed-and-top-two>.

⁹³ Paul Williams, Joff Lelliot, "Do we need US-style primary elections in Australia", *Courier Mail*, 25 September 2012. Retrieved 23 October 2012 from <http://www.couriermail.com.au/news/do-we-need-us-style-primary-elections-in-australia/story-e6freon6-1226480424240>.

⁹⁴ Paul Williams, Joff Lelliot, "Do we need US-style primary elections in Australia",

- 6.22 In Australia both the ALP and the Liberal Party have investigated the use of primaries. Senior ALP figures, including Prime Minister Julia Gillard, have proposed shifting the ALP’s candidate selection processes towards a more primary-style of candidate selection. The ALP also has clauses “in [its] party platform encouraging state and territory branches to hold trial [community] preselections, with the results to be communicated back to the federal party”.⁹⁵ Similar calls have been made by some Liberal Party figures in NSW for a trial of primary-style candidate selection.⁹⁶
- 6.23 The Committee shares widespread concern about declining levels of electoral participation in Australia. It looks forward to receiving a wide range of evidence focusing on ways to foster electoral participation as part of this inquiry.

Questions

What can you tell the Committee about the VEC’s community engagement programs?

Do you have any suggestions or strategies to encourage electoral participation by Victorians?

What do you think of the name of Victoria’s Upper House, the Legislative Council? Do you think changing the name of the Upper House would increase community awareness of the Parliament and its work? Or can you suggest other strategies?

Research shows membership of Australian political parties is declining. Do you think that moving to US-style primaries for candidate selection would help address this trend?

Courier Mail, 25 September 2012. Retrieved 23 October 2012 from <http://www.couriermail.com.au/news/do-we-need-us-style-primary-elections-in-australia/story-e6freon6-1226480424240>.

⁹⁵ Sam Dastyari, “ALP must look to primaries”, *The Australian*, 15 June 2011. Retrieved 23 October 2012 from <http://www.theaustralian.com.au/national-affairs/opinion/alp-must-look-to-primary-system/story-e6frgd0x-1226075231061>.

⁹⁶ Heath Aston and Stephanie Peatling, “Liberals join the trend of picking primaries”, *Sydney Morning Herald*, 23 October 2011. Retrieved 23 October 2012 from <http://www.smh.com.au/nsw/liberals-join-the-trend-of-picking-by-primaries-20111022-1mdjq.html>.

Discussion point six: electronic voting

- 7.1 Electronic voting involves using a computer to fulfil some or all of the voting process. According to the VEC there are many kinds of electronic voting, ranging from systems where the vote is collected and counted electronically to systems where the computer simply marks a paper ballot on the voter's behalf.⁹⁷ Some electronic voting “systems can be completely online, whereas others may be provided at a nominated location or require specific hardware or software”.⁹⁸
- 7.2 In Victoria, electronic voting is a relatively new feature of the electoral system. Section 100 of the *Electoral Act 2002* (Vic) provides for electronic voting for Victorian elections.⁹⁹
- 7.3 It is important to note that the Act states that electronic voting can only be made available at voting centres. As a result, at present the VEC cannot offer remote or online voting, as is used in NSW. However, according to the VEC, Victoria's electronic voting system is designed to be “future ready” should there be any changes to legislation.¹⁰⁰ This includes the “potential to offer an online service”.¹⁰¹

Electronic voting in Victoria

Eligibility, history and use

- 7.4 Section 100 of the *Electoral Act 2002* (Vic) provides the criteria for electronic voting in Victoria. Only electors who have a visual impairment, a motor impairment or insufficient literary skills are eligible to use electronically assisted

⁹⁷ Victorian Electoral Commission, “Electronic voting”, Victorian Electoral Commission, Melbourne, 2012. Retrieved 23 October 2012 from <https://www.vec.vic.gov.au/Vote/vote-eav.html>.

⁹⁸ Victorian Electoral Commission, “Electronic voting”, Victorian Electoral Commission, Melbourne, 2012. Retrieved 23 October 2012 from <https://www.vec.vic.gov.au/Vote/vote-eav.html>.

⁹⁹ *Electoral Act 2002* (Vic), s100. Retrieved 22 October 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

¹⁰⁰ Victorian Electoral Commission, “Electronic voting”, Victorian Electoral Commission, Melbourne, 2012. Retrieved 23 October 2012 from <https://www.vec.vic.gov.au/Vote/vote-eav.html>.

