

**AUSTRALIAN ELECTORAL COMMISSION**

**SUBMISSION TO  
THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS  
INQUIRY INTO  
THE CONDUCT OF THE 1993 FEDERAL ELECTION**

**No 120 of 10 November 1993**

## **THE PRACTICAL IMPLICATIONS OF VARIOUS MEASURES RELATING TO THE INTEGRITY OF THE ELECTORAL PROCESS**

### **FOREWORD**

Around the time of the 1993 general elections for the Federal Parliament, concern was expressed publicly in some quarters that the validity of the election would be undermined by fraudulent enrolment and multiple voting on a scale sufficient to affect the outcome of the election. Similar disquiet has been expressed in connection with past elections.

On this occasion, as in the past, no evidence of fraud that could be checked has been produced by those who have aired their concerns. The Australian Electoral Commission has no evidence which lends credence to suggestions of any significant level of abuse of the enrolment and voting processes. In fact, the evidence available to the Commission, which has been made available to the Joint Standing Committee on Electoral Matters, is to the contrary - that is, that malpractice of significant dimensions has not occurred.

However, because the concern expressed in the past continues to surface, the Commission has, as a supplement to the related material already put to the Committee, undertaken a detailed study of the implications of the various ways and means, and the Commission's developments of them, which interested persons have, from time to time, advanced as methods of eradicating the possibility of such fraud. This paper details the results of the study.

*[This submission has been reformatted and the paragraphs renumbered to improve readability and referencing, and does not provide the original attachments (which can be obtained through the JSCEM Secretariat if necessary), but is otherwise presented as it was originally submitted by the AEC to the JSCEM on 10 November 1993 as part of its inquiry into the conduct of the 1993 federal election.]*

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## 1. INTRODUCTION

1.1 The aim of protecting the integrity of elections in Australia must encompass appropriate provisions so that:

- (a) only qualified persons enrol and vote;
- (b) qualified persons enrol and vote for the correct electoral Division; and
- (c) no person votes more than once in any election.

1.2 Failures of the provisions adopted could take the form of:

- (a) voting once or several times, by a person not entitled to vote, under his or her own name;
- (b) voting once or several times, by a person not entitled to vote, under the name of another person, and/or under a fictional name or names;
- (c) voting once or several times, by a person entitled to vote, under the name of another person, and/or under a fictional name or names;
- (d) voting several times, by a person entitled to vote, in his or her own name; or
- (e) voting in an electoral Division by a person who is not entitled to enrolment in that electoral Division, but is entitled to enrolment in another electoral Division.

1.3 Cases falling under paragraphs 2(b) and (c) can be further classified according to whether the name under which the person voted was:

- (a) a fictional one, or that of a person who was never entitled to the enrolment in question;
- (b) that of a person once properly enrolled, but which should no longer be on the roll (for example the name of a deceased person, or of someone who has ceased residing at the address shown on the roll); or
- (c) the name of a person still properly enrolled.

1.4 Cases falling under paragraph 2(e) can be further divided into:

- (a) those in which the voter has previously been enrolled and has remained enrolled for the electoral Division for which he or she is no longer qualified to enrol at election time, but for which he or she claims a vote; and
- (b) those in which the voter has never been qualified to enrol and vote for the electoral Division for which he or she claims a vote.

1.5 This paper examines the strengths and weaknesses of a number of approaches to the prevention of these possible transgressions which have been proposed in one forum or another for adoption in Australia.

1.6 The following preliminary points must be made.

- Any significant changes to enrolment procedures would have profound effects on the management of the joint rolls. This Submission does not seek to identify how those effects could best be dealt with, since that would depend very much on the attitudes of the States and Territories, all of which, except the ACT at this stage, have some form of joint roll arrangement with the Commonwealth.
- Such changes would add, in varying degrees, very significantly to enrolment costs.
- Such changes would in some cases have a major impact on what is possible for close of roll arrangements.
- Last but not least, such changes would add considerably to the “red tape” burden to be carried by electors in their enrolment transactions.

1.7 The first measures examined are those which would have the purpose of preventing transgressions, as distinct from identifying situations in which they have occurred. Preventive measures which relate to the enrolment process are addressed first, followed by those which would be applied at the time of voting.

## **2. PREVENTING ENROLMENT FRAUD**

### **2.1 Early Close of Rolls**

2.1.1 At the 1983 election, the writs were issued and, in accordance with the *Commonwealth Electoral Act 1918* as it then stood, the rolls were closed, only one day after the election was announced. This led to widespread public complaint. The question of what opportunities should be given at election time to enable persons who may have been lax in establishing or maintaining correct enrolments to remedy the situation was subsequently considered by the Joint Select Committee on Electoral Reform. At paragraph 6.2 of its First Report, it recommended that the Governor-General be required to announce by proclamation “the dates in connection with the election a minimum of 7 days before the writ is issued”. For constitutional reasons the provision ultimately made in the *Commonwealth Electoral Act 1918* was for the rolls to close 7 days after the issue of the writ. The practical effect was the same as had been envisaged by the Committee: voters were guaranteed 7 days notice or an impending roll close.

2.1.2 Since 1983, many voters have had, and have taken advantage of, the opportunity to enrol, transfer or correct enrolment particulars in the week before the roll close. The tables in Appendix 1 show the number of people who enrolled in the period preceding the roll close at the 1990 and 1993 elections.

2.1.3 Because enrolments in the period immediately before the roll close are effected so late in the process, there is virtually no scope for anything other than the most elementary checking of the particulars contained in the relevant electoral enrolment forms. While section 106 of the *Commonwealth Electoral Act 1918* enables a fraudulent enrolment to be deleted even after the close of the rolls, this is virtually impossible in practice, because the information to demonstrate that the enrolment claim contained a false statement is not available. Objection action prior to the election in relation to such enrolments is also impracticable because of the time frames for the objection process. These facts appear to have prompted concern in some quarters that the opportunity to enrol at the last minute may result in exploitation by persons intent on effecting fraudulent enrolments.

2.1.4 In fact there is no evidence that this is the case, and significant evidence that it is not. In the aftermath of the 1990 election, the Australian Electoral Commission (AEC) conducted an audit of late enrolments, which identified only a very small number of enrolments which might have been regarded as questionable. The details of the audit were provided to the Joint Standing Committee in February 1991.

2.1.5 The closing of the rolls in 1983 only one day after the announcement of the election represented a major departure from the practice which had prevailed until then, and it was for that reason that the matter became one of public debate. Table 1 sets out for every general election from 1940 the date on which the election was announced, the date on which the rolls closed, and the number of days from announcement to roll close.

**Table 1**

<b>Date election announced</b>	<b>Date of roll close</b>	<b>Days from announcement to roll close</b>
20 August 1940	30 August 1940	10
24 June 1943	16 July 1943	22
30 July 1946	21 August 1946	22
26 October 1949	31 October 1949	5
16 March 1951	28 March 1951	12
6 April 1954	23 April 1954	17
26 October 1955	7 November 1955	12
20 August 1958	22 October 1958	63
12 September 1961	3 November 1961	52
15 October 1963	1 November 1963	17
12 October 1966	31 October 1966	19
20 August 1969	29 September 1969	40
10 October 1972	2 November 1972	23
10 April 1974	20 April 1974	10
11 November 1975	17 November 1975(*)	6
	21 November 1975(#)	10
27 October 1977	10 November 1977	14
11 September 1980	19 September 1980	8
3 February 1983	4 February 1983	1
8 October 1984	2 November 1984	25
27 May 1987	12 June 1987	16
16 February 1990	26 February 1990	10
7 February 1993	15 February 1993	8

(\*) Date of roll close in ACT, Northern Territory.- and all States except Western Australia and South Australia

(#) Date of roll close in Western Australia and South Australia

(Source for elections from 1940 to 1987 inclusive: House of Representatives Practice, 2nd edition, Australian Government Publishing Service, 1989, Appendix 12.)

2.1.6 Table 1 clearly demonstrates that the provision which was made in 1983 for a guaranteed minimum 7 day period from announcement of election to roll close did no more than encapsulate in the legislation what had been a very long standing practice, departed from only three times in the period from 1940 to the time of the amendment. At the elections since the 1983 amendment, the average period from announcement of an election to roll close has been 14.75 days. In the period from 1940 to 1983 the average period (treating the 1975 period as 6 days) was 19.61 days. Any suggestion that the 1983 amendment in some way opened a "loophole" for fraudulent enrolment which had not previously been present is therefore entirely misconceived.

2.1.7 The AEC is firmly of the view that, in the absence of any evidence to suggest that the opportunity to enrol or correct enrolment details in the week prior to the close of the rolls is being significantly abused, the procedure introduced on the Committee's recommendation after the 1983 election must be judged a success. It has guaranteed the franchise to large numbers of people who might otherwise have

missed out on their votes, and has ensured more accurate rolls by guaranteeing people the opportunity to correct their enrolment details. Its elimination would reopen the door to sudden roll closes such as that of 1983, which cause the retention on the roll of a large number of out-of-date enrolments, and tend to force a large number of people to vote for Divisions in which they no longer reside.

2.1.8 Any proposal to eliminate the “period of grace” between the announcement of an election and the close of the rolls must carefully weigh the possible benefits of making what on the basis of objective investigation appears to be a negligibly exploited opportunity for fraud somewhat less tempting against the certain detriment of depriving large numbers of people of the ability to enrol or to correct their enrolments.

## **2.2 Proof of Identity - Personal Interviews - Scheme 1**

2.2.1 Under this scheme, all prospective voters would be required to appear in person before an electoral officer in order to enrol, without exceptions. At the interview, the applicant for enrolment would be required to produce to the electoral officer documentary evidence of identity, of one form or another, in support of the application. The documentary evidence would be examined by the electoral officer before he or she made a decision to enrol the applicant, or to refuse the applicant enrolment. Such an arrangement is currently applied for the issuing of passports. Under such an arrangement, an appropriate avenue for appealing decisions would of course be required.

2.2.2 In 1992-93, 2,126,299 such interviews would have been required, representing 18.6% of the current total enrolment of 11.43 million. This equates to an average of over 50 interviews per Divisional Office per working day, a figure which could not be met without massive augmentation of current AEC staffing.

2.2.2 A variation on the basic scheme would be to arrange for the relevant interviews to be conducted for the AEC on an agency basis by a body such as Australia Post. This would provide a more extensive service to potential enrollees, since there are many more Post Offices than there are AEC Offices. Such a scheme has in fact been adopted for the issuing of passports: all applicants for a passport are required to attend an interview, and around 85% of such interviews are conducted at Post Offices. The current cost to the Passports Office is \$13.03 per interview. If it is assumed that the cost of interviews for electoral purposes would be the same, and that 85% of electoral applicants would be dealt with at Post Offices, the annual cost of payments to Australia Post (based on 1992-93 enrolments) would be of the order of \$23.55 million. (It should be made clear at this stage that no discussions have taken place with Australia Post regarding the possibility of an arrangement of this type, and there is no certainty that Australia Post has at this time the staffing resources which would be necessary to make such an arrangement feasible.)

2.2.4 There would also, of course, be costs associated with the remaining 15% of interviews conducted at AEC Offices: again taking 1992-93 figures as a benchmark, 318,945 interviews would have to be conducted annually. This represents on average 2,169 interviews per Division per year, or over 41 interviews per Division per week. This would still be an untenable additional workload at current staffing levels, and Divisional Office staffing would have to be substantially augmented. The problems created by this additional workload would be accentuated by the fact that enrolment activity tends to be uneven over time, reaching peaks at times, such as during Electoral Roll Reviews and roll closes (State as well as Commonwealth), when Divisional Offices are under maximum pressure.



2.2.5 If such a procedure were to replace the current system of (in effect) enrolment by mail, major inconvenience would be experienced by persons seeking to enrol, particularly in rural areas. This inconvenience could not fail to discourage enrolment. In addition, there would be costs to electors arising from the requirement that they attend interviews, and in some cases electors would also face costs associated with obtaining identity documents. There might well be a need for legislation to enable workers to have time off work to attend interviews, akin to the provision currently made in relation to voting by section 345 of the *Commonwealth Electoral Act 1918*.

2.2.6 Under this type of scheme, the critical issue to be decided is what sorts of documentary evidence are to be accepted as proof of identity. In this context, one of the most frequently cited schemes is that implemented for the opening of bank accounts under the *Financial Transaction Reports Act*. The signatory may provide an "identification reference". This is a written and signed reference provided by a person within a specified class of acceptable referees as defined in a notice published by the Minister. The referee must:

- have known the applicant for a stated period;
- state that the signatory has been commonly known by the relevant name;
- have examined certain specified primary and/or secondary documents to confirm the identity of the signatory.

2.2.7 Primary identification documents are a birth certificate, a citizenship certificate or a passport. Secondary identification documents are defined as documents (other than primary identification documents) which establish the identity of the signatory. The identification reference must be signed by the signatory in the presence of the referee.

2.2.8 Alternatively, the signatory may be identified by the completion, by the identifying cash dealer with which the account is to be maintained, of a verification procedure approved by the Director of the Australian Transaction Reports and Analysis Centre (AUSTRAC) under subparagraph 20A(l)(b)(ii) of the *Financial Transaction Reports Act 1988*. This verification procedure is the so-called "100 Point Check".

2.2.9 The introduction of such a scheme in the electoral context would have many problematical elements. AUSTRAC, in its submission of 1 February 1993 to the Review of the *Financial Transaction Reports Act 1988* currently being undertaken by the Senate Standing Committee on Legal and Constitutional Affairs, pointed out that from AUSTRAC's point of view, "the identity verification provisions are those which have been most contentious in terms of the entire FTR package". Concerns about the difficulties imposed upon certain members of the community were raised in a number of submissions to the Review.

- The Australian Bankers Association argued that:

"The 100 point check system is costly and the identification documents associated with it are too specific and therefore unduly onerous for the ordinary bank customer, and can be avoided through using false documentation".
- The latter concern was also echoed in AUSTRAC's Submission, in which concern was noted that "birth certificates are not a reliable form of

identification because they can be readily obtained and falsely used". The Victorian Council for Civil Liberties stated that:

"The identification requirements have been widely unpopular with both customers and banks. Bank officers interviewed for this submission tell a uniform story of widespread customer dissatisfaction. ... Although this matter falls outside the terms of reference of the Banking Ombudsman, his office has taken a large number of complaints on the topic."

- It also pointed out that:

"While most customers can produce sufficient identification, certain groups face difficulties. These include pensioners, Aborigines, persons living in remote locations, recent arrivals in Australia, homeless youths and non-residents".

- The National Committee on Violence Against Women (NCVAW) not only noted that "It is often the case that women escaping violence do not have identification documents", but also pointed out that:

"Some women decide that their only hope of escaping violence is to move to another town or to move interstate; however, they may not necessarily decide to change their name. Women in this category ... would have great difficulty obtaining a statement from an "acceptable referee", being a person who, inter alia, has known the woman for at least 12 months, thus compounding any inability to produce identification documents".

2.2.10 These concerns are of particular relevance in the electoral context in the light of the general principle that the franchise is not some sort of privilege which has to be earned, or bestowed by government, but rather a right of all citizens, restricted only by age qualifications and some very limited constraints relating to mental health, offences against society etc.

2.2.11 Quite apart from the issues of customer inconvenience and discriminatory impact to which the bank account identity verification provisions have given rise, the cost of the administration of the scheme has clearly been very great. The Australian Bankers Association in its submission to the Senate Committee's Review estimated that in 1993, the cost to the banks of complying with the account opening provisions of the *Financial Transaction Reports Act 1988* would be \$21.679 million, of which \$20.644 million would be staff costs. The Credit Union Services Corporation (Australia) Limited, in its submission to the Review, stated the relevant annual cost to Credit Unions as \$10 million.

2.2.12 The Australian Association of Permanent Building Societies in its submission stated the total annual cost to customers of its members for compliance with all requirements of the *Financial Transaction Reports Act 1988* as \$4.5 million, which would correspond to a cost associated with account opening/identification procedures of \$3.86 million if the ratio of those costs to total costs arising from compliance with the Act is the same for building societies as for banks. Finally, the Australian Finance Conference in its submission stated the costs to its members of complying with the account opening/identification procedures was \$1.55 million, with the cost per account ranging from \$8 to \$200, the latter cost applying to small

institutions. Totalling these figures gives an annual cost of administering the identification requirements of 637.09 million.

2.2.13 One issue which would need to be addressed in the context of any proposal to adopt an interview-based scheme would be that of whether persons already enrolled should be subject to interview requirements to assess the validity of their enrolments. If it is assumed that there has been significant fraudulent enrolment in the past, such a “cleansing” procedure would arguably be necessary. If it is not assumed that there has been significant fraudulent enrolment in the past, there would seem to be no need on that ground to introduce any sort of interview procedure at all, and a judgement would need to be made as to whether perceptions about the possibility of fraud would justify the enormous expense and public inconvenience of a process of this kind.

2.2.14 The cost of a full cleansing process would clearly be very great. If all 11.43 million people currently on the rolls had to be interviewed by Australia Post at the rate of \$13.03 per interview, the cost would be \$148.93 million. While it might be argued that the cost of \$13.03 per interview is a commercial one, which could be improved upon if the cleansing process were undertaken as a one-off exercise, some coatings for comparable undertakings suggest that the cost of such a one-off exercise would still be very large indeed.

- Detailed costings of the processing of applications for the proposed Australia Card were prepared by the Health Insurance Commission (HIC) in 1986. In its February 1986 *Planning Report on the establishment and administration of a national identification system*, the HIC estimated salary costs for processing centres (at which staff would be receiving, processing and in some cases querying applications for Australia Cards) as \$48.79 million (at 1986 salary levels) during the postulated 27 month implementation period.
- Prior to the recent elections in Cambodia, a voter registration process was undertaken, which involved some 4,000 registration officers working for 4 months to interview and issue registration cards to 4.76 million people. To interview and register 11.43 million voters in Australia, the number of registration officers required would, on a pro rata basis, be 9,600. To employ this number of officers for 4 months, working 40 hour weeks at the standard casual assistance rate of \$12.2779 per hour, would cost \$75.44 million. Other costs, such as those associated with the hire of premises, provision of equipment or consumables, printing of forms, and computer processing etc. have not been estimated, but would also be substantial.
- While it might be possible to integrate such a “cleansing” into the existing Electoral Roll Review process, by amending current procedures to require personal interview and proof of identity for all electors enrolled at addresses visited, this would radically change the nature of the Electoral Roll Review. Appointments for a visit would have to be made, to give the electors the opportunity to ensure that their documents were available for examination. Much more time would have to be spent by Review Officers at each residence. It would be necessary to extend the personal visit procedure to those residences in rural areas that are currently subject to Electoral Roll Review by mail. Such changes could well bring the costs of Electoral Roll Reviews up to the sorts of figures discussed in the previous dot points.

## **2.3 Proof of Identity – Personal Interviews - Scheme 2**

2.3.1 An alternative approach would be to require interviews only for applicants for enrolment or transfer or enrolment who had not previously been subjected to an interview process. Under this approach, it would be necessary to devise effective procedures to establish, when an electoral enrolment form was received, whether the applicant was in fact a person who had previously established his or her identity at an interview. It might be thought that one way of doing this would be to compare the signature on an electoral enrolment form with the signature on the electoral enrolment form corresponding to a previous enrolment in relation to which the applicant had been identified at an interview.

2.3.2 There are two problems with such an approach. The first is that the AEC's current technology for the storing of images of electoral enrolment forms is centralised in each State, and does not enable prompt access to signature images in Divisional Offices. A more significant problem is that in modern Australian society, where for example credit cards are extensively used, there are large numbers of people who have ready access to other people's signatures, making forgery of signatures a relatively straightforward matter for some.

2.3.3 Another way of identifying enrollees who had been previously interviewed would be to allocate a PIN number to each interviewed enrollee. This PIN number would be printed on the enrolment acknowledgment sent to the elector on enrolment, would not be made available to anyone else in any form, and would have to be quoted by the elector when he or she next lodged an electoral enrolment form. There would be a number of problems with such an arrangement.

- Electors have not in the past had any particular reason to retain their acknowledgment cards, and to ensure that they did so, it would be necessary to undertake a major and sustained advertising campaign. This would probably cost a minimum of around 52 million in the first instance.
- The current acknowledgment card is a relatively modest document, laser printed on 1/3 A4 paper. It is today almost standard for documents intended for semi-permanent retention to be issued in the form of a plastic card such as a Medicare Card. To reinforce the message to electors that acknowledgment cards are valuable documents, which must be retained, it would therefore be virtually essential to change the acknowledgment card from a paper card to a plastic card in the style of a credit card. The cost of producing such cards would be of the order of \$2 per card, or \$4.25 million per year (based on 1992-93 figures).
- If an acknowledgment card went astray - something more likely to happen under changed arrangements than under current arrangements, since it seems inevitable that increased checking requirements will slow turnaround times for the issuing of acknowledgment cards - the person who found it would thereafter have access to the PIN number relating to the enrolment, while the person who had actually enrolled would be forced to go through the interview process again when next enrolling. While arrangements could be made for the cancellation of PIN numbers associated with cards known to have gone astray, the fact that a card had fallen into the wrong hands very well might not come to attention for some considerable time.

- Regardless of the amount spent on advertising, and of the quality of acknowledgment cards produced, there would still inevitably be some people who would lose their cards, and other people who would simply fail to see, understand, or remember the advertising used, and would therefore fail to quote their PIN numbers on their enrolment forms. Each such person would, on changing his or her enrolment, be required to undergo a fresh interview. The cost of this would be considerable, and in addition it could be expected that many electors would simply not bother to update their enrolments in the face of the likely inconvenience involved. There is also every possibility that the poor and marginalised members of society would prove to be more likely to lose their cards, and to be thereby discouraged from enrolling. This would inevitably mean that the rolls at election time would contain entries relating to persons who had left the Division since the previous electoral roll review and had been discouraged from updating their enrolments. The existence of such entries on the roll could tend to increase the possibility of impersonation.
- Many people change their enrolment very infrequently, and it may be too much to expect that many of them would keep track of their PIN numbers for such infrequent use (unlike, for example, bank PIN numbers which are in frequent use).

2.3.5 Of the 2,126,299 people who applied for enrolment or an enrolment change in 1992-93, 787,897 were persons enrolling for the first time or re-enrolling and a further 1,338,402 were electors who changed their enrolled address. It needs to be emphasised that even if a PIN number scheme were adopted in an attempt to limit the number of interviews required, in the initial stages of the operation of the scheme there would be relatively few people who had been previously interviewed and given a PIN number, and therefore the initial annual cost of the scheme would be over \$30 million (based on interview costs of \$13.03 payable to an outside agency for 85% of interviews, plus \$4.25 million for the production of acknowledgment cards, plus costs associated with interviewing 15% of applicants at AEC offices.)

2.3.6 These costs could be expected to decline somewhat as more and more electors came to have been interviewed, but the rate of decline would be uncertain. The annual cost once the system had stabilized would be at least \$13 million (consisting of \$8.73 million for interview costs of \$13.03 payable to an outside agency for 85% of interviews, plus \$4.25 million for the production of acknowledgment cards, plus costs associated with interviewing 15% of applicants at AEC offices).

## **2.4 Proof of Identity – Personal Interviews - Scheme 3**

2.4.1 A variant on the interview scheme would see interviews generally required, but would enable special provision to be made for persons who could not reasonably be expected to attend an interview, such as persons in remote areas.

2.4.2 While it might be thought possible to require such enrollees to mail in with their electoral enrolment forms appropriate primary documentation to establish their identities, this would not generally be practicable. Many enrollees would be rightly reluctant to commit valuable personal documents to the post to obtain enrolment. The need for the AEC to send such documents back to the claimants would also impose significant administrative burdens and costs.

2.4.3 While it might be thought possible to accept photocopies of the relevant documents, the sorts of applicants who could not reasonably be expected to attend

an interview would often also have difficulty in getting access to a photocopier. In any case, the acceptance of photocopies would make it significantly easier for persons with postulated criminal intentions to enrol fraudulently. In this context, it should be noted that in relation to applications for passports, photocopied birth certificates and citizenship certificates are not acceptable: the Australian Passport Application form clearly states that “the documents you provide must be originals as supplied by the issuing authority”.

2.4.4 An alternative would be to enrol such claimants on the strength of a mailed “identification reference” such as is required in connection with an application for a passport, and is permitted as a form of identification for a person opening a bank account.

2.4.5 To ensure that the scheme functioned effectively to prevent the alleged fraud which such a scheme seeks to redress, it would be necessary to make contact with the referee to confirm the validity of the reference in as many cases as possible. Since the rationale for the choice of persons deemed qualified to be referees is that they must be persons whose standing in their occupations would be damaged were they found to have provided a false reference, it would also be necessary to check, to the greatest extent possible, that the referee in fact practised the occupation which he or she claimed. The implementation of such checks would have significant staffing and cost implications.

2.4.6 Again, it needs to be emphasised that there could well be people, particularly among the poorest and most marginalised groups in society, who would not know anyone qualified to be a referee; this problem has already been seen to have arisen in relation to the opening of bank accounts. This is more likely to be a problem in processing enrolment applications than in processing passport applications: the mere cost of overseas travel tends to exclude the poor from applying for a passport.

2.4.7 This scheme would still be subject to the difficulties spelt out above in relation to Scheme 1. It could be expected to cost somewhat less than the previous scheme, but the difference is unlikely to be great, since the bulk of applicants for enrolment would still have to be interviewed.

## **2.5 Proof of Identity – Personal Interviews - Scheme 4**

2.5.1 This scheme if adopted would combine the main elements of schemes 2 and 3, and would give rise to essentially the same difficulties. In the light of the points made in paragraph [2.3.5] above, the cost of such a scheme could be expected in the first instance to be of the same order as the costs of Scheme 2, but with some savings due to the fact that those facing specific difficulties in doing so would be exempted from attending an interview.

## **2.6 Proof of Identity – Documentary Evidence - Scheme 5**

2.6.1 A further scheme would be to retain the current procedures for the lodging of electoral enrolment forms through the post, but require all applications to be accompanied by identification documents or an identification reference of the type discussed in paragraph [2.2.6]. This requirement would supplement the current requirements for electoral enrolment forms.

2.6.2 As was pointed out above, it would not be practicable to require applicants to consign valuable personal documents to the post, nor would it be desirable to accept

photocopies of identity documents; so this scheme would in effect have to rely on the use of identification references

2.6.3 While such a process would be less cumbersome for voters than a requirement to attend an interview, it would be much more inconvenient to voters than the current system. The potential for such a scheme to have a discriminatory effect is clear from the discussion above.

2.6.4 Again, the cost of such a scheme would be considerable. If it is assumed that the average increase in processing time for an electoral enrolment form would be 10 minutes, a conservative assumption given the need to check all elements of the reference and make phone contact with the referee, this would, on the basis of 1992-93 enrolment figures, give rise to 354,383 hours of work nationwide, costing \$4,351,081 at the current casual assistance rate. The cost of phone calls would be a minimum of \$531,574 at the local call rate, but the actual cost would be higher, because of the need to make STD calls in large Divisions, and because some referees would give mobile phone numbers. When other costs, such as accommodation for additional staff, stationery etc. are taken into account the annual cost would be well over \$5 million.

## **2.7 Proof of Identity – Documentary Evidence - Scheme 6**

2.7.1 This scheme would combine the main elements of schemes 2 and 5. In its early stages, when few people had been interviewed, it would give rise to the same sorts of difficulties, including likely discriminatory effects, as scheme 5. In addition, in the early stages, because few people had been identified, the costs would be of the same order as for scheme 5.

## **2.8 Proof of Identity – Data-Matching - Scheme 7**

2.8.1 Under this scheme external databases would become more than just a source of evidence to be used in assessing an application: enrolment would only be available to those persons who appear on other major databases which have already undertaken high-integrity validity checks of the applicant. Such an approach was envisaged by the Health Insurance Commission as one mechanism for validating applications for the Australia Card. Database matching might enable the AEC to confirm that the elector was being consistent with his/her claim of identity at a particular address.

2.8.2 The issue of database matching does, however, raise a number of privacy implications and amendments would need to be made to legislation in order to allow checks of this personal information to take place. In addition, it is clear that no single database would provide a comprehensive coverage of the population. It should be realised that the more intensive sorts of checks will slow down the enrolment process and would significantly affect the time taken to close the roll at an election.

2.8.3 New Zealand currently operates an automatic enrolment facility using the NZ Post database. When an elector changes his/her address or name details, he or she can complete a redirection notice at NZ Post and this will automatically generate an amendment to the electoral roll. The AEC is undertaking a trial with Australia Post to pick up movement of electors through advice generated from changes to the Australia Post database but, because of the privacy implications, only geographic information is being swapped and not personal data on individuals. This does not assist with the identity checks being discussed above.

2.8.4 Other databases which could conceivably assist with the confirmation of elector identification include those maintained by agencies responsible for provision of electricity, water and gas services, drivers' licences and motor vehicle registration, by the Department of Social Security (DSS) and by the Australian Taxation Office (ATO). Provisions exist in the *Commonwealth Electoral Act 1918* for the provision of copies of the electoral roll to the DSS and ATO for compliance checks but no data is available in return. This again would require changes to their legislation to permit AEC access.

## **2.9 Proof of Identity at Close of Rolls**

2.9.1 In relation to all of the schemes for proof of identity, particular problems arise in relation to the closing of the rolls. As was pointed out above, significant numbers of transactions are dealt with in the period immediately preceding the close of the rolls, and there is every reason to believe that the processing of these transactions has the effect of producing a cleaner, more accurate roll. If proof of identity requirements were imposed, a decision would be required on whether to insist on the fulfilment of those requirements at roll close time. Not to do so would make the identification process pointless, since those persons postulated to be intent on enrolling fraudulently would simply do so in the period preceding the roll close.

