ELECTIONS AND VOTING

Australia is a representative democracy. Citizens elect representatives to speak in parliament and make decisions on their behalf. Voting for a person who represents your views allows you to have a say in the laws passed and decisions made in parliament.

In NSW, the Constitution Act, gives the Legislature (the Parliament) the power to make laws for the peace, welfare and good government of New South Wales and provides for one session of Parliament to be held each year and elections to be held on the fourth Saturday in March every four years.

The State Electoral Office (an independent statutory body), is responsible for the conduct of elections for the NSW Parliament. NSW is divided into 93 electoral districts. Voting at elections is compulsory in all Australian elections. Compulsory voting was introduced federally in 1924 and first used in the 1925 election. Voting is by secret ballot. South Australia and Victoria were the first places to use the secret ballot in 1856. NSW introduced the secret ballot in 1858. The Parliamentary Electorates and Elections Act 1912 contains information about the conduct of elections in NSW. The Australian Electoral Commission conducts federal elections and referendums, and maintains the electoral roll for Federal, State and Local Government elections.

To vote in a NSW state election, a person must be enrolled to vote in a NSW state electorate. To be eligible for enrolment a person must be eighteen years of age or over and be an Australian citizen or British subject who enrolled before Australia Day 1984. A person may be disqualified from voting if they are of unsound mind; are a prisoner serving a sentence of full time detention of more than 3 years (Federal) or 1 year (NSW); or have been found guilty of treason and not been pardoned.

Political Parties

In the NSW Parliament the majority of Members belong to a major political party that has a set of policies which the party members support in Parliament. The three main parties are: the Australian Labor Party, the Liberal Party and the Nationals. Some Members belong to smaller parties such as The Greens, the Christian Democrats and the Shooters Party. Political parties hope to win government so they can put their policies into practice. A Member of Parliament who does not belong to a political party is called an Independent.

Candidates and Nominations for Election

For a political party to be registered and contest an election in NSW, they must have registered with NSW Electoral Commission at least 12 months before the election and their registration must include the names of at least 750 members (all registered NSW voters) and a registration fee of $2,000. When an election is about to be held, political parties select from their members, people to be candidates for each electorate that the political party wants to contest, including creating a group ticket for the Legislative Council ballot paper. The major political parties usually have a candidate in every Legislative Assembly electorate. Smaller parties will field candidates in as many electorates as they can and may also nominate a group ticket for the Legislative Council. Each candidate can nominate for election in only one Legislative Assembly electorate or for election to the Legislative Council. Independents must be nominated by 15 persons enrolled in the electoral district for which they will be a candidate. To nominate, the candidate must submit a nomination form obtained from the NSW Electoral Commission to the Returning Officer before noon on the day of nomination. At noon on the day of nomination the Returning Officer for each electorate conducts a draw of names of all the candidates whose nominations have been accepted in order to determine the position of those candidates on the ballot paper. This is significant because being listed first on the ballot paper is considered to be advantageous to the candidate. Each candidate pays a nomination deposit. If they receive 4% of the total number of first preference votes at the election this deposit is refunded.

Election Funding

Public funding is available to candidates for election campaigns in accordance with the Election Funding Act 1981 which established the Election Funding Authority. The creation and distribution of funds for election campaigns is determined using a formula based upon the number of enrolled electors and the number of years in a parliamentary term.
The Election Process in NSW

At the end of a four year term Parliament is dissolved (prorogued) by the Governor who issues the writs for a general election of all Members of the Legislative Assembly and 21 Members (half) of the Legislative Council. A “writ” is a document by which the Governor (or the Speaker of the Legislative Assembly in the case of by-elections) directs Returning Officers to conduct an election and specifies the date by which candidates’ nominations must be made; the date for polling day; and the date by which the writ with the name of the elected candidate for each Legislative Assembly electorate must be returned. In NSW, Parliaments “expire” on the Friday before the first Saturday in March every fourth year and the Writs must be issued within 4 days of that.

Once the writs have been issued, candidates nominate for election to the Legislative Assembly or the Legislative Council. At noon on the day that nominations close, the Returning Officer for each electorate conducts a draw of the names of candidates in order to determine the position of candidates on the ballot paper.

During the campaign, candidates speak to voters at a variety of forums; the electoral rolls are prepared; ballot papers for each electorate and for the Legislative Council are printed; polling places are prepared; postal and pre-poll voting is conducted.

