

APPENDIX: AUSTRALIA

DEMOGRAPHICS AND ELECTION ADMINISTRATION

Australia is a federal parliamentary democracy composed of six states and two territories. Its estimated population is 21.8 million people.¹ There are approximately 13.7 million people are registered to vote, representing 92.2% of the eligible population.² In the last federal election, 95% of registered voters turned out to vote.³

The Australian Electoral Commission (AEC) is the federal government agency responsible for conducting elections, educating voters, creating ballots for registered unions, and maintaining the national voter roll, which is used for federal, state, and local government elections.⁴

A full-time Electoral Commissioner and two part-time posts oversee the operations of the AEC, which also has branch offices around the country. In addition, each state (including the northern territory) has its own head election official who is charged with overseeing electoral activities within the state. Each state is composed of divisions, and a Divisional Returning Officer in each maintains the voter rolls for that division.⁵ In total, the AEC employs a permanent staff of 750, which includes teams of three staffers in each of the 150 divisions. During an election, the part-time staff increases to 60,000 people, and they conduct elections at 7,000 polling stations around the country.⁶

VOTER REGISTRATION

Voter registration is compulsory.⁷ Despite this, the AEC plays a substantial role in ensuring that the voter rolls are indeed universal.⁸ Part of the agency's mandate is to "ascertain" information necessary to ensure accurate voter rolls.⁹ As a result, the AEC takes proactive steps to register every eligible citizen — including young people who attain voting age and naturalized citizens — and to update voter registration records to reflect changes in voters' information.¹⁰ The AEC is tasked primarily with building and maintaining an accurate national voter database, as opposed to pursuing registration infractions, so it does not penalize individuals who have been unregistered for some time if they submit voter registration forms.¹¹

From Enumeration to a Continuously Updated Voter Roll

Today, in order to register to vote, an eligible individual must submit a voter registration form providing her name, residential address, birth date, and proof of identity.¹² The form must be signed, witnessed, and turned in to election officials. In addition to regular mail and fax, election officials accept voter registration forms submitted via electronic mail.¹³ Voters may register anytime during the year, except when the voter list is closed for an election.¹⁴

Until 1999, the AEC relied on a national door-knocking campaign, conducted every two years, to ensure that voter information was complete and current.¹⁵ This enumeration, however, was substantially inefficient: 60-80% of door-knocked residences made no changes to voter registration records, and 15-20% of the voter registration list was outdated during the two-year interim period between door-knocking campaigns.¹⁶

In the mid-1990s, Australia conducted trials in two states of a new system that would allow election officials to update the voter rolls on a continuous basis, rather than every two years.¹⁷ In June 1999, Australia sent a delegation of election officials to Canada to study the country's national voter database and voter registration system. Of particular interest was Canada's practice of collecting information on eligible citizens from a wide variety of sources, including other government agencies, for registration purposes.¹⁸ The delegation issued major recommendations about how Canada's data sharing practices could be implemented in the Australian context as a means of ensuring comprehensive and accurate updates to the voter rolls.¹⁹ In particular, the delegation focused on improvements that would streamline changes of address and enhance Australia's national address register.²⁰

Australia fully transitioned from an enumeration-based system to a system of continuous registration and updates that same year. Today, the AEC relies on information provided by other government agencies to keep the voter list current. Through regular data collection from these agencies, federal election officials are able to identify both unregistered eligible citizens and registered voters whose information may require updating. Election officials reach out to these individuals, often by sending them registration forms or notices, to prompt them to register or update their registrations.

Adding New Voters

Although individuals are expected to initiate voter registration, the federal election agency takes proactive steps to encourage and facilitate the registration of newly eligible individuals. First, the AEC reviews information that is routinely provided by other government agencies for the purpose of identifying and reaching out to eligible unregistered individuals. Second, the AEC engages in outreach activities that promote voter education and put registration materials in the hands of newly eligible individuals. These outreach activities are often targeted at specific voter populations, such as students or individuals who live in geographically remote areas.

