

Submission on the Electoral (Electronic Documents and Other Matters) Amendment Bill 2021 (SA)

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251 Morphett Street, Adelaide, SA 5000
GPO BOX 1146, Adelaide SA 5001
08 8226 3355 | commissionercyp@sa.gov.au

As South Australia's Commissioner for Children and Young People, my mandate is to promote and advocate for the rights, interests and wellbeing of all children and young people in South Australia.

I am writing to comment on proposed changes to the *Electoral Act 1985 (SA)* as set out in the Electoral (Electronic Documents and Other Matters) Amendment Bill 2021 (the Bill).

I have read the draft Bill with great interest and some concern, with a particular focus on how the Bill affects young South Australians.

To inform my response to the Bill, I asked a group of young South Australians aged 15-22 years old their thoughts on the barriers to enrolment and voting for young people and how the proposed amendments might impact young people.

This letter brings their voices to the fore – the voices of our state's youngest voters and future voters. This letter also honours conversations I have had with thousands of children and young people across South Australia since 2017.

Children and young people want to understand the systems they live in, know how to engage in the world around them, and acquire the skills they need to transition into adulthood. They recognise that their understanding of civics, and particularly their ability to participate in state and federal elections, is central to being active citizens in Australia's democracy.

Young people have unique experiences, ideas and passions, and they want to be active members in their communities and in the democratic processes that affect their lives. However, significant numbers of young people report making it through their years of schooling without being taught about South Australia's electoral process. This includes a lack of information about how to enrol to vote, let alone how to cast a valid vote once they are enrolled.

Young people describe a lack of education or 'little education' as one of many barriers to enrolment and to voting. Many young people make a distinction between an 'uninformed vote' and an 'informed vote', and they are worried that their civics knowledge is insufficient. They identify several other barriers to voting, including a lack of experience and motivation, inaccessible places to vote, income, family attitudes, and feeling excluded from decision-making.

Many young people do not feel that the adults or institutions around them respect their feelings or opinions. While they understand the importance of voting, they describe how it is difficult for young people to 'care about politics and voting' if young people themselves do not feel like adults in positions of power care for them.

"A lack of knowledge about the workings of our political system and a lack of knowledge about the candidates' and parties' values causes many young people to feel disengaged in politics."

- 17 year old

It should not be surprising then that some young people, as with the broader population, are becoming increasingly disillusioned by or disengaged from mainstream politics.

We know that over one third of eligible 18 year olds (38.9%) and one quarter of eligible 18 to 24 year olds (25.4%) were not on the electoral roll at the time of the 2018 state election. Participation was also lowest among this age group, with only 76% of enrolled 18-24 year olds casting a vote, and younger voters reported the lowest levels of confidence about completing their ballot papers.

The consequences of a growing lack of trust when combined with a growing lack of civics proficiency is worrying for the future of our democracy and the ideals and values it represents.

However, this is not inevitable. Democracy works best when citizens actively engage with and participate in decision-making to uphold agreed ideals and values. Where this is not happening, this is a reflection on us as adults and how our political institutions and educational institutions are falling short in catering to young people's needs.

"If we had a say in what the government did, it would make many of us trust them and their decisions (decisions) more."

– 13 year old

"We can see that some of the decisions (decisions) made today by adults have very effectively screwed us over, and that is a big factor. Kids want to be included. The government & world leaders hold our future, yet exclude us from shaping it. If we are to trust others, they should trust us and include us in what may very well shape our lives. Trust is a two-way street."

– 14 year old

One young person reported how they 'do their best' to 'let other young people know that it is their right to be able to vote'. When it comes to something as significant as enrolment and voting, it should not be left up to individual young people to share this critical information with each other.

It is up to us as adult leaders, community representatives and decision makers to ensure systems are designed in a way that enables every person to be informed so that they can exercise the fundamental democratic right to vote, regardless of age and circumstance.

This requires adults to understand the practical, cultural and attitudinal barriers that explain the low youth enrolment and participation rates, and to commit to addressing these barriers in a way that meets young people's needs.

