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Voter ID

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Politics and Public Administration Section

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Executive summary

The question of whether voters should be required to present an acceptable form of identification (ID) when casting a ballot at a federal election has persisted, notwithstanding quite exhaustive debate and deliberation in numerous forums.

Arguments advanced in favour of requiring voter ID included the need to:

- protect the integrity of the information contained on the roll
- deter attempts by voters to impersonate another voter
- discourage attempts by a voter to vote more than once.

In 2001, in its report *User friendly, not abuser friendly: Report of the inquiry into the integrity of the electoral roll*, the Joint Standing Committee of Electoral Matters (JSCEM) concluded that the introduction of voter identification was not warranted as a measure to deter fraud.¹

But while some consider that the level of alleged electoral fraud is minuscule, others have a much more pessimistic view.

The report of the JSCEM *Inquiry into the conduct of the 2001 Federal election* addressed proof-of-identity requirements, but focussed on initial enrolment or re-enrolment, not the requirement to produce ID in the normal course of casting a ballot at a polling booth. The Committee recommended 'that people making a first-time enrolment, those seeking re-enrolment, and those transferring their enrolment details, first be required to provide proof of identity and address, via a driver's licence or similar'.²

But evidence to that same JSCEM inquiry highlighted problems with the ready availability of ID among people who are extremely disadvantaged or living in Indigenous communities. Others argued that the alleged difficulties of producing ID are over stated, citing the numbers that attend large sports clubs or present ID to access video stores.

Australians have a history of resistance to the adoption of any kind of universal ID card that can be legally required to be shown in order to access government services or to confirm one's identity. The arguments against such a card are broadly couched in terms of personal privacy and an aversion to a 'surveillance state'.

1. Joint Standing Committee on Electoral Matters, [*User friendly, not abuser friendly: Report of the inquiry into the integrity of the electoral roll*](#), op. cit.

2. Joint Standing Committee on Electoral Matters, [*Inquiry into the 2001 Federal Election and matters related thereto*](#), House of Representatives, Canberra, June 2003, p. viii, accessed 28 April 2014.

Introduction and overview

The question of whether voters should be required to present an acceptable form of identification (ID) when casting a ballot at a federal election has persisted, notwithstanding quite exhaustive debate and deliberation in numerous forums. In particular, the issue has been raised at many hearings of the Joint Standing Committee on Electoral Matters (JSCEM) and was formally addressed by that Committee in its report *User friendly, not abuser friendly: Report of the inquiry into the integrity of the electoral roll* in 2001.³

The report did not recommend the introduction of voter ID at polling places, although it did recommend that the gender and date of birth of electors be included on the Certified Lists of Voters for elections.⁴

Arguments advanced in favour of requiring voter ID included the need to:

- protect the integrity of the information contained on the roll
- deter attempts by voters to impersonate another voter
- discourage attempts by a voter to vote more than once.⁵

The Australian Electoral Commission (AEC) responded that, while the introduction of a system of voter ID was ‘not impossible’, it would involve:

- significant start up and on-going costs
- voter inconvenience
- possible disenfranchisement of a number of voters, and
- possible delays in the delivery of election results because of an increase in the level of declaration voting.

JSCEM concluded that ‘the introduction of voter identification is not warranted as a measure to deter fraud’.⁶ During the inquiry, the then Liberal Party director, Lynton Crosby, said that within the Party there were ‘mixed views about the extent to which you should have voter ID on polling day. But there is unanimity within our party on the issue of enrolment, because that is the starting point’.⁷ In 2002, the ACT Liberal Party proposed that voters be forced to show identification at polling booths.⁸ Various Liberal Party MPs and branches had been pushing for compulsory voter ID for several years.⁹

The report of the JSCEM *Inquiry into the conduct of the 2001 Federal election*—initiated by the Special Minister of State, Senator Eric Abetz—also addressed proof of identity requirements, but focused on initial enrolment or re-enrolment, not the requirement to produce ID in the normal course of casting a ballot at a polling booth. The Committee recommended ‘that people making a first-time enrolment, those seeking re-enrolment, and those transferring their enrolment details, first be required to provide proof of identity and address, via a driver’s licence or similar’.¹⁰ JSCEM also recommended that ‘similar proof of identity and address requirements be applied to voters making a provisional vote’.¹¹

But evidence to that same JSCEM inquiry highlighted problems with the ready availability of ID among people who are extremely disadvantaged or living in Indigenous communities.¹² Others argued that the alleged difficulties in producing ID are over stated, citing the numbers that attend large sports clubs or access Monster Video shops:

3. Joint Standing Committee on Electoral Matters, [User friendly, not abuser friendly: Report of the inquiry into the integrity of the electoral roll](#), House of Representatives, Canberra, June 2001, accessed 28 April 2014.

4. Ibid., p. xvi.

5. M Grattan, ‘[Returning officers push for electoral ID](#)’, *Sydney Morning Herald*, 11 December 2000, accessed 6 May 2014.

6. Joint Standing Committee on Electoral Matters, [User friendly, not abuser friendly: Report of the inquiry into the integrity of the electoral roll](#), op. cit.

7. L Crosby, (Director, Liberal Party), [Evidence to JSCEM, User friendly, not abuser friendly: Report of the inquiry into the integrity of the electoral roll](#), House of Representatives, Canberra, June 2001, accessed 2 May 2014.

8. R Peake, ‘[Libs to push for compulsory voter ID](#)’, *Canberra Times*, 9 April 2002, accessed 10 April 2014.

9. Ibid.

10. Joint Standing Committee on Electoral Matters, [Inquiry into the 2001 Federal Election and matters related thereto](#), House of Representatives, Canberra, June 2003, p. viii, accessed 28 April 2014.

11. Ibid.

12. J Hall MP, [Evidence to JSCEM, Inquiry into the 2001 Federal Election and matters related thereto](#), 12 August 2002, House of Representatives, Canberra, June 2003, accessed 2 May 2014.

They all have to produce ID, and they have no problem with that. Frankly I think it is insulting and patronising to socially disadvantaged people to say that they are not capable of producing identification.¹³

JSCEM Deputy Chair Michael Danby MP considered that the level of alleged electoral fraud was minuscule:

During the last 10 years, the Australian Electoral Commission has conducted six electoral events, including four elections, a Constitutional Convention and a referendum. There were 72 million votes cast, and there were 72 cases of proven electoral fraud.¹⁴

Others, however, have a much more pessimistic view of electoral fraud, claiming that it is far too easy for names and addresses to be entered onto the electoral roll:

To enrol as a voter now you fill in a form from a post office or online, either as yourself or any number of phantoms allegedly living at your or a mythical address... Later, when votes are counted, no one knows if they come from a real or a non-existent person voting once or multiple times. ... [It] doesn't take 'organised conspiracy' to change a result. A handful of votes will do, as evidenced in the last election.¹⁵

Those who regard the *Commonwealth Electoral Act's* requirements as grossly inadequate point out that 'getting your hair cut these days is about the only thing where you don't need ID', and they bemoan the fact that the issue of voter ID 'has proved too hard for the AEC':

The most obvious and simplest step to stem any 'irregularities'—a euphemism beloved of the AEC—is to require that ID be shown before voting. ... This, along with an electronic roll, which allows a name to be erased from all rolls once a person has voted, should be front-and-centre for the AEC. ... First things first.¹⁶

This Research Paper surveys the arguments and numerous parliamentary inquiries that have addressed the question of the integrity of Australia's electoral system and in particular whether a voter ID scheme is necessary to ensure its efficacy.

The current requirements for enrolment and voting

Under the existing *Commonwealth Electoral Act 1918* it is compulsory for Australian citizens aged 18 years or older, and who have lived at the same address for a month, to register their name and address on the electoral roll. Enrolment can be made online or by completing a form available from the Australian Electoral Commission.¹⁷

To enrol, citizens need to provide evidence of identity: a driver's licence, Australian passport number or have someone who is already on the roll to confirm the enrollee's identity.¹⁸

While it is commonly understood that voting is compulsory for Australian citizens, in practice you are required only to present yourself at a voting booth and have your name marked off the roll. Because casting a ballot is done in secret, it is impossible to tell in a particular case whether a valid vote has actually been cast. A voter may have deposited a blank ballot paper in the box, for example.

On polling day, AEC officials ask each prospective voter the following questions:

- What is your full name?
- Where do you live?
- Have you voted before in this election?

If a voter's name does not appear on the official 'certified' list, a voter can still cast a ballot in the form of a 'declaration' vote, and its eligibility is determined later, once relevant checks have been carried out:

13. A McGrath, [Evidence](#) to JSCEM *Inquiry into the integrity of the electoral roll*, 2 March 2001, accessed 10 April 2014.

14. M Danby, [Speech](#), Appropriation Bill (No.1), 2001–02, House of Representatives, *Debates*, 21 June 2001, p. 28409, accessed 10 April 2014.

