

**Submission  
No 10**

**PREFERENCE COUNTING IN LOCAL GOVERNMENT  
ELECTIONS IN NSW**

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**Date Received:** 29 September 2017

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26 September 2017

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NSW Parliament's Joint Standing Committee on Electoral Matters is currently conducting an inquiry into preference counting in local government elections in NSW including:

- a) The current system of 'random selection' in the counting of preferences in local government elections,
- b) Whether this system delivers fair results in all cases for candidates,
- c) Whether there are any alternative methods of ballot counting which would produce more accurate preference flows.

## **Introduction**

I have observe many counts as a scrutineer for the ALP on various Local, State and Federal elections over 35 years. My first one was in the early 1980s at Bankstown Council. I have also been involved in many internal ballots and club elections as a scrutineer.

During the conduct of 2017 Local Government election count and data entry processes over three days at Riverwood. I also attended the two recounts that were also conducted at Riverwood on Monday 18th September for Greystanes Ward, Cumberland Council and Tuesday, 19th September for Parramatta Ward, City of Parramatta.

My main focus is the result in Greystanes Ward. No one in the Greystanes Ward can be satisfied that the outcome of the first count and subsequent recount provides an accurate picture of the voter's preferred elected candidates. I am extremely doubtful that "random selection" could ever deliver a fair result for all candidates during this process.

I feel that this also an opportunity to provide some feedback to the NSW Electoral Commission about the Riverwood Counting centre. If there is a review into the Conduct of 2017 Local Government election, I feel that these suggestions would assist in the conduct of all future NSW elections.

## Riverwood Counting Centre

I would like to place on record that the NSW Electoral Commission processes are fair and reasonable for all candidates standing for election. The problem is that the current counting process dates back over 100 years when there were no computer systems available.

## Voter's Intention

I would suggest to this committee that there needs to be a further process that ensures that voter's intention is an important guideline. I would suggest that every aisle of 20 computers that a person with previous experience in determining formal/informal votes be appointed by the NSW Electoral Commission. This will ensure consistent approach in determining votes.

During the recent Riverwood Count I observe orange jackets (data entry staff) sought determination of validity of votes and many inconsistent decisions were made by supervisors wearing pink jackets. I was surprised during the recounts that staff wearing pink were in fact casual employees with limited knowledge of determination of formal /informal votes who were more interested in data entry process accuracy than voter's intention. I recall seeing a ballot paper with big numbers 1, 2,3,4 and 5 within the Groups above the Line being ruled informal because it was not in the box by staff wearing pink jackets.

I also observed votes that allocated a 1 that was not in the box and ruled informal even the ballot paper clearly showed a one above the line. Having a senior staff will improve this process and ensure voter's intention are carefully considered by experience staff.

## Candidate's scrutineering at Riverwood

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I strongly believe that candidates should not be allowed to enter a Counting centre particularly when their own ward is being processed. To avoid this issue from occurring in the future I would suggest additional clause be added to all scrutineer's forms that "No candidate can enter a counting centre to scrutineer in any Council election."

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## **Smart phones, Mobile phone devices, Cameras and other electronic devices operating inside Counting Centres.**

During the recount for the Greystanes Ward, former Liverpool Council Mayor and Werriwa Federal candidate for the Liberal Party Ned Manoun was scrutineering. He challenged a valid vote that was ruled formal by the Returning officer. Prior to the ruling, he sought to use his smart phone and copy the ballot paper in question on his personal electronic device.

This request was denied by the electoral staff. I agree with decision and indicated my personal strong opposition to any proposal. Personally I was affronted by this request as I believe that this is a major breach of a voter's privacy. I feel that there should be a better process that ensures that no phones or other electronic devices by scrutineers are allowed on the counting floor.

It would be my recommendation that an area be established to enable storage of phones and other electronic devices by register kept at the reception desk. A sign indicating that scrutineers cannot use a phone or any electronic device (calculators exempt) during the data entry stage. I reckon there should be a penalty for any breach of this rule.

All staff - (NSW Electoral Commission personnel, data entry staff and supervisors remain exempt from this rule for obvious reasons including day to day running of the counting centre and family emergencies etc.

## **Recount procedures**

Prior to a recount being considered by the NSW Electoral Commission that all candidates be notified by mobile phone, text message and email occur to all candidates. During the process of consideration of candidates appeal for a recount that other affected candidates can put arguments against recounts.

