

**Election day enrolment
Paper for the Electoral Council of Australia**

October 2009

Prepared by

Steve Tully – Electoral Commissioner

Paul Thornton Smith – Senior Information and Research Officer

Introduction –the unenrolled problem

Every election they turn up to vote: people who insist that they should be enrolled but whose names cannot be found on the roll. Such people may cast a declaration vote, completing their ballot papers and also a declaration including their details. After election day these declarations are checked to determine whether these people are entitled to be enrolled and so whether their votes should be admitted to the count.

The number of people in this position is significant. Statistics for the 2006 Victorian State election are as follows:

Type of declaration vote	Number checked by VEC	Number admitted to count
Early	1,499	518
Absent	33,237	4,461
Unenrolled	39,667	2,617
TOTAL	74,403	7,596

Of the 74,403 whose names could not be found on the roll and who claimed a vote, 66,807 were not admitted to the count.¹ This figure is almost the equivalent of the enrolments for two electoral districts. It does not include an unknown number who could not be found on the roll and who simply went away. Similarly, at the 2007 Federal election, 143,470 of 167,682 provisional votes were rejected – equivalent to 1.5 electoral divisions.²

Overlapping this group are electors who enrol too late for the election. In 2006, the VEC processed more than 40,000 enrolment transactions after the close of the rolls.³ In 2007, 100,370 people provided an enrolment form to the AEC between the close of rolls and polling day.⁴

The people turning up to voting centres are making a genuine attempt to vote. Overwhelmingly, they are people who have been enrolled in the past, have been taken off the roll by objection because they have failed to update their enrolment when they changed address, and who are unaware of this fact or who want to avoid a fine. Under current law, the great majority of these declaration votes have to be rejected, because the claimants have been correctly removed from the roll.

¹ Victorian Electoral Commission: *Report to Parliament on the 2006 Victorian State election* (VEC 2006 Report), p. 78.

² Joint Standing Committee on Electoral Matters: *Report on the conduct of the 2007 federal election and matters related thereto* (JSCEM 2007 Report), p. 60.

³ Calculated from VEC 2006 Report, pp. 26-27.

⁴ JSCEM 2007 Report, p. 48.

In the interests of maximising legitimate voter participation, it would be desirable to find some way of allowing these votes to be counted. The introduction of election day enrolment promises significant improvements.

Experience overseas

Several English-speaking countries allow people to enrol up to election day.

In New Zealand, electors can enrol up to the day before polling day. The roll used in polling places is as at the issue of the writ for the election. Electors who have enrolled after the issue of the writ are given a special vote, which is checked after the close of voting to determine whether the voter is on the roll and the vote should be admitted. At the 2005 election, 102,914 enrolment forms were received in the month between the issue of the writ and the day before polling day, resulting in a net increase to the roll of 35,363 electors (1.35% of the total). About 50% of the enrolments were received in the last week.⁵

In Canada, people meeting the eligibility requirements can register when they turn up to vote; 6.1% of all voters registered at the polls at the 2008 general election.⁶

Nine states in the United States have some form of election day registration (EDR). In these states, eligible citizens who are not found on the voting lists are asked to show a valid ID to a poll worker, who checks it and registers them on the spot. At the 2008 Presidential election, voter turnout as a proportion of the voting eligible population was 7.8 percentage points higher in states with EDR than in states without EDR.⁷ Proponents of EDR argue that the voter turn-out rate in these states is consistently higher than in states that do not have this system, and that it has not led to fraud or administrative inconvenience.⁸ A sceptic on such matters conceded that “largely in elections in which there is higher citizen interest, election day registration can enhance turnout”, but was concerned about the possibility of last-minute fraudulent registrations.⁹

How would election day enrolment work?

The purpose of this system is to enable voting by eligible people who have been removed from the roll and who are mostly not aware of this fact. The logical place for the system to operate is at voting centres, both on election day and during the early voting period. Enrolment on the spot seems preferable to the New Zealand system (under which electors can enrol through normal channels up to the day before polling day), because under that system

⁵ New Zealand Electoral Act 1993 and information from Electoral Enrolment Centre.

⁶ Elections Canada: *Report of the Chief Electoral Officer of Canada on the 40th General Election of October 14, 2008*, p. 24, http://www.elections.ca/gen/rep/re2/sta_2008/stat_report_e.pdf, downloaded 9 October 2009.

⁷ Calculated from United States Election Project: 2008 General Election Turnout Rates, http://elections.gmu.edu/Turnout_2008G.html, downloaded 14 October 2009.