15. J Patrick, 'Lost votes and the prospects of electoral fraud', *Quadrant*, Jan–Feb 2014, p. 24, accessed 10 April 2014.

16. *Ibid.*, p. 24

17. [Enrol to vote](#), Australian Electoral Commission (AEC), website, accessed 29 April 2014.

18. *Ibid.*

You are issued a declaration vote if your name and/or address details cannot be found on the certified list used at the polling place at which you have come to vote, or if your name has already been marked as having voted. The envelope used to seal your ballot papers is called a declaration vote envelope. Your declaration vote ballot papers are inserted into the envelope and forwarded to the division in which you are claiming enrolment. The envelope has a counterfoil which is removed and filed in a 'declaration records' folder. This is a record that you voted at that particular polling place. You 'declare' that you are entitled to vote by signing the envelope.¹⁹

Thus, under present legislation, a person is not required to show ID in order to cast a ballot at a Federal election.

A short history of the wider debate about ID cards

Australians have a history of resistance to the adoption of any kind of universal ID card that can be legally required to be shown in order to access government services or to confirm one's identity. The arguments against such a card are broadly couched in terms of personal privacy and an aversion to a 'surveillance state'.

The most prominent attempt to introduce an identity card was by the Hawke Government in 1996, when it proposed the 'Australia Card'. The idea was not well received by the public:

A Parliamentary Joint Select Committee on the Australia Card was set up in December 1985. The Committee reported in May 1986, and did not recommend the introduction of the card. Instead, the Committee favoured the development of a tax file number (TFN), with upgraded integrity from that being used at the time. It was recommended that the information be available for use only by the Australian Taxation Office (ATO) and the Department of Social Security (DSS).

The Government however decided to proceed with the proposal for an Australia Card and during 1986 twice presented legislation which was rejected by the Senate, where the Government did not have a majority. After it was returned to power in the 1987 election, the Government introduced the legislation again.

Arguably, this action became for the general public the first major rallying point against the introduction of computer technology which was seen as potentially threatening to their privacy. Public meetings and demonstrations consistently drew crowds and opposition to the proposal was expressed by people from across the political spectrum.

The proposal for an Australia Card was subsequently dropped by the Government because of a technical flaw in the legislation. The Government turned instead to the alternative TFN proposal in its original limited form as recommended by the Parliamentary Committee.²⁰

When Prime Minister John Howard briefly revived the idea of an ID card in 2006 as part of a suite of anti-terrorism measures—prompted by the '9/11' attacks and the Bali bombings—the Cabinet would not agree.²¹ Attorney-General Philip Ruddock said that a national ID 'could increase the risk of fraud because only one document would need to be counterfeited to establish identity'.²²

There is currently no requirement for voters to produce ID in order to vote at a Federal election, but the issue of ID for the purposes of casting a ballot in a Federal election was canvassed in a 2009 Rudd Government Green Paper on electoral reform.²³

In May 2014 the Queensland Legislative Assembly passed the *Electoral Reform Amendment Bill 2013*, which included requiring voters at a state election to produce some form of ID at a polling booth, such as a utilities bill or similar.²⁴ The reforms followed the publication of a Government discussion paper in 2013. The Human Rights Law Centre said at the time that the votes of 'tens of thousands of vulnerable people are threatened by voter ID

19. 'What is a Declaration Vote at a polling place?', AEC website, accessed 29 April 2014.

20. 'Data-matching in Commonwealth administration', Department of the Parliamentary Library, n.d., accessed 29 April 2014.

21. J Rayner, 'A fix for what's not broken: why Australia doesn't need voter ID', *Inside Story*, 4 March 2014, accessed 1 May 2014.

22. Ibid.

23. Australian Government, *Electoral reform green paper: Strengthening Australia's democracy*, 2009, pp. 176–7, accessed 20 May 2014.

24. Queensland Parliament, *Electoral reform Amendment Bill 2013*, accessed 27 May 2014.

laws. Those most at risk are elderly and young voters, people in remote rural regions, people with disabilities, Aboriginal and Torres Strait Islander people and the homeless'.²⁵

JSCEM's considerations of allegations of electoral fraud

If there has been any escalation of concern about electoral fraud it has possibly arisen from a greater community awareness of identity theft and its consequences. Attorney-General's Department surveys into issues relating to identity theft show it is now one of the most prevalent crime types in Australia.²⁶ The latest Identity Crime Survey conducted by the Australian Institute of Criminology (AIC) in 2013 found that 9.4 per cent of respondents reported having their personal information stolen or misused in the previous 12 months, with 21 per cent reporting they were a victim at some point in their life.²⁷

JSCEM is the prime parliamentary vehicle for deliberations about, and the examination of, Australia's electoral arrangements and outcomes—including potential electoral fraud. JSCEM reports invariably reflect the views of the party that holds a majority on the Committee. It is usual for the party who is in opposition to provide a dissenting report that stresses, for example, their party's views on the relevance and seriousness of allegations of electoral fraud, and that seeks to repudiate the findings and conclusions of the main Committee report—see examples below.

Since 2001, Mrs Bronwyn Bishop MP—the current Speaker of the House of Representatives—has featured prominently in debates about the adequacy, integrity and robustness of the electoral roll: 'If you can't trust the roll, you can't have a properly acting democracy'.²⁸ Her criticism has extended to the AEC as a whole: 'I am talking about the culture of the AEC. It has always been a problem, this refusal to acknowledge fraud'.²⁹ Mrs Bishop is also a critic of the AEC's Federal Direct Enrolment and Update program that uses Australian Tax Office and other official sources of data to place people on the roll.³⁰

2004 Federal election report

During the *Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, JSCEM—at that stage with a Coalition majority—noted that the Committee had examined allegations of electoral fraud in its reports on each of the last six Federal elections:

Whilst to date the Committee has had no evidence to indicate there has been widespread electoral fraud, the Committee believes that rectifying electoral fraud after it has occurred and has compromised the democratic process is not a responsible or sensible proposition. While to date the Committee has not received any evidence of widespread or large-scale electoral fraud, it is considered preferable to take steps to prevent fraud occurring in the first place.³¹

2007 Federal election report

JSCEM's *Report on the conduct of the 2007 federal election and matters related thereto*—now with a Labor majority—argued that in the years leading up to the 2007 election there had been 'the creation and perpetuation' of the mythical 'straw man' of electoral fraud:

The straw man has been used to create and perpetuate an erroneous view that electoral fraud is commonplace and to overstate its potential effects... [I]t can be clearly stated, in relation to false identities, that there has never been any evidence of widespread or organised enrolment fraud in Australia. ... Allegations of multiple voting at federal

25. Human Right Law Centre, '[Queensland passes first Australian voter ID laws as Liberal party flags reforms at national level](#)', media release, 22 May 2014, accessed 29 May 2014.

26. Australian Government, Attorney-General's Department, '[Identity crime in Australia](#)', accessed 28 May 2014.

27. Ibid.

28. B Bishop MP, [Evidence to JSCEM](#), *Inquiry into the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2012*, 4 February 2014, accessed 2 May 2014.

29. B Bishop MP, [Evidence to JSCEM](#), *Inquiry into the conduct of the 2010 federal election and matters related thereto*, 25 May 2011, accessed 2 May 2014.

30. B Bishop MP, [Evidence to JSCEM](#), *Inquiry into the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2012*, 4 February 2014, accessed 2 May 2014.

31. JSCEM, *Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, House of Representatives, Canberra, October 2005, p. 136, accessed 9 May 2014.

elections are not new and have been used over the years as something of a 'bogeyman' to support the supposed need for a significant tightening of laws covering enrolment and voting processes.³²

2010 Federal election report

In the *2010 Federal Election Report on the conduct of the election and related matters*, members of the Committee again disagreed—along party lines—about the effects of electoral fraud. Labor said:

While Opposition members continue to rely on the spectre of electoral fraud to introduce and maintain restrictive enrolment and voting provisions, Government members value the traditionally inclusive nature of our electoral legislation. There should be no doubt that the AEC treats fraud and potential fraud cases with due and diligent attention.³³

Coalition members of JSCEM insisted that fraud, or potential fraud, had to be taken seriously:

The Opposition Committee members believe that the problems experienced at the 2010 election show there is a definite need to establish a fraud squad as part of the Australian Electoral Commission which would have the power to investigate and prepare briefs for the Department of Public Prosecutions to prosecute cases of fraudulent voting.

A number of Committee members note that the AEC provided figures which outlined there were 20, 633 cases of multiple voting in 2007, 14, 402 cases in 2004 and 16, 949 cases in 2001. Whilst many of these cases could have been genuine mistakes, it does show that multiple voting is a serious problem that has not been sufficiently reviewed by the Committee.