2.9.2 If on the other hand the same requirements were imposed at roll close as at all other times, it would be virtually impossible to deal with all the enrolment transactions received at that time sufficiently quickly to enable the printing of certified lists. The large number of enrolment applications in respect of which the prescribed identification requirements could not be completed in time for the deadline for the printing of certified lists might simply be left unactioned before the election, and in effect be treated as if they had not been received until after the roll close. This would cause the rolls to be less accurate than would otherwise have been the case, would also give rise massive increase in the number of provisional votes cast, would antagonize electors whose notified changes were not reflected in the certified lists.

2.9.3 The increased number of provisional votes would inevitably slow the finalisation of the results of the election. Alternatively the elector might be given enrolment "subject to confirmation" (for which no provision currently exists in the *Commonwealth Electoral Act 1918*), and be given some sort of special provisional vote (for which there is also no current provision), which would only be admitted to the count after the prescribed identification requirements in relation to that elector had been successfully completed. The names of the electors so affected would have to be annotated on the certified lists so that polling officials would know that they were to be issued with provisional votes.

2.9.4 The increase in declaration votes would be over 400,000 on 1993 close of rolls figures, and the time needed to complete identification checks in the midst of other election activities would lengthen the time taken for election results to be finalised to a degree that would undoubtedly be unacceptable to participants in the electoral process, and to the general public.

## **2.10 Proof of Citizenship**

2.10.1 The suggestion has been put forward that it might be feasible to confirm, by reference to records held by the Department of Immigration and Ethnic Affairs, the claims made by applicants for enrolment that they are Australian citizens. In fact this would not be possible in the majority of cases, though some investigations would be possible in respect of naturalised citizens. While the Department maintains a



database of persons who have acquired Australian citizenship by naturalisation, this contains only 3.5 million names, some of which are those of persons now dead, or persons not yet of voting age. It does not contain data relating to persons who acquired Australian citizenship by birth. While it might be thought that the citizenship of such persons could be confirmed by reference to State Registries of Births, Deaths and Marriages, there would be major difficulties with such a process.

2.10.2 Where an applicant had changed his or her name by deed poll or marriage, it would often not be possible without time consuming searches of records to match the current name with the name at birth. While it might be thought possible to link an enrolment claim to a birth record by reference to a marriage record held by the Registry, this would be very difficult if not impossible in relation to persons born in one State and married in another, and to persons married outside Australia; and might well be impossible, depending on record keeping practices, even in relation to people born and married in the same State.

2.10.3 Probably the only practicable approach to proof of citizenship would be to require the voter to produce to applicants for passports. Because of the complicated nature of citizenship law, the assessment of documents to determine whether they in fact established citizenship could only be done in the framework of a scheme of universal interviews of the type discussed above. It would simply not be feasible to expect a referee providing an identification reference of the type above also to confirm an applicant's citizenship (except perhaps where the applicant was able to produce to the referee a current Australian passport), nor could applicants reasonably be expected to commit to the post valuable personal documents establishing citizenship.

## **2.11 Proof of Age**

2.11.1 The suggestion has also been put forward that it might be feasible to confirm, by reference to records held by State Registrars of Births, Deaths and Marriages, the ages claimed by applicants for enrolment.

2.11.2 There would be major practical problems with such a scheme, which in any case would not cover the 22.4% of the population who, on 1986 Census figures, were not born in Australia. Great difficulties would arise even in relation to persons born in Australia, for the following reasons.

- Many electors would have changed name by marriage or deed poll, giving rise to the difficulties discussed in paragraph [2.10.1] above.
- The majority of State birth records are only partially computerised. New South Wales only has computerised records of births from 1992 onwards. South Australia only has computerised records of births from 1970 onwards. In Tasmania, birth records are only fully computerised from 1990 onwards, though for births from 1970 onwards, name, date and place of birth and sex are computerised. Queensland's records are only computerised from 1980 onwards.

2.11.3 This suggests that the only feasible approach to proof of age would be to require the elector to provide documentary evidence of his or her age. This could be incorporated in a scheme for proof of identity of the type discussed earlier in this submission. A requirement for proof of age could pose significant problems for many members of society, including the poor, Aboriginals and Torres Strait Islanders, and persons from societies where birth records are not accurately kept.

2.11.4 The AEC has not seen any evidence to suggest that significant numbers of underage persons are currently seeking fraudulently to enrol; neither have there been any reports received from polling officials or scrutineers asserting such an occurrence.

## **2.12 Proof of Address**

2.12.1 Checks of identity at various degrees of intensity can only provide levels of assurance that an application for enrolment or transfer of enrolment is being made by a person who, first, exists, and secondly, is in fact the person making the enrolment application. These checks provide no guarantee of the validity of this application for the address - and hence the particular Commonwealth Division, State district and Local Government Area - claimed by the applicant as his/her place of living.

2.12.2 Currently, applications for enrolment are checked, after an enrolment form has been received, against the file of valid street number ranges held on the AEC's Roll Management System (RMANS), and where the address claimed is outside number ranges currently known as valid, further checks are made on the address's validity (for example through local councils). Validity of addresses and their occupants is also checked during regular Electoral Roll Reviews. These checks are more difficult in rural areas where road numbering may be discontinuous or nonexistent, and where Electoral Roll Reviews are carried out by mail (due to the impracticality and expense of covering widely scattered residences by personal visit).

2.12.3 Two factors are of relevance in establishing proof of address: the validity of the address itself and the validity of the applicant's claim to be resident at that address.

2.12.4 Schemes for the checking, either at the time of application or prior to approving application details for entry on the roll, of the existence of the address claimed, include the following.

- A major redesign of the RMANS system so that individual addresses rather than elector names become the basis for enrolment records. The AEC has been investigating such a redesign. This approach could be expanded as resources permit to encompass a complete Geographic Information System holding national data (including known use - for example residential, park, commercial etc.) in "spot on the earth" format on all land parcels, and against which addresses claimed for enrolment could be matched and further checked against external records or by personal visit if not verified. It needs to be emphasised that this option represents a long term mechanism for improving the quality of enrolment verification checks, which would take time to implement properly.
- Verification of addresses claimed for enrolment against address data held by external agencies. Data held by land title bodies may be cumbersome to use as its format will often be different from the street address claimed by an elector. Records held by local government and utility authorities vary in format, quality and content. Access would need to be negotiated with the States. Planned computerisation of Australia Post address records may provide a more viable external verification of addresses in the medium to long term.

- Personal visit to addresses claimed for enrolment not already recognised as residential addresses by roll management systems. Resourcing of this approach, particularly in rural areas, would be expensive, and impracticable in roll close periods.

2.12.5 Schemes for checking residence at an address include the following.

- Personal visit to the claimed address and verification (through personal contact and presentation of proof of identity) that the applicant resides there - amalgamated with checks on validity of address where necessary. Again, resourcing of this approach, particularly in rural areas, would be expensive and processing of an enrolment would be halted until contact could be made with applicants. In this respect it is worth noting that at the last Electoral Roll Review, at 10% of residences no resident was home at the time of two visits by AEC representatives. This percentage could be expected to rise markedly if contact were required to be made with a particular person or persons.
- Requiring the provision of documents confirming residence at the claimed residential address, for example documents produced to confirm identity checks which also show the applicant's residential address. Unfortunately many common forms of identification do not show the bearer's address, or, if they do, may not be reissued or promptly updated on change of address. Other possible confirmatory documentation containing address data (for example rate notices) denotes ownership, not necessarily residence, and generally does not contain the names of all residents at an address.
- Requiring the production of a reference akin to an identification reference, which would confirm the residence of the applicant at the specified address. Such a reference would only be of much value if the referee was in a position to state that he or she had visited the applicant at the address specified, and had observed that the applicant was in residence there. Otherwise the referee would have to rely on hearsay evidence or secondary documentation, the problems with which have already been mentioned. It also needs to be noted that persons who have just moved to a new community are particularly poorly placed to find a person in the prescribed class of permissible referees who will be able to attest to any facts concerning them. While this could be overcome to some extent by prescribing broader classes of possible referees, the value of the reference system would thereby be diminished.

2.12.6 Database matching could also be used to assist in verifying the applicant's occupancy of an address claimed for enrolment. However the further the conditions for entry on the external database diverge from enrolment conditions, the less useful is this match, and the greater follow-up work generated by rejections or attempted matches. For utility records in particular, address information may relate to an owner rather than occupier or to someone not qualified for enrolment, and will very frequently only identify one occupant at a single address. Possible approaches include the following.

- Matching with high integrity databases containing name/address information. Here it needs to be noted that some high-integrity databases are not necessarily regularly updated with change of address details, and therefore would be of much less value for address checking than for identity checking. Even the Medicare database, which is often thought likely to contain relatively accurate address information, would be likely to hold out-of-date address

records of persons who have not required medical services since changing address. If the AEC were granted “prescribed authority” status under section 130 of the *Health Insurance Commission Act 1973*, access to the Medicare database could, subject to privacy considerations, be granted. Planned computerisation of Australia Post address records may provide a more viable external verification of occupancy of addresses in the medium to long term if privacy requirements can be satisfied.

- Matching with databases containing less relevant matching information - for example electricity, telephone, banking records. Information on these records may not be updated promptly for changes of address, may not relate to actual occupiers of addresses, and generally will not cover all occupiers of addresses.

2.12.7 Methods of verifying address information provided by applicants for enrolment would generally result in delay in the enrolment process, in some cases additional to that imposed by identity checks - and it must be recognised that few databases will ever be 100% up-to-date, and none will be comprehensive in coverage, as was intended with the Australia Card. There would also be significant additional costs imposed by data matching and/or personal investigation.

## **2.13 Annual Registration**

2.13.1 A radical approach to the establishment of an electoral roll, which would require a rethinking of the concepts of roll “accuracy” which have tended to predominate in Australia, would be that taken in the United Kingdom. While the electoral register in the UK has a continuous existence, it is not continuously updated. Instead, a new register is systematically compiled each year, and at the end of the compilation process, and only then, the new register supersedes the one previously compiled. As part of the compilation process, a draft register (including lists of additions from the still-current register) is published, and any interested persons or parties have ample opportunity to object to the presence of a particular name on the register. It is this public openness of the register to review, rather than any particularly rigorous checking of individual applications for registration, which provides confirmation (though by no means infallibly) that the names on the register are genuine, and validly entered.

2.13.2 At the same time, the very fact that the register is not continuously maintained means that it will not reflect the actual state of the electorate at election time in the way that a continuously maintained roll seeks to do. The extent to which the register is accurate even at the time of its compilation is also doubtful: a study by the Office of Population and Census Surveys in 1982 showed that the October 1981 register was only 93% accurate at the time that it was compiled. In some areas, and for some categories of voters, the position was a great deal worse than the national average: for example, over 50% of unemployed black youths in the East End of London were not registered.

2.13.3 The question that has to be addressed is therefore whether the benefits of the supposed greater accuracy of the register at the time of its compilation (flowing from its openness to scrutiny), outweigh the detriments flowing from the fact that the register may have excluded many potential voters at the time of its compilation and may, by election time, be close to a year out of date.

2.13.4 Finally, it needs to be recognised that such a system clearly does not have the capacity to provide to political parties, Members of Parliament and Government

departments the sort of up-to-date information on the movements of individual electors which is currently provided from the continuously maintained roll in Australia.

## **2.14 Election Registration**

2.14.1 Another radical scheme would be to compile a roll by door-to-door enumeration only after an election is announced. This approach is adopted in Canada, where, in urban areas, pairs of enumerators are used, one nominated by each of the candidates who finished first and second in the Division at the previous election. A detailed description of this process together with an assessment of some of its weaknesses is set out in the extract from the 1992 Final Report of the Canadian Royal Commission on Electoral Reform and Party Financing which is at Appendix 2.

2.14.2 The process is clearly an expensive one. At the 1988 general election in Canada, the cost of voter registration was just over C\$36 million. The process moreover does not lend itself to joint rolls, and in Canada the various provinces have to make their own enrolment arrangements, which constitute a further burden on the public purse. Furthermore, the process involves a much longer minimum election period than in Australia: 50 days as opposed to 33 days.

2.14.3 Like the British system, the Canadian mechanism does not have the capacity to provide to political parties, Members of Parliament and Government departments the sort of up-to-date information on the movements of individual electors which is currently provided from the continuously maintained roll in Australia.

### **3. PREVENTING VOTER FRAUD**

#### **3.1 Proof of Identity – AEC Enrolment Card**

3.1.1 At present, electors in Australia are sent at the time of enrolment a non-photographic laser printed 1/3 A4 sized acknowledgment card through the post confirming their enrolment for State and Commonwealth purposes. There are no figures available on how many people currently on the roll still possess the acknowledgment cards relating to their enrolments, but since there has in the past been no particular point in retaining such cards, the number is unlikely to be large; and it would therefore not be feasible to use the acknowledgment card as an identification card for voters at the polling booth. It should be noted in this context that it would be inappropriate for an acknowledgment card bearing a PIN number, of the type discussed in paragraphs [2.3.3 and 2.3.4], to be used as an identification card for voters at the polling booth, since this would diminish the secrecy associated with the PIN number.

#### **3.2 Proof of Identity – AEC Photo Voter Card**

3.2.1 It would be possible to introduce a requirement for all persons seeking an ordinary vote to produce a photographic voter identity card issued by the AEC. Confirmation of the person's identity would be provided by a visual comparison of the person presenting the card with the photograph. This procedure was implemented successfully at the recent Cambodian elections: voters who were unable to produce a registration card were required to record declaration votes, which were accepted or rejected on the basis of a comparison, by handwriting or fingerprint experts (as the case required), of the signature or thumbprint provided by the voter at the time of enrolment and the signature or thumbprint provided by the voter at the polling booth.

3.2.2 To be of value, such cards would have to incorporate security features which would prevent their being readily forged, and would also have to be designed in such a way as to prevent the substitution of photographs. While substitution of photographs is typically prevented by using a laminated card, and a compatible print paper emulsion that bonds to the plastic laminate, this would require each voter to be photographed by an issuing officer; it would not be sufficient for the voter to provide a photograph to the issuing officer, since apart from imposing a direct cost burden on people who under law are compelled to enrol, the film used to make that photograph might not be appropriate to the laminate. This would not be a problem if voters were required to be interviewed prior to enrolment: the required photograph to be taken as part of the interview process. It is hard to envisage that the use of photographic voter identity cards would be feasible if voters were not required to be interviewed to effect their enrolments.

3.2.3 The issuing of such cards would be a major logistical exercise. In Cambodia, some 800 5-person teams of card issuers were deployed for a period of around 4 months to issue 4.76 million cards. The cost for equipment and consumables alone was over US\$5 million.

3.2.4 A critical element of the Cambodian scheme was that most registered voters were deeply committed to the election process, and were therefore highly motivated to protect their cards. Furthermore, the voter registration process started less than 8 months prior to the polling, so that the time during which voters had to safeguard their registration cards was relatively short. It is by no means clear that voters in Australia would prove to be as careful in this respect as the Cambodians were.

3.2.5 Because of the length of time which would be required to issue photographic voter registration cards to the entire voting population, it is clear that the cards could only be relied on to incorporate up-to-date enrolment details if there was a specific requirement for the card to be returned for amendment every time a change to the rolls was made. In the absence of such a requirement, every voter's name would have to be checked on a certified list, to ensure for example that the voter was still enrolled for the Division for which he or she was claiming an ordinary vote. The checking of photographs on cards in such a case would therefore be in addition to, rather than in substitution for, the checks of the certified list currently undertaken. This would result in delays at polling stations, unless more staff were provided. It is impossible at this stage to estimate the number of additional staff who might be required.

### **3.3 Proof of Identity – AEC Voter Card**

3.3.1 Under this scheme, a person seeking an ordinary vote would be required to produce a non-photographic voter identification card issued by the AEC. Such cards would have to be despatched after the close of the rolls for an election, for the following reasons.

- If a card was sent out well before the election, there would be a significant chance that the information shown on it would be out of date by election time.
- The sending out of the cards well before the election would give rise to a substantial risk that the card would be lost or misplaced by election time.

3.3.2 Such a card could be in the same format as the current acknowledgment card, though other options are also available. Laser printing technology allows the printing of bar codes on voter identification cards which could contain coded information about the elector, for example an identification number. Scanning technology (though not that currently used by the AEC) could be used to read the bar codes: if implemented at the polling place level the resource implications would be massive, while if the cards were surrendered by the voters, scanning could take place at scanning centres.

3.3.3 There is a number of practical difficulties with this scheme. Inevitably some cards would fall into the hands of a person other than the addressee, which would tend to facilitate impersonation.

3.3.4 More particularly, however, the scheme would only tend to prevent multiple voting in the same name. This is already known to be a phenomenon of marginal importance, rarely undertaken with fraudulent intent, and detectable promptly after an election using current scanning technology. The extent of multiple voting in the same name at the recent election was too low to affect the result in any Division. Details are set out in the AEC's recent submission to the Joint Standing Committee entitled *Report of Multiple Marks on the Certified Lists used at the Election Held on 13 March 1993*.

3.3.5 The cost of a mailout after the close of the rolls would depend on the quality of the document being sent. A card similar to the current acknowledgment card, printed on a 1/3 A4 sheet of paper with the elector's details and a bar code on it, would cost (on the basis of current enrolment figures) \$4.87 million to produce and mail out, while a laminated credit-card sized card, designed to be punched out of a

1/3 A4 paper card, would cost \$6.16 million to produce and mail out. The cards would of course have to be printed using security printing techniques, to preclude forgery.

3.3.6 If such a scheme were introduced there would be a need for a major advertising campaign to advise voters that they should bring their cards to the polling place. The estimated cost of such a campaign during the election period is \$1.5 million to \$2 million. Given the scarcity of advertising time available during an election campaign, it would probably be necessary to cut back on the AEC's advertising on other issues, such as formal voting. A better alternative would be to undertake two separate campaigns, one before the election period and one during it. The cost of the two campaigns is estimated at \$2.5 million to \$3 million. No matter how successful the campaigns were, there would still be people who would fail to bring their cards to the polling booth. This would inevitably increase the number of provisional votes cast.

### **3.4 Proof of Identity – AEC Voter Card plus Photo ID**

3.4.1 Another possible approach would be to require voters to produce when voting a non-photographic voter card issued by the AEC, together with some form of photographic identity document. Clearly, the photographic identity document in question would have to have a high level of integrity associated with it, which in practice would mean that it would have to have been issued by the government, or by a government body. (It should be noted that the "100 point" identification scheme applied in relation to bank accounts requires applicants to produce more than one form of identity document, and to require the production of only one such document at the polling booth would on the face of it provide a lower level of security than that associated with the bank account scheme.)

3.4.2 Voters unable to produce both the voter card and the photographic identity document would be required to cast a declaration vote: to prevent this becoming a major loophole, intensive checking of declaration votes during preliminary scrutines would be required. Alternatively, voters who could produce the voter card but no photographic identity document could be identified on the spot by an identification reference; but there would be no scope for checking the accuracy of the reference at the polling booth prior to the issuing of ballot papers, and for that reason the process would have a lower level of integrity associated with it than the identification reference scheme for enrolment referred to in paragraphs [2.4.4 and 2.4.5].

3.4.3 A scheme along these lines was implemented at the Namibian independence elections in 1989. A wide range of acceptable photographic identity documents was specified. One reason the scheme worked effectively was that there was a national identification card scheme in Namibia, and therefore most voters could readily produce a photographic identification document. In Australia the situation is more problematical. A number of States now have photographic driver's licences, which might be able to be used, but problems could arise in those States which do not. Persons not licensed to drive would also encounter difficulties.

3.4.4 One probable consequence of the introduction of such a scheme would therefore be a major increase in declaration voting, which would cause delays at polling booths (unless there was a major augmentation of staffing), and which moreover would inevitably delay knowledge of the final election result, since a smaller proportion of the vote would be able to be counted on election night.



### **3.5 Proof of Identity - Photo ID**

3.5.1 Under this scheme, certified lists would continue to be used, but would be supplemented by a requirement that voters identify themselves with a photographic identity document. Again, the photographic identity document in question would have to have a high level of integrity associated with it, which in practice would mean that it would have to be issued by the government, or by a government body. Those unable to produce such a document would be required to cast a declaration vote: to prevent this becoming a major loophole, intensive checking of declaration votes during preliminary scrutines would be required. Alternatively, a requirement could be imposed that such voters be identified by an identification reference before being given an ordinary vote.

3.5.2 This scheme would provide a certain level of security against the possibility of voter impersonation. It would however tend to operate in a discriminatory way against those persons who do not possess any photographic identity documents. Given the ready commercial availability of equipment for issuing identity documents, there is little doubt that any person intent on forging an identity document in support of an attempt at impersonation would be able to do so.

### **3.6 Proof of Identity – Documentary ID**

3.6.1 Under this scheme, voters would be required to produce some sort of identification document, not necessarily photographic, when they voted. An example of such a document would be a non-photographic driver's licence, a Medicare card, or a credit card. It needs to be noted that some of these documents contain no address information.

3.6.2 While such an arrangement would, when compared with the schemes involving the production of a photographic identity document, greatly expand the range of documents which could serve to identify voters, and would therefore diminish the number of voters unable to cast an ordinary vote, there would also be a major loss in the degree of protection from fraud which such a system would provide. In effect, a non-photographic identity document can be readily used by someone other than the person to whom it was validly issued. Many such documents can also be readily forged.

### **3.7 Proof of Address**

3.7.1 Requiring electors to provide proof that they were residentially qualified to vote in a particular election before being issued with ballot papers presents even more problems than requiring confirmation of identity.

3.7.2 Under current legislative provisions, electors are eligible to vote in respect of the address for which they are on the roll as at close of rolls (with the exception of those deleted from the roll between close of rolls and polling day as a result of action taken in respect of false statements in enrolment claims under section 106 of the *Commonwealth Electoral Act 1918*). Requiring proof of residential qualification prior to issue of ballot papers would in effect mean that the presence of an elector's name on the electoral roll as at the date of close of roll for an election would no longer be conclusive evidence of that elector's right to vote: that right would be subject to the further "residential proof" papers required to be produced by the voter when he or she voted.

3.7.3 A number of practical problems would need to be surmounted. These include the following.

- It would be necessary to make clear to voters what documents would be accepted as proof of residence. Even assuming a substantial publicity campaign, it is impossible to tell how many voters would in fact be able, or would remember, to bring the appropriate documents with them.
- A proof of residence process as part of polling procedures would put polling officials, already under pressure to serve electors speedily, in the position of having to judge from possibly non-standard information an elector's *prima facie* entitlement to vote.
- This assessment process would lead to delays in issuing ballot papers, particularly as under current legislative provisions the test to be applied by polling officials would be to determine if the elector was still resident in the enrolled Division, not specifically at the enrolled address.
- This assessment may well lead to an increase in declaration votes. Indeed, provision would have to be made in the *Commonwealth Electoral Act 1918* for a new category of declaration vote, to be cast by electors whom the polling official was not satisfied were still living at their enrolled addresses. There would inevitably be delays in providing scrutiny results - investigations of these electors' residential qualifications would be required before a decision on the admission of ballot papers to scrutiny could be made - and election costs.
- The proposal faces similar problems to that for requiring proof of residence prior to enrolment. Many common forms of identification do not show the bearer's address, or, if they do, may not be reissued or promptly updated on change of address. Thus a polling official could have difficulty in knowing whether otherwise satisfactory address documentation was current. Other possible confirmatory documentation containing address data (for example rate notices) denotes ownership, not necessarily residence. Complex issues like these would be difficult to settle quickly in a polling place environment.

3.7.4 It would be difficult to maintain postal voting provisions with residential qualification checks reasonable value. Any scheme of this type would risk disenfranchising eligible electors who could not produce suitable proof of residence.

3.7.5 A less comprehensive scheme would involve restricting such residential qualification checks to those electors whose names could not be found on the certified list of electors at the time of voting. Currently these electors are issued with a provisional vote and the eligibility for their ballot papers to be included in scrutines is determined later, following detailed checking of the information in the statement declared by electors on the certificate envelope containing their ballot papers, and of enrolment records.

3.7.6 Requiring proof of residential qualification from such electors would require the same processes and encounter similar practical difficulties (though involving a much lesser number of electors) as those noted above, however it would specifically target a class of elector perceived by some as having a higher risk of not being properly residentially qualified to vote in a particular election. It needs to be borne in mind that most provisional voters arrive at the polling booth expecting to be on the

certified list, and if this scheme were implemented, many if not all of them would have to leave the polling booth and return later with the prescribed documents. This could be expected to generate widespread ill-feeling among the voters so affected, and would often be an impossibility for late-in-the-day voters.

3.7.7 Checking elector eligibility to vote from certified list records for other declaration voters (absent, pre-poll and postal) currently occurs as part of the scrutiny, not ballot paper issuing, process. To extend a limited “residential qualification” check to include, in addition to provisional voters, pre-poll and absent voters who were not shown on the certified list for a Division for the election would require the following.

- Establishing if the elector was on any certified list. Pre-poll and postal vote issuing officers would need a national set of certified lists for reference. Absent vote issuing officers would need a State set of certified lists for reference.
- Those electors not found during such a check would be subject to a proof of residence test which if not satisfied, would result in the issue of a specific type of declaration vote which would be subject to further checks on residential qualifications during the scrutiny process, and likely very major delays.

3.7.8 The use of on-line data matching in polling places to establish proof of residential qualification is not considered practical. As well as the privacy issues arising from the breadth of on-line access required, there would be immense technical and operational problems and costs in linking polling places to a multitude of data matching sources with limited coverage within particular States or regions - if agreement could be reached to provide such access.

### **3.8 Voter Card Cancellation**

3.8.1 In many countries of the world where voter registration cards are used, a specified procedure is put in place for the punching or marking of registration cards at the time of voting so as to prevent the cards being used in support of a second attempted vote. Such procedures are an alternative to the confiscation of the cards in circumstances where such confiscation is undesirable, for example because it is intended that cards be able to be used over a number of elections. Typically polling booths will be provided with a punch, which places on the cards a particular mark which is distinctive for a particular election.

3.8.2 This procedure was successfully implemented at the recent Cambodian elections. It is an effective obstacle to multiple voting in the same name, provided that the procedures for the issuing of the registration cards are such that it is not possible for a person to obtain more than one such card. However, as was pointed out in paragraph [3.3.4] above, multiple voting in the same name is a phenomenon of marginal importance, and if multiple cards can be obtained, it is possible for a person to obtain a vote for each such card.

### **3.9 Marking of Voters**

3.9.1 The marking of the voters themselves is a very widely used method of preventing multiple voting, particularly in elections in developing countries. It is simple to implement: each voter’s fingers are checked for signs of the mark before he or she is issued with a vote. The ink used may be a visible one, often with a silver nitrate base; or one which is visible only under ultraviolet light. Ultraviolet-visible ink

was used successfully at the elections in Namibia and Cambodia, and is likely to be used at next year's elections in South Africa. Visible ink has been used extensively in Latin America, and was also used at last year's election in Angola.

3.9.2 The use of a visible ink to mark the fingers could be expected to encounter strong resistance from the voter population in Australia. If invisible ink were used, there would be additional costs and inconvenience associated with the need to supply each issuing point with ultraviolet lamps.

3.9.3 The marks made by visible or invisible inks of this type vary in durability; in general they fade within 4 or 5 days. This would limit its effectiveness in preventing multiple voting by pre-poll voters, voters in remote areas covered by mobile polling, and voters at adjourned polling. It should however be effective in preventing a person from casting multiple votes on polling day.

3.9.4 The staffing implications of introducing such a process would be likely to be considerable; experience in countries where ink is used suggests that if staffing is not supplemented, the processing of voters through the polling booths is significantly delayed.

### **3.10 Subdivisional Voting**

3.10.1 In paragraph 6.30 of its First Report, the Joint Select Committee on Electoral Reform recommended that ordinary voting be allowed anywhere within a Division, rather than only anywhere within a subdivision, as was the case at elections up to and including that of 1983. A number of members of the Committee dissented from the recommendation. It was nevertheless accepted by the Government and implemented at the 1984 election. Since then, there have been regular arguments put forward that subdivisional ordinary voting should be restored.

3.10.2 This issue was addressed in detail in paragraphs 31 to 33 of the AEC's October 1988 submission to the Joint Standing Committee on Electoral Matters entitled *Response to Liberal Party Submission of 31 May 1988 (No. 29)*. That submission noted that an underlying principle justifying subdivisional voting is that if the number of electors permitted to attend a polling place is kept sufficiently small, and the electors permitted to vote at the polling place are constrained to come from a particular geographical area, it is likely that impending acts of personation or multiple voting will be noticed and prevented, or at least the offender may be brought to prosecution if an offence has already been committed. It then went on to analyse the relevance of that principle to subdivisional voting.

“31. It has to be asked what is that number of people seen in a day that an average polling official or party scrutineer could be expected either to know by sight already, or to recognise from having seen them once before on that day when they voted earlier. Countries which apply this principle by requiring electors to attend a designated polling place usually set the number between 500 and 1,000, with 750 a common figure. That might be overly cautious. Suppose instead that 2,000 is a reasonable figure, or 5,000, or even 10,000. It is difficult to believe that many polling officials or scrutineers would know 10,000 people by sight, or could remember anything like that number of faces if they were keeping careful watch between 8 am and 6 pm, or even 5,000, but those numbers might be left in consideration for the moment.

32. Table 2 sets out relevant experience in 1983 which was the last general election before the introduction of Division-wide voting. The numbers are

those enrolled for subdivisions of the 4 sizes defined by the figures in the preceding paragraph. Appendix B provides the numbers (but not percentages) Division by Division.