In the Greystanes recount- Glen Richardson (the original declared third elected councillor) was never given an actual reason for the recount. I feel that Glen should have been allowed to make arguments against this decision for a recount.

I have heard that the original reason given for the recount was that there was a sudden change to the data entry starting time without scrutineers being present. As Scrutineer for many candidates including Greg Cummings, I witnessed 3 scrutineers representing Ross Grove looking very closely at the Greystanes data entry process over two days. I did not scrutineer this ward as I was more interested in the Granville and Regents Park Wards that was occurring at the same time.

It is my argument that the Grove scrutineers had ample opportunity to scrutineer the ballot papers and that the original count should have stood. It is also my view that the same random ballot papers that were used in the first count should have been the same ones used in the recount allowing for consistency of ballot papers.

### **SATL Processes.**

There were a number of glaring areas in the recount in SATL ballot papers that were allocated to candidates. In particular the Postal vote from the NSW electoral commission office at Auburn had 5 ballot papers incorrectly allocated to Group D that should have been in Group A Labor.

I cannot understand why this process was not found at Auburn or in the initial stage of checking SATL at Riverwood.

As I am not sure of the process, I would recommend Senior electoral staff be given the task of overseeing this process above pink and orange Jacket staff to ensure accuracy of the count.

### **Greystanes Recount**

My observation of the Greystanes Ward Recount is as follows.

I observe that there were 5 votes from Postal Votes that were incorrectly allocated in the Group D pile (SATL) that were actually Group A votes.

I am aware that a similar event occurred at Sherwood Grange Public School where there was incorrect allocation of votes that was in the Group D (SATL) that should have been in the Group A and Group C as SATL. I believe the breakup was 6 to Group C and 5 to Group A. I might be wrong with the actual change of vote stats for this change. I am also aware of a ballot paper be entered as a Blank that had been change on the system to a first preference to Group A on Monday

There were some other change votes that increased the Group A's vote. I know of Group A vote that was made into an informal vote. I recognise the possibility that in all likelihood the possibility of more votes being moved away from Group A and this would impact on the final calculation.

Looking at the final votes in the second recount compared to the first count- Labor in Group A 7913 in the first count and 7916 in the second count. Greg Cummings below the line vote was 606 in the first count compared to 609 in the second count. On a very rough calculation there appears to be about 10 votes that were incorrectly allocated from group A to other groups or they were informal.

Group B increased its vote by 3 to 1374. Group C increased its vote from 3137 to 3153 (16), increasing the BTL vote by 1 to 385. Group D went from 4835 (ATL) to 4816, a reduction of 20 votes. The BTL vote for Ross Grove increased by 1 vote to 397. I think this sounds right.

On Monday there was no feeling by Labor scrutineers of a major vote change involving an increase of 17 votes to Eddy Sarkis. Is the reason for this vote change related to random selection of ballot papers?

It is my view that no one actually knows the correct result in Greystanes Ward. Little regard is taken into account of voter's intention that determines the result. The accuracy of the result has to be carefully considered. How many ballot papers were not part of the random draw of ballot papers for the recount result on Monday 18th September?

I recall in the 1980s at Bankstown Council, the town clerk and his staff would count all the ballot papers by polling place before consolidating them into candidate's votes. They would calculate the total vote of each candidate before setting the quota. After this they would randomly select ballot papers of candidates achieving surplus and allocating to the second preference. Many tricks were done to influence the third candidate election by sorting the various votes into order and the Town Clerk finding the right ballot papers to influence the result.

Clearly this voting system has to change before the next council election.

I sought the opinion of ABC election analyst Antony Green without doubt the elections guru in Australia about this system of voting by email. He indicated to me that "it is ridiculous that random sampling is used and that computers have been brought into the process to ensure the accuracy of the sample rather than the accuracy of the count."

Antony has indicated that random sampling fails one key test of an electoral system, that a result should be reproducible. Tasmania has been used the same counting system as NSW since 1909 without random sampling. It is good that the Parliament is finally looking into this issue. Random sampling fails one key test of an electoral system, that a result should be reproducible. Tasmania has been used the same counting system as NSW since 1909 without random sampling. It is good that the Parliament is finally looking into this issue.

Antony suggests that Vanessa Teague, has the expertise in this area, re-ran several of the close counts numerous times using different random samples and estimated the probabilities of different candidates winning. I would suggest that this Parliamentary Inquiry contact her to find a viable model using the Greystanes Ward recount in the process. I include my email to Antony and his response as part of the evidence.

Yours sincerely

Maurice Campbell

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