⁸ Demos fact sheet: “Same Day Registration”, www.demos.org/pubs/EDR_factsheet.pdf, downloaded 12 October 2009.

⁹ Curtis Gans: “Making it easier doesn’t work”, Committee for the Study of the American Electorate, 13 September 2004, www.american.edu/ia/cfer/research/csae_09132004.pdf, downloaded 9 October 2009.

there would still be substantial numbers of people turning up to voting centres who are not enrolled. It would be confusing to have both the New Zealand system and election day enrolment, as it would create two categories of people who could not be found on the roll – those who had enrolled late and those who were not enrolled at all – who would need to be treated differently but who could not be readily distinguished from each other.

A prerequisite for a system of election day enrolment is for every voting centre to have an electronic look-up roll for the entire State. Such equipment is much more feasible than in the past. It would enable election officials to check whether a claimant to vote is enrolled in another electorate. Electors who are already enrolled at another address would not be able to enrol for a new address, as they are already covered under other provisions (including the three-month rule in Victoria's case).

People who could not be found on the electorate roll would be directed to the declaration voting area. Here they would be checked against the electronic roll. Those who were not apparently enrolled would be invited to enrol and vote. They would complete a form that would act as both an enrolment form and a declaration vote form. The applicants would have to declare that all the information provided was true and complete and that they understood that giving false or misleading information was a serious offence. They would also have to provide a proof of identity and address from a prescribed list. The driver licence would be the most common type. Applicants who did not have such a proof would need to nominate two sources from the prescribed list. The voters would then vote and place their ballot papers in the declaration envelope.

The envelopes would be forwarded to the electoral commission, which would check that the enrolment forms were completed correctly and that the applicants were not already enrolled. If an applicant had failed at the voting centre to provide a proof of identity and address, the electoral commission would contact the two sources nominated by the applicant (which would include the driver licensing authority, the local council and utilities) to confirm the applicant's identity and address. Arrangements would have been made beforehand to confirm the electoral commission's right to request these details from the authorities for this purpose, while satisfying privacy concerns. Applicants who passed this test would be enrolled (or the information would be forwarded to the AEC), and their votes would be admitted to the count. Those that failed the test could not be admitted to the count, and the electoral commission would send them a new enrolment form. Some of those enrolling at voting centres would have already submitted an enrolment form after the close of rolls; if the details on the forms matched, there would be no problem, while if the details differed, the voting centre enrolment would take priority.

This proposed scheme for election day enrolment has several advantages over the system for dealing with unenrolled votes. Currently, the great majority of unenrolled votes have to be rejected, because the applicants have been correctly removed from the roll. In the past, the AEC accepted a higher proportion of provisional votes and reinstated applicants on the roll at

their claimed address, but as many of the applicants did not really live any longer at that address, they would then be removed from the roll by objection and go through the same process at the following election. This revolving door process inconvenienced both the AEC and the voters, and did not improve the accuracy of the rolls. In contrast, under election day enrolment most applications would succeed, boosting participation in elections. Applicants would be enrolled for their correct address, improving the completeness and accuracy of the rolls.

Potential issues – election fraud

In Australian State and Federal elections, election fraud is largely a myth. There have been no cases of organised fraud, such as impersonation or multiple voting, to steal the result of an election. There are isolated cases of individuals committing voting offences, but their effect has been insignificant. Nevertheless, electoral law and administration need to maintain reasonable precautions against election fraud, particularly in the case of major changes such as a move to election day enrolment.

In the United States, there has been practically no voter fraud attributable to EDR. Administrators from both sides of politics in EDR states consider that EDR actually works against voter fraud, because applicants have to appear in person before an election official and have to provide prescribed forms of identification. Several states write to new registrants after each election and investigate if the mail is returned as undeliverable. Returned mail almost always has an innocent explanation, such as the voter changing address after the election.¹⁰ Curtis Gans in 2004 argued that EDR is vulnerable to last-minute fraudulent registration because there is no time to check the validity of registrations on election day, but his argument seems to neglect the fact that applicants have to provide forms of identification before they are registered, and the minimal level of fraud that has occurred.¹¹ However, it should be noted that the states in which EDR operates are generally small in population and do not have a history of significant election fraud.

Several checks would be built into the proposed Australian system. Firstly, the voting centre would have an electronic roll, and would see whether the applicant appeared to be already enrolled. Secondly, an application would have to pass the same tests as for an ordinary enrolment, and would also have to prove their identity and address. Thirdly, the vote would not be accepted immediately; it would be a declaration vote, and would be checked by the electoral commission before it could be admitted to the count.

