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| **Prisoner Voting** | | | |
| **Section** | | 4. Prisoner Services | |
| **CR Number** | 4.3.2 | **Current Issue Date** | March 2021 |
| **Legislation & Policy** | | Corrections Act 1986  Charter of Human Rights and Responsibilities Act 2006  Corrections Regulations 2019  Constitution Act 1975  Electoral Act 2002  Commonwealth Electoral Act 1918 (C’wealth)  Local Government Act 1989  Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004  Correctional Management Standards for Men’s Prisons in Victoria  Standards for the Management of Women Prisoners in Victoria | |
| **Standard** | | Programs and Reintegration Services - Community Involvement | |
| **Attachments** | | Nil | |
| **Forms** | | Nil | |

1. **PURPOSE**

Prisons will provide facilities and information to enable eligible prisoners to enrol and vote in a State and Federal election.

1. **REQUIREMENT**
   1. General Managers are responsible for ensuring that eligible prisoners can complete an enrolment for as soon as practicable (not just in the lead up to an election). Prisoners only need to complete one form to be on the electoral roll for Federal, State and local council elections.
   2. General Managers will ensure that prisoners eligible to vote during a State and Federal election are provided with general electoral information prepared by the Australian Electoral Commission (AEC) and Victorian Electoral Commission (VEC) or political party, ‘how to vote’ information, and candidate campaign material.
   3. General Managers will provide an area/room for prisoners to vote in privacy, while under the appropriate supervision of staff. Staff must not under any circumstances, limit, suggest, or indicate to a prisoner as to how the prisoner should record their vote.
2. **GUIDING PRINCIPLE**
   1. Prisoners who are entitled to vote during a Federal, State or local election, must be afforded the opportunity to do so.
   2. Voting is a fundamental right for eligible Australians. Prisoners are encouraged to take part in public life (s18 of the Charter) and to exercise this right in accordance with the *Charter of Human Rights and Responsibilities Act* 2006.
   3. In the event that prisons receive requests from political parties related to election activities, the parties should be advised to forward their request to the Commissioner.
   4. An eligible prisoner is entitled to a postal vote. For any postal vote, mail sent to or received by a prisoner from the Electoral Commission Office or Divisional Office, must not be opened or censored, as it is classified as exempt mail and a prisoner has the right to privacy (s13 of the Charter).
   5. On receipt of the postal ballot paper(s), the prisoner should record their vote, complete the details required on the envelope, and have it witnessed by another person (preferably a staff member) eligible to vote.
3. **CONTEXT**

General Managers will ensure that eligible prisoners can enrol and vote in State and Federal elections.

1. **INSTRUCTION**
   1. **Eligibility to Vote in State or Local Elections**

All enrolled prisoners are entitled to vote in a State or local election, with the exception of the following:

1. Prisoners who are serving a sentence (i.e. a head sentence or maximum term) of **five years** or longer.
2. Prisoners under the care of the Public Trustee.
3. Prisoners who by reason of unsound mind are incapable of understanding the nature and significance of voting.
4. Prisoners who are not Australian citizens.
5. Prisoners who under the age of 18.
   1. **Eligibility to Vote in Federal Elections**

All enrolled prisoners are entitled to vote in a Federal election, with the exception of prisoners who are serving a sentence of **three years** or longer.

* + 1. Any prisoner who is an Australian citizen over the age of 18 and is not currently enrolled, can complete an enrolment form. Copies of this form can be provided to prisoners by staff.
    2. Voting is available to enrolled prisoners by post. This means that prisoners can apply for a postal vote, following the announcement of an election, by completing the required forms, which will be made available. Alternatively, prisoners may register as a General Postal Voter, meaning that they will remain a postal voter for all future elections. Prisoners must update their address details once they are released to ensure that any postal votes are sent to the correct address.
    3. All forms can be obtained by staff, who will access forms from the AEC via [info@vec.vic.gov.au](mailto:info@vec.vic.gov.au), www.vec.vic.gov.au or by calling 13 23 26.
  1. **Place of Living for Enrolment**
     1. Address requirements are outlined in the *Enrol to vote or update your details as a prisoner in Victoria* form as follows:
     2. You must enrol for the address where:
        + You were last eligible to be enrolled (this will generally be the place where you last lived for at least one month); or
        + One of your next of kin is currently enrolled if you have not previously been eligible to enrol; or
        + You were born, if neither of the above apply; or
        + You have the closest connection if none of the above apply.

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| Larissa Strong  **Acting Commissioner** |

**Information below this point is administrative supporting detail**

**only and not subject to Commissioner’s review or approval.**

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| **Acronyms** | |
| AEC | Australian Electoral Commission |
| VEC | Victorian Electoral Commission |

| **Definitions** | |
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| **Associated Commissioner’s Requirements** |
| Nil |

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| V2 | May-20 | Update |
| V1 | Jan-15 | First Issue |