

**Submission**

**No 5**

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

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**CHRISTIAN DEMOCRATIC PARTY**

**SUBMISSION**

**FOR**

**INQUIRY INTO THE ADMINISTRATION OF THE 2011 NSW STATE ELECTION**

**AND RELATED MATTERS**

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**Party Agent/Treasurer**

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## EXECUTIVE SUMMARY

The Christian Democratic Party (CDP) wishes to start this submission with a commendation of the staff of the Electoral Commission (EC) and Electoral Funding Authority (EFA) of NSW for their overall professionalism, courtesy and diligence in managing the 2011 NSW State Election.

This was achieved in an obvious high-pressure environment which was exacerbated by the need to cater for a myriad of election funding, operational and associated reporting changes in a very short period of time.

CDP has identified several issues out of the 2011 State Election that it believes should be addressed and where necessary, enacted by Parliament or passed on to the EC & EFA as quickly as possible to allow sufficient time for the EC & EFA to update its systems and forms to avoid unnecessary errors and delays.

## SUBMISSION

### *1. Legislative Council Preferences*

There is obviously much confusion between State and Federal procedures when completing 'Upper House' voting papers and to a lesser extent 'Lower House' voting papers.

Unfortunately, this confusion is not just with voters but more importantly with several polling booth workers who did not understand how the Legislative Council Voting Papers were to be completed. It would seem that this was not an isolated instance and that workers in more than 1 electorate advised voters that they could only put a '1' 'above the line' and no other number.

This appears to be a training issue as an attendee at an election meeting where Reverend Fred Nile spoke and who had just participated in a Polling Booth worker training session was adamant that preferences could not be shown above the line, despite Rev Nile trying to advise the correct arrangements.

This was reinforced when both the CDP Office and individual coordinators were contacted by concerned voters who had been advised by Polling Booth workers that their vote would be informal if they put more than one number 'above the line', even though our and the Coalition Party's How-to-votes showed otherwise!

### **Recommendation 1**

**Electoral Commission employee training must focus on important issues such as voting procedures and Polling Booth workers (including Booth Managers) must complete a test that shows they understand the voting system before they can be employed.**

## **Recommendation 2**

**More targeted TV, Newspaper and Radio advertising needs to be developed to show people exactly how to complete voting papers.**

### ***2. Significant Electoral Reform***

Parliamentarians need to be aware of the time required to update systems and procedures and conduct training when significant electoral reform is enacted.

The EC and the EFA as well as affected entities had to cater for many substantial changes to the processes, rules and procedures covering the whole gamut of election activity; from Party Funding right through to Voting Methods before the 2011 State Election.

Most of these changes had significant computer and manual system impacts as well as needed many new forms to be designed or old ones re-designed. These changes then had to be conveyed to effected entities by way of training or communication. I commend the EC and EFA for the results they achieved but in such a high-pressure environment mistakes are made or delays occur because of the complexity or volume of activity required.

It is not only the EC and EFA that have to update systems and procedures but impacted entities need to be considered as well when changes are enacted. The latter are obviously delayed until such time as the specific requirements are made known by the EC or EFA. This is especially important when major compliance requirements are at stake and the entities affected by such changes do not have access to limitless resources.

When significant time is allowed for changes to be implemented, issues relating to compliance adherence, user-friendliness of screen displays, information presentation and forms will be diminished.

## **Recommendation 3**

**A moratorium to effect significant electoral changes should be in place one year out from a State Election to ensure that systems and procedures, including training and communication, can be implemented well in advance of the actual election.**

## **Recommendation 4**

**The EC and EFA need to implement a regime of Beta testing for significant changes rather than depending on 'in-house' system testing.**

### **3. Electorate Definition**

I presume other political parties may be similarly impacted by the number of constituents requiring information about enrolment details or questions about where and how to vote. Also, the queries that the CDP Office receives do not just come from CDP members and supporters. These enquiries often come from people who do not have ready computer access and/or have given up waiting on the phone for an EC telephone response.

The new 'List of Streets and Localities' guide is a great resource to help with such enquiries. However, as a 292 page document it is not the speediest document on which to enquire even when searching the downloadable version. Also, this document becomes obsolete once an electoral redistribution occurs or new streets are created.

### **Recommendation 5**

**The EC needs to develop an on-line enquiry into which a street number, name and suburb can be entered and the corresponding electorate is advised. If the enquiry was also able to provide information about nearest polling booths then this would greatly reduce the time taken to answer such enquiries not only for individuals and political parties but also, the EC.**

### **4. Postal Voting**

We believe that the current system of mass mailing by Political Parties to encourage voters to submit Postal Vote applications and return these applications to a Party or candidate address strikes at the whole concept of a secret ballot. There is evidence to suggest that election outcomes have been affected by subsequent follow-up of electors by candidates and/or Parties.

