

REFERENDUM 2023

# Referendum Reporting Guide

September 2023

[aec.gov.au](http://aec.gov.au) 13 23 26



**AEC**

Australian Electoral Commission

## From the Commissioner



Australians are familiar with elections. While a referendum will look and feel similar to an election in many ways, it is a very different thing.

We haven't had a referendum in this country since 1999. That means that no voter under the age of 42 has voted in a federal referendum. That equates to approximately 6.7 million voters for whom this will be their first referendum based on age alone. Whichever way you look at it, a referendum and constitutional change (should it occur) is new to most Australians.

It's important to note that the 2017 postal survey was not a referendum. Research we've undertaken in preparation to communicate with the Australian public regarding the referendum suggests that many Australians have false assumptions about the upcoming vote. This includes whether or not it is compulsory to vote, the voting services on offer and the binding nature of the choice made by voters. A key aspect of the referendum that is not well understood is the

double majority required for a referendum to pass – a unique feature of Australian referendums that has seen eight of 44 referendums agreed to since the first was held in 1906.

When it comes to reporting on the upcoming referendum, it's safe to assume that most of your audience will be less informed about the process than at a state, territory, or federal election. This makes your role as a media representative to distribute fact-based information about the referendum process even more important – and we're here to help!

This guide is designed to give you the information you need to help your audience understand the process, so that they can in turn better understand how to vote. Please use it as a resource and contact the AEC media team when you need to. We are here not just to provide the logistical

operation required to deliver a referendum, but also to accurately inform the 17.6 million+ Australian voters about the voting system and how to participate effectively.

I urge you to be one of the voices of reason and integrity, to appropriately scrutinise (as is your job) and to be mindful of the significant impact that reporting on the referendum will have during this important democratic event.

**Tom Rogers**  
Australian Electoral Commissioner

# Contents

The resources	3
The rules	4
The experts	4
The basics	5
A point of confusing comparison	5
Our neutrality	5
The Constitution	6
The history	6
The voters	7
The 'yes'/'no' pamphlet	8
The process	8
The changes	9
The operations	9
The communication	10
The count	10

---





## The resources

### AEC media team

Email: [media@aec.gov.au](mailto:media@aec.gov.au)  
Phone: (02) 6271 4419  
Mobile: 0419 294 893

AEC website: [www.aec.gov.au](http://www.aec.gov.au)  
AEC referendum subsite: [www.aec.gov.au/referendums/](http://www.aec.gov.au/referendums/)  
AEC Newsroom: [www.aec.gov.au/media/](http://www.aec.gov.au/media/)

### Follow us on social media

Socials:    

Imagery: 



# The rules

Members of the media who would like to visit a polling place must contact the AEC beforehand. If you don't you may be refused access by an AEC officer at the venue who isn't expecting media attendance.








Once you have advised the AEC of your intentions, you should familiarise yourself with the rules for media attendance at an AEC venue.

When you arrive at an AEC venue, you must identify yourself to AEC staff. Please follow any directions our staff give you while you are on site and remember that our main priority is to run an efficient and secure referendum.

You can vox pop voters, but this must not occur inside a polling place.

If you would like vision of a counting centre, you must get in touch with the AEC media team in order to gain entry at a desired location. Entry to a counting centre, or polling place after 6pm on voting day, is not guaranteed. The media's role is important, but our operational processes are our first priority.

# Media attendance guidelines

-  **The polling place must be able to function without disruption** to voters or AEC staff
-  **Adhere to the direction of the Officer in Charge** at all times
-  **No access to ballot paper secure zones and no filming** of items in those zones
-  The voter's **secret ballot must be respected**
-  **No touching of ballot papers** or AEC material, or recreation of scenes
-  **Respect the rights of people** who do not want to be filmed
-  **Respect the rights of scrutineers** to observe activities closely

