Submission No 5

PREPARATIONS FOR THE 2015 NSW STATE ELECTION

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Submission to the Inquiry of the Joint Standing Committee on Electoral Matters into the preparations of the NSW Electoral Commission for the 2015 State General Election

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Commissioner's Foreword

I am pleased to have the opportunity to present to the Committee my submission to its Inquiry into the electoral processes concerning the lead-up to the 2015 State General Election [SGE 2015]. This Inquiry relates especially to the preparations of the NSW Electoral Commission [NSWEC], and what steps are being taken to avoid similar issues arising with the conduct of the count for the NSW Legislative Council as those which bedevilled the Western Australian Senate count at the 2013 Federal Elections, ultimately requiring a highly contentious and expensive recount.

As Committee Members are aware, the NSWEC has a highly successful track record in managing State and local government election events in NSW. In doing so, the NSWEC operates in a highly regulated environment in which it services millions of electors located both throughout NSW and in various interstate and overseas centres. Successful delivery of election services has always required rigorous planning and preparation, comprehensive logistical support, a cohort of well-trained temporary staff, thorough procedures and instructions, and disciplined risk management. However, I and the staff of the NSWEC are well aware that, in the wake of the unfortunate mishandling of the ballot count in WA, election management bodies throughout Australia will be subject to closer scrutiny than ever before.

In noting that, I am confident that in preparing for SGE 2015, the NSWEC had already in place enhanced processes for managing all aspects of the ballot count, including security, material handling, accounting, and transport. These enhancements were built on successful experience gained from previous elections. Nonetheless, it became clear to me that the NSWEC needed to ensure that the security, handling, and accounting of ballot papers was managed to an even higher standard, in order to meet the public's expectations of the NSWEC administration of SGE 2015. Therefore, this submission will show how the NSWEC has incorporated - where appropriate and valid - ideas and recommendations from the December 2013 report of Mr Michael Keelty AO on the WA Senate count [the Keelty Report] within the existing and on-going continuous quality improvement process.

In short, in preparation for SGE 2015, the NSWEC has:

- implemented all of the Committee's earlier recommendations for which we were responsible;
- identified how existing processes can be modernised within the confines of the Parliamentary Electorates and Elections Act 1912 [PEEA];
- documented the issues identified in the Keelty Report and applied those that are appropriate;

- managed the SGE 2015 preparation and delivery by use of a Programme Board and 20 Projects, each of which is monitored at a fortnightly meeting of the Programme Board (including a review of the risk register and any emerging issues); and
- established an Election Operation Group to monitor on a daily basis the election roll out.

In referencing the confines of the Parliamentary Electorates and Elections Act, I note that, in the wake of the Committee's Report on the review of that Act and the *Election Funding, Expenditure and Disclosures Act 1981*, the NSWEC had been developing a wide range of innovative practices which would have implemented that modernization of the legislation which the Committee recommended, with a particular focus on centralizing count procedures. However, as no new Electoral Act has been introduced into the Parliament, the NSWEC can only implement such changes as currently have statutory authorisation.

The circumstances surrounding the missing 1,370 ballot papers during the WA Senate recount put under a harsh spotlight the challenges of managing complex election events, evidencing just how a small number of minor, avoidable errors can snowball into a disastrous outcome for voters, candidates and electoral administrators alike. I am confident that my submission will reassure Committee Members that by focusing on the electoral infrastructure in its preparations, the NSWEC has ensured that we will meet all statutory obligations, and overcome any logistic and demographic challenges, to successfully conduct SGE 2015 to the highest electoral standard.

In order to guarantee the smooth implementation of the key Keelty recommendations, including minimizing the movement of live ballot papers, enhanced security and the use of centralized counting (where allowed), I would advise the Committee that the NSWEC will seek supplementary funding from the State Government to minimize the risk of election failure.



Colin Barry
Electoral Commissioner

Executive Summary

Under the leadership of the NSW Electoral Commissioner, the staff of the NSW Electoral Commission have statutory responsibility for the conduct of the quadrennial Parliamentary Elections in NSW, next to be held on Saturday 28 March 2015. In doing so, the NSWEC utilises a highly sophisticated programme of risk- and issues-management, led by its most senior and highly-experienced staff, to conduct one of the largest events to regularly take place in Australia.

While the submission does not deal with the findings and recommendations of the Keelty Report individually, it will be clear from its content that the NSWEC has taken into consideration the example of organisational failure evidenced by the need for a recount of the Western Australian Senate Election in 2013, to make the strategies and procedures relating to ballot papers and the vote count in particular more effective and resistant to the potential for human error in an undertaking which will involve approximately 20,500 temporary staff working in 93 electoral districts across the entire State.

Chapter 1 outlines the suite of management processes which the NSWEC adopted in the course of its regular preparation for a State General Election. Chapter 2 has extracted from those processes the specific projects it was felt Committee Members would be interested in having regard to the circumstances surrounding the WA Senate recount.

Glossary

CDVE – Centralised Declaration Vote Exchange

DI - Declared Institution. A hospital, nursing home, etc., at which Election Officials attend so that residents can cast votes.

DPPM - Deputy Polling Place Manager

DVE -Declaration Vote Exchange

EO - Election Official

IVR - Interactive voice response

LCCC - Legislative Council Count Centre

OM – Office Manager of a Returning Officer

PEEA – Parliamentary Electorates and Elections Act 1912

PPM - Polling Place Manager

RO - Returning Officer for each of the 93 Electoral Districts of the Legislative Assembly; the Electoral Commissioner is the Returning Officer for the Legislative Council.

ROSO – Returning Officer Support Officer Manager

SOA - Senior Office Assistant

SEO - Senior Election Official

SGE 2015 – the quadrennial NSW State General Elections to be held on 28 March 2015

VTR - Virtual Tally Room

Chapter 1 The NSW Electoral Commission's preparations for the 2015 State General Election

Introduction

- 1. This Chapter addresses the Inquiry's first Term of Reference. It outlines how the NSW Electoral Commission [NSWEC] is preparing for the conduct of the March 2015 NSW General Election [SGE 2015]. The matters covered are:
 - SGE 2015 governance arrangements;
 - strategic risks to be managed; and
 - budget and key services for electors, candidates and political parties.
- Many of the services and processes underpinning previous elections continue for the 2015 election event and consequently have not been outlined again, as they have been extensively covered in previous reports and submissions to the Committee. The emphasis has been upon new or critical areas of particular interest to Committee Members.

Background

- 3. On 28 March 2015 approximately five million electors will be eligible to vote across 93 electoral districts, each district returning a single member to sit in the Legislative Assembly. Electors will also vote for 21 of the 42-member Legislative Council. To run the election, the NSWEC will hire and train approximately 20,500 temporary staff and will establish around 2,800 polling booths around the State. Candidate briefing sessions will be conducted across the State and, for the first time, the NSWEC will supplement face-to-face candidate sessions with webinars and podcasts. Electronic voting the iVote service will be offered to voters in remote locations, voters with a disability or vision impairment, and voters who are interstate. The NSWEC estimates that around 250,000 electors will vote electronically five times as many as in 2011 using either telephone or internet.
- 4. At the SGE 2011, 92.6% of enrolled electors voted. This participation rate is steady from the SGE 2007 and is consistent with other jurisdictions in recent elections. Voting is compulsory in NSW, and throughout Australia, with fines applying for failure to vote. There is a high level of public awareness about a State election due to extensive media attention, political advertising and the general public interest in state politics. From research commissioned by the NSWEC it appears that 84.8% of electors are intending to vote, 10.7% are not intending to vote and 4.5% are unsure.¹

¹ The NSWEC will repeat the survey on electors' intentions to vote in late November - early December 2014; late January - early February 2015; and, finally, mid-March 2015.

It is anticipated that the level of intention to vote will increase as the election date draws nearer.

Implementation of the Recommendations of the Inquiry into the administration of the 2011 NSW Election

- 5. The Committee's *Report on the Administration of the 2011 NSW Election* contained a number of recommendations specifically directed to the NSWEC. The full list of recommendations covering both those addressed to the NSW Government and those addressed at the NSWEC is attached as Appendix 1 List of Findings and Recommendations.
- 6. The NSWEC has actioned all of the recommendations specifically directed to it, as set out in the following paragraphs.
- 7. Rec 2. Continue to promote awareness of registered general postal voting and promotion of those options such as iVote and mobile voting which are available to rural and remote voters.
- 8. This has been undertaken and completed.
- 9. Rec 3. Undertake a review of the pre-poll application process. This review should include consideration as to:
 - whether the current categories for applicants should be simplified to allow any voter, who cannot attend a polling place on polling day, to apply for pre-poll voting;
 - what the impact of any recommended changes to the pre-poll application process might be on the resources of the NSWEC and other stakeholders (such as the political parties); and
 - whether any recommended changes to the pre-poll application process might require adjustments to be made to the pre-poll voting period.
- 10. This has been completed as part of the NSWEC's participation in the review of the legislation. In August 2013, the NSWEC provided the Committee with its *Report on Pre-Poll and Postal Vote Application Processes*, which included recommendations which responded to community need for alternative voting channels due to modern day living, and proposed streamlining the existing administrative processes to issue these types of early votes. This Report is attached as Appendix 2 Report on Pre-Poll and Postal Vote Access.