Data Obtained From Other Government Agencies

Other government agencies regularly provide the AEC data that alerts election officials of newly eligible individuals who may not be registered to vote. Citizenship and naturalization agencies provide election officials with regular updates concerning naturalized citizens.²¹ These updates prompt election officials to hand-deliver postage-exempt voter registration forms that are pre-printed with new citizens' information to attend citizenship ceremonies²² or to mail registration forms to the new citizens' homes.²³ Approximately 80% of new citizens register to vote through these outreach programs.²⁴

The legal voting age in Australia is 18, however, 17 year olds may provisionally register to vote. These individuals are placed on the voter rolls with a special designation that is removed when they turn 18.²⁵ Election officials work with school administrators to initiate registration among young voters. State departments of education provide election officials with the names of students who are about to turn either 17 or 18.²⁶ Through its Birthday Card program, election officials send birthday wishes, along with a voter registration form, to each student at the address provided by the school.²⁷

To further identify eligible, unregistered individuals, the AEC checks the voter rolls against lists of individuals who recently obtained driver's licenses for the first time — information that is regularly provided to the AEC by state departments of motor vehicles.²⁸ Upon identifying eligible, unregistered individuals, the AEC mails them voter registration forms.²⁹

Finally, the AEC reviews entries its national address register for indications of potentially unregistered individuals. This register contains information on land use, residence occupancy status, and potential limits on the number of voter registrations permitted at a particular address or residence.³⁰ Among other things, the notations allow election officials to identify residences where no voters are registered. Election officials then send notices or voter registration forms to those addresses, to remind residents to enroll or update the registration information of anyone who may live there.

Targeted Outreach

The AEC also promotes voter registration through its routinely sponsored door-knocking campaigns. These campaigns target neighborhoods where enrollment is low or traditionally low, such as areas with new immigrants.³¹ Additional outreach is targeted at high school students. The AEC sponsors a national voter registration week each year, during which participating schools distribute registration forms eligible students.³² In 2008, more than 20,000 individuals ages 17 and 18 either pre-registered or registered to vote during this week.³³ Under a past program known as the Bounty Scheme, state and territorial election officials paid a

“bounty” ranging from \$2.50 to \$3.00 for each registration form it received from a participating school.³⁴

Updating Existing Voter Entries

Although individual voters are required to keep election authorities apprised of any name or address changes by mailing, faxing, or emailing a new registration form to the election officials,³⁵ election officials nonetheless track potential changes to voters’ information and take the initiative to remind these voters to update their registrations. Election officials do this by collecting and processing data that already exists on other government lists, as well as through targeted voter outreach campaigns.

Data Obtained From Other Government Agencies

Relying on information provided by other government agencies, election officials identify voters whose registrations may be outdated and remind them to re-register. Similar data-sharing with other agencies is used to identify and remove ineligible voters from the voter list.

The data from other government agencies is provided through various means, as different institutions have different information technology systems. However, the primary means of data transmission are CD and File Transfer Protocol servers, which allow agencies to securely upload files to a central location so that the AEC can download it.³⁶

Election officials mail notices to voters whose addresses may require updating on a monthly basis. Election officials identify potential movers primarily through data provided by other government agencies, including the postal change of address service, and changes of address filed with the social security agency, departments of motor vehicles, and rental bond boards.³⁷ Election officials also review the national address register for potential indications that voters have moved in or out of residences, including addresses where no voters are registered, addresses where voters with different surnames are registered, and addresses where unusually high numbers of registrants are listed.³⁸

If there is no response to the notice, election officials may follow-up by sending an additional notice or conducting a house visit.³⁹ The registration records of those that still fail to respond may be removed. Approximately 2% of voter entries are deleted through this process every year, although a number of these voters are likely to reregister at another address, if they have not already.⁴⁰

Each month, the official Registrars of Births, Deaths and Marriages of each state and territory sends election officials the names, addresses, occupations, ages, sexes and dates of death for all

persons over the age of 17 who passed away in the preceding month.⁴¹ These names are then removed from the voter list.⁴²

Australia suspends the voting rights of people who are incarcerated for three years or more, until they have completed their sentence.⁴³ Each month, election officials receive reports from state Corrective Services departments providing the names, addresses, occupations and sexes of voters who were either convicted or began serving prison sentences that month.⁴⁴ These individuals are removed from the voter list.