¹⁰¹ Victorian Electoral Commission, “Electronic voting”, Victorian Electoral Commission, Melbourne, 2012. Retrieved 23 October 2012 from <https://www.vec.vic.gov.au/Vote/vote-eav.html>.

voting (EAV). Literacy in this context refers to electors from CALD backgrounds who cannot read in English, or their own written language.¹⁰²

- 7.5 In addition, electors at overseas or interstate voting locations can use EAV.¹⁰³
- 7.6 The *Local Government Act 1989* (Vic) does not provide for electronic voting at Victorian local government elections. As part of its inquiry into the 2010 Victorian state election the Committee supported a trial by the VEC of electronic voting at the 2012 Victorian local government elections.
- 7.7 Electronic voting was first trialled at the 2006 State election and subsequently expanded to be available at every early voting centre in Victoria during the 2010 Victorian state election.
- 7.8 Each EAV console enables electors to cast a vote without assistance using a digital telephone or a touch-screen console. EAV telephone systems were available in 100 early voting centres for the 2010 Victorian state election.¹⁰⁴ Touch-screen consoles were available at 50 percent of early voting centres at the 2010 Victorian state election.¹⁰⁵
- 7.9 The Committee recognises that the EAV system used for the 2010 Victorian state election was secure. The VEC engaged the services of BMM Compliance to audit the integrity and security of the electronic voting system. The audit found the system to be secure.¹⁰⁶ While the VEC notes that no electronic voting system can ever be 100 percent secure, “electronic voting in Victoria features security features that ensure the system is secure and verifiable”.¹⁰⁷

The Electoral Matters Committee and electronic voting

- 7.10 One of the issues raised as part of the Committee’s inquiry into the 2010 Victorian state election was voter verifiability. As noted by Smyth, Ryan, Kremer and Kourjeh, “election verifiability allows voters and observers to verify that the election outcome corresponds to the votes legitimately cast”.¹⁰⁸
- 7.11 As part of its inquiry the Committee heard from Dr Vanessa Teague, University of Melbourne, about the importance of voter verifiability in the Victorian context. Dr Teague suggested that if electronic voting was extended in Victoria to voters who can read their own printout, then voters should be able to access

¹⁰² *Electoral Act 2002* (Vic), s100. Retrieved 22 October 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

¹⁰³ *Electoral Act 2002* (Vic). Retrieved 22 October 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

¹⁰⁴ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.106.

¹⁰⁵ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.106.

¹⁰⁶ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.108.

¹⁰⁷ Victorian Electoral Commission, “Electronic voting”, Victorian Electoral Commission, Melbourne, 2012. Retrieved 23 October 2012 from <https://www.vec.vic.gov.au/Vote/vote-eav.html>.

¹⁰⁸ Ben Smyth, Mark Ryan, Steve Kremer, Mounira Kourjeh, “Election verifiability in electronic protocols”. Retrieved 23 October 2012 from <http://www.bensmyth.com/publications/09wissec/>.

a printout of their vote, or some other form of verification.¹⁰⁹ Dr Teague called for a set of national standards for electronic voting, given widespread interest in the technology around Australia.¹¹⁰

7.12 Dr Teague also informed the Committee about her assessment of the NSW “iVote” project. iVote is a remote internet electronic voting option that was introduced for eligible electors for the 2011 NSW state election. At the public hearings on 23 August 2011 Dr Teague told the Committee that “iVote” had “serious problems” relating to transparency and verifiability.¹¹¹ Based on these concerns, the Committee elected not to support a recommendation from the VEC, contained in the VEC’s report to Parliament on the 2010 Victorian state election, to issue votes from remote locations for future Victorian state elections.

7.13 The Committee is interested in receiving evidence about voter verifiability as part this inquiry. Evidence about other types of electronic voting systems used in Australia, particularly remote or internet-based systems, is welcomed.

Pret a voter

7.14 As part of this inquiry the Committee notes the VEC’s involvement in the world’s largest universally verifiable public e-voting system, based on “Pret a Voter”. The Committee appreciates the potential of this project and looks forward to receiving evidence from the VEC about it as the inquiry progresses.

Electronic roll mark-off

7.15 The VEC trialed an electronic roll mark-off system at the 2012 Niddrie District by-election and the 2012 Melbourne District by-election.¹¹² This replaced scannable paper roll mark-off for both by-elections.

7.16 The VEC’s report on the 2012 Niddrie District by-election contains a favourable assessment of the technology. The VEC suggests the system has a number of benefits. As an online electoral roll which is updated in real time, it mitigates the risk of voters being marked twice off the roll.¹¹³ The system also allows the VEC to track the flow of voters through voting centres, and thus respond more accurately to staffing and administrative needs on election day.¹¹⁴

¹⁰⁹ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.109.

¹¹⁰ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.109.

¹¹¹ Parliament of Victoria, Electoral Matters Committee, “Inquiry into the 2010 Victorian state election”, Parliament of Victoria, Melbourne, May 2012, p.105.

¹¹² Victorian Electoral Commission, “Report on the Niddrie District by-election held on 24 March 2012”, Victorian Electoral Commission, April 2012, p.14.

¹¹³ Victorian Electoral Commission, “Report on the Niddrie District by-election held on 24 March 2012”, Victorian Electoral Commission, April 2012, p.14.

¹¹⁴ Victorian Electoral Commission, “Report on the Niddrie District by-election held on 24 March 2012”, Victorian Electoral Commission, April 2012, p.14.

Questions

Electronic voting is a relatively new feature of Victoria's electoral system; do you have any views about electronic voting in Victoria?

