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Mick Gentleman MLA, Chair
Select Committee on Amendments to the Electoral Act 1992
Legislative Assembly for the ACT
GPO Box 1020, CANBERRA ACT 2601

Re: Submission – Inquiry into amendments to the Electoral Act 1992

Dear Mr Gentleman,

Thank you for considering my submission.

My submission focuses on pre-poll voting in Australia, the subject of my PhD research at the Swinburne University of Technology. As the Committee will know rates of pre-poll voting at Australian state and federal elections has risen steadily over the past decade, to the point that over 3.3 million electors voted early at the 2013 federal election. Mirroring trends in the ACT, it is also expected that 30 percent of Victorians will vote early at the 2014 state election in November. Such figures have significant implications for electors, political parties and electoral administrators.

In a broad sense, the purpose of this submission is to raise critical awareness about the rise of early voting in Australia, with a specific focus on issues that might be relevant to the Committee's investigations. Local scholarship is not as advanced as other countries, such as the United States, where so-called 'convenience voting' is well understood and the most popular way to vote in a number of states, including California, where over 40 percent of registered electors vote early.

In addition, I understand that the Committee is considering the appropriateness of the length of the early voting period at ACT elections, and has received evidence from Elections ACT and the Attorney-General, Simon Corbell MLA. My comments about this are on pages four and five.

This submission also addresses the following points:

- a) Pre-poll voting in Australia; and
- b) Some recent policy developments in Australia related to early voting.

Before continuing, it is important to note that I make this submission in a private capacity. My views are my own and do not reflect the views of Swinburne University of Technology.

Pre-poll voting in Australia

a) What we know

The Committee will not be surprised to hear that pre-poll voting is popular – nearly 30 percent of ACT electors voted early in 2012, with around 27 percent voting early in person at a pre-poll voting centre. How do these figures compare to rates of early voting in other states?

While the ACT is certainly leading the pack, it is clear that the rise in pre-poll voting behaviour, and certainly pre-poll voting in person, is a uniform, national trend. At the state level, Victoria, NSW and Queensland have recorded significant increases in rates of early voting since the early 2000s. In Victoria there has been a 202 percent increase in early voting since the 2002 Victorian state election, with over 25 percent of eligible electors voting early at the 2010 Victorian state election. There have been similar increases in NSW; at the 2001 NSW state election only 74 percent of votes were taken on election day, the lowest number ever recorded. Early voting has also grown in popularity in Queensland in recent times, although overall pre-poll voting rates are slightly lower than those in Victoria and NSW.

At the federal level, electors are equally enthusiastic about early voting, and have been for some time. As noted earlier 3.3 million electors voted early in person at the 2013 federal election. Unlike state elections, where pre-poll in person voting is just as popular as postal voting, federal elections tend to see more postal voting than pre-poll voting in person; in 2013, the Australian Electoral Commission (AEC) processed 1.3 million postal vote applications, compared to 950,000 in 2010.¹ However, this trend is changing and the Commonwealth JSCEM has discussed the likelihood that more people may gravitate to pre-poll voting centres.

Based on these figures, the key question many policymakers ask is; why are more people voting before election day? In a nutshell, the answer is convenience. Evidence from the AEC and the Victorian Electoral Commission (VEC) to parliamentary inquiries suggests that people are expecting to engage more flexibly with electoral processes, due to lifestyle changes around work, weekend activity and how people travel. US-based studies US confirm

¹ Postal voting is more popular at federal elections because it has a long history. Electors have been able to vote by post for most federal elections since Federation. Postal voting was also popular in colonial Australia, particularly South Australia.

this; while we can only make educated guesses about the link between US-based theory and Australian practice, Gronke et al have suggested early voters make a rational decision to vote early because it is easier for them to do so (for instance, US early voters often vote early to avoid a long queue on election day).² Put another way, the demand for early voting is elector-driven.

b) What we don't know

While we know in general terms that convenience is contributing to the popularity of pre-poll voting in Australia and the US, we have very little specific information about Australian early voting behaviour. Key gaps in the research include:

- Who is voting early? US-based researchers such as Berinsky³ suggest there is a link between socio-economic status and early voting behaviour, but does this hypothesis stand up to scrutiny in Australia, where voting is compulsory? Information about the demographic profile of Australian early voters is virtually non-existent, although it is well known that postal votes tend to favour the Coalition;
- Does early voting improve voter turnout? This is a hotly contested topic in the US. Some studies have suggested that early voting adds about two or three percentage points to voter turnout, whilst some contend that early voting simply makes it easier for people to vote who would have otherwise done so. Rates of early voting are also dependent on a range of election-specific factors, such as the salience of the contest;
- Has the demand for early voting been driven by electors, policymakers or electoral commissions? Or have Australia's electoral commissions contributed to the demand for this electoral 'product' by making it progressively easier for people to vote early, due to the lack of prescription in electoral legislation? The Parliament of Victoria's Electoral Matters Committee considered this issue during its inquiry into 2010 Victorian state election;
- What do Australia's electoral commissioners think of early voting? More broadly, what do Australia's electoral practitioners, including members of parliament who have sat on a parliamentary electoral matters committee, think about early voting?; and
- Do current early voting periods at Australian elections (such as three weeks for ACT elections, and two weeks for federal elections) affect how political parties campaign?