In fact, in 1993, the Australian Electoral Commission condemned the distribution, on a mass scale of Postal Vote applications with return addresses to parties or candidates, to the Joint Standing Committee on Electoral Matters. It said that this two-stage process posed a danger by the increased and improper use of postal voting facilities. It asked that the Electoral Act be amended to prevent the practice.

Also, there should be no hint of collusion of EC officers or the use of Electorate Offices for Party Political purposes, such as harvesting information about Postal Votes in an attempt to influence the outcome of an election.

## **Recommendation 6**

**It should be an offence for any person or entity to solicit a Postal Vote application or a copy thereof to be returned to any address other than the official Electoral Commission address for Postal Vote applications. The disturbing trend of seeking to influence and lock in a vote through Postal Vote applications should end. Only genuine cases, strictly authenticated, of an inability to attend a polling booth should be allowed to submit a Postal Vote. There should be no issuance, collection or collation of Postal Vote forms other than by EC officers.**

## **Recommendation 7**

**Police should be given the power to conduct selected inspections with warrants upon targeted Electorate Offices during the next Election period at times during and after business hours for the purpose of discovery of illegal conduct and use of such electorate offices for Party Political purposes.**

## **5. Pre-polling**

Current voting trends would indicate that the number of voters using the Pre-Poll option is increasing every election. It is hard to believe that all these ‘Pre-Pollers’ are not able to attend a Polling Booth on Election Day.

I know from personal experience of manning a Pre-Poll Booth that many voters see ‘Pre-Polling’ as a convenient way to get their voting ‘out-of-the-way’ before Election Day even though they would be able to attend a Polling Booth on Election Day. I have seen the ridiculous situation of a wife loudly complaining that she was not allowed to pre-poll but her husband was when the husband had obviously bypassed scrutiny earlier in the day! The level of scrutiny of voters being allowed to Pre-Poll seems to vary greatly according to whom is manning the Booth.

The current ‘declaration’ that a Pre-Poll voter needs to submit is obviously a minimal deterrent to prevent voters from submitting a Pre-Poll vote even though they are ineligible to do so.

## **Recommendation 8**

**Either the ‘Pre-Poll’ declaration needs to be tightened to ensure true eligibility to ‘Pre-Poll’ or it needs to be disregarded altogether and anyone who wishes to use the facility should be allowed to do so to stop the current farcical situation where many voters who are ineligible still submit a ‘Pre-Poll’ vote.**

## **6. Polling Booth Finalisation**

Polling Booth locations can be changed quite close to an election. Foregoing a natural disaster, this is unacceptable for the effective management of an election campaign. I know locations may become unavailable due to changed views of the owner of the location but with fixed-date elections there should be sufficient time to arrange polling booths well in advance.

If the EC determines that a Booth should be closed due to lack of staff or better management of its resources, then this needs to be managed in a timely manner and advice given to all affected parties as quickly as possible.

### **Recommendation 9**

**The EC needs to have a register of contacts for both Political Parties and Candidates that allows it to advise Polling Booth changes in an expeditious manner. This would be by SMS and Email at least but preferably with Telephone follow-up if the change is in the fortnight prior to an election. In the case of Political Parties there should be more than 1 official contact so that this advice can be acted upon urgently.**

## **7. Audit Fees**

The cost of having election and party disclosures audited is not a minor consideration especially for individual candidates. Because it is not claimable, it is effectively an additional election nomination fee.

### **Recommendation 10**

**The requirement to have disclosures audited should only be required for candidates who are entitled to electoral reimbursement. Candidates who are not entitled to claim any funding would still be required to lodge all other documents with their disclosure; bank statements, invoices, advertisement copies, receipts, etc**

### **Recommendation 11**

**An audit fee should be reimbursable up to certain limits:**

- (1) Up to \$500 per individual candidate disclosure**
- (2) Up to \$5.000 per Political Party disclosure**



## ***8. Travel Expenditure***

Travel expenditure is reportable under the category of ‘Other Electoral Expenditure’ on disclosures. Although reportable, such amounts are not reimbursable. This is a restriction on the campaigning ability of non-sitting candidates as the sitting member has been able to effectively campaign for 4 years using his or her Member of Parliament travel entitlements. This bias towards a sitting member is obviously even greater in the larger electorates.

### **Recommendation 12**

**Travel expenditure should be claimable provided it can be justified by appropriate logs and receipts.**