

**Submission
No 19**

**ADMINISTRATION OF THE 2023 NSW STATE ELECTION AND OTHER
MATTERS**

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Partially
Confidential

SUBMISSION TO STATE PARLIAMENT 16 FEB 2024
COMPLAINT ABOUT NSW ELECTORAL COMMISSION MISBEHAVIOUR IN PITTWATER ELECTORATE
FROM DR JONATHAN KING, MEDIA CAMPAIGN MANAGER FOR INDEPENDENT CANDIDATE JACQUI SCRUBY
28 & 27 March 2023

Thanks for invitation to submit complaints about NSW Electoral Commission's bad behaviour/foul play in the election for Pittwater.

Main complaint

1. Even though these government officials are meant to be neutral, NSW Electoral Commission distorted the results as they helped Liberals win by repeatedly asking voters to only mark one box which the Libs wanted (and so by implication not to give the preferences to Independent, that Jacqui Scruby depended on from Greens, ALP).
2. Yet this is an optional preferential voting system – designed to receive preferences and maximize democracy by harvesting all preferences of all voters in their preferred order.
3. EC staff instructions contradicted the instructions on ballot paper which told voters they could choose to mark more boxes,(picture attached)
4. NSW EC had also approved a misleading sign (attached) in black and white (not Lib colours) installed by Libs pretending to be NSW EC advice headed "IMPORTANT" You can just vote 1" (in a box).
5. [REDACTED], tried desperately to remove Independents poster asking people not to waste their vote but to number every box ([REDACTED] who seemed biased towards Liberal did not want this Independent poster displayed because it opposed the EC's orders to voters to only number one box and contradicted [REDACTED]'s preferred Liberal poster : "IMPORTANT: You can just vote 1.)

Source:

This expose is based on personal experience and interviews with/evidence submitted by more than ten volunteers who names are below, from different booths, all of whom were also instructed by NSW Electoral Commission staff to only number one box (and therefore don't bother about preferences).

Jonathan King's Experience.

First incident: NSW EC [REDACTED], Manager, [REDACTED] on Saturday 25 March (photo attached) asked Jonathan (who was handing out HTV) and [REDACTED] t(who was visiting to install signs) to remove our Independent's sign 'Don't Risk a Wasted Vote: Number Every Box' claiming it was illegal.

When [REDACTED] and Jonathan resisted explaining it was just as legal as the Libs sign in black and white (cleverly pretending to be a NSW EC sign) saying "IMPORTANT: You only have to number one box" [REDACTED] said [REDACTED] was happy with the Libs sign but still did not want our sign. So [REDACTED] phoned [REDACTED] HQ to get higher authority to remove it (pictured) but they must have allowed our sign so [REDACTED] gave up and retreated into the building

Second incident:

When I collected my ballot papers from NSW EC [REDACTED] staffer [REDACTED] at 1.50pm Sat 25 March (picture attached at desk) [REDACTED] said, "You only have to number one box".

When I asked [REDACTED] who told [REDACTED] to instruct me when giving me my ballot papers to only number one box (and therefore not to bother with preferences in this optional preferential voting system) [REDACTED] replied "We were all taught to tell voters only to mark one box in our Training".

Outraged I asked [REDACTED] Supervisor, [REDACTED] who confirmed that instruction was taught to all the staff in Training and [REDACTED] then asked me not to complain nor upset [REDACTED] because [REDACTED] was too young to understand. So I demanded to see EC manager [REDACTED] and with help of our booth captain [REDACTED] -confirmed that [REDACTED] had told [REDACTED] staff to advise voters only to number one box; then [REDACTED] and I said that was helping the Libs whose "IMPORTANT" signs also advised that and we explained ballot papers advised voters they could give preferences (see picture attached)

So [REDACTED] backed down and we forced [REDACTED] to tell staff not to say "only number one box" but to say from then on "follow instructions on ballot paper".

Sadly damage had been done and EC had been helping Libs up to 2pm in [REDACTED] and it later turned out the EC were helping Libs at other Pittwater booths – and beyond.

Further Incidents

Distressed campaign volunteers came forward after Jonathan King reported on Sky Blue Mackellar the biased behaviour. After handing out HTV asking voters to number every box, [REDACTED] reported [REDACTED] "felt sick as [REDACTED] stomach dropped down into a pit" when told by EC staff to only number one box. The list of volunteers below reported that they were also told only to fill in one box, or somebody they knew was told that by EC staff

[REDACTED]

Other incidents:

[REDACTED] reported [REDACTED] kept shouting out at [REDACTED] "Just number one box – it's the Law"
[REDACTED] (reported the same EC instruction at [REDACTED])

Follow Up Action

Impact: other Volunteers who want action include those above, and also :

[REDACTED] and/or [REDACTED] texted on SBM "with such a close election this obvious bias from the EC workers could have completely changed the outcome"

[REDACTED]

Conclusion:

In the end corrupted Electoral Commission won the election for Liberals (who had no promised preferences) and working together EC and Libs defeated Independent Jacqui Scruby (who had most of the preferences promised to her by ALP and Greens) by sabotaging those preferences and undermining the optional preference system itself.

The Libs may have influenced, infiltrated the Commission or at least tricked them into helping with