

Fact sheet

Multiple voting

The purpose of this fact sheet is to provide guidance in general terms about the additional voting measures relating to multiple voters at state elections and referenda. The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.

What is multiple voting?

Multiple voting means voting more than once at any election.

Is it a criminal offence to vote more than once?

Yes, under section 212(1)(b) of the *Electoral Act 2017* it is a criminal offence for a person to vote more than once at any election. The maximum penalty for breaching this provision is \$22,000 or imprisonment for 3 years, or both.

What is a “special elector”?

Under schedule 6 of the Electoral Act, the Commissioner may, by order, declare that a person is a “special elector” if:

- that person has been convicted of an offence under section 212(1)(b); or
- the Commissioner has reasonable grounds to suspect that the person has contravened section 212(1)(b) (whether or not the person has been convicted of an offence).

How do I know if I have been declared a “special elector”?

You will know if you have been declared a “special elector” when you receive a formal written notice of the declaration from the Electoral Commissioner.

Why have I received a formal notice declaring me to be a “special elector”?

You have been declared a “special elector” either because you have been convicted of the offence of multiple voting or the Electoral Commissioner has reasonable grounds to suspect that you have voted more than once at an election.

What happens if I am declared a “special elector”?

If you are declared a “special elector”, you will be marked on an authorised roll as a “special elector” and required to undertake additional voting measures next time you vote at a voting centre for a state election.

Does an order declaring me a “special elector” expire?

An order declaring you a “special elector” will remain in force either indefinitely or for the period of time specified in your notice (as applicable). If you are declared a “special elector” because you have been convicted of the offence of multiple voting, the declaration will remain in force unless the conviction is quashed on appeal.

How will voting centre staff know that I am a “special elector”?

Your name will continue to appear on an authorised roll (also known as an electoral roll) to be used at a state election but an additional mark will appear against your name that alerts voting centre staff that you are a “special elector”.

What additional voting measures apply to “special electors”?

If you are declared a “special elector” you will be required to undertake additional voting measures when you attend a voting centre to vote. You will be asked by an election official the following questions:

- What is your full name?
- What is your date of birth?
- What is the electoral district for which you claim to be enrolled?

The election official may, if he or she thinks fit, and at the request of any scrutineer ask you the following questions:

- Are you the person whose name appears as [your full name] on the roll for the district of [the district in respect of which you claim to vote]?
- Are you of or above the age of 18 years?
- Have you already voted, either here or elsewhere, at this election?
- Are you disqualified from voting?
- Do you live within the district of [the district in respect of which you claim to vote]?

If you answer the questions satisfactorily, you will be permitted to vote after making a formal written declaration before an election official at the voting centre.

Do additional voting measures apply to local government elections or federal elections?

Additional voting measures applicable to “special electors” only apply to state elections (as well as state by-elections and referenda).

Do additional voting measures apply to postal voting or telephone/internet voting?

Additional voting measures applicable to “special electors” only apply when voting in person at a voting centre (including an early voting centre).

Can I complain about an order that declares me a “special elector”?

If you do not think you are a multiple voter, you may complain about an order that declares you a “special elector” (unless you have been declared a “special elector” because you have been convicted of the offence of multi voting at a state election). A complaint must:

- be in writing;
- be on the approved form or by contacting our office;
- be signed by you; and
- set out the ground(s) of your complaint.

Do I have to make a complaint about an order declaring me a “special elector”?

You are under no obligation to make a complaint or respond to an order declaring you a “special elector”.

What happens if I make a complaint about an order declaring me a “special elector”?

The Electoral Commissioner will investigate your complaint for the purpose of making a decision to either cancel the declaration, or refuse to cancel the declaration.

The information you provide us as part of your complaint may be used in evidence with respect to the offence of multiple voting under section 212 of the Electoral Act.

The Electoral Commissioner may delegate the Commissioner’s functions to an appropriate officer at the Commission. You will be contacted for further information if needed.

The Commissioner will provide you reasons for the decision but will exclude information where the Commissioner is satisfied there is an overriding public interest against disclosure.

When can I make a complaint about an order declaring me a “special elector”?

If you intend to make a complaint about an order declaring you a “special elector”, it is important that you do so as soon as possible after you receive the notice.

The Commissioner requires a reasonable period of time to investigate your complaint. If the Commissioner does make a decision to cancel an order declaring you a “special elector” that change cannot come into effect where the authorised election roll has already been prepared for a state election, by-election or referendum applicable to you.

How long will it take for the Commissioner to make a decision in response to my complaint?

The Electoral Commissioner may take up to 2-3 months to make a decision after your complaint is received.

There may be instances where the Commissioner may take longer to make a decision depending on the complexity of the investigation. You will be informed if there are any delays and where possible, the reasons for those delays.

Can I review a decision made by the Commissioner in response to my complaint?

Yes, if you have made a complaint you may apply to the NSW Civil and Administrative Tribunal (NCAT) for an administrative review under the *Administrative Decisions Review Act 1997* of the decision of the Electoral Commissioner regarding the complaint.

How do I contact NCAT for additional information?

NCAT’s details:

NSW Civil and Administrative Tribunal, Administrative and Equal Opportunity Division
Level 10, John Maddison Tower, 86-90 Goulburn Street, SYDNEY NSW 2000
Telephone: 1300 006 228

Further information

The Commission will not discuss matters subject to an investigation or provide you legal advice but will provide you further information in general terms about the measures discussed in this fact sheet. You may ask an advocate or support person to assist you in this respect. Contact us on 1300 135 736.

If you are deaf, hard of hearing and/or have a speech impairment, please contact us through the National Relay Service (NRS). Choose your access option and ask for 1300 135 736.

If you need an interpreter, call TIS National on 131 450 and ask them to call the NSW Electoral Commission on 1300 135 736. Business hours are 9am to 5pm, Monday to Friday.