**Table 2**

**Enrolments by subdivision size 1983**

	<b>&lt;2000</b>	<b>2-5000</b>	<b>5-10000</b>	<b>&gt;10000</b>	<b>Total</b>
NSW	34095	556394	2010861	646477	3247827
(%)	(1.05)	(17.13)	(61.91)	(19.90)	
VIC	41790	384072	1021378	1048152	2495392
(%)	(1.67)	(15.39)	(40.93)	(42.00)	
QLD	33298	151247	503188	184729	1472462
(%)	(2.26)	(10.27)	(34.17)	(53.29)	
SA	3303	33530	74926	768696	880455
(%)	(0.38)	(3.81)	(8.51)	(87.31)	
WA	1306	16746	162690	618231	798973
(%)	(0.16)	(2.10)	(20.36)	(77.38)	
TAS	14772	84294	145766	37398	282230
(%)	(5.23)	(29.87)	(51.65)	(13.25)	
ACT	-	-	-	137405	13740
				(100.00)	
NT	1714	49044	6562	-	57320
(%)	(2.99)	(85.56)	(11.45)	-	
AUS	130278	1275327	3925371	4041088	9372064
(%)	(1.39)	(13.61)	(41.88)	(43.12)	

33. Fewer than 1 in 6 electors were located in a subdivision smaller than 5,000 enrolment; more than 2 in 5 were in subdivisions larger than 10,000. Once upon a time, before the Great War and just after they had been introduced to Commonwealth elections, subdivisions may have made dual voting difficult and dangerous for would-be perpetrators of personation and multiple voting. But they have long since blown out to a size which makes them totally unsuitable and ineffective for that purpose."

3.10.3 It is worth noting that the figures on subdivisional sizes set out above in relation to the 1983 election reflected a long-established pattern. At the 1974 election, 78.7% of electors were enrolled for subdivisions with enrolments greater than 5000, and 28.8% were enrolled for subdivisions with enrolments greater than 10000, while at the 1961 election, 67.8% of electors were enrolled for subdivisions with enrolments greater than 5000, and 29.6% of electors were enrolled for subdivisions with enrolments greater than 10000. Prior to 1983, subdivisions were appointed by the Minister, not by the (then) Australian Electoral Office.

### 3.11 Precinct Voting

3.11.1 The suggestion has been put forward that precinct voting, defined as a scheme under which each voter's name appears on one and only one certified list, be introduced. In some cases the suggestion is expressed as one for the "reintroduction" of precinct voting; this appears to flow from a misunderstanding of the arrangements which applied prior to 1983.

3.11.2 There are two distinct arguments advanced in favour of precinct voting.

- The first is that if a voter's name appears on only one certified list, multiple voting in the same name is prevented. However, as was pointed out in paragraph [3.3.4], this is already known to be a phenomenon of marginal importance, rarely undertaken with fraudulent intent, and detectable promptly after an election using current scanning technology.
- The second is that if the number of people entitled to vote at a particular issuing point is kept small, scrutineers or polling officials will have some prospect of detecting attempts at impersonation. As was pointed out in paragraph [3.10.2] above, for such an argument to be valid, precinct sizes would have to be of the order of 500 to 1000 voters at the maximum; and even precincts of 500 voters could well prove ineffective in achieving their objective, since particularly in metropolitan areas it is by no means unusual for people to know by name only their immediate neighbours. Canada, which uses a form of precinct voting, aims to have precincts of around 250 voters.

3.11.3 Several different schemes for precinct voting can be postulated.

- The first would be to increase the number of polling booths, with each polling booth being located within its precinct and taking no more than 600 votes (the current number of votes which a single issuing officer is expected to issue each day). Assuming that those polling booths which currently take less than 600 votes would be unaffected, the number of static polling booths would have to be increased from 7885 (at the 1993 election) to 17,629. Given the need to find suitable premises, this is not considered feasible, particularly in the light of the statement made by the Joint Standing Committee in its Report on the *1990 Federal Election* that "care should be taken by District [sic] Returning Officers to ensure, where possible, that polling places selected facilitate easy access by voters who are elderly, invalid, disabled or pushing strollers". Given that enrolment numbers in the various precincts would be uncertain until several days after the close of the rolls, this scheme would be very difficult to implement in practice, since polling place staffing numbers could not be finalised until after the roll close.
- A second scheme would be to have precincts of around 600 voters, but allow polling booths to be located outside their precinct, and to be co-located. A polling place would consist of separate issuing points for several different precincts. Again, the fact that enrolment numbers in the various precincts would be uncertain until several days after the close of the rolls would make this scheme very difficult to implement in practice, since polling place staffing numbers could not be finalised until after the roll close. Furthermore, in its Report on the *1990 Federal Election*, the Joint Standing Committee noted (at

paragraph 3.2) that “composite polling booths - that is a booth registered as a polling place for two Divisions - are always a problem and can lead to confusion for some voters. Obviously composite polling booths should be kept to a minimum”.

- A third scheme, flagged in a number of submissions to the Joint Standing Committee, would be to have precincts of more than 600 voters, to issue a single certified list to each polling place, and to split the certified list alphabetically. While this scheme would be technically feasible, it would have significant operational disadvantages. First, because of the greater sizes of the precincts, scrutineers would not have the same capacity to scrutinize the voters as under the first or second schemes, and this would probably render irrelevant the second alleged benefit of precinct voting noted in the previous paragraph. Secondly, alphabetically split certified lists were once used at federal elections in Australia, but their use was abandoned on the recommendation of a Report prepared for the Australian Electoral Office in 1974 by management consultants W D Scott & Co. Pty. Ltd. The Scott Report pointed out that significant efficiencies in staffing and operating polling booths could be produced by the introduction of the “bank style” queuing which is the AEC’s current standard. So-called bank style queuing is of course used by the banks (and incidentally by many other institutions, such as the US Immigration Service at Los Angeles International Airport and John F Kennedy International Airport, and by the UK Immigration Service at Heathrow) because it is the most efficient way of handling large numbers of people arriving at a time. Any departure from the use of bank style queuing at polling places would have major implications not only for polling place staffing, but also for the delays which voters would face in casting their votes. In particular, the flexibility in the management of polling booth resources which is an important element of the AEC’s strategy to cope with queuing problems in polling stations at peak hours.

3.11.4 Major problems with all three schemes would be those of devising workable precincts, advising the voters of the precincts in which they were required to vote, and that many voters would be annoyed or inconvenienced - particularly against the background of compulsory voting.

- While it might be thought possible to use Census Collection Districts as precincts, in fact a significant number of Collection Districts have enrolments of over 600, and would have to be manipulated further to enable their use as precincts, unless the certified lists were split alphabetically.
- A greater problem is that many voters simply do not vote at the polling place closest to their residence, but instead vote for example at a polling place near to a major shopping centre or sporting venue which they will be visiting on polling day. Any process of allocating precincts to polling places would therefore involve preventing voters from casting ordinary votes at the polling places at which they would, but for the introduction of precinct voting, have been able so to vote. This would cause voters significant inconvenience.
- It would be necessary to find an effective way to advise voters of the polling stations at which they were required to vote. This would probably require an extensive and expensive advertising campaign, during the election period, which, as was pointed out in paragraph [3.3.6] above, would tend to displace the advertising which the AEC presently conducts at that time. A mailout to each voter advising him or her of the polling place at which he or she was

required to vote would almost inevitably be required. The cost of such a mailout would be of the order of magnitude discussed in paragraph [3.3.5].

- Since the introduction of precinct voting would represent a radical departure not just from current practice, but from the practices which have applied throughout the lifetimes of most current voters, it would inevitably be the case, even if there were extensive advertising accompanied by a mailout, that many voters would go to vote at the wrong polling place. Since most of them would be people who did not know the precinct for which they were enrolled, they would either have to be:
  - told to go to the right polling place (which might be quite some way away), determined by consulting a reference roll;
  - given an internal absent vote; or
  - given a provisional vote.
- If the policy adopted was that of redirecting voters, inevitably some of them would simply abandon their attempt to vote in the face of the inconvenience involved. Those who had left voting until late in the day might be physically unable to get to the correct polling place by the close of the polls. If the policy adopted was to give voters at the wrong polling place an absent or provisional vote, there would be a very large increase in declaration voting, which would slow down the polling process for voters, and delay the finalisation of election results. At the last election at which absent voting applied within Divisions, that of 1983, some 218,886 votes were so cast. that figure however arose on the basis of the subdivisional structure documented in paragraph [3.10.2] above, and could be expected to be much larger if precinct voting were implemented, since precincts would have to be much smaller on average than subdivisions were in 1983.

3.11.5 The proposals which have been put forward for precinct voting in general do not address the question of how it would be combined with mobile polling in remote areas, and in special hospitals. If the intention of precinct voting were to be strictly complied with, it would be necessary to require all mobile polling to use declaration voting.

### **3.12 Declaration Vote Markback**

3.12.1 Under present administrative arrangements, instances where marks have apparently been placed against the same elector's name on more than one certified list recording either ordinary or declaration voters are not detected until after the completion of scrutines. Consolidated reports are produced by the AEC's certified list electronic scanning centres: scanning of certified lists for ordinary voters is completed within two weeks of polling day and those certified lists used to record declaration voters are scanned in the third week after polling day.

3.12.2 A scheme for ensuring that a declaration vote could not be admitted to the scrutiny where an ordinary vote had apparently been cast by the same elector would be to produce a consolidated list of ordinary voters for a Division prior to the commencement of the preliminary scrutines of declaration votes, and to refuse admission to further scrutiny of a declaration vote certificate where the list of ordinary voters indicates that an elector also cast an ordinary vote. A similar operation is carried out for South Australian State elections.



3.12.3 This was proposed by the AEC at the inquiry by the Joint Select Committee on Electoral Reform into *The Operation during the 1984 General Election of the 1983/84 Amendments to the Commonwealth Electoral Act 1918*. That proposal, it should be noted, was put forward in the absence of the detailed information on patterns of multiple voting - of the type set out in paragraphs [3.12.6 and 3.12.7] below - which is now available from the AEC's scanning system. The Committee recommended (Recommendation 96, page 141, Report No 2 of Joint Standing Committee on Electoral Reform, December 1986) that, as an additional precaution against multiple voting:

"... the Electoral Act should be amended to require -

(1) A 'markback' of certified lists to be completed before any declaration votes undergo preliminary scrutiny - it should be a condition of the admissibility of such votes that the ballot papers contained in any declaration envelope shall be admitted for further scrutiny only provided that the check roll (master certified list) was not marked in any way to indicate that ballot paper(s) have already been received from that elector, and

(2) that the declaration votes set aside would only be admitted to scrutiny by direction of the Court of Disputed Returns - on being satisfied that the elector had not in fact voted."

3.12.4 This recommendation was not accepted by the Government. While the numbers of electors established to have cast both an ordinary and declaration vote is small, introduction of ordinary list markback prior to scrutiny of declaration votes would eliminate this small risk - but would introduce the risk that a legitimate declaration vote could be excluded when polling official error has caused that name to be crossed off a certified list, or (much more rarely) when the voter in question has been impersonated by someone casting an ordinary vote in his or her name.

3.12.5 The introduction of the procedure would have some practical effects: it would create pressure on existing AEC scanning facilities and lead to increased scanning operating costs through the need to operate continuous shifts. In the larger States it may lead to the start of declaration vote scrutinies being delayed in those Divisions with a lower priority for scanning from the currently timetabled Monday after polling day to at least the Thursday after polling day. Judgement would also need to be exercised in the admission of declaration certificates to further scrutiny where it was believed that one or more apparent marks against an elector's name on ordinary and declaration vote certified lists were caused by a scanner or polling official error.

3.12.6 Data relating to instances at the 1993 federal election where an elector's name has apparently been marked by a polling official on more than one certified list show a national total of 535 cases where actual multiple voting has been confirmed (0.004% of the total House of Representatives ballot papers counted), of which 92 (0.0007% of the total House of Representatives ballot papers counted) have been regarded *prima facie* as possible intentional attempts to vote more than once and referred to the Australian Federal Police (AFP) for further investigation. A further 96 cases where the AEC has received no response from its investigations have also been referred to AFP. Finally, in New South Wales 5 cases were referred to the AFP without going through preliminary investigative processes. The balance of the cases in the main reflected situations where dual votes were cast as a result of confusion or memory loss on the part of the voter.

3.12.7 Figures on how many of the above confirmed multiple voting cases resulted from the casting of an ordinary and a declaration vote are not currently available. Data relating to apparent multiple markings against an elector's name on certified lists show that only around one quarter of these relate to marks on both ordinary vote and declaration vote lists. This clearly suggests that the phenomenon of multiple voting in the same name using both ordinary and declaration votes is a marginal one, providing no justification at the moment for the cost and inconvenience which would be associated with the conduct of a markback prior to the admission of declaration votes to the scrutiny.

### **3.13 Postal Vote Signatures**

3.13.1 Preliminary scrutiny procedures contained in Schedule 3 of the *Commonwealth Electoral Act 1918* provide in respect of postal vote certificates, amongst other tests, that:

“3....The DRO shall compare the signature of the elector on each postal vote application with the signature on the relevant postal vote certificate and allow the scrutineers to inspect both signatures.

.....

6. An envelope meets the requirements of this paragraph if the DRO is satisfied:

(a) in the case of an envelope purporting to contain a postal ballot paper, other than an envelope sent to an elector under paragraph 186(2)(a) [*refers to physically incapacitated General Postal Voters*], that the signature on the certificate is that of the elector and that the signature purports to be that of an authorised witness;...”

3.13.2 The issue of a postal vote certificate and ballot papers is governed by section 188 of the *Commonwealth Electoral Act 1918*, which states that the DRO or Assistant Returning Officer shall post to an applicant a postal vote certificate and the appropriate ballot papers on receipt of a “properly signed and witnessed” postal vote application.

3.13.3 There is thus no legislative (nor is there any administrative) requirement that establishes that the applicant for a postal vote certificate is the elector whose name appears on the postal vote application - this application need only be “properly signed and witnessed”. While Schedule 3 of the *Commonwealth Electoral Act 1918* specifies that the DRO shall compare the signatures on the postal vote application and matching postal vote certificate, the legislation does not indicate any action to be taken if these signatures do not match (though the AEC's instructions to DROs note that where these signatures do not match, it may be necessary to compare the signature on the postal vote certificate with the signature on the microfilmed or optically-stored record of the elector's last claim for enrolment). The elector identification requirement is that the DRO be “satisfied” that the signature on the postal vote certificate is that of the elector - by what means and to what degree of certainty is not stated.

3.13.4 Comparison of signatures is a difficult task for AEC staff: they are not handwriting experts and even such experts frequently disagree on the source of particular pieces of script. Instructions to staff in the AEC's Divisional Office Procedures - Elections Manual (Part 28 Subpart 1, Section 10 and Attachment A)

instruct DROs to exercise caution in reaching a decision to reject a certificate on the ground of dissimilarity of signatures and advise on common differences in form of signature, and problems likely to arise in comparing signatures of elderly or ill electors.

3.13.5 An alternative scheme for the signature check in relation to postal vote certificates would be amend the *Commonwealth Electoral Act 1918* to require that prior to admission to scrutiny the signature of each postal voter would be checked against the signature appearing on his or her latest claim for enrolment. This could be done in either of the following ways.

- Retaining the existing legislative provisions for issuing of postal vote certificates, but requiring that during preliminary scrutines, the signature on each postal vote certificate be compared against the elector's latest claim for enrolment: where the elector signatures did not match, the certificate would not be admitted to further scrutiny.
- Checking the elector signatures on postal vote applications against the latest claim for enrolment and only issuing postal vote certificate envelopes and appropriate ballot papers where a signature match was established. During preliminary scrutines of postal vote certificates the signature on the postal vote certificate would then be checked against that on the matching application: where the elector signatures did not match, the certificate would not be admitted to further scrutiny.

3.13.6 Another scheme would be to enhance witnessing/referee requirements for either of or both the postal vote application or the postal vote certificate.

3.13.7 The following practical problems would arise with the introduction of checking - at either the postal vote application stage, the preliminary scrutiny stage, or both - of elector signatures against copies of enrolment records held.

- Delays to processing. Though the AEC has recently begun imaging enrolment forms onto optical magneto storage, the majority of enrolment form records are held on microfilm in State Head Offices. Retrieval of records from this microfilm and transmission of these records to Divisional Offices is labour resource intensive and slow. If there were a requirement to check all postal vote applications against enrolment form records prior to issue of a postal vote certificate and ballot papers significant delays in issuing postal vote certificates could occur which would become critical in the week prior to polling day. Such delays would in effect also make overseas postal voting impossible. If the requirement were to check all postal vote certificate signatures against enrolment form records, postal vote scrutines would suffer some delays.
- The quality of imaged enrolment form records. Those records on optical magneto storage have good reproduction quality, but the same cannot be said of records held on microfilm. These range from poor quality - difficult to use for a precise task such as signature comparison - to the illegible, particularly after fax transmission to a Divisional Office.
- The length of time that has elapsed between the lodgement of the elector's last claim for enrolment and the completion of the postal vote application or certificate can encompass significant changes in the elector's handwriting style and signature format.

- Subjecting each postal vote certificate (rather than those assessed as being of greater risk) to an imprecise comparison against enrolment records by staff whose skills are in election operations, not in handwriting analysis. There may be some increased risk that valid votes may be rejected - either at the application or preliminary scrutiny stage.

3.13.8 If all enrolment form records were available on optical magneto storage (which will depend on the rate of re-enrolment of electors whose current enrolment records are on microfilm and/or the availability of suitable technology to transfer these microfilm records to optical magneto storage), and on-line access to these imaged records were available to Divisional Offices, enrolment form signature checks for all postal vote certificates during preliminary scrutiny could be feasible. Such a technological basis would also require an upgrade to graphics capabilities of networked equipment in Divisional Offices.

### **3.14 Other Declaration Vote Signatures**

3.14.1 In the case of pre-poll, absent and provisional votes, Schedule 3 of the *Commonwealth Electoral Act 1918* states:

“6. An envelope meets the requirements of this paragraph if the DRO is satisfied:

(b) in the case of an envelope purporting to contain a pre-poll vote ballot paper, that the certificate has been signed in accordance with section 200E and that the signature purports to be witnessed by the officer who issued the signature;

(c) in the case of an envelope purporting to contain an absent vote ballot paper or a provisional vote ballot paper, that the certificate has been signed in accordance with section 222 or 235 or subsection 234(4), as the case requires, and that the signature purports to be witnessed in accordance with that section or subsection, as the case may be;

.....”

3.14.2 There is no requirement that signatures on these declaration vote certificates be checked to ensure that they match that of the elector purportedly completing the certificate. These certificates are witnessed by polling officials who witness that the elector signing the certificate is the elector to whom the ballot papers and certificate were issued - not that the person claiming the declaration vote is the elector whose name appears on the certificate.

3.14.3 Schemes for checking the validity of signatures on these declaration votes could include the following.

- Comparing signatures on these declaration vote certificates with signatures on the elector’s latest claim for enrolment as part of the preliminary scrutiny process. This would need to overcome the same basic practical difficulties as noted for carrying out similar checks for postal vote certificates, with delays to the scrutiny process compounded by the large total numbers of these declaration votes.

- Making the witnessing provisions on the declaration vote certificate an attested confirmation of the identity/residential address of the elector claiming the declaration vote. This would mean electors would need to have another suitably qualified person with them at the polling place to attest to these details - polling officials could no longer “witness” the declaration as at present. Not only could this cause confusion and lead to voting delays, but because provisional votes mostly arise where the elector finds that he or she is unexpectedly not on the certified list, provisional voters generally would not know beforehand of the need to bring an appropriate referee to the polling place.

### **3.15 Death Deletions**

3.15.1 Prior to the introduction of scannable certified lists, all lists were marked to show where an elector had deceased prior to polling day. This minimised the possibility of someone voting fraudulently using the name of someone known to be dead. This however, is impractical because of the large number of lists now printed for each election, and the long lead times required to print on laser printers, and to transport certified lists to polling places in rural areas. In any case, the number of votes cast against the names of deceased persons is negligible.

3.15.2 Currently, instead of marking electors known to be deceased on each relevant certified list, divisional staff collate information on deaths in their Divisions between close of roll and some time after polling day. This information is then used to mark deceased electors' names on a single special certified list in each Division - List number 350. This certified list is reserved solely for marking the names of electors about whom information has been obtained which would, had it been available before the printing of the certified lists, have led to the deletion of their names from those lists. The marks against electors' names on this List 350 are then scanned and compared with marks against electors' names on lists used for polling. Where there is a multiple mark against an elector's name on List 350 and another list the circumstances are thoroughly investigated.

3.15.3 At the 1993 federal election, under 300 electors were shown as having a mark against their name both on a certified list used for polling and as a result of being marked as deceased on List 350. Of these, investigations showed that the majority had, in fact voted (either at a mobile polling booth, by pre-poll or postal vote, or on polling day) or a date prior to that of their death. Of the remainder, the significant proportion of multiple marks was due to error in either the Divisional Office or a polling place.

3.15.4 Generally investigations showed that the wrong name had been marked on the certified list though in some instances a name had been mistakenly marked on a list due to misinterpretation of, correct procedures: for example some cases investigated showed that polling officials had mistakenly marked an elector's name on a certified list used for voting after being informed at the polling place that an elector was deceased, and therefore would not be voting; a step taken with the apparent aim of preventing the relatives of the deceased elector from being distressed by the receipt of a non-voter's notice. In a very few cases the multiple marks were found to be caused by scanner error or an incorrect report of death.

3.15.5 Of the total cases of multiple marks involving deceased electors marked on List 350 all but 18 were conclusively proven to be the result of an error in marking the certified lists, or to relate to an elector who had died after the date of casting his/her vote. The investigations did not uncover any evidence relating to these remaining 18

cases that would indicate that these were cases of personation: however insufficient documentary evidence was found to prove conclusively that they were the result of error.

3.15.6 Supporting this, in an intensive investigation of returned mail, undertaken by the AEC's Internal Audit Section in one NSW Division, no person identified as having died before polling day at the 1993 election was shown as having had a vote recorded in his or her name.

## **4. INVESTIGATING ELECTORAL FRAUD**

### **4.1 Introduction**

4.1.1 Measures intended to identify transgressions *ex post facto* may take the form of:

- statistical investigations, designed to identify patterns of activity worthy of further investigation, rather than to obtain information relating to particular enrolments; or
- specific investigations of individual enrolments, which may:
  - be an integrated part of all enrolment processing;
  - be a routine quality audit function carried out in different localities at different times of the electoral cycle; or
  - be triggered by significant events, such as the close of rolls for an election, the achievement of particular levels of returned unclaimed mail, specific information obtained in reports from the AEC's RMANS system, or information received from other official sources or the public.

### **4.2 Analysis of Enrolment and Voting Statistics**

4.2.1 Statistical analysis of enrolment volumes, trends and types is capable of being used as a first-line filter for directing post-enrolment investigative resources to areas of higher priority. Alternatively it can act as a stand-alone quality monitoring system, with verification of individual electors' enrolments occurring only for classes/areas where abnormal patterns are highlighted by the statistical analysis. Such statistical analysis could:

- cover all Divisions or target particular Divisions; or
- compare results from marginal Divisions, with those from non-marginal Divisions,

and could include Divisional statistics on:

- net enrolment movements;
- "new" electors, defined in various ways (18 year olds, over 18 year olds; electors never before enrolled, electors re-establishing enrolment etc.);
- electors transferring enrolment - between Commonwealth Divisions; between State districts; within the same Commonwealth Division/State district;
- re-established enrolments, categorised by the number or times electors have re-established enrolment, and Division removed from and re-enrolled for;
- numbers of electors at individual dwellings;
- numbers of different family names of persons enrolled at individual dwellings;

- addresses appearing for the first time;
- reinstatements to the roll as a result of declaration voting; and/or
- numbers of electors in special enrolment categories, particularly those where the elector's enrolled address need not be the elector's residential address.

Similar statistics are already gathered in various formats as part of AEC Internal Audit and Research activities.

4.2.3 Following the March 1993 election, the AEC analysed enrolment transactions in the two weeks prior to close of rolls, following claims that there had been unusually heavy enrolment activity in marginal Divisions prior to the close of rolls. Examination of "new" electors enrolled during this period showed the following.

- Regardless of the definition of "new elector" adopted (including/excluding transfers from other Divisions; including/excluding re-enrolments; including/excluding 18 year olds), in both absolute numbers and as a proportion of total enrolment at close of rolls, "new" enrolment overall was higher during this period in non-marginal Divisions.
- This lesser enrolment activity in marginal Divisions was more pronounced when the definition of "new" enrolment was restricted to apparently higher risk categories - for example electors over 18 years old who had not been previously enrolled.
- The number of Divisions in which "new" enrolments were higher than the average for "new" enrolments in non-marginal Divisions in the same State was less than would be expected from a normal distribution.
- In those marginal Divisions whose "new" enrolments in this period were higher than the average for non-marginal Divisions in the same State, this excess over the average for the non-marginal control group of Divisions was in no case greater than the relevant marginal Division's two-party-preferred vote margin.
- Reliable analysis of inter-Divisional transfers comparing transfers to marginal with those to non-marginal Divisions has proven difficult due the "neighbouring Division" effect.

4.2.4 Similar statistical analysis of key indicators could be undertaken in respect to voting patterns. The AEC already undertakes investigation of multiple marks against electors' names promptly after close of polling. Results of these investigations with respect to identified multiple voters and comparison of voters to lists of deceased electors are referred to earlier in this submission.

4.2.5 This analysis might be extended to other significant voting indicators, which could include comparison within Divisions, and between similar Divisions, of:

- levels of absent/pre-poll/postal voting and any patterns in polling places in which absent votes for a Division are cast; or
- the partisan breakup of the two-party-preferred vote from absent/pre-poll/postal votes in relation to that from ordinary voters resident in the same locality.



4.2.6 Where statistical analysis revealed anomalies, individual elector investigations might be undertaken.

### **4.3 Analysis of Enrolment Activity**

4.3.1 A number of possibilities exist for checks on claims of enrolment after an elector's enrolment form has been accepted and processed.

#### *Comprehensive post-enrolment validity checks on individual enrolments*

4.3.2 Comprehensive post-enrolment checks of individual electors would encounter similar difficulties concerning provision and verification of identification and authentication of address to those discussed earlier in this submission in relation to pre-enrolment checks of identity and address. In practice the distinction between applying checks before or after enrolment would be of practical significance only in periods immediately preceding an election. The dilemmas associated with attempting to apply identification checks in such periods are spelt out [at part 2.9] above.

#### *Targetted post-enrolment checks*

4.3.3 If allied to a system of statistical analysis identifying anomalies in enrolment patterns, verification procedures could be confined to particular areas or types of enrolment, thus causing less widespread inconvenience overall than comprehensive checking of all enrolments. Alternatively full individual verification checks could be conducted on samples of electors and extended to all electors in particular areas, of a particular type, or enrolling in particular time periods, if results of sample checks did not meet defined standards.

4.3.4 As with checks applied prior to enrolment, post enrolment verification procedures could be separately tailored for electors who had never previously enrolled, electors re-establishing a discontinuous enrolment, electors transferring enrolment, or electors remaining on the roll without alteration to details. They could also be targetted to particular identified residences, for example those for which a new enrolment was received for a person with a family name different to that of the existing enrolled residents, or where residents with a number of different family names were already enrolled. Post-enrolment verification procedures could be thus duplicating, with possibly a different degree of intensity, the current coverage of the AEC's Electoral Roll Reviews, or could be limited to new enrollees only.

#### *Checks occasioned by a close of rolls*

4.3.5 At the last two federal elections (1990 and 1993) the AEC has analysed enrolment activity during the close of rolls period; results of these investigations are briefly referred to at paragraphs [4.2.3 and 4.3.10]. The AEC, of course, does not only have responsibility for maintaining electoral rolls for the Commonwealth. If Commonwealth events such as close of rolls were to be used as stimuli for intensified enrolment validity checking, then States might well seek to have similar State occurrences treated similarly.

#### *Checks stimulated by mail returned unclaimed*

4.3.6 The AEC already maintains quality control through analysis of mail returned unclaimed. Official AEC mail returned unclaimed will result in objection action being initiated by the AEC. There exists the possibility of requiring thorough investigation of all mail returned unclaimed from mailings by all, or particular, external bodies using

electoral roll data. This could be in relation to all mailings, or to mailings at specific times - for example in the election period.

4.3.7 Significantly, analysis of mail returned from non-AEC mailings shows that much of this returned mail is the result of old address data being used for the mailing. In the one major analysis the AEC has undertaken of mail returned unclaimed from a pre-1993 election political party mailing, end-of-December 1992 roll data were used for a March 1993 mailing. Of 1035 letters returned, 25% were addressed to electors whom the AEC had removed from the roll by the time of the mailing. Only a very small proportion (around 5%) were returned "not known at this address". Some mail was obviously returned because the recipients did not like the message, rather than because the recipient did not exist. Due to the age of the roll data used for this mailing, this returned mail was not relevant to close of roll enrolment activity. As information on returned mail from external sources cannot be acted on with confidence, corroborating information that an elector is no longer at an enrolled address is generally required before action in respect of the enrolment is taken.

4.3.8 It is always open, of course, for those organisations who believe that mail returned unclaimed to them indicates that electors are no longer at enrolled addresses to institute objection action against these electors themselves, as provided for in subsection 114(1) of the *Commonwealth Electoral Act 1918*. Despite indications from certain organisations that mail returned unclaimed from their mailings indicates that electors are wrongly enrolled, there has been a dearth of such private objection action.

*Checking of all newly-enrolled electors, or all newly enrolled electors in particular categories*

4.3.9 Post enrolment checks of new enrolments could be totally comprehensive, or limited to classes of enrolments assessed as being at greater risk of being subject to fraud: older electors who have never been previously enrolled; enrolments in marginal Divisions; or enrolments during particular time periods.

4.3.10 The AEC has undertaken one intensive study of all new enrollees during a particular time period in particular Divisions: following the 1990 federal election, all new enrolments in six marginal Divisions in the two months prior to close of rolls for the election were investigated. The report of this investigation was forwarded to the Joint Standing Committee on Electoral Matters in February 1991. Briefly, results of this investigation showed that:

- of the 23,240 new electors investigated, there were 72 cases (0.3%) where the elector had apparently wrongfully, though not necessarily fraudulently, enrolled; and
- these 72 cases represented around 0.02% of enrolment for the election in these Divisions.

*Sample checking of newly enrolled electors*

4.3.11 Under this scheme a sample of enrolment forms processed would be selected at random on a daily basis in every AEC office in some predetermined ratio to total enrolment claims received. The identity and address of each elector in the sample would then be investigated. Verification could be at varying levels, depending on the level of assurance required from the validity checking. At their lowest level, sample checking could be implemented by telephone contact with the elector to confirm

identity, eligibility and address; by similar confirmation being requested by telephone from the witness; or by writing to the elector and/or witness and requesting a confirmatory declaration of the statement on the enrolment form.

4.3.12 Such checks have the advantage of being of a relatively low resource intensity, but ultimately have no greater evidentiary value than the signed and witnessed declaration completed by the elector on the enrolment form

4.3.13 Higher intensity post-enrolment sample checks could be carried out by personal visit to the elector's residence by an AEC staff member. For this to be worthwhile the elector would have to be required to produce suitable identification and proof of address material: relevant documents have been discussed in the earlier proof of identity and proof of address sections of this submission. Such a scheme would need substantial additional resources for field staff.

4.3.15 A less human resource intensive scheme would be to check a sample of newly enrolled electors against external data base records - utility connections, local council data, etc., and to check by personal visit those newly enrolled electors whose names do not appear on the external database records. As discussed earlier in this submission, using such external databases for verification gives rise to a margin for error (and hence unnecessary follow-up action) proportionate to the divergence from enrolment qualifications of the entry criteria to the external database, and there are privacy implications

## 5. CONCLUSION

5.1 The issues dealt with in this submission are not new ones: allegations of the possibility of fraudulent interference with Australia's electoral arrangements have regularly been put before Parliamentary Committees for many years.

- The Senate Select Committee on General Elections, 1913, noted in its Report that "There were many sensational statements made that double voting and impersonation had been extensively practised during the last Commonwealth election, but no evidence was given to substantiate them".
- In its 1983 First Report, the Joint Select Committee on Electoral Reform stated (at paragraph 6.30) that in considering the introduction of Division-wide ordinary voting it "gave close consideration to ... [the] proposal, particularly in view of the potential it might provide for electoral fraud in the way of multiple voting"; ultimately however it found the increase in convenience to the voters of Division-wide ordinary voting to be compelling. Two members of the Committee, Senator the Honourable Sir John Carrick, and the Honourable Ralph Hunt MP, dissented from the recommendation.
- In its Report No. 2 of December 1986 on *The Operation during the 1984 Election of the 1983/84 Amendments to Commonwealth Electoral Legislation*, the Joint Select Committee looked again at the issue of Division-wide ordinary voting, and stated (at paragraph 6.67) that while "there were fears expressed by some prior to the election that ordinary voting across Divisions could lead to an increase in dual voting ... these fears, however, were unfounded". It is noticeable that on this occasion Senator the Honourable Sir John Carrick did not dissent from the Committee's finding; the Honourable Ralph Hunt MP was no longer a member of the Committee.
- In its Report No. 3 of May 1989 on *The 1987 Federal Election*, the Joint Standing Committee on Electoral Matters devoted an entire chapter to the issue of electoral fraud. It rejected on various grounds a number of the measures referred to earlier in this submission; Senator Short, Mr Cobb MP and Dr Wooldridge MP dissented from the Committee's decision not to recommend the introduction of locality voting. The Committee also noted (at paragraph 6.75) that "While allegations of electoral fraud are at times rife they are infrequently supported by facts and in its Inquiry the Committee has been presented with allegations supported by nothing more than anecdotal evidence".
- In its Report entitled *1990 Federal Election*, the Joint Standing Committee noted (at paragraph 6.55) that: "The Committee did not receive any factual data to support the allegations of widespread multiple voting. In the absence of such evidence the Committee can only conclude that overall the incidence of multiple voting at the 1990 election remained low". The Committee also found allegations of widespread voting in the names of dead people in the Division of Richmond to be unsupported by the evidence presented to the Committee.

5.2 The AEC notes that in the submissions to the Joint Standing Committee's current Inquiry, those allegations of electoral fraud which have been made follow the historical pattern of being unsupported by evidence which can be substantiated.

5.3 While some of the measures discussed in this submission might reduce to some extent such potential as exists for electoral fraud, they would at the same time:

- place a significant burden of inconvenience on electors; and/or
- give rise to major administrative costs; and/or
- delay the finalisation of election results.

5.4 Some of the measures discussed in this submission would also tend disproportionately to affect underprivileged or marginal members of society. The burden of inconvenience on voters could well serve to reduce the high level of voluntary compliance with compulsory enrolment and voting which has largely been forthcoming in Australia. Both of these factors would tend to diminish rather than enhance the legitimacy of Australian election processes.

5.5 In the light of their demonstrated disadvantages, and in the absence of any evidence that they are required, the AEC does not at this time support the introduction, for the purpose of eliminating the potential for fraud, of any substantial changes to enrolment or voting procedures.

**AUSTRALIAN ELECTORAL COMMISSION**

**SUBMISSION TO  
THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS  
INQUIRY INTO  
THE CONDUCT OF THE 1996 FEDERAL ELECTION**

**No 98 of 23 October 1996**

# **ENROLMENT AND VOTER IDENTIFICATION**

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## 1. PREAMBLE

1.1 This supplementary submission by the Australian Electoral Commission (AEC) is presented to the Joint Standing Committee on Electoral Matters (JSCEM) in response to its "Inquiry into the 1996 Federal Election", as advertised on Saturday 22 June 1996 in all major national newspapers. The submission is supplementary to the major AEC submission entitled "The Conduct of the 1996 Federal Election", presented to the JSCEM on 29 July 1996 (submission No 30). The submission should be read in conjunction with the AEC report on enrolment and voter identification to the previous JSCEM, submission No 5 of 10 November 1993, entitled "Practical Implications of Various Measures Relating to the Integrity of the Electoral Process".

1.2 In preparing this submission the AEC consulted a number of Commonwealth Departments and Agencies, private companies, and international organisations in the United Kingdom, United States of America, Canada and Sweden, in order to obtain advice on the most recent world-wide policy and operational developments relating to enrolment and voter identification. The AEC acknowledges with gratitude the assistance and advice provided by these organisations.

1.3 After a detailed and objective analysis of the various options for enrolment and voter identification that might be most relevant to Australian conditions, the AEC concludes the following:

(a) Thorough feasibility studies would have to precede the implementation of any substantial changes to current arrangements. The AEC is also taking it as axiomatic that any scheme implemented should enable voters to enrol and vote at no cost and minimum inconvenience.

(b) An upgrading of the witnessing of the electoral enrolment form into a proof of identity declaration (POID) is possible, provided that the class of eligible witnesses was sufficiently wide to ensure that no person qualified to vote could be expected to face difficulties in finding a witness.

(c) There is merit in the expansion of matching personal elector data with external databases, provided that the relevant technical and statutory issues can be resolved.

(d) In the light of the need to ensure that the polling proceeds smoothly, the only form of proof to be considered for production at the polling place should be proof of identity.

(e) If a scheme for the use of voter identity cards were introduced, consideration could be given to the marking of such cards during the polling to discourage multiple voting.

(f) The AEC does not support the introduction of precinct voting, because it will increase queuing time at polling places, will delay the finalisation of election results, and is unlikely to be effective in preventing personation.

## **2. INTRODUCTION**

### **2.1 Scope of the Submission**

2.1.1 This submission considers measures to ensure that only eligible persons enrol and vote; that they do so for the correct electoral Division; and that no person votes more than once in any election. Under section 93(1) of the Commonwealth Electoral Act 1918 (CEA), anyone is eligible to enrol and vote who is eighteen years of age or more, and is an Australian citizen (or a British subject who was on the roll as of 25 January 1984).

2.1.2 However, under section 93(8) of the CEA, a person is not eligible to enrol or vote if he or she: because of unsound mind, is incapable of understanding the nature and significance of enrolment and voting; or has been convicted and is under sentence for an offence punishable under Commonwealth, State or Territory law by imprisonment for five years or longer; or has been convicted of treason or treachery and has not been pardoned.

2.1.3 Furthermore, although there are special provisions for categories of electors such as itinerant electors and eligible overseas electors, electors are generally only eligible to enrol and vote in respect of the electoral Division in which they have resided for at least one month.

2.1.4 In respect of eligibility to enrol and vote, this submission only considers measures relating to proof of the identity, age, citizenship, and residence, of potential electors and voters. (The term “elector” is used to refer to persons who are on the electoral roll, and the term “voter” to refer to an elector who casts a vote.) Measures relating to proof of identity, age, citizenship and residence are referred to collectively as proof of eligibility measures. This submission does not consider measures relating to proof that potential electors and voters are not subject to the disqualifications set out above.

2.1.5 Proof of eligibility measures can be classified according to whether they prevent transgressions from occurring (preventive measures), or whether they identify situations in which transgressions have or may have occurred already. This submission only considers preventive measures.

2.1.6 After an introductory discussion of general issues of proof of identity, the submission examines enrolment identification, including proof of the identity, age, citizenship, and residence, of applicants. The submission then considers voter identification, ie proof of the identity of voters. Finally, the submission considers multiple voting, the primary reason for any consideration of voter and enrolment identification.

2.1.7 If any of the proof of eligibility measures discussed in this submission were to be adopted, then depending on the precise scheme adopted, supporting measures such as the following might be required:

(a) an appeal process in relation to decisions on proof of eligibility at enrolment and voting, which could involve, for example:

(i) for decisions on enrolment - an internal review of the type currently prescribed in Part X of the CEA, followed by review by the Administrative Appeals Tribunal (AAT); and

(ii) for decisions on voting, where such decisions can be shown to have potentially affected the result of an election - an appeal to the Court of Disputed Returns;

(b) measures to identify transgressions after the event, such as statistical investigations to identify patterns of activity worthy of further investigation, and specific investigations of individual enrolments; and

(c) maintenance of an AEC operating environment in which proof of eligibility measures would be able to be implemented effectively, and which would have to involve:

(i) provision of adequate resources to comply with required procedures;

(ii) staff training (for example in document recognition); and

(iii) design of appropriate administrative procedures (such as providing supervisory support to counter-staff in dealing with difficult situations).

2.1.8 The implementation of any proof of eligibility scheme would have significant resource implications. While attempts have been made in this submission to provide some indicative figures based on actual or estimated costs for similar situations, the refinement of such costings could only be done properly as part of a thorough feasibility study. The AEC recommends that such a comprehensive feasibility study should precede any attempt to implement any specific scheme.

2.1.9 It should also be noted that the AEC is currently engaged in the "AEC 2000" project, under which the AEC is considering, at the request of the Government, options for the regionalisation of service delivery. The introduction of a major new activity such as administering a proof of eligibility scheme, would necessarily have consequences for the "AEC 2000" project.

## **2.2 Methods for Proof of Identity**

2.2.1 "Proof of identity" of a person is used in this submission to mean proof that the identity claimed by the person is real and exists in the community, and is one to which the person can make a rightful claim. (Compare with Health Insurance Commission (HIC), "Planning Report on the Establishment and Administration of a National Identification System" 1986, p 150.)

2.2.2 Proof of identity is distinct from proving that a person has certain claimed attributes (for example citizenship, age, residency). Although documentary evidence relating to citizenship (such as birth certificates, citizenship certificates or passports), age (such as birth certificates, citizenship certificates or passports) and residence (such as rates notices, mortgage papers, Land Titles Office (LTO) records, recent bank account statements, or records of a public utility), may all be used to prove identity, the processes are distinct, both as concepts, and also in terms of what is required for proof.

2.2.3 Proof of identity can be established in a number of ways, which can be used individually or in combination. These are described here, for ease of reference, as Methods A, B and C.

2.2.4 **Method A** involves requiring the person whose identity is in issue to produce something to the organisation seeking proof of identity, which could be any or all of:

(a) something that the person knows (for example personal information about himself or herself, a personal identification number (PIN), or a password);

(b) something that the person has (for example a card or a token);

(c) a physical feature which can be recognised biometrically (for example hand geometry, a thumb/fingerprint, veins in the back of the hand, voice, signature, or features identifiable by iris and retina scans, facial thermographs, or facial recognition techniques).

2.2.5 **Method B** involves obtaining a declaration from an individual that the person to be identified is who he or she claims to be, that is, a proof of identity declaration, or "POID".

2.2.6 **Method C** involves accepting the assessment of another agency or service provider that the person to be identified is who he or she claims to be. This differs from data-matching with another database to verify the evidence produced by the person to be identified under Method A, in that under Method C the confirmation of identity from the other agency or service provider is required for identification.

2.2.7 Using Method A the organisation seeking proof of identity makes an assessment on evidence provided by the person to be identified. Using Methods B and C the organisation seeking proof of identity makes an assessment which defers to someone else's opinion: in the case of Method B this someone else is an individual; in the case of Method C it is an agency or service provider (which usually would be chosen because it has already carried out its own check using Method A).

### 2.3 Joint Roll Arrangements

2.3.1 This submission considers proof of eligibility measures only in relation to federal elections. The Commonwealth Electoral Roll, however, is used not only for federal elections, but also for State, Territory, and local government elections, jury selection, and medical research and screening. Changes to enrolment procedures may affect these other uses of the electoral roll. Changes to enrolment procedures would, of course, involve legislative change to federal, and possibly State and Territory, law.

2.3.2 There are currently Joint Roll Arrangements in place between the Commonwealth and all States and Territories. Under these arrangements the States and Territories contribute to the cost of roll management. The Commonwealth, States and Territories are all represented in the Australian Joint Roll Council (AJRC), which oversees the maintenance of the roll, which is essentially a nationwide collection of joint federal/State/Territory rolls. In respect of the joint rolls, the AEC reiterates its statement to the previous JSCEM at page 2 in its submission No 5 of 10 November 1993, entitled "Practical Implications of Various Measures Relating to the Integrity of the Electoral Process", that:

Any significant changes to enrolment procedures would have profound effects on the management of the joint rolls. This Submission does not

seek to identify how those effects could best be dealt with, since that would depend very much on the attitudes of the States and Territories.

2.3.3 Many other Commonwealth and State agencies also rely on the rolls for a range of purposes and effects on them may also need to be considered.

### **3. ENROLMENT IDENTIFICATION - GENERAL**

#### **3.1 Introduction**

3.1.1 This chapter deals with the following framework issues in relation to proof of eligibility:

(a) the extent to which it is possible to identify international “good practices” which could illuminate the policy discussion in Australia;

(b) privacy principles of which policy makers need to be aware;

(c) whether enrolment identification should be prospective only, or should involve “cleansing”; and

(d) two alternatives to the current enrolment system: the systems used in the UK and Canada.

#### **3.2 International Good Practices**

3.2.1 Consideration of policy in the area of enrolment identification can be illuminated by the approaches adopted in countries other than Australia. The AEC regularly compares its own practices against those used overseas, so that it can improve its own performance in the administration of Australian federal elections. In this international context, however, the following has been recently identified to the AEC by the Stockholm-based International Institute for Democracy and Electoral Assistance (International IDEA), of which Australia is a founding member:

IDEA is finding that it is impossible to state what the international “best” practice might be for any particular type of electoral process. What would be considered “best” in one cultural context may be totally unacceptable in another. It is possible, however, to identify a number of good practices with regard to each type of electoral process.

3.2.2 International IDEA considers that some form of scrutiny is necessary in an electoral registration process for that process to have integrity and public confidence. Such forms of scrutiny may include public scrutiny of electoral rolls with opportunity for objections to particular enrolments; a requirement for various proofs of identity to be produced by registrants; the presence of appointees of political parties as scrutineers in the registration process or as registration agents themselves; and severe penalties for fraudulent voter registration activities. These procedures reflect a diversity of political cultures, and the best practice of any of such forms of scrutiny may not be immediately applicable to Australia.

3.2.3 International IDEA also observes that whichever form of scrutiny is chosen, the maintenance of a fully traceable audit trail for all applications for enrolment/registration is a “good practice” that helps resolve disputes if and when they occur. With respect to audit trails, the AEC operates under systematic procedures which allow its work to be checked. The AEC also maintains an Internal Audit Section, which, among other things, has previously carried out detailed studies on enrolment patterns for the JSCEM, in the context of alleged fraudulent enrolment and voting.

### **3.3 Privacy Principles**

3.3.1 Any process like enrolment which involves the collection and retention of large volumes of personal information inevitably gives rise to issues of privacy. As the Privacy Commissioner has noted in his Forward to the most recent Federal Privacy Handbook:

Infringements of privacy fall, broadly, into two areas: one relates to unwanted intrusion into an individual's private life or activities; the other relates to the gathering, processing and dissemination of information about the individual.

3.3.2 A proof of eligibility scheme in relation to enrolment and voting would raise issues in both these areas. Particular issues in relation to the processing of data are considered in the discussion of data-matching later in this submission.

3.3.3 This part of the submission addresses principles of protection of privacy which apply generally in respect of personal information. These principles apply in relation to information collected for proof of eligibility at both the enrolment and voting stages. The topic is addressed at this point because there is usually more emphasis on collection of information at the enrolment stage than at the polling place. The discussion draws on advice from the Attorney-General's Department to the AEC on proof of eligibility policy.

3.3.4 The principal guides in relation to privacy protection are in Article 17 of the "International Covenant on Civil and Political Rights" (ICCPR), to which Australia is a party, and the Information Privacy Principles (IPPs) of the Privacy Act 1988. Article 17 of the ICCPR provides that:

17(1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

(2) Everyone has the right to the protection of the law against such interference or attacks.

3.3.5 The IPPs are standards for the collection, storage, use and disclosure of personal information by Commonwealth Departments and Agencies, including the AEC. The IPPs are set out in section 14 of the Privacy Act 1988, and are attached to this submission as Appendix A.

3.3.6 The right to privacy is a human right, but this right is not unqualified. To comply with Article 17 of the ICCPR any interference must be lawful and not be an "arbitrary interference" with the right to privacy. Assuming that a proof of eligibility scheme was validly legislated for, such a scheme would be "lawful" under Article 17.

3.3.7 Consideration would have to be given, however, as to whether a proof of eligibility scheme might constitute "arbitrary interference" with privacy. The UN Human Rights Committee has noted that "the concept of arbitrariness is intended to guarantee that even interference provided for by law should be in accordance with the provisions, aims and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances". To decide whether proof of eligibility measures constitute arbitrary interference involves asking a number of questions

such as “what are the legitimate aims of the measures?” and “what evidence is there of fraud and what is the magnitude of the problem?”.

3.3.8 This is not to say that proof of eligibility measures could not be introduced, but that, to comply with Article 17 of the ICCPR, they need to be proportionate and reasonable to the problem being addressed, and necessary in the circumstances. Therefore, if there is no evidence, or weak evidence, of fraud being a significant occurrence then there will be a serious question as to whether the introduction of any measures which have a particular impact on individuals’ privacy could be viewed as “reasonable in the circumstances” and consistent with the obligations Australia has assumed under the ICCPR.

3.3.9 Furthermore, in respect of proof of age, as the entitlement to vote is dependent on being eighteen years of age (rather than on being born at any particular date), then there might be concerns about whether insisting that people, who are clearly over eighteen, provide proof of age would constitute arbitrary interference.

3.3.10 An important general point in relation to proof of eligibility is that measures which require production of existing identification are less likely to constitute arbitrary interference than new procedures, such as biometrics. The use of established procedures for identification generally will have less impact on an individual’s privacy and are therefore easier to justify in terms of Article 17.

3.3.11 In relation to the implementation of a proof of eligibility scheme, the AEC would have to operate in accordance with the Privacy Act 1988, including the IPPs. IPPs which are of particular importance in this regard include the following: IPP 3 (solicitation of personal information generally); IPP 7 (alteration of records containing personal information); IPP 10 (limits on use of personal information); and IPP 11 (limits on disclosure of personal information).

## **3.4 Roll Cleansing**

3.4.1 A threshold issue for implementation of any proof of eligibility scheme is whether it should operate only for new enrolment applicants, that is, prospectively; or whether all persons who are already enrolled should also be subject to proof of eligibility requirements. The latter option would require some form of “roll cleansing”.

3.4.2 The New South Wales Parliament considered a complete roll cleansing when debating the Parliamentary Electorates and Elections Amendment (Enrolment and Voting) Bill in 1995. The Bill was introduced by Mr Fraser MLA (Coffs Harbour, National Party), and reintroduced as the Parliamentary Electorates and Elections Amendment (Voter Identification) Bill 1995 on 18 April 1996. (Both Bills are referred to here as “the Bill”.) The Bill sought to amend the Parliamentary Electorates And Elections Act 1912 (NSW) to provide, in respect of NSW State elections, for the mandatory re-enrolment of all voters in NSW, and to require voters to prove their identity both at enrolment and voting.

3.4.3 The Bill provided that a person wishing to enrol must produce an identification reference (a Proof of Identity Declaration, or POID) from an acceptable referee. An acceptable referee was defined as a person belonging to a class of persons approved as acceptable referees under section 3 of the Commonwealth’s Financial Transaction Reports Act 1988, and eligible to be enrolled for NSW State elections.



3.4.4 The Bill also provided that new electoral rolls would be prepared for every NSW electoral District. Every person entitled to vote would be required to make a claim for re-enrolment. A person would not be enrolled to vote unless he or she had produced an identification reference.

3.4.5 There were several concerns raised in NSW parliamentary debate over the Bill. Firstly, the cost of implementation of the scheme was expected to be high. Secondly, the penalty provision for a referee who knowingly or recklessly made a false statement in an identification reference, although arguably necessary to make the proof of identity scheme work, was questioned as discouraging potential referees. Thirdly, there was concern about the effect on electoral participation.

3.4.6 If the Bill had been passed, then major joint roll implications would have arisen. Such implications are a mirror image of what would happen if the Commonwealth were to cleanse its electoral roll unilaterally. The proposal to require new rolls to be prepared, and for every elector in NSW to re-enrol, would have raised questions as to cost bearing between NSW and the Commonwealth. Furthermore, without identical federal and NSW enrolment requirements, the federal and NSW electoral rolls would have begun to diverge. This would have caused confusion and resentment for persons who remained enrolled for federal elections, but had not re-enrolled for NSW State elections.

3.4.7 Given that current total enrolment is approximately 11.89 million electors, the cost of a full roll cleansing would clearly be high, and give rise to large scale "start-up" implementation issues. While the exact costs would depend on the precise scheme adopted, it is possible to arrive at some indicative figures by reference to costings which have been prepared for comparable exercises. If cleansing were undertaken within a short time-frame, using a door-to-door enumeration process, costs could be expected to be at least as much as for the field work at the recent population census: a minimum of \$45 million.

3.4.8 Another approach might be to build on the detailed proposals for the Australia Card which were prepared by the HIC in 1986 in its "Planning Report on the Establishment and Administration of a National Identification System". Although the Australia Card would have been issued more widely than just to electors, by including, for example, eligible children and foreign nationals legally in Australia, the Australia Card Program is nevertheless informative in relation to a large-scale proof of eligibility scheme.

3.4.9 The HIC estimated that, during the postulated 27 month implementation period for the Australia Card, the total cost would be \$193.76 million, from which could be deducted the \$33.26 million estimated for card production and despatch, to give a figure for rough comparison of \$160.5 million, at August 1985 prices - which is in excess of \$220 million in 1996 terms. The salary cost alone for processing centres, at which staff would be receiving, processing and querying applications for Australia Cards, was estimated at \$48.79 million (at August 1985 prices).

3.4.10 An approach similar to that proposed in the NSW Bill could be expected to give rise at the federal level to substantial processing costs. If it is assumed that the average increase in processing time for an electoral enrolment form would be 10 minutes - a conservative assumption given the need to check all elements of the reference and perhaps make phone contact with the referee - this would, on the basis of the 11.89 million enrollees for the period 1995-96, give rise to 1,981,667 hours of work nationwide, costing \$28,079,825 at the current casual assistance rate of \$14.1698 per hour. If phone calls to referees were required, the cost would be a

minimum of \$2,972,500 at the local call rate of \$0.25, but the actual cost would be higher, because of the need to make STD calls in large Divisions, and because some referees would give mobile phone numbers. When other costs, such as accommodation for additional staff, stationery, etc, are taken into account, the processing cost would be well over \$30 million.

3.4.11 In the light of the very substantial costs which would be associated with a full cleansing of the federal roll, and in the absence of substantial evidence that the current electoral roll is fundamentally flawed, the incurring of such costs would not be justified, particularly when the implementation of prospective enrolment identification measures would, over the passage of time, eventually apply measures to all persons on the roll.

### **3.5 Alternatives to a Continuous Roll**

3.5.1 Instead of having a continuously maintained and automated register of electors, such as the Commonwealth Electoral Roll, a different approach could be adopted. This submission considers two such enrolment alternatives: an annual compilation of a register of electors, such as is undertaken in the United Kingdom (UK); and the compilation of a register of electors by enumeration after the announcement of an election, such as is undertaken in Canada.

3.5.2 It should be recognised that because the UK and Canadian approaches do not involve the continuous maintenance of electoral rolls, they do not have the capacity to provide to political parties, parliamentarians, Government Departments and Agencies, and other users of the electoral roll, the sort of up-to-date information on the movements of individual electors that is currently provided from the continuously maintained roll in Australia. Adoption of either the UK or Canadian enrolment alternative would necessarily diminish the high levels of personal service from politicians that their constituents have come to expect.

3.5.3 This is particularly pertinent given the high level of population mobility in Australia. In 1994-1995, for example, electors notified 1,507,842 transfers of enrolment, comprising 680,585 transfers of enrolment within Divisions; 709,188 intrastate moves between Divisions; and 118,069 interstate transfers (AEC Annual Report 1994-1995 (1995), p 11).

3.5.4 In this context, the AEC notes that in their submissions and evidence to this JSCEM, both the Australian Labor Party and the Liberal Party, far from indicating a desire to abandon the receipt of up-to-date elector information from the AEC, have expressed an interest in obtaining an even wider range of elector information for constituency purposes.

### **3.6 Annual Register of Electors**

3.6.1 A radical approach to the establishment of an electoral roll, which would require a rethinking of the concept of roll "accuracy" which has tended to predominate in Australia, would be to adopt the approach used in the UK, of an annual compilation of the register of electors. While the UK electoral register might have a "continuous" existence, it is not continuously updated. Instead, a new register is systematically compiled at the same time each year, and at the end of the compilation process, and only then, the new register supersedes the one previously compiled.

3.6.2 In the UK, Electoral Registration Officers (EROs), appointed by local government authorities, are required to conduct a canvass of all households within their registration area to ascertain who may be eligible to register as an elector. Eligibility is based on age, citizenship and residence on a prescribed date. The application form for registration must be completed by the householder, and includes a declaration that the particulars given in the form are true and accurate to the best of the householder's knowledge. No further proof of identity or witnessing of the householders' signature is required. While registration in the UK is compulsory and failure to complete and return the registration form is punishable by a fine, EROs rarely prosecute non-compliance.

3.6.3 The UK Home Affairs Select Committee's Fourth Report, published on 2 July 1996, which examined the introduction of an identity card in the UK, considered, among other things, the role of an identity card for electoral purposes. Home Office Ministers are still considering the implications of the Select Committee Report, but the AEC has been advised however that there are no plans to amend electoral legislation to require the introduction of proof of identity in registration or voting procedures.

3.6.4 As part of the annual register compilation in the UK, a draft register, including lists of additions and deletions from the still-current register, is published in December, and any interested persons or parties have the opportunity to object to the presence of a particular name on the register. The ERO may then carry out an investigation, which usually includes an interview with the person whose entry on the draft register has been challenged. It is open to the ERO at such an interview to request to see some proof of identity or residence. No protocol guidance is provided by a central government authority on the conduct of such an investigation of a challenged person by the ERO.

3.6.5 Although the UK register is not continuously maintained, section 11 of the Representation of the People Act 1983 (UK) requires the ERO to make the necessary corrections to the register where the ERO is satisfied that the register, as published, omits the name of a person who is entitled to register, and the ERO has investigated a claim for registration relating to that person. The Representation of the People Act 1983 (UK) provides, however, that no alteration shall have effect for an election after the last day for receipt of candidate nomination papers for that election. In addition, there is no provision within the UK legislation to allow the register to be corrected by removing names or amending addresses.

3.6.6 In the UK, it is the emphasis on public openness of the register of electors, rather than any particularly rigorous checking of individual applications for registration, which provides confirmation that the names on the register are genuine, and validly entered. In Australia, the electoral roll is also a public document, and it is open to anyone to take objection action against persons thought not to be validly enrolled. However, this is not an activity that has been taken up on a large scale by members of the public, civic organisations or political parties. The overwhelming majority of objection actions are taken by Divisional Returning Officers, as the result of Electoral Roll Reviews (ERRs), or post-election activity. The greatest number of private objection actions are those taken by the relatives of persons of unsound mind.

3.6.7 The very fact that the UK register is not continuously maintained means that it does not reflect the actual state of the electorate at election time in the way that a continuously maintained roll seeks to do. The extent to which the register is accurate even at the time of its compilation is also doubtful. A survey was carried out in 1991

in the UK, comparing the 1991 Census and Census Validation Survey findings against the 1991 electoral registers. The survey by the Office of Population, Censuses and Surveys (OPCS), now the Office of National Statistics, survey included a random sample of 6000 households which had returned a census form and a further 2600 households which were not contacted in the Census, but were interviewed by the Census Validation Survey.

3.6.8 The survey estimated that the non-registration rate in 1991 for people living in private households in Great Britain was 7.1%. This figure includes people who would not be eligible to register, for example on residence or nationality grounds, or detention in prison or mental hospital. The 1991 survey reported that non-registration was highest among those aged under 30, males, new Commonwealth citizens, those of non-white ethnic origin, and those in privately rented accommodation.