On polling day, which is always a Saturday, polling booths are open from 8am to 6pm. Polling places are usually set up in schools or community halls. Representatives of the various political parties and candidates hand out “How To Vote” cards at the entrance to the polling area. Inside the polling place voters are asked three questions by the electoral officer: “What is your name?”, “What is your address?”, and “Have you voted today?”. The electoral officer then finds the person’s name on the electoral role and places a line through their name. The voter is given two ballot papers: one for the Legislative Assembly and one for the Legislative Council. Voters complete the ballot papers in secret (in a booth) and then place them in the ballot boxes.

After the polling booths close the first preference votes are counted and the results are phoned in to the state tally room where results are recorded on the tally board. Scrutineers for each of the candidates observe the counting which is conducted by State Electoral Office officials. Absent, postal, pre-poll and declared institution votes are usually counted after polling night. Candidates and media representatives are often present at the tally room which is usually televised. The Legislative Council ballot papers are sent to a central counting centre to be counted. This can take several days or weeks. Once all votes are counted the poll is declared and the Returning Officer announces the results.

The Electoral Commissioner then returns the writs to the Governor with all of the names of the candidates that have been elected to the Legislative Assembly and the Legislative Council. This must happen within 60 days of the Writs originally being issued (see above).

The Governor appoints as Premier the leader of the political party that has won or has the support of the majority of seats in the Legislative Assembly (in practice this usually happens once the results are clear enough to see who the new Government will be). On the advice of the new Premier, the new Ministry is appointed next. Within 7 days of the return of the Writs, the new Parliament must meet, commencing its new four year term.
The illustration above shows the process of a General Election for both houses of Parliament in NSW as steps along a roadway, beginning and ending at Parliament House.

**Activity:** **Along the Election Path**

- What state government functions are shown in the illustrations along the way?
- If you wanted to stand for election, which steps in the process would you have to make sure you took?
- Which parts of the process are done by the public servants who organise elections such as the Electoral Commission? Which parts of the process would the political parties be most interested in?
After reading the information about the electoral process on the previous page, study the illustrations below. They are out of order. Decide what order they should be in and write the corresponding numbers from 1 to 5 next to each picture. Once you have done this write a sentence next to each picture to explain what is happening in the picture.

<table>
<thead>
<tr>
<th>ORDER</th>
<th>WHAT IS HAPPENING?</th>
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ELECTING MEMBERS OF THE LEGISLATIVE ASSEMBLY

NSW is divided into 93 electorates with one Member of Parliament representing each electorate in the Legislative Assembly of the NSW Parliament. The boundaries of each state electorate are determined by a distribution process, set out in the NSW Constitution, which provides for an equal number of voters in each electoral district. Special redistributions of electorates usually occur after more than a quarter of the electoral districts do not have an equal number of voters. When a member is elected to an electorate they represent on average 53,000 voters.

**Activity:**

Answer the following questions using the NSW Electoral Commission website (www.elections.nsw.gov.au) and the NSW Parliament's website (www.parliament.nsw.gov.au).

- a) In which State electorate is your school located?
- b) Name the electorate that you live in if it is different to the school’s electorate.
- c) What are some of the towns or suburbs in your electorate?
- d) Who is the Member of Parliament that represents you?
- e) Which political party gained the majority of seats in the NSW Legislative Assembly after the 2015 State election?
- f) How many seats does each of the political parties hold in the Legislative Assembly?
- g) How many Independent Members are there?
- h) Can you give a reason why some electorates are geographically bigger than others?

Electors use the **optional preferential voting system** to vote for Members of Parliament in the NSW Legislative Assembly. This means that you place the number 1 in the square opposite the candidate to which you wish to give your first preference vote. If you wish you may then vote for additional candidates by placing consecutive numbers, beginning with 2, in the squares opposite the names of the other candidates in the order that you wish to vote for them (as shown in the picture below). Ballot papers that have been filled in incorrectly are called informal and are not used in the count.

On polling night the staff at each polling place count only the first preference votes. The results of the count are phoned through to the returning officer who then phones them to the central tally room. The results given on polling night are only the beginning of the count. On the Sunday following polling day all the Legislative Assembly ballot papers are check counted. All of the Legislative Council papers are sent to a central counting centre to be checked and counted. It takes much longer to get the final result for the Legislative Council than it does for the Legislative Assembly.

In order to be elected, a candidate for the Legislative Assembly must receive more than half the number of the formal first preference votes, that is 50% + 1 of the total votes in the count. If no candidate receives more than half of the first preference votes a distribution of preferences takes place. In this process the candidate with the fewest votes is eliminated and his/her ballot papers are distributed to the remaining candidates according to the next available preference shown on them.