The AEC claims that these cases resulted in no prosecutions, although further advice from the Parliamentary Library confirms that there were in fact three prosecutions. The Parliamentary Library provided the Opposition members with advice that the Australian Federal Police cited a lack of resources for its inability to make successful prosecutions.³⁴

Electoral management bodies around the globe generally assess the quality of the electoral roll by reference to a number of common criteria:

These include: that an individual included on the roll meets the legislative qualifications for entitlement to enrolment; that an individual is enrolled accurately at the address for which they are entitled; that the information provided by an individual or an organisation is processed correctly and completely on the roll, and that the address is correctly and completely described, classified and aligned; that the electoral roll is secure from unauthorised access and tampering; and that the electoral roll is complete, in that all individuals who are entitled to enrolment are enrolled. Together these criteria provide a means of assessing the overall integrity of the roll.³⁵

Audit Reports of electoral system efficacy

The issue of roll integrity has been the subject of audits by the Australian National Audit Office (ANAO).³⁶ The first report, in 2002, provided an opinion on the integrity of the electoral roll—where integrity was defined as 'accuracy, completeness, validity and security' of the roll. The report also examined the effectiveness of the AEC's management of the electoral roll in ensuring the roll's integrity.³⁷ The ANAO concluded that:

[O]verall, the Australian electoral roll is one of high integrity, and that it can be relied on for electoral purposes. We concluded that the AEC is managing the electoral roll effectively. AEC policies and procedures can provide an electoral roll that is accurate, complete, valid and secure. In particular, the AEC has mechanisms in place to provide

32. JSCEM, *Inquiry into the Conduct of the 2007 Federal Election and Matters Related Thereto*, House of Representatives, Canberra, June 2009, p. 16, accessed 9 May 2014.

33. JSCEM, *Inquiry into the Conduct of the 2010 Federal Election and Matters Related Thereto*, House of Representatives, Canberra, July 2011, p. iv, accessed 9 May 2014.

34. *Ibid.*, pp. 181–2.

35. E Killesteyn, former Australian Electoral Commissioner, *Evidence to JSCEM, Inquiry into the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2012*, 8 February 2012, accessed 2 May 2014.

36. I McPhee (Auditor-General), Australian National Audit Office, *Evidence to Joint Standing Committee on Electoral Matters*, (JSCEM) *All aspects of the conduct of the 2013 federal election and matters related thereto*, 6 February 2014, accessed 20 May 2014.

37. Australian National Audit Office (ANAO), *'Integrity of the electoral roll'*, Audit Report no. 42, 2001–02, accessed 27 May 2014.

assurance that the names and addresses on the electoral roll are legitimate and valid; and that people who are eligible to vote are registered properly.³⁸

The report found roll accuracy to be 96 per cent; completeness ‘likely to be 95 per cent’; and that ‘internal AEC procedures to ensure roll security and to prevent tampering with roll data were robust and effective’.³⁹ The follow-up audit in 2004 recommended the development of a strategic plan for continuous roll update—an initiative which is now in place.⁴⁰

But despite the endorsement of the ANAO, it still seems that, when it comes to the integrity of Australia’s electoral roll, its biggest shortcoming is that the roll is manifestly incomplete:

The AEC estimates that approximately 1.5 million entitled Australian citizens are not enrolled. The evidence suggests that as each year passes by the number of unenrolled citizens will continue to increase. Significantly, many of these are people who were enrolled in the past; indeed, the AEC estimates that over 600,000 of the 1.5 million unenrolled have been enrolled before and could have voted.⁴¹

Multiple voting: how serious a problem?

Three reasons are commonly advanced for concern about multiple voting. These are that:

- multiple voting violates a principle of equality
- multiple voting distorts the outcome of elections, and
- multiple voting causes loss of confidence in public institutions.⁴²

But all the evidence in Australia and overseas shows that multiple voting is not widespread. Especially in countries with robust ID systems, multiple voting is uncommon:

Lorraine Minnite, for example, summarises her forensic study of recent American voter fraud as follows: ‘although millions of people cast ballots every year, almost no one knowingly and wilfully casts an illegal vote in the United States today’.⁴³

But even in countries like Australia, which have low ID thresholds, ‘multiple voting in the same name ... is already known to be a phenomenon of marginal importance, rarely undertaken with fraudulent intent’.⁴⁴ Prominent election analyst Antony Green has concluded that ‘multiple voting is very limited in state elections’.⁴⁵

There is little evidence to support the claim that multiple voting reduces trust in public institutions, even though such a claim may be intuitively plausible:

The literature on declining civic confidence and political engagement in western democracies highlights a range of potential causes that do not usually include voter fraud.⁴⁶

To the extent that some people express a lack of confidence in the electoral system, blame has been directed by some electoral commissioners at ‘misinformation which is peddled in the media and ... to lack of information as to the checks and balances which do exist. ... [G]enerally speaking, it is the public’s perception rather than the reality which influences its opinion’.⁴⁷

38. Ibid., p. 11.

39. Ibid., p. 12.

40. AEC, ‘[Direct enrolment and direct update: The Australian experience](#)’, AEC website, accessed 27 May 2014.

41. E Killesteyn, former Australian Electoral Commissioner, [Evidence to JSCEM](#), *Inquiry into the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2012*, 8 February 2012, accessed 2 May 2014.

42. R Smith, [Multiple voting and voter identification](#), February 2014, New South Wales Electoral Commission, accessed 5 May 2014.

43. Ibid.

44. Ibid., quoted by Smith.

45. Ibid.

46. Ibid., p. 21.

47. Ibid., p. 22.

Since the 1980s, allegations of widespread multiple voting and related fraudulent voter activity in federal and state elections have been made by organisations such as the H.S. Chapman Society and its founder, Dr Amy McGrath OAM ... These allegations often rest on the potential for fraud, rather than actual evidence of fraud.⁴⁸

It is true that cases of multiple voting emerge regularly at every Federal election. But immediately following polling day, each identical certified list of voters in each Division is electronically scanned to read the marks against the names on the list, in order to generate reports of multiple marks against names, and reports of no marks against names, together with details identifying the issuing location of the certified list.⁴⁹ Where a possible breach of the Electoral Act comes to the attention of the AEC, the matter is referred to the Australian Federal Police (AFP) for investigation, and a brief of evidence may be referred to the Commonwealth Director of Public Prosecutions (DPP) for decision on whether a prosecution against the alleged offender should be instituted in accordance with the *Prosecution Policy of the Commonwealth*.⁵⁰

All cases of detected multiple voting are examined by the AEC in each Division after the election, and where it appears that the level of multiple voting might have exceeded the winning margin for the elected candidate, the AEC considers disputing the election result by petition to the Court of Disputed Returns under section 357 of the Act.⁵¹

The penalty for casting more than once in the same election contrary to section 339 (A) of the Commonwealth Electoral Act 1918, is 10 penalty units (\$1100). Whereas, the penalty for a person found guilty of intentionally voting more than once in the same election contrary to section 339 (C) of the *Commonwealth Electoral Act 1918*, is 60 penalty units (\$6600) or imprisonment for 12 months, or both.⁵²

These provisions reflect the original requirement in section 30 of the Constitution that, in choosing members of the House of Representatives, each elector shall vote only once. The original section 30 was in effect 'until the Parliament otherwise provides', which occurred with the enactment of the *Commonwealth Electoral Act 1918*.⁵³

The following table summarises the figures on apparent multiple voting for elections from 1993 to 2010, and how these matters have been dealt with by the Australian Federal Police and other relevant authorities.

Table 5.1 summarises the figures on apparent multiple voting and its treatment by the AEC, AFP and CDPP for recent federal elections.

Table 4.1 Identification and Treatment of Multiple Voting in Federal Elections

Election	Total Number of House of Representatives Votes	Letters Sent to Apparent Multiple Voters	Apparent Clerical Errors	Voters Admitting Multiple Voting	Cases Referred to the AFP	Cases Referred to the DPP
1993	10,576,779	14,172	7,173	535	188	1
1996	10,883,852	15,626	7,223	986	302	29
1998	11,109,063	n.a.	8,167	662	263	5
2001	11,474,074	16,949	9,123	896	138	28
2004	11,714,835	14,402	7,614	1,046	64	5
2007	12,419,863	20,633	11,188	1,160	10	0
2010	12,402,363	16,210	6,254	1,454	19	0

Source: AEC 1997; 1999; 2003; 2009; CJSCCM 2011: 8-9; Killesteyn 2012.

Source: R Smith, [Multiple voting and voter identification](#), February 2014, New South Wales Electoral Commission, accessed 5 May 2014.

48. Ibid., p. 23.

49. Joint Standing Committee on Electoral Matters, [Inquiry into the 2001 Federal Election and matters related thereto](#), House of Representatives, Canberra, June 2003, p. 174, accessed 2 May 2014.