The monthly reports from Corrective Services departments described above also include information on individuals who have completed their prison sentences.⁴⁵ These voters are expected to submit a voter registration form to election officials to advise them of their new address.⁴⁶

Targeted Outreach

Election officials also utilize targeted outreach campaigns to encourage voters to ensure the accuracy and completeness of their registration information. For example, representatives of the AEC go to orientation weeks at universities to encourage students to update their address information.⁴⁷

FILLING GAPS AND CORRECTING INACCURACIES IN THE ROLLS

At each branch office of the AEC, a copy of the voter list is available for voters to review so that they may review and provide any corrections to their registration entries.⁴⁸ To ensure list accuracy, alterations to registration information on the list do not replace the original entries. Instead, a reason and date for each alteration is noted, along with the initials of the election official who made the change.⁴⁹

Australia does not offer Election Day Registration. Voters who arrive to vote but whose names cannot be found on the voter list may vote provisionally.⁵⁰ Each division's Divisional Returning Officer is required to investigate every such instance,⁵¹ and if the omission was due to an error by election officials, the vote will be counted.⁵² If the omission occurred because the voter did not re-register when doing so was required, the vote will not be counted.⁵³ The Divisional Returning Officer will, however, send a notice to those voters to remind them that they must register.⁵⁴

PRIVACY CONSIDERATIONS

The copy of the voter list made available for public review at each AEC branch office is a redacted version of the voter list that contains only voters' names and addresses.⁵⁵ The voter list is not available for sale.⁵⁶ Indeed, Australia prohibits commercial usage of voter rolls, with few exceptions.⁵⁷ The voter list is, however, available to certain government authorities for restricted use.⁵⁸

ENDNOTES

¹ Population as of May 2009. Australian Bureau of Statistics, Population Clock (May 28, 2009), *available at*

<http://www.abs.gov.au/ausstats/abs%40.nsf/94713ad445ff1425ca25682000192af2/1647509ef7e25faaca2568a900154b63?OpenDocument>.

² Australian Electoral Commission, *Annual Report 2007-08*, at 30 (2008), *available at*

http://www.aec.gov.au/pdf/publications/annual_report/2008/annualreport.pdf.

³ Australian Electoral Commission, Virtual Tally Room: The Official 2007 Federal Election Results,

<http://results.aec.gov.au/13745/Website/Default.htm>.

⁴ Telephone Interview by Tamela Smith, Dechert LLP, with Paul Dacey, Deputy Electoral Commissioner, Australian Electoral Commission (Mar. 23, 2007) [hereinafter March 2007 Dacey Interview]. While the AEC was formed in 1984, it has existed in various incarnations since the federation of Australia in 1901. The structure of the AEC is dictated by the Commonwealth Electoral Act 1918. Commonwealth Electoral Act, 1918 § 6 (Austl.).

⁵ Australian Electoral Commission, About AEC, http://www.aec.gov.au/About_AEC/index.htm (last updated Oct. 17, 2008).

⁶ March 2007 Dacey Interview, *supra* note 4.

⁷ Voter registration has been compulsory in Australia since 1977. Commonwealth Electoral Act, 1918 § 101 (Austl.). Voting is also compulsory and has been since 1924. *Id.* § 245. The law permits officials to impose a fine of \$50.00 Australian dollars on eligible voters who fail to register themselves, and a fine of \$20 or \$50 Australian dollars on those who fail to cast a ballot (even a blank ballot). *Id.*

⁸ Commonwealth Electoral Act, 1918, §§ 100-101, 245(1) (Austl.).

⁹ Commonwealth Electoral Act, 1918, § 92 (Austl.). The voter rolls maintained by the AEC are also used by the states and territories to conduct local elections. Australian Electoral Commission, Electoral Roll Review (Aug. 3, 2007), http://www.aec.gov.au/Enrolling_to_vote/About_Electoral_Roll/Roll_review.htm [hereinafter AEC Electoral Roll Review Webpage].