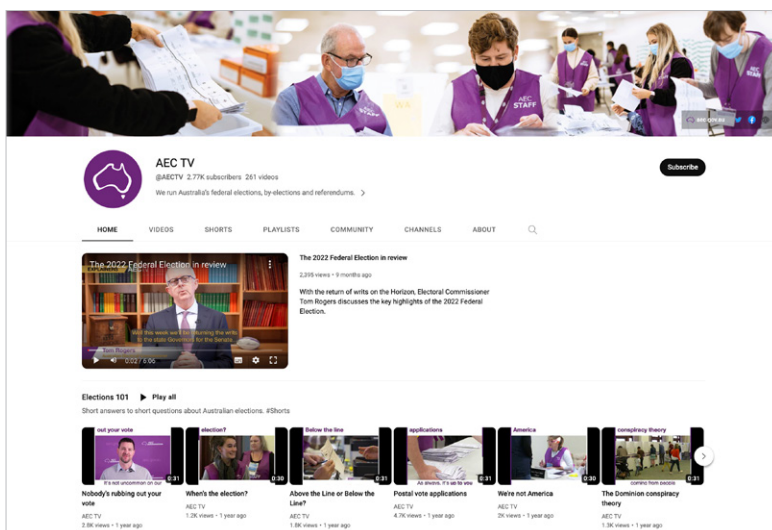
Authorised by the Electoral Commissioner, Canberra.

# The experts

The AEC has a number of spokespeople available for interviews including:

- The Electoral Commissioner
- The Deputy Electoral Commissioner
- The AEC's national spokesperson
- AEC state managers
- Identified in-language spokespeople
- Members of the Indigenous Electoral Participation Program

We've created a range of videos explaining key processes and common myths on our YouTube page AEC TV.



## The basics

- A referendum is the only way Australia's Constitution can be changed.
- Referendums are compulsory, just like elections.
- All enrolled voters vote by writing 'yes' or 'no' on their ballot paper in response to a question that proposes a change to the Constitution.
- The voters' decision is binding – if a referendum question is agreed to, the Constitution changes.
- Just like a federal election, referendums are run by the AEC.
- The AEC's legal role:
  - Voter enrolment
  - Providing voting services
  - Counting the votes
  - Communicating with voters about our role
  - Ensuring that referendum communication is authorised, and
  - Disclosing donations and expenditure.
- It's important to note that the AEC is not, and cannot be, the arbiter of truth in referendum advertising or campaign material. Legislation around truth in political advertising has been discussed in Parliament but is not in place for the 2023 referendum.
- The AEC will correct the record about the processes of running the referendum, but we do not play a role in correcting misinformation or disinformation about either the 'Yes' or the 'No' case.

---

## A point of confusing comparison

The 2017 Marriage Law Postal Survey was not a referendum. It also wasn't a plebiscite.

- In 2017, Australians participated in the Marriage Law Postal Survey
  - This was not a referendum, and was not run by the AEC
  - The survey was postal-only
    - referendums, like elections, are mainly in-person events
  - The survey was not binding
    - in a referendum, the decision of voters is final
  - Because the survey was not binding, it had no threshold for success. To be passed, a referendum question must be agreed to by a majority of voters nationally and by a majority of states – we call this the double majority.
- Key differences from a referendum:
- The survey was not compulsory

## Our neutrality

The AEC is an independent statutory authority. Our neutrality is critical for every election or referendum we run. Every AEC employee signs a neutrality agreement, we conduct neutrality training and have embedded it as a central theme throughout our planning of the 2023 referendum.

# The Constitution

The Constitution took effect on 1 January 1901 and is the founding document that sets out how Australia is governed.

The Constitution has a special status as it overrides any other laws and can't be changed by the Parliament of the day. While the Constitution enables Parliament to create or change laws (legislation), the Constitution itself can only be changed through a vote by the people – a referendum.

The Constitution currently has the following eight chapters:

- Chapter 1: The Parliament
- Chapter 2: The Executive Government
- Chapter 3: The Judicature
- Chapter 4: Finance and Trade
- Chapter 5: The States
- Chapter 6: New States
- Chapter 7: Miscellaneous
- Chapter 8: Alteration of the Constitution

---

## The history

- Australia has had 44 referendums since our first in 1906.
- Eight have been passed by Australian voters.
- The most recent referendum was in 1999 and the most recent changes to the Constitution were in May 1977, when three of the four questions put to voters that day were successful.
- Previous referendum topics have included proposals to give new powers to the Parliament, how referendums are conducted, and certain kinds of rights and freedoms.
- In terms of reaching a double majority, it's important to know that votes of people in the ACT and NT do not count towards the second part of a double majority. This is due to the way the Constitution was written originally and changing this would require a referendum in itself and this is not within the AEC's control. In fact, there was a referendum held in the 1970s to allow territory votes to occur for referendums at all – prior to that, they didn't vote.

See page 11 for an explainer of the double majority.

# The voters

## Enrolment

This referendum will have the most complete electoral roll in history. There is universal access to enrolment in Australia.