² Gronke, Paul, Eva Galanes-Rosenbaum and Miller, Peter, 2008. 'Convenience Voting.' *Annual Review of Political Science*, Volume 11, p.p.437-455.

³ Berinsky, Adam, 2005. 'The Perverse Consequences of Electoral Reform in the United States.' *American Politics Research*, Volume 33, p.p.471-491.

Recent developments across Australia

Victoria

Along with the Commonwealth Victoria has spent some time considering the consequences of early voting. The question of whether early voting should be curtailed, or encouraged, was a central issue in the Parliament of Victoria's Electoral Matters Committee inquiry into the future of Victoria's electoral administration, the final report for which was tabled in Parliament in March 2014. The Committee's report devotes a whole chapter to early voting and considers several issues, including rates of early voting, potential causes and the normative and administrative implications of continued growth in early voting. I would encourage the Committee to examine the report.

The report's final conclusions are revealing and of great value for this inquiry. The Committee found that early voting is now an ingrained part of the electoral process and recommended maintaining a two week early voting period. Reducing the pre-poll period, Members said, could potentially disenfranchise tens of thousands of electors who now expect – and rely – on the opportunity vote before election day. But the Committee's endorsement came with an interesting caveat. In 2012 a by-election was held for the District of Melbourne. The pre-poll voting period for the election ran for a full four weeks, two weeks longer than the normal period set for Victorian elections. All Members agreed that a four week pre-poll for Victorian general elections ran the risk of diminishing the importance of election day.⁴

South Australia

Reports suggest that the South Australian Electoral Commission is considering recommending that the pre-poll votes be treated as ordinary votes, echoing changes to the *Commonwealth Electoral Act 1918* in 2010. Such a recommendation is understandable given the close result in the 2014 South Australian state election. Considered alongside Victoria's position on early voting, the take home message emerging around Australia is clear – early voting is here to stay and will continue to grow in popularity.

Time for a 'voting period' in the ACT?

I think there is a strong argument for a longer voting period in the ACT.

From an administrative perspective, the ACT is the most appropriate place in Australia to implement a voting period. It is an educated, wealthy region with a small population. 30

⁴ The Parliament of Victoria's Electoral Matters Committee's opposition to a four week voting period owes something to Coalition politics rather than administrative practicalities. The Nationals Victoria made a submission to the inquiry calling for a reduced early voting period from two weeks to one – at the time of the tabling the Committee had one Nationals Member, Russell Northe MP.

percent of the ACT electorate votes early; it will most likely be 40 percent at the 2016 election. In short, people are familiar with flexible voting. Due to these factors, I believe the Attorney-General's concerns about an increased early voting period impacting on the ability of political parties to campaign are little old-fashioned – studies suggest early voters tend to have a good idea about who they will vote for before the campaign period has commenced. The major political parties also know this, which is part of the reason why they invest so heavily in sending out postal vote applications in the pre-poll period. Provided the 'voting period' was appropriately advertised by Elections ACT in the lead up to the poll, I would be surprised if anyone complained about having more time to vote.

Another, important argument for a voting period is about electoral participation. As I am sure Members have noted, Elections ACT's report into the 2012 election demonstrated that while the ACT has a high rate of electoral participation in absolute terms, turnout as a percentage of the number of enrolled electors has fallen at the past two ACT elections; only 89.3 percent of enrolled voters voted. This problem is a complex one and is not unique to the ACT – all Australian jurisdictions are experiencing declining electoral participation. So, while early voting is not a silver bullet, at the very least, it makes sense to offer ACT electors – some of whom, such as young people aged 18-25, are clearly disengaged from the electoral process – further opportunities to vote, particularly given how many are already comfortable and familiar with doing so.

For my final point, I also argue there is something greater at stake here. The ACT is best placed out of Australia's nine jurisdictions to move to a voting period. This is an opportunity for electoral innovation, in a place that is comfortable with it (Elections ACT has a good reputation for being ahead of the game, electronic voting is one example) and at a time when there are widespread calls for Australia's electoral commissions to embrace technology and modernise the voting experience. In this sense, the debate about early voting is a proxy for a larger dialogue about what Australia's electoral administration should look like into the future, and indeed, how elections are run – for my mind, they are less about testing the will of the electorate on a single day. Moreover, the enthusiasm we are seeing for early voting may well signify a new kind of electoral participation, one which is driven by electors and not forced upon them by legislation. This is why there is such fierce debate in the US at the moment about state-legislature attempts to peg back early voting rights; people rely on it.

As for how long the voting period should be, I suggest four weeks. Some US states allow early voting up to eight weeks before a poll; I find this excessive and only understandable in the context that US electoral administrators have to do whatever they can to 'get out' the vote.

Recommendations

Recommendation One: At a minimum, I suggest the Committee recommend the ACT Government maintain the current pre-poll voting period of three weeks.

Recommendation Two: I suggest the Committee recommend that Elections ACT be authorised to introduce an early voting period of four weeks.

Recommendation Three. I recommend that Elections ACT conduct research into the impact of a longer voting period on voter turnout at ACT elections.