- 11. Rec 4. The Department of Ageing, Disability and Home Care, Department of Family and Community Services, assists the NSWEC in developing means for the timely identification of declared institutions for the purposes of elections.
- 12. The NSWEC has been in contact with both ADAHC and FACS to obtain a list of their facilities that may require voting services. This has been cross checked with our existing declared institution list and expanded to those facilities not on the NSWEC database.
- 13. The NSWEC has now contacted every facility on the list seeking the number of residents eligible to vote and to offer the option of a visit (if they have 10 or more residents) so that residents can vote, or the option of postal voting or iVoting if the residents are eligible under the current criteria.
- 14. Rec 5. Facilitate a dialogue between disability advocacy groups and parties and candidates, on the importance of providing voter information in accessible formats.
- 15. In consultation with the NSWEC's Disability Reference Group, and Culturally and Linguistically Diverse Reference Group the NSWEC is preparing a booklet to be included in the Candidate Information Kit on the importance of providing voter information in accessible formats, how to do this and the resources available to assist them. The booklet has been drafted, and is being reviewed by reference group members.
- 16. In addition, there will be a section in the presentation to the Registered Political Parties on this topic. Finally, the NSWEC is also exploring including some information in the Candidate Information Seminar presentations.
- 17. Rec 7. Publish registered electoral material at NSWEC offices and on its website, as soon as is practicable after the deadline for registration, with a view to increasing public access to this material during future elections.
- 18. While the NSWEC undertook considerable preliminary work to implementing this change, it has not proceeded due to the fact that the proposed new Electoral Act has not been introduced.
- 19. Rec 11. Develop and implement voter preference verification for voters using iVote at the 2015 State election.

20. The NSWEC has followed up this recommendation. The response is contained within the document *iVote Strategy for State General Election 2015*, which is available on the NSWEC website:

http://www.elections.nsw.gov.au/ data/assets/pdf file/0003/125454/C1 iVote St rategy for SGE 2015 Amend 3.pdf

- 21. Rec 14. Investigate and report back to the Committee on the future use of an electronic system to mark-off voters.
- 22. Electronic mark-off has be considered a solution to apparent multiple voting. Before commenting on anything to do with the technological implications, the NSWEC engaged Professor Rodney Smith of the University of Sydney's Department of Government and International Relations to prepare a report into *Multiple Voting and Voter Identification in NSW*.
- 23. Professor Smith found that a large number of apparent but false multiple votes is generated by raw NSWEC mark-off data i.e., human error and he concluded that measures such as the introduction of electronic voter mark-off would be expensive and would have a limited impact on multiple voting. The report is available on the NSWEC website:

http://www.elections.nsw.gov.au/ data/assets/pdf file/0006/173373/Multiple Voting and Voter Identification.pdf. For further comment on electronic mark-off see paragraphs 72 and 73 of this submission.

Governance of SGE 2015 Preparation

Legislative Framework

- 24. The legislative framework for the SGE 2015 is provided by the *Parliamentary Electorates and Elections Act 1912* [PEEA] and the *Election Funding, Expenditure and Disclosures Act 1981.* The Premier is the Minister with responsibility for electoral legislation in NSW.
- 25. In 2013, the NSWEC participated in the Committee's review of this legislation. Ultimately the Committee recommended and the Government agreed that these Acts be re-written and modernised, so that it was anticipated that there would be fundamental legislative changes in time for the SGE 2015. Disappointingly, this has not occurred.

The Electoral Commissioner

26. The Electoral Commissioner is appointed under s 21A of the PEEA, and has the responsibility of administering the PEEA in respect of the enrolment of electors, the

preparation of rolls of electors, and the conduct of elections [s 21AA(2)]. The Commissioner is also the Returning Officer for Legislative Council elections. The Electoral Commissioner is accountable to the Parliament pursuant to s 21AB of the PEEA.

The New South Wales Electoral Commission

- 27. The vision, mission and values of the NSWEC underpin the preparations for SGE 2015. Our vision is to foster a culture of integrity, respect and trust in the democratic process through electoral administration that delivers high quality electoral services which are impartial, effective, efficient and in accordance with the law.
- 28. The NSWEC's values revolve around integrity in the way we work; and impartiality in service provision to maintain the confidence of stakeholders and the community, and to uphold the democratic nature of the NSW electoral system which entails the principle of equal access to democracy for all NSW citizens. We strive for professionalism in providing electoral services regardless of size or nature of an event. There is a learning culture amongst our staff to ensure we improve service delivery and remain modern, forwarding thinking and capable of meeting future challenges.

Management Committee and Internal Committees

- 29. The Management Committee acts as an advisory board to the Electoral Commissioner on policy and operational matters within the NSWEC. Its members have individual and collective responsibility to:
 - implement the decisions of the Electoral Commissioner and the Management Committee;
 - manage operational requirements; and
 - identify avenues to further increase the effectiveness and efficiency of the NSWEC.
- 30. The policy decisions of the Management Committee provide a general framework for matters specific to the SGE 2015. The Management Committee is supplemented by other committees such as the Audit and Risk Committee and the IT Steering Committee.
- 31. The Audit and Risk Committee has independent status within the NSWEC and full access to both the internal and external auditors and to senior management, as well as the authority to consult independent experts where this is considered necessary to carry out its duties. The performance audit work programme and risk register are described later in this submission.

SGE 2015 Programme Management

Programme Board

- 32. Major election event preparations such as for the SGE2015 are oversighted by a high level committee chaired by the Director Elections with membership of other Directors and Programme Management Office staff. This committee is known as the Programme Board and its structure, documentation and monitoring of the budget and projects provides transparent, rigorous and robust management of the overall SGE2015 programme. The Programme Board meets every fortnight.
- 33. A key function of the Programme Board is to monitor the overall programme and budget with support from the Programme Management Office.
- 34. When the election period commences (after the issuing of the writ) the Programme Board is replaced by an Election Operation Group which monitors on a daily basis the election roll out.

Programme Measurement

- 35. The overall SGE 2015 programme and the 20 individual projects which comprise that programme are measured against set indicators for timeframes, budget and specifications. Election Service Standards have been set in a SGE 2015 Service Charter which is attached as Appendix 3 SGE 2015 Service Charter.
- 36. The NSWEC will be in a position to demonstrate its accountability for the conduct of the SGE 2015 programme. The NSWEC approach to evaluating its conduct of the SGE 2015 is described in this submission.

Risk Management

- 37. Risk management is an integral part of preparing for an election event. There is a Risk Register and Issues Register specifically in place for the SGE 2015. These are regularly reviewed and updated by Project Owners and Managers and then reviewed by the Programme Board at its fortnightly meetings. The SGE 2015 Risk Register contains 196 risks which range from minor in terms of score of probability and impact, through to major and catastrophic. All risks have identified mitigation and management strategies which either prevent or reduce the likelihood and consequence of the risk if it eventuates.
- 38. The Audit and Risk Committee reviews the identified SGE 2015 risks and the controls to manage these risks. In addition, the Audit and Risk Committee's work programme

includes review of the functions and systems used in a major election event. Recent internal audits of election processes have included:

- State General Election 2015 Programme, August 2014
- Electoral Funding Authority Legislative Compliance, February 2014
- NSW Electoral Commission Legislative Compliance, August 2012
- Review of updating and Securing the Roll, April 2012
- Review of Controls around Ballot Papers, May 2011
- Review of recruiting, training and management of Returning Officers and
- Returning Officer Support Officers, September 2010
- 39. The recommendations from these reviews have been actioned in the conduct of elections held since each review. Copies of these reports are available if required by Committee Members.
- 40. The most recent internal audit review of the SGE 2015 Programme conducted in August 2014 did not make any significant recommendations for changes to the management of the SGE2015 Programme or the programme governance framework.

The SGE 2015 Programme Structure

- 41. The SGE 2015 Programme consists of 20 projects. These cover the full election process, including support functions such as IT enhancements, staffing and venue procurement, roll management, nominations, voting and results. The scope of these projects is set out in Appendix 4 Scope of SGE 2015 projects.
- 42. Key election projects are described below. These are the projects which, either in terms of their critical nature or budget, must be delivered to standard and on time for the conduct of a successful election. These critical projects address key elements of an election, namely:
 - 1. advising participants of an election Projects 2, 9 and 17 communication campaign for electors , candidates, political parties and media;
 - 2. providing election services, forms and processes according to legislation Projects 3, 4, 14 and 15 enrolment, candidates processes, IT infrastructure and support;
 - 3. providing voting services and voting venues Projects 1, 5, 6 selection and location of polling places and the staffing of venues, provision of electronic voting, postal voting and other forms of voting;
 - providing ballot papers, i.e., the means to choose between candidates –
 Project 18 ballot papers;
 - 5. counting the votes and providing accurate results Project 7 vote counting and results project.

43. The following pages outline the preparations underway for each of these key election components.

Key Election Preparation Components

Component 1: Advising of an election and promoting participation

- 44. To promote engagement with the NSW electoral system, the NSWEC provides a communication campaign, which will commence mid-January 2015 and conclude in mid-April 2015. The usual requirement for peer review of NSWEC advertising of the SGE2015 event is not applicable, as the NSWEC is exempt from the requirements of s 6 and s 7(2) of the *Government Advertising Act 2011*.
- 45. The Information Campaign has the following features:
 - a State-wide advertising campaign characterised by multiple messages applied to a detailed, time-critical media schedule;
 - the intention, at all times, to keep the advertisements as simple as possible, directing people to the NSWEC website or call centre for more detailed information;
 - for consistency of message and budgetary reasons the main TV, press and radio advertisements will be translated and produced into CALD languages rather than having specific creative treatments made; and
 - messages are generally scheduled to cover the whole state unless there is a specific reason a message should be limited to a particular area
- 46. The target audience is all enrolled electors over 18, with a particular interest in engaging:
 - electors 18-35 years who tend to be less engaged with the electoral process;
 - those electors who are directly affected by the 2013 Redistribution of electoral district boundaries;²
 - culturally and linguistically diverse (CALD) and Aboriginal audiences;
 - prospective candidates; and
 - political parties.

