

August 2010

Don't forget to vote!

The *Commonwealth Electoral Act 1918* (the Act) provides that:

'It shall be a duty of every elector to vote at each election'.

An elector is someone whose name appears on the electoral roll.

The Act further provides that a person may be prosecuted for failing to vote without a valid reason for not doing so. Whether the reason for not voting is valid is determined on the merits of each case. The fine if found guilty of the offence is \$50.

Whilst most people are aware that you risk a fine if you fail to vote the Act also provides for other offences that are perhaps not as well known. On election eve it is worthwhile exploring some of these lesser known provisions.

Ballot paper offences

The Act provides for offences regarding ballot papers including that a person must not:

- (a) impersonate any person with the intention of securing a ballot paper to which the impersonator is not entitled; or
- (b) impersonate any person with the intention of voting in that other person's name; or
- (c) fraudulently do an act that results in the destruction or defacement of any nomination paper or ballot paper; or
- (d) fraudulently put any ballot paper or other paper into the ballot-box; or
- (e) fraudulently take any ballot paper out of any polling booth or counting centre; or
- (g) supply ballot papers without authority; or
- (h) do an act that results in the unlawful destruction of, taking of, opening of, or interference with, ballot-boxes or ballot papers.

A person found guilty of these offences may be imprisoned for six months.

A person who votes more than once in the same election may be guilty of an offence and liable to pay a \$1,100 penalty.

If a person is found guilty of deliberately voting more than once in the same election they may face a 12 month prison term or \$6,600 fine, or both.

A person found guilty of mutilating, defacing, destroying or removing any notice or document put there under the authority of the Divisional Returning Officer may be fined up to \$500.

Canvassing near polling booths

A person is guilty of an offence under the Act and a fine of up to \$500 if they canvass for votes or solicit the votes of an elector within a polling booth, or within six metres of the entrance to a polling booth on election day.

Displaying Badges or emblems of candidates

An electoral officer or scrutineer is guilty of an offence under the Act by wearing a badge or emblem of a candidate or political party in a polling booth on election day.

Leaving how-to-vote cards in polling booths

Under the Act a person will be committing an offence if they leave a card which directs or instructs how an elector should vote, in a polling booth. The fine is up to \$1,000 for those found guilty. This does not include official instructions issued by the Australian Electoral Commission.

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Bribery

A person, who offers, receives or obtains property or any benefit for themselves or another person in return for influencing their vote risks a fine of up to \$5,000 or two years imprisonment.

Printing and publication of electoral pamphlets or posters.

Any pamphlets or publications that are printed or distributed must include the name and address of the person who authorised the publication and the printers details. Failure to comply with these requirements may mean a fine of up to \$1,000 or up to six months imprisonment for the guilty party.

Misleading or deceptive publications

A person found guilty of publishing matter that is likely to mislead an elector in relation to the casting of a vote may be prosecuted under the Act and liable to a fine of up to \$1,000.

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For further information on this issue, please see the contacts below.

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