¹⁰ Lorraine Minnite: “Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security”, www.demos.org/pubs/EDRVF.pdf, downloaded 13 October 2009; “Voters Win with Election Day Registration”, www.demos.org/pubs/voterswin_09.pdf, downloaded 13 October 2009.

¹¹ Curtis Gans: “Making it easier doesn’t work”, Committee for the Study of the American Electorate, 13 September 2004, www.american.edu/ia/cfer/research/csae_09132004.pdf, , downloaded 9 October 2009.

Potential issues – administrative overload

The main unknown with election day enrolment is the number of voters affected. If the numbers of enrolments at voting centres were similar to those currently applying for unenrolled votes, the work required to process them should be manageable. If the numbers were significantly greater, the increase would put pressure on the election officials at the voting centres and on electoral commission staff afterwards. It could lead to delays or increased costs or both.

In the United States, significant numbers of voters register on election day, ranging up to more than 18% of the total (541,876 votes of 2,910,369) in Minnesota in 2008. Advocates of EDR claim that EDR causes insignificant increases in costs and administrative difficulty, because it replaces the processing of provisional votes.¹² However, this is not always the case. When EDR was introduced in Montana in 2006, some 4,000 people registered and voted on election day – a large number for a small state in an “off” year (a year without a presidential election). Election officials were caught off guard, and the results were poll worker confusion, diversion from their normal tasks, and long queues. One county had people in line voting at midnight.¹³ Even where EDR is well established, there can be delays; a county clerk in Minnesota considered a wait of 20 minutes to register to be acceptable.¹⁴ It is clear that substantial resources have to be devoted to processing registrations. In Minnesota, registration judges are appointed for each polling place. Similarly, in Canada, a registration officer is appointed for each polling station; registration officers comprised 18,644 of Elections Canada’s 236,380 staff at the 2008 general election.¹⁵

If election day enrolment were introduced in Australia, each claim for enrolment at a voting centre would probably take slightly longer to process than an unenrolled vote, because the enrolment form is more complicated than an unenrolled vote declaration form. Electoral commission checking of a claim for enrolment would also probably take slightly longer than the processing of a claim for an unenrolled vote, which in most cases simply requires a check whether the claimant is enrolled.

One risk is that the introduction of election day enrolment might change the psychology of enrolment. At present, electoral commission communication campaigns stress the close of rolls, and urge those eligible to act before it is too late. This leads to a flood of enrolments in the week or so up to the close of the rolls. If election day enrolment applied, the close of rolls would no longer be the absolute deadline for enrolment. People might be inclined to enrol

¹² “Voters Win with Election Day Registration”, www.demos.org/pubs/voterswin_09.pdf, downloaded 13 October 2009.

¹³ Electionline.org: “Election-Day Registration: A Case Study” pp. 1-2, 4-6, *Briefing*, February 2007, <http://www.pewcenteronthestates.org/uploadedFiles/Election%20Reform%20Briefing%2016:%20Election-Day%20Registration%20A%20Case%20Study.pdf>, downloaded 9 October 2009.

¹⁴ *Ibid*, pp. 7-8.

¹⁵ Elections Canada: *Report of the Chief Electoral Officer of Canada on the 40th General Election of October 14, 2008*, pp. 40, 51, http://www.elections.ca/gen/rep/re2/sta_2008/stat_report_e.pdf, downloaded 9 October 2009.

and vote on the same day, rather than go to the trouble of making two transactions in a few weeks.

Election day enrolment should be a second chance for those who have failed to enrol in good time or have dropped off the roll without their knowledge, rather than a primary means of enrolling. It should be treated in the same way as unenrolled voting is now: that is, with minimal publicity, and with applicants being assisted at the voting centre. The aim should be to ensure that applications for election day enrolment are on the same scale as current applications for an unenrolled vote. There would be media coverage when the legislation changed, but this should be some time before the election. Electoral commissions would need to brief the political parties at the outset of the election, and would have to inform the media if asked. Information should make it clear that this is not a soft option: it would require completing an enrolment form and providing proof of identity and address, and would take some time.

Voting centre staff would need to be trained to process enrolment applications efficiently and correctly, turning away those who are already enrolled for a different address. Despite all precautions, it is likely that election day enrolment would create an additional administrative burden. Electoral commissions would be well advised to allocate additional staff and resources to cope with election day enrolment, at least until demand is clear.

Steve Tully
Electoral Commissioner
October 2009