

## Proof of Identity of Electors at Enrolment

### Electoral roll manipulation

For about a decade there has been debate concerning the electoral roll, and whether or not the requirements for enrolling or changing an enrolment are sufficient to avoid fraud.

The inquiry into the 1996 election by the Joint Standing Committee on Electoral Matters (JSCEM) reported that its 'most contentious topic' was that of electoral fraud. In particular, the enrolment procedure was seen as being open to abuse.<sup>1</sup>

In 2001 the Shepherdson Inquiry in Queensland indicated that the Commonwealth-State joint electoral roll can be manipulated due to the ease with which voters can enrol or change their enrolment.<sup>2</sup>

Most debate has emphasised that the level of such fraud is low in Australia. However, there is agreement that the issue is less about the actual integrity of the electoral roll, than 'whether the Australian public is convinced that the electoral roll provides the mechanism for free and fair elections'.<sup>3</sup>

The Parliament may be on the verge of tightening the provisions for enrolment.<sup>4</sup>

### Enrolling to vote

A person seeking enrolment on the electoral roll must be an Australian citizen, at least 17 years and must fill out a written application to be witnessed by 'an elector or a person entitled to enrolment'. A person seeking to change enrolment follows the same procedure.<sup>5</sup> Critics have noted that many other social transactions require great levels of proof:

... it is unacceptable that the most fundamental transaction between a

citizen and the government—the act of choosing the government ... is subject to a far lower level of security than ... opening a bank account ...<sup>6</sup>

The Australian Electoral Commission's (AEC) view of the electoral roll is that its integrity is sound, citing an Australian National Audit Office report which stated that the roll 'can be relied on for electoral purposes'.<sup>7</sup>

### A reform attempt

The *Electoral and Referendum Amendment Act (No. 1) 1999* sought to require more proof of identity from new electors and re-enrollers. Schedules to the legislation spelled out 41 classes of people who could witness an enrolment claim, plus thirteen documents that could be presented to confirm identification.<sup>8</sup> Debate in the Senate revealed a general concern about the proposed system being too bureaucratic in its approach. In addition, Labor and the Australian Democrats raised several specific uncertainties:<sup>9</sup>

- that young people might be discouraged from registering
- that the regulations placed great difficulties in the way of the homeless
- that indigenous people in remote areas might be disenfranchised
- that the regulations would make re-enrolment difficult for people in outback areas; and
- that overseas voters could be overlooked.

Apart from these concerns, State Governments asserted that the joint roll agreements between the States and Territories and the AEC would be put at risk because of the need for complementary legislation to be passed by the States and Territories.

Former South Australian Premier, John Olsen (Liberal), warned of 'the impact of any proposal for legislative reform on the joint roll arrangement'.<sup>10</sup>

On 15 May 2002 the regulations were disallowed on the motion of the Leader of the Opposition in the Senate, Senator Faulkner.

### The 2003 JSCEM recommendation

Despite this, the JSCEM noted that on the question of verification of identity there was 'substantial' agreement among many observers that the enrolment system 'should be more rigorous'. This view was based on 'an understanding that the system, as it currently operates, is open to abuse'.<sup>11</sup>

The JSCEM has now reported on the 2001 election. The Committee's view<sup>12</sup> is that the question is not whether there should be more required to establish proof of identity for enrolment, but how to achieve this end. It has noted also that the disallowed regulations were 'somewhat unwieldy', and clearly of concern to those desirous of maintaining the joint roll agreements. Its conclusion is that the proof of identity requirement could be tightened with 'a more straightforward' scheme:

- as over 90 per cent of electors hold a driver's licence, this should suffice for most enrolments
- the AEC should have discretion to accept another document or combination of documents
- if such documents are not available, a written reference from a voter should suffice; and
- photocopies of documents would be acceptable.

The JSCEM recommended increased penalty provisions for false declarations including false enrolments, false claims by witnesses, and false claims by enrollers including that they are unable to produce primary forms of identification.

In an attempt to guarantee a period of review of the new arrangements, the JSCEM has proposed a three-year sunset clause be built into any such changes. This would give an excellent chance for the new arrangements to be evaluated prior to any move being made to make them permanent. It would also give an opportunity to amend the procedures if weaknesses were found.

The JSCEM awaits the Government's response to its recommendations.