¹⁰ Historically, the Australian government has played an active role in voter registration. In the early 20th century, the federal voter list was created and updated through door-knocking campaigns. March 2007 Dacey Interview, *supra* note 4.

¹¹ Australian Electoral Commission, General Enrolment – Frequently Asked Questions, <http://www.aec.gov.au/FAQs/Enrolment.htm> (last updated Oct. 14, 2007) [hereinafter AEC General Enrolment FAQ Webpage].

¹² A voter must reside at an address for one month before registering to vote at that address. *Id.* Various forms of proof of identity are accepted; those who are unable to provide the documentary proof may have their registration form witnessed and signed by two people. *See, e.g.*, Australian Capital Territory, Electoral Enrolment form, at: http://www.aec.gov.au/pdf/enrolment/forms/ER016w_ACT_0208_F.pdf.

¹³ The completed form must be scanned and attached to an email as a JPG or PDF file. Australian Electoral Commission, How to Enroll,

http://www.aec.gov.au/Enrolling_to_vote/How_To_Enrol/index.htm (last updated May 12, 2008).

¹⁴ March 2007 Dacey Interview, *supra* note 4. For federal elections, the deadline for new voter registrations and re-registration after a voting rights suspension is 8 p.m. on the day that an election is called. The deadline for name or address changes is 8 p.m. three working days after an election is called. Australian Electoral Commission, *Fact Sheet: New Deadlines for Enrolling to Vote, or Updating Your Enrolment Details, for Federal Elections* (Oct. 2007), *available at* http://www.aec.gov.au/pdf/publications/factsheets/cor_factsheet.pdf.

¹⁵ AEC Electoral Roll Review Webpage, *supra* note 9.

¹⁶ CRU Implementation Steering Committee, *2000 Continuous Roll Update* (Report to Electoral Council of Australia), at 5, *available at* http://www.eca.gov.au/reports/2000_cru_report.pdf [hereinafter 2000 CRU Report]. The enumeration process also caused tension between elections authorities. The voter

rolls were most accurate immediately following the enumeration, but different federal and local elections are scheduled to be held at different points during the year. As a result, election authorities often disagreed over when to conduct the next enumeration, each wanting it to occur as close as possible to the date of their next election. *Id.* At the same time, Australia updated its comprehensive register of addresses. Australian Electoral Commission, *Submission to the Joint Standing Committee on Electoral Matters: Inquiry into the Integrity of the Electoral Roll*, at § 11.1.1 (Oct. 17, 2000), available at http://www.aec.gov.au/pdf/committee/jscem/electoral_roll/sub26/js_sub26.pdf [hereinafter October 2000 JSCEM Report].

¹⁷ 2000 CRU Report, *supra* note 16, at 5. Australia simultaneously invested resources to update its voter list management system to include a comprehensive address register. Australian Electoral Commission, *Submission to the Joint Standing Committee on Electoral Matters: The Conduct of the 1998 Federal Election*, at § 4.3.3 (Mar. 12, 1999), available at http://www.aec.gov.au/pdf/committee/jscem/1998_election/sub88.pdf [hereinafter March 1999 JSCEM Report].

¹⁸ Electoral Council of Australia, *Report of the Visit by the Electoral Council of Australia Delegation to Elections Canada in June 1999 to Study the Canadian National Register of Electors* (July 1999), available at http://www.eca.gov.au/reports/address_change.pdf.

¹⁹ *Id.* at 5.

²⁰ *Id.*

²¹ Telephone Interview by Judith Joffe-Block with Paul Dacey, Deputy Electoral Commissioner, Australian Electoral Commission (Jan. 11, 2008) [hereinafter January 2008 Dacey Interview].

²² Australian Electoral Commission, Enrolment and Voting Information for People Becoming Australian Citizens, http://www.aec.gov.au/Enrolling_to_vote/New_Citizens.htm (last updated July 11, 2008).

²³ January 2008 Dacey Interview, *supra* note 22.