50. See the AEC [Electoral Background: Electoral fraud and multiple voting](#), accessed 2 May 2014.

51. JSCCM, *Inquiry into the 2001 Federal Election and matters related thereto*, op. cit., p. 176.

52. R Jabbour, Acting Deputy Commissioner Operations (Australian Federal Police), *Inquiry into the conduct of the 2010 Federal Election and matters related thereto*, [Submission 105](#), 27 June 2011, accessed 5 May 2014.

53. *Commonwealth of Australia Constitution Act*, [Part III, section 30](#), accessed 19 June 2014; [Commonwealth Electoral Act 1918](#) accessed 19 June 2014.

In the 2010 election, of the 14,086,869 electors eligible to vote, 1,454 electors across Australia (or 0.01 per cent) admitted to voting more than once, and of those, over 80 per cent were either aged persons, new electors confused about the voting process, or those with language difficulties.⁵⁴

Nineteen cases were referred to the AFP for further investigation.⁵⁵ In three cases the AFP's initial review indicated no further action.⁵⁶ The AFP conducted a Day of Action on 12 May 2011 to obtain further information from the remaining 16 apparent multiple voters.⁵⁷

Eleven voters denied voting more than once. In the absence of any further corroborating evidence, the AFP decided to take no further action. In one case, the AFP could not contact the voter after several attempts, and decided to take no further action. Four voters admitted voting more than once. Due to the related disabilities of one person, the AFP decided that it was not appropriate to continue the matter. The three remaining voters that admitted to voting more than once were issued with a formal Police Caution.⁵⁸

The evidence from New South Wales about socio-economic factors associated with multiple voting suggests that 'tighter voter identification measures may simply miss the point':

If multiple voting is strongly associated with problems comprehending English, then perhaps the approach taken to dealing with multiple voting should focus on education campaigns in community languages, rather than voter identification measures. Such education programs may work with varying degrees of success but, in contrast to tighter voter identification measures, they will not have the potential to make it harder for honest citizens to access the ballot.⁵⁹

Multiple voting at the 2013 Federal election

Ahead of the 2013 election the Acting Electoral Commissioner, Mr Tom Rogers, instigated a review of the AEC's approach to dealing with cases of multiple voting:⁶⁰

Multiple voting has been a consistent area of ... discussion for electoral management bodies across the world. This is understandable: a voter's faith in and engagement with the electoral system rests on an assurance that each person in a polling place has the same opportunity but only the same opportunity to vote.

AEC analysis indicates that levels of multiple voting have not had an impact on declared outcomes, but in some ways this misses the point. Multiple voting contravenes the universally accepted standard of one person, one vote. I formed the view that previously the AEC may have been exercising discretion that was at the outer edge of our authority in this matter. ... We have implemented a new way of working with the AFP and have begun the process whereby we will provide them with all cases from the 2013 federal election where an elector admitted multiple voting ... and all cases where the elector has not responded or not provided adequate evidence in response to our inquiries. Currently [May 2014] that is 6086.⁶¹

The outcomes of the AFP investigations will be available in due course. There are two different penalties for multiple voting because there are two different offences. Section 339 of the Commonwealth Electoral Act contains a strict liability offence for a person who votes more than once. The penalty for that is 10 penalty units. (A penalty unit is \$170 in 2014). There is also a more serious offence where a person is guilty of intentionally voting more than once in the same election. The offence incurs 60 penalty units or imprisonment for 12 months or both.⁶²

There are various categories—by reason given—under which multiple votes are classified:

54. E Killesteyn, Australian Electoral Commissioner, [Evidence to Finance and Public Administration Legislation Committee - Estimates](#), 18 October 2011, accessed 5 May 2014.

55. Ibid.

56. Ibid.

57. Ibid.

58. Ibid.

59. R Smith, op. cit., p. 73.

60. T Rogers (Acting Electoral Commissioner), [Evidence to Finance and Public Administration Legislation Committee \(Estimates\)](#), 29 May 2014, accessed 12 June 2014.

61. Ibid.

62. Ibid.

- AG Aged
- CO Confused
- IA Incorrect Advice
- IN Intoxicated
- PC Poor Comprehension
- PT Postal vote did not arrive on time
- PV Provisional Vote
- RV Relative has voted
- TS Trying out the system
- WM Multiple Voting⁶³

As recently as April 2014, expert evidence to JSCEM provided by Swinburne University's Professor Brian Costar, reiterated that voter ID was not going to overcome the problem of multiple voting:

The problem of course is that voter ID is not going to stop multiple voting because most of what I will call fraudulent multiple voting, which is, I would argue, a minority of cases but it has happened. There was a gentleman in Sydney some years back who voted 17 times and he used to do it all the time. He died before the AEC could prosecute him so we never got that into the courts. The problem with that of course is most of these people are doing it themselves. They are going from one polling place to another and multiple voting but they are doing it in their own name so voter ID is not going to catch that. It will catch personation.

...

Late last year, Queensland was very keen to have photo ID. When the legislation finally hit the parliament, it was not photo ID; it was any form of identification. So you can bring along a gas bill. It would be very interesting... to find out why the government there, which started off very keen on photo ID, did not end up with photo ID.

...

Are you going to make the problem worse or are you going to create other problems? That is what is in the literature about voter ID. For example, take the recent case of the UK Electoral Commission's report on voter fraud. ... There is no evidence in the report that voter ID was going to solve the problem they identified.⁶⁴

Professor Costar—who coordinates the Democratic Audit of Australia—has elsewhere drawn attention to what he sees as unjustified concern about the extent and impact of multiple voting. He refers, as an example, to the 'Chatsworth case' in the Queensland 2012 election:

After the last Queensland election there was an unusual result. It was expected to result one way and it was narrowly the other. The defeated candidate took an action in the Supreme Court of Queensland on the grounds of multiple voting. ... The farrago of fantasy that was in the media and elsewhere ... was astounding. The dead were voting, people were voting from football grounds and the electoral roll was so dirty that it could not be relied on. The Electoral Commission was so incompetent that it probably should have been imprisoned.

When we got into the court, what did the barrister for the plaintiff argue? ... He said, 'There are some technical problems.' In the end, the judge examined things ... and they got it down to 33 apparent cases of multiple voting. The judge, with assistance from counsel, went through each one of them. Three people had multiple voted. Guess where their place of living was? A nursing home. How did they multiple vote?

The people had cast a postal vote, because efficient commissions allow such things at nursing homes. Then family arrives on the day of the election, and says, 'Come on, Gran,' or 'Grandpa, we're off to vote'. They voted. No-one

63. Senate Finance and Public Administration Legislation Committee, Answers to questions on notice, Additional estimates, 2013–2014, Finance Portfolio, [Question reference number F69](#), Questioner C Bernardi, accessed 12 June 2014.

64. B Costar, [Evidence to JSCEM](#), *Conduct of the 2013 federal election and matters related thereto*, 15 April 2014, accessed 2 May 2014.

was convicted of anything. The result stood. ... I am doing a bit of a reality check here—there is far too much alarmism about this. When we get down to tin tacks, when it gets into a court where judges do not listen to that stuff—newspaper reporters, talkback radio hosts can go on as much as they like—it gets serious. And, when it got serious, the reality was exposed.⁶⁵

But such reassurances still fail to convince some voters that Australia's electoral arrangements are sound.⁶⁶

The NSW Electoral Commission Report on multiple voting and ID requirements

In February 2014, the NSW Electoral Commission published a research report, *Multiple Voting and Voter Identification: A research report prepared for the New South Wales Electoral Commission*.⁶⁷

This report focused on the extent and nature of multiple voting in New South Wales and 'assesses arguments regarding a shift in New South Wales voter identification laws from the current trust-based system to a documentary identification system'. Some of the key findings were that:

- a large number of apparent but false multiple votes are generated by raw electoral commission mark-off data
- once the false multiple votes are removed, the evidence is that multiple votes form a very small proportion (0.08 per cent) of overall votes
- the number of multiple votes is too small to determine the winner in any seat
- multiple voting is not strategic: it is not directed at marginal seats, and
- multiple voting is strongly related to demographic factors such as fluency in English.⁶⁸

These findings are consistent with those for other electoral systems:

Countries around the world are evenly divided between automatic voter registration systems and voter application registration systems. Most countries do now use some form of documentary voter identification system. The range of acceptable documents varies widely, from universal national identification cards to a range of non-photo documents. Many countries with documentary identification systems also allow voters to be vouched for by witnesses.⁶⁹

Most multiple voting appears to be 'the accidental result of socio-economic factors such as poor language skills, rather than a fraudulent strategy designed to win seats'.⁷⁰

There is no evidence of the busloads of party supporters cruising from polling place to polling place and repeatedly voting in the same names. There is no evidence that multiple voting steals seats in New South Wales (or other Australian jurisdictions). These conclusions are consistent with the available evidence from other countries, including the United States.⁷¹

The Electoral Commission in the United Kingdom recently acknowledged that there was no evidence of significant multiple voting occurring, but suggested that 'voter identification laws should be introduced nonetheless because of alleged public fears that it is widespread'.⁷²

Does voter ID enhance the integrity of the elections?

