The Hon. PETER PRIMROSE: I ask you to take it on notice to think about and elaborate on the point that you raised previously about independent verification. I had the opportunity to scrutineer at the recent council election and found it virtually impossible. Between the batching and 60 data entry people putting the data in it was difficult, if not impossible, to scrutineer the thing. I trust the Electoral Commission staff and the way they operated. I have no reason not to. But, as you say, our system does not operate on trust; it operates on the basis of verification—people observing what is happening. Could you go away and think about other points that we might be able to put into a submission that you would recommend we put in our final report about how we might improve that scrutineering independent verification process? You have already mentioned a couple of them, such as the random sampling. I am just wondering if you could ponder it a bit more and come back to us if there are any other proposals so the Committee can consider them.

Answer

Thank you for the opportunity to contribute further on this point.

The data captured by the NSWEC's PRCC election counting system (which is used for both the Legislative Council and Local Government elections), has data input in two ways. The first is the bulk data entry by which the results from the check count and sorting process are bulk entered, and the other is the keyed data entry of above and below the line preferences in batches. The only meaningful scrutiny process which could be used to "verify" the NSWEC has captured the ballot preference data correctly and fully into PRCC is to independently check randomly selected ballots and compare with the captured preference data.

It would likely be impractical to allow every party/candidate/scrutineer to request this type of audit as it would place a large burden on the NSWEC. Alternatively, an independent group (not the NSWEC) could appoint an auditor to identify and verify a selection of ballots against data captured. The auditor could be selected by either the JSCEM prior to a given election or by party agents of parties participating in the election prior to close of polls. Either way the person selected must have the appropriate skills and knowledge to perform the task.

Auditors should be provided with the comparison reports currently available to the NSWEC staff which shows the discrepancies between election night results and data entered into PRCC. From these reports the auditor would select polling places or declaration types for a given LGA and have them recounted in their presence (and other scrutineers if they want to view the process). This check should involve manual cross checking of all unused ballots to identify if any ballots were incorrectly sorted and manual recount of bulk data entries and cross checking of selected batches with the PRCC's captured preference data report.

The number of selected polling places and batches audited prior to the distribution of preferences should be determined by the discrepancy between election night first preference results and the corresponding data captured. An additional audit process should also be done after the distribution of preferences if the loosing margin is small i.e. the difference between the last candidate elected and the next loosing candidate is small. In this situation the auditor could ask for additional cross checks to be done in lieu of a complete recount.