



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the operation of the 2024 ACT Election and Electoral Act 1992

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Submission to the ACT Legislative Assembly Inquiry into the operation of the 2024 ACT election and Electoral Act 1992

Ben Last

Hello,

This submission contains my evaluation of the legislation and policies associated with the 2024 ACT election and the Electoral Act 1992 as outlined in the Inquiry's terms of reference.

All views expressed are mine and mine alone.

(1) the report of the ACT Electoral Commissioner into the 2024 ACT Election;

I have not engaged significantly with the report of the Commissioner and have little to say except I found it to be well written and useful in preparing my submission, and I support all the report's recommendations.

(2) voter engagement, including:

(a) the timeframe and accessibility of early voting;

The early voting period and accessibility was sufficient and should be maintained, or can even be reasonably reduced without significantly impacting voter turnout or democratic integrity.

The early voting period at the 2024 ACT election was a period of two weeks, down from three weeks at previous elections. While the proportion of people voting early declined (from 76% in 2020 to 59% in 2024), turnout was not significantly impacted (from 89.2% in 2020 to 86.1% in 2024). This reflects a long-term decline in turnout at both a territory and federal level, and is unlikely to be remedied by extending the early voting period.

Considering the significant and increasing cost associated with operating polling booths, more viable alternatives to boosting participation should be considered before reverting to three week early voting periods or expanding the number of early voting centres. (See below)

(b) the number and location of ordinary polling places;

There are limited valid reasons for increasing the number of polling places (excluding, of course, in new suburbs).

- That increasing polling places increases turnout – generally applies to elections such as those in the United States where there is 1 polling place per electorate. No suburb of Canberra is more than a 10 minute drive from a polling place, except potentially Tharwa and Oaks Estate
 - o A polling place for Oaks Estate in particular should be considered, noting the limited mobility of a higher than average proportion (and significant number) of residents.

- That increasing polling benefits school or community associations who can earn money through sausage sizzles and bake sales – there are more effective and equitable ways of providing funding to schools.

If not already in place, there should be a formalised process for determining whether to discontinue a polling place between elections. I propose a minimum of 1500 votes cast be adopted as a requirement for continuing a polling place at the next election.

(c) the sufficiency of access to mobile voting places;

Nil comment.

(d) increasing voter turnout and participation in elections and encouraging political activity; and

Some effective and cost-effective methods of increasing voter turnout include:

- expanding access to postal voting,
- improving the ease of postal voting,
- civic education and engagement, and
- improving the quality and behaviour of politics (generally considered to be the biggest driver of engagement in elections)

In particular, I refer the Inquiry to a report by the Australia Institute in 2016 titled #democracysausage (available at <https://australiainstitute.org.au/wp-content/uploads/2020/12/P305-Electoral-matters-committee-submission-FINAL.pdf>). The report supports the idea that many aspects of voting in Australia (and the ACT) are world-leading and encourage voter turnout, such as compulsory voting, preferential voting, proportional representation and a ‘culture of voting’. However, the report makes three recommendations, which remain appropriate in the ACT today:

- 1) adopting more innovative marketing and education, including strengthening the language to encourage people to vote (for example, “if you don’t vote, you don’t count”)
- 2) increasing the penalty for not voting (noting it has not been increased from \$20 since it was introduced, is the lowest in Australia, and would be equivalent to over \$85 today)
- 3) adopting a 95/95/95 performance measure for electoral commissions – 95% enrolment rate, 95% voter turnout, 95% valid vote

(e) expanding voter franchise;

Proposals for expanding voter franchise have included 16-17 year olds, permanent residents and temporary residents. I personally support the expansion of voter franchise to all these groups, on the basis that they are equally impacted by local government and territory-level policies and programs (the argument is less strong at a federal level). However, there are several considerations such as whether voting should be compulsory, how to ensure the electoral roll remains accurate, and how to educate these new voters on their rights and responsibilities. Most importantly, if expanded franchise is considered, this will require an open and transparent conversation with existing voters, and should potentially be put to a vote to decide, as it could be argued that you would be diluting their franchise in doing so.

(3) the voting process, including:

- (a) the implementation, security and transparency of electronic voting;
- (b) vote exhaustion rates; and
- (c) voting instructions, as provided by the ACT Electoral Commissioner;

The savings provision in place should be maintained to ensure informal voting is kept to a minimum.

(4) political electoral activity, including:

- (a) rules for the authorisation and regulation of electoral matter on digital platforms;
- (b) restrictions on roadside signage;
- (c) the operation of truth in political advertising provisions; and
- (d) restrictions on campaigning activities outside polling places;

Roadside signage should be banned. We are the only jurisdiction with this level of clutter and litter each election, due to this practice. I frankly don't know any member of the public who appreciates being bombarded by so many signs, and I'm aware both major political parties would like to discontinue the practice, if only the other side would too.

Similarly, truth in political advertising laws must be strengthened.

I also appreciate the restrictions on campaigning activities outside polling places. However, I believe candidates should be allowed to leave electoral material (i.e. a how to vote card or similar pamphlet) inside or at the entrance to the polling booth, to allow voters to read their material without having to 'run the gauntlet' so to speak. Additionally, in some polling booths with multiple entrances or carparks within the perimeter limit, voters then have to go further away in order from the booth to find a volunteer to get the HTV or other material. This deters civic participation and proper scrutiny of candidates' policies.

(5) electoral funding, donations and expenditure, including:

- (a) definitions of electoral matter and electoral expenditure;
- (b) regulations pertaining to political donations, including in the context of electoral reforms made by the Commonwealth and South Australian Parliaments, and with respect to ensuring compatibility with the Australian Constitution's implied freedom of political communication; and
- (c) public election funding; and

Nil comment.

(6) any other relevant matter.

Nil comment.