At the close of rolls on Monday 18 September 2023, 17,676,347 Australians are enrolled to vote in the upcoming 2023 referendum. The roll has increased by 447,447 people since the 2022 federal election, a rise of 2.6%. More than 8.4 million people on the electoral roll were not enrolled when the last referendum was held in 1999 – this is more than 47% of the electoral roll. The 8.4 million people includes 6.7 million people who were under 18 (or not born) at the time as well as 1.7 million other people who are new to the roll since 1999 - many of whom are new Australian citizens.

Areas of enrolment focus for the AEC are cohorts typically under-represented on the electoral roll – this includes youth (18-24 year-olds) and Indigenous Australians.

Australia's youth enrolment rate fluctuates regularly given the turnover in the age bracket and the requirement to take action when people come of voting age. The youth enrolment rate has also increased to 91.4%, the first time the rate has been above 90 per cent since calculations began. This means approximately 1.8 million 18-24 year olds are ready to vote and have their say in their first referendum.

After six consecutive years of growth, the current estimated Indigenous enrolment rate is at a record high at 94.1%. The growth in this rate is something all Australians should feel proud about. The AEC wants all eligible Australians to be enrolled to vote and participate in the 2023 referendum. Work we've done to

achieve this high foundation for participation in the referendum and future elections includes:

- Enhancements to direct enrolment processes for people in remote communities and other settings,
- The addition of Medicare cards and citizenship certificates to accepted evidence of identity for enrolment purposes,
- The establishment of more than 80 partnerships with local community organisations and others to educate and enrol eligible Australians, and
- Enhancements to the online enrolment form to increase accessibility.
- The work for enrolment is never finished and the AEC will continue to strive towards the enrolment of all eligible Australians.

For the latest national figures, go to [aec.gov.au/Enrolling\\_to\\_vote/Enrolment\\_stats/](https://aec.gov.au/Enrolling_to_vote/Enrolment_stats/)

## Turnout

Turnout has long been measured as the percentage of enrolled voters who participate in a referendum by casting a vote. Turnout at the 2022 federal election was 89.82 per cent. Turnout at the previous referendum in 1999 was 95.1 per cent.

Given the significant increases in enrolment in recent years, comparative turnout is more difficult to assess. The most accurate picture of who is participating in a vote when compared to previous elections is to measure the number of votes cast versus the number of Australians eligible to enrol and vote.

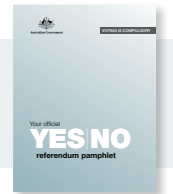
It's important to remember that turnout can only be reported once every vote has been counted, which takes time. Be cautious about reporting on turnout before the count is complete – the AEC's tally room will show the number of votes counted so far, which is not the same as total turnout.

We are here to help inform the accuracy of reporting turnout at the 2023 referendum.

## Formality

Formality is the percentage of votes cast that were able to be admitted to the count. For a referendum, a vote might be informal if a voter writes something other than 'yes' or 'no' on their ballot paper. History shows that Australians are very good at voting formally with informality rates largely stable in recent federal elections.





## The 'yes'/'no' pamphlet

The AEC is required by legislation to deliver a 'yes'/'no' pamphlet to Australian voters. This booklet is not drafted by the AEC, rather it is developed by Members and Senators who vote 'yes' and 'no' on the passage of the constitutional alteration bill.

The booklet can contain the following three things:

1. The case in favour of the proposed constitutional alteration
  - This must consist of no more than 2,000 words and be authorised by a majority of the members of Parliament who voted for the proposed change to the Constitution.
2. The case against the proposed constitutional alteration
  - This must consist of no more than 2,000 words and be authorised by a majority of the members of Parliament who voted against the proposed change to the Constitution.
3. A statement containing the proposed change to the Constitution.

The AEC's role with the 'yes'/'no' case pamphlet is to effectively act as a postbox. The AEC has no involvement whatsoever with the formation of yes or no cases.

The 'yes' / 'no' case pamphlet has been delivered to approximately 12.5 million households within Australia and has been one of the nation's largest printing jobs.

The AEC has also made translations and accessible formats available online via the AEC website.

## The process

A referendum and a federal election operate similarly.

### Close of rolls

Just like at a federal election, Australians had seven days after the writ was issued for the referendum to enrol or update their electoral enrolment.

If you were already enrolled to vote there was no need to enrol separately to vote in a referendum.

