

**Submission  
No 6**

## **ADMINISTRATION OF THE 2019 NSW STATE ELECTION**

**Name:** Mr Nick Casmirri

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SUBMISSION – 2019 NSW ELECTION INQUIRY  
Nick Casmirri

For the consideration of the committee I would like to make the following brief comments on three issues relating to the recent state election and electoral legislation.

**1. Incorrect instructions to voters**

When I went to vote at this election the polling official handing me my ballot papers told me to 'number 1 box' on the lower house ballot paper. This is of course not strictly correct, and I corrected him saying, 'at least one box'. As I was voting I overheard the official's instructions to the next voters, whom he advised they could number 1 box, or more than 1 box. This latter advice is more correct. I don't know what the NSWEC training advises polling officials to say to voters, but it appears this may be a common oversight which might inadvertently be discouraging voters from allocating preferences when they might otherwise have chosen to.

In my view NSWEC should review its training of polling staff to ensure they are providing more precise instructions to voters at this crucial point where ballot papers are issued. These instructions need to cover the fact that further preferences are an option, and the importance of using correct wording and not mistakenly omitting the further preferencing option needs to be reinforced with staff.

**2. Names for unendorsed groups on Legislative Council ballot**

Currently a group of candidates for the Legislative Council (and also local government elections) which isn't endorsed by a registered political party will simply be identified by a letter adjoining its above-the-line group voting square. This can put groups of independent candidates at a significant disadvantage since it's not as easy for voters to locate their group on the ballot paper. One effect of this, which has perhaps been more apparent at the federal level, is that it arguably encourages independents to try to register their own parties simply to get a name above-the-line on the ballot paper. There's also some reason to believe it confuses voters. High profile independents running at the head of a group have repeatedly attracted very high rates of below-the-line first preference votes compared with above-the-line votes for their group, presumably because voters are looking for their names but may not understand they can use the above-the-line square to vote for them and the rest of their group. Examples include Pauline Hanson and John Hatton in 2011, Jeremy Buckingham in 2019, and at the recent federal Senate election Anthony Pesec in the ACT, Craig Garland in Tasmania, and Hetty Johnston in Queensland.

I would like to propose that, to provide more fairness for independent groups, and to make it easier for voters to find such groups on the ballot papers, the legislation be amended to provide an option for unendorsed groups to choose to have their lead candidate's name printed next to their above-the-line group voting square. For example, at the last election, Group G on the ballot paper could've been named the 'Chris Osborne Group', Group L 'Jeremy Buckingham Group', and Group S 'James Jansson Group'. The same provision could be applied for local government elections.

**3. Shortening the party registration deadline**

Currently NSW requires new political parties to be registered for 12 months before being eligible to nominate candidates for a state or local government election. Given the time required by the NSWEC to process applications, this effectively means the cut-off to apply to register a new party in NSW falls 15-16 months before an election. This means for example that the cut-off date to apply to register a party to contest next year's local government elections came and went several months ago, when very few people would've yet turned their minds to these elections. This time period is far in excess of any other Australian jurisdiction. This is a very significant barrier to new entrants and protection of the established parties from new competition. A lot can happen in politics in 12-16 months, and we know political organising activity and interest in elections is going to be higher closer to an election than 12-16 months prior.

Other aspects of NSW's party registration regime also present significant barriers to many new and small parties. Many federally registered parties have for example struggled to manage the 750 hard-copy signatures requirement to register as a state party in NSW. However, despite the fact that what I would consider some 'legitimate' small parties have found this obligation too difficult to meet, I do think it has been an acceptable and effective brake on frivolous or mischievous party registrations.

This stricter regime was an understandable and necessary response to the farcical situation in 1999, however I think the 750 hard-copy signed forms requirement is the most effective element, and I think the lengthy registration deadline is unnecessarily excessive. I think the deadline should be reduced from 12 to 3 months, to give a fairer opportunity for new parties to emerge and organise in the year before state and local elections. Newly-organised parties with a genuine supporter base who can meet the signed forms requirement shouldn't be locked out for such a lengthy lead-in period. Even with a 3 month deadline, it is likely registration applications will need to be lodged at least 6-7 months out, but this seems a reasonable period and a vast improvement on the arguably anti-democratic current 15-16 month application cut-off period.