



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

Submission number: 033

Submitter: Fiona Carrick Independent Party

Date authorised for publication: 14 October 2025



Submission from Fiona Carrick Independent party to the inquiry into the operation of the 2024 ACT Election and Electoral Act 1992

Fiona Carrick Independent party (FCI) provides this submission to the Committee inquiring into the operation of the 2024 ACT Election and Electoral Act 1992.

Widespread confusion about voting process

Throughout the campaign, volunteers regularly reported confusion among voters about the voting process and the number of preferences that should be specified on the ballot paper.

There is a widespread misconception in the community that leads people to believe they are 'voting for five candidates', rather than casting one vote with specified preferences. This misconception is at least partly a result of the messaging provided by Elections ACT, which instructs voters to "Number five boxes from 1 to 5 in the order of your choice" and "You should fill in at least five squares as there are five candidates to be elected in each electorate."

This messaging can be seen to favour parties running lists of five candidates in each electorate as encouraging voters to only provide 5 preferences minimises 'leakage' outside the party line vote.

Recommendations

The Electoral Act should be amended to allow less ambiguous advice to be provided to voters that does not lead to confusion about the number of votes the voter is actually casting.

This advice should specify that voters should provide at least 6 or 7 preferences, to make it clear that the number of preferences is unrelated to the number of positions to be filled. This advice would be aligned with ACT Senate elections, where voters are advised to number at least 6 boxes if voting below the line, despite there being only two positions to fill.

Elections ACT should also undertake a public education campaign to reinforce the message that each voter is only casting one vote, not five candidates as many people believe.

Restrictions about campaigning activities outside polling places

The restriction on campaigning activities within 100 metres of polling places is far too restrictive, often creating undesirable outcomes.

During pre-polling at Woden, campaign volunteers were required to stand in an area more than 200 metres from the entrance to the polling place, due to the length of the building in which the polling place was situated. This led to a number of people with mobility issues being dropped off by taxis adjacent to where the campaign volunteers were standing, thinking that this was where the polling place is, only to be told they had to now walk more than 200 metres to get to the polling place.

At many polling places, the 100 metre rule makes it practically impossible for candidates and campaign volunteers to interact with voters.





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Recommendations

The restriction on campaigning activities should be reduced to 10 metres to provide a balance between giving candidates and campaign volunteers an opportunity to interact with voters and allowing space for voters that do not wish to interact to approach the polling place.

Consideration should also be given to having specified 'quiet' voting times when candidates and campaign volunteers are not permitted to be present, as long as candidates are able to provide campaign material to be made available to voters that wish to take it.

Access to mobile voting places

There is currently no access for candidates or campaign volunteers to people voting at mobile voting places. This restriction clearly disadvantages independents and newer, less-known candidates and parties.

Recommendation

Candidates should be able to provide campaign material to Elections ACT to be made available to people voting at mobile voting places.

Public funding – definition of electoral expenditure

FCI notes recommendation 10 from the Elections ACT Report on the ACT Legislative Assembly Election 2024:

The Commission recommends that the Assembly committee investigate means to limit the potential for public funding received by a political party or candidate to exceed the amount of electoral expenditure incurred. This could be achieved either by introducing a reimbursement scheme similar to those in place in other jurisdictions or by reviewing the definition of electoral expenditure.

There are significant costs associated with running a campaign that do not fall within the legislated definition of electoral expenditure, particularly for independent and non-major party candidates. Any move to limit public funding to not exceed the amount of electoral expenditure incurred must therefore not occur before a review is conducted into the legislated definition of electoral expenditure to ensure it includes all significant costs associated with running a campaign

Recommendation

An independent review should be conducted into the legislated definition of electoral expenditure.