Jennifer Rayner—a researcher based at the ANU's Centre for the Study of Australian Politics—has argued that, notwithstanding that the Australian Electoral Commission investigated almost 2,000 cases of multiple voting after the 2013 poll, Australia does not need a voter to show ID at a polling place.⁷³

65. B Costar, [Evidence to JSCEM](#), *Inquiry into the Electoral and Referendum Amendment (Improving Electoral Administration) Bill 2012*, 29 February 2012, accessed 2 May 2014.

66. L Loveday, [Letter to the editor](#), *The Advertiser*, 25 February 2014, p. 16, accessed 5 May 2014.

67. R Smith, [Multiple voting and voter identification](#), February 2014, New South Wales Electoral Commission, accessed 5 May 2014.

68. *Ibid.*, p. 7.

69. *Ibid.*

70. *Ibid.*, p. 70.

71. *Ibid.*, p. 70.

72. *Ibid.*, p. 71.

73. J Rayner, [A fix for what's not broken: why Australia doesn't need voter ID](#), *Inside Story*, 4 March 2014, accessed 1 May 2014.

Rayner points out that under Australia's paper-based system 'there is nothing to stop someone with any kind of ID voting at multiple booths, because electoral officials have no way of cross-checking their records until after the polls have closed'.⁷⁴ Moreover, asking voters to show ID 'cannot prevent anyone from voting more than once unless individual polling places are able to communicate with each other in real time about who has already voted throughout the day—something that is not possible under the current, paper-based system':

In ordinary times, the fact that 0.013 per cent of voters got a bit over-enthusiastic at the ballot box would not excite much concern. But unfortunately for the AEC, these are not ordinary times. The loss of more than 1,300 ballots in the Western Australian Senate count has already put our national electoral system in the spotlight...

Holding court with reporters recently, [PUP's Clive] Palmer mocked the supposed insecurity of Australia's voting system, saying, 'to board a flight you need ID, but not to exercise your democratic rights'. These proponents of voter ID make it sound as though this is a quick and easy fix for a gaping security flaw: a no-brainer reform that will bring voting into line with banking or flying to Bali. But as with so many aspects of public administration, the reality is much more complicated than that.⁷⁵

In European countries it is common practice that citizens are issued with state-sponsored ID cards which they are expected to carry with them at all times to facilitate a range of financial and official transactions. Australia does not operate such a mandated ID system.

In recent decades ... the international trend has been towards tighter requirements, particularly in the United States, where voter ID has become a topic of heated political debate. These US state laws differ in whether they require photo or non-photo ID, and how strictly they are enforced by officials at booths. But there is a growing body of evidence showing that, overall, the tighter ID rules are acting to discourage and disenfranchise some voters.⁷⁶

Other countries that do not require identification include Denmark, New Zealand, and the United Kingdom (with the exception of Northern Ireland).⁷⁷ In Norway and the Netherlands, voters are required to present identification only if it is requested by a poll worker.⁷⁸ In Switzerland, every registered voter is sent a registration card prior to an election, and if the voter brings their registration card to the polling place, no additional identification is needed.⁷⁹

Rayner does not consider that there are any urgent or serious problems with the way our electoral system operates:

The AEC's revelations about multiple voting at the 2013 federal election confirm that a very small number of ballots were improperly cast; on that basis we can probably assume that there are a handful of voters who do the wrong thing at every federal election. But to extrapolate from that to the idea of widespread voter fraud is to make a conceptual leap that is simply not supported by the evidence.

Since 1983, when most of the current electoral rules and processes were introduced, there has never been an instance where alleged or proven voter fraud led to the overturning of a declared seat result. That is to say, in the past thirty years, neither the AEC nor any party or candidate has ever identified enough voting discrepancies to successfully pursue a case through the Court of Disputed Returns.

Our system may not entirely prevent improper voting, but it is well set up to detect it and ensure that it does not affect the actual outcome—surely the true metric by which electoral integrity should be judged.⁸⁰

Experiences in countries where voter identification is required vary. In the United States of America, voter ID laws have become a political flashpoint.⁸¹ In the past few years some 34 states—mostly Republican—have either

74. Ibid.

75. Ibid.

76. Ibid.

77. F Schaffer and T Wang, '[Is Everyone Else Doing It? Indiana's Voter Identification Law in International Perspective](#)', Harvard Law and Policy Review, vol. 3, 2009, p. 398, accessed 27 May 2014.

78. Ibid.

79. Ibid.

80. Rayner, op. cit..

81. E Bronner, '[Legal battles erupt over tough voter ID laws](#)', New York Times, 19 July 2012, accessed 9 May 2014.

enacted or toughened voter ID laws. Supporters say the laws are needed to combat voter fraud, while critics see them as a tactic to disenfranchise voters.

It has also been noted that the requirement for identification has the potential to sway election results in some swing states. On 5 August 2012, the *Financial Times* reported that, in the 2012 presidential election, more than 750,000 registered voters in Pennsylvania did not have the required forms of identification and were prevented from voting. In the previous presidential race in 2008 President Barack Obama had won Pennsylvania by only 600,000 votes.⁸²

For many US commentators the ostensible justification for more stringent voter ID laws is the need to reduce voter fraud—but voter fraud in the US is virtually non-existent:

There is little or no evidence ... that there is a problem. A comprehensive study of voter fraud by the non-partisan Brennan Center at New York University found only a tiny number of documented cases, representing an infinitesimal proportion of votes cast (e.g. 0.0002 in New Jersey and 0.000009 in New York).

The Brennan Center did find, however, that one in ten otherwise eligible American voters do not possess a government-issued photo ID. The problem is particularly acute for poor people, elderly people, black people and Latinos, students and disabled people. In other words, these laws affect the people most likely to vote for Democrats rather than for Republicans.⁸³

The significance of the effect of America's tough voter ID laws was inadvertently made clear by a Pennsylvania Republican leader in June 2012:

The argument by the Pennsylvania law's proponents that it has nothing to do with partisan politics took a blow last month when Mike Turzai, the majority leader of the state's House of Representatives, addressed a group of fellow state Republicans. Listing the accomplishments of the Republican-controlled legislature, he said, 'Voter ID—which is going to allow Governor Romney to win the state of Pennsylvania—done'.⁸⁴

At the 2013 Australian Federal election the AEC trialled electronic certified lists (ECLs) at some booths around Australia. These have the capacity to operate from a shared, centralised copy of the electoral roll, and therefore provide up-to-date accounting of who has voted throughout the day. The trial involved early polling centres and mobile polling teams around the country, ranging from the super booth at Sydney Town Hall to one remote polling station in the seat of Lingiari in the Northern Territory.⁸⁵ During the pilot, a sample of electors was surveyed to assist the AEC in identifying both the success of the ECLs and electors' confidence in the voting process.

The survey results showed that ECLs tended to improve voter satisfaction in terms of how easy and quick it was to find and mark electors' names off the list. Those casting a vote at an ECL location were much more likely to be 'very satisfied' with the length of time taken to vote than at non-ECL locations; 83 per cent in ECL locations, compared with 56 per cent. However, pre-poll voters surveyed were less confident that their personal information and privacy was kept safe and secure in ECL locations than those in non-ECL locations; only 66 per cent reported that they were very confident in this instance where there were ECLs, compared to 82 per cent in non-ECL locations.

Overall, the pilot introduced at the 2013 election demonstrated that ECLs can be utilised successfully for a federal election and can provide efficiencies in processing voters and in conducting preliminary scrutinies. Any expansion will involve a proposal for additional election funding because the provision of ECLs is not currently built into the agreed base election funding amount.⁸⁶

As Rayner has pointed out, 'unless these electronic lists are issued to all booths for future elections, it's hard to see how voter ID laws like Queensland's would do much at all to prevent the kind of fraud Clive Palmer frets about':

82. A Fifield, '[Voter ID laws could sway US elections](#)', *Financial Times*, 5 August 2012, accessed 5 May 2014.

83. D Weisbrot, '[The right to vote the right way – how voter ID laws hurt the poor](#)', *The Conversation*, 10 September 2012, accessed 6 May 2014.

84. M Cooper, '[Pennsylvania's voter ID law spurs debate](#)', *The Caucus*, 25 June 2012, accessed 9 May 2014.

85. L Nicholson, '[Writing on wall for pencil and paper electoral rolls](#)', *Sydney Morning Herald*, 29 August 2013, accessed 8 May 2014.