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² Due to the continuing declining enrolment trend in western NSW, and the growth in the metropolitan inner city region, the 2013 redistribution resulted in the abolition of the rural district of Murrumbidgee, and the creation of a new district, Newtown, in inner Sydney. It was also determined that six districts change name, as some boundaries have changed sufficiently to move the current district name locality either well towards the district border or even out of the altered district completely. These changes will come into effect for SGE 2015.

- 47. There are a series of specific messages that must be advertised to coincide with and support the major phases of the election, some of which are required by legislation. As per previous elections, the major subjects are:
 - enrolment;
 - pre-poll voting options;
 - 'remember to' and 'how to vote'; and
 - the iVote service.
- 48. The information campaign will be supported by scheduled media releases and social media posts. Communications will be distributed by television, radio, press, online, social media, and mobile telephones. The majority of the advertising is State-wide and confined to NSW. For some specific messages, e.g., overseas electors, the NSWEC will efficiently target electors outside NSW; while in other messages, particular areas in NSW will need to be targeted.
- 49. The outcomes the NSWEC wants from the information campaign are:
 - participation in the SGE 2015;
 - stakeholders able to access accurate, timely and the necessary information to understand their rights and obligations and where to get help on electoral matters if they need it;
 - electors who have turned 18 years of age or recently moved address to complete and lodge an enrolment form (even though the implementation of automatic enrolment and updating of electors addresses has reduced the traditional emphasis on this message);
 - electors aware that they may now be enrolled in a different electorate due to the 2013 redistribution of electoral boundaries;
 - prospective candidates know how to nominate;
 - election funding information is provided to potential donors and recipients of election funding;
 - electors receive accurate and timely information to allow them to make informed decisions about their voting options. To that end the NSWEC will publicise voting arrangements, including early voting (within New South Wales, as well as interstate and overseas), postal voting, and hours of voting and voting locations on election day; and
 - minimisation of non-voting and informal voting.

Candidates and Political Parties

50. In the lead up to any State Elections, Candidate Information Seminars are held across NSW. For the first time, at the SGE 2015, face to face seminars will be supplemented with podcasts, which candidates can download at their convenience, and webinars,

which have the benefit of participants being able to ask and have questions answered on the spot, as in a face to face session. This will provide a more convenient service for candidates in rural and remote areas, who may previously have had to travel long distances to attend the nearest face to face seminar and with limited choice of session dates.

51. Briefings will be held for registered political parties in late November and early December 2014. Candidates and political parties will also receive updates and information provided by the NSWEC via email and its website.

Component 2: Providing election services and processes³

Electors

- 52. The NSWEC's SmartRoll process automatic enrolment by the Electoral Commissioner under s 29 of the PEEA has assisted electors significantly to maintain their correct enrolment; in short, some one million NSW electors have had their enrolment details established or changed since the SmartRoll process commenced in 2009. The efficacy of the process has been evaluated by the NSWEC, and reported on in earlier submissions to the JSCEM, such as the 2012 Report on the Conduct of the Local Government Elections and the Report on the Conduct of the 2011 State General Election.
- 53. As in other election events, the NSWEC is very conscious of the difficulties some electors may experience in voting. Special resources have been developed and distributed throughout various communities to assist those who are from culturally and linguistically diverse communities, remote communities, Aboriginal and Torres Strait communities and those electors with a disability. This material is available on the NSWEC's website and can be provided to Committee Members if required.

Candidates and Political Parties

54. A handbook and other materials are produced for candidates and political parties for each election. These materials will be produced again with appropriate amendments were required for the 2015 SGE. There will be a specific section of the NSWEC's website that will provide access to those materials as well as forms for candidates and political parties. The materials also include information covering funding and disclosure.

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³ This consists of Projects 3, 4, 14, 15, 19 and 20 enrolment, candidate processes, IT infrastructure and services, logistical support and testing and enhancing processes and systems.

Election Staff

- 55. For good workplace health and safety practice, the NSWEC staffing model is based on provision of sufficient numbers of election officials to complete the initial count of ballots by 10 p.m. on Election Day. This is to ensure that the staff can return the materials to the RO office and get home at a reasonable hour. If the count is not completed by 10 p.m., a decision will be made in each case whether to continue the count or to resume the count in the morning.
- 56. The venue hire agreement requires the venue owner to identify any known hazards at the polling place - for example, uneven paths from the gate to the proposed polling place - so that these can be inspected and mitigating arrangements established.

Logistical Support

57. The Logistics and Supply Project provides material and services for use across NSW throughout the SGE 2015. It is dealt with in detail in Chapter 2.

Component 3: Providing voting services and voting venues⁴

- 58. The full range of services for electors will be provided as in previous elections that is, enrolment services, various voting options from attendance voting on election day and pre-poll voting prior to 28 March 2015, through to provision for absent voting, postal voting, internet and telephone voting, assistance with enquiries and nonvoting services.
- 59. Specific initiatives include internet and telephone voting; self-service electronic mark-off at Sydney Town Hall and electronic mark-off at pre-poll venues; and on-theday enrolment and voting.

The iVote service

- 60. The NSWEC is progressing with provision of the iVote service for the SGE 2015 in accordance with the requirements of the PEEA, and with a similar approach to SGE 2011, but enhanced by the improvement of:
 - transparency and trust in the iVote service by publishing more system architecture and project management documents on the NSWEC website;
 - public confidence in the iVote service by engaging suitably qualified observers (other than scrutineers) to review the iVote source code and detailed system documentation, and also increase system audits of the iVote service by specialist contractors; and

⁴ This consists of Projects 1, 5, 6 polling places and staffing; provision of electronic, postal and other forms of voting and logistical support

- vote verification, such that a voter can be confident that his or her vote, as cast, was included in the count.
- 61. As all of these enhancements are in line with previous recommendations of the Committee, the submission will now deal with the iVote service at the SGE 2015 in some detail.
- 62. The NSWEC proposes to implement human interface telephone voting where the voter speaks directly to a human operator in addition to the remote IVR telephone voting and internet voting channels. The addition of human interface phone voting stems from its high level acceptance by electors when introduced at the Clarence by election, and at all subsequent by-elections. IVR telephone voting at SGE 2011 was highly popular with the blind and low vision community and so will be retained for SGE 2015. The NSWEC believes this approach will give the optimal outcome for electors with only marginal cost implications for the project and that it will have limited impact on the security and transparency of the iVote service.
- 63. In accordance with NSW Procurement Guidelines, a competitive tendering program is being conducted to procure the major elements of the iVote service and the specialist expertise required to implement, project-manage, provide specialist advice, operate, review and audit the iVote service. Preparations are well advanced, with the first software release from the core voting system supplier currently being installed into the NSW Government Data Centre.
- 64. In preparing for the SGE 2015, the NSWEC has undertaken a number of critical analyses and reviews to ensure the systems are 'fit for purpose' and that iVote will provide a secure, accurate and reliable form of voting. The documentation is extensive and includes:
 - iVote SGE 2015 Specifications;
 - iVote Strategy for State General Election 2015;
 - iVote presentation to NSW Parliament 20 November 2013;
 - iVote presentation to NSW Parliament 10 November 2011;
 - Evaluation of Technology Assisted Voting (iVote) at the NSW State General Election March 2011 Report;
 - iVote Post Implementation Report for SGE 2011;
 - iVote Pre Implementation Report for SGE 2011;
 - iVote Feasibility Report for SGE 2011; and
 - International Experiences of Electronic Voting and their Implications for New South Wales Report 2009.

65. The NSWEC is confident that preparations are on track for the iVote service to again be successful at the SGE 2015 and has had to make a number of decisions as part of the delivery project, as set out in the following paragraphs.

Voter numbers

66. The initial iVote service project funding was based on an expected usage of 100,000 electors, which was the lower bound of votes expected for the SGE 2015 when that funding was approved in November 2012. It assumed no change to the existing eligibility criteria for electronic voting and limited growth in the iVote service usage. While the eligibility criteria in the PEEA are indeed unchanged, the NSWEC has significantly more data from by-elections on the growth in the iVote service usage; at one by-election, the iVote service usage grew by a factor of three. Therefore, it is currently estimated that the growth of the iVote service since SGE 2011 will give a total usage of around 250,000 votes at the SGE 2015, an increase of 200,000.

Evolving security environment

- 67. The NSWEC closely monitors advances in the international field of electronic voting; during the two years since the project was defined there have been rapid advances in cryptography and remote voting protocols, which have raised the standard for secure, remote electronic voting. As the context of remote electronic voting has moved on, NSWEC is now engaging with international experts and implementing new cryptographic techniques such as 'Zero Knowledge Proofs' to improve transparency, security, verifiability and privacy. The NSWEC is keen to be able to publish sufficient evidence to satisfy impartial observers that the iVote service is a secure and verifiable implementation of electronic voting.
- 68. The general technology threat-level has also increased over the same time, and advances in protective measures such as Web Application Firewalls [WAFs], Cloud DDoS⁵ protection, etc., have also had to be addressed by the NSWEC. Some of the decisions made in response to these advances have been to:
 - raise the requirements for the iVote Core Voting System a detailed evaluation
 of offers resulted in the selection of a system which best managed the expected
 risks facing the iVote service. In particular, the selected system proposed
 superior protection against potential attacks which might compromise privacy
 and security of votes.
 - engage a reputable, international organisation to perform a threat analysis and provide advice on securing the iVote service and protecting against the identified threats;

⁵ DDoS stands for 'distributed denial-of-service', which generally consists of efforts to temporarily or indefinitely interrupt or suspend services of a host connected to the Internet.

