

Democracy in Australia – Direct enrolment at the age of 18 and automatic correction of voter addresses

In Australia, over one million eligible voters were not on electoral rolls at the 2010 Federal election and the AEC estimates that now, in 2013, this figure is 1.5 million. A limited electoral roll that is not representative of the whole population is a significant deficit in democratic practice. Advanced democracies practice automatic, or 'direct', enrolment both for newly eligible voters and for voters who have changed their address.

To correct the deficit, direct (automatic) enrolment was introduced to Australia in July 2012 with the assent of the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012 and the Electoral and Referendum Amendment (Maintaining Address) Bill 2011. These provide for the direct enrolment of eligible Australian citizens, automatic re-enrolment at new addresses and the reinstatement to the electoral roll and inclusion of votes of people who meet certain criteria.

Direct enrolment is compatible with the legal obligation of compulsory enrolment in Australia and is practised in many European and other democracies such as Argentina, Austria, Belgium, Finland, France, Germany and Sweden.

Background

According to research carried out by Brent and Jackman (2007), growth of the Australian Electoral Roll had slowed to well below the growth of eligible voters in Australia. This under-enrolment of Australian citizens was made up of newly eligible voters (mostly Australian citizens who turn 18) who failed to enrol, and of voters who had been removed from the roll by the Australian Electoral Commission (AEC) when they changed address but failed to re-enrol. The AEC calculated in 2009 that only 91.6% of eligible voters were on the rolls. This meant that around 1.2 million eligible voters were not enrolled and therefore unable to participate as voters in the 2010 Federal election.

The AEC had previously relied on newly eligible voters initiating action to join the electoral roll. Brent claimed that many young Australians believed that, since voting is compulsory, they go on to the electoral roll automatically

once they turn eighteen. In fact, they had to fill out and return an enrolment form to the AEC with proof of identity, well before the announcement of any election.

The AEC was already partially automating maintenance of the Electoral Roll by practicing a 'Continuous Roll Update' (CRU) system. This integrated information from various Commonwealth, State and Territory databases. The AEC then carried out 'habitation checks' at addresses for which it believed it may have incorrect voter information. Brent and Jackman argued that this practice made the AEC more efficient at removing voters from the roll than adding voters to it, since no action is necessary from voters before they are removed from the roll but completion of a paper form is necessary to re-enrol at a new address.

The AEC made a submission to the 2007 Joint Standing Committee on Electoral Matters (JSCEM), suggesting a change to direct enrolment. The Commission noted that community expectations, especially of young people eligible to enrol for the first time, conflict with legislative requirements for joining the electoral roll and that direct enrolment is a practice that shifts the responsibility for maintaining electoral rolls from the individual to the agency. The Commission claimed that direct enrolment is a method more compatible with both the expectations of Australians and with Government practices in other, equally sensitive, agency activities such as those of the Australian Tax Office.

The AEC made a further submission to the JSCEM review of the Conduct of the 2010 Federal Election and Matters related thereto. The AEC argued that with direct enrolment, it could use data from external agencies to add eligible people to the roll. The AEC anticipated that direct enrolment would provide the following benefits:

- assist eligible persons in meeting their obligation to enrol
- build on the direct update model already supported by the Australian Government

- balance existing provisions which enable the AEC to commence action to remove an eligible elector from the electoral roll where it believes that an elector is no longer entitled to be enrolled for an address.

The recommendations of the JSCEM report, released in July 2011, gave the Committee's support for automatic enrolment for federal elections in the future.

Following the passage of the Electoral and Referendum Amendment (Protecting Elector Participation) Bill 2012 and the Electoral and Referendum Amendment (Maintaining Address) Bill 2011 through Parliament, amendments to the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* mean that direct enrolment has been effectively implemented at a federal level.

Direct enrolment and its benefits

The key benefit of direct enrolment is that it maintains voter records and adds eligible voters to the electoral roll without direct action from the voter. In direct enrolment, electoral agencies access information from other trusted agencies to maintain their records. This assists with maintaining both the integrity of the electoral roll and the compulsory participation of voters at election time.