3.6.9 The OPSC carries out annual surveys of electoral registration, and surveys since 1991 confirm that there is an under-registration against the eligible population of approximately 5%. The pattern of under-registration continues to affect those groups identified in the 1991 survey.

3.6.10 In the UK, the decision as to how much expenditure the ERO requires to meet his or her statutory obligations is a local decision for the ERO and the local authority. EROs regularly report that they are unable to escape the effects of local budgetary economies. The average cost of registering an elector is approximately £1.03p (\$2.05) per elector, and the estimated national expenditure on electoral registration is approximately £40 million (\$79.8 million) per annum.

3.6.11 A question that would have to be addressed if the UK enrolment alternative was to be considered for Australia would be whether the benefits of the supposed greater accuracy of the register at the time of its compilation, arising from its openness to scrutiny, outweighs the detriments flowing from the fact that the register may have excluded many potential voters at the time of its compilation and may, by election time, be close to a year out of date.

### **3.7 Election Enumeration**

3.7.1 Another alternative to the current system of enrolment in Australia would be to compile a roll by door-to-door enumeration only after an election is announced. This applies in Canada, where, in urban areas, pairs of enumerators are used. Enumerators are chosen from lists supplied by the registered political parties whose candidates came first and second in the last election in that particular election district.

3.7.2 In 1996, Elections Canada (the AEC equivalent), prepared a report entitled "The Register of Electors Project", which examined the feasibility of a continuously maintained automated register of electors, similar to the AEC Roll Management System (RMANS). Elections Canada reported that a national register of electors, similar to that operating in Australia, would offer several significant benefits over the existing Canadian system, including:

- (a) it would eliminate the need for a door-to-door enumeration during a federal electoral event and provide for elector registration at significant cost savings;

(b) such a register would allow election administrators to make available to parties and candidates a preliminary list of electors for each electoral district immediately after the call of an election or referendum;

(c) it would allow the contents of a national register to be shared with other Canadian jurisdictions, while safeguarding the privacy of electors, and eliminating the need for the current duplication of effort and expense of registering electors at the national, provincial, territorial and local levels of government; and

(c) such a register would permit shortening of the election period by dispensing with enumeration.

3.7.3 Elections Canada stated in this Report that their current enumeration process no longer worked efficiently. There was enough evidence, including testimony to Canada's 1991 Royal Commission on Electoral Reform and Party Financing, to conclude that it had become difficult to find a sufficient number of qualified people to act as enumerators, and increasingly difficult for enumerators to make contact with people door-to-door due to altered lifestyles and working patterns. Furthermore, the multiplicity of enumerations, whether federal, provincial, or local, was considered unacceptable by taxpayers. And finally, the gathering of the same personal information by several different electoral jurisdictions was unjustifiable.

3.7.4 Elections Canada recommended amendment of the Canada Elections Act to provide for the building and maintenance of an elector register; to authorise the Chief Electoral Officer to enter into agreements to build the register; to eliminate door-to-door enumeration; to set the minimum electoral calendar at 36 days; and to allow for a new revision process of preliminary voters lists.

3.7.5 The election enumeration process is clearly an expensive one - at the 1988 general election in Canada, the cost of voter registration was just over C\$36 million (A\$33.4 million). Further, as noted above, the enumeration process does not lend itself to joint rolls shared at federal, State and local levels, because electoral events (in both Canada and Australia) are not held simultaneously or under the same rules in different jurisdictions. Finally, enumeration after the announcement of an election necessarily involves an extension of the minimum election period. In Australia the minimum is 33 days, in Canada the minimum is 47 days.

## **4. ENROLMENT IDENTIFICATION - PROOF**

### **4.1 Introduction**

4.1.1 This chapter addresses proof of the identity, age, citizenship, and residence, of persons who wish to become electors.

### **4.2 Proof of Identity - Method A**

4.2.1 This part considers in more detail the use of Method A proof of identity measures for enrolment purposes. Method A proof of identity requires the person whose identity is at issue to produce something that the person knows, has, or “is”, to the organisation seeking proof of identity.

4.2.2 Method A proof of identity measures are not uncommon in Australia, and are used, for example, in the “100 point check” account opening procedure under the Financial Transaction Reports Act 1988 (the FTR Act), which is the responsibility of the Australian Transaction Reports and Analysis Centre (AUSTRAC). The 100 point check account opening procedure requires the person seeking to open an account to produce the required documentation to the identifying cash dealer operating the scheme.

4.2.3 Method A proof of identity measures are also used by the Australian Taxation Office (ATO); the Department of Employment, Education, Training and Youth Affairs (DEETYA), in respect of student assistance schemes; the Department of Social Security (DSS); the Department of Veterans Affairs (DVA); and the Health Insurance Commission (HIC).

4.2.4 All of these procedures involve producing something you know about yourself, as well as something you have, such as documentary proof of identity.

4.2.5 Method A proof of identity measures, available in Australia at the point of registering for a service, are limited because Australia does not have a pre-existing unique national identification number, unlike, for example, Sweden where such a number is issued at birth. Nor does Australia have a pre-existing national general database of biometric information.

4.2.6 If all persons currently enrolled were required to re-enrol so as to be subject to proof of eligibility measures, then the scale of the operation would affect the choice of method for proof of eligibility. In the development of the Australia Card Program, a Method A procedure requiring each person registered to produce documentary evidence of identity, described as “the greenfields approach”, was rejected, despite the potential for increased integrity, as not being practical, because it would have caused considerable public inconvenience, and was slower and costlier than the alternative (HIC Report, p 152).

4.2.7 In 1986 the HIC estimated the cost to the public of meeting Births Deaths and Marriages (BDM) fees, if the production of birth certificates was required for Australia Card registration, as being at least \$80 million (HIC Report, p 104), or more than \$110 million in 1996 terms. The greenfields approach would also have placed considerable pressure on the agencies required to provide documentary proof of identity:

From a practical point of view it would not be reasonable to insist that all persons who do not have a birth certificate acquire one for the purposes of Australia Card registration. The volume could simply not be handled by state and territory [BDM] registries and the [Australia Card] Program would be under pressure from the start (HIC Report, p 151).

4.2.8 The HIC Report stated that proof of identity in the Australia Card registration period would have to differ from that operating subsequently (HIC Report, p 152). The method to have been adopted in the Australia Card registration period would have been a combination of Methods A and C proof of identity measures. That is, there would have been data-matching with a range of government databases, including a proposed computerised national BDM Register, and a requirement for production of documentary evidence of identity in all cases.

4.2.9 Given that Australia does not have a national identification number or a national database of biometric information, Method A proof of identity measures in Australia for registering for a service require an applicant to provide personal information by itself, or with documentary evidence of identity. The AEC already requires personal information from enrolment applicants. If the AEC were to strengthen its Method A proof of identity measures then documentary evidence of identity would be required.

4.2.10 The AEC has obtained information from the ATO, AUSTRAC, DSS, DVA and HIC on what kinds of documentary evidence of identity have been deemed by those agencies to be acceptable for proof of identity. All of them categorise documentary evidence of identity according to its use in proving identification, requiring a combination of documents of the appropriate categories to be produced in order to prove identity (with the exception of the HIC, see below). The ATO and DSS lists of documentary evidence of identity by category, which are used by the ATO in respect of TFN applications, and by the DSS in respect of benefits payments, are at Appendices B and C respectively. The AUSTRAC account opening forms 201 (100 point check) and 202 (100 point check - special provisions) are at Appendix D.

4.2.11 A proof of identity scheme does not necessarily require a categorisation of documentary evidence. Alternative approaches are possible, such as a flexible approach, as taken by DFAT in the issuing of passports, or a simple stipulation of required documentary evidence, as taken by DEETYA.

4.2.12 In order to obtain a TFN, the ATO requires an applicant to produce two "category A" documents; one "category A" and one "category B" document; or three "category B" documents. However, if an applicant is under 16, then he or she only needs to produce one document from category A or B. Under the ATO system, category A documents include passports and citizenship certificates. Category B documents are considered of a lesser integrity and a range of qualifications are imposed on their acceptability. Category B documents include birth certificates and driver's licences.

4.2.13 The HIC uses the terms Group A, Group B, and Group C, where Group A documents are documents that are more difficult to obtain, such as a passport, photographic driver's licence, or armed services papers. Group B documents are documents relatively easy to obtain, such as a rates notice, health insurance membership card, or motoring organisation membership. Group C documents are documents which are sensitive, such as divorce papers and maintenance agreements.

4.2.14 Group A documents are generally accepted alone by HIC as proof of identity. Group B documents may be accepted alone, provided that the details on the document match with Medicare records. However, staff are advised to exercise care when using Group B documents. HIC staff are instructed not to request Group C documents but will accept them if presented. Although the HIC classifies documents by group, it does not take a set approach to proof of identity in individual cases, ie there is no formula as to which documents are required. In special circumstances, such as Australian citizens returning from overseas without documentation, a statutory declaration from a third party may be accepted as proof of identity, together with Medicare records.

4.2.15 It is important to note that there is no general agreement between these agencies on the categorisation of documentary evidence of identity. The HIC rates a photographic driver's licence as a Group A document, whereas the DSS rates a driver's licence (photographic or non-photographic) as a secondary document. And whereas a birth certificate is accepted as a primary document under the FTR Act 100 point check method, a birth certificate is only considered a primary document by the DSS if it was issued more than five years ago, and the ATO considers all birth certificates as Category B documents. In relation to birth certificates, the ATO has advised the AEC that:

We have been provided with convincing evidence from State Registrars of Births, Deaths and Marriages and the Commonwealth Police that the integrity of this most basic of Australian resident POI [proof of identity] has been undermined by a lack of physical and procedural security.

4.2.16 In deciding on an appropriate categorisation of documentary evidence for any proof of identity measures for enrolment identification, careful consideration would have to be given to the integrity of each type of documentary evidence in evaluating it.

4.2.17 The DSS has developed criteria for their categorisation of documentary evidence for proof of identity. There are general characteristics which documents must possess before the DSS considers them to be acceptable as reliable types of documentary evidence of identity. These include that the document (or equivalent) must be available nationally, and each local issuing authority must have equivalent proof of identity requirements; the document must be on the official letterhead, or equivalent, of the issuing organisation; and the document must contain the holder's name.

4.2.18 Acceptable documents are then divided into primary and secondary categories. Documents which are posted to a nominated residential address are considered to have a higher level of integrity for proof of identity purposes than those which are issued over the counter. In order for a document to be accepted as a primary document it must meet the following criteria:

- (a) applications for the document must be lodged in person;
- (b) the applicant must provide a current residential address;
- (c) a fee is imposed at the time of application;
- (d) with the exception of certain BDM documents, the applicant must provide proof of identity;



(e) the applicant must provide personal information which would generally be known only to themselves;

(f) the applicant must demonstrate a valid need for the document and wherever possible, provide evidence that the document will be used for the purpose for which it was issued;

(g) the document is not issued at the time of the application, that is, there is a waiting period;

(h) the document is current or valid; and

(i) the document must be accountable within the issuing organisation.

4.2.19 Secondary documents may be issued without the holder having to prove their identity reliably, however the information contained in the document establishes a reasonable history of use of a particular identity. Again certain criteria must be met for a document to be a secondary document:

(a) applications may be lodged in person or through the mail;

(b) the applicant must provide a current residential address;

(c) documents provided in support of the application must include the applicant's signature;

(d) the applicant must provide personal information which would (generally) be known only to themselves;

(e) the document must contain the applicant's full name and current address;

(f) the document must show some history of use of the identity;

(g) the document must be current or valid; and

(h) the document must be accountable within the issuing organisation.

4.2.20 DSS clients are required to produce three acceptable documents, that is, original documents, with at least one being a primary document. There are also limited provisions in the case of special circumstances to modify or to waive proof of identity requirements.

4.2.21 The DSS has described to the AEC the issues underlying its categorisation of documentary evidence of identity, in a passage that is worth quoting at length because of its relevance to enrolment identification:

POI [proof of identity] is a complicated area requiring a balance between the availability and reliability of the documents accepted. Regardless of how flexible an organisation's POI requirements are, they will inevitably represent an administrative cost to the organisation and result in some level of inconvenience to the customer. The "value" of the product offered by the organisation will generally determine the level of inconvenience

acceptable to its customers and this must be an important consideration in implementing any front-door control.

This department is accountable for Social Security outlays and has a responsibility to ensure that payments are made only to those with genuine entitlement. To this end, our admission procedures include the requirement that claimants provide sufficient POI to satisfy the Department that they are who they say they are and that their claim is genuine. The costs associated with administering our POI policy are offset by the savings realised from the prevention and detection of fraudulent claims. This of course may not be the case in your organisation. While the administrative costs would be similar, it would I imagine be difficult to quantify any resultant savings to the taxpayer. The incentive for your customers to comply with the policy would also be quite different from ours. An “inconvenient” POI policy may result in a reduction of “genuine” voter registration.

4.2.22 However, it may not be necessary for an agency to strictly categorise documentary evidence of identity. As DFAT has advised the AEC, it does not use a categorisation system in the issuing of passports, preferring a flexible approach:

We do not specify absolutely what we will or will not accept as secondary proof [ie secondary to the POID] as our legislation allows us to seek such further evidence as we think fit ... We do suggest that ‘driver’s licences, credit cards, rate notices, household accounts etc’ would normally be acceptable.

4.2.23 DEETYA has advised the AEC that it does not use a categorisation system in relation to student assistance schemes, for the opposite reason to DFAT. DEETYA takes a rigid approach, stipulating required evidence for its proof of identity requirements without categorising such evidence. For proof of age a DEETYA student assistance client must produce one of:

- (a) an original or extract of birth certificate;
- (b) an original Australian passport or citizenship papers;
- (c) a proof of permanent residence;
- (d) a Family Payment Review form showing date of birth; or
- (e) a photographic driver’s licence.

4.2.24 For proof of income, the client must produce his or her TFN. No proof of address is sought but the client is asked to provide at least either their permanent home address, their postal address, or their country of birth. This is a restrictive range of stipulated documentary evidence of identity compared with the approaches of the ATO, the DSS and AUSTRAC, where a wide variety of types of documentary evidence are categorised. This approach is possible because what DEETYA requires to be proved is considerably less than is required under the other proof of identity schemes being considered. The DEETYA proof of identity scheme for student assistance might be described as a scheme of proof of age plus proof of income, rather than a specific proof that the client is who he or she claims to be. It is the latter approach which is generally seen as appropriate for voter identification.

4.2.25 If documentary evidence of identity were to be required for enrolment, then for operational reasons such as simplicity and uniformity, it might be thought that a categorisation of documentary evidence of identity should be adopted, as is done by AUSTRAC, ATO and DSS. If a categorisation approach were adopted then, in evaluating types of documentary evidence, the categorisation would have to take account of issues such as the integrity of the documentary evidence to be used, the availability of such evidence to applicants, the verifiability of such evidence by the AEC, and the advantages to be obtained from higher integrity procedures. However, a more flexible approach, such as that of DFAT in respect of the issuing of passports, could be taken instead.

4.2.26 Some agencies have alternative proof of identity schemes for specific client groups, in response to the difficulties that such groups have in producing documentary evidence of identity. For example, the ATO has designed a TFN application form for Aboriginal and Torres Strait Islander applicants, which incorporates alternative proof of identity requirements (see Appendix B). It was introduced in recognition of the unique proof of identity and record keeping problems that can be experienced by indigenous clients.

4.2.27 The principal feature of the alternative arrangements for indigenous people is that a POID is obtained from an authorised referee if the applicant for a TFN has insufficient proof of identity documents and cannot obtain such documents. This can be compared with the less far-reaching accommodation of indigenous circumstances made by the DSS inclusion of “a reference from an Aboriginal and Torres Strait Islander organisation which shows your referee’s full details and the amount of time they have known you”, as a secondary document. In addition to such a reference, the applicant must provide two other documents, one being a primary document (see Appendix C).

4.2.28 AUSTRAC oversees alternative methods for proof of identity for specific client groups in relation to the 100 point check method under the FTR Act. Using form 202 (see Appendix D), a check in relation to the following people will succeed although less than 100 points are scored:

- (a) children under 18 (which may be relevant to the AEC in relation to age 17 enrolment);
- (b) recent arrivals in Australia;
- (c) certain recipients of social security benefits;
- (d) recipients of financial supplement (Austudy/Abstudy);
- (e) isolated area Aboriginal or Torres Strait Islander persons; and
- (f) people not residing in Australia.

4.2.29 Another scheme under section 21A of the FTR Act caters for a person who wishes to open, or become a signatory to, an account with an identifying cash dealer, in a name by which the signatory is not commonly known, but by which the signatory intends to become commonly known (see form 21A, at Appendix D). This provision applies to specified classes of persons who change their names and are unable to verify their identity in their new names, such as:

- (a) people who wish to adopt a new name by reason of marriage;

(b) women who changed their name upon marriage or defacto marriage and who wish to return to the use of their former name;

(c) victims of violence or threats of violence, and their dependent children, who wish to use a different name to ensure their safety; or

(d) Aboriginal or Torres Strait Islander people who wish to use a traditional name.

4.2.30 The adoption of a special provision for people in these specified classes for enrolment purposes could be implemented by the AEC without wider impacts on enrolment, subject perhaps to restriction on the use of frivolous or politically sensitive names.

### **4.3 Proof of Identity - Method B**

4.3.1 Method B proof of identity measures involve obtaining a declaration from another individual that the person to be identified is who he or she claims to be. The declaration is known as a “proof of identity declaration” or POID. For the issue of passports, DFAT uses Method B procedures, obtaining a declaration from an individual that the person to be identified is who he or she claims to be, supplemented by a Method A procedure:

The primary proof of identity for Australian passport applications is not documentary at all but rather is a Declaration made by a person from specified professions that he/she has known the applicant for a period of at least one year, who is not related by birth or marriage to the person applying for the passport and who is easily contactable by telephone during normal working hours. In Australia, we also require that the person providing this declaration be an Australian citizen; for applications lodged overseas we do relax this provision. This declaration, called the Proof of Identity Declaration (POID), is then supported by some secondary proof of identity which is usually documentary.

4.3.2 AUSTRAC has advised the AEC that it uses Method B in the shape of the acceptable referee method account opening procedure under the FTR Act. This is one of the three methods under the FTR Act by which accounts can be opened:

(a) the “100 point check” method;

(b) the acceptable referee method, whereby a referee provides an identification reference; and

(c) any other method as approved by the Director of AUSTRAC under subparagraph 20A(1)(b)(ii) of the FTR Act.

4.3.3 The current enrolment claim procedure used by the AEC is a combination of Methods A and B proof of identity measures. Firstly, an applicant for enrolment states personal information about himself or herself, including age, citizenship and address, and declares that he or she is eligible to enrol. Secondly, this declaration is witnessed by another person who is eligible to enrol and who declares that he or she is satisfied that all the applicant’s statements are true. This implies that a witness possesses some level of knowledge about an applicant and knows that an applicant is who they claim to be.

4.3.4 The AEC notes that in the Liberal Party's submission to this JSCem, it is recommended that:

... the witnessing requirement on enrolment forms be tightened. Specifically, provision should be made for Justices of the Peace, Police Officers, Primary and Secondary Headmasters and other notables to act as valid witnesses on enrolment forms. This would set a standard similar to that which applies for passport applications.

4.3.5 As the AEC understands this proposal, its intention is that the witnessing portion of the Electoral Enrolment Form be upgraded into a POID, which could only be completed by a witness who fell into a prescribed class of persons. The AEC believes that such a scheme is possible, subject to two critical provisos. Firstly, the class of eligible witnesses must be sufficiently wide to ensure that no person qualified to vote could be expected to face difficulties in finding a witness. And secondly, adequate provision should be made for identifiable groups of people, who will face unusual difficulties in finding a witness.

#### **4.4 Proof of Identity - Method C**

4.4.1 Method C proof of identity measures involve accepting the assessment of another agency or service provider that the person to be identified is who he or she claims to be. Method C procedures are used by DEETYA for its labour market programs. DEETYA relies on the DSS conducting proof of identity checks, given that most of DEETYA's clients are also clients of DSS. Another example of this approach is that of the ATO. In addition to administering proof of identity requirements for TFN applications itself, the ATO also accepts identity checks conducted by DEETYA, DSS and DVA, and schools.

4.4.2 The application of Method C proof of identity measures for enrolment purposes was described on page 14 of the AEC submission No 5 of 10 November 1993 to the previous JSCem:

Under this scheme external databases would become more than just a source of evidence to be used in assessing an application: enrolment would only be available to those who appear on other major databases which have already undertaken high-integrity validity checks of the applicant.

4.4.3 Any external databases used by the AEC under Method C proof of identity measures would have to be of high integrity. However, there is no current external database that would be able to identify all persons who are eligible to enrol. Indeed, if there were such a database, then it would make sense to use it as the enrolment database, rather than having two databases containing essentially the same information. Even if cross-matching were attempted on a range of different external databases, it is likely that there would be a number of genuine applicants for enrolment who would not be found on any of them, since it is by no means obvious that the databases maintained by other government agencies which are underpinned by proof of identity procedures will cover the whole population of persons eligible to enrol. The adoption of Method C proof of identity measures in isolation would therefore not be tenable.

4.4.4 An alternative approach might be to combine Method C with Methods A or B. This could be done by matching enrolment applications with other relevant

databases, and accepting applications where there is a match, but requiring an applicant to provide proof of identity by a Method A or B procedure where there is no match.

4.4.5 Any accessing by the AEC of the databases of other agencies, particularly on-line access for data-matching purposes, would give rise to issues of cost, security, oversight, and liability, which would have to be the subject of appropriate negotiation and settlement.

4.4.6 The federal electoral roll is maintained on a database, RMANS, which contains the name and address of Australian electors, as well as historical records of changes of address. South Australia currently maintains its own electoral roll system (EAGLE). However, the AEC is working with South Australia with a view to transferring South Australian electoral data onto RMANS, thus achieving a truly national roll system. Data from the electoral roll is provided using the Australian standard AS4212, thus enabling data to be easily transferred between agencies, an essential element for data-matching.

4.4.7 The technical design of the RMANS system is elector based and does not provide efficient access to address data. Because of the limitations of this design, the AEC is currently changing the RMANS system to an address based system, which is scheduled for implementation in early 1997. Under this system every address in Australia, both inhabited and uninhabited, will be recorded; and in addition a land use code will be stored, so as to identify non-habitable addresses, such as cemeteries, service stations and schools.

4.4.8 There are a number of advantages in converting to an address based system. One obvious advantage is that the system will detect any enrolment anomalies. For example if an elector were to enrol in an address that was non-habitable, the system would provide appropriate information to the operator and ensure follow up action was undertaken. Similarly if a large number of electors were to enrol in a single dwelling then the system would indicate a possible problem. The address based system represents a significant technical development for improving the quality of the enrolment database, and is an essential pre-requisite for any large-scale data-matching.

4.4.9 In order to establish the address based system, geographical data must be obtained from a number of agencies. The AEC intends to obtain this information from State mapping authorities, using Geographic Information Systems which store street names and numbers, together with spatial identifiers, such as houses, flats, places of worship, or hotels. Nonetheless, it is anticipated that the AEC will be required to capture some of this data non-electronically, especially in rural areas, using rural road numbering.

4.4.10 The electoral roll also has in-built checks and balances to assist in achieving enrolment accuracy. Extensive checks are required in relation to the use of names on enrolment. The AEC has identified four major sources of potential problems with the use of names:

- (a) differences in names due to spelling and phonetic variations, handwriting and transcription errors;
- (b) the problems created by the high volume of common names, and in particular, large groups of people with a few very common identical names (for example John Smith);

- (c) the mixed usage of words, initials and abbreviations in names; and
- (d) the anglicisation of names.

4.4.11 In order to improve the accuracy of the names on the enrolment database, a name matching method has been developed to search the database systematically and objectively for duplicate entries. In the 1980s the AEC acquired software to search for duplicate names from DIEA (now DIMA), that had been originally developed by the New York Police Department. The AEC has since made significant changes to this software in order to adapt it to the Australian electoral environment. For example, the AEC has added to the software a name substitution facility to retrieve nicknames and diminutives. The AEC has found the performance of the software to be excellent and consistent under a wide range of scenarios. Together with other features of the AEC enrolment system, this is a very useful tool in locating electors on the database, and reduces the incidence of duplicated enrolments.

4.4.12 The personal information held on the RMANS system, together with an address based roll and the ability to transfer and absorb data using the Australian Standards, makes the electoral roll a valuable source for data-matching. Data-matching is currently being used by both federal and State governments in a range of areas to achieve accurate databases and to detect data anomalies. Data-matching using external data sources could assist the AEC in validating the roll by detecting suspect data and by identifying changes of address which have not been notified to the AEC. The external database holdings used for data-matching and validating the electoral roll must, obviously, contain data commensurate with the electoral roll, such as name, address and date of birth, and should ideally provide national coverage of the adult population.

4.4.13 In 1995 the Australian Joint Roll Council commissioned an investigation of the best method for maintaining a complete, accurate and up-to-date electoral roll for federal, State, Territory and local government elections. The resultant report, "Electoral Roll Review Alternatives", identified a number of possible agency sources of data that could be used by the AEC in data-matching for roll purposes. The study received a total of 75 responses from federal and State agencies indicating a willingness to exchange data with the AEC.

4.4.14 A key issue in data-matching is the accuracy of the source data. Although there are many databases in Australia which include names and addresses, few people bother to advise of a change of address until it is absolutely necessary, or unless notification of change of address provides the individual with a degree of benefit or convenience. Even the Medicare database, which is perceived generally as a relatively accurate address database, holds out-of-date address records of persons who have not required medical services since last changing address. If the AEC were granted "prescribed authority" status under section 130 of the Health Insurance Commission Act 1973, access to the Medicare database could, subject to privacy considerations, be granted.

4.4.15 Australia Post is viewed as a major source of reliable data to match against the electoral roll. Australia Post has an advantage over other data sources in that it covers all of Australia, and because names and addresses are updated via the mail redirect service. Australia Post has invested a considerable amount of capital and research in acquiring appropriate technology to assist in maintaining an accurate database of names and addresses. Australia Post is confident that it can overcome privacy objections to the use of names which have been supplied in mail redirection

notices for data-matching by the AEC, by including on the mail redirect form a statement informing the applicant that the data will be supplied to the AEC, thereby satisfying the requirements of IPP 2.

4.4.16 If the Australia Post mail redirect service were used to provide information to the AEC, it is estimated that the AEC would receive 65-70% of the names and addresses of householders who have moved. Australia Post could provide two categories of data to the AEC: those persons who have moved into a new address, and those persons who have moved out of an address. The AEC is undertaking a trial with Australia Post to pick up movement of electors through advice generated from changes to the Australia Post database. Because of the privacy implications, only geographic information is being swapped at this stage.

4.4.17 Electricity distribution agencies also maintain reliable databases of names and addresses that could be matched against the electoral roll. Unlike Australia Post, each State and Territory electricity agency maintains its own separate database, and consequently the accuracy and type of data held varies between the electricity agencies. However, if the AEC were to use these electricity databases in conjunction with Australia Post, data-matching for enrolment purposes would be enhanced.

4.4.18 DEETYA has advised that it could supply the AEC with updated names and addresses of its clients. This information would mainly be for cohorts in the 18-25 year age bracket, an identified AEC target group. Although the cohorts covered by DEETYA are limited, the information would be valuable because DEETYA is considered to be a reliable source. At the beginning of each year students are required to register for AUSTUDY regardless of whether or not they have been previously enrolled. In addition some students are required to re-enrol with DEETYA at the beginning of each semester. DEETYA data is considered accurate because benefit cheques are sent to clients' addresses. DEETYA could provide the AEC with updated addresses for its clients where these had changed. The AEC and DEETYA have initiated data-matching tests using tapes of DEETYA data. These tests are only designed to test the technical feasibility of data-matching. No enrolment action is taken on the results.

4.4.19 The use of Births, Deaths and Marriages data could allow data-matching of the electoral roll for voters who had died and not yet been removed from the roll, and could serve to expedite the advice process currently prescribed by section 108 of the CEA. However, databases held by the various State and Territory BDM agencies differ in their coverage and accessibility, and their use would be complicated by differing rules on privacy. State and Territory BDM death records are computerised back to the following years: NSW - 1991 (in full form, records are in index form back to 1988); Victoria - 1990; Queensland - 1980; Western Australia - 1884; South Australia - 1990; Tasmania - July 1990 (in fully computerised form, although death records are scanned from 1988 - July 1990, the use of manual records in relation to the 1988 - July 1990 period is often necessary); ACT - 1992 (in full form, from 1930 records are in index form, records are progressively being put into full form, note that before 1930 ACT records are maintained by NSW); Northern Territory - 1980.

4.4.20 The CEA allows for the provision of up-to-date electoral roll information on a regular basis to the DSS and ATO for their compliance checks, and there are other statutes requiring the AEC to produce such data on demand, but no data is available to the AEC in return. It would require changes to these other statutes to permit AEC access. Other possible sources of data for data-matching with the AEC include local government, DIMA, rental bond boards, motor registries, DVA and Telstra.



4.4.21 As well as identifying anomalies, data-matching may have a deterrent effect. DFAT has advised the AEC that allowing data-matching and ensuring that people are aware that any application is checked to prove authenticity of supporting documentation, would go some way to deterring fraud. The experience of DSS and DEETYA is that people claiming or receiving benefits are more likely to comply voluntarily with the law if they know that there is a high probability that incorrect payments will be detected, that they will be required to repay any debt, and that they may be prosecuted if they attempt, by fraud or misrepresentation, to obtain payments to which they are not entitled.