In light of the above, I make the following recommendations that I hope you will consider as the Bill progresses to the Committee Stage:

- 1. That the proposed amendment to s48(3)(a)(i) to reduce the time period in which people can enrol to vote not be supported.**
- 2. That s32B of the Act is amended to enable eligible electors to enrol up to and on polling day, in line with Recommendation 1 of the Electoral Commissioner's 2018 State Election Report and successful practice in other jurisdictions.**

I also note that this Bill alone can only go so far in terms of improving enrolment and participation rates, particularly for young voters. As highlighted throughout the Electoral

Commission SA's 2018 State Election Report – the ECSA Report that has largely informed this Amendment Bill – there must be commitment to developing and implementing a comprehensive voter education program with a particular focus on first-time voters and young voters.

Such a program requires adequate funding and will benefit from collaboration with other State authorities, such as my office and the Department for Education. This seems particularly necessary given the reported lack of awareness among significant proportion of voters about voting options, including pre-poll voting options, and the Bill's proposed removal of the Electoral Commission's function to encourage the casting of votes on polling day.

Importantly, children and young people themselves consistently highlight the importance of education when asked what would make it easier for them to enrol to vote and to participate in elections.

"Better education for teens leading up to the coming of age and being able to vote"
– 14 year old

"Voting laws – bring the age to vote down. But before this is done, people need to be educated on the political topics they will be voting about."
– 15 year old

1. That the proposed amendment to s48(3)(a)(i) to reduce the time period in which people can enrol to vote is negated.

It is of significant concern that the Bill proposes to amend s48(3)(a)(i) of the Act to reduce the time period during which people can enrol to vote from 6 days to 2 days after the issuing of the writs.

I am concerned that this shortened time frame would disproportionately impact the enrolment of younger voters, who are already under-represented both in terms of enrolment rates and voter participation. Young people themselves highlighted that this aspect of the Bill would catch many young people 'off guard' and disproportionately impact young people who may already be marginalised.

"giving people less time to enrol to vote will be detrimental to the numbers of young people who turn out to vote as I think many of us will miss the cut-off dates"

"Young people who are "on the fence" about voting may miss their chance. Young people with disabilities or other commitments could miss out too."

"it would mean that young people are more stressed about enrolling to vote"

"Honestly young people will be taken off guard and have less time to formulate opinions and decisions"

It is concerning that this amendment has the potential to be particularly disenfranchising for young people and could leave South Australia behind other jurisdictions in Australia and internationally in terms of ensuring that all people of voting age, particularly young and new voters, are able to vote.

In the 2018 state election, there were 25,000 electors who enrolled to vote during the 6-day period between the issue of writs and closing of electoral roll.

This amendment is also contrary to Recommendation 1 from the ECSA Report, which recommended legislative change to allow eligible South Australians to enrol after the close of the rolls, in line with successful practice in other jurisdictions.

I am also concerned that this change would undermine the positive effects of other proposed amendments. For example, I welcome the expansion of pre-polling options insofar as this appears to enfranchise more South Australians and meet growing demand for more convenient voting options.

However, the benefits of expanding pre-poll voting are likely to be limited without also maximising the time available for people to enrol. It is concerning that this amendment intends to do the opposite by bringing forward the close of the rolls. As such, it should be withdrawn.

2. That s32B of the Act is amended to enable eligible electors to enrol up to and on polling day, in line with Recommendation 1 of the Electoral Commissioner's 2018 State Election Report and successful practice in other jurisdictions.

Allowing enrolment closer to the election is just one of many strategies young people think would make it easier for young people to enrol and to vote. They seek targeted, practical and age-appropriate information, and would like to see more contact between the government and young people to 'let them know how to enrol and why it is important', greater transparency, and polling booths set up in 'youth organisations to ensure it is accessible and easy'.

Young people highlight the important role of schools in providing children and young people with critical information and with opportunities to enrol, as well as the need to reach young people through both traditional media and social media platforms.

