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The Research Director  
Legislative Assembly of Queensland  
Legal, Constitutional and Administrative Review  
Committee  
Parliament House  
George Street  
BRISBANE QLD 4000



*Our Reference:*  
IF:LJ 230/04; 640/02  
GS.05.2-09/00

*Submission No 7  
Spec 33.2*

Dear Sir

**INQUIRY INTO PREVENTING ELECTORAL FRAUD**

Please find attached, Council's submission to the Inquiry into Preventing Electoral Fraud.

Yours faithfully

**IAN C FLINT**  
Chief Executive Officer

# INQUIRY INTO THE PREVENTION OF ELECTORAL FRAUD

## COMMENTS ON ISSUES RAISED

It is noted that the focus of the inquiry is upon preventing fraudulent practices in relation to enrolment procedures and the casting and recording of votes.

It is noted that the inquiry welcomes submissions concerning local government elections.

It is submitted that the current checks and balances in the electoral system are insufficient to adequately prevent and detect enrolment and voting fraud and that reform of existing electoral legislation and procedures in Queensland is warranted. While it is important to ensure that as many electors as possible access their right to enrol and are given the opportunity to vote, it is equally important to ensure that enrolment and voting fraud is provided against.

### ***Enrolment***

The confidence of the community in the electoral system is undermined by anomalies in the electoral roll persistently being detected come election time. The integrity of the electoral roll would be enhanced by a requirement on persons seeking to enrol or change their enrolment to produce proof of identity, citizenship and place of residence and by a requirement that that enrolment forms be witnessed by electoral officials who must have sighted the form of evidence required.

The electoral roll should be continuously updated by the Electoral Commission of Queensland in conjunction with the Australian Electoral Commission and closed as soon as an election is announced. The roll should then be made available to Local Governments as soon as practicable prior to the election to enable sufficient time for it to be reviewed prior to it becoming the official voters roll for the election. In practice, new enrolments or alterations to enrolments should be referred to the relevant Local Government for checking of particulars on a regular basis, and not only just before an election, to ensure a thorough checking process is able to be carried out.

Where anomalies are drawn to the attention of the Electoral Commission by Local Governments, the elector should be requested to provide a re-enrolment to ensure he or she is correctly enrolled. The elector should be struck off the roll if compliance with requirements is not forthcoming within a specified time.

### ***Voting***

The integrity of the voting process would be enhanced by electors, before being issued with a ballot paper, being required to provide proof of identity by way of a suitable form of identification to electoral officials. There is also scope for improving procedures surrounding issuing officers' questioning of people seeking to vote not only to determine that the person is entitled to vote but also to eliminate multiple voting, impersonation of other electors and 'cemetery' voting. Voter inconvenience should not interfere with democratic voting rights and should be offset by wider community acceptance of and greater elector participation in an electoral process with which they have confidence.

The incidence of avoidable declaration voting may be minimised by educating the public as to an informed understanding of the requirements of the electoral system for the election and strengthening penalties and enforcement provisions against the offences associated with the making of false declarations. Polling officials also need specialised training in the intricacies of declaration voting.

***Arrangements for Polling and Counting***

The different roles of scrutineer and candidate need to be clearly defined in the Local Government Act so as to preclude candidates being their own scrutineers.

Postal votes should not be received into the count after the close of polling on polling day unless it is clearly proven that they were made prior to or on polling day before the outcome of the official counting of votes was known. This prevents the result of the election being influenced and allows for the declaration of the poll without undue delay.

***Offences and Enforcement***

There is scope to increase penalties for enrolment and voting offences as well as to provide enforcement provisions capable of giving instant relief against offences. It is too late to wait for the Courts to determine matters when an election is being jeopardised by a continuing offence.

***General***

Education of the general public and specialised training of polling officials together with user-friendly forms and simplified processes are essential to help prevent lack of knowledge and comprehension about electoral fraud.