Those ballot papers on which only a first preference is shown cannot be distributed and are set aside as exhausted. Those ballot papers which are set aside as exhausted are not classified as remaining in the count, and by reducing the number of votes remaining in the count, also reduces the number of votes required to be elected. The distribution process is repeated, one candidate is eliminated at a time, until a candidate has more than half the number of the votes remaining in the count.
Conduct an optional preferential voting election simulation to elect student representatives for a class or school parliament or student representative council or to decide an issue such as an excursion destination. After deciding the type of election you would like to hold, follow the steps below.

1. Call for nominations. Candidates need to decide if they represent a political party or will stand as “Independents”.
2. Draw the nominations out of a hat to decide the order in which candidates will appear on the ballot paper. Create the ballot paper (see opposite page) and make enough copies for all voters. Initial the back of each ballot paper to ensure that extra papers are not handed out.
3. A date, time and venue for the election should be worked out. You will need a large room to set up the polling place (an area where people can vote) and the tally room (an area where the votes are counted).
4. Optional: conduct an election campaign. Candidates should prepare and give speeches outlining their policies and what they will do if elected.
5. Create the electoral roll: a list of names of people who are eligible to vote in the election, written up in alphabetical order using surnames first.
6. The Polling Place: Set up tables where names can be marked off the electoral roll and ballot papers can be distributed. Create a secure ballot box where votes can be placed and an area for voting which allows people to have a secret ballot with only one person allowed in this area at a time.
7. The Tally Room: Place each candidate’s name on a piece of paper on the table so when the votes are counted they can quickly be placed in the correct piles. Use a tally sheet (see next page) to count the votes.
8. Counting the Votes: You will need at least two people to count the votes and two people to be scrutineers (these are people who represent the candidates, they closely check the count but must not touch the ballot papers). The counters need to look at every ballot paper and decide if it is formal or informal (a formal ballot paper is one that has been filled in correctly). Informal ballot papers should be taken out of the count.
   a) Counting formal ballot papers: place each ballot paper on the table next to the name of the candidate that corresponds to the number 1 on each ballot. Keep doing this until all the ballot papers have been sorted. This is called distributing all first preference votes. At the end of the distribution, count each pile and record the number of votes for each candidate on the tally sheet. Record the total number of votes. Has any candidate received an absolute majority of votes? (ie: over 50%) If they have they are the winner. If not second preferences must be counted.
   b) Eliminate the candidate with the least number of votes. (If two or more candidates have the least number of votes, draw one name out of a hat.)
   c) Check the second preferences on the ballot papers for the eliminated candidate and place the ballot papers into the correct remaining piles. If the second preference goes to a candidate already eliminated, go to the third preference. Tally the votes for the remaining candidates and record on the tally sheet. If no second preference is shown, that ballot paper is now exhausted (it is no longer used in the count) and should be set aside. Ballot papers become exhausted when the voter has voted only 1, or 1 & 2, or 1, 2 & 3, when there are 4 candidates or if they have made an error such as voting 1, 2, 3, 3 – this vote exhausts after the second count.
   d) Tally the number of exhausted votes and record on the tally sheet. Subtract the number of exhausted votes from the total formal votes remaining in the count and recalculate your needed majority. Write the totals for each remaining candidate on the tally sheet. Has any candidate received the needed majority of votes? If not repeat steps b) – d) for a third count and continue to count preferences in this way until one candidate receives an absolute majority. That person wins the election.
BALLOT PAPER
NEW SOUTH WALES

Electoral District of ______________________
Election of ________________________________

Place the number “1” in the square opposite the name of the candidate for whom you desire to give your first preference vote. You may if you wish vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of your preference for them.

____________________
____________________
____________________
____________________

BLANK BALLOT PAPER - ELECTION SIMULATION

Fill in the blanks with the name of the school or class, and what the election is for and place the name of each candidate in the order that they were drawn. Additional spaces for candidates can be added.

Remember
– this is how you vote for the Lower House (Legislative Assembly) in a NSW STATE election. You can vote for just one candidate, all candidates, or any number in between in the order of your choice.

In a FEDERAL election, the Lower House (House of Representatives) ballot paper looks similar, but you must vote for ALL candidates in the order of your choice.

TALLY SHEET - ELECTION SIMULATION

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>First preference votes</th>
<th>Second preference votes</th>
<th>Third preference votes</th>
<th>Fourth preference votes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VOTES</td>
<td>TOTAL</td>
<td>VOTES</td>
<td>TOTAL</td>
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</tr>
<tr>
<td>FormaL Votes</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>InformaL Votes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Votes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exhausted Votes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Votes remaining in count</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majority needed to win</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
Electing a Member of the Legislative Council

For the election of 42 Members of the Legislative Council the whole of NSW comprises a single electorate. Parties or individuals are elected according to the proportion of the total vote they receive. This is called optional preferential proportional representation. Members of the Legislative Council are elected for 8 years. At each election, 21 Legislative Council Members are elected.

Elector may vote for Members of the Legislative Council in one of two ways:

EITHER

**Vote above the line.** There are two options. One is to place the number “1” in one of the squares to indicate the Group (political party or Independants) that you wish to vote for. This will record a vote for that group in the order the political party has listed its candidates.

The second option is to write the number “1” in the square next to the name of the group of your first choice. Then vote “2” for your second preference; “3” for your third preference and so forth for as many choices as you wish to make.

OR

**Vote below the line** by placing the numbers “1” to “15” in the squares opposite the names of fifteen candidates in order of your preference for them. The elector can vote for additional candidates by placing consecutive numbers beginning with the number “16” in the squares opposite the names of those additional candidates in order of preference.

### Activity:

**Fill in the mock Legislative Council ballot paper below (examples on next page)**

You may vote in one of two ways:

**either**

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>GROUP B</th>
<th>GROUP C</th>
<th>GROUP D</th>
<th>GROUP E</th>
<th>GROUP F</th>
<th>GROUP G</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citrus Party</td>
<td>Legume Party</td>
<td>Stone Fruit</td>
<td>Leafy Greens</td>
<td>The Gourds</td>
<td>The Crucifers</td>
<td>Independents</td>
</tr>
</tbody>
</table>

**or**

<table>
<thead>
<tr>
<th>GROUP A</th>
<th>GROUP B</th>
<th>GROUP C</th>
<th>GROUP D</th>
<th>GROUP E</th>
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<td>Leafy Greens</td>
<td>The Gourds</td>
<td>The Crucifers</td>
<td>Independents</td>
</tr>
</tbody>
</table>

- **Election of 21 Members of the Legislative Council**

- **NEW SOUTH WALES**
Two ways of voting .... (Activity cont...)  

**Above the line...**  
You may vote in one of two ways: 

- **either**
  - Place the number “1” in the square above the group of candidates for whom you wish to vote.
  - Place the numbers “1” to “15” in the squares above the names of 15 candidates in order of your choice.

- **or**
  - Place the number “1” in the square above the group of candidates for whom you wish to vote.
  - Place the numbers “1” to “15” in the squares above the names of 15 candidates in order of your choice.

**Remember**
- This is how you vote for the Upper House (Legislative Council) in a NSW STATE election.

In a FEDERAL election, the Upper House (Senate) ballot paper looks similar, but works differently. In a Federal Senate election you can only vote for ONE candidate above the line but you must vote for ALL candidates if you wish to vote below the line.

**You must vote for at least “1” candidates.**
You can also vote for as many others as you wish.

- **above the line:**
  - You must vote for at least 15 of the candidates in the order of your choice.
  - After you have chosen the first 15, you can vote for as many candidates as you wish.

- **below the line:**
  - You must vote for at least 15 of the candidates in the order of your choice.
  - After you have chosen the first 15, you can vote for as many candidates as you wish.

You must not vote both above and below the line - this would make your vote invalid.

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**Activity:**

**Current Members of the Legislative Council**

To complete this activity you will have to visit the Parliament of New South Wales website: [www.parliament.nsw.gov.au](http://www.parliament.nsw.gov.au)

a) Find the webpage on the Parliament of New South Wales website which lists all of the Members of the Legislative Council (MLCs).

b) Fill in the table below using the information on that page:

<table>
<thead>
<tr>
<th>POLITICAL PARTY REPRESENTED IN LEGISLATIVE COUNCIL</th>
<th>NUMBER OF MLCs ELECTED FROM EACH POLITICAL PARTY</th>
</tr>
</thead>
<tbody>
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</table>

- c) Does any political party hold a majority of the 42 members?

- d) In NSW for a Bill to become an ACT of Parliament it must be passed by both Houses of Parliament. Government is formed by the political party with the majority of seats in the Legislative Assembly. They do not have to have a majority of seats in the Legislative Council. What might the political party that is in Government have to do to pass Bills if it does not have a majority in the Legislative Council?