

**AEC**

Australian Electoral Commission

Mr Rod Wise PSM
Deputy Commissioner
Corrections Victoria
Department of Justice
GPO Box 123
Melbourne VIC 3001

Voting for eligible prisoners for 2016 federal election

Dear Mr Wise ^{Red}

Further to our meeting on Wednesday 3 February 2016 I write to broadly propose how the Australian Electoral Commission (AEC) and Corrections Victoria can collaboratively deliver voting services for the 2016 federal election to all eligible prisoners pursuant to section 93 (8AA) of the *Commonwealth Electoral Act 1918* (CEA). I thank you and your staff for your very valuable support and assistance with this important matter.

Eligibility

As you would be aware under section 93 (8AA) of the CEA a prisoner is eligible for enrolment and for voting in a federal election if they are serving a sentence of imprisonment of less than 3 years. A prisoner who is serving a sentence of 3 years or longer is not entitled to vote in a federal election.

Enrolment of prisoners

Section 96A of the CEA sets out various scenarios for which electoral Division the prisoner is entitled to be enrolled. Generally the prisoner is entitled to be enrolled in the Division that they were enrolled in when he or she began serving their sentence. If they were not enrolled at the time of serving their sentence of imprisonment section 96A(2) set out various options which amount to the prisoner being entitled to be enrolled in the Division with which they were entitled to be enrolled in; or for which the person's next of kin is enrolled in; or in which the person was born in; or which the person has the closest connection with.

If prisoners need to enrol or update their enrolment we can provide sufficient hardcopy enrolment forms for all of your prisons to make available to eligible prisoners. If some prisoners have access to the internet they will be able to check and update their enrolment details online at www.aec.gov.au. It would be appreciated if prisoners could be encouraged to check and update their enrolment details over the coming months in the lead up to the federal election rather than waiting for the last moment. If enrolment is updated earlier we will have more time to resolve any issues that might arise with the prisoner's enrolment.

To assist in answering any questions about eligibility (including where there might be doubt and questions about ineligibility due to unsound mind) and entitlement for enrolment in a particular electoral Division the AEC will provide a specific contact

**AEC**

Australian Electoral Commission

point for your relevant staff to call on behalf of the prisoner in the lead up to the election.

Provision of information to ensure roll integrity relating to prisoners

Pursuant to section 109 of the CEA the AEC currently receives a regular update of eligible prisoners directly from you to our Roll Management Branch in Canberra. I thank you for your ongoing commitment to this process as this information is important and allows us to regularly update the prisoner's enrolment status on our electoral roll. We currently receive this update about every month and I would be grateful if this monthly schedule can be maintained, particularly between now and the election.

Pursuant to section 155 of the CEA, the date for the roll close is the seventh day after the date of the writ. Section 109(2) of the CEA requires that the Controller-General of Prisons for the State must forward to the Electoral Commissioner (or their nominee) an updated list of prisoners who are eligible to vote and all those prisoners who are no longer serving a sentence. This list to be updated from the last monthly report (referred to above) and is to be provided within 4 days of the roll close. If possible I would appreciate if we could make an arrangement to receive this updated list towards the end of our roll close period rather than within 4 days of the roll close. This information is more valuable to us and enables us to better enfranchise eligible prisoners if it is provided prior to our roll close. I will be able to give you about 6 days notices of when the roll is scheduled to close.

Voting services at the time of the election

The CEA allows for mobile voting in prisons. Our data suggests that this approach has had very limited success in the past. For three consecutive federal elections we sent a mobile polling team to the Melbourne Assessment Prison with the following results. In 2001 there was 1 vote taken, in 2004 we there no votes taken and in 2007 there was 1 vote taken. These results raise a number of issues such as a very low turnout and taking one only vote fails to protect the secrecy of the vote (moreover, as we discussed at our meeting the provision of mobile polling services in prisons raises a number of other challenges).

As a consequence I understand that the AEC did not provide mobile polling services in Victorian prisons for the 2010 and 2013 federal elections but instead worked with Corrections Victoria to provide a postal vote service to eligible prisoners.

For the anticipated 2016 federal election I seek your agreement to provide a comprehensive postal vote service to all eligible prisoners in all Victorian prisons managed by Corrections Victoria.

Postal Vote Applications

Section 184 of the CEA sets out that postal vote applications can be made after the issue of the writ for the election and can be made for the weeks leading up to polling day but must be received by the AEC by 6pm on the Thursday that is 2 days before

**AEC**

Australian Electoral Commission

polling day. Section 194 of the CEA sets out the role of an authorised witness with respect to witnessing and making a declaration on the postal vote certificate to be returned to the AEC. Under section 193 of the CEA any member of staff of Corrections Victoria, providing they are an elector whose name appears on the electoral roll, is able to be an authorised witness. Eligible prisoners may be able to apply for a postal vote via the internet (if they have access) or the AEC will work with you to ensure that more than enough hardcopy Postal Vote Applications are provided to each prison throughout Victoria to ensure all eligible prisoners are able to complete a postal vote application.

One option for us to further explore is to undertake an exercise over the coming months in the lead up to the likely election period to register eligible prisoners that will still be serving their sentence at the end of 2016 as a general postal voter. This is allowed for under section 184A(2)(d) of the CEA. By undertaking this action early the prisoner won't need to complete a postal vote application within the prescribed period (referred to above) and a postal vote will automatically be generated by our system and sent to the eligible prisoner in early stages of our distribution of postal votes.

Other support

In addition to providing sufficient hardcopies of postal vote applications for all prisons throughout Victoria we will also provide "How to vote guides" and other relevant awareness material to assist eligible prisoners with completing a formal vote.

Collaboration

With your concurrence to these broad arrangements I would be grateful if our relevant staff could soon begin working together to produce more detailed processes that will underpin this agreement and support your Commissioner's Requirements and Deputy Commissioner's Instructions on Prisoner Voting. I have asked one of my Operations Managers, Ms Margaret Hinkley (email margaret.hinkley@aec.gov.au or telephone 03 9285 7154) to lead this project on my behalf for the AEC across Victoria. Ideally I would like to aim to have the working relationships established at officer level and project plans and necessary procedures finalised and endorsed by both agencies by 31 March 2016.

I look forward to further discussing and working with you and your staff on this important matter.

Yours sincerely

4 [Redacted Signature]

Jeff Pope APM
Australian Electoral Officer and State Manager
for Victoria

12 February 2016

REDACTION CODES

- 1 Personal Information (name) redacted.
- 2 Personal Information (date of birth) redacted.
- 3 Personal Information (photograph) redacted
- 4 Personal Information (facsimile of signature) redacted.
- 5 Personal Information (facsimile of manuscript initialling) redacted.
- 6 Personal Information (Individual's address) redacted.
- 7 Personal Information (individual's telephone number) redacted.
- 8 Personal Information (individual's opinion) redacted.
- 9 Personal Information (opinion about individual) redacted.
- 10 Personal Information (employment history) redacted.
- 11 Personal Information (qualifications) redacted.
- 12 Personal Information (health) redacted.
- 13 Personal Information (identifying individual) redacted.
- 14 Business information (Bank Account details) redacted.
- 15 Business information (Billing Account details) redacted.
- 16 Legal Professional Communication redacted.
- 17 Deliberative material redacted.
- 18 Irrelevant material redacted.
- 19 Electoral Roll material redacted.
- 20 Tests, examinations or audits material redacted.
- 21 Management or assessment of personnel material redacted.
- 22 Proper and efficient conduct of the operations of AEC material redacted.\
- 23 Lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law.