

LEX177

William Pankiw
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Dear Mr Pankiw

Your Freedom of Information Request

I refer to your request for access to documents submitted through the Right to Know platform on Sunday, 7 February 2021, made in the following terms:

Freedom of Information request - How are votes treated that have a line through all candidates and no candidates meets my will.

People who at Elections put a black line through all the candidates names and put the words "no candidate meets my will".

How are these vote treated, and is their a special dispensation or catergory for these votes.

[sic]

I have considered your request and determined that it does not currently meet the requirements of a valid request under the *Freedom of Information Act 1982* (the **FOI Act**).

The FOI Act provides that a request for documents must meet a number of formal requirements, including:

- the request must state that it is a request for the purposes of the FOI Act (s 15(2)(aa)); and
- the request must provide such information as is reasonably necessary to enable a responsible officer of the agency to identify the document that is requested (s 15(2)(b)).

Your request does not state that it is a request for the purposes of the FOI Act. In addition, your request is framed as a series of questions and it is not clear what document/s you are requesting from the information you have provided.

How to make a Freedom of Information request

If you would like to resubmit your freedom of information request to address the issues outlined in this letter, you can do so in the following ways:

- by post addressed to:
Attention: FOI Officer, Locked Bag 4007, Canberra ACT 2601

- online, at the following link:
[AEC online enquiry form](#)
- by email addressed to:
legal@aec.gov.au

In order for your request to be valid, your request must:

- be in writing;
- state that the request is an application for the purposes of the FOI Act;
- provide sufficient information about the document(s) that you wish to access so that we can process your request; and
- provide an address for reply.

Your Request for Internal Review

On 11 February 2021, you submitted a request for internal review of your 7 February 2021 request, through the Right to Know platform in the following terms:

Internal review of Freedom of Information request - How are votes treated that have a line through all candidates and no candidates meets my will.

...

I am writing to request an internal review of Australian Electoral Commission's handling of my FOI request 'How are votes treated that have a line through all candidates and no candidates meets my will.'

[GIVE DETAILS ABOUT YOUR COMPLAINT HERE]

If a voter draws a line through all the candidates names, and writes 'no candidate meets my will', how is this vote treated? Is strictly an informal note or is it even regarded as a vote.

*A full history of my FOI request and all correspondence is available on the Internet at this address:
https://www.righttoknow.org.au/request/how_are_votes_treated_that_have*

...

I have considered your request for internal review and note that no decision has been made in accordance with the FOI Act in relation to your 7 February 2021 request. Because no decision has been made, we are unable to conduct an internal review under Part VI of the FOI Act.

Publicly available information

I provide the following observations to assist you in understanding Australia's system of voting, which may address your substantive query, without the need for you to make an FOI request.

An election will be decided on formal votes only. A formal vote is a vote that has been marked and cast in accordance with the *Commonwealth Electoral Act 1918* (Electoral Act) and can therefore be counted towards the result.

A vote that has not been marked in accordance with the above provisions, is an informal vote, and cannot be counted towards the results. Accordingly, informal votes have no impact on the outcome of an election.

Further information about counting the votes, including the formality rules, can be found on the AEC website here:

https://www.aec.gov.au/About_AEC/Publications/backgrounders/compulsory-voting.htm

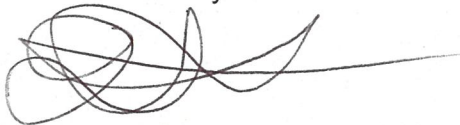
https://www.aec.gov.au/Voting/How_to_Vote/

Further assistance

If the above information available on the website does not answer your questions, we invite you to make a formal freedom of information request in the manner outlined above.

If you have any questions please email legal@aec.gov.au or contact our enquiries line on 13 23 26.

Yours sincerely



Emma Rostron
Director (A/g)
Legal and Procurement Branch

15 February 2021.