- assemble a Technical Advisory Group of international experts; and
- raise the technical and security requirements for hosting of the Core Voting System, utilising the NSW Government Data Centres in Silverwater and Unanderra.
- 69. The NSWEC concluded that it was necessary to increase specifications to procure systems and services, which would reduce risk of the system being compromised and also would reduce the risk of criticism that the NSWEC was not taking every reasonable step to ensure a secure and transparent election.

Market's ability to provide Verification Service

- 70. A key improvement planned for the SGE 2015 is vote verification, which allows a voter to confirm that their vote was captured as cast; and also enables the auditor and other, independent observers to verify that the vote preferences that proceed to the count agree with the separate store of votes on the verification service. The verification service is provided over the telephone to voters to address the (extremely unlikely) possibility that a virus on the voter's computer had undetectably altered their preferences and was then able to hide that alteration when the voter verified their vote.
- 71. NSWEC has experienced some delays in the procurement of the verification service but is currently in negotiation with the preferred tenderer from the Request for Tender [RFT] process and is confident that the service will be delivered successfully for SGE 2015. Being a new service of which potential suppliers had no experience NSWEC went through an analysis phase prior to the RFT, in which briefings were provided to potential suppliers; and the ability to supply the service, including indicative costs, was confirmed by NSWEC. Despite this, the NSWEC was disappointed by the market response to the RFT, in terms of meeting requirements and cost. This has caused delays due to the elongated negotiation period required and the two response deadline extensions that were provided at the request of tenderers.

Electronic mark-off

- 72. For the 2012 Local Government Elections, the NSWEC established a 'self-service computer mark-off' for the roll. Following successful mark-off, electors were issued with a docket which contained their details, council area and ward, and listed the ballot papers they were to receive. When provided to an Issuing Officer, the docket was exchanged for the ballot papers and the elector voted as usual.
- 73. This initiative was evaluated by the NSWEC as recommended by the JSCEM in the 2011 SGE Inquiry report, using field interviews of electors undertaken on Election

Day. There was a high satisfaction with all aspects of the service [see above at para 22]. Electronic mark-off will be further evaluated by the NSWEC in the wake of the 2014 Victorian State Elections and the Queensland State Elections due in 2015, as further trials are being undertaken in those jurisdictions.

The right number of polling places in the right locations

74. The importance of the location and number of polling places to the successful conduct of an election event cannot be over-emphasised. This Project is dealt with in Chapter 2, as it directly relates to the findings of the Keelty Report.

Recruitment of Election Staff

- 75. There will be approximately 20,500 election officials working on the SGE 2015. Additionally, there will be an estimated 4,500 persons employed to work as Office Assistants in RO offices, visiting Declared Institutions or counting ballot papers.
- 76. Since 2010, the NSWEC has established an eligibility pool of Senior Election Officials [SEOs] across NSW. The pool typically contains approximately 240 individuals who have undergone a merit selection process including written application, interview, and online-training against specific criteria to fulfil the role of
 - Returning Officer Support Officer (ROSO);
 - Returning Officer (RO);
 - Office Manager (OM); or
 - Senior Office Assistant (SOA).
- 77. The individuals selected to work at the SGE 2015 have also undergone a criminal records check, and referee checks as part of the NSWEC quality assurance process. Prior to each major election event, the NSWEC reviews the pool and undertakes a marketing campaign to top up the pool in geographic areas where there are gaps or low numbers of available people.
- 78. For the SGE 2015, 93 people have been selected from the pool to be ROs. A further 93 have been selected as OMs; 10 have been selected as ROSOs; and, upon finalisation of the additional pre-poll venues, a further number will be selected as SOAs, responsible for management of a pre-poll venue. In addition, a number of the SEOs in the pool will be on standby as reserves in the event that a ROSO, RO, OM or SOA needs to be replaced at short notice.
- 79. The staffing model is well developed, having been tested at prior major election events. It is calculated on numerous factors and variables driven by the following criteria:
 - location of the polling place (country, metropolitan or regional);

- whether there is a high culturally and linguistically diverse community or Aboriginal and Torrs Strait Islander population;
- if the district has been affected by the 2013 Redistribution; and
- whether there are any local events (for example, festivals on election day or during the pre-poll period.
- 80. The model is also adjusted for multi district polling venues versus issuing ordinary votes for a single venue.
- 81. The number of Polling Place Managers [PPMs] corresponds directly to the number of polling places; and where there is a polling place catering for more than one district taking ordinary votes, there will be an equivalent number of PPMs, despite it being one physical venue.

SEO Training

- 82. To efficiently manage the recruitment, training and performance assessment of the SEOs, the NSWEC uses an online hosted system to capture and monitor all information relating to the SEO process, and which includes a web-based online application interface. This ensures that all documentation relating to these individuals is securely and centrally stored and managed.
- 83. In early 2014, the NSWEC undertook a training needs analysis for SEOs and Election Officials [EOs]. The key recommendations from this analysis were that the existing training programme be reviewed for both SEOs and EOs. A review has been undertaken, and an upgrade to the online learning management system is in progress to provide a greater level of interactivity and a more diversified and enriched training delivery platform which will include videos, interactive quizzes and scenario testing of the various election processes and procedures for which the SEOs and EOs are responsible. A minimum pass rate is set for each module undertaken and the system monitors the number of attempts the individual makes per module. This allows the staffing team to identify areas where an individual may need additional training or closer supervision, or whether an individual may be more suited to a different role.
- 84. All ROSOs, ROs and SOAs (for pre-poll) will also undergo face to face training on processes deemed critical in the election period. Particular attention is paid to ballot paper allocation and reconciliation and ballot paper counting procedures.
- 85. Training is supplemented by a set of Standard Operating Procedures [SOPs] and associated forms, quick reference guides, training manuals and short videos to

support the learning and provide guidance when carrying out their daily election activities.

SEO Performance Assessment

- 86. All SEOs undergo a formal performance assessment during and at the end of the election event. The NSWEC's ROSO Manager undertakes performance assessment of the ROSOs, who are in turn responsible for Performance Assessment reviews of the ROs assigned to them. The ROs are then responsible for Performance Assessment of their OM and PPMs.
- 87. All Performance Assessment Reviews are submitted to the NSWEC to ensure minimum quality standards are met, and are then sent to the respective individuals. An appeal mechanism is in place for those who feel the performance assessment review does not accurately reflect their work. Once signed off by the recipient of the review, these are stored on the on-line hosted staff management system and used to assess suitability for future SEO roles.

Polling Place Election Officials

- 88. The NSWEC has developed a sophisticated model based on vote projections and other factors such as redistribution of electoral boundaries, special events such as festivals being held in electoral districts on election day, population movement and growth across districts to determine the number and type of polling place staff to be recruited for each voting venue on election day.
- 89. Similarly, a model has been developed to forecast the number of office assistants a RO will require during the nomination process and pre-poll period, and staffing requirements for ballot paper counting and decommissioning of the RO office. An advertising campaign will supplement SMS and email messages to those staff who have indicated they wish to be notified when the NSWEC is recruiting for the SGE 2015.
- 90. Applicants use an online EOI system available on the NSWEC website. Paper applications are also made available for members of special interest groups who wish to apply, but who may not have computer skills or access to a computer, such as Aboriginal and Torres Strait Islander applicants, people with a disability, etc.
- 91. The online application system collects all the information required from an applicant that will enable a RO to make an informed decision whether to proceed to recruit an individual. This information includes their response to the selection criteria, their previous experience as an election official, a declaration statement of political neutrality and a declaration statement of no criminal convictions. This conforms to

- the specific recommendation of the Keelty Report that the political neutrality of all persons having contact with a ballot paper should be assured [Rec 27].
- 92. Through the EOI system the NSWEC can monitor how many applicants have applied to work in which electoral district, and the Election Staffing System enables monitoring of how many people the RO has recruited and the number of positions yet to be filled. This analysis then drives any additional advertising in specific geographic areas required to increase the number of applications.
- 93. All applicants are required to make a secondary declaration of political neutrality and that they have no criminal record upon their acceptance of an offer of employment.

Election Official Training

- 94. Dependent upon the particular role, EOs will undertake different levels of training, e.g., an ordinary issuing officer or ballot box guard will be required to read an election official manual and undertake a short online training course for their duties which include customer service training and cultural awareness. All EOs will be briefed by their PPM or Supervisor on the key aspects of their role; and short training videos, such as how to do Legislative Assembly and Two Candidate Preferred counts will be loaded onto mobile tablet devices for viewing at any time, including during the counting process if required.
- 95. Declaration Vote Issuing Officers, PPMs, DPPMs and Legislative Council Count Managers will be required to read a procedures manual and undergo a more comprehensive online training programme, including interactive quizzes and scenario testing. PPMs and DPPMs will also be required to attend a face to face training session run by their RO. In addition to the manual, check lists and quick reference guides will be provided for the staff to refer to at the polling place should they be needed.

Election Official Performance Assessment

96. All PPM performance will be assessed by the relevant RO against a set of minimum standards. As with the SEO Performance Assessment Review, these will be quality-checked and an appeal mechanism put in place, should it be required.

