

# 2010 federal election – information guide

The Prime Minister, the Hon Ms Julia Gillard MP, announced on 17 July 2010 that a general election for the House of Representatives and a half-Senate election will be held on Saturday 21 August 2010. This will elect the 43<sup>rd</sup> Parliament.

Elections are being held for the House of Representatives vacancies in all 150 electoral divisions and 40 vacancies in the Senate (half-senate). To form a majority government, a party or coalition needs to win a minimum of 76 seats in the House of Representatives.

All eligible Australian electors are voting for people to represent them in the House of Representatives and the Senate.

## Key dates of the 2010 federal election

|  |                                    |
|--|------------------------------------|
| Issue of the writs:                          | Monday 19 July 2010                |
| Deadline to enrol to vote:                   | 8pm Monday 19 July 2010            |
| Close of rolls (deadline to update details): | 8pm Thursday 22 July 2010          |
| Close of nominations for candidates          | 12 noon 29 July 2010               |
| Declaration of nominations of candidates:    | 12 noon 30 July 2010               |
| Election day:                                | 8am to 6pm Saturday 21 August 2010 |
| Return of the writs (latest date):           | Wednesday 27 October 2010          |

The election period spans from 33 days to 68 days. In 2010, the federal election period is 33 days.

**Election timetable according to the Constitution and Commonwealth Electoral Act 1918**

| <b>Expiry or dissolution of House of Representatives</b>   | <b>Minimum number of days</b> | <b>Maximum number of days</b> |
|--|-------------------------------|-------------------------------|
| <b>Expiry or dissolution of Parliament</b><br>Parliament is dissolved and the Prime Minister announces the intention to hold an election   |                               |                               |
| <b>Issue of writs</b><br>Writs are issued within 10 days of dissolution of House of Representatives ( <i>Constitution</i> s.32, CEA s.151)<br>Double Dissolution ( <i>Constitution</i> s.12) | 0 days                        | 10 days                       |
| <b>Close of rolls</b><br>Rolls close at 8pm, three working days after issue of writs, but new names are not added after 8pm on day of issue of writ. (CEA ss.102 [4], 155)                   | 0–3 days                      | 13 days                       |
| <b>Close of nominations</b><br>Nominations close at 12 noon, between 10 and 27 days after issue of writs (CEA ss.156, 175)   | 10 days                       | 37 days                       |
| <b>Declaration of nominations</b><br>Declaration of nominations is 24 hours after nominations close (CEA s.175)  | 11 days                       | 38 days                       |
| <b>Polling day</b><br>Polling day is fixed between 23 and 31 days after the close of nominations (CEA s.157)   | 33 days                       | 68 days                       |
| <b>Return of writs</b><br>Writs must be returned within 100 days of their issue (CEA s.159)  |                               | 110 days                      |
| <b>Meeting of Parliament</b><br>New Parliament meets within 30 days of the day appointed for the return of the writs ( <i>Constitution</i> s.5)  |                               | 140 days                      |

## **Explanation of the key dates**

### **Issue of the writs: Monday 19 July 2010**

The issue of the writs by the Governor-General (for the House of Representatives and for the Senate for the territories) and by the state governors (for the Senate for the states) commences the election process. The writs set out the key dates for the election process, including the dates for the close of the electoral rolls, the close of nominations for candidates, the election day and the return of the writs.

### **Close of rolls: 8pm Monday 19 July 2010**

The rolls close at 8pm on the third working day\* after the date of the writs.

There are two different deadlines for enrolling.

- 8pm on the same day the writs are issued for those who are enrolling for the first time or re-enrolling.
- 8pm on the third working day\* after the writs are issued for people on the roll, but who need to update their address on the electoral roll. This is also the deadline to enrol for the first time for those who are 17 but will turn 18 between the day after the issue of the writs and election day (inclusive); or will become an Australian citizen between the day after the issue of the writs and the day before election day (inclusive).

### **Close of nominations for candidates: 12 noon Thursday 29 July 2010**

Candidates can only nominate once the writs have been issued. They must nominate by 12 noon on the day specified in the writs for the close of nominations.

### **Declaration of nominations of candidates: 12 noon Thursday 30 July 2010**

Nominations are declared and the draws for positions on the ballot papers are held 24 hours after the close of nominations.

### **Election day: 8am to 6pm Saturday 21 August 2010**

Election day is the day on which the majority of electors cast their vote at a polling place. It must be a Saturday and at least 33 days after the issue of the writs for the election.

### **Return of the writs: On or before Wednesday 27 October 2010**

Each writ for an election must be returned by the date fixed for its return, which must be not more than 100 days from issue. In a House of Representatives election the Divisional Returning Officer (DRO) in each electoral division prepares a statement setting out the result of the election and sends it to the Electoral Commissioner. The Electoral Commissioner attaches in a certificate the names of each candidate elected and returns the writs to the Governor-General.

In a Senate election, the Australian Electoral Officer (AEO) for each state attaches in a certificate, the names of each candidate elected and returns the writ to the governor of the state. The AEO for the territories attaches in a certificate the name of each candidate elected and returns the writ to the Governor-General.

## House of Representatives elections

Candidates for the House of Representatives stand for election in a particular electoral division, and are elected for a maximum three-year term. At a federal election, all positions in the House of Representatives become vacant.

Members of the House of Representatives are elected using a full preferential voting system, with the electors in each division electing one member to represent them. To be elected, a candidate must gain an absolute majority of votes, that is, more than half the formal votes cast for that division.

**For the 2010 federal election, Australia is divided into 150 electoral divisions as follows:**

| NSW | Vic. | Qld | SA | WA | Tas. | ACT | NT |
|-----|------|-----|----|----|------|-----|----|
| 48  | 37   | 30  | 11 | 15 | 5    | 2   | 2  |

| House of Representatives results at the 2007 federal election  |                        |           |                      |
|--|------------------------|-----------|----------------------|
| Seats  | Party                  | Seats won | Proportion of vote % |
| 150  | Australian Labor Party | 83        | 43.88                |
|  | Liberal Party          | 55        | 36.28                |
|  | National Party         | 10        | 5.49                 |
|  | Family First Party     | 0         | 1.99                 |
|  | Democrats              | 0         | 0.72                 |
|  | Green                  | 0         | 7.79                 |
|  | Independent            | 2         | 2.22                 |
|  | Other                  | 0         | 2.12                 |
| For detailed results, visit the AEC's Virtual Tally Room at <a href="http://www.aec.gov.au">www.aec.gov.au</a> . |                        |           |                      |

## By-elections

Since the 2007 federal election, there have been five by-elections.

| Division         | By-election date | Party elected | Previous Party |
|------------------|------------------|---------------|----------------|
| Gippsland (Vic.) | 28 June 2008     | ALP           | ALP            |
| Mayo (SA)        | 6 September 2008 | NP            | NP             |
| Lynne (NSW)      | 6 September 2008 | IND           | NP             |
| Higgins (Vic.)   | 5 December 2009  | LP            | LP             |
| Bradfield (NSW)  | 5 December 2009  | LP            | LP             |

## Redistributions of federal electoral boundaries

Since the 2007 federal election, there have been redistributions in WA, Tas, NT, NSW and Qld. The new boundaries come into effect at the 2010 federal election.

Details and maps of the electoral boundaries are at [www.aec.gov.au](http://www.aec.gov.au).

As a redistribution is currently underway in Victoria, the 2010 federal election will run on the same boundaries in Victoria as were in place during the 2007 federal election.

## Senate elections

Candidates for the Senate stand for election in a particular state or territory. Senators are elected using a full preferential voting system and proportional representation. To be elected, a candidate must gain a proportion of the formal votes, known as a quota. The quota is calculated by dividing the total number of formal ballot papers by one more than the number of Senators to be elected, ignoring the remainder and adding 'one' to the result.

Under the Constitution, each state is equally represented in the Senate regardless of population. There are 12 Senators for each state, elected for six-year terms. The territories are each represented by two Senators, elected for a term equivalent to the duration of the House of Representatives.

When a half-Senate election is held simultaneously with a House of Representatives election, 40 out of a possible 76 Senate vacancies are contested – with six from each state and two from each of the territories. When a double dissolution is declared, all 76 Senate positions are made vacant.

## Senate results at the 2007 federal election

### Seats won by party

(Elected at 24 November 2007 Federal Election; terms expire on 30 June 2014)

|                    | ALP       | LP        | NP       | GRN      | CLP      | FFP      | IND      | TOTAL     |
|--------------------|-----------|-----------|----------|----------|----------|----------|----------|-----------|
| NSW                | 3         | 2         | 1        |          |          |          |          | 6         |
| Vic.               | 3         | 3         |          |          |          |          |          | 6         |
| Qld                | 3         | 2         | 1        |          |          |          |          | 6         |
| WA                 | 2         | 3         |          | 1        |          |          |          | 6         |
| SA                 | 2         | 2         |          | 1        |          |          | 1        | 6         |
| Tas.               | 3         | 2         |          | 1        |          |          |          | 6         |
| ACT*               | 1         | 1         |          |          |          |          |          | 2         |
| NT*                | 1         |           |          |          | 1        |          |          | 2         |
| <b>TOTAL</b>       | <b>18</b> | <b>15</b> | <b>2</b> | <b>3</b> | <b>1</b> |          | <b>1</b> | <b>40</b> |
| <b>FULL SENATE</b> | <b>32</b> | <b>32</b> | <b>4</b> | <b>5</b> | <b>1</b> | <b>1</b> | <b>1</b> | <b>76</b> |

*\*Terms expire on the day before the next general election of the House of Representatives*

ALP (Australian Labor Party)

LP (Liberal Party of Australia)

NP (The Nationals)

GRN (Australian Greens)

CLP (Country Liberal Party)

FFP (Family First Party)

IND (Independent)

For detailed results visit the AEC's Virtual Tally Room at [www.aec.gov.au](http://www.aec.gov.au).

## The electoral roll

Voting in a federal election is compulsory for all people on the Commonwealth electoral roll at the close of rolls.

To be eligible to enrol, a person must be an Australian citizen and aged 18 years or over. British subjects who were on the roll as at 25 January 1984 maintain their enrolment and voting entitlements. People who are 17 may provisionally enrol and will be able to vote if they turn 18 on or before election day. People who expect to become citizens between the issue of the writ and the day before election day may provisionally enrol. Prisoners, other than those serving a sentence of three years or longer, are eligible to enrol and vote.

Special enrolment is available for certain electors. For example, people with a physical disability, illness, or their carers, defence personnel and Australian Federal Police serving overseas and eligible overseas electors are able to apply to become general postal voters; people going overseas may register as overseas electors; people with no fixed address may enrol in a special category; people working in Antarctica may register as Antarctic voters; and people who believe that publication of their address on the electoral roll would put them at risk may apply for silent enrolment.

At the close of rolls a total of 14 088 260 people were enrolled to vote at the 2010 federal election.

| State        | NSW              | Vic.             | Qld              | WA               | SA               | Tas.           | ACT            | NT             | TOTAL             |
|--------------|------------------|------------------|------------------|------------------|------------------|----------------|----------------|----------------|-------------------|
| <b>TOTAL</b> | <b>4 611 228</b> | <b>3 562 802</b> | <b>2 719 746</b> | <b>1 362 177</b> | <b>1 105 076</b> | <b>358 567</b> | <b>247 659</b> | <b>121 005</b> | <b>14 088 260</b> |

These figures contributed to an overall increase of 443 187 since the close of rolls for the 2007 federal election, when 13 645 073 were enrolled to vote. These figures are as a result of a High Court Decision (6 August 2010) to extend the period for enrolling to vote in the federal election to 8pm 26 July 2010.

## Nominations

Candidates must nominate before they can be elected to the House of Representatives or the Senate.

To nominate as a candidate for the House of Representatives or Senate, a person must be:

- at least 18 years old
- an Australian citizen
- an elector or qualified to be an elector.

Individual nominations for the House of Representatives are made at the office of the AEC Divisional Returning Officer (DRO) for the division in which the candidate is nominating. Bulk nominations for the House of Representatives are made at the office of the Australian Electoral Officer/AEC State Manager (AEO) for the relevant state or territory in which the candidates are nominating.

Nominations for the Senate are made to the AEO for the state or territory for which the candidate is nominating. House of Representatives candidates are required to pay a \$500 deposit on nomination and Senate candidates a \$1 000 deposit on nomination. These deposits are returned if a candidate is elected or gains at least 4% of the formal first preference vote, or if they are in a group of Senate candidates which polls at least 4% of the formal first preference votes.

It is not possible to nominate until the writ is issued. Single nominations for the election close at 12 noon Thursday 29 July 2010. Bulk nominations of endorsed candidates for the House of Representatives must be lodged with the relevant AEO not less than 48 hours before the close of nominations.

The candidates for the 2010 federal election were publicly announced at declaration events at 12 noon 30 July 2010. A total of 1198 candidates have nominated to run in the 2010 federal election. 349 Senate candidates for the 40 Senate vacancies and 849 candidates for the 150 House of Representatives seats across Australia. Nominations are made up of 353 female candidates and 845 male candidates.

A total of 1421 candidates stood at the 2007 federal election.

### Number of nominations by state/territory in the 2010 federal election

| House of Representatives Breakdown |            |                  |                  |
|------------------------------------|------------|------------------|------------------|
| State/territory                    | Seats      | 2010 nominations | 2007 nominations |
| New South Wales                    | 48         | 299              | 344              |
| Victoria                           | 37         | 194              | 242              |
| Queensland                         | 30         | 158              | 216              |
| Western Australia                  | 15         | 92               | 125              |
| South Australia                    | 11         | 68               | 74               |
| Tasmania                           | 5          | 20               | 31               |
| Australian Capital Territory       | 2          | 7                | 11               |
| Northern Territory                 | 2          | 11               | 11               |
| <b>AUSTRALIA</b>                   | <b>150</b> | <b>849</b>       | <b>1054</b>      |

| Senate State and Territory Breakdown |                  |                  |                  |
|--------------------------------------|------------------|------------------|------------------|
| State/territory                      | No. of vacancies | 2010 nominations | 2007 nominations |
| New South Wales                      | 6                | 84               | 79               |
| Victoria                             | 6                | 60               | 68               |
| Queensland                           | 6                | 60               | 65               |
| Western Australia                    | 6                | 55               | 54               |
| South Australia                      | 6                | 42               | 46               |
| Tasmania                             | 6                | 24               | 28               |
| Australian Capital Territory         | 2                | 9                | 16               |
| Northern Territory                   | 2                | 15               | 11               |
| <b>AUSTRALIA</b>                     | <b>40</b>        | <b>349</b>       | <b>367</b>       |



## Order of candidate names of ballot papers

Following the declaration of candidates a 'double randomisation' draw determines the order candidates are listed on the House of Representatives ballot papers and the order of groups and ungrouped candidates on Senate ballot papers. A fact sheet detailing this process is at [www.aec.gov.au](http://www.aec.gov.au).

## Voting

### House of Representatives

House of Representatives ballot papers are green with candidate names (and party or independent) printed beside a box.

To cast a formal vote, an elector at a House of Representatives election place:

- the number '1' in the box on the ballot paper beside the name of the candidate who gets their first preference
- place consecutive numbers '2', '3', '4' (and so on, as needed), without repeating any number, in the boxes beside the names of the remaining candidates to indicate their order of preference.

### Senate

Senate ballot papers are white. They have two parts: an upper section (above-the-line) and a lower section (below-the-line), separated by a thick black line.

A row of boxes above-the-line relate to parties, incumbent independents and groups.

The lower section of the ballot paper has the names of every Senate candidate and (party or independent, for some ungrouped candidates) beside a box.

To cast a formal vote, an elector at a Senate election votes in one of two ways:

- Above-the-line: by placing the number '1' in one of the boxes printed on the top of the ballot paper (this is referred to as a ticket vote). If an elector marks a '1' in a single box above-the-line, then their preferences will be allocated in accordance with the voting ticket of the relevant party, incumbent independent or group
- Below-the-line: by consecutively numbering the boxes beside the names of the candidates printed on the bottom half of the ballot paper to indicate their preference.

At the 2007 federal election a total of 96.78% of formal Senate votes were above-the-line votes.

## Group voting tickets

A group voting ticket (GVT) is a written statement lodged by Senate groups, parties and incumbent Senators setting out a preference ordering of all candidates in the Senate election.

All Senate groups who lodge a group voting ticket and incumbent Senators on request are given a box above-the-line on the Senate ballot paper and all Senate candidates are listed below-the-line.

Voting tickets are lodged with the AEC within 24 hours after the declaration of nominations, and notice of intention to lodge a voting ticket must be given to the AEO before the close of nominations.

Voting tickets lodged with the AEC appear on the AEC website at **[www.aec.gov.au](http://www.aec.gov.au)** and are available in booklet form at every polling place.

## Informal voting

A ballot paper is considered informal if it is not filled out correctly, meeting the criteria set out in the *Commonwealth Electoral Act 1918*. Informal ballot papers are set aside and are not counted towards any candidate.

The majority of electors who vote informally probably do not intend to. The AEC has a range of strategies at the 2010 federal election to improve voters' understanding of how to vote correctly and to ensure, as far as is possible, that every vote counts.

### Informal voting rates at federal elections 1993 to 2007 (%)

|                          | 1993 | 1996 | 1998 | 2001 | 2004 | 2007 |
|--------------------------|------|------|------|------|------|------|
| House of Representatives | 3.0  | 3.2  | 3.8  | 4.8  | 5.2  | 4.0  |
| Senate                   | 2.6  | 3.5  | 3.2  | 3.9  | 3.8  | 2.5  |

## Types of votes

Australians can vote in federal elections in several ways.

### Ordinary vote

A vote cast on election day by an elector at a polling place within the division for which they are enrolled.

### Absent vote

A vote cast on election day by an elector who is away from the division for which they are enrolled (but within the same state or territory) at any other polling place in that state or territory.

### Early voting and postal votes

A vote cast before election day at an early voting centre or by post. These votes can be cast by eligible electors who, for example:

- have a serious illness
- will be more than 8km from a polling place in the state or territory for which they are enrolled
- are unable to attend a polling place due to religious beliefs
- are outside their home division, state or territory on election day
- are working or travelling on election day
- fear for their safety

Electors making a postal, early, absent or provisional vote must complete a declaration giving their personal details and provisional voters must provide evidence of identity. This evidence of identity is used to verify identity and entitlement to vote in this election before the vote is counted.

### Interstate vote

A vote cast on election day at an interstate voting centre by an elector who is not within their home state or territory.

### Provisional vote

A vote cast, for example, when an elector's name cannot be found on the roll but the elector claims it should be, or if the name has already been marked off the roll but the elector claims they have not voted before in the election. The vote cannot be counted until a check of the elector's enrolment entitlement has been made.

### Mobile polling

Mobile polling teams provide polling facilities to some hospitals, prisons, remand centres and remote areas during the period up to and including election day.

## **New voting option for blind and low vision voters**

A telephone voting option is available in 125 locations across Australia to enable electors who are blind or have low vision to cast a secret vote. Telephone voting is available for two and a half weeks leading up to election day, and on election day.

For telephone voting, the elector will have their name recorded by an AEC official, who will then arrange for them to talk to a call centre operator. The operator will record their vote on the ballot papers. Arrangements will be in place to protect the privacy of the elector and ensure that the vote is correctly recorded.

## **Counting the votes**

### **Election night**

Counting of ordinary votes for the House of Representatives and above-the-line (and first preference below-the-line) votes for the Senate commences immediately after the poll closes at 6pm on election day. Initially, the ballot papers are sorted into first preference votes, by candidate, in the House of Representatives and above-the-line by group (or first preference below-the-line) in the Senate. Informal ballot papers are also identified.

The AEC hosts a website election results system known as the Virtual Tally Room (VTR) which provides election information. The VTR allows people to access progressive results and figures both on and after election night. The AEC runs the National Tally Room (NTR) which provides a central point for the display of results on election night.

### **House of Representatives**

A candidate is elected to the House of Representatives if they gain an absolute majority, that is, more than 50% of the formal votes.

First, all the first preference votes are counted for each candidate and if a candidate gets more than half the total formal first preference votes, that candidate is elected. If however, no candidate has more than half of the votes, the candidate with the fewest votes is excluded. The excluded candidate's votes are transferred (distribution of preferences) to the other candidates according to the second preferences shown by voters on the ballot papers.

This process of excluding candidates one by one, and transferring their votes according to the highest consecutive preferences available, continues until one candidate has more than half the total votes, and is declared elected.

Where, on the basis of first preference votes, the exclusion of all but two candidates is inevitable, the result of the poll can be indicated on election night on the basis of a two-candidate preferred count.

## Two-party preferred figures

By convention, the two-party preferred (TPP) statistics are calculated between the Australian Labor Party and the major coalition parties (Liberal/National).

| Two-party preferred figures from the 2007 federal election |           |       |
|--|-----------|-------|
| Total Australia  | Votes     | %     |
| Liberal/National Coalition                                 | 5 874 178 | 47.30 |
| Australian Labor Party                                     | 6 545 814 | 52.70 |

## Senate count

Counting of Senate ballot papers begins on election night. After election night, the Senate count uses a computerised system. To be elected to the Senate, a candidate needs to gain a quota or proportion of the formal votes.

The Senate count treats ballot papers marked above-the-line separately from ballot papers marked below-the-line. The Senate ballot papers marked above-the-line are manually counted in divisional offices and the first preference figures for each party and group are tallied.

The ballot papers marked below-the-line are sent to a central counting centre in each capital city for computerised scrutiny.

The below-the-line preferences of each ballot paper are entered into a computer and verified. The above-the-line totals for each party and group are entered. The computer is programmed to distribute the preferences according to the party group voting tickets.

The above-the-line and below-the-line votes are combined, the quota calculated and preferences distributed to produce the result.

## Political parties

The register of political parties for the 2010 federal election closed on 18 July 2010, the day before the writs for the federal election were issued. No new parties can be added or party names changed until the writs for the federal election are returned. The register is at [www.aec.gov.au](http://www.aec.gov.au).

At the close there were 49 political parties registered, made up of 25 separate parties plus additional branch registrations for the Australian Greens (4), the Australian Labor Party (9), the Liberal Party of Australia (7) and the National Party of Australia (4). At the 2007 federal election, 46 of the 53 registered political parties fielded candidates.

Registration as a political party has both benefits and obligations.

Benefits:

- party name or abbreviation may appear on ballot paper
- party may receive election funding, rather than its candidates
- party can lodge bulk nominations for all electorates in the state
- party may get access to elector and voter information

Obligations:

- party must lodge annual financial disclosure returns
- party is subject to AEC compliance reviews

### **Electoral offences**

Some electoral offences apply at all times, while others apply during the specific election period. Offences include the printing and publication of electoral handbills, pamphlets or posters without authorisation details, canvassing near polling booths, displaying badges or emblems of candidates in polling booths, leaving how-to-vote cards in polling booths.

For more information see *Electoral Backgrounder* 'Polling Place Offences' and 'Electoral Advertising' on the AEC website at [www.aec.gov.au](http://www.aec.gov.au).

### **Election funding**

Following the election, candidates may be eligible for election funding. Election funding assists candidates recoup election expenses.

Candidates or Senate groups who receive 4% or more of the formal first preference votes in an election, are entitled to election funding.

The amount paid is calculated by multiplying the number of formal first preference votes obtained by the current election funding rate.

The current election funding rate from 1 July 2010 to 31 December 2010 is 231.191 cents per eligible vote in either a House of Representatives or Senate election. This rate is indexed every six months to increases in the Consumer Price Index.

At least 95% of election funding is paid automatically in the fourth week after election day on the basis of votes counted as at the 20th day after election day. The balance is paid when the count is finalised and verified, and the full entitlement is known.

Payments for candidates and groups endorsed by political parties are made directly to their parties, and payments for independent candidates are made to their agents.

### **Financial disclosure returns**

Following the election, candidates and Senate group agents must lodge financial disclosure returns detailing information about election donations and electoral expenditure with the AEC.

This information must be lodged with the AEC's national office in Canberra within 15 weeks after election day.

An 'appointment of agent' form must be lodged by the close of nominations if a candidate wants to appoint an agent. A candidate is deemed to be their own agent, if the candidate does not appoint one before close of nominations.

## *Want more information?*

For more information visit the AEC website at **[www.aec.gov.au](http://www.aec.gov.au)**.

For general enquiries, please call the AEC on **13 23 26**.

For media enquiries, please call the AEC national office media team on **02 6271 4415**.



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