Other benefits of direct enrolment may be realised by the AEC as the electoral system becomes simpler and cheaper to manage. Rosenberg and Chen (2009), for example, documented extensive cost savings following the introduction of a partially automatic system in Canada. In Australia, the Electoral Commission is now expected to undertake little extra work beyond its previous responsibility to maintain records of all eligible voters. The effort previously required to identify and enrol eligible voters is now subsumed by the practice of direct enrolment.

The AEC had already been using information from other agencies, for example from motor vehicle licensing agencies, to carry out a check when a voter changed address. This allowed them to initiate an 'objection' and remove a voter from the roll if no action was taken by the voter. As already noted, however, re-enrolment required action from a voter. The AEC could take the initiative to send re-enrolment forms to the voter's new address but could only enrol the voter at that address if the voter made an application in writing.

Updates to the Electoral Act now allow the AEC to automatically update a voter's address when it receives information. The AEC must write to the voter and allow them 28 days to object to the enrolment. The only action required from the voter now will be to inform the AEC that the address is incorrect or that they are not eligible to vote, and otherwise the voter will be automatically re-enrolled at their new address.

Other updates allow the AEC to write to voters electronically to inform them of their automatic re-enrolment at their new address, regardless of whether the voter has consented to the use of their electronic address. This is expected to lead to improved communications with younger Australians who may change address frequently.

Other Federal Government initiatives

In 2005, the Howard Government passed the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005, which required that the electoral roll be closed at the end of the day that writs are issued. The amendment made it difficult for new voters or those who had been removed from the roll or whose address had changed since the last election to have time to amend their status before an election.

In 2010, the activist group, GetUp!, brought a High Court challenge to the amendments, and in August 2010, the full bench found that certain parts of the 2005 Electoral Act were unconstitutional. This meant that the Australian Electoral Commission (AEC) was obliged to enrol up to 100,000 voters who missed the deadline, and to allow them to vote in the 2010 Federal election. Neither the Coalition nor the ALP has sought to overturn the decision. The AEC notified voters who had attempted to enrol between 19 July 2010, when the rolls closed, and 26 July that they could cast a 'declaration vote' by producing a form of identification.

Direct enrolment in the states

In NSW, the 'Smart Electoral Roll' project enrolls voters when they turn 18, using information from government departments, including Education. The AEC contacts the new voters to advise that they have been added to the roll but does not require a response. Voters who have missed direct enrolment but turn up to vote on election day are

also able to enrol on the day if they arrive with sufficient identification to be admitted to the roll. The NSW legislation was passed in 2009 with bipartisan support.

In July 2010, the Victorian Legislative Council passed the Electoral Amendment (Electoral Participation) Bill 2010. Similar to the NSW bill, this bill introduces direct electoral enrolment for all school students, and allows election-day enrolment for others. The bill was passed by the ALP with the support of the Greens, and opposed by the Coalition. But having now seen the system in practice in the 2010 state election the new Coalition Baillieu Government has made no move to change the legislation. Despite these advancements, the AEC reports a divergence of electorate rolls at State and Federal levels within these states and that, attempts to contact those unenrolled at Federal level has received a very low response rate (20 per cent).

Further implementation

Direct enrolment now needs to be introduced in Western Australia and legislated in South Australia (where direct enrolment has recently been introduced to Parliament). State and Federal divergences also need to be addressed. Voters need to understand that there are separate electoral rolls operating for State and Federal elections. Further strengthening of the records that provide information about eligible voters may lead to even more complete electoral rolls, but further work is required, particularly for Indigenous Australians a group identified as significantly under-registered. In the lead-up to the 2013 Federal election, the AEC estimates that 1.5 million eligible Australians are not enrolled. In addition, the number of people enrolled but not voting is trending towards 1 million this year. Current AEC programs to strengthen the electoral rolls may take two to three election cycles to come to fruition.

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