86. AEC, [Submission 20.3 to JSCEM](#), *Inquiry into and report on all aspects of the conduct of the 2013 Federal Election and matters related thereto*, 11 April 2014, accessed 4 June 2014.

On the other hand, if e-lists were installed at every booth, it wouldn't be necessary to ID voters to stop them voting more than once, because the system itself would do so. This is the central logic that Australian proponents of voter ID do not appear to have grasped. Implemented as a standalone reform, it will not address the real feature of our system that facilitates multiple voting. But if and when that feature is addressed by the introduction of new technology, the major rationale for voter ID simply vanishes.⁸⁷

The report prepared for the NSW Electoral Commission judged that the costs of 'a comprehensive and reliable electronic mark-off system at all polling places will run into millions of dollars':

Whether the government is prepared to invest the money and capacity-building that would be required to implement them successfully is another matter. Poorly conceived and administered schemes are likely to create far greater problems than the relatively minor problem of multiple voting.⁸⁸

Rayner believes that moves to introduce ID are 'premised on a moral panic, pure and simple':

It is understandable that Australians would have questions about our electoral system in the wake of the WA Senate stuff-up. But the answer doesn't lie in conspiracy theories and half-baked measures that pay little mind to the legal and organisational realities of running elections in Australia. The real answer lies in helping Australian voters understand more about how our system works and about the checks and safeguards already in place. The simple fact is that Australia needs voter identification laws about as much as Clive Palmer needs photo ID to board his personal plane.⁸⁹

The NSW Electoral Commission report cited earlier includes the following advice with respect to the introduction of documentary voter identification:

- voter identification measures are likely to produce more harm than good for some groups of voters, such as some Aboriginal citizens, some voters with disabilities, some homeless voters and some elderly voters
- voter identification measures are unlikely to achieve cross-party consensus
- new voter identification measures would need to rely on existing documents, rather than a universal identification card
- these measures would require significantly increased electoral administrative capacity to cope with voter confusion and ambiguous documentation
- more limited measures like the introduction of a reliable electronic voter mark-off system would be expensive and would have a limited impact on multiple voting, and
- the actual impact of any new voter identification laws on the low levels of multiple voting would need to be carefully assessed.⁹⁰

Also, one of the major issues should proof of identity be introduced at polling stations is that there would probably be a greatly increased number of declaration votes which would have to go through the time-consuming declaration vote scrutiny process. If a large number of people did not bring ID and had to cast declaration votes it might delay the declaration of the election.⁹¹

The NSW Commission report insists that the following vital question must be addressed when weighing up the costs and benefits of voter ID schemes:

Voter identification measures that reduce voter inequality have to be measured against their effect in excluding citizens from the ballot. This point is recognised in international law alongside the protection of voter equality. Article 25 of the United Nation's International Covenant on Civil and Political Rights, for example, states that citizens have the 'right and opportunity' to vote 'without unreasonable restrictions'.⁹²

87. Rayner, op. cit.

88. Smith, op. cit., p. 77.

89. Rayner, op. cit.

90. Smith, op. cit., p. 7.

91. This is one of the reasons that pre-poll votes are now counted as ordinary votes—there was a concern that it may not be possible to announce the results on election night.

92. Ibid., p. 71.

The experience of overseas electoral bodies suggests that ‘any voter identification rules are likely to exclude at least some citizens from the franchise and/or to make it more difficult for them to vote’.⁹³ These include homeless and nomadic people, and other disadvantaged groups.

Statistical modelling in the United States suggests that more stringent identification laws depress voting by lower educated and lower income groups, regardless of race (Alvarez *et al* 2008). The introduction of voter identification laws was estimated to have depressed voting among Indigenous Canadians by 10 percent (Burgmann 2013).⁹⁴

The research conducted for the NSW report suggested that members of some socio-economic groups were ‘particularly at risk of exclusion from the ballot if the voter ID laws were tightened. These groups are similar to those identified as at risk in other jurisdictions’.⁹⁵

Indigenous citizens are one group with an elevated risk of insufficient identification due to their patterns of literacy, debt, housing and ... About 44 percent of Aboriginal adults living in urban areas of New South Wales have never held a driver’s licence, for example, and only 38 percent are current licence holders. Homeless people, including an estimated 2,000 to 3,000 rough sleepers and an ‘unknown number’ escaping domestic violence ... could also be at particular risk of exclusion from the ballot, depending on the details of any new identification processes.

According to advocacy groups, identification measures would also present barriers to people with disabilities... and members of non-English speaking groups. It is possible that older citizens would also be less likely than younger citizens to possess relevant forms of identification, either because they have never acquired them or have given them up (when, for example, they stop driving).

It is impossible to quantify precisely the number of individuals who would be adversely affected by the introduction of voter identification laws in New South Wales, partly because the exact impact would depend on the detail of any new identification regime. Given that the best evidence is that a few thousand multiple votes are cast in New South Wales, the potential that identification measures will disenfranchise the same or larger numbers of New South Wales citizens needs serious consideration before they are introduced.⁹⁶

The Australian debate on voter identification has tended to show that the Liberal, National and more conservative voters have generally supported tightening voter identification laws; Labor and the Greens have not:

The rhetoric used to bolster these positions is similar to the patterns of the United States. Coalition advocates of tightened identification requirements point to alleged cases of multiple voting and other fraud by Labor and Green supporters, while Labor and the Greens argue that members of disadvantaged groups will be disenfranchised by more restrictive laws.

It is difficult for political parties to remove the expected partisan consequences of voter identification laws from their considerations (Jupp and Sawyer 2001: 231; Kelly 2012: 65; Brent 2013b). Perhaps they should not be expected to do so; however, this may make consensus over any new voter identification laws even less likely than consensus over the status quo.⁹⁷

Trials of voter ID cards

With the exception of Queensland state elections, there is currently no requirement in Australia for a voter on the electoral roll to produce proof of their identity at the polling station in order to be allowed to vote. But over the years various Australian jurisdictions have trialled voter ID schemes. Of these, it appears that none have resulted in follow-up action.

93. Ibid., p. 72.

94. Ibid., p. 72.

95. Ibid.

96. Ibid., p. 73.

97. Smith, *op. cit.*, p. 74.

Victoria 1994

The Victorian Electoral Commission (VEC) conducted a trial of voter ID cards at the Coburg District by-election in 1994.⁹⁸

The two broad aims of the trial were:

- to address a perception that an improved method of voter identification was required, and
- to encourage voter participation by ensuring that each voter was sent personally addressed official communication about the by-election.

The VEC advised that the results did show an increase in voter turnout compared to other by-elections but the Commission raised a number of further questions to be considered in relation to whether the use of voter cards addressed the voter identification issue. The VEC, however, did not elaborate on these issues.⁹⁹

New South Wales 1999 and 2005

The State Electoral Office (SEO) in New South Wales first trialled voter cards in 1999 for the NSW state elections. There was no report published on the results of the trial. In 2005 the SEO sent voter cards to electors for the Hurstville by-election. It was described in the SEO's Report on the Hurstville Council Penshurst Ward By-election as follows:

The SEO, in consultation with the council produced a household brochure – voter card which was delivered to all of the electors on the Hurstville City Council Penshurst ward roll. The voter card was mailed to electors in the penultimate week prior to election day and instructed electors to present the card at polling places to make voting quicker for them. It also provided details of the location of polling places as well as important information regarding the method of voting. The SEO advises that the voter card scheme was well received, particularly by non-English speaking voters.¹⁰⁰

Queensland 2004

The Electoral Commission of Queensland (ECQ) conducted a trial of a direct elector mail campaign in support of the 2004 Queensland state general election. The ECQ annual report said:

Personally addressed information packs were mailed to each enrolled elector following the close of rolls for the election. The packs contained details of the elector's enrolled District and polling booth details. In addition, a leaflet gave details of the various options for voting, an explanation of the optional preferential voting system and the counting method and provided contact details for the Commission's call centre and website.

Translation service details were included for electors requiring such assistance. Electors were encouraged in their voter information letter and in complementary advertising to take their letter with them wherever they voted. Results were patchy across the State but sampling suggests that some 60% of electors took their letters with them when they voted.¹⁰¹

The ECQ also used this approach at by-elections for the Queensland Districts of Chatsworth and Redcliffe.¹⁰²

Voter ID issues in the 2009 Rudd Government Green Paper and 2013 Queensland Electoral Reforms discussion paper

The Rudd Green Papers

The 2009 Green Papers produced by the Rudd Government canvassed an array of issues linked to electoral integrity. They included a comprehensive list of the arguments both for and against a requirement for voters to provide identification at polling booths. The Queensland Government drew on these in its own 2013 electoral reform discussion paper.

98. AEC, [Supplementary to Submission No.74](#), Joint Standing Committee on Electoral Matters, *Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, March 2005.

99. Ibid.

100. Ibid.

101. Ibid.

102. Ibid.

In support of the introduction of proof of identity requirements, the Rudd Green Paper noted that the requirements could provide greater protection against voter impersonation, as voters could be visually checked against their photographic identification and against the electoral roll; and ensure greater confidence in the electoral process and the integrity of the results.

On the other hand, the 2009 Rudd Paper noted that:

- it is at the enrolment stage that issues surrounding a person's entitlement to vote should be resolved, which enables the polling process to proceed smoothly as the certified lists can be taken as 'conclusive of a person's right to vote'
- a requirement to produce a photographic identity card or passport might operate in a discriminatory way against persons who do not have any photographic identity
- an extensive public education campaign would be required to educate voters on the specific documents that would be accepted as proof of identity on election day
- even with a substantial publicity campaign, it would be possible that a number of voters would be unable to, or would forget to, bring the appropriate documents with them, which would be likely to lead to a further increase in declaration voting, and
- additional polling staff would be required to check voter identities in order to reduce delays at polling places.¹⁰³

The Queensland discussion paper and its outcomes

The Queensland Government noted in its discussion paper that:

- Queensland would be the only jurisdiction to require proof of identity on polling day, with the risk that the requirement would lead to voter confusion and that
- there was no specific evidence of electoral fraud in this area, so the introduction of proof of identity requirements could be considered a disproportionate response to the risk.¹⁰⁴

In an open letter to Queensland's Attorney-General, Jarrod Bleijie, community and human rights groups urged him not to introduce the ID laws that he wanted to pass, and which would result in Queensland being the only Australian jurisdiction to have a voter ID requirement.¹⁰⁵ As many as 40,000 Queenslanders could be prevented from voting if the law was introduced.¹⁰⁶

The Human Rights Law Centre's Director of Advocacy and Research, Emily Howie, said:

[The] requirements for voters to show ID would make voting particularly difficult for many Aboriginal and Torres Strait Islander peoples as well as people experiencing homelessness, young people, old people and people with disability. ... The voter ID requirement would make it more difficult for Queenslanders to prove their identity at the ballot box than it is for them to enrol to vote with the AEC.¹⁰⁷

In July 2013 the Queensland Government published the outcomes of its electoral review.¹⁰⁸ With respect to voter ID, the Government said:

To further ensure the integrity of voting in Queensland, the Government supports requiring prescribed proof of identity documents on polling day to reduce the potential for electoral fraud. To address concerns about those voters who may not have photographic identity, particularly older and younger electors, proof of identity will not be

103. Australian Government, [Electoral reform green paper: Strengthening Australia's democracy](#), September 2009, p. 182, accessed 6 May 2014.

104. Queensland Government, Department of Justice and Attorney-General, [Electoral reform: discussion paper](#), January 2013, pp. 28–29, accessed 6 May 2014, p. 29.

105. Human Rights Law Centre, '[Attorney-General urged to rethink voting ID hurdle that may prevent Queenslanders from casting votes](#)', media release, 29 August 2013, accessed 9 May 2014.

106. Ibid.

107. Ibid.

108. Queensland, Department of Justice and Attorney-General, [Electoral reform: Queensland electoral review outcomes](#), July 2013, accessed 6 May 2014.

restricted to photographic identification. The implementation of the measure will be subject to public education and careful planning for transitioning to this requirement.¹⁰⁹

On 22 May 2014 the Electoral Reform Amendment Bill 2013 was passed in the Queensland Legislative Assembly, amending the *Electoral Act 1992 (Qld)*. Changes effected by the legislation included:

- a deep cut to taxpayer funding to political parties for campaign and related purposes
- increasing the percentage of votes parties or independents must attract to receive public funding from four per cent to six per cent
- raising the threshold at which donations must be declared from \$1,000 to \$12,400 which is more in line with Federal electoral law
- removing the limit on what can be spent on election campaigning in each electorate
- publication on the Electoral Commission of Queensland's website of official, party-authorised how-to-vote cards
- requiring voters to produce some form of ID at a polling booth, such as a utilities bill or similar. If enrolled electors do not produce ID at the time of casting a ballot they will need to make a declaration vote that will later be checked for its validity.¹¹⁰

Queensland's Stafford by-election in July 2014 was the first test of the Newman government's voter ID laws.¹¹¹ Election analyst Antony Green reiterated his view that voter ID was 'an answer trying to find a problem'.¹¹²

There is nothing apart from apocryphal evidence to suggest 'personation' is a problem at Australian elections. There is a tiny but measurable incidence of multiple voting, but the incidence is not enough to change election results. Even then, voter ID laws cannot stop voters voting at multiple polling places. Voter ID as implemented at the Stafford by-election will not make Australian elections more secure. But if it makes voters think elections are more secure, then it may play a part in fixing the real problem with Australian elections. That problem is trust in the electoral process.¹¹³

Voter ID in an Indigenous context

There are approximately 14 million voters on the Federal electoral roll while an estimated 1.22 million eligible voters are not enrolled—the equivalent of 12 standard electorates of 100,000 voters.¹¹⁴ Of these unenrolled citizens, Aboriginal and Torres Strait Islanders are arguably the most disenfranchised group.¹¹⁵

The AEC is unable to accurately establish the number of Indigenous Australians on the electoral roll as the Commission does not ask voters to identify their ethnicity.¹¹⁶

Some estimates indicate that nationally less than 50 per cent of eligible Aboriginal and Torres Strait Islander people may be enrolled to vote—and of these, 50 per cent are less likely to vote.¹¹⁷

So, in very rough terms, if the number of Indigenous people nationally who are eligible to vote is 314,000 then 157,000 (50 per cent of those eligible) are likely to be enrolled, but only 78,500 (50 per cent of those enrolled) are likely to vote.¹¹⁸

109. Ibid., p. 6.

110. Queensland Government, [Electoral Reform Amendment Bill 2013](#), accessed 28 May 2014.

111. A Green, '[Voter ID laws pass their first hurdle in Stafford](#)', *Antony Green's Election Blog*, 23 July 2014, accessed 28 July 2014.

112. Ibid.

113. Ibid.

114. AEC, '[Online enrolment drives record 14.7 million Australians ready to vote](#)', media release, 16 August 2013, accessed 6 June 2014.

115. Most of the information in the following section is drawn from a seminar presentation by Kevin Kitson, First Assistant Commissioner, Australian Electoral Commission, titled 'Engagement with Remote Indigenous Communities to Improve Service Delivery.' Seminar conducted at a Regional Managers Local Implementation Forum on 2 May 2012.

116. Collection of data about citizens' indigenous status is problematic. There are some [National best practice guidelines for collecting Indigenous status in health data sets](#) issued by the Australian Institute of Health and Welfare.

117. Kitson, op. cit.

118. Note: The latest statistics giving Indigenous population broken down by state are those the ABS offers from the 2011 census at <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/2075.0main+features32011>

But the figure of 314,000 eligible Indigenous people does not take into account those who did not report Indigenous status for the Census. The more accurate number (taking into account the non-reporters and the Post Enumeration Survey) for the Census is 384,100.¹¹⁹

The following tables provide an overview of the demographics of Indigenous Australians.

2011 CENSUS COUNTS(a) — Indigenous Status by State and Territory

State/Territory	INDIGENOUS STATUS		PROPORTION OF POPULATION			
	Aboriginal and Torres Strait Islander peoples		Non-Indigenous	Status not stated	Total	Aboriginal and Torres Strait Islander peoples
	no.	%	no.	no.	no.	%
New South Wales	172 624	31.5	6 402 111	342 923	6 917 658	2.5
Victoria	37 991	6.9	5 069 156	246 893	5 354 040	0.7
Queensland	155 825	28.4	3 952 706	224 206	4 332 737	3.6
South Australia	30 431	5.5	1 503 205	62 934	1 596 570	1.9
Western Australia	69 665	12.7	2 038 786	130 719	2 239 170	3.1
Tasmania	19 625	3.6	456 345	19 380	495 350	4.0
Northern Territory	56 779	10.4	137 774	17 391	211 944	26.8
Australian Capital Territory	5 184	0.9	338 030	14 005	357 219	1.5
Australia(b)	548 370	100.0	19 900 764	1 058 586	21 507 719	2.5

(a) [Usual residence](#) Census counts, excludes overseas visitors.

(b) Includes Other Territories, comprising Jervis Bay Territory, Cocos (Keeling) Islands and Christmas Island.

Note: Totals and components may not be consistent within and between tables due to introduced random error to protect confidentiality of Census respondents.

See: [Census Dictionary, 2011](#) (cat. no. 2901.0).

Source: ABS [2011 Census Counts — Aboriginal and Torres St Islander Peoples](#)

**2011 CENSUS COUNT — ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES(a)
— Age by State and Territory**

State/Territory	Total	People aged 0–14	People aged 15–64	People aged 65 and over	Median age
	no.	%	%	%	years
New South Wales	172 624	36.3	59.5	4.2	21
Victoria	37 991	35.2	60.5	4.3	22
Queensland	155 825	37.5	59.1	3.4	20
South Australia	30 431	34.7	61.2	4.1	22
Western Australia	69 665	35.2	61.4	3.3	22
Tasmania	19 625	35.3	60.2	4.5	22
Northern Territory	56 779	33.2	63.4	3.4	23
Australian Capital Territory	5 184	32.6	65.3	2.1	22
Australia(b)	548 370	35.9	60.3	3.8	21

(a) [Usual residence](#) Census counts, excludes overseas visitors.

(b) Includes Other Territories, comprising Jervis Bay Territory, Cocos (Keeling) Islands and Christmas Island.

Note: Totals and components may not be consistent within and between tables due to introduced random error to protect confidentiality of Census respondents.

See: [Census Dictionary, 2011](#) (cat. no. 2901.0).

Source: ABS [2011 Census Counts — Aboriginal and Torres St Islander Peoples](#)

It may be the case that Indigenous Australians are not universally covered in terms of ID either through drivers' licences, Medicare, Centrelink or similar registrations.

In an electoral context it could be argued that the introduction of formal ID requirements could eliminate a proportion of those Indigenous Australians who are in fact already on the roll, but who do not have formal ID.

119. Australian Bureau of Statistics, '[3238.0 - Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2001 to 2026](#)', accessed 6 June 2014.

Is this more likely to be so for older Indigenous voters and those who live in remote areas and vote at remote / mobile polling booths? Perhaps not. Much effort goes into remote polling booths, so it may be the case that remote Indigenous voters are reasonably well catered for.

In its submission 169 to the 2007 JSCem inquiry, the AEC provided some numbers about the *enrolment* identity requirements that were in place at the time. Enrolees could either provide a driver's licence number, show an authorised person an approved document, or have their identities confirmed by two enrolled people who know them.

The Northern Territory (NT) had by far the highest numbers of people who chose the third option, suggesting that NT voters were more likely to *not have* appropriate ID.¹²⁰ The numbers are in Table 2.5 of the document hereunder:

Table 2.5 - POI tier identity provided by state and territory (16 April 2007 to 23 October 2007)

	Tier 1 Driver's Licence*	Tier 2 Attester details provided	Tier 3 Referee details provided	Total
NSW	425,828	47,210	6,600	479,638
VIC	293,718	28,195	4,668	326,581
QLD	400,600	30,344	4,560	435,504
WA	174,183	15,953	2,432	192,568
SA	103,892	11,701	2,011	117,604
TAS	33,595	2,699	611	36,905
ACT	29,192	1,984	196	31,372
NT	21,579	2,099	1,406	25,084
Total	1,482,587	140,185	22,484	1,645,256
NSW	88.8%	9.8%	1.4%	
VIC	89.9%	8.6%	1.4%	
QLD	92.0%	7.0%	1.0%	
WA	90.5%	8.3%	1.3%	
SA	88.3%	9.9%	1.7%	
TAS	91.0%	7.3%	1.7%	
ACT	93.1%	6.3%	0.6%	
NT	86.0%	8.4%	5.6%	
Total	90.1%	8.5%	1.4%	

* Note: drivers' licence numbers include passport numbers for overseas electors

Source: AEC Submission 169, [JSCem Inquiry into the 2007 election](#)

Another relevant consideration is that the number of Aborigines and Torres Strait Islanders excluded from access to financial services is more than double the national average of 17.2 per cent, with 43 per cent operating outside the mainstream banking system.¹²¹ This suggests formal ID is lacking among this group.

Literacy as a factor affecting Indigenous enfranchisement

According to the National Year of Reading 2012 project, nearly half the Australian population struggles without the literacy skills to meet the most basic demands of everyday life and work. There are 46 per cent of Australians who cannot read newspapers; follow a recipe; make sense of timetables, or understand the instructions on a medicine bottle.

Presumably this would also impact on voter political literacy and their ability to participate effectively in elections. We know Indigenous literacy is low. Thirty per cent of Indigenous adults lack basic literacy skills.¹²²

Thus there are several reasons for the relatively limited participation by Indigenous people in the electoral process. These include:

- low literacy levels
- an understandable preoccupation with more pressing issues like health and education, and
- the wide variety of Indigenous languages presents difficulties for electoral authorities in conveying often complex electoral information.

There is as well a degree of cynicism or misinformation in Indigenous communities about the electoral process and its benefits. Also, there are complexities in the Australian electoral system—such as preferential voting, and differences between local, state and federal electoral rules and methods—that many Australians find confusing.

120. AEC, [Submission 169](#) to JSCem *Inquiry into the 2007 Federal Election*, 20 June 2008, accessed 12 June 2014.

121. ['Bank accounts too expensive for many Australians, survey shows'](#), *news.com.au*, 29 May 2012, accessed 9 May 2014.

122. *Creative Spirits*, ['Aboriginal literacy rates'](#), website, accessed 9 May 2014.

Indigenous Electoral Participation Program (IEPP)

In the 2009-10 Federal Budget the AEC received \$13 million over four years to establish the Indigenous Electoral Participation Program (IEPP) aimed at closing the gap in areas of Indigenous disadvantage by improving the electoral participation of Indigenous Australians.¹²³

\$1.2 million was earmarked for the first year of design, consultation and establishment, as well as \$400 000 for capital expenditure. Funding increased to \$4.7 million in 2010-11 as it was an election year, with the remaining funds split over the final two years. The AEC's objectives in the four year IEPP were to increase electoral knowledge, enrolment and participation as well as decrease the levels of informal voting amongst Indigenous electors.¹²⁴

The program seeks to:

- increase levels of knowledge of democratic and electoral processes
- increase levels of enrolment
- increase levels of participation in democratic and electoral processes and
- to decrease levels of informal voting.

The program involves an extensive field program, programs for schools, technical colleges and communities. There are small community activity sponsorships, a future leaders program, an ambassador program and prison visits. As well, greater efforts have gone into recruiting and supporting Indigenous people as electoral officials.¹²⁵

In the two years the program has been operating it has developed several tools:

- talking books have been published with artwork by an Indigenous artist,
- a button on each webpage that tells people information in up to 35 community languages when pressed,
- Electoral Awareness Officers operating as Indigenous community liaison officers who may:
 - assist with the completion and collection of enrolment forms and
 - complete electoral roll accuracy checks and operate information booths at community events.¹²⁶

Further, near election times, Remote Area Mobile Polling Stations visit communities to simplify the voting process; the stations remain in the communities for several days.¹²⁷

Conclusion

The question of voter ID being required in order to cast a ballot in an Australian election is likely to persist, in part because:

- concerns about alleged fraud and the alleged inadequacies of the AEC are regularly raised at JSCEM hearings
- the number of (apparent and actual) multiple votes—although a tiny percentage of all votes cast—amounts to several thousands, and throws a shadow on the voting process.

Coalition party supporters tend to be advocates of the introduction of voter ID; Labor and the Greens appear to be generally opposed. Recent changes to Queensland state laws requiring voters to provide certain categories of ID when voting are likely to encourage those who seek similar provisions at the Federal level.¹²⁸

Notwithstanding that substantial expert advice, and the evidence of several studies, has shown that the absence of voter ID laws has not been detrimental to Australia's electoral processes, there remains a body of opinion that insists that the current system is open to abuse, and contends that the system is possibly already being abused by people seeking to skew election results.

123. AEC, '[Indigenous Electoral Participation Program \(IEPP\)](#)', AEC website, accessed 27 May 2014.

124. Ibid.

125. A Markiewicz and I Patrick, 'Indigenous Electoral Participation Program (IEPP): Final evaluation report vol. 1, September 2012, AEC.

126. AEC, Indigenous Electoral Participation Program (IEPP), [Fact sheet](#), AEC website, accessed 27 May 2014

127. A Markiewicz and I Patrick, Final evaluation report vol. 1, op. cit.

128. Queensland Government, [Electoral Reform Amendment Bill 2013](#), op. cit.

Defenders of the existing arrangements argue that the risks to electoral integrity are negligible, and that it would be substantially worse for Australia's democracy if tighter voter ID rules resulted in sizeable cohorts of Australians being prevented from casting a vote.

They argue that disenfranchisement is a serious threat to the fairness and comprehensiveness of Australia's democratic arrangements, and to the cohesiveness of a polity where the vast majority of Australians turn up to vote, and where—according to the Australian Electoral Study—compulsory voting has led to a high level of democratic satisfaction and sense of political efficacy among Australians.¹²⁹

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129. A useful account of these matters is '[The complex reality of post-tribal voters](#)', an ABC Radio interview with Professor Ian McAllister, 23 September 2011, accessed as a transcript, 27 May 2014.