16 October 2012

The Election Manager
Kempsey Shire Council
Elbow St
WEST KEMPSEY 2440

KEMPSEY SHIRE COUNCIL
2012 LOCAL GOVERNMENT ELECTIONS
SATURDAY 8 SEPTEMBER 2012

RETURNING OFFICER’S REPORT TO COUNCIL


PLANNING AND GENERAL LOGISTICS

Given Council’s acceptance of the response to the formal Expression of Interest/Tender process, Australian Election Company set about early planning and development work during January/February 2012. Detailed development work commenced mid-March 2012.

Through the Company’s previous experience and associations in the conduct of Queensland Local Government Elections, the Principal of Australian Election Company had developed supplementary forms and materials and accounting controls for ballot materials, as well as enhancements to improve polling place staff performance. However, whilst some of these materials could be readily applied in the context of the 2012 NSW Local Government Elections, of course it was necessary to conduct a detailed analysis of the Act and Regulations underpinning the NSW Local Government Elections and to develop documents and materials specifically in compliance with the Act and the Regulations. It was also necessary to develop a Returning Officer’s Manual, all Polling Official Manuals; a Candidate Guide, as well as revised PowerPoint Briefings and Training Presentations. All of these materials, except the PowerPoint Briefings and the Training Presentations, were drafted and printed prior to the scheduled Company’s Returning Officers’ Conference, which was conducted at Nelson Bay during 4-8 June 2012.

It transpired though that a number of regulatory amendments were made during the course of development of election forms and materials. Indeed regulatory changes were being made as late as 22 June 2012. In some cases, forms such as Postal Vote Applications had been printed in bulk quantities and then the regulatory changes were promulgated; thus effectively rendering the forms useless. There were also changes to the Oaths Act which impacted Candidate Information Sheets. Statutory provisions should not be amended during the lead up to the Election period. Australian Election Company had to quite constantly vary forms/materials documentation and training materials given regulatory amendments or otherwise await the receipt of clarifying information before we could settle materials content, format or details. These influences placed (unnecessary) strains on operational planning, materials planning and supply arrangements.
When where the design, content and format of election forms /materials had been settled, bulk materials and equipment requirements were assessed and then the relevant stocks were ordered. However the bulk assessments essentially had been derived from the basis of the original Indicative Quotations (and subsequent Tender Submissions) that were provided to Councils; such was the detail contained in original Indicative Quotations. Ultimately all that was required of Returning Officers was to formally review the bulk assessments provided and to develop individual Polling Place etc Inventories of equipment/materials.

Where Elections were “totally outsourced”, Australian Election Company acquired short term tenancies/temporarily leased premises and equipped Returning Officers with the basics of office furniture, equipment and materials; laptop computers, a printer, mobile phones; Nominations and Postal Voting materials. The materials/equipment deliveries were made to coincide with the commencement of all Returning Officers being “on the ground” on 24 July 2012. The arrangements made for Returning Offices which were “partially outsourced” varied according to negotiated elements between Councils and Australian Election Company.

In the case of this Council, the premises used was 82 Belgrave St, Kempsey 2440. This tenancy/accommodation was conveniently located within the Council Area. The accommodation, at circa, approximately 250sqm, was adequate for our operational requirements.

CLOSE OF ROLLS

Rolls closed for the Elections on 30 July 2012. It transpired that there were 19,969 electors entitled to vote in the Kempsey Shire Council Elections, as at the Close of Rolls. The Electoral Commission NSW (ECNSW) sought signed Undertakings from our Returning Officers regarding the provision of a data “look up” facility. It was interesting to note that the Undertaking included a waiver for the ECNSW in the event of ECNSW’s provision of faulty, flawed or inaccurate data; effectively attempting to apportion responsibility for any such anomalies to our Returning Officer!. Critically, and unfortunately, actual soft copy Electoral Roll data was not provided by ECNSW to Australian Election Company; although Candidates, upon application, could be provided the data. This also “flies in the face” of previous involvement with QLD Local Government Elections and the provision of electoral roll data through Electoral Commission, Queensland. In the context of Queensland Local Government Elections, Australian Election Company has made formal requests for roll data and roll products and the data and products have been directly provided to Australian Election Company from the Australian Electoral Commission. Subsequently Australian Election Company were invoiced for and made payment to Electoral Commission Queensland for the roll data and those roll products.

In addition, the ECNSW imposed further (unreasonable) conditions in relation to data access in that any Australian Election Company laptop computer provided to any Returning Office could not be utilised for any activities associated with roll data access (look-up) facilities; notwithstanding that the laptops were “stand alone” not being networked in any way.. Not surprisingly this severely impacted operational capacity and efficiency in relation to fundamental and critical activities involving Nominations eligibility checking; enquiries management; the issue of postal votes; and vote validation.

ADVERTISING

In accordance with both legislative and Council contractual requirements, advertising was arranged pertinent to the various major facets of the-Election, with our aim being to inform the electors of the Council Area of the election facilities and services being made available to electors. For convenience, our advertising was categorised “Statutory” and “Information”. Statutory advertising included all the formal advertisements required under the law; Information advertising involved the provision of basic information about voting services and facilities. The Information ads used were based upon ads previously and successfully used in QLD Local Government Elections. Emphasis was also placed on Polling Place advertising.
Rather than application of the “contemporary” Electoral Commission approach of writing to every elector and advising the Polling facilities in an elector’s local area; the thrust of our Information advertising revolved around the availability of Pre Poll and Postal Voting services and also timely replicated listings in local media of the Polling Places that would be operational on Election Day.

In any event Australian Election Company would not have been in a position to use any other approach. This is so, again, because the ECNSW provided no access to soft copy roll data and this precluded the capacity to undertake a large-scale mail-out to electors. Further, a strong case may be put that advertising of Polling Places in the media is more effective than corresponding directly with enrolled electors; unless the electors’ enrolments are up to date; because, if the enrolment is not current, no advice about available Polling facilities will be received. This is so, because it is our understanding that the Government Electoral Commissions no longer advertise the locations of Polling Places in local media.

For “totally outsourced” Elections, as in the case of Kempsey Shire Council, Australian Election Company placed and paid for all advertising. Some “partially outsourced” Councils were provided with print ready ad copy, so that the Council could place and pay for its own advertising.

CLOSE OF NOMINATIONS

Nominations opened 30 July 2012 and the statutory "Notice of Election and Call for Nomination Proposals" was published in compliance with the Regulations. Nominations closed 12 noon Wednesday 8 August 2012. By the Close of Nominations a total of 26 Nominations had been received. There were no withdrawals of Nominations received prior to the close of Nominations. No Nominations were rejected.

The number of Mayoral Nominations accepted was 7 and the number of Councillor Nominations accepted was 19.

One (1) Group was registered with the Returning Officer prior to the close of Nominations.

The Draws for Positions on the Ballot Paper were conducted from 3.00pm on 8 August 2012. The Mayoral Draw was conducted first; followed by Councillor Draws. The Draws were attended by approximately 25 persons and Draw Records were attested and witnessed. Ballot paper proofs then were finalised as quickly as possible and candidate information was arranged for website publication.

PRE-POLL VOTING & POSTAL VOTING

We issued a total of 673 Postal votes for the Election. 17 Postal Applications were rejected as defective and Defective Notifications issued.

Following receipt of ballot papers from the Printer and Authorised Rolls from ECNSW, a daily turnaround of Postal Votes from receipt to issue of ballot material was achieved.

Resources for Postal Voting processing activities were assessed on the basis of 2008 ECNSW published information.

Similarly, 2008 Pre Poll Voting statistical information was utilized as the basis for estimating the expected numbers of Pre Poll Votes to be issued and the commensurate staffing processing resources required.

However, use by electors of Pre Poll Voting continues to flourish as electors retreat in droves from Election Day Polling Place Voting. Of course there will always be increased Pre Poll Voting activity in Local Government Elections, compared with State and Federal Electoral events, given that there is no voting (generally) available external of Council Area boundaries i.e. there is no “absent voting” available in NSW Local Government Elections. It transpired that at the 2012 Elections 3,262 Pre Poll Votes were issued including 50 Declaration votes, compared with 1,797 Pre Polls at the 2008 Elections.

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In our Council Area we provided the following Pre Poll Voting facilities. 82 Belgrave St, Kempsey which was the office of the Returning Officer. These Pre Poll Voting facilities were appropriately resourced and operated in compliance with the Regulations. We believe we provided an efficient, professional, service to electors and no elector had to wait for an undue period of time in order to vote by Pre-Poll.

**DECLARED INSTITUTION VOTING**

In line with our objective to provide an enhanced front line service, Australian Election Company took steps to provide an expanded and enhanced Declared Institution Voting service. Australian Election Company obtained lists from Councils of every Hospital, Nursing Home, or Retirement Village in the Council Area. Australian Election Company then wrote to each Institution listed offering the Declared Institution Voting services. Where an Institution either declined the service or did not respond to the services offered, we sent Postal Vote Applications to the Institution.

However wherever we received a positive response, the Returning Officer made contact with the Institution to formalize the Voting schedules. Under the Regulations, the Election Manager had to appoint any Declared Institution by Nomination Day.

We perceive that the level of service provided generally was well appreciated by the establishments and their residents. Each Candidate was provided with details of the Polling schedule in advance of any visits. Declared Institution Voting proceeded uneventfully. For the 2012 Elections the following establishments were appointed as Declared Institutions:

- Booroogun Djugun
- Cedar Place
- Kempsey Hospital
- Macleay Valley House
- South West Rocks Nursing Home
- Vincent Court

A total of 127 votes were recorded at these Institutions. This compares with 112 at the 2008 Elections.

**POLLING BOOTH LOGISTICS**

The Polling Booth staffing estimates applied in the Elections essentially were based upon the figures from the 2008 NSW Council Elections and depending upon the perceived growth or population stability of an Area, then an additional allowance was made for growth. In situations where there were proximal Ward or Area boundaries, provision was made for “joint” Polling Places. There were 14 Polling Places in this Council Area at the 2012 Elections.

The Polling Places were staffed, based on an average workload for an Ordinary Vote Issuing Officer of 450 voters. However Australian Election Company is quite liberal in the application of Polling Place staffing levels and the Polling Places and the staff were resourced and equipped to an appropriate standard. In smaller (lower volume) Polling Places, Declaration Votes were to be issued by the Polling Place Manager; however in Polling Places taking more than 2,500 ordinary votes, then a Deputy Polling Place Manager was provided and the issue of Declaration Votes was delegated to the Deputy. Still, in some Polling Places, where historically the number of Declaration Votes had been significant, a Declaration Officer (or Officers) was provided. We also staffed Polling Places so that where an estimated number of voters was close to a threshold level, then we would choose to allocate an additional Issuing Officer, erring on the side of safety and we would also obtain the benefit of allocating an extra Issuing Point/ Authorised Roll thus enhancing elector service.
Australian Election Company remunerated the polling staff at the same rates as the ECNSW. All Polling staff received Training materials including a PowerPoint Presentation for Ordinary Issuing Officers. On appointment staff were also sent specially documented Procedural Manuals pertinent to their employment category.

Fifty Nine staff reported for duty on Election Day. Australian Election Company paid all Polling Officials on 25 September 2012. Prior to their employment, all the staff were issued with a Payment Information Pamphlet containing documentation regarding their employment.

The conduct of the Polling on Election Day proceeded essentially uneventfully. All Counts had been received and all materials returned to the Returning Office by 9pm Election evening; a good performance. Formal “check-in” procedures applied to ensure the safe, secure custodial receipt of all essential items of Election materials.

**CANDIDATE BRIEFING**

At a Post Nominations Candidate Briefing session conducted on 14 August 2012 at 82 Belgrave St, Kempsey. attending Candidates were informed through PowerPoint Presentation regarding the relevant basic legislative election processes, timetabling and requirements. Reference was made to the “Offences” provisions; further, special emphasis was placed on the desirability of Candidates having their “how to vote” cards reflecting the registration of electoral material and other requirements. Further, it was stressed to Candidates that any election signage or leaflet materials including “how to vote” cards not only should conform with the Local Government Act 1993 and the Regulations, but they also conform with the “spirit of the law”. Indeed Candidates were advised that the most appropriate policy was to “exceed the requirements of the law”.

**ELECTION DAY 8 SEPTEMBER 2012**

The Postal Vote Preliminary Scrutiny commenced, as scheduled, following the commencement of polling. There were no scrutineers attended for this process. After 6.00pm, 127 Declared Institution and 3,211 Pre-Poll Votes were counted. There were no Scrutineers observing these count processes.

Two employees were deployed to the critical task of the check-in of Election materials from Polling Places. The process was conducted orderly and efficiently using the checklists provided. We completed the evening’s activities by 10pm 8 September 2012. Final “Election Night Results” for the evening were referred for web posting at 9pm.

**POLLED PLACE DECLARATION VOTING –**

The total number of Reg. 320 A,B,C & D votes issued was 233. 154 Declaration Votes were admitted to the Count.

Australian Election Company had sought sufficient quantities of Enrolment Forms from ECNSW to provide reasonable quantities to all Polling Places; of course this is a standard practice. However ECNSW originally advised that no Enrolment Forms could be provided; they had issued all their supplies of Enrolment Forms to their own Local Government Election Returning Officers. ECNSW also then advised that the Australian Electoral Commission could not provide Enrolment Forms (or Enrolment Envelopes) to us (as they supposedly were having a dispute with their printer); so the indication was that neither of the “pinnacle” Electoral Commission entities within New South Wales could supply our Returning Officers with any Enrolment Forms!

The Principal of Australian Election Company then made formal representations to ECNSW effectively suggesting that the Commission would be preventing our Australian Election Company Returning Officers from meeting their obligations under Regulation 320, and in particular under Reg 320C (someone enrolling
for the first time or transferring their enrolment) if Enrolment Forms were not made available. In order to be able to vote under Reg 320C, the voter is required to complete, sign and have attested an Enrolment Form. Within 20 minutes of having made the representations, an ECNSW Executive emailed Australian Election Company advising that 18,000 Enrolment Forms had been discovered in their warehouse and that possibly further supplies could be provided.

Further practical difficulties also were encountered with the validation of Declaration Votes. Within the Queensland Local Government Election setting, as an external election provider, Australian Election Company has been able to seek the assistance of Electoral Commission Queensland to review whether Declaration Votes (not on roll votes) should be admitted or rejected at preliminary scrutiny. The review process involves access and consideration of an elector’s enrolment history. The Electoral Commission, Queensland subsequently advises the Returning Officer the outcome of the enrolment check with a decision to accept or reject. ECNSW offered no such equivalent service.

In addition, further in relation to Declaration Voting, consideration should be given to amendment of Regulation 391A. The ECNSW should be provided copies of Declaration Vote Envelopes and the “live” Envelopes should be retained by the Returning Officer.

**SUNDAY 9 SEPTEMBER 2012 ACTIVITIES**

On the Sunday following Election Day, a team of experienced casual staff were employed in commencing the Re-check of Mayoral votes. The Re-check took approximately 4 hours to complete. There were no Scrutineers attended the Recheck of Mayoral votes.

Other staff were deployed to conduct the full re-sort and packaging of all un-used and/or re-useable materials, as well as the packaging of Authorized Rolls from the Polling Places. Resources were also utilised to prepare, batch and package Councillor ballot papers for scanning at the Ballot Scanning Centre.

**RETURNED POSTAL VOTES**

500 sets of Postal Vote materials were returned. NIL Postal Votes were rejected at preliminary scrutiny. Accordingly there were Postal Votes 500 votes included in the Count.

**CONDUCT OF MAYORAL PREFERENCE DISTRIBUTION**

The Mayoral Distribution of Preferences was manually conducted on/between Monday 10/10/12 and Tuesday 11/10/12. The Distribution took 8 hours to conduct. Five (5) casual employees were utilised to conduct the Distribution.

Candidate Liz Campbell obtained an absolute majority of votes remaining in the Count after 4 exclusions. There were no Scrutineers in attendance. Copy of the Distribution Result is attached.

**APPARENT MULTIPLE VOTING / SCANNING REPORTS**

At the time of concluding the Distribution of Preferences, no Multiple Voting Reports had been made available by ECNSW and “Excuses” Authorized Roll either had just been or were about to be referred to ECNSW.

To the time of writing, no reports of scanning information or relevant outputs had been received from ECNSW. Decisions were made not to delay or impede the Declaration of the Poll(s).
DECLARATION OF POLLS

The Declaration of the Mayoral Poll was conducted at 10am on Monday 17/9/12 with Liz Campbell being declared elected for the ensuing term.

Approximately 20 persons witnessed the Declaration

The Declaration of Councillors also was held on Monday 17/9/12. Some 20 persons witnessed these Declarations.

The Councillors elected, in order of election, were:

Anthony Paterson
Lou Kesby
Betty Green
Ashley Williams
Bruce Morris
Dean Saul
Sue McGinn
Jim Gribbin

Australian Election Company posted final Count Results only subsequent to the conclusion of any Declaration of the Poll. The Final Count Reports for the Councillor Elections have been attached.

“DECLARING THE ELECTION”- PUBLIC ADVERTISEMENT

The formal notice “Declaring the Election” and made under Regulation 356(7) was placed by Australian Election Company for those Councils that have totally outsourced election advertising requirements. Other Councils were provided ad copy for placement or they made their own arrangements.

REPRESENTATIONS OR COMPLAINTS

Only one written complaint was received in regard to voters being harassed by candidate workers at South West Rocks polling place. The Polling Place Manager provided information advising that overzealous canvassing may have occurred but outside the 6 metre boundary.

FEEDBACK FROM STAKEHOLDERS

All feedback from candidates and staff was positive.

CONCLUSION

Australian Election Company considers that it conducted the Kempsey Shire Council Elections accurately, equitably and with professionalism. Australian Election Company thanks Council for choosing our services.

Allan Wilcox
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