

**Submission
No 23**

ADMINISTRATION OF THE 2019 NSW STATE ELECTION

Organisation: Country Labor

Date Received: 16 October 2019

Joint Standing Committee on Electoral Matters

Inquiry into the 2019 State Election

Submissions by Country Labor

16 October 2019

Mr Lee Evans MP
Chair
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
SYDNEY NSW 2000

**Country Labor Submission to the Joint Standing Committee on Electoral Matters
Inquiry into the 2019 NSW State Election**

Dear Mr Lee Evans,

On behalf of Country Labor members, thank you for your invitation to contribute to the inquiry into the administration of the 2019 NSW State Election.

Country Labor makes these recommendations to improve the conduct of elections for rural and regional people.

These recommendations are identified through the experiences of the Party Office, Members of Parliament, candidates and country members.

These recommendations relate to the following:

1. Complaint process and resolutions
2. Early voting
3. Election funding, expenditure and donations

Lastly, we would like to again thank the NSW Electoral Commission for their on-going work to securing a voice for rural and regional NSW. We look forward to working with you on future elections.

Yours Sincerely,

Country Labor

1. ELECTION CAMPAIGN

1.1 Complaint Process and resolutions

The process of resolving complaints on a range of electoral material and directives of NSW Electoral Commission staff require a simple lodgement of complaints to the NSW Electoral Commission.

The nature of the complaints and the time sensitivity meant that while a number of complaints received were acknowledged, many were not resolved by the conclusion of the election.

Country Labor lodged a total of fifteen complaints on a range of issues, not all complaints received a response from the NSW Electoral Commission.

Country Labor lodged complaints to the NSW Electoral Commission on 22 March 2019 in relation to the electoral districts of Monaro and Tweed. These complaints related to electoral material that was improperly authorised. These complaints were not acknowledged prior to the election day.

It is clear that the NSW Electoral Commission cannot investigate nor enforce the Electoral Act 2017 (NSW) to have a meaningful impact on electoral outcomes.

Recommendation: *Country Labor recommends that the NSW Electoral Commission be properly resourced to investigate and remedy breaches of the Electoral Act 2017 (NSW). Urgent matters should be dealt with prior to the election date and through staff on the ground in electoral districts.*

2. EARLY VOTING

2.1 Early Voting

At the 2019 state general election the proportion of early voting exceeded historic precedent. The increase exposed a number of deficiencies of early voting centres that made it more onerous for electors.

The two main concerns of Country Labor relate to the electronic mark off used by NSW Electoral Commission staff and the administering of ballot papers.

Early voting centres experienced significant breakdowns in the computer system. When this occurred NSW Electoral Commission staff were unable to administer ballot papers resulting in either delays, confusion or people being turned away from early voting centres.

This is of particular concern for people in rural areas as many travelled long distances to vote early, and would have been inconvenienced by these delays.

This was experienced (but not limited to) people in the electoral district of Barwon. Computer failures at the Narrabri voting centre meant that staff wrote people's names down as they voted, with the intention of checking them off on the electronic mark off later in the day.

This method raises further concerns of transparency and security of electoral information. These computer failures continued throughout the two weeks of early voting.

In other electoral districts, particularly in regional areas, early voting centres were provided insufficient ballot papers to keep up with turnout. This resulted in many people being turned away from early voting centres. This was experienced at the Taree voting centre during the first week of early voting.

In the electoral division of Cessnock, the Branxton Hall voting centre ran out of ballots at around 5pm on election day. [REDACTED]

[REDACTED] While this incident placed no bearing on the result, its impact would have been considerable if Cessnock were a more marginal electoral district.

Recommendation: Country Labor recommends that the NSW Electoral Commission invest in an alternative system such as a backup paper list and the printing of ballot papers at early voting centres, to assure that voting is made accessible where and when voter choose to cast their vote.

2.2 Early Voting locations

Country Labor acknowledges that early voting centres reflect the changing needs, and voting habits of voters.

In the electoral district of Upper Hunter, the Singleton early voting centre was in a location that excluded campaigning close proximity of the centre. This was done on the express request of the landlord of the Early Voting Centre. The choice of the location of early voting centres should take into consideration access for appropriate campaigning.

In the electoral district of Goulburn, two declared institutions in Boorowa were not on the final registered list of institutions provided to political parties. These declared institutions were registered in previous state elections.

This was not rectified by the NSW Electoral Commission and may have disenfranchised some elderly voters in the electoral district.

Recommendation: Country Labor recommends that early voting centres reflect previous voting habits with a view to ease of access and the safety of campaigners, candidates and electoral staff.

3. ELECTION FUNDING AND EXPENDITURE

New South Wales has the strictest and most comprehensive electoral expenditure and disclosure laws in the country. Our history of setting the standard for electoral funding dates back to 1981 and the introduction of public funding by Labor Premier Neville Wran.

3.1 Reforms of Administrative Funding

Currently a two-tiered system exists in relation to administrative funding for political parties. There is a system for those parties with up to 22 elected members of parliament and a separate set for those with greater than 22 elected members. The current system means that larger parties face a disadvantage when it comes to Administrative funding. The marginal cost of the 23rd elected member of a political party is roughly the same as the marginal cost of the 21st elected member. There is no substantial cost that diminishes once a political party has greater than 22 elected members. Additionally, the complexity of administration does not diminish once political party has greater than 22 elected members. The number is arbitrary, and based on no real-world evidence.

Country Labor recommends the amendment of section 87 (3) (D) of the Electoral Funding Act 2018 to read “\$187,500 if there are more than 3 elected members endorsed by the party plus \$30,000 for each such member in excess of 3.

Recommendation: Country Labor recommends an amendment to the Electoral Funding Act 2018 - Sect 87 (3) (d) to read “(d)\$187,500 if there are more than 3 elected members endorsed by the party plus \$30,000 for each such member in excess of 3.”