4.4.22 One obvious concern with data-matching is personal privacy. When individuals provide information concerning themselves to any agency there is an expectation that the data supplied will only be used for the purpose for which it is provided. When information is used for data-matching, wherever practicable, individuals should be notified that information sought will be used for purposes other than those for which it was collected. In 1993, the Privacy Commissioner conducted a survey of data-matching by federal bodies. The results of the survey showed that the most common function of data-matching programs surveyed was to identify cases where further investigation of an individual was warranted, usually with the possibility of action being taken which would be adverse to the individual concerned.

4.4.23 There is a range of factors in data-matching programs which can give rise to errors in the identification of records in different databases, and there is always the possibility of data-matching against an incorrect individual. It should be kept in mind that placing too much reliance on data-matching programs may lead to inappropriate outcomes. Data-matching programs must be rigorously audited, and management made aware of such programs' inherent limitations.

4.4.24 The AEC has raised the issue of data-matching with the Privacy Commissioner on several occasions, and has been advised of the following important considerations.

4.4.25 The Privacy Act 1988 does not impose any specific limits on the extent of personal information which can be collected or disclosed for the purpose of matching individuals on separate databases. However, under IPPs 1 and 3, information collected by an agency must be necessary for, or directly related to, the purpose for which it is collected, which must be a lawful purpose directly related to a function or activity of the agency, and the collection of the information must not intrude to an unreasonable extent upon the personal affairs of the individual. There is tension between the need to minimise data disclosures and, at the same time, ensure that sufficient data is available so that records are matched accurately. A careful determination must be made of the appropriate number of personal identifiers required in order to facilitate accurate data-matching so that only individuals who are incorrectly enrolled are targeted in any subsequent action.

4.4.26 There are no restrictions under the Privacy Act 1988 on the frequency of disclosure of information, provided that the collection of the information is shown to be necessary, relevant and not unreasonably intrusive in terms of IPPs 1 and 3. A determination must be made of the frequency with which disclosures should occur in order to comply with any other relevant statutory requirements.

4.4.27 Under Section 27 of the Privacy Act 1988, the Privacy Commissioner has a responsibility for investigating individual complaints or representative complaints about possible breaches of the IPPs. If an individual lodged a complaint as a result of

data-matching conducted by the AEC, the complaint would be determined on the basis of the compliance by the AEC with the IPPs. If the program were being conducted under the Data-Matching Guidelines, the AEC would be required to provide an assessment in the program protocol of compliance with IPP 11. Other than in the investigation of complaints and in the function conferred by section 27 of the Privacy Act 1988 on the Privacy Commissioner to monitor developments in data-matching, there is no formal mechanism whereby individuals or agencies can lodge complaints with the Privacy Commissioner about disputes involving access to databases.

4.4.28 Any data-matching program must have regard to the Data-Matching Guidelines, a set of non-legally binding recommendations on the use of data-matching in Commonwealth administration, issued by the Privacy Commissioner (see Appendix E). Before an agency decides to participate in a new data-matching program the agency must consider the costs and benefits of such a program, and consider whether alternative methods to data-matching could achieve similar results (Data-Matching Guidelines paragraph 21).

4.4.29 The agency is required, before the program commences, to give public notice of the program in the Gazette (Data-Matching Guidelines paragraphs 25-26). Furthermore, each agency participating in the program should take steps to publicise the program as widely as is practical. This should include steps to inform the general public about the program, for example by Gazette notice, newspaper advertisements, and including information about the data-matching program in material which is given to people when they provide information which is likely to be used in the data-matching program (Data-Matching Guidelines paragraph 28). Each agency is required to include in its Personal Information Digest entry an outline of those data-matching programs in which it participates (Data-Matching Guidelines paragraph 30).

4.4.30 The agency should, before the data-matching commences, prepare a program protocol (a description of the data-matching program and the reasons for undertaking it), a copy of which should be forwarded to the Privacy Commissioner before the program is due to commence (Data-Matching Guidelines paragraph 31). The protocol should also be made publicly available when the program commences (Data-Matching Guidelines paragraph 31).

4.4.31 Detailed technical standards should be established by the matching agency, to govern the conduct of the program, and be set out in a Technical Standards Report (Data-Matching Guidelines paragraph 37). The matching agency should lodge a copy of the Technical Standards Report with the Privacy Commissioner on request (Data-Matching Guidelines paragraph 40).

4.4.32 Agencies should enable the Privacy Commissioner to undertake inspections of their data-matching activities and their procedures (Data-Matching Guidelines paragraph 49). Agencies should report to the Privacy Commissioner, if required (Data-Matching Guidelines paragraph 50).

4.4.33 An agency should, generally, only take administrative action as a result of a match after giving the individual at least 14 days to consider the information and comment on its contents (Data-Matching Guidelines paragraph 52). Personal information obtained for use in a matching program should be destroyed no later than 90 days after the matching process in cases which do not lead to a match, or which lead to a match but in respect of which a decision is made not to take further action (Data-Matching Guidelines paragraphs 58-59). An agency involved in a data-matching program should not create any new separate permanent register or

database from information about individuals whose records have been matched as part of the program (Data-Matching Guidelines paragraph 61).

4.4.34 Not later than three years after the commencement of a data-matching program, and at least every three years while the program continues, the matching agency should undertake an evaluation of the program in accordance with its original objectives (Data-Matching Guidelines paragraph 65). Where a matching agency wishes to make minor changes or amendments to a data-matching program these should be noted on the protocol document, advised to the Privacy Commissioner and considered in the program evaluation (Data-Matching Guidelines paragraph 66).

4.4.35 Given these extensive agency responsibilities, any large-scale data-matching by the AEC would have significant resource expenditure implications.

## **4.5 Proof of Citizenship**

4.5.1 Proof of citizenship is an issue in the specific context of enrolment at citizenship ceremonies, as well as a general issue in respect of all applicants for enrolment. In relation to citizenship ceremonies, there had been concern at the previous arrangements for enrolment of new citizens operated jointly by the AEC and the then Department of Immigration and Ethnic Affairs (DIEA, now the Department of Immigration and Multicultural Affairs (DIMA)). This section firstly describes the new arrangements for enrolment at citizenship ceremonies, and how it addresses the issue of proof of citizenship; and secondly the section considers proof of citizenship generally.

4.5.2 In November 1993, the then Minister for Immigration and Ethnic Affairs, Senator the Hon Nick Bolkus, asked the Joint Standing Committee on Migration (JSCM) to conduct a wide ranging review of Australian citizenship law and policy. The JSCM tabled its report, "Australians All - Enhancing Australian Citizenship", in Parliament on 12 October 1994. The report contained 56 recommendations aimed at strengthening and revitalising Australian citizenship through improvements to legislation, administration, and information and education activities.

4.5.3 Following Ministerial agreement to a joint initiative between the AEC and DIEA, new arrangements for the enrolment of new citizens were established, including the development of publicity materials, new procedures for use at citizenship ceremonies, and the production of personalised pre-printed enrolment forms. A series of trials were conducted during the latter half of 1995 to test the efficiency of the AEC's operational procedures and changes made by DIEA to citizenship ceremony procedures. The trials confirmed the effectiveness of the new procedures, with some 90% of new citizens completing and lodging enrolment forms at the conclusion of these citizenship ceremonies.

4.5.4 The new arrangements were formally implemented for the enrolment of new citizens on Australia Day 1996. Indications are that between 85% to 90% of new citizens now complete their forms at citizenship ceremonies. In the period from 30 January 1996 to 30 June 1996, some 35,725 new citizen enrolment forms were processed by the AEC. The new arrangements have overcome previous difficulties, as proof of citizenship is now obtained before new citizens are enrolled.

4.5.5 Proof of citizenship as a general issue for all enrolment applicants was considered by the previous JSCM in its Report on the 1993 federal election. The majority of the previous JSCM rejected a requirement for the production of documentary evidence of citizenship, recommending instead at page 43 of the

Report that “the AEC negotiate with the Department of Immigration and Ethnic Affairs in order to establish more extensive cross-checking of citizenship information”. However, in dissenting from the majority of the JSCEM, Mr David Connolly MP, Senator Nick Minchin, Senator John Tierney, and Mr Michael Cobb MP recommended at page 154 of the Report that “individuals claiming entitlement to enrolment should be required to provide the AEC with proof of their identity together with evidence of their citizenship by production of either a birth certificate, current passport or certificate of naturalisation.”

4.5.6 DIMA has provided information to the AEC in relation to proof of citizenship as follows:

Documentation to prove that an individual holds Australian citizenship can be substantive. In general, this evidence may be:

For a person born in Australia pre 20/8/1986 - a full birth certificate showing birth in Australia, providing before 22/11/1984, the person's father, or, between 22/11/1984 and 19/8/1986 inclusive, either parent, was not a foreign diplomat in Australia, at the time of the person's birth.

For a person born in Australia on or after 20/8/1986 - a full birth certificate showing birth in Australia and evidence that, at the time of the person's birth, at least one parent was either an Australian citizen or a permanent resident of Australia.

For people born outside Australia - a certificate of Australian citizenship issued by this Department. This includes, a Certificate of Naturalization, a Certificate of Registration, an extract from the Register of Births Abroad, an extract from the Register of Citizenship by Descent, a Certificate of Evidence of Australian Citizenship, a Declaratory Certificate of Australian Citizenship, an Evidentiary Certificate of Australian Citizenship.

An Australian passport issued on or after 22 November 1984 which has not been restricted in any way.

....All of the above are only prima facie evidence of possession of Australian citizenship. In view of sections 17 (loss), 18 (renunciation), 21 (deprivation), and 23 (loss for children) of the Australian Citizenship Act 1948, these provisions must also be canvassed, in each case, to determine whether the person has subsequently ceased to be an Australian citizen.... This Department has records of all people who ceased to be an Australian citizen under section 18 and 21 of the Act. It does not, however, have records of many people who ceased to be an Australian citizen under section 17 or 23 of the Act. Determination of whether loss of citizenship has occurred is established by a series of questions in each case.

4.5.7 The advice from DIMA illustrates the detailed measures which must be taken to prove citizenship, and this is a direct consequence of Australian citizenship law. It should be noted that from 20 August 2004, eighteen years after the coming into effect of the amendment of the law relating to acquiring citizenship by birth in Australia, the proof of citizenship of electors will be even more complex than it is currently.

4.5.8 The absence of a computerised national BDM Register makes cross-checking of citizenship acquired by birth difficult. Due to the different levels of computerisation in State/Territory BDM Registries, such cross-checking would often have to be manual, rather than by computerised data-matching. Manual checks would be particularly important in establishing the citizenship of the parents of applicants for enrolment who were born after 20 August 1986. Such manual checks would be time and labour intensive.

4.5.9 The administrative and resource implications involved in the manual checking of BDMs for a prospective proof of citizenship scheme for enrolment identification, take on even larger proportions if roll cleansing on the basis of proof of citizenship were to be considered. The HIC, in relation to registration for the Australia Card, considered that such manual checking of BDMs would be "impractical when it comes to the logistics of being able to manually access such a large volume of records" (HIC Planning Report, p 104). If, alternatively, cleansing the roll on the basis of proof of citizenship required re-enrolling persons to produce birth certificates, then this would encounter the same difficulties as noted above in relation to establishing proof of identity generally.

4.5.10 A further issue that would have to be dealt with if the roll were to be cleansed on the basis of proof of citizenship is that British subjects who were on the roll on 25 January 1984, and have remained on the roll, are still eligible to enrol and to vote. This form of the franchise has been closed since 26 January 1984, but it is nevertheless estimated that there are a minimum of 155,000 British subject non-Australian citizens on the roll. Although it might be popularly thought that the term "British subject" refers only to a citizen of the United Kingdom, this is not so. British subject status encompasses citizenship of Commonwealth and former Commonwealth countries. Countries which are of particular relevance in the Australian context include Cyprus, Fiji, India, Malta, New Zealand, and Papua New Guinea. This list is far from exhaustive, but is sufficient to indicate that roll cleansing on the basis of proof of citizenship would pose the significant challenge of having to establish citizenship for a diverse range of foreign countries in order to establish British subject status.

4.5.11 The difficulty of cross-checking of citizenship acquired by birth is noted in the AEC submission No 5 of 10 November 1993 to the previous JSCEM:

Probably the only practicable approach to proof of citizenship would be to require the voter to produce documentary proof of citizenship. Such a requirement applies to applicants for passports. Because of the complicated nature of citizenship law, the assessment of documents to determine whether they in fact established citizenship could only be done in the framework of a scheme of universal personal interviews...

4.5.12 In the light of the significant costs which would in all probability have to be imposed on substantial numbers of applicants for enrolment if a requirement for production of documentary evidence of citizenship were introduced, the AEC does not believe that such a scheme could be adopted without attracting widespread and justified criticism that a price was being put on the right to vote.

4.5.13 Given the complexity of citizenship law, it would be difficult to expect a referee to vouch for citizenship under a POID-style declaration for enrolment purposes. Even passport applications do not require the referee to vouch for the applicant's citizenship, although a POID is required.

4.5.14 In relation to recommendation 20 of the previous JSCEM, as quoted above, the AEC is moving to establish a formal mechanism with DIMA whereby it would advise the AEC of persons who have lost Australian citizenship.

#### **4.6 Proof of age**

4.6.1 The age requirement for enrolment and voting is the attainment of eighteen years of age. Provision of date of birth is a specific requirement on the enrolment claim form, and the age requirement is satisfied by the declaration by the applicant that he or she is eligible to enrol. Proof of age is not currently required. If it were to be required, it could be done in either of two ways: by confirming the age of the applicant by checking another database, or by requiring the elector to prove his or her age.

4.6.2 The first method, confirmation of the age of the applicant by checking another database, would involve referencing records held by State/Territory BDM Registries. However, this would not locate some 22.3% of the population who, at the 1991 Census, declared that they were born outside Australia. Difficulties would arise even in relation to persons born in Australia, because the majority of State/Territory birth records are only partially computerised, and many applicants would have changed name by marriage or deed poll, and it would often not be possible, without time consuming (often manual) searches of records, to match the applicant's current name with the name at birth.

4.6.3 The second method is to require the elector to provide documentary evidence of his or her date of birth, such as a birth certificate, passport, or citizenship certificate. This could be done in conjunction with a proof of identity scheme requiring documentary evidence of identity. If this was conducted on a roll cleansing basis then the same considerations identified above in sections 4.2 and 4.5 would apply.

4.6.4 A requirement for proof of age could pose significant problems for specific client groups who are less inclined than the general population to possess relevant documents and/or who may be more discouraged than the general population by the administrative and financial inconvenience of paying to obtain relevant documents. Such groups might include, for example, Aboriginal and Torres Strait Islander people, particularly in remote areas, and persons from societies where birth records are not accurately kept. There could also be a question as to whether requiring documentary evidence of date of birth might constitute "arbitrary interference" in relation to privacy. The AEC reiterates in this context of proof of age that alternative schemes to cater to relevant specific client groups would be necessary to counter under-participation by such client groups.

4.6.5 Finally, it should be noted that there is no evidence to suggest that significant numbers of underage persons are currently attempting to enrol or vote fraudulently, and neither have there been any such reports received from polling officials or scrutineers.

#### **4.7 Proof of Address**

4.7.1 Identity checks at various degrees of intensity can only indicate that an enrolment application is being made by a person who, firstly, exists, and secondly, is in fact the person making the enrolment application. Such checks provide no guarantee of the validity of an application for the claimed address - and hence of the

accuracy of the particular federal Division, State District and Local Government Area for which enrolment is claimed.

4.7.2 Currently, enrolment applications are checked against the file of valid street number ranges held on RMANS. Where the address claimed is outside number ranges currently known to be valid, further checks are made on the validity of the address, for example through local councils. Validity of addresses, and their occupants, is also checked during regular Electoral Roll Reviews (ERRs). However, these checks are more difficult in rural areas where road numbering may be discontinuous or nonexistent, and where ERRs are carried out by mail, due to the impracticality and expense of covering widely scattered residences by personal visit.

4.7.3 Two factors are of relevance in establishing proof of address: the validity of the address itself and the validity of the applicant's claim to be resident at that address. Schemes for the checking of the existence of the address claimed - checking either at the time of application, or prior to the approving of application details for entry on the roll - might include redesigning RMANS to enable data-matching with external agencies; and personal visits to addresses claimed for enrolment which are not already recognised as residential addresses by roll management systems.

4.7.4 Data-matching of addresses claimed for enrolment against address information held by external agencies could make use of information such as that held by LTOs, although this may be cumbersome to use as its format will often be different from the street address claimed by an elector. Other external data sources are the records held by local government and utility authorities, although these might vary considerably in format, quality and content. Access to data held by LTOs, and local government and utility authorities would need to be negotiated with the States and Territories. Australia Post address records may provide a more viable external data-base for the verification of addresses in the medium to long term.

4.7.5 Personal visits to addresses claimed for enrolment which are not already recognised as residential addresses by roll management systems would be expensive to resource, particularly in rural areas, and this approach would also be impracticable in roll close periods. Schemes for checking residence at an address might include the following:

- (a) a personal visit to the claimed address and verification, through personal contact and presentation of proof of identity, that the applicant resides there - combined with checks on validity of address where necessary;
- (b) requiring the provision of documents confirming residence at the claimed address, for example, documents produced to confirm identity checks which also show the residential address; and
- (c) requiring the production of a reference akin to a POID, by which an acceptable referee would confirm the residence of the applicant at the claimed address (a residency reference).

4.7.6 Option (a) in paragraph 4.7.5 would require expensive resourcing, particularly in rural areas. It is also worth noting that, under this approach, processing of an application for enrolment would be halted until contact could be made with the applicant. In this respect it should be recognised that during the conduct of Electoral Roll Reviews, some 10% of residences have no resident home at the time of two

visits by AEC representatives. This percentage could be expected to rise markedly if contact was required to be made with a particular person or persons.

4.7.7 Option (b) in paragraph 4.7.5 has its limitations. Unfortunately, many common forms of identification do not show the address, or, if they do, may not be reissued or promptly updated on change of address. Other possible confirmatory documentation containing address data such as rates notices, denote ownership, not necessarily residence, and generally do not contain the names of all residents at an address.

4.7.8 Option (c) in paragraph 4.7.5 would only be of value if the referee was in a position to state that he or she had visited the applicant at the address specified, and had observed that the applicant was in residence there. Otherwise the referee would have to rely on hearsay or secondary documentation. It should also be noted that persons who have just moved to a new community are particularly poorly placed to find a person in a prescribed class of acceptable referees who would be able to attest to any facts concerning them. This could be overcome to some extent by prescribing sufficiently broad classes of possible referees.

4.7.9 Data-matching could also be used to assist in verifying the applicant's occupancy of an address claimed for enrolment. However, the further the conditions for entry on the external database diverge from enrolment conditions, the less useful any match across databases becomes, and the more follow-up work is generated by rejections of attempted matches.

4.7.10 For utility records in particular, address information may relate to an owner rather than an occupier, or to someone who is not eligible for enrolment, for example because he or she is not a citizen. Furthermore, utility records will very frequently only identify one occupant at a single address. Finally, utility registers are not necessarily regularly updated for change of address.

4.7.11 Providing that privacy requirements can be satisfied, Australia Post address records would provide a more viable external verification for occupancy of addresses than other databases.



## **5. ENROLMENT IDENTIFICATION - IMPLEMENTATION**

### **5.1 Options for Implementation**

5.1.1 If there were to be a requirement introduced for production of documentary evidence of eligibility at enrolment then a procedure would have to be selected to implement the proof of eligibility requirement. Six implementation options appear to be available, two being variants of other options:

Option 1 - All Enrolments - Personal Interviews;

Option 2 - Selective Personal Interviews;

Option 1A - Option 1 with Special Provisions;

Option 2A - Option 2 with Special Provisions;

Option 3 - All Enrolments - Documentary Evidence; and

Option 4 - Selective Documentary Evidence.

### **5.2 Option 1 - All Enrolments - Personal Interviews**

5.2.1 Under Option 1 all enrolment applicants, without exception, would be required to appear in person before an electoral officer in order to enrol. At the interview, the applicant would be required to produce to the electoral officer documentary evidence of eligibility. The documentary evidence produced by the applicant would be examined by the electoral officer before a decision was made to enrol the applicant, in accordance with either a categorisation of documentary evidence of identity, or, alternatively, evaluation using the more flexible DFAT-style approach for the issuing of passports.

5.2.2 In 1995 to 1996, 2,238,701 such personal interviews for all new enrolments would have been required, representing 18.8% of the current total enrolment of 11.89 million. This equates to an average of over 50 interviews per Divisional Office per working day, a figure which could not be met without massive augmentation of current AEC staffing.

5.2.3 A variation would be to arrange for the relevant interviews to be conducted for the AEC by an agency such as Australia Post. This would provide a more extensive service to enrolment applicants, as there are many more post offices than there are AEC offices. Such a scheme has in fact been adopted for the issuing of passports. All applicants for a passport are required to attend an interview, and around 75% of such interviews are conducted at post offices.

5.2.4 In 1993, the cost to the Passports Office of interviews conducted by Australia Post was \$13.03 per interview. If it is assumed that the cost of interviews for electoral purposes would be the same, and that 75% of electoral applicants could be dealt with at post offices, the annual cost of payments by the AEC to Australia Post, based on 1995-96 enrolments, would be of the order of \$21.88 million.

5.2.5 There would also, of course, be costs associated with the remaining 25% of interviews conducted at AEC offices. Again, taking 1996-96 figures as a benchmark, 559,675 interviews would have to be conducted annually. This represents on

average 3,728 interviews per Division per year, or over 72 interviews per Division per week. This would still be an untenable additional workload at current staffing levels, and Divisional Office staffing would have to be substantially augmented. The problems created by this additional workload would be accentuated by the fact that enrolment activity tends to be uneven over time, reaching peaks at times such as during Electoral Roll Reviews and federal and State/Territory roll closes, when Divisional Offices are under maximum pressure.

5.2.6 If personal interviews for all new enrolments were to replace the current system of (in effect) enrolment by mail, major inconvenience would be experienced by persons seeking to enrol, particularly in rural areas. This inconvenience could not fail to discourage enrolment. In addition, there would be personal costs to electors arising from the requirement that they attend interviews, and from the need to obtain identity documents.

### **5.3 Option 2 - Selective Personal Interviews**

5.3.1 Option 2 would require personal interviews only for applicants for enrolment or transfer of enrolment who had not previously been through the interview process. It would be necessary to establish when an electoral enrolment form was received, and whether the applicant was in fact a person who had previously established his or her identity at an interview. It might be thought that one way of doing this would be to compare the signature on an electoral enrolment form with the signature on the electoral enrolment form corresponding to a previous enrolment involving an interview.

5.3.2 There are two problems with such an approach. The first is that the current technology used by the AEC for the storing of images of electoral enrolment forms is centralised in each State, and does not enable prompt access to signature images in Divisional Offices. A more significant problem is that in modern Australian society, where credit cards are extensively used, there are large numbers of people who have ready access to other people's signatures, making forgery of signatures a relatively straightforward matter for some.

5.3.3 Another way of identifying enrolment applicants who had been previously interviewed would be to allocate a PIN number to each interviewed applicant. This PIN number would be printed on the enrolment acknowledgment sent to the elector on enrolment, would not be made available to anyone else in any form, and would have to be quoted by the elector when he or she next lodged an electoral enrolment form.

5.3.4 There are a number of problems with this approach. Electors have not in the past had any particular reason to retain their acknowledgment cards, and to ensure that they did so, it would be necessary to undertake a major and sustained advertising campaign. This would probably cost a minimum of around \$2 million in the first instance.

5.3.5 The current acknowledgment card is a relatively modest document, laser printed on 1/3 A4 paper. It is today almost standard for documents intended for semi-permanent retention to be issued in the form of a plastic card such as a Medicare Card. To reinforce the message to electors that acknowledgment cards are valuable documents, which must be retained, it would be necessary to change the acknowledgment card from a paper card to a plastic card in the style of a credit card. The cost of producing such cards would be of the order of \$2 per card, or \$4.25 million per year, based on 1992-93 figures.

5.3.6 If an acknowledgment card went astray the person who found it would thereafter have access to the PIN number relating to the enrolment, while the person who had actually enrolled would be forced to go through the interview process again when next enrolling. While arrangements could be made for the cancellation of PIN numbers associated with cards known to have gone astray, the fact that a card had fallen into the wrong hands might not come to attention for some considerable time.

5.3.7 Regardless of the amount spent on advertising, and of the quality of acknowledgment cards produced, there would inevitably be some people who would lose their cards, and other people who would simply fail to see, understand, or remember the advertising used, and would therefore fail to quote their PIN numbers on their enrolment forms. Each such person would, on changing his or her enrolment, be required to undergo a fresh interview.

5.3.8 The cost of this option would be considerable, and in addition it could be expected that many electors would simply not bother to update their enrolments in the face of the likely inconvenience involved. There is also every possibility that the poor and marginalised members of society would prove more likely to lose their cards, and to be thereby discouraged from enrolling. This would inevitably mean that the rolls at election time would contain entries relating to persons who had left the Division since the previous ERR and had been discouraged from updating their enrolments. The existence of such entries on the roll could tend to increase the possibility of personation. Many people change their enrolment very infrequently, and it may be too much to expect that many of them would keep track of their PIN numbers for such infrequent use, unlike, for example, bank PIN numbers which are in frequent use.

5.3.9 Of the 2,238,701 people who applied for enrolment or an enrolment change in 1995-96, 800,743 were persons enrolling for the first time or re-enrolling, and a further 1,437,958 were electors who changed their enrolled address. It needs to be emphasised that even if a PIN number scheme were adopted in an attempt to limit the number of interviews required, in the initial stages of the operation of the scheme there would be relatively few people who had been previously interviewed and given a PIN number, and therefore the initial annual cost of the scheme would be over \$27 million (based on interview costs of \$13.03 payable to an outside agency for 75% of interviews, plus \$4.25 million for the production of acknowledgment cards, plus costs associated with interviewing 25% of applicants at AEC offices).

5.3.10 Costs could be expected to decline somewhat as more and more electors came to have been interviewed, but the rate of decline would be uncertain. The annual cost once the system had stabilised would be at least \$13 million, consisting of \$7.83 million for interview costs of \$13.03 payable to an outside agency for 75% of interviews, plus \$4.25 million for the production of acknowledgment cards, plus costs associated with interviewing 25% of applicants at AEC offices.

#### **5.4 Option 1A - Option 1 with Special Provisions**

5.4.1 Option 1A is a variation on Option 1. Option 1A would normally require personal interviews for new enrolments, but would make special provision for persons who could not reasonably be expected to attend an interview, such as persons in remote areas.

5.4.2 While it might be thought possible to require enrolment applicants who were not required to attend an interview to mail in, with their electoral enrolment forms,

appropriate primary documentation to establish their identities, this would not generally be practicable. Many applicants would be rightly reluctant to commit valuable personal documents to the post to obtain enrolment. Although such documents can be sent by post to the ATO in connection with applying for a TFN, this option is reportedly not attractive to clients.

5.4.3 ATO has advised the AEC that in 1994-95, of a total 450,437 TFN applications: 200,852 were made by producing documentary evidence of identity to the ATO over the counter; 44,848 were made by way of DSS; 40,543 were made by way of DEETYA; 124 were made by way of DVA; and 7,721 were made by way of tax agents (this method has subsequently been withdrawn); 89,032 were made by producing documentary evidence of identity to the ATO by mail; and 950 applications were made directly to the ATO by other (unspecified) means. That is, the Method A proof of identity procedure, by way of counter applications to the ATO, comprised 44.59% of applications. The Method C proof of identity procedure, by way of DEETYA, DSS, DVA and schools, comprised 33.72% of applications. The Method A proof of identity procedure, by way of mail to the ATO, comprised only 19.76% of applications.

5.4.4 The need for the AEC to send proof of identity documents back to the applicants by certified mail would impose significant administrative burdens and costs on the AEC. However, the acceptance of photocopies would make it significantly easier for persons with criminal intentions to enrol fraudulently. In this context, it should be noted that photocopies are not acceptable to DFAT or DSS in their proof of identity schemes.

5.4.5 An alternative arrangement for applicants who were not required to attend an interview might be to enrol such applicants on the strength of a mailed POID such as is required in connection with an application for a passport, and is permitted as a form of identification for a person opening a bank account. The class of persons qualified to be referees would have to be made sufficiently wide to ensure that there would not be people, particularly among the poor and marginalised, who would have less opportunity to know anyone qualified to be a referee. This problem arises in relation to the opening of bank accounts, and is more likely to be a problem for enrolment applications than for passport applications.

5.4.6 Option 1A would still be subject to the difficulties spelt out above in relation to Option 1. It could be expected to cost somewhat less than Option 1, but the difference is unlikely to be great, since the bulk of enrolment applicants would still have to be personally interviewed.

## **5.5 Option 2A - Option 2 with Special Provisions**

5.5.1 Option 2A would combine the main elements of Options 2 and 1A, and would give rise to essentially the same difficulties. In the light of the points made above, the cost of such a scheme could be expected in the first instance to be of the same order as for Option 2, but with some savings due to the fact that those facing specific difficulties would be exempted from attending an interview.

## **5.6 Option 3 - All Enrolments - Documentary Evidence**

5.6.1 Option 3 would retain the current procedures for the lodging of electoral enrolment forms through the post, but require all applications to be accompanied by identification documents or a POID. This requirement would supplement the current witnessing requirements for electoral enrolment forms.

5.6.2 As was pointed out above, it would not be practicable to require applicants to consign valuable personal documents to the post, nor would it be desirable to accept photocopies of identity documents; so this scheme would in effect have to rely on the use of a POID.

5.6.3 As noted above, the AEC believes that such a scheme would, subject to certain critical provisos, be workable.

## **5.7 Option 4 - Selective Documentary Evidence**

5.7.1 Option 4 would combine the main elements of Options 2 and 3. In its early stages, when few people had been interviewed, it would operate in essentially the same way as Option 3, with similar costs. The extent to which this would prove to be more efficient than Option 3 in the long run would depend on the precise modalities of the scheme adopted.