*"Having it [enrolment] open for a period of time closer to the election
Get kids to enrol at school when they turn 16"*

"Media advertisements targeted towards younger people should incorporate knowledge on how to vote and how to enrol. Also easily online accessible, require schools to also mention enrolling in years 11 and 12"

"Get youth that are uninterested in politics should be given some form of information, such as a website or fact sheet that makes it clear the actions by all candidates for minister positions. Thus transparency between the voters and candidates that can give a more educated vote."

It is clear from the ECSA Report that allowing people to enrol after the close of the rolls has been successful at addressing falling participation rates in other jurisdictions, including New South Wales, New Zealand, Queensland and Victoria. Electoral Commissions in these jurisdictions consider enrolment on the day to be a success.

As such, Recommendation 1 of the ECSA Report was to amend the Act to enable eligible electors to enrol up to and on polling day:

After claiming enrolment, these electors would be allowed to cast declaration votes which would not be admitted to the count until an enrolment investigation had been satisfactorily completed in the week after polling day.ⁱ

At the time of the ECSA Report's publication, New Zealand allowed enrolment during the early voting period but not on polling day itself. Since the publication of the ECSA Report, New Zealand has extended enrolment to polling day.

During New Zealand's 2020 General Election (the first election where people could enrol on election day), 80,000 voters enrolled and voted on election day, 90,000 voters during the advance voting period, and the number of voters aged 18-24, who had lowest turnout rates at previous elections, increased by 18.8%.ⁱⁱ

Allowing late enrolment options in South Australia would not change the close of rolls, which ECSA 'would continue to actively promote', but it would act as a 'savings provision' to 'help ensure that as many South Australians as possible can participate in state elections'. In order to meet our obligations to uphold the rights of every South Australian and in the interests of the integrity of democracy, this provision must be seriously considered.

Other concerns to consider

Public notices – Removal of requirement to advertise in print media (s18, s41, s48, s49, s77 of the Act)

This office is aware of the significant costs associated with publishing print notices in newspapers, as well as the need for services to be 'modernised' in a changing media landscape.

At the same time, however, this office is concerned that a 'digital-first' approach may leave some young people behind, particularly those living in regional areas or those without reliable and consistent access to digital devices and data. The recently released CCYP My Digital Life Report goes into further detail about the impact of digital poverty on children and young people.ⁱⁱⁱ

This office understands that the proposed amendment to remove the requirement for public notices in newspapers aligns with Recommendation 5 of the ECSA Report. However, in the absence of print notices in newspapers, other steps need to be taken – whether in the Regulations or by other means – to ensure critical information about polling booths and pre-polling (particularly new developments) to be widely known by all electors.

In particular, I am concerned that this goes against the Electoral Commission's function, to 'ensure that the public is adequately informed of their democratic rights and obligations under this Act' s8(1)(c). This is particularly important in light of findings from 2018 report about awareness of voting options:

- 33% of electors were unaware of postal voting,
- 55% were unaware they could vote at a polling booth outside their own electoral district, and

- 56% were unaware about pre-poll voting.

I would be interested in working with you to explore opportunities to ensure every young person in South Australia is on the roll and equipped with the information and confidence they need to participate in state and federal elections in 2022 and beyond, as is their right.

If you have any questions or would like to discuss anything further, please do not hesitate to contact my office.

Yours sincerely,



Helen Connolly
Commissioner for Children and Young People

ⁱ Electoral Commission SA, 2019. *Election Report – 2018 State Election*. P. 15. Available at <https://ecsa.sa.gov.au/component/edocman/2018-election-report/download>.

ⁱⁱ Elections NZ. May 2021. *Report of the Electoral Commission on the 2020 General Election and referendums*. P. 28. Available at <https://elections.nz/assets/2020-general-election/Report-of-the-Electoral-Commission-on-the-2020-General-Election-and-referendums.pdf>.

ⁱⁱⁱ South Australian Commissioner for Children and Young People, 2021. 'My Digital Life – Understanding the Impact of digital poverty on children and young people'. Available at https://www.ccyp.com.au/wp-content/uploads/2021/08/202107-Digital-Poverty-Report_Screen.pdf.