### Overseas' comparisons

An investigation into proof of identity requirements in twelve countries indicated that Australia's

requirements are much more relaxed than many.<sup>13</sup>

Australia, New Zealand and the United Kingdom have fewer requirements than the other countries investigated, though neither NZ nor the UK require that the enrolment form be witnessed.

If Australia were to require proof of identity, this would be in line with a number of other countries. For example, Northern Ireland, Denmark, Fiji and Germany require some proof of identity such as a driver's licence, social or national security number. In the United States the requirements vary between states and may or may not include giving social security or driver's licence numbers.

Proof of identity can also depend on how the electoral roll or register is compiled. For example in Canada, the 'National Register of Electors' is compiled from information from provincial, territorial and federal data sources such as motor vehicle

registries, immigration and tax offices. Voters who are not on this list can register at a polling station with some proof of identity and proof of address.

Papua New Guinea also requires that the enrolment form be witnessed by an electoral official. South Africa, India and the Philippines all require significantly more proof of identity.

In South Africa prospective voters must possess and show a valid barcoded identity document or a valid temporary identification certificate.

India is introducing photo identity cards for prospective voters and to date 338 million cards have been produced. Over 620 million people were registered to vote in India in 1999.

The Philippine application form requires three specimen signatures, legible rolled prints of both thumbs and four copies of identification photos.

## Endnotes

1. JSCEM, *Report of the Inquiry into all aspects of the conduct of the 1996 federal election*, 1997, p. 5.
2. Queensland Criminal Justice Commission, *Shepherdson Inquiry. An investigation into electoral fraud*, Brisbane, 2001.
3. Senator Mason (Liberal), Senate, *Debates*, 15 May 2002, p. 1627.
4. 'Photo ID proposed for new voters', *About the House*, July–August 2003, p. 11.
5. *Commonwealth Electoral Act 1918*, ss. 93, 98. People may enrol when they are 17, but may not vote until they are 18.
6. JSCEM, *Report of the Inquiry into all aspects of the conduct of the 1996 federal election*, 1997, p. 5.
7. JSCEM, *Report of the Inquiry into the conduct of the 2001 federal election*, p. 25.
8. For the classes of people and the permitted documents, see JSCEM, *Report of the Inquiry into the conduct of the 2001 federal election*, Appendix D.
9. See Senators Faulkner, Crossin (both ALP), Murray, Bartlett (both AD), Senate, *Debates*, 15 May 2002, pp. 1608–30.
10. JSCEM, *User Friendly, not abuser friendly. Report of the Inquiry into the Integrity of the Electoral Roll*, 2001, p. 42.
11. *Ibid.*, p. 33.
12. *Ibid.*, pp. 44–8.
13. Information was collected from electoral commission websites.  
New Zealand [http://www.elections.org.nz/elections/enrol/request\\_form.html](http://www.elections.org.nz/elections/enrol/request_form.html).  
UK: The Electoral Commission <http://www.electoralcommission.org.uk/your-vote/rollingreg.cfm>.  
Northern Ireland <http://www.electoralofficeni.gov.uk/registration/index.asp>.  
Denmark: <http://www.folketinget.dk/BAGGRUND/00000048/00232623.htm#E31E4> .  
Fiji: [http://www.undp.org.fj/elections/Elections/law/part\\_3.htm](http://www.undp.org.fj/elections/Elections/law/part_3.htm).  
Germany: [http://www.bundeswahlleiter.de/wahlen/rechtsgr/e/bwo2\\_e.htm](http://www.bundeswahlleiter.de/wahlen/rechtsgr/e/bwo2_e.htm).  
United States: Federal Election Commission: <http://www.fec.gov/votregis/pdf/nvra.pdf> .  
Canada: <http://www.elections.ca/intro.asp?section=ins&document=index&lang=e&textonly=false> .  
Papua New Guinea Electoral Commission: <http://www.pngec.gov.pg/>.  
South Africa: Independent Electoral Commission: [http://www.elections.org.za/Why\\_register.asp](http://www.elections.org.za/Why_register.asp).  
India: [http://www.eci.gov.in/infoeci/elec\\_sys/elecsys\\_fs.htm](http://www.eci.gov.in/infoeci/elec_sys/elecsys_fs.htm) .  
Philippines: Commission on Elections: [http://www.comelec.gov.ph/faqs/faq\\_2ra8189\\_sec3.html](http://www.comelec.gov.ph/faqs/faq_2ra8189_sec3.html).

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