Call for Submissions to the *University of New South Wales Law Journal* Issue 39(1)

‘Finding Vox Populi: The Law of Elections and Politics’

The *UNSW Law Journal* is currently welcoming submissions for Issue 39(1). The Issue will comprise both a Thematic component and a General component. The topic for the Thematic component is ‘Finding Vox Populi: The Law of Elections and Politics’.

Australia has traditionally been an innovator in the field of electoral regulation. However, many recent issues with Australia’s systems of electoral and political regulation may indicate that they have not kept pace with Australia’s changing electoral and political landscape. Examples such as the proliferation of minor parties, issues with the introduction of electronic voting and voter identification laws, and the public debate surrounding political donations and funding highlight some of the weaknesses of the current systems.

The Thematic component will focus on the role, effectiveness, and future directions for reform of electoral and political laws in Australia in addressing these and other issues. Its aim is to promote critical analysis and discussion of Australia’s regulation in this area with a view to improving how this regulation enables the electorate’s will to be expressed through elected representatives.

The field of electoral and political regulation is naturally one with an interdisciplinary focus. Such interdisciplinary approaches are encouraged, provided they adopt a primarily legal viewpoint. Authors are also welcome to refer to the law in jurisdictions outside of Australia, provided the article focuses on a comparative analysis with Australian law, or adopts a non-jurisdictional theoretical focus on political and electoral regulation.

Authors may consider, but are not limited to, issues such as:

- the effectiveness of current legislation implementing the right or duty to vote in Australia with respect to the process of voting, restrictions on voting, and declaration voting;
- the normative assumptions underlying the legislative framework for voting in Australia, whether they complement the ideal of democracy, the rule of law and the limits of the implied ‘right to vote’ in the *Australian Constitution*;
- the legislative development of voting in Australia and the effect of regulation of voting on elections throughout Australia’s history, and whether this has an impact on the legislative assumptions underpinning voting requirements today;
- the operation of legislation regulating political parties, whether this regulation allows for political parties to meaningfully and effectively participate in the electoral process, and the interaction between party regulation and constitutional conventions;
- the control of political parties as private bodies through regulation or internal party governance structures, the justiciability of disputes arising within political parties, and the impact of internal party processes on electoral outcomes;
• an analysis of the differences in political donations, funding, and disclosure laws in Australian jurisdictions, including the operation of each with respect to promoting transparent conduct and preventing corruption;
• the normative assumptions underlying the current system of political donation, funding and disclosure models, and whether these are compatible with the ideal of democracy and the representation of the electorate, particularly with respect to the implied freedom of political communication under the Australian Constitution;
• whether the legislative framework for electoral commissions in Australia allows the commissions to effectively fulfil their legal duties prior to and during elections with respect to funding disclosures, funding administration, electoral boundaries, candidate nominations, and the conduct of elections and voting; and
• the role of courts in determining the validity of elections and how voting as a legal concept is understood in Australia today, and in resolving disputes about determinations made or processes implemented by electoral commissions in administering their legislative obligations and duties generally.

The submission deadline for the Thematic component of Issue 39(1) is 1 September 2015. Publication of Issue 39(1) is set for late April 2016. In addition to submissions for the Thematic component, authors are welcome to submit on any topic for the General component. Submissions for the General component will be considered on a rolling basis, and will be published in a forthcoming Issue of the Journal currently accepting submissions. Any changes to these deadlines will be indicated on the Journal’s website at http://www.unswlawjournal.unsw.edu.au.


The Journal is an independent, peer-reviewed publication. Although all submissions received are subject to peer review, decisions as to publication remain at the discretion of the Editor, in council with the Executive Committee of the Journal.

The Journal does not accept articles that have been, or will be, published elsewhere, either in identical or substantially similar form. If articles are posted on online repositories, such as SSRN, they should be removed at the time of submission to ensure the anonymity of the peer review process.

If you are interested in, or have any queries about, submitting for Issue 39(1), please contact the Journal at law.journal@unsw.edu.au. If you intend to submit an article, it would be greatly appreciated if you could give some early indication of your proposed topic or area of research. If you are aware of a colleague who may be interested in making a submission, please pass on this call for submissions.

Yours sincerely,

Damian Morris
Editor, Issue 39(1)

15 April 2015