## **6. ENROLMENT IDENTIFICATION - IMPLICATIONS**

### **6.1 Close of Rolls**

6.1.1 For all the implementation options for enrolment identification considered above, particular problems would arise at the close of the rolls. Significant numbers of transactions are dealt with in the week immediately preceding the close of the rolls, and it is the processing of these transactions that has the effect of producing a more accurate roll for the election. In the week preceding the close of rolls for the 1996 federal election, 430,955 enrolment cards were processed, of which 103,423 were new enrolments, and 327,532 were changes of address, reinstatements, re-enrolments and intrastate transfers.

6.1.2 If documentary evidence of identity were required for enrolment, a decision would then be needed on whether to apply that requirement at roll close time. Not to do so would defeat the whole purpose of introducing such requirements. But if the same requirement were imposed at roll close as at all other times, it would be virtually impossible to deal with all the enrolment transactions received at that time sufficiently quickly to enable the printing of certified lists, without a significant extension of the election timetable.

6.1.3 The large number of enrolment applications for which proof of identity measures could not be completed by the deadline for the printing of certified lists might simply be left unactioned before the election, in effect treated as if they had not been received until after the roll close. This would cause the rolls to be less accurate than would otherwise have been the case, would give rise to a considerable increase in the provisional votes cast, as well as inconveniencing electors whose notified changes were not reflected in the certified lists. The increased number of provisional votes would inevitably slow the finalisation of election results.

6.1.4 Alternatively, the late enrolment applicant, for whom proof of identity measures could not be completed by the deadline for the printing of certified lists, might be given enrolment subject to confirmation, and be given some sort of special provisional vote.

6.1.5 Any such special provisional vote could only be admitted to the count after the prescribed identification requirements had been successfully completed. The names of the electors so affected would have to be annotated on the certified lists so that polling officials would know that such electors were to be issued with provisional votes. The increase in declaration votes would be over 430,000 on 1996 close of rolls figures, and the time needed to complete identification checks in the midst of other election activities would lengthen the time taken for election results to be finalised to a degree that would undoubtedly be unacceptable to participants in the electoral process. A continuous roll update process based on effective data-matching could reduce the number of declaration votes, but the degree is unclear at present.

### **6.2 Resource Implications**

6.2.1 The significant costs and operational consequences associated with any scheme for enrolment identification, prompt the basic question of the advantages of a proof of eligibility scheme for enrolment applicants at all. The Australian community accepts proof of eligibility schemes in areas such as social security and other benefit programs, account opening, and in relation to TFNs. In all of these areas, however, the application of a proof of eligibility requirement serves to minimise loss of revenue

to the community, particularly from such causes as tax evasion and benefit fraud. A proof of eligibility requirement in relation to electoral matters, whatever its other merits, does not by itself have this advantage. The DSS has commented to the AEC that:

The costs associated with administering our POI policy are offset by the savings realised from the prevention and detection of fraudulent claims. This of course may not be the case in your organisation. While the administrative costs would be similar, it would I imagine be difficult to quantify any resultant savings to the taxpayer.

6.2.2 In this context, DEETYA's statement to the AEC is relevant:

Privacy restrictions preventing information sharing by government agencies constitute an impediment which prevents agencies from ensuring that individuals provide consistent information to government agencies. The extension of the use of the tax file number by assistance agencies and for legitimate matching under the Data Matching Program (Assistance and Tax) Act has, in our opinion, been a move in the right direction. There is scope however for more linking of agency data bases to ensure that clients present a consistent identity to government.... The issue of cost of any tightening of AEC POI requirements should be considered in the light of the benefit to all agencies of an electoral roll of a far higher completeness and integrity.

6.2.3 International IDEA has provided a global perspective:

In some cultures having a single piece of standard identification, based on a system of registration that maintains a high level of integrity, is accepted as a legitimate, reasonable and efficient method of controlling citizens' access to government services. In other cultures such a scheme would be regarded with great suspicion and would be criticized as lending itself to authoritarian control. Clearly, the process of registering citizens for voter registration, as well as for taxation, for births, deaths and marriages, for health care, for driving, for national insurance and for any number of other public administration purposes is much more costly if separate mechanisms and bureaucracies are made responsible for each associated registration process. However, this price is not considered unreasonable by those who are adamant about defending personal privacy protection.

6.2.4 The CEA allows for the provision of up-to-date electoral roll information on a regular basis to the DSS and ATO for compliance checks; and the verification of the name and address of an applicant from the electoral roll counts as 25 points towards the 100 point check account opening procedure under the FTR Act (Appendix D, form 201, p 2).

6.2.5 However, if the electoral roll featured enhanced proof of eligibility measures, then there would be the opportunity for additional use to be made of the electoral roll by agencies such as the ATO, AUSTRAC, DEETYA and DSS in minimising revenue loss through tax evasion and benefit fraud. Such additional use of the electoral roll might be seen as justifying the costs of implementing Method A proof of eligibility measures for enrolment. Such additional use of the electoral roll would of course raise a fundamental issue as to the ultimate purpose of the electoral roll, and would also invite comparison with the Australia Card.

### **6.3 Voter Participation**

6.3.1 International IDEA has observed to the AEC that there is international recognition of the phenomenon of “administrative disenfranchisement”, the creation of barriers to electoral participation through administrative demands. However, the more effort that is made to establish special procedures for recognisable groups facing difficulties, the less administrative disenfranchisement results.

6.3.2 It was noted above that the ATO and AUSTRAC have implemented alternative proof of identity schemes for specific client groups. Such groups include Aboriginal and Torres Strait Islander people (particularly those in remote areas), children under 18, recent arrivals in Australia, recipients of financial supplements (Austudy/Abstudy), and people not residing in Australia.

6.3.3 The Government submission to the 1986 Joint Select Committee on an Australia Card, “Towards Fairness and Equity”, at page 44, identified categories who may have needed special registration arrangements in relation to the Australia Card Program as follows:

- (a) the frail aged;
- (b) persons in institutions;
- (c) some disabled persons;
- (d) homeless or destitute persons;
- (e) some Aboriginal and Torres Strait Islander groups;
- (f) some ethnic groups;
- (g) persons in remote areas.

The special arrangements under consideration for these groups would not remove the need for registration of such persons, but would rather be aimed at solving their difficulties in becoming registered and in retaining or producing Australia Cards or numbers where required.

6.3.4 The Health Insurance Commission 1986 Planning Report, at page 168, also identified Australians living overseas as persons for whom special registration arrangements would have to be made. If a proof of eligibility scheme was adopted then consideration should be given to alternative schemes for all of the groups identified above.

6.3.5 It is important to note that enrolment is compulsory under the CEA. The compelling effect that this would have on enrolment applicants cannot be estimated without knowing how demanding any proof of eligibility scheme might be.

6.3.6 Alternative proof of identity schemes are implemented by the ATO and AUSTRAC because without them specific client groups would face difficulty in participating in economic life. The availability of alternative proof of identity schemes for specific is of particular relevance to enrolment identification, given the general principle that the franchise is not some sort of privilege which has to be earned, or bestowed by government, but rather a right of all citizens.



## **6.4 Conclusions**

6.4.1 The AEC emphasises that although it has been possible in this submission to make a preliminary assessment of the costs and modalities of implementing various schemes, thorough feasibility studies would have to precede the implementation of any substantial changes to current arrangements. The AEC is also taking it as axiomatic that any scheme implemented should enable voters to register to vote at no cost and minimum inconvenience.

6.4.2 A roll cleansing would be very expensive, with the cheapest approach costing over \$25 million. In the light of this estimate, and in the absence of substantial evidence that the current electoral roll is fundamentally flawed, the incurring of such costs would not be justified, particularly when the implementation of prospective enrolment identification measures would, over the passage of time, eventually apply proof of identity measures to all persons on the roll.

6.4.3 The current UK and Canadian approaches to enrolment, which generate a roll which is intermittently rather than continuously maintained, would deprive current roll data users, including politicians, of the up-to-date information which they have come to expect.

6.4.4 Any scheme which required the production by electors of documents such as birth certificates or passports could well constitute a very substantial imposition on the voters themselves. A requirement to produce birth certificates could see voters paying out over \$100 million. It is likely that such a scheme would be strongly - and validly - criticised as making people pay for the right to vote. While the effect this would have on voters could be ameliorated if the Commonwealth were to bear the cost of issuing such necessary documents as birth certificates, this would represent a considerable charge on the federal budget.

6.4.5 The scheme proposed by the Liberal Party for the upgrading of the witnessing of the electoral enrolment form into a proof of identity declaration (POID) could be made workable, provided that the class of eligible witnesses was sufficiently wide to ensure that no person qualified to vote could be expected to face difficulties in finding a witness.

6.4.6 There is merit in the expansion of matching personal elector data with external databases, provided that the relevant technical and statutory issues can be resolved.

6.4.7 In the light of the complicated nature of citizenship law, and the difficulties of accessing relevant data held by State/Territory Registries of Births, Deaths and Marriages, it is probably not feasible at present to introduce a general requirement for proof of citizenship, though scope does exist for making use of such external data as it becomes available electronically.

6.4.8 Similar complications in accessing BDM data in relation to proof of age and address make it unlikely that a workable scheme for conclusive proof of age or residency could be readily developed.

6.4.9 Any scheme requiring voters to be personally interviewed at enrolment would involve substantial costs, and subject voters to significant inconvenience.

## **7. VOTER IDENTIFICATION - GENERAL**

### **7.1 Introduction**

7.1.1 Chapters 7-9 address proof of the identity of electors who vote. The possibility of requiring proof of age, citizenship and residence of electors is not addressed here because, as has been noted previously, these are by no means necessarily straightforward matters. The purpose of having an enrolment process is to enable potentially difficult or controversial issues regarding a person's entitlement to vote to be resolved in a measured and systematic way prior to the polling, so that the polling can proceed smoothly. Within such a general framework, it is essential that the certified lists be able to be taken as conclusive of a person's right to vote. The only issue which therefore might arise at the polling place is that of whether a person claiming a vote is in fact a person named on the certified list.

7.1.2 Chapter 7 addresses general issues associated with voter identification, and then proceeds to note international experience with photographic identity cards.

7.1.3 Chapter 8 considers a possible requirement for voters to produce at the polling place a photographic voter identity card issued by the AEC. The use of a photographic template as an alternative to a photograph is considered. The chapter then examines a possible requirement for voters to produce a temporary non-photographic voter identity card, issued by the AEC, at the polling place; and a requirement for voters to produce documentary evidence of identity, which has not been issued by the AEC, at the polling place. The use of biometrics in proof of identity at voting is explored. Finally, precinct voting, which is often said to facilitate the process of voter identification, is considered.

### **7.2 General Issues**

7.2.1 At the 1996 election there were 7865 ordinary polling places on polling day. Of these, nearly all were hired non-Commonwealth premises, generally being school buildings, places of worship and community organisation halls. There were 330 pre-poll voting centres. For the 1996 federal election the AEC employed some 60,000 casual staff. Any proof of identity scheme implemented at the polling place (and this includes overseas diplomatic missions, remote mobile polling teams and mobile polling teams at hospitals), must confront the dimensions of an Australian federal election. This does not rule out proof of identity at voting, but does impose significant cost factors, as well as ruling out some particular options, such as computer networking of polling places for the transmission of biometric information.

7.2.2 One of the central topics of this and the following chapter is identity cards of various kinds. A basic distinction can be drawn between "temporary" (lighter, ie less durable) and "permanent" (heavy duty, ie more durable) cards. Strictly speaking "temporary" and "permanent" refers to the durability of the materials, but it is assumed in this submission that light cards would in fact be used only once, and that heavy duty cards would be retained for use at more than one electoral event, to avoid the additional expense that would result from using such a card only once. Photographic and smart cards are assumed in this submission, due to their expense and the information that they contain, to be permanent cards. The Department of Veterans' Affairs has advised the AEC that:

The decision to pursue a heavy duty card or a lighter card would depend heavily on the cost factors and the methods in which the card is

authenticated and used. The lighter cards have a useful life of around 12-24 months whereas the heavy duty card could conceivably last up to five years. Some statistical modelling of voters mobility, yearly uptakes and deaths would also be desirable in choosing the options.

7.2.3 Costing and planning for the implementation of any scheme involving permanent cards can be analysed in the light of the implementation plan and projected costings for the proposed introduction of the Australia Card by the HIC in its 1986 Planning Report, although this was to cover a broader class of persons than just electors. The HIC identified four discrete phases:

(a) The planning phase. This was to encompass all activities necessary for the preparation of detailed final specifications for the establishment and administration of the program, including estimates of work volumes, resource requirements, costs and timescales.

(b) The development phase. This was to encompass the development and installation of the infrastructure necessary to commence issue of the Australia card including:

- (i) development and testing of computer systems;
- (ii) preparation of training manuals;
- (iii) acquisition and fitout of new and upgraded offices and processing centres;
- (iv) recruitment and training of staff; and
- (v) preparation and production of publicity/information material.

(c) The implementation Phase. This was to cover the construction of the Australia card register and issue of cards. It was to commence in April 1987 with two years to completion. On the basis of 1987 figures it was estimated that 16 million cards would need to be issued with the volume of cards issued per day being:

- (i) 36,200 in the initial 20 months of the implementation period from April 1987 to November 1988;
- (ii) 13,600 in the period from December 1988 to March 1989;
- (iii) 12,400 in the period April to June 1989;
- (iv) 2,800 in the two year period until the re-issue starts; and
- (v) 16,200 in the re-issue period.

(d) The ongoing phase.

7.2.4 The HIC Planning Report stated that the program would necessitate a substantial increase in the Commission's existing resources:

- (a) an additional 2158 staff would be required;

(b) 1907 computer terminals would be needed; and

(c) five more processing centres and 82 more branch office locations would be needed.

7.2.5 It was estimated that the development phase costs would be \$79 million and implementation costs would be \$194 million. In the first two years following implementation the estimated costs would be less than \$19 million and in subsequent years it would increase to \$42 million. The total estimated costs over the first ten financial years would amount to \$521 million (all of the figures in this and paragraph 7.2.7 below are at August 1985 prices).

7.2.6 If the card were to include a photograph, additional costs would have resulted. The HIC reported that additional administrative arrangements would have included:

(a) photographs taken by Commission staff during the registration interview;

(b) special equipment, linked to a video screen and computer, which would have been used to provide a quality photograph and to ensure the correct photograph was included in each card; and

(c) the conversion of the photograph to a computer image, and its storage for card production.

7.2.7 The use of photographs would have required increased resources for staff, accommodation, terminal equipment and computer equipment and services. The provision of a card with a photograph would have cost an additional \$34.2 million over the ten year costing period. This would have increased the total cost from \$521.0 million to \$555.0 million.

7.2.8 At present, electors in Australia are sent at the time of enrolment a non-photographic laser printed 1/3 A4 sized acknowledgment card through the post confirming their enrolment for federal, State and Territory purposes. There are no figures available on how many people currently on the roll still possess their acknowledgment cards, but since there has in the past been no particular point in retaining such cards, the number is unlikely to be large. It would therefore not be feasible to use the acknowledgment card as an identity card for voters at the polling place.

7.2.9 It should be noted in this context that it would be inappropriate for an acknowledgment card bearing a PIN number to be used as an identity card for voters at the polling place, since this would diminish the secrecy associated with the PIN number.

7.2.10 The Australian Security Intelligence Organization (ASIO) has noted in its advice to the AEC that the cost to implement any voter identification scheme, including photographic voter cards, is likely to be significant, particularly considering how often it would be used. The technology and integrity of such a scheme is likely to vary considerably between elections. What may be secure this election may not be secure by the next. To change cards would be expensive and unpopular with the public. Reducing the expenses associated with any system using identity cards, including biometric systems which use cards, is one of:

many advantages [gained] if a system could be implemented to integrate many functions, eg, medicare, identification for opening bank accounts, etc. Many may like the proposal. Others could see this as Australia Card under a different guise.

### **7.3 International Experience**

7.3.1 International experience of photographic identity cards varies widely. Whereas virtually all countries of continental Europe have a well established system of national identification, International IDEA has advised the AEC that “other countries, mostly in the Anglo-Saxon tradition, have historically viewed this centralisation of information about citizens as an infringement of privacy and/or civil liberties”.

7.3.2 International IDEA identifies a third group of countries which, having no national identity register, have developed special electoral identity cards from scratch. This approach is particularly common where “the concept of national identity documentation carries with it the taint of recent past authoritarianism, but where a similar exercise for electoral purposes is acceptable as part of a transition to democracy”, for example Cambodia, Chile, Mexico and Uruguay. These countries typically make use of modern technology to create identity cards with photographs, thumbprints or some other physical proof of identity.

7.3.3 International IDEA advises that there are three main problems with establishing electoral identity cards from scratch:

(a) the extreme expense is usually justifiable only where past political problems make such an approach essential for effective elections;

(b) it involves the same problems of establishing identity as any other identification system, and difficulties with loss or destruction of cards, and can in some cases result in large numbers of eligible electors being effectively disenfranchised; and

(c) in many cases where high quality methods such as photographs or thumbprints are used, and/or where registration or voting are compulsory, the electoral document tends to become a de facto national identity card. This significantly changes the perceived (and often the actual) role of the election administration body.

7.3.4 In the UK, the question of whether or not to introduce an identity card has recently been the subject of a Government Green Paper and was considered in June 1996 by the Home Affairs Select Committee. The Green Paper consultation document issued in May 1995 sought comments on the issue of an identity card generally, including possible electoral application. The UK Home Office has advised the AEC that comments were received, but proof of identity in connection with electoral activity did not seem to have engendered much interest. With the exception of Northern Ireland, elector fraud and personation are not considered by most observers to be a significant problem in the United Kingdom.

7.3.5 The Home Affairs Select Committee’s Fourth Report, which was published on 2 July 1996, considered the introduction of an identity card in relation to the electoral system, concluding that an identity card system could provide limited benefits. Home Office Ministers are still considering the implications of the Select Committee Report,

but the AEC has been advised that there are no plans to amend electoral legislation to require proof of identity in registration or voting.

## **8. VOTER IDENTIFICATION - PROOF**

### **8.1 Photographic Identity Card**

8.1.1 It would be possible to introduce a requirement for all persons seeking an ordinary vote to produce a photographic voter identity card issued by the AEC. Confirmation of the person's identity would be provided by a visual comparison of the person presenting the card with the photograph. Such cards would have to be permanent, but as ASIO has advised the AEC this raises the issue that with the relative infrequency of elections, new cards would be required at regular intervals, perhaps even more frequently depending on the data held on the card. ASIO notes that photographs require updating more frequently than biometrics. In the case of biometrics, personal characteristics do not vary considerably with age, and comparison of biometric data leads to "automatic" decisions, but in the case of photographs the AEC officer would need to make difficult judgements about ageing, change of hairstyle, glasses, and so on.

8.1.2 Photographic identity cards would have to incorporate security features to prevent them being readily forged, and would also have to be designed in such a way as to prevent the substitution of photographs. ASIO notes that the identity card, the mainstay of security and personnel identification for many years, is today increasingly easy to counterfeit. Identity cards with complicated logos, colours and photographs can be easily scanned into computer systems and reproduced by laser printers. Even identity cards printed directly onto laminated material are vulnerable to a fraudster with access to the particular printers which are commercially available, and manipulation of photographs is also easily accomplished. The use of integrated holograms could make cards more difficult to duplicate, but not impossible. One way of meeting integrity concerns associated with a photographic card is the use of a smart card encoded with a photographic template as an alternative to the traditional photographic identity card (see section 8.2 below).

8.1.3 The issue of photographic identification was extensively debated in relation to the Australia Card. The Government submission to the 1986 Joint Select Committee on an Australia Card, "Towards Fairness and Equity", at pages 159-163, summarised the arguments for and against including a photograph on the Australia Card. Arguments against a photograph included:

(a) evidence suggests that the presence of a photograph on an identity card would not guarantee that the card could not be used by anyone other than the legitimate cardholder, a study of card use in the UK showed, for example, that photographic cards presented by members of the opposite sex to that of the cardholder had been accepted as valid identification, as also had photographic cards of children presented by adults;

(b) the care taken to match the photograph on the card with the appearance of the cardholder in any particular case will vary, such variation would do much to undermine the usefulness of the photograph as an identifying device;

(c) it is argued that facial appearance can easily be altered, and that the mere existence of a photograph would not, of itself, remove all need for additional validating action since changes in facial features, hairstyle, hair colour etc as well as damage to the Australia Card may reduce the usefulness of the photograph on some occasions;

(d) there are problems of a practical and a philosophical nature, for example persons in isolated areas would have difficulty in being photographed, and persons with facial disfigurement, the severely disabled, the frail aged, and certain religious groups may have a personal reluctance or a particular conscientious objection to being photographed;

(e) the inclusion of a photograph would involve additional costs; and

(f) one final and most important argument is that a photographic card would become an 'internal passport', ie there would be a strong incentive for it to be demanded as proof of identity in circumstances where there would be no legislative authority, eg by credit companies, when cashing a cheque in shops, by police etc.

8.1.4 These arguments led the Government of the day to take the decision not to include a photograph on the Australia Card.

8.1.5 The currency of these issues is shown by the recent experience of Citibank, which is the only bank in Australia which carries a photograph on cards. Citibank has advised the AEC that although the response is very positive - both customers and merchants have been very supportive of the feature - no other bank has followed Citibank, in part because of cost, which is four times that of a standard card. Citibank has also noted the internal passport phenomenon. Anecdotal evidence shows photocards are also acceptable for identification purposes in other situations such as video shop agreements and registered mail collection.

8.1.6 Arguments in favour of a photograph identified in "Towards Fairness and Equity" included:

(a) the central argument advanced in favour of inclusion of a photograph is that it would add very significantly to the integrity of the Card by enabling the person presenting the card to be identified as the legitimate cardholder;

(b) the Australian Federal Police (AFP) and document forgery experts in DIEA advised that without a photograph the Australia Card system would be more open to exploitation and criminal abuse;

(c) although validation of cards could be achieved by signature as an alternative to a photograph, this would not be as effective as validation by signature and photograph;

(d) the consequences of more widespread fraudulent use of lost and stolen Australia Cards due to absence of a photograph would also be particularly significant for the legitimate cardholder; and

(e) without a photograph, the Australia Card would appear likely to receive less acceptance by the Australian public.

8.1.7 If, as would be preferable for security, photographic identity cards were printed directly onto laminated material, then, as the AEC noted at page 23 of submission No 5 to the previous JSCEM, this would require each voter to be photographed by an issuing officer:



it would not be sufficient for the voter to provide a photograph to the issuing officer... the film used to make that photograph might not be appropriate to the laminate. This would not be a problem if voters were required to be interviewed prior to enrolment: the required photograph could be taken as part of the interview process.

8.1.8 Requiring enrolment applicants to submit their own photograph would impose a direct cost burden on people who under law are compelled to enrol. A further practical issue with requiring persons to submit their own photograph has been noted by Citibank: "We encounter problems with customers sending in inappropriate photos in terms of size, content and quality despite very clear instructions being provided". For these reasons the AEC reiterates its view on page 23 of the AEC submission No 5 of 10 November 1993 to the previous JSCEM that: "It is hard to envisage that the use of photographic voter identity cards would be feasible if voters were not required to be interviewed to effect their enrolments".

8.1.9 It should also be noted that the use of photographic identity cards at voting would be likely to be employed in addition to the current use of certified lists to check residential eligibility, not as a substitute. This is because cards could only be relied on to incorporate up-to-date enrolment details if there was a specific requirement for the card to be returned for amendment every time a change to the rolls was made. This requirement could involve time delays, and be seen as placing a "red tape burden" on changes of enrolment. For example, an elector would presumably prefer not to send an identity card by mail, but would wish to deliver it personally if possible. If, for these reasons, a requirement to return the card on change of enrolment was not adopted then the checking of a photographic identity card would be in addition to checking the certified list. This would result in delays at polling places, unless additional staff were provided.

## **8.2 Photographic Template**

8.2.1 ASIO has raised with the AEC, as an alternative to the photographic identity card, a smart card, which shows to the naked eye only basic individual data such as, for example, the cardholder's name, but has the cardholder's photograph encoded on it:

The AEC officer would merely swipe the card and the photograph would be brought to a screen.... The quality of the photograph will depend on the storage medium. Magnetic storage would be of far inferior quality than if using a microchip. However, the magnetic storage is cheaper - at least with today's technology. Data compression may be more readily available in the future. With bulk buying however, the chip solution may be cost effective.

8.2.2 Although such a card would have higher integrity than a conventional photographic card, it would involve further expense. The arguments against a photographic card described above would also be relevant to a photographic template card, with the qualification that if card readers were not widely available in the community then there might be less concern at the prospect of the card becoming an internal passport, and possibly less discomfort caused to persons with facial disfigurement. However, there might be general concerns with the use of new and unfamiliar technology.

### **8.3 Temporary Identity Card**

8.3.1 A person seeking an ordinary vote could be required to produce at the polling place a temporary non-photographic voter identity card issued by the AEC. Such cards would be issued for each election for use only in that election, which would dispel any fear of the card becoming an internal passport. The card would have to be despatched by the AEC to the elector after the close of the rolls for an election, because if a card was sent out well before the election there would be a significant chance that the information shown on it would be out of date by election time; and there would be a substantial risk that the card would be lost or misplaced by election time.

8.3.2 Such a temporary non-photographic voter identity card could be in the same format as the current acknowledgment card, although other options are possible. Laser printing technology allows the printing of bar codes which could contain coded information about the elector such as an identification number. Scanning technology (not that currently used by the AEC) could be used to read the bar codes. If this was implemented at the polling place level the resource implications in terms of additional scanners and staff would be considerable. However, if the cards were surrendered by the voters when they cast their vote, scanning to indicate apparent non-voters and apparent multiple voters could take place at scanning centres later. If this scheme replaced the current use of certified lists then there could be significant cost savings.

8.3.3 There are a number of practical difficulties with the issuing of a temporary non-photographic voter identity card by the AEC, the most obvious of which is distribution. Approximately 11.89 million valuable individualised mail items would have to be correctly delivered between the close of rolls and election day. The cost of a mailout after the close of the rolls would depend on the quality of the document being sent, and the cards would have to be printed using security printing techniques, to counter the possibility of forgery. Estimates to produce and mail out such a card are between \$5.04m and \$5.13m.

8.3.4 A card similar to the current acknowledgement card, printed on a 1/3 A4 sheet of paper bearing the elector's details and a bar code, would cost, on the basis of current enrolment figures: \$5.04 million to produce and mail out (being \$4.55 million for postage, and \$0.49 million for printing). A laminated credit-card sized card, designed to be punched out of a 1/3 A4 paper card, would cost, on the basis of current enrolment figures: \$5.13 million to produce and mail out (being \$4.55 million for postage, and \$0.58 million for printing). This estimate of postage cost assumes that the cards are not sent by certified mail, which would raise costs further.

8.3.5 If the cards are not sent to electors by certified mail, there would be concerns about the security of cards delivered to unattended letter boxes. Regardless of the specific delivery mechanism, and putting aside for the moment the possibility of theft, inevitably some cards would fall into the hands of a person other than the addressee, which would facilitate personation.

8.3.6 It should be noted that a temporary non-photographic voter identity card would only tend to prevent multiple voting in the same name. This is known to be an infrequent occurrence, rarely undertaken with fraudulent intent, and detectable promptly after an election using current scanning technology.

8.3.7 If a temporary non-photographic voter identity card was introduced there would be a need for a major advertising campaign to advise electors that they should

bring their cards to the polling place. Such a campaign during the election period would cost an estimated \$1.5m to \$2m. Given the scarcity of advertising time available during an election campaign, it might be necessary to cut back on AEC advertising on other issues, such as formal voting. A better alternative would be to undertake two separate campaigns, one before and one during the election period. This would cost an estimated \$2.5m to \$3m. No matter how successful the campaigns were, there would still be people who would not bring their cards to the polling place, inevitably increasing the number of provisional votes cast.

8.3.8 The State Electoral Commission of Victoria has reported on a trial use of a temporary non-photographic voter identity card for the Coburg District by-election which was held on 14 May 1994. The trial involved:

- (a) the production of some 33,217 voter cards which were bar-coded to enable electronic scanning to occur following polling;
- (b) the issue of cards to electors by mail;
- (c) advertisements in local newspapers informing electors about the trial and advising them to bring their cards on polling day to speed-up the voting process;
- (d) arranging polling places to be set up for officials to receive electors with cards and without cards; and
- (e) the identification of performance measures to assess the strengths and weaknesses of the trial.

8.3.9 Although it was evident that electors accepted the voter cards and that use of the card resulted in quicker and easier voting it was also apparent that several issues require further consideration. These included:

- (a) the production process of voter cards so as to prevent electors receiving more than one card or alternatively no card, in the Coburg trial some twelve electors received two voter cards instead of one;
- (b) the reliability of the postal system to handle large numbers of voter cards for delivery to electors in the week prior to polling day;
- (c) the security of cards once delivered to a post box; and
- (d) whether the use of voter cards is likely to reduce, or conversely increase, the risk of multiple voting, as there is no mechanism to prevent an individual from using another elector's card through personation.

8.3.10 The trial did not displace the current method of voting in Victoria, and if voter cards were to be introduced a system of declaration voting would be required for those electors who did not possess a voter card.

8.3.11 As a result of these issues the State Electoral Commission of Victoria did not seek legislative amendment for the introduction of voter cards for use at the 1996 State election. Furthermore, although there was clear acceptance of the use of voter cards by electors, Victorian State officials from both the Australian Labor Party and the Liberal Party did not favour voter cards because:

(a) there is little, if any, evidence of voting fraud and there is no widespread perception that the voting system is open to abuse - hence there is no need for a measure such as voter cards;

(b) voter cards may well prompt certain individuals to vote fraudulently by impersonating others whose voter cards they have obtained;

(c) for a variety of reasons, some voter cards will not be delivered correctly, causing confusion amongst those who do not receive them and possibly deterring some of these people from voting; and

(d) declaration voting will be a considerable inconvenience - and an imposition - for those who lose their voter cards, or forget to bring them.