²⁴ October 2000 JSCEM Report, *supra* note 16, at § 11.4.1.

²⁵ Commonwealth Electoral Act, 1918, § 100 (Austl.).

²⁶ January 2008 Dacey Interview, *supra* note 22.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ A limit on the number of registrations at an address might be listed for residences, such as one-bedroom apartments, where one might not expect more than one or two voting-eligible residents. Addresses may be noted as “active”: that is, currently occupied with registered voters. March 1999 JSCEM Report, *supra* note 17, at § 4.3.4.

³¹ March 2007 Dacey Interview, *supra* note 4.

³² Australian Electoral Commission, Enroll to Vote Week, http://www.aec.gov.au/Enrolling_to_vote/enrol_to_vote_week.htm (last updated Mar. 10, 2009).

³³ Media Release, Australian Electoral Commission, Enrol to Vote Week 2009 Announced (May 18, 2009), available at http://www.aec.gov.au/About_AEC/Media_releases/2009/05_18.htm.

³⁴ Email correspondence from Samuel Hannan-Morrow, Roll Management Branch, Australian Electoral Commission (Mar.-Apr. 2009) (on file with the Brennan Center).

³⁵ AEC General Enrolment FAQ Webpage, *supra* note 11.

³⁶ E-mail Correspondence from Samuel Hannan-Morrow, Roll Management Branch, Australian Electoral Commission (Mar. 2009) (on file with the Brennan Center).

³⁷ AEC Electoral Roll Review Webpage, *supra* note 9; March 2007 Dacey Interview, *supra* note 4.

³⁸ AEC Electoral Roll Review Webpage, *supra* note 9. As discussed above, notations in the national address register allow election officials to identify addresses at which one might expect one or two registrations, such as one-bedroom apartments.

- ³⁹ Enrolment Steering Committee, *2004-2005 Continuous Roll Update*, at § 3.5, *available at* http://www.eca.gov.au/reports/cru_report_0405.pdf.
- ⁴⁰ AEC Electoral Roll Review Webpage, *supra* note 9.
- ⁴¹ Commonwealth Electoral Act, 1918, § 108 (Austl.).
- ⁴² AEC Electoral Roll Review Webpage, *supra* note 9.
- ⁴³ Australian Electoral Commission, Prisoners, http://www.aec.gov.au/Enrolling_to_vote/Special_Category/Prisoners.htm (last updated July 31, 2008).
- ⁴⁴ Commonwealth Electoral Act, 1918, § 109 (Austl.).
- ⁴⁵ *Id.*
- ⁴⁶ Australian Electoral Commission, *Fact Sheet: Prisoner Voting* (Oct. 2007), *available at* http://www.aec.gov.au/pdf/publications/factsheets/prisoner_voting.pdf.
- ⁴⁷ January 2008 Dacey Interview, *supra* note 22; Media Release, Australian Electoral Commission, AEC Encourages Students to Enrol to Vote During O Week, *available at* http://www.aec.gov.au/About_AEC/Media_releases/2009/02_12.htm.
- ⁴⁸ Australian Electoral Commission, Electoral Roll – Frequently Asked Questions, http://www.aec.gov.au/FAQs/Electoral_Roll.htm (last updated Mar. 12, 2008); March 2007 Dacey Interview, *supra* note 4.
- ⁴⁹ Commonwealth Electoral Act, 1918, § 107 (Austl.).
- ⁵⁰ *Id.* at § 235.
- ⁵¹ *Id.* at § 266.
- ⁵² March 2007 Dacey Interview, *supra* note 4.
- ⁵³ *Id.*
- ⁵⁴ *Id.*
- ⁵⁵ March 2007 Dacey Interview, *supra* note 4.
- ⁵⁶ *Id.*
- ⁵⁷ Commonwealth Electoral Act, 1918, § 90B(3) (Austl.).
- ⁵⁸ A full list of government authorities and their permitted use of voter list information is available in: Electoral and Referendum Regulations 1940, Statutory Rules 1940 No. 163, *as amended*, 2008, sched. 1 (Austl.).