### Postal voting

Voters are able to apply for a postal vote up until 6pm on Wednesday October 11 2023.

Voters who have applied to be General Postal Voters will automatically receive a postal vote and will not need to apply.

### Early voting

Early voting will commence on Monday 2 October 2023. Where a national, state or territory public holiday occurs during the early voting period, pre-poll voting centres will not be open in relevant areas on those days.

Early voting is a trend that is increasing not only in Australia, but around the world. In Australia, the 2022 federal election was the first in which votes cast before election day (a mix of postal and pre-poll votes) made up over half of all votes counted.

### Remote voting services

AEC remote voting teams will visit voters in remote communities from Monday 25 September 2023 – as allowed for under the *Referendum (Machinery Provisions) Act 1984*.

### Telephone voting

Legislation allowing people in isolation for COVID-19 to vote via telephone expired at the end of 2022.

Telephone voting will continue to be available for blind or low-vision voters, as well as Australians working in Antarctica.

	2013	2016	2019	2022
<b>Early voting</b> - Pre-poll as %	18.15%	22.67%	32.53%	40.8%
<b>- Postal as %</b>	8.26%	8.58%	8.27%	14.3%
<b>- Pre-poll &amp; postal as %</b>	26.41%	31.25%	40.8%	55.1%
<b>BLV telephone votes</b>	2,832	1,998	2,044	2,794
<b>Antarctic votes</b>	37	41	49	65



## The changes





The rules for running referendums have changed since 1999. Parliament passed a number changes to the *Referendum (Machinery Provisions) Act 1984* in March 2023 in order to bring it closer in line with the *Commonwealth Electoral Act 1918* to ensure a consistent voter experience.

The most notable changes include:

- Postal voting, scrutiny, scrutineers and authorisation amendments have been changed to align with equivalent procedures in federal elections which includes allowing the early opening and sorting, but not counting, of pre-poll ordinary votes from 4pm on voting day, along with the extraction of declaration votes during preliminary scrutiny.
- Authorisations requirements have been updated to align with recent changes to the *Electoral Act*. These changes also strengthen information gathering powers in the enforcement of authorisation requirements under the *Referendum Act* and prevent foreign campaigners from authorising referendum matter.
- A broadcasting blackout period for referendums has been introduced which is equivalent to the existing three-day broadcasting blackout period for election advertisements.
- In relation to changes to financial disclosure requirements, the *Referendum Act* now has simplified requirements which will increase the transparency of campaign funding and those involved in campaigning, as well as limit foreign influence in referendums. This will require “referendum entities” – being individuals or organisations that spend over the disclosure threshold – to report to the AEC the amount they spend on referendum campaigning, details of donations above the disclosure threshold and the total value of all donations received including aggregated smaller donations below the disclosure threshold.
- Changes have been made that allows the AEC to expand the current mobile polling period in the *Referendum Act* from 12 days to 19 days in circumstances where a standalone referendum is held in order to increase participation, particularly in remote communities.
- The AEC is required to print and distribute a pamphlet that addresses both the ‘yes’ and ‘no’ cases (authorised by Parliamentarians).

Further details about the changes to the *Referendum Act* can be found on the Australian Parliament House website.

## The operations

<b>100,000</b>	<b>TEMPORARY STAFF</b>		<b>110,000</b>	<b>VOTING SCREENS</b> – also fewer than a federal election as the time spent voting will be shorter given there is no numbering of Senate and House of Representatives ballot papers
<b>500+</b>	<b>EARLY VOTING CENTRES</b>		<b>10,000</b>	<b>BINS</b>
<b>7,000+</b>	<b>POLLING PLACES ON VOTING DAY</b>		<b>4.5M</b>	<b>PENCILS</b>
<b>25,000</b>	<b>COPIES OF THE ELECTORAL ROLL</b>		<b>900,000</b>	<b>SECURITY SEALS</b>
<b>5,500</b>	<b>ELECTRONIC CERTIFIED LISTS</b>		<b>39,000</b>	<b>ROLLS OF TAMPER EVIDENT TAPE</b>
<b>14,000</b>	<b>BALLOT BOXES</b> – fewer than a federal election as the AEC will only need to provide one ballot box (not two) as we do for Senate and House of Representatives ballot papers		<b>35,000</b>	<b>BALLOT PAPER TRANSPORT CONTAINERS</b>

## The communication

The Australian Parliament has determined that the Referendum Act should not regulate the content of political messages contained in electoral communications.