Component 4: Providing ballot papers

- 97. The ballot paper project includes the procurement process, the design and typesetting of the actual ballot papers, the projections of the numbers that will be required for pre-poll voting and on Election Day, and the allocation of ballot papers across electoral districts; as well as production, distribution to polling places and reconciling the numbers of used and unused ballot papers.
- 98. In preparation for SGE 2015, the NSWEC reviewed its own continuous improvement programme. As a result, enhanced processes for managing all aspects of ballot papers including security, material handling, accounting, and transport have been adopted. The NSWEC's plans and activities for ballot paper security and control are presented in Chapter 2 of the submission.

Component 5: Counting the votes and providing accurate results

- 99. The vote counting function is an integral part of the response to the Inquiry's second Term of Reference and is addressed in detail in Chapter 2.
- 100. In terms of innovation, however, for the first time NSWEC will data enter information from Legislative Assembly ballot papers into a computer counting engine; previously the results, including preference distribution, were produced manually. This innovation will improve accuracy of the count and distribution, as well as enabling greater and more efficient analysis of the results by interested stakeholders, including Two Party Preferred, Two Candidate Preferred and results booth by booth. This information will allow those interested to analyse the voting data from different perspectives.
- 101. Results will be available progressively from 6.30 p.m. onwards via the NSWEC website.

Accountability for Performance - Report on the conduct of the SGE 2015

- 102. As part of its accountability, the NSWEC will provide a report to the Committee on the conduct of the SGE 2015 which will include a review of financial performance as well as the satisfaction of stakeholders, i.e., electors, candidates, political parties, media and staff.
- 103. The report will provide quantitative, descriptive information of the size of the election event, services provided, the results for each district as well as at a state level and the key feedback from the evaluation of stakeholders' satisfaction. In addition, the evaluation and feedback reports will be presented in full to Committee Members.

104. The major components of the evaluation of the satisfaction of stakeholders with election services include the following:

Communication Campaign

105. The success in scheduling and targeting messages will be measured by traffic to the NSWEC website and call centre, election metrics and post-election surveys. It is difficult to directly link advertising with outcomes, as elector behaviour is complex and depends on many factors, including engagement with the political process and specific issues pertinent only to a particular electoral district. The advertising campaign will compete with the myriad of other communications including media coverage and party political advertising, adding to the difficulty of assessing the effectiveness of the NSWEC's information campaign.

Elector Satisfaction

- 106. The evaluation of electors' satisfaction with the SGE 2015 will be undertaken by an external research company. The proposed components of the evaluation are:
 - online evaluation of the communication campaign;
 - on site interviews at pre-poll centres;
 - telephone representative survey of electors following election day;
 - telephone interviews with the iVote service users; and
 - follow-up survey of electors who did not vote.

Candidate, Political Party, Staff and Other Stakeholder Satisfaction

107. The satisfaction of these stakeholders will be assessed by an online survey covering, amongst other things, whether the respondent felt the NSWEC conducted the election impartially and in accordance with the law. These reports will be made available to the Committee in due course.

Chapter 2 The Western Australian Senate count and steps being taken to avoid similar issues with the NSW Legislative Council count

Introduction

108. This chapter will consider the Inquiry's second Term of Reference, by examining the situation which led to the recount of the Senate Vote in Western Australia [WA] in the wake of the 2013 Federal Election and the review of that process commissioned by the Australian Electoral Commission [AEC] and produced by Mr Michael Keelty AO; and the steps taken by the NSWEC to avoid a recurrence of such issues in respect of the count for the NSW Legislative Council.

Background

- 109. The Federal Election was conducted by the AEC on 7 September 2013. On 17 October 2014, a recount of all 'above-the-line' Senate votes made in WA was initiated after an appeal by the WA Greens and the Australian Sports Party was upheld by the AEC, which subsequently announced that it could not find 1,375 ballot papers during the recount.
- 110. Shortly thereafter, on 4 November 2013 the AEC declared the result of the recount, awarding the last two Senate seats to the Greens and the Australian Sports Party; despite the issue of missing ballots, this occurred so that a final result could be appealed to the High Court of Australia sitting as the Court of Disputed Returns. On 15 November 2013, the AEC, Palmer United Senate candidate Dio Wang, and WA voter Simon Mead did indeed lodge a petition with the High Court, seeking that the WA Senate result be declared null and void.
- 111. On 20 February 2014 Justice Kenneth Hayne voided the results, due to the fact that the margins between Palmer United and the Australian Sports Party for the fifth Senate seat, and the Greens and the ALP for the sixth Senate seat, were far exceeded by the number of missing ballots. Given that voters who cast those missing ballots had effectively been "prevented from voting", Justice Hayne ruled that no remedy short of a new election was appropriate. Accordingly, a fresh WA Senate Election was held on 5 April 2014.

The Keelty Review

- 112. During this process, the AEC commissioned former Australian Federal Police Commissioner Michael Keelty to inquire into the loss of the WA Senate ballots. Mr Keelty reported on 13 December 2013 ['the Keelty Report'].
- 113. At the outset of his report, Mr Keelty identified the following issues with which the AEC is faced when conducting a federal election:

While seemingly straightforward, the complexities with elections arise in a number of ways:

- Unlike other governments in Australia and overseas the 'general' timing of a Federal election is often known but it is the prerogative of the government of the day to select the final date; and
- Sometime in the lead up to a Federal Election suitable premises have to be secured in time for the election to provide for;
 - Polling places
 - Fresh scrutiny centres

- Recount centres
- Central Senate Scrutiny centres
- Warehouses.

These physical spaces are often found and acquired on short term leases by the AEC. Not every location will be perfect and in this way, the AEC is totally in the hands of the property market and state and local governments who may also make premises available.

This means, as was the case with the 2013 Federal Election that if the government of the day changes the date of the election, much of the preparatory work can be to no avail. The acquisition processes then have to be repeated, especially for large centres where votes are scrutinised and counted.⁶

- 114. Moreover, there were a number of issues which further complicated the process in WA, not the least of which was the change in the election date of 14 September 2014 announced by Prime Minister Gillard, to 7 September 2014 by Prime Minister Rudd.⁷
- 115. Mr Keelty concluded that the processes used by the AEC's WA office were such that 'the ultimate fate of the missing ballots is not likely to ever be fully explained'. The full report is available here:

 http://www.aec.gov.au/About AEC/Publications/Reports On Federal Electoral Eve

Applicability to the conduct of the 2015 Legislative Council vote

nts/2013/files/inquiry-into-the-2013-wa-senate-election.pdf

- 116. As noted earlier, where applicable the NSWEC has incorporated the findings of the Keelty Report in its preparation for SGE 2015. Given the particular stress on the appropriate handling and movement of ballot papers, this section of the submission will deal with the following specific issues:
 - polling place selection;
 - ballot paper design and content;
 - logistics and supply;
 - · ballot paper security and quality management; and
 - vote counting.

⁷ See Keelty Report, pp 3-6.

⁶ Keelty Report, p 1.

⁸ Covering letter M Keelty to E Killesteyn, 2 December 2013, Keelty Report, p iv.

Polling place selection

- 117. One of the basic issues identified in the Keelty Report was the role the movement of ballot papers from polling places played in the need for the recount. Whilst this was a particularly pressing issue given the size of electoral districts in WA, appropriate placement of polling places has been a key factor in the NSWEC preparations for the 2015 SGE.
- in the *State Government Projection Data Report*, based on 2011 results data extracted from the NSWEC Election Management System and amended by the NSWEC Mapping and Demographic Team in order to reflect the recent redistribution of electoral districts and the addition of multi-polling places. The process of determination involves the individual examination of each polling venue in each electoral district; voting history and demographic trends are the primary foundations for estimating vote projections for the majority of polling places. Other polling places, such as those newly acquired and multi polling places, require more detailed analysis due to the difficulties in estimating voter numbers for new venues and those near district boundaries.
- 119. The process of assigning projected votes to polling places can be classified into four general categories depending on the type of Polling place, namely:
 - projection of votes for polling places with a long history of use and away from any electoral boundaries;
 - projection of votes for multi polling places;
 - projection of votes for a new polling place; and
 - projection of votes for a Replacement Polling place
- 120. In addition, acknowledging that electors tend to go to the same polling place for each election event, consideration is given to using the same venues as those used by the AEC for federal elections, to avoid elector confusion.
- 121. If voting history reveals that the votes taken at a polling place has fallen below one hundred, the NSWEC will consider whether it should be abolished. However, factors such as the distance to surrounding polling places and demographic trends are also taken into account. As would be expected, abolition

⁹ A multi-district polling place is one serving two or more electoral districts, e.g., Ryde (Home) and Lane Cove (Away). Their need is determined by geocoding electors who previously voted at that polling place. For the 2015 elections, any polling place which took more than 80 votes from another electoral district has been made a multi-district polling place. This is particularly important in the wake of the 2013 Redistribution, where electors previously may have crossed the road to vote at their local school, but that road is now an electoral district boundary.

generally occurs more frequently in rural NSW, where the elector population is declining; most excess venues in the metropolitan region were abolished prior to the 2007 elections. Also, electronic voting provides an accessible alternative to many remote voters.

- 122. If, on the other hand, a polling place is projected to take over 3000-3500 ordinary votes, then an additional venue will be sought nearby so as to relieve pressure on the original polling place, as issues relating to queues, parking availability, etc., start to arise. This situation often occurs in areas where there has been rapid growth in the electoral population, such as around new residential developments.
- 123. In some cases, a polling place will be replaced with another venue nearby. This situation will only occur under the following circumstances:
 - if the usual venue is temporarily unavailable e.g., undergoing renovation or subject to a prior booking on Election Day a replacement venue will be sought for a one-off occasion only;
 - if the usual venue is permanently unavailable e.g., the venue owners no longer wish to lease venue for election events a permanent replacement venue will be sought;
 - if the venue has been deemed unsuitable on the basis of accessibility, condition, location, facilities, etc., based on information garnered from Polling Booth inspections or feedback from polling place staff or voters; or
 - a new venue with better disabled access becomes available.

Ballot Paper Design and Content

- 124. NSWEC Business Systems have been designed to facilitate the input of candidate nominations, and ensure their accurate checking and independent validation. These systems allow for the generation of candidate details which facilitate the conduct of the draw for positions on a ballot paper for an electoral district or for the Legislative Council, leading ultimately to the printing of the relevant ballot paper.
- 125. The names of candidates are only available at the close of nominations, at which point the order for names is drawn. Ballot paper files are electronically generated using the order drawn, using an approved template for the size and content of the ballot paper instructions, in accordance with the requirements of Sch 4 and Sch 4A to the PEEA. The finalized file is reviewed, approved, and locked for release in a print ready format to the printer.

126. Only after all these processes have been followed will the proof ballot paper finally be approved for printing.

Logistical Support

- 127. The Logistics and Supply Project provides material and services for use across NSW in around 2,800 polling places and 189 Pre-Poll Offices, which include the 93 RO offices. Additionally, two large distribution centres will be required; these will be running 24 hours, with up to 400 staff per shift. These warehouses will be located in Sydney and will be used to store, 'pick and pack', batch and data enter ballot papers and material.
- 128. One major requirement of this project is that the services and products procured provide value for money and are market-tested, impartially evaluated, effective, efficient and lawful. The second major requirement is that Logistics will include innovative solutions including the use of technology to scan and track ballot paper boxes from the RO office. This project has the second largest budget following Project 1- Staffing.
- 129. The Logistics and Supply Project includes the following:
 - production, packing and distribution of cardboard materials and supplies
 - distribution (courier contracted services) for Personal Digital Assistance Devices deliveries, ballot paper deliveries, Roll deliveries, CDVE Collection, LCCC Collection, Enrolment Product Collection and RO Office decommission;
 - hire of office furniture for RO offices;
 - delivery of election materials;
 - collection and destruction of election materials;
 - security arrangements for RO offices;
 - warehouse facility management including support to postal vote, call centre and central DVE activities;
 - call centre venue; and
 - ballot paper control.
- 130. To ensure that the NSWEC supporting ICT infrastructure can reliably provide the required services during the election period, some critical applications will be hosted in the cloud. All of these services underpin the SGE 2015 election event, and as at 30 September 2014, satisfactory progress was made against all milestones and budget projections.

Ballot Paper Security and Quality Management

131. The NSWEC has developed an overarching framework for managing ballot papers that is based on quality management principles. A holistic approach is taken,

whereby management processes and key quality measures across the lifecycle of ballot papers are identified. For each process relevant to managing ballot papers, the integrity of the process has been reviewed. Where appropriate, the process is enhanced to ensure there is uniformity to the level of quality standards.

132. The quality controls for each ballot paper process include:

- Security a consistent and practical set of measures applied to the physical security of ballot papers is a key component of ballot paper quality controls. The security measures apply to on-site security as well as transportation between sites.;
- Accounting and Reconciliation whilst recognising human errors do occur
 in processes (especially manual and/or complex processes), the aim is to
 detect and recover from these errors; this is achieved by setting a
 standard where reconciliation must be achieved within acceptable
 tolerance at each process step;
- Quality Assurance (QA) standardised QA for process control measures are applies to all key ballot paper processes. The specific QA procedures are detailed in relevant Standard Operating Procedures, forms, and work instructions;
- Transportation Management a set of controls for tracking consignments of ballot papers. The controls are independent of any tracking systems from a particular service provider and allow manageability of the dispatch, transport, and receipting of ballot papers between sites;
- Custodianship fundamental to accountability of ballot papers is the
 concept of custodianship, where at any point in the process there is one
 and only one custodian of the ballot papers who has complete
 responsibility for the security of ballot papers allocated. The ownership
 and accountability lies with the person taking custody until it is handed
 over to the next process; and
- Minimise Ballot Paper Handling recognising that the more human physical handling of ballot papers occurs the more exposure to errors.
 The goal is to minimise handling of ballot papers by identifying and eliminating double handling and unnecessary movement.

Vote counting

133. To ensure a high level of accuracy, and so that interested parties can analyse election results, after the initial manual count at the polling place on election night, Assembly ballot papers will be data entered into the vote counting system from Election Sunday onwards. This process will also apply to pre-poll ordinary votes, and

DI ordinary votes. Postal votes and all declaration votes will also undergo this process, but their initial scrutiny will be undertaken centrally, before being distributed to each RO to be data entered at their respective offices.

- 134. This new process has been designed to increase quality management of the vote count and to minimize the movement of ballot papers post-election day in line with the recommendations of the Keelty Report. At previous elections, these declaration votes were sorted and transported between RO offices. This process was assessed by the NSWEC as having much greater risk of mis-sort and misplacement of ballot papers.
- 135. As has occurred in past State Elections, the NSWEC will centrally batch and data enter all Legislative Council ballot papers collected from each of the 93 electoral districts. Scrutineers will be invited to attend the centralized count centre, and each of the 93 RO offices, to observe the batching and data entry process of both Assembly and Council ballot papers.
- 136. All results from these vote counts will be entered into the vote counting system which will then be transferred to the Virtual Tally Room [VTR] for public viewing. As the results are progressively counted, the VTR will be progressively updated, giving the viewer updates of the status of these counts.
- 137. It is important to note that Easter falls during the week following Election Day. The NSWEC is not intending for election staff to work on either Good Friday or Easter Sunday as a mark of respect for this religious holiday, and as it is likely that a number of scrutineers would not be available on these days. Following further financial modelling, the cost of staffing Returning Offices and centralized counting centres on Easter Saturday and Easter Monday would be 2.5 times the normal staffing costs. Therefore, in the public interest of responsible fiscal management, the NSWEC will be suspending the vote count during the four-day Easter break and recommencing on Tuesday 7 April 2014. Exceptions may be made in the case of electoral districts in which the count is very close.
- 138. The consequence of this decision is that the Assembly and Council results will necessarily be delayed until Thursday 9 April 2014, and Saturday 18 April 2014 respectively although this is still well within the period by which the writ must be returned.

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Appendix 1 - List of Findings and Recommendations

RECOMMENDATION 1	11
The Committee recommends that the NSW Government introduce the owner of any building, in receipt of any State benefit, to make Electoral Commission (NSWEC) for use as a polling place on an elec-	that building available to the NSW
RECOMMENDATION 2	15
The Committee recommends that the NSWEC continues to promorpostal voting and promotion of those options such as iVote and morrural and remote voters.	-
RECOMMENDATION 3	18
The Committee recommends that the NSWEC undertake a review process. This review should include consideration as to:	of the pre-poll application
• whether the current categories for applicants should be simplified attend a polling place on polling day, to apply for pre-poll voting;	ed to allow any voter, who cannot
• what the impact of any recommended changes to the pre-poll arresources of the NSWEC and other stakeholders (such as the politic	
• whether any recommended changes to the pre-poll application problem to be made to the pre-poll voting period.	process might require adjustments
RECOMMENDATION 4	20
The Committee recommends that Ageing, Disability and Home Car Community Services, assists the NSWEC in developing means for the institutions for the purposes of elections.	
RECOMMENDATION 5	23
The Committee recommends that the NSWEC facilitates a dialogue groups and parties and candidates, on the importance of providing formats.	· · · · · · · · · · · · · · · · · · ·
RECOMMENDATION 6	28
The Committee recommends that the NSW Government amend see the <i>Parliamentary Electorates and Elections Act 1912</i> to simplify the registration of electoral material so they are clear and precise.	
RECOMMENDATION 7	29

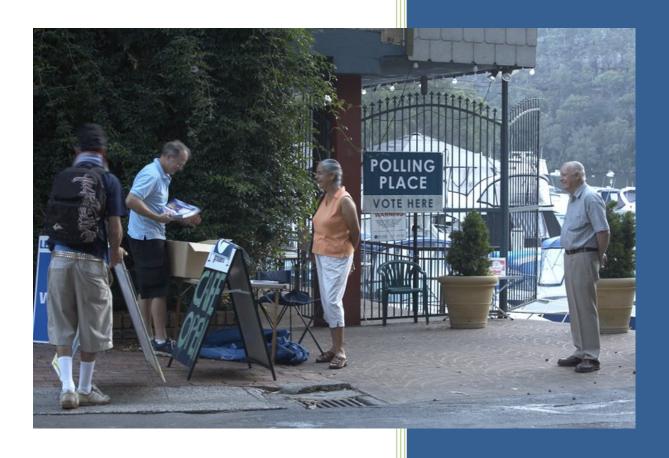
increasing public access to this material during future elections.	
RECOMMENDATION 8	32
The Committee recommends that the NSW Government introduce legislatio against providers of premises to the NSWEC for the purposes of polling who display of compliant electoral material.	• • • • •
RECOMMENDATION 9	45
The Committee recommends that the NSW Government considers introduci the <i>Parliamentary Electorates and Elections Act 1912</i> to enable technology a be counted separately to postal votes at State elections and by-elections.	
RECOMMENDATION 10	45
The Committee recommends that the NSW Government considers introducing the <i>Parliamentary Electorates and Elections Act 1912</i> , to enable electors at a technology assisted voting if they are to be more than 20 km outside their electors.	by-election, to use
RECOMMENDATION 11	52
The Committee recommends that the NSWEC develop and implement voter for voters using iVote at the 2015 State election.	preference verification
RECOMMENDATION 12	54
The Committee recommends that the NSW Government introduce legislatio of the <i>Parliamentary Electorates and Elections Act</i> to fix the date for the issu quadrennial election.	
The provisions should also fix the date for the close of nominations, or	
Where Section 24B(4) is invoked to vary the date for a quadrennial election, occurs, the date should be similarly fixed.	or an early dissolution
RECOMMENDATION 13	57
The Committee recommends that the NSW Government gives consideration legislation to require that voters provide proof of identity at the time of cast	•
RECOMMENDATION 14	57
The Committee recommends that the NSWEC investigate and report back to future use of an electronic system to mark-off voters	the Committee on the

The Committee recommends that the NSWEC publish registered electoral material at NSWEC offices

and on its website, as soon as is practicable after the deadline for registration, with a view to

Appendix 2 - Report on Pre-Poll and Postal Vote Access





NSWEC

NSWEC

2 August 2013

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Purpose

To address NSW Government's response to the JSCEM Inquiry into the 2011 NSW State Election Recommendation 3 – "That the NSWEC undertake a review of the pre-poll application process, including consideration of whether any voter who cannot attend a polling place on polling day should be eligible to apply for pre-poll voting".

Recommendation 3 states that the review should also include consideration as to:

What the impact of any recommended changes to the pre-poll application process might be on the resources of the NSWEC and other stakeholders (such as the political parties); and

Whether any recommended changes to the pre-poll application process might require adjustments to be made to the pre-poll voting period.

In addition, the Government notes that the NSWEC will also undertake a review of the postal voting application process.

Background

The past 10 years has seen an increase in the number of electors choosing to cast their vote via a postal vote, and a significant increase in the number of voters casting their vote at pre-poll voting centres. Analysis has shown that from the 1995 election, the numbers of pre-poll and postal voting in NSW have increased - postal voting by 281.8% and pre-poll voting by 427%. As evident from the table below, pre-poll has had a greater proportionate increase than postal voting over this time frame, and the most significant increase for pre-poll is evident between 2003 and 2011 (source: NSWEC SGE 2011 Election Report). This appears to be consistent with findings from other States and Territories.

Proportion of Total Votes by Vote Type NSW State Elections 1995 to 2011.

VOTING	1995	1999	2003	2007	2011
METHOD					
Postal	1.8%	3.2%	4.2%	5.5%	5.7%
Pre-Poll	2.3%	3.8%	3.4%	5.5%	8.2%

Due to changing work patterns and commitments upon families on Saturdays (eg taking children to sporting activities, work commitments etc) it is anticipated that this trend for increasing numbers of electors requiring to vote early will continue.

Early Voting Channels

There are a number of early voting channels that are available to eligible electors:

Postal;

- attendance Pre-Poll; and
- iVote.

These types of early voting channels are available to the following electors:

- those in Declared Institutions;
- those in Antarctica;
- those who will be overseas and interstate on election day; and
- those in NSW who meet the various eligibility criteria that entitle them to an early vote.

Pre-Poll Eligibility Criteria

The *Parliamentary Electorates and Elections Act 1912* provides for 9 alternative criteria in order to be eligible for a pre-poll vote. Under Division 10 section 114P (1):

"An elector who:

will not throughout the hours of polling on polling day be within New South Wales,

will not throughout the hours of polling on polling day be within eight kilometres by the nearest practicable route of any polling booth open for the purposes of the election,

will throughout the hours of polling on polling day be travelling under conditions which will preclude him or her from voting at any polling booth,

by reason of his or her membership of a religious order or his or her religious beliefs:

is precluded from attending at a polling booth; or

will be precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours,

will be, at a place other than a hospital, caring for a person who is seriously ill or infirm or approaching maternity and by reason of caring for the person will be precluded from attending at any polling booth to vote,

will, by reason of being engaged for fee, gain or reward in any work throughout the hours of polling on polling day, be precluded from attending at any polling booth to vote,

is a silent elector,

is a person with a disability (within the meaning of the Anti-Discrimination Act 1977,) or

believes that attending a polling place on polling day will place the personal safety of the person or of members of the person's family at risk,

may make an application to any pre-poll voting officer (whether for the district for which he or she is enrolled or for some other district) for permission to vote before polling day."

The declaration made by the elector is oral and, as such, there is no record of the number of electors that fall within each of the criteria above.

Given that there are nine discrete criteria that can entitle an elector to have a pre-poll vote, the over-arching criteria are very broad. There is no practical mechanism to test whether any elector's oral declaration is true. The NSWEC's instructions to election officials are that they accept the elector's oral declaration of satisfying one or more of the criteria.

The criteria are printed on a sheet and the elector is asked to identify which criterion applies to his/her circumstance.

Postal Vote Eligibility Criteria

The *Parliamentary Electorates and Elections Act 1912* also provides for 11 alternative criteria to be eligible for a postal vote. Under Division 9, section 114A (1): "An elector who:

will not throughout the hours of polling on polling day be within the State,

will not throughout the hours of polling on polling day be within eight kilometres by the nearest practical route of any polling booth open for the purposes of an election,

will throughout the hours of polling on polling day be travelling under conditions which will preclude him or her from voting at any polling booth,

is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling booth to vote, or, in the case of a woman, will, by approaching maternity, be precluded from attending at any polling booth to vote,

(d1) is, at a place other than a hospital, caring for a person who is seriously ill or infirm or approaching maternity and by reason of caring for the person will be precluded from attending at any polling booth to vote,

by reason of his or her membership of a religious order or his or her religious beliefs:

is precluded from attending at a polling booth; or

will be precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours,

is by reason of his or her being kept in a correctional centre (within the meaning of the *Crimes* (Administration of Sentences) Act 1999), precluded from attending at any polling booth to vote,

will, by reason of being engaged for fee, gain or reward in any work throughout the hours of polling on polling day, be precluded from attending at any polling booth to vote,

is a silent elector,

is a person with a disability (within the meaning of the Anti-Discrimination Act 1977) or

believes that attending a polling place on polling day will place the personal safety of the person or of members of the person's family at risk,

may make an application for a postal vote certificate and a postal ballot paper to the Electoral Commissioner."

Arguably, the existing availability of such a wide range of criteria for early voting in s 114A(1) and s 114P(1) creates an expectation in the minds of many voters that they can participate in an election by voting when and where they choose, and that they are not limited to attending to vote at a polling place on election day.

Based on surveys of electors after the State Election in 2011, and anecdotal evidence, it is clear that electors want to use pre-poll voting as an optional voting channel to fit in with their commitments on election day.

Analysis of elector feedback from the SGE 2011 found that the main reasons electors voted before election day was that they were travelling (28%), unable to leave work (22%) and convenience (21%).

Also, a significant number of eligible electors chose to cast their vote via iVote at the NSW State Election in 2011 (46,862).

Elector surveys from the 2012 Local Government Elections found that 25% of electors who voted early preferred to do so because it was more convenient, 27% because they were travelling on election day, and 16% because they were unable to leave work to vote on election day.

All of these factors indicate a desire by electors to have greater choice of how and when they vote at an election.

To continue to build greater participation in the electoral process, it is critical that, along with education and awareness campaigns, electors are given greater choice in how and when they vote that is convenient to them, and thereby encourages participation in the democratic process.

Options

Given the above, there appears to be inconsequential reason why the categories of early votes should substantially differ in the criteria for eligibility. Indeed, these types of votes are merely channels to provide choice to the elector of the most convenient way for them to participate in the electoral process. The type of vote becomes irrelevant. What is important is to streamline and simplify the eligibility criteria to enable voters who cannot attend a polling place on election day to participate in the democratic process.

Options include:-

Retain the status quo

The trend of early voting will still increase. However this option does not address the needs of the broader community to have greater choice in how and when they vote.

Remove eligibility criteria

Remove the eligibility criteria to cast an early vote for pre-poll, postal and Declared Institution voting channels, ie choice to vote early is available to every elector "as a right". The trend of early voting will still increase but this option will meet the needs of the broader community to have a greater choice in how and when they vote.

Introduce smaller number but broader eligibility criteria across early voting channels Replace the varying criteria for pre-poll, postal and Declared Institution voting channels with a simplified declaration along the lines of "I am unable to get to a voting venue on election day" or "I am a silent elector" or "I am disabled or I have a vision impairment".

- Expand the eligibility criteria for technology assisted voting to include Silent Electors,
- General Postal Voters, and
- Electors who cannot get to a voting venue in their enrolled district on election day

Recommendations

4.1 Smaller number but broader Eligibility Criteria

That the eligibility criteria to cast an early vote be made consistent across all early voting categories (postal, Declared Institution, pre-poll, interstate, overseas, Antarctica) to:

- The elector is unable to get to a voting venue on election day, or;
- The elector is a silent elector, or;
- The elector is disabled, or;
- The elector has a vision impairment.

4.2 Expand the criteria for iVote

Expand the criteria for iVote to include Silent Electors, General Postal Voters and electors who cannot get to a voting venue in their enrolled district on election day (for By-Elections only).

4.3 Remove requirement for a Declaration

Remove the requirement for the elector to declare their eligibility for an early vote including prepoll, postal, Declared Institutions (except for iVoters). For example, an oral declaration is currently required for pre-poll voters. It could be argued that this declaration has no practical value, if the person cannot attend a voting venue on election day.

4.4 Revise the eligibility to become a Registered Postal Voter

Revise the eligibility for becoming a Registered Postal Voter to a single criterion that the elector is unable to attend a voting venue on election day. Increase the awareness of the availability of applying to become a Registered Postal voter which will result in more timely delivery and return of postal vote ballot packs to be included in the scrutiny process and count, as the elector will not need to firstly apply to receive a postal vote ballot pack. In addition, the Recommendation 4.2 will enable a Registered Postal Voter to be eligible to register for an iVote should that voting channel be more convenient for the elector.

4.5 Promotion of iVote

That the iVote option is promoted to electors in rural locations as the preferred method of early voting, given that postal services in these areas are often infrequent and unreliable due to potential adverse weather conditions. This increases the risk that the elector's vote is not received in time for the legislated cut off date for receipt of postal votes.

4.6 Resourcing Requirements

The NSWEC would anticipate a natural increase as per the current trend, in the use of pre poll, irrespective of whether the categories were simplified. The NSWEC would not anticipate that simplifying the categories would greatly impact on the resources that the NSWEC would require to service pre poll voting. The NSWEC calculates pre-poll and election day staffing requirements using projections based on previous election events, along with demographic analysis and trend analysis of voting behaviour.

As far as the resources required by stake holders to service pre poll voting the simplifying of categories will in itself not greatly impact on the demand for pre poll voting other than the natural demand for the service.

4.7 Pre Poll Voting Period

The NSWEC has recommended that the legislation restrict pre poll voting to the two weeks commencing from the first Monday following the close of nominations. Currently pre poll voting is available from the close of nominations. The rationale behind the change of commencement is to allow sufficient time for ballot papers to be printed and delivered to the Returning Officer following the close of nominations and ballot paper draw.

Summary

In summary, it is anticipated that, if implemented, these recommendations will not adversely impact the trend rate of electors choosing to cast their vote via an early voting channel, as eligibility criteria will still apply. The vast majority of electors will continue to vote on election day.

The recommendations respond to community need for alternative voting channels due to modern day living, and streamline the administrative process to issue these types of early votes.



NSW State Election 2015 – Service Charter

GOALS	TO BE ACHIEVED BY:	SUCCESS MEASURED BY:
Foster participation in the democratic process	Conducting impartial and fair elections in accordance with the law Providing services and information to enable all election participants to participate fully including communities with historically lower participation rates Communicating election information in ways that encourage awareness and engagement Supporting events and activities that encourage participation in democracy	Election participants report conduct of election as impartial and fair and without barriers to participation Election participation equals or exceeds prior election levels Formality rates equal or exceed prior election levels There are no Court challenges to declared results
Provide seamless service delivery	Providing comprehensive services including: information services enrolment services voting options including pre-poll and technology enabled voting location and accessibility of polling places services to assist those with particular needs responsibilities and entitlements of candidates, groups and political parties including funding and disclosure requirements Providing efficient services to meet needs of participants according to legislative mandate Providing election services in timely, efficient and professional manner	Stakeholders feel well informed about election events Election participants report satisfaction with the NSWEO's electoral services
Be customer focussed and commercially minded	 Understanding the needs of our stakeholders and users of our election services through liaison, consultation and structured feedback Delivering well organised, reliable and quality elections Ensuring elections are provided on a competitive basis 	Participants report satisfaction with NSWEC's services and election state. Those entities using the NSWEC to conduct elections report satisfactio with services provided and see these are representing value. Costs of providing elections are recovered. The NSWEC actively seeks feedback on its services.
Be innovative and fast adaptors	Utilising new technologies to increase convenience for those participating in elections within the legislative mandate while maintaining integrity of the election and security of information Review developments in election services and funding and disclosure across Australia and internationally for possible application to NSW	The NSWEC is seen as seeking to adapt its services, within legislative requirements, to meet participants' needs The NSWEC advises Government of innovations that will strengthen the democratic system and improve administration of elections

Appendix 4 – Scope of SGE 2015 projects

SGE2015 PROJECTS	
Project 1: Staffing & Venue	All functions associated with election staffing including recruitment, training and performance assessment
Procurement	Development of staffing models
	 Development and enhancements to business processes to support staffing function
	Note: Payroll processing is in scope for Project 13 – Financial Services
	 All functions associated with venue procurement for RO Offices and pre-poll and polling place venues (excluding Sydney Town Hall in Project 05 – Electronic Voting)
Project 2:	Communications and advertising functions including:
Communications and	Social Media
Advertising	Advertising
	Education & Awareness
	Special Interest Groups
	Note: The project will have responsibility for development / enhancements to systems should they be required to support the communication and advertising function (eg EMS)
Project 03: Roll Management and provision of all electoral roll products	 Develop and deliver all roll products including Street Lists, rolls for candidates, SmartRoll, AR printing & scanning Develop the AR roll and Streets List for loading onto the mobile device and iRolls Develop and implement administration processes for roll management and SmartRoll systems and ensure compatibility with processes for non-voting Develop, test and implement relevant versions of elector lookup tool for use on public websites, RO Office and mobile devices / PCs
Project 4: Candidate and Political Parties Services	 Nominations process How To Vote (HTV) Party and candidate communications eg Candidate and Political Party Seminars Political Party, Candidate & Scrutineer Handbooks, podcasts, Candidate Enquiry Line, Postal Vote Applications Ballot paper proofing (not printing) Funding & Disclosure Requirements
Project 5: Electronic Voting	 Develop and implement the iVote service Develop and manage Sydney Town Hall as pre-poll and polling place venue

Project 6: Content development of all Standard Operating Procedures and forms Attendance & Postal in relation to early voting and voting on election day. Voting Includes all ordinary vote processes and all declaration vote processes including postal voting Counting of LA ordinary and LA declaration votes including Absent, Enrolment, NNOR, Silent and NAMAV Development and enhancements to business processes to support the voting (including scrutiny of declaration vote envelopes) processes Note: The development and enhancement of the OPVA application is within scope of Project 05 - Electronic Voting. The processing of PVAs (including online applications) and the fulfilment of postal votes is in scope of this project **CPVC** and Declaration Vote Processing Centre operations Content development for PPM training for issue of votes at polling places Ordinary DV - Enrolment, Absent, Absent Silent, NAMAV, NNOR Content development for Pre-poll Centre Managers training for issue of votes at pre-poll centres Ordinary DV - Enrolment, Absent, Absent Silent, NAMAV, NNOR Content development for DI Teams training for issue of votes at DIs Ordinary DV - Enrolment, Absent, Absent Silent, Project 07: All processes associated with: Results batching and data entry of LA and LC ballot papers DOP of LA Ballot papers Publication of all results via the VTR Counting and sorting of LA and LC ballot papers in polling places and RO Offices for Pre-poll and DIs Content development of all SOPs and forms in relation to counting, batching and data entry of LA and LC ballot papers in polling places, RO Office, CDVC and/or LCCC Setup the operations of the Results Management Team to support the RO Offices, LCCC and CDVC Development and enhancements to business processes to support counting of LC and LA Ballot Papers

LCCC operations

Project 8: Non-voter	Management and implementation of processes related to the Non- Voter function
management	 Excusing process, Participation (elector Mark offs, exclusions, excuses), Roll scanning, New PN forms / letters / Penalty Notice Portal, Non- voters data processing, Fines Revenue liaison with external body, Participation amalgamation for reporting purposes.
Project 9: Media	Develop and implement a media strategy, including review of media protocol
	Develop media releases
	Develop and communicate protocols for media responses
	Develop SOP and training content for media protocol
	Develop and maintain media page of website
	Develop and release media information documents
	Monitor the media on a daily basis during election period
	Provide media interviews as spokesperson for the NSWEC and EFA
	Proactively manage issues through the media
	Answer media enquiries
Project 10:	Project metrics model development
Election Metrics	Projections data and geo-demographics analysis
	Work with project teams to identify appropriate measurable KPIs
	Development and enhancements to IT systems to support the election
	metrics function (eg Data Warehouse)
Project 11:	Develop and implement processes to support the elector enquiry
Elector Enquiry	function
Centre	Manage the Elector Enquiry Centre operations
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Project 12: Standard Operating	Co-ordinate the design and print of SOPs and forms including the QA function for the final printed products
procedures and	Co-ordination of quantity calculations for printed products
Forms	Source print suppliers
	 QA function to ensure consistency in language across SOPs and forms
	content provided by election projects
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Project 13:	Budget process
Financial Services	Accounts Payable/Receivable
	Candidate/Party refund process
	Payroll operations for Election Staff
	Financial Reporting for Treasury
	Tiliancial Reporting for Treasury

Project 14: Logistics and Supply	 Procurement, delivery, collection and destruction of all electoral materials Management and procurement of courier & Australia Post services Management of Head Office (Kent St) and warehouse(s) facilities
Project 15: IT Infrastructure	 Procurement, configuration and support of IT infrastructure: Sourcing of computer, data & voice networks Provision of data & voice networks Imaging and quality control of IT equipment Support IT infrastructure
Project 16: Reporting	Development of Service Charter, Election Report and External stakeholder feedback tools
Project 17: On line Communication Website	Management and implementation of NSWEC and Funding & Disclosure websites and Intranet
Project 18: Ballot Papers	 Ballot Paper procurement process Develop design and typesetting Undertake projections and allocation Production Distribution/delivery Ballot Paper reconciliation process
Project 19: Event Readiness	Testing of election processes and systems to ensure operational readiness to conduct the election
Project 20: IT Enhancements	Development of, and enhancement to, IT systems that support election event business processes