What can you tell the Committee about the concept of voter verifiability?

At present electronic voting in Victoria is limited to voting centres. Do you think votes for Victorian elections should be issued remotely, i.e., via the internet?

Do you have a view about electronic roll mark-off, as used at the 2012 Niddrie District and Melbourne District by-elections?

What do you think about remote voting? Do you have a view about the security implications?

What role does technology have to play in Victoria's electoral future? Are there any other technologies that could improve Victoria's electoral administration?

Discussion point seven: social media and Victorian electoral administration

- 8.1 Social media has been defined as internet-based platforms allowing individuals and communities to share and create information.
- 8.2 Two popular social media websites with relevance to electoral administration are Twitter and Facebook. Twitter is a “social networking and microblogging service that enables its users to send and read messages known as Tweets”.¹¹⁵ Tweets are limited to 140 characters. Facebook is “a social networking website that allows users to create profiles, upload photos and video, add other users as friends and exchange messages”.¹¹⁶

Social media and Victorian electoral administration

Social media and the authorisation of campaign material

- 8.3 In March 2012 the VEC tabled its report to Parliament on the 2012 Niddrie District by-election. The report discussed social media and the authorisation of campaign material.
- 8.4 In Victoria, Division Six of the *Electoral Act 2002* (Vic) provides that all campaign materials, including advertising, must be properly authorised by the candidate (or a representative of the candidate’s party) so that it is clear who produced it and who is accountable for it.¹¹⁷ Materials that are likely to mislead an elector in relation to the casting of their vote must not be printed or distributed.¹¹⁸

¹¹⁵ Australian Government, “Social Media”, Australian Government, 2012. Retrieved 23 October 2012 from <http://australia.gov.au/news-and-media/social-media>.

¹¹⁶ Australian Government, “Social Media”, Australian Government, 2012. Retrieved 23 October 2012 from <http://australia.gov.au/news-and-media/social-media>.

¹¹⁷ *Electoral Act 2002* (Vic), Division 6. Retrieved 23 October 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

¹¹⁸ *Electoral Act 2002* (Vic), Division 6. Retrieved 23 October 2012 from http://www.austlii.edu.au/au/legis/vic/consol_act/ea2002103/.

- 8.5 Social media and web content must also be authorised. Websites, individual web pages, blogs and other forms of social media, such as Twitter and Facebook postings, “containing electoral matter or content must be authorised. Advertisements, including sponsored links, published online must also carry or directly link to an authorisation message”.¹¹⁹
- 8.6 The VEC’s report to Parliament on the Niddrie District by-election advises that some electoral participants used social media platforms like Twitter to transmit unauthorised electoral information during the election campaign and voting period. Previously the VEC has received advice from the Victorian Government Solicitor’s Office (VGSO) about “tweeting”.¹²⁰ The VGSO advised that “tweets” may not be appropriate to authorise given the limited number of characters in the medium. Based on this, the VEC recommended the Parliament consider exempting some social media platforms from campaign authorisation requirements.¹²¹
- 8.7 The Committee elected to seek further evidence about this matter as part of this inquiry.
- 8.8 The Committee understands that there are different regulations around Australia regarding social media and the authorisation of campaign material. In general, most state and territory electoral legislation requires social media content to be authorised. Many organisations which hold elections to elect office bearers, such as universities, also require social media campaign content to be authorised. One exception is South Australia, where electoral regulations were recently amended to exclude blogging and social media applications like Twitter from authorisation requirements.¹²²

Questions

What can you tell the Committee about the use of social media as a tool for political campaign communication?

Do you think that social media content should be exempt from campaign material authorisation requirements in Victoria?

Do you have any other comments about the relationship between social media and Victoria’s electoral administration?

¹¹⁹ Victorian Electoral Commission, “Candidate Handbook Council Elections 2012”, Victorian Electoral Commission, Melbourne, 2012, p.16.

¹²⁰ Victorian Electoral Commission, “Report on the Niddrie District by-election held on 24 March 2012, Victorian Electoral Commission, April 2012, p. 21.

¹²¹ Victorian Electoral Commission, “Report on the Niddrie District by-election held on 24 March 2012, Victorian Electoral Commission, April 2012, p. 21.

¹²² Victorian Electoral Commission, “Report on the Niddrie District by-election held on 24 March 2012, Victorian Electoral Commission, April 2012, p. 21.

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Legislation

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No	Title	Date Tabled
1	Inquiry into the Conduct of the 2006 Victorian State Election and matters related thereto	June 2008
2	Report on International Investigations into Political Donations and Disclosure and Voter Participation and Informal Voting	December 2008
3	Inquiry into Political Donations and Disclosure	April 2009
4	Inquiry into Voter Participation and Informal Voting	July 2009
5	Inquiry into the Provisions of the <i>Electoral Act 2002</i> (Vic) relating to Misleading or Deceptive Political Advertising	February 2010
6	Inquiry into the Functions and Administration of Voting Centres	June 2010
7	Inquiry into the 2010 Victorian state election and matters related thereto	May 2012