Rather, the intent of the Act is to ensure electors are informed about the source of electoral communications and to ensure that these communications do not mislead or deceive electors about the way in which a vote must be cast.

As such, the AEC does not regulate truth in political advertising or electoral communication, only ensuring that the electoral communication is properly authorised if deemed as 'referendum matter'. 'Referendum matter' is communication that has the predominant purpose of influencing how a person votes in the referendum.

During the referendum, the AEC has been delivering its 'Stop and Consider' campaign, as it has for the past few federal elections. The campaign aims to educate voters during the referendum that they may come across information that isn't supported by evidence, is missing context or is even deliberately misleading. The AEC wants all voters to be well informed and think critically when consuming information and think about whether the information is accurate and truthful. The AEC has also introduced a referendum specific disinformation register, as was done in the 2022 federal election. The register lists prominent

pieces of disinformation the AEC has discovered regarding the electoral process. It also provides details of actions the AEC has taken in response.

Disinformation register  
[www.aec.gov.au/media/disinformation-register.htm](http://www.aec.gov.au/media/disinformation-register.htm)



## The count

The count will begin after polling place doors close at 6pm local time on voting night – much like a federal election.

On referendum night, all votes cast that day will be counted along with the majority of votes cast in the early voting period.

While there could be a public indication of a potential results on the night, if it is close it may take days or several weeks for additional pre-poll votes, overseas votes and postal votes to come back to the AEC and be counted.

The timing of a formal result declared by the AEC is entirely dependent on the margin in a state/territory, or nationally, against the number of votes yet to be counted. The AEC has often counted every vote in our possession at the end

of each day of counting. Transport takes time.

Once the referendum results have been finalised, the Electoral Commissioner will return the writ to the Governor-General.

For more information go to [aec.gov.au/referendums/count.htm](http://aec.gov.au/referendums/count.htm)

- To pass, a referendum question needs to reach a double majority. That means it needs to be agreed to by:
  - The majority of national voters, and
  - A majority of voters in at least 4 of the 6 states.

Votes from the Northern Territory and ACT contribute to the national majority, but not the state result.

A link to the tally room will be made available at [www.aec.gov.au](http://www.aec.gov.au) just before 6pm on voting day.

The AEC also provides a results feed in raw-data formats to allow media outlets with appropriate software to use the data for graphics and analysis.

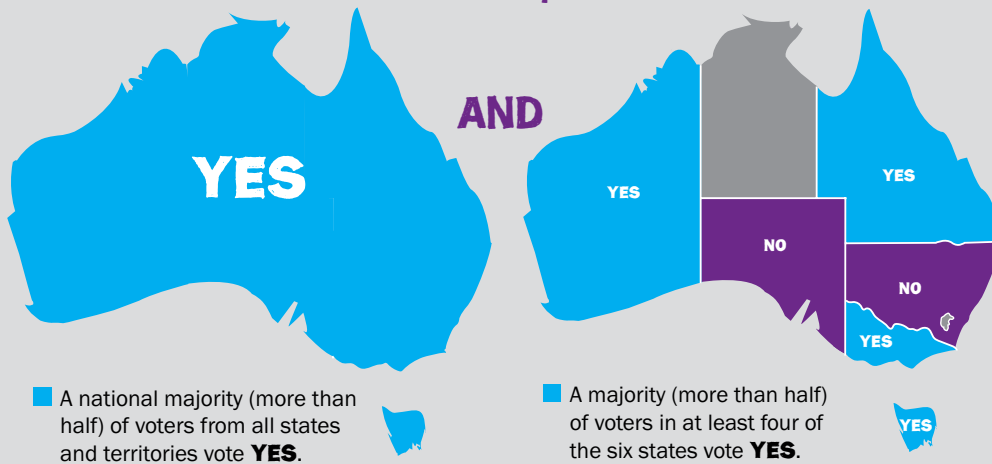
More information about the media feed is available at [www.aec.gov.au/media/mediafeed/](http://www.aec.gov.au/media/mediafeed/) or you can get in touch with the AEC media team.

# Double majority

To become law, the proposed change to the Constitution must be approved by a 'double majority' of electors voting for the changes. That is:

- a national majority of electors from all states and territories, and
- a majority of electors in a majority of the states (i.e. at least four of the six states).

## A referendum is passed when:



■ The votes of people living in the ACT, the NT and any of Australia's external territories count towards the national majority only.

## A referendum is NOT passed when:

