

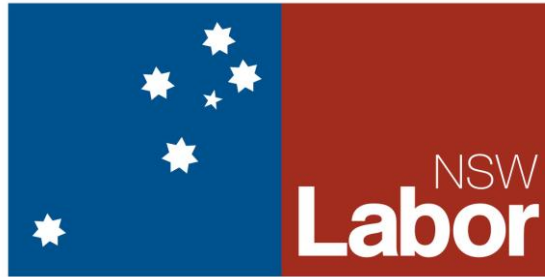
## **Administration of the 2011 NSW election and related matters**

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# **Inquiry into the Administration of the 2011 NSW Election**

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**Submission by NSW Labor**

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## Executive Summary

**Recommendation 1:** Extend the iVote system to the 2012 Local Government Elections in NSW.

**Recommendation 2:** Instruct the NSW Electoral Commission to classify and count postal votes and iVotes separately.

**Recommendation 3:** Request that the NSW Electoral Commission implement a clear procedure for media polling place visits consistently across NSW.

**Recommendation 4:** Provide the NSW Election Funding Authority with funding for customised software to facilitate the more efficient processing of claims for public funding.

**Recommendation 5:** Amend the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) to provide that claims for public funding by parties and candidates must be paid in full within 90 days.

**Recommendation 6:** Provide the NSW Election Funding Authority with sufficient funding to facilitate the processing of claims within 90 days.

**Recommendation 7:** Amend the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) to provide that 70% of the value of claims for public funding by candidates must be paid within 14 days.

**Recommendation 8:** Amend the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) to provide that parties and candidates may lodge claims and have claims paid for public funding for by-elections before the end of the financial year in which the by-election takes place.

## 1. iVotes

A Remote Electronic Voting System called iVote was introduced for the 2011 NSW Election. This system was designed to make it easier for certain electors to vote. Those eligible to cast an iVote included people who are blind, have low vision, are illiterate, have other disabilities, live more than 20km from a polling place, or were interstate or overseas on Election Day.

The larger than expected volume of iVotes cast at the 2011 NSW Election suggests that this system is helping more electors to cast a vote. NSW Labor is of the view that the iVote system should be extended to the 2012 Local Government Elections in NSW.

### **Recommendation 1**

Extend the iVote system to the 2012 Local Government Elections in NSW.

iVotes are currently classified and counted alongside postal votes. Together they form a category called 'postal/iVote votes'. In future elections, NSW Labor is of the view that iVotes should not be combined with the postal vote count, but should be classified and counted separately.

First, it should be public information how many votes are cast in each category.

Secondly, iVotes are likely to be cast by a very different demographic to 'classic' postal votes. Anyone who feels comfortable casting their vote online is likely to be younger, more mobile and more computer-literate than the typical postal voter. As a result, the voting patterns of the two groups are likely to be quite different. Postal votes are therefore not comparable to combined postal/iVotes.

If relatively obscure categories such as enrolment new votes and provisional/silent votes can be counted separately, so too should iVotes.

### **Recommendation 2**

Instruct the NSW Electoral Commission to classify and count postal votes and iVotes separately.

## 2. Media polling place visits

On Election Day, it is common for candidates to invite media to the polling place when they vote. However, NSW Labor candidates experienced inconsistencies with how this process was managed during the 2011 NSW Election.

The NSW Electoral Commission ('the NSWEC') developed guidelines for polling place visits by the media that were distributed prior to the 2011 NSW Election. However, these guidelines were implemented differently across electoral districts.

Some Returning Officers required each candidate to simply advise the District Returning Officer, who in turn advised the NSWEC. In contrast, other Returning Officers required candidates to seek permission directly from the NSWEC, which resulted in substantial delays.

To avoid confusion, NSW Labor is of the view that a clear procedure for media access to polling places should be implemented consistently across NSW.

### **Recommendation 3**

Request that the NSW Electoral Commission implement a clear procedure for media polling place visits consistently across NSW.

### 3. Public Funding

In 2010, the NSW Labor Government expanded the existing public funding scheme to reduce political parties' reliance on private donations with the intention of improving and maintaining public confidence in the integrity of political decision-making.

NSW Labor is concerned about the delays experienced in processing and paying claims for public funding under the amended *Election Funding, Expenditure and Disclosures Act 1981* (NSW) ('the Act').

NSW Labor understands that to some extent these delays are a result of the 2011 NSW Election being the first occasion on which the expanded public funding scheme was administered. However, NSW Labor is of the view that there are some matters that Parliament may be able to address in order to expedite future claims for public funding.

First, the NSW Election Funding Authority ('the Authority') is currently processing claims using standard off-the-shelf software. The administrative process of reviewing claims would be considerably easier if the Authority was provided with the resources to develop customised software.

#### **Recommendation 4**

Provide the NSW Election Funding Authority with funding for customised software to facilitate the more efficient processing of claims for public funding.

Secondly, there is no deadline by which claims must be paid in full. This uncertainty makes it difficult for parties and candidates to budget and make cash flow projections. NSW Labor suggests that all claims for public funding should be paid in full within 90 days, and that the Authority be provided with sufficient resources to enable it to review and pay claims within this time frame.

#### **Recommendation 5**

Amend the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) to provide that claims for public funding by parties and candidates must be paid in full within 90 days.

**Recommendation 6**

Provide the NSW Election Funding Authority with sufficient funding to facilitate the processing of claims within 90 days.

Fourthly, there is no provision for prepayment of public funding claims for candidates as there is for parties in section 69 of the Act. NSW Labor suggests that the prepayment provisions in section 69 of the Act be extended to include candidates.

**Recommendation 7**

Amend the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) to provide that 70% of the value of claims for public funding by candidates must be paid within 14 days.

Fifthly, a related matter is that the Act does not expressly permit parties or candidates to lodge claims and have claims paid for public funding for by-elections before the end of the financial year in which the by-election takes place. NSW Labor suggests that this oversight be corrected.

**Recommendation 8**

Amend the *Election Funding, Expenditure and Disclosures Act 1981* (NSW) to provide that parties and candidates may lodge claims and have claims paid for public funding for by-elections before the end of the financial year in which the by-election takes place.