## **8.4 Documentary Evidence**

8.4.1 Electors could be required to produce documentary evidence of identity, which has not been issued by the AEC, at the polling place before they are issued a ballot-paper. If an elector provided all required documents, including any AEC issued documents also required, then he or she would be issued with an ordinary vote, otherwise he or she would either be issued with a provisional vote, or not issued a ballot-paper at all. Documentary evidence of identity, which has not been issued by the AEC, could be required along lines spelt out in the following scenarios:

(a) requiring voters to produce a non-photographic voter identity card (either temporary or permanent) issued by the AEC when they vote, together with a photographic identity card, not issued by the AEC;

(b) requiring voters to produce a photographic identity card of some specified sort, not issued by the AEC; or

(c) requiring voters to produce an identity card (or other documentary evidence of identity) of some specified sort, not necessarily photographic, and not issued by the AEC.

8.4.2 The AEC has been advised by the United Kingdom Home Office that a scheme of this kind, referred to as "specified documents legislation", has operated in Northern Ireland since 1985. A voter at an election held in Northern Ireland may not receive a ballot-paper unless he or she produces one of seven specified proofs of identity (specified documents), some of which include photographs:

(a) a current Northern Ireland or Great Britain driving licence, or Northern Ireland provisional driving licence;

(b) a current passport;

(c) a current allowance, benefits or pension book;

(d) a medical card issued by the Northern Ireland Central Services Agency;

(e) a current British seaman's card;

(f) a plastic Northern Ireland number card issued by the Department of Health and Social Security (Northern Ireland) or the Department of Social Security (Great Britain); or

(g) a woman married within two years of polling day can produce her marriage certificate issued by the Registrar General.

8.4.3 Even where such a specified document has been produced, the officer-in-charge of a polling place retains a discretion to refuse to issue a ballot-paper if he or she decides that the specified document raises a reasonable doubt as to whether the voter is the elector that he or she claims to be. In these circumstances the voter is allowed to cast a tendered ballot (ie declaration vote).

8.4.4 Specified documents legislation in Northern Ireland is designed for a political and security environment very different from that existing in Australia. Furthermore, voting in Northern Ireland is not a legal obligation, unlike in Australia. Given these factors, one could seriously question the desirability of adopting the Northern Ireland approach in Australia. If such an approach was adopted in Australia, then it would require additional staff at polling places to examine specified documents, or delays would be experienced.

8.4.5 Whereas refusing a ballot-paper to electors unable to produce specified documents may be an acceptable price to pay for electoral integrity in the context of the political violence, intimidation and fear which has been experienced in Northern Ireland, such an approach has not been considered appropriate for the peaceful conditions of the UK mainland. Likewise in Australia it might be thought better to allow electors who could not produce specified documents to cast a provisional vote, instead of being denied a vote. Such votes would need to be checked by comparing the signature of the elector with that on his or her original electoral enrolment form. The potentially large increase in declaration votes, and the time needed for scrutiny, would delay the finalisation of election results.

8.4.6 If any of the options described above in paragraph 8.4.1 were to be adopted in Australia, then serious thought would have to be given to the categorisation of documentary evidence of identity.

8.4.7 If voters were required to produce a non-photographic voter identity card (either temporary or permanent) issued by the AEC when they voted, together with a photographic identity card, not issued by the AEC, then persons who produced the AEC issued card, but were unable to produce a photographic identity card, could still be issued with an ordinary vote if they were identified at the polling place with a POID. This could reduce the need for provisional votes.

8.4.8 Given the scale of the change in voting procedures under any of the options described above, an extensive public education campaign would be required for such an approach to work in Australia. In Northern Ireland rigorous voter information campaigns are conducted to remind voters to bring specified documents to the polling place. To operate effectively in Australia such a scheme would need community acceptance of the need to bring to the polling place valuable personal documents, which may or may not be usually kept personally by the elector.

## **8.5 Biometrics**

8.5.1 Biometric systems are systems where you produce something that you “are” (ie some physical identifier) to prove identity. Such systems can offer very high degrees of integrity. Biometric technologies include hand geometry, thumb/fingerprint, veins in the back of the hand, voice, signature, iris and retina scan, facial thermograph, and facial recognition. Degrees of integrity vary. For example,

signatures can be forged with more ease than retina information can be “forged”. Biometric systems do, however, have significant cost and privacy implications.

8.5.2 Biometric systems are only as good as their database. The lack of a pre-existing national database of biometric information in Australia means that use of biometric information is not currently an option for proof of identity at the enrolment stage. With respect to biometric information databases, the AEC has been informed by ASIO that:

However, all [biometric systems] have the same problems. You need to compare the person [to be identified] against a database. That is, you need to have been previously enrolled on the system and the biometric characteristics need to be converted into a template. Each template needs to be aligned to an individual PIN or other indicator.

8.5.3 To construct such a database, each elector would have to be positively identified when his or her biometric information was collected. For administrative convenience this process could be done at the time of enrolment, but such collection is not proof of identity for enrolment, rather it is the recording of information to be used subsequently at voting.

8.5.4 Under a biometric system, the elector would submit to a biometric check before a ballot-paper was issued. The procedure at the polling place is described using the example of “Bill Smith” voting using a fingerprint identification system, as described to the AEC by ASIO:

When he needs to be verified, he would go to the AEC officer, and enter his details [for example name]/PIN. The system would then bring up his template. He would then offer his finger. The system compares “his” finger against the template called up. It does not compare his finger to ALL [capitalisation in original for emphasis] those in the database. If it did, the chances of a match with any number of others could be quite high. (In law enforcement this is what does happen, but considerable information is required on all the fingers in the database and processing is very time consuming and expensive to ensure the correct match).

8.5.5 However, ASIO notes that a system whereby readers compare elector information against the networked biometric information database would be impractical in terms of cost and processing time because it would require many fingerprint readers at all polling sites, with nationwide communications to a central database.

8.5.6 In Jamaica, the election management body is developing a system, expected to be extremely expensive, whereby the digital images of electors’ fingerprints would be read at polling places by an optical recognition program and compared with a central database of images. Australia’s geography is, however, markedly different from that of Jamaica, an island with a total land area of 10,830 km<sup>2</sup> compared to Australia’s total land area of 7,617,930 km<sup>2</sup>. Furthermore, data-matching at polling places would involve thousands of temporary polling officials accessing personal data, with the attendant privacy concerns.

8.5.7 Given the impracticality in Australia of a networked biometric system, ASIO notes that the obvious alternative is for the individual template of biometric information to be stored on a smart card, which would work as follows, again using the example of a fingerprint identification system:

In this case, on enrolment, the template would be recorded onto a card which would be given to the elector. At the polling station, the elector would enter the smart card into the local reader which would note the template data. The elector would then present his or her finger and the machine would confirm that the card as presented belongs to that finger.... Various levels of security could be included such that the template is encrypted and a PIN used to decode it. However, in general, one card = one individual.

8.5.8 ASIO estimates that fingerprint readers, in bulk, would probably be of the order of \$1,000 each, and that smart cards for this application would cost from three to twenty dollars each depending on their durability and on any other information contained on the card (such as photographs, authentication logos, and personal information). The possibility that an identity card may become an internal passport is significant. There is also the issue of possible negative public reaction to new and unfamiliar technologies.

8.5.9 The storage potential on smart cards is such that other biometric data could be used on a smart card, either independently or in combination with each other and/or fingerprint information. International IDEA has advised the AEC that such other biometric data could include a signature, stored on the card's computer chip so that it would not be visible to anyone possessing the card, and retina "signature" information "burned" into a smart card at the time of issuing (this does not yet appear to have been implemented in the electoral context, although apparently vendor demonstrations of these products are available).

8.5.10 In summary, ASIO has observed that biometrics offer the highest level of security, but readers are relatively expensive, particularly with the relative infrequency of elections. Reducing the expenses associated with such a system by integrating other functions (for example Medicare or account opening under the FTR Act) would raise the same issues as were raised by the Australia Card.

## **8.6 Precinct voting**

8.6.1 It has been suggested that precinct voting, by which each voter's name appears on one and only one certified list, should be introduced. In some cases the suggestion is expressed as one for the "reintroduction" of precinct voting. This appears to flow from a misunderstanding of the arrangements which applied prior to 1983. Precinct voting is discussed at this point in the submission because it has been argued by some to be a useful mechanism to support the possible prevention of personation of voters at polling places.

8.6.2 There are two distinct arguments advanced in favour of precinct voting. The first is that if a voter's name appears on only one certified list, multiple voting in the same name is prevented. However, as has been pointed out in numerous AEC submissions to the JSCEM, this is already known to be an infrequent occurrence, rarely undertaken with fraudulent intent, and detectable promptly after an election using current scanning technology.

8.6.3 The second argument is that if the number of people entitled to vote at a particular issuing point is kept small, scrutineers or polling officials will have some prospect of detecting attempts at personation. The AEC has previously submitted to the JSCEM that for such an argument to be valid, precinct sizes would have to be of the order of 500 to 1000 voters at the maximum, and even precincts of 500 voters

could well prove ineffective in achieving their objective, since particularly in metropolitan areas it is by no means unusual for people to know by name only their immediate neighbours. Canada, which uses a form of precinct voting, aims to have precincts of around 350 voters.

8.6.4 Several different schemes for precinct voting can be postulated. The first would be to increase the number of polling booths, with each polling booth being located within its precinct and taking no more than 600 votes (the current number of votes which a single issuing officer is expected to issue each day). Assuming that those polling booths which currently take less than 600 votes would be unaffected, the number of static polling booths would have to be increased from 7865 to over 17,800. Given the need to find suitable premises, this is not considered feasible, particularly in the light of the statement made by the JSCEM in its Report on the 1990 Federal Election, at page 30, that "care should be taken by District Returning Officers to ensure, where possible, that polling places selected facilitate easy access by voters who are elderly, invalid, disabled or pushing strollers". Given that enrolment numbers in the various precincts would be uncertain until several days after the close of the rolls, this scheme would be very difficult to implement in practice, since polling place staffing numbers could not be finalised until after the roll close.

8.6.5 A second scheme would be to have precincts of around 600 voters, but allow polling booths to be located outside their precinct, and to be collocated. A polling place would consist of separate issuing points for several different precincts. Again, the fact that enrolment numbers in the various precincts would be uncertain until several days after the close of the rolls, would make this scheme very difficult to implement in practice, since polling place staffing numbers could not be finalised until after the roll close. Furthermore, in its Report on the 1990 Federal Election, the JSCEM noted, at page 30, that "composite polling booths - that is a booth registered as a polling place for two Divisions - are always a problem and can lead to confusion for some voters. Obviously composite polling booths should be kept to a minimum".

8.6.6 A third scheme, suggested in a number of submissions to the JSCEM, would be to have precincts of more than 600 voters, to issue a single certified list to each polling place, and to split the certified list alphabetically. Under such a scheme, however, scrutineers would, because of the greater sizes of the precincts, not have the same capacity to scrutinise the voters as under the first or second schemes, and this would probably render irrelevant the alleged benefits of precinct voting noted in the paragraph 8.6.3.

8.6.7 A much greater problem with the second and third schemes of precinct voting, however, relates to the effect it would have on the time which people would have to spend in queues at polling places.

8.6.8 At the moment, the AEC adopts so-called "bank style" queuing, under which a voter queues in a single line, can be served by any one of a number of issuing points, and is directed to the first available issuing point. This scheme was adopted (and the system previously used, alphabetically split certified lists, was abandoned) on the recommendation of a Report prepared for the Australian Electoral Office in 1974 by management consultants W D Scott & Co Pty Ltd. The Scott Report pointed out that significant efficiencies in staffing and operating polling booths could be produced by the introduction of bank style queuing. Such queuing is used by the banks, and by many other institutions, such as the US Immigration Service at Los Angeles International Airport and John F Kennedy International Airport, by the UK Immigration Service at Heathrow, and more recently by Woolworths and Coles for their express



service lanes, because it is the most efficient way of handling large numbers of people arriving at a time.

8.6.9 Any departure from the use of bank style queuing at polling places would have major implications not only for polling place staffing, but also for the delays which voters would face in casting their votes. In particular, the abandonment of bank style queuing would lessen the flexibility in the management of polling booth resources which is an important element of the AEC's strategy to cope with queuing problems in polling places at peak hours.

8.6.10 While a full assessment of the likely effect of precinct voting on waiting times in queues would require more information than is currently available, it is possible to make a preliminary assessment based on plausible assumptions (see for example, H A Taha, "Operations Research: an Introduction", 2nd ed, Collier MacMillan, London, 1976, pp 463-465, 468-470, 484-488):

(a) If polling places which currently have two issuing points were replaced by polling places servicing two separate precincts, voters attending at peak periods would be likely to have to spend on average *twice as long* in the queue as at present.

(b) If polling places which currently have three issuing points were replaced by polling places servicing three separate precincts, voters attending at peak periods would be likely to have to spend on average *three times as long* in the queue as at present.

(c) If polling places which currently have four issuing points were replaced by polling places servicing four separate precincts, voters attending at peak periods would be likely to have to spend on average *four times as long* in the queue as at present.

8.6.11 Since the great majority of voters, including almost all voters in urban areas, vote at polling places which currently have multiple issuing points, it is clear that the introduction of precinct voting would greatly increase the waiting times in queues faced by most voters.

8.6.12 On this point, it is worth noting that the issue of waiting times in queues was raised in the Report prepared for the New South Wales Government in 1989 by Mr Ian Dickson, the State Electoral Commissioner, and Mr Ron Cundy, former State Electoral Commissioner. The Report was entitled "Inquiry into the Operations and Processes for the Conduct of State Elections". At page 30, in the course of a general discussion of precinct voting, the NSW Commissioners noted, in relation to observations they had made regarding precinct voting in the USA and Canada, that:

Their system is not without its administrative problems, as electors sometimes queue for 30 minutes or more. This is suggested as one of the reasons why up to 50 percent of registered voters in the U.S.A. do not bother to go and record a vote.

8.6.13 This observation does not appear to have been given any great emphasis by those witnesses appearing before the JSCEM who have otherwise endorsed the opinions expressed by Messrs Dickson and Cundy. It is of course clear that if 30 minute queuing times are associated with the sorts of relatively low turnouts which apply in the United States, then other things being equal, the situation could be expected to be worse in Australia, where turnouts have historically been far higher.

8.6.14 Major problems with all three schemes of precinct voting would be those of devising workable precincts, and advising the voters of the precincts in which they are required to vote. While it might be thought possible to use Census Collection Districts as precincts, in fact a significant number of CCDs have enrolments of over 600, and would have to be manipulated further to enable their use as precincts, unless the certified lists were split alphabetically.

8.6.15 A greater problem is that many voters simply do not vote at the polling place closest to their residence, but instead vote, for example, at a polling place near to a major shopping centre or sporting-venue which they will be visiting on polling day. Any process of allocating precincts to polling places would therefore involve preventing voters from casting ordinary votes at the polling places at which they would, but for the introduction of precinct voting, have been able so to vote. This would cause voters significant inconvenience. (In this context, it should be noted that although a number of statements have been made at recent JSCEM hearings to the effect that around 90% of voters vote at the nearest polling place, these appear to be based on anecdotal rather than hard evidence. In any case, even 10% of ordinary voters represents almost 1 million such voters nationwide.)

8.6.16 It would be necessary to find an effective way to advise voters of the polling stations at which they are required to vote. This would probably require an extensive and expensive advertising campaign, during the election period, which would tend to displace the advertising which the AEC presently conducts at that time. A mailout to each voter advising him or her of the polling place at which he or she is required to vote would almost inevitably be required. The cost of such a mailout would be over \$5 million.

8.6.17 Since the introduction of precinct voting would represent a radical departure not just from current practice, but from the practices which have applied throughout the lifetimes of most current voters, it would inevitably be the case, even if there were extensive advertising accompanied by a mailout, that many voters would go to vote at the wrong polling place. Since most of them would be people who did not know the precinct for which they were enrolled, they would either have to be told to go to the right polling place (which might be some distance away), determined by consulting a reference roll; given an internal absent vote; or given a provisional vote.

8.6.18 If the policy adopted was that of redirecting voters, inevitably some of them would simply abandon their attempt to vote in the face of the inconvenience involved. Those who had left voting until late in the day might be physically unable to get to the correct polling place by the close of the polls. If the policy adopted was to give voters at the wrong polling place an absent or provisional vote, there would be a very large increase in declaration voting, which would slow down the polling process for voters, and delay the finalisation of election results. At the last election at which absent voting applied within Divisions, that of 1983, some 218,886 votes were so cast. That figure arose on the basis of the subdivisive structure applying at the time (under which 85% of subdivisions had more than 5000 voters), and could be expected to be much larger if precinct voting were implemented, since precincts would have to be much smaller on average than subdivisions were in 1983.

8.6.19 The proposals which have been put forward for precinct voting in general do not address the question of how it would be combined with mobile polling in remote areas, and in special hospitals. If the intention of precinct voting were to be strictly complied with, it would be necessary to require all mobile polling to use declaration voting.

8.6.20 The AEC does not support the introduction of precinct voting for the following reasons. Firstly, the extent of apparent multiple voting in the same name can already be readily identified through the post-election scanning of certified lists, and adequate mechanisms exist for addressing situations in which multiple voting of that type can be shown to have potentially affected the result of an election.

8.6.21 Secondly, it is questionable whether either polling officials or scrutineers would have sufficient knowledge of the population in a precinct to be able to identify attempts at personation.

8.6.22 Thirdly, there would be a major impact on the efficiency of the flow of voters through polling places, and this would show up as substantially increased waiting times when queuing to vote.

8.6.23 Fourthly, a substantial increase in the amount of declaration voting could be expected, which would have the potential to delay the finalisation of election results.

## **9. VOTER IDENTIFICATION - IMPLICATIONS**

### **9.1 Voter Participation**

9.1.1 The participation effects of voter identification seem to differ from the participation effects of enrolment identification. Generally speaking voter identification has less potentially discouraging effects on electoral participation, or “administrative disenfranchisement”, than enrolment identification.

9.1.2 Indeed, it might appear that rather than discouraging electoral participation, voter identification can stimulate voting turnout. The Victorian State Electoral Commission has claimed, on the basis of a comparison of the turnout at the Coburg by-election held on 14 May 1994 with the three previous Victorian State by-elections, that the delivery of a personally-addressed card to each elector was responsible for the increased turn-out by some five percentage points, or 1,700 votes.

9.1.3 However, it is not possible to extrapolate from the Coburg by-election to predict turnout under a proof of eligibility scheme at federal elections. This is because, as the Victorian State Electoral Commission acknowledged, the Coburg trial had two systems of voting in operation simultaneously: the ‘new’ and the ‘old’. It was not, therefore, a trial of a fully-fledged voter card system. At the Coburg by-election, because an elector could choose whether or not to present his or her voter card, and cast an ordinary vote in either case, the potential for discouraging electoral participation was removed.

9.1.4 As the UK Home Office has advised the AEC, in the case of Northern Ireland the presence of a range of factors makes it impossible to conclude what the effect of the specified documents requirement on voter turnout has been:

variables such as poll boycotts by certain sections of the community, party coalitions, voter apathy, the weather - even TV scheduling - all have their say and it is consequently impossible to state categorically that specified documents alone played a role in influencing turnouts.

9.1.5 In Northern Ireland, unlike at the Coburg by-election, electors do not receive a voter card, rather they must produce certain specified documents at the polling place in order to receive a ballot-paper. However, the specified documents requirement has led to increased public awareness of the electoral system due to the rigorous voter information campaigns reminding people of the need for specified documents at the polls. In the opinion of the UK authorities, the specified documents requirement does not appear to have had much impact one way or the other on turnout. The Northern Ireland Office and the Chief Electoral Officer for Northern Ireland believe that other factors, such as voter interest, primarily determine the overall turnout.

9.1.6 Given the inapplicability of the Coburg by-election experiment, and the difficulty of drawing a clear conclusion from the Northern Ireland experience, it is hard to offer any conclusion on the potential turnout effects of voter identification.

## **9.2 Conclusions**

9.2.1 The AEC reiterates the need for feasibility studies to precede any substantial changes to existing systems.

9.2.2 In the light of the need to ensure that the polling proceeds smoothly, the only form of proof to be considered for production at the polling place should be proof of identity.

9.2.3 If schemes for enrolment identification involving interviewing of applicants are not to be adopted, the use of biometric methods, photographic voter identity cards issued by the AEC, and photographic template cards issued by the AEC, would be precluded.

9.2.4 Precinct voting should not be introduced, since it will increase queuing time at polling places, will delay the finalisation of election results, and is unlikely to be effective in preventing personation.

## **10. MULTIPLE VOTING**

### **10.1 Introduction**

10.1.1 This chapter considers three measures sometimes advocated to prevent or discourage multiple voting: cancellation of a voter identity card by punching or marking at the polling place; voter marking; and the tightening of certain declaration vote signature checking requirements.

### **10.2 Cancellation of Identity Card**

10.2.1 In many countries of the world where voter identity cards are used, identity cards are punched or marked at the time of voting so as to prevent the cards being used for multiple voting. Such procedures are an alternative to the confiscation of the cards in circumstances where confiscation is undesirable, such as where cards are to be used over a number of elections. Typically polling places will be provided with a punch, which places on the cards a particular mark which is distinctive to a particular election.

10.2.2 This procedure was successfully implemented at the 1993 Cambodian elections. It is however only an effective obstacle to multiple voting *in the same name*, and only then if the procedures for the issuing of the voter identity cards are such that it is not possible for a person to obtain more than one such card. If a scheme for the use of voter identity cards were introduced, consideration could be given to the marking of such cards during the polling to discourage multiple voting.

### **10.3 Voter marking**

10.3.1 The marking of voters themselves is a widely used method of preventing multiple voting, particularly in developing countries. At a polling place, before a ballot-paper is issued to an elector, the elector's hands are checked for the presence of the mark. If no mark is found then the electoral official issues the elector a ballot-paper and marks his or her hand with ink. This method does not identify who the elector is, but does show whether or not the elector has voted previously. Voter marking is often used in conjunction with proof of identity at voting, although both measures can be used independently of each other.

10.3.2 Inks used for voter marking can be either visible or invisible (ie only visible under ultraviolet (UV) light). UV-visible ink is of particular value where there is concern that electors may be afraid of reprisals if they can be easily identified as having voted, or where there may be resistance on the part of the voters to the use of visible ink. If UV-visible ink is used, then portable battery-operated UV lamps can be employed to check electors' hands. The amount of ink which is used may be only a small quantity, applied to an elector's finger. UV-visible ink has been used in elections in Cambodia, Namibia and South Africa. Visible ink is used in elections in India, has been used extensively in Latin America, and was used at the 1992 election in Angola, and Tanzania in 1995.

10.3.3 It may be the case that UV-visible ink would be preferable to visible ink in Australia. Although the fear of reprisals against voters is unlikely to be a factor in Australian elections, other factors might favour the use of UV-visible ink. There may be general voter resistance to use of visible ink. The use of visible ink could give rise to the concern that unmarked persons would be presumed to have committed an offence by not voting, although of course such unmarked persons may have voted

before polling day by postal voting, or by pre-poll voting or by using remote mobile polling.

10.3.4 Ink is effective in preventing a person casting multiple votes on polling day. The marks made by ink vary in durability, with most inks fading within four or five days. It would be necessary to use ink with greater durability if it were considered necessary to prevent possible multiple voting by pre-poll voters or by voters who had used remote mobile polling, or to prevent multiple voting at any adjourned polling which might be necessary following polling day.

10.3.5 The previous JSCEM noted at page 42 of its Report on the 1993 federal election that voter marking “would add significantly to the cost of running elections - in particular the cost of deploying additional polling place staff to avoid the sorts of queuing delays experienced in 1990”. The previous JSCEM did not recommend the use of voter marking.

## **10.4 Signature Checks**

10.4.1 In the case of pre-poll, absent and provisional votes, paragraph 6 of Schedule 3 of the CEA states that:

6. An envelope meets the requirements of this paragraph if the DRO is satisfied:

(b) in the case of an envelope purporting to contain a pre-poll vote ballot-paper, that the certificate has been signed in accordance with section 200E and that the signature purports to be witnessed by the officer who issued the certificate;

(c) in the case of an envelope purporting to contain an absent vote ballot-paper or a provisional vote ballot-paper, that the certificate has been signed in accordance with section 222 or 235 or subsection 234(4), as the case requires, and that the signature purports to be witnessed in accordance with that section or subsection, as the case may be;

10.4.2 There is no requirement that signatures on these declaration vote certificates be checked to ensure that they match that of the elector purportedly completing the certificate. These certificates are witnessed by polling officials who witness that the elector signing the certificate is the elector to whom the ballot-papers and certificate were issued - not that the person claiming the declaration vote is the elector whose name appears on the certificate.

10.4.3 Schemes for establishing the validity of signatures on these declaration votes could include: the comparison of signatures on declaration vote certificates with signatures on the elector's latest claim for enrolment as part of the preliminary scrutiny process; and replacing the current witnessing provision with a POID.

10.4.4 Comparing signatures on declaration vote certificates with signatures on the elector's latest claim for enrolment as part of the preliminary scrutiny process would need to overcome basic practical difficulties, such as quality and accessibility of signature records; and the difficulties of judging whether signatures are of the same person, especially in comparing the signatures of elderly or ill electors. There would be delays to the scrutiny process caused by the large total numbers of pre-poll, absent and provisional votes. Of the total number of 11,294,479 votes cast at the

1996 federal election: 434,841, or 3.85%, were pre-poll votes; 657,539, or 5.82%, were absent votes; and 105,091, or 0.93%, were provisional votes.

10.4.5 Replacing the current witnessing provision with a POID would mean that electors would need to have an acceptable referee with them at the polling place - polling officials could no longer witness declaration certificates as at present. Not only could this cause confusion and lead to voting delays, but because provisional votes mostly arise where the elector finds that he or she is unexpectedly not on the certified list, provisional voters generally would not know beforehand of the need to bring such a referee to the polling place.

## **10.5 Conclusions**

10.5.1 If a scheme for the use of voter identity cards were introduced, consideration could be given to the marking of such cards during the polling to discourage multiple voting.

10.5.2 It is unlikely that the marking of voters themselves would be acceptable to the Australian community.

10.5.3 Delays in finalising election results, which would flow from the introduction of more complex declaration vote signature checking requirements, would not be acceptable to AEC clients.



## **11. SUMMARY CONCLUSIONS**

### **11.1 Enrolment Identification**

11.1.1 The AEC emphasises that although it has been possible in this submission to make a preliminary assessment of the costs and modalities of implementing various schemes, thorough feasibility studies would have to precede the implementation of any substantial changes to current arrangements. The AEC is also taking it as axiomatic that any scheme implemented should enable voters to register to vote at no cost and minimum inconvenience.

11.1.2 A roll cleansing would be very expensive, with the cheapest approach costing over \$25 million. In the light of this estimate, and in the absence of substantial evidence that the current electoral roll is fundamentally flawed, the incurring of such costs would not be justified, particularly when the implementation of prospective enrolment identification measures would, over the passage of time, eventually apply proof of identity measures to all persons on the roll.

11.1.3 The current UK and Canadian approaches to enrolment, which generate a roll which is intermittently rather than continuously maintained, would deprive current roll data users, including politicians, of the up-to-date information which they have come to expect.

11.1.4 Any scheme which required the production by electors of documents such as birth certificates or passports could well constitute a very substantial imposition on the voters themselves. A requirement to produce birth certificates could see voters paying out over \$100 million. It is likely that such a scheme would be strongly - and validly - criticised as making people pay for the right to vote. While the effect this would have on voters could be ameliorated if the Commonwealth were to bear the cost of issuing such necessary documents as birth certificates, this would represent a considerable charge on the federal budget.

11.1.5 An upgrading of the witnessing of the electoral enrolment form into a proof of identity declaration is possible, provided that the class of eligible witnesses was sufficiently wide to ensure that no person qualified to vote could be expected to face difficulties in finding a witness.

11.1.6 There is merit in the expansion of matching personal elector data with external databases, provided that the relevant technical and statutory issues can be resolved.

11.1.7 In the light of the complicated nature of citizenship law, and the difficulties of accessing relevant data held by State/Territory Registries of Births, Deaths and Marriages, it is probably not feasible at present to introduce a general requirement for proof of citizenship, though scope does exist for making use of such external data as it becomes available electronically.

11.1.8 Similar complications applying to proof of age and address make it unlikely that a workable scheme for conclusive proof of age or residency could be readily developed.

11.1.9 Any scheme requiring voters to be personally interviewed at enrolment would involve substantial costs, and subject voters to significant inconvenience.

## **11.2 Voter Identification**

11.2.1 The AEC reiterates the need for feasibility studies to precede any substantial changes to existing systems.

11.2.2 In the light of the need to ensure that the polling proceeds smoothly, the only form of proof to be considered for production at the polling place should be proof of identity.

11.2.3 If schemes for enrolment identification involving interviewing of applicants are not to be adopted, the use of biometric methods, photographic voter identity cards issued by the AEC, and photographic template cards issued by the AEC, would be precluded.

11.2.4 The AEC does not support the introduction of precinct voting, because it will increase queuing time at polling places, will delay the finalisation of election results, and is unlikely to be effective in preventing personation.

## **11.3 Multiple Voting**

11.3.1 If a scheme for the use of voter identity cards were introduced, consideration could be given to the marking of such cards during the polling to discourage multiple voting.

11.3.2 It is unlikely that the marking of voters themselves would be acceptable to the Australian community.

11.3.3 Delays in finalising election results, which would flow from the introduction of more complex declaration vote signature checking requirements, would not be acceptable to AEC clients.