

**Submission
No 11**

2012 LOCAL GOVERNMENT ELECTIONS

Name: Name Suppressed

Date Received: 30/01/2013

Dear Committee Members,

I wish to bring to the Committee's attention the failure, by at least three electoral officials, to comprehend the concept of a secret ballot, during last year's Local Government Election.

In short, my ballot papers were marked with my initials (and not that of the polling clerk) when they were issued to me on election day.

The polling clerk simply stated, at the time, that she had been instructed to mark each elector's initials on their ballot papers.

More strikingly, the Electoral Commissioner in his letter of 30 October 2012 replying to my letter of complaint, dated 9 September 2012, (copies of each are attached) viewed the issue as a (mere) failure to "follow a clearly documented process...".

I would respectfully submit that the polling clerk's statement, her instructing officer's original direction and the Electoral Commissioner's view of the matter, would seem to indicate the failure to comprehend the concept of a secret ballot.

In addition, one need only observe that the election was a local Government election, to readily visualise the possibility of an elector being identified by their initials, despite the Electoral Commissioner's sweeping statement to contrary.

I would respectfully submit that such a failure would call into question whether councils have the necessary experience (or commitment to basic democratic principles) to conduct their own elections.

Yours respectfully,



The Returning Officer
Hornsby Shire Council
PO Box 151
HORNSBY NSW 1630

9 September 2012

Dear Sir/Madam,

OFFICIAL COMPLAINT

I wish to lodge an official complaint.

At approximately 11.00am on 8 September 2012, at the local council election polling station at TAFE Hornsby, at the table for Ward A, I was handed my ballot papers which were inscribed, by the polling clerk, with the initials "PV".

Upon remarking to the polling clerk of the coincidence that her initials were the same as mine, she replied that they were my initials, as she had been instructed to place each voter's initials on each ballot paper.

My wife checked her ballot papers. They bore her initials: "MV".

I then immediately indicated to the clerk and another polling official standing nearby that this practice was a clear breach of the electoral law in that it enabled a voter's ballot to be identified and insisted that the practice stop and that my wife and I be issued be with fresh ballot papers. Which were provided.

I also advised that I wished to lodge a complaint and that they now had a problem with the informal ballot papers issued thus far. I was not offered any means, by either person, by which to lodge a complaint, nor any explanation of the action which would be taken in respect of the informal ballots cast.

I was deeply shocked and (as a public servant) offended that a polling official would issue a direction which was such a blatant and obvious breach of the electoral law.

I therefore hereby lodge my complaint in the most strongest of terms as the practice of marking a voter's initials on their ballot paper attacks an essential element of our democratic process, namely, the secret ballot.

In addition, I would be grateful if you would advise me how the informal ballots were dealt with that night, and also what measures will be taken to ensure that polling officials do not make such fundamental errors in future elections.

Yours faithfully,

[Redacted Signature]

Copy to: 1: Mr Matt Keen MP for Hornsby
2: Hornsby Advocate

F2012/230P6

30 October 2012



Dear 

I write in response to your letter received by email on 29 October 2012 regarding the actions of an election official at the recent Local Government elections. I have now received a verbal report from the Polling Place Manager into this matter.

By writing electors' initials on the ballot papers, the election official obviously did not follow a clearly documented process in which all election officials are trained.

I understand that after you raised your concerns with the election official, the Polling Place Manager spent some time with her to calm and reassure her and ensure that she followed correct procedure from that point.

I advise that when ballot papers are removed from ballot boxes and counted, election officials counting votes no longer have access to the electoral rolls. There would therefore be no way that an elector could be identified from a ballot paper showing their initials.

Any ballot papers bearing an elector's initials were not declared informal. Even if an election official inadvertently omits writing their initials on the ballot papers they are saved from informality by virtue of them being printed on paper bearing a security background, as these were.

I trust the above explains the actions that were taken.

Yours sincerely



Colin Barry
Electoral Commissioner