

**Response from Evan Ekin-Smyth, Australian Electoral Commission spokesperson:**

While the AEC recognises that comments often come from pride in electoral system, some of the commentary regarding this matter has completely ignored key facts. This includes the very low potential scope of application, the law surrounding 'savings provisions', the longstanding legal advice regarding the use of ticks and crosses, and the decades-long history of the application of that law and advice.

The formal voting instructions for the referendum are to clearly write yes or no, in full, in English. This will be part of our campaign advertising, it is on our website, in the guides delivered to all Australian households, it will be the instruction on the ballot paper and will be re-enforced by our polling officials when people are issued with their ballot paper.

We expect the vast, vast majority of voters to follow those instructions. In fact, the rate of informal votes cast at the previous referendum in 1999 was just 0.86%, and of those informal votes many would not have been related to ticks and crosses in any way. It is important to keep that scale, or lack of it, in mind when discussing this matter.

**Ticks and crosses**

Please don't use them. The formality rules for referendums has been the same for a long period of time – this includes 'savings provisions' (the ability to count a vote where the instructions have not been followed but the voter's intention is clear). Savings provisions exist for federal elections as well. The AEC does not have any discretion to simply ignore savings provisions. They are a long-standing legislative requirement. The AEC's accepted legal advice regarding the application of savings provisions to 'ticks and 'crosses' since 1988 (over 30 years and multiple referendums) remains the same. This is not new.

The issue with a cross is that on many forms people in Australia use in daily life, and in some other languages, it represents a 'check mark' indicating yes - it therefore leaves it open to interpretation or challenge by a scrutineer. A 'tick' would also be open to interpretation and may not count depending on just how clear that mark is on the ballot paper. The same issues exist for just the letter 'y' or 'n' -if the handwriting makes it unclear it could risk an informal vote. This is why the commissioner, and the AEC will be very clear and regular with our communication that people need to write the full word 'yes' or 'no' in English, in full.

**Media interview comments**

A snippet of an interview on Sky News is being referenced by some people. If people listen to the whole interview the Electoral Commissioner was at pains, multiple times, to express that people should write the word 'yes' or 'no in full, in line with the instructions. He answered a question about savings provisions and even in doing expressed hesitation for it to be the message to be highlighted or that people take away – he answered the question nonetheless in the interests of transparency of course.

We communicate about the formality rules – and answer people’s questions – to ensure people know it is important to follow the instructions on the ballot paper.

It’s also important to note that the counting process is highly transparent - scrutineers from both sides of the debate will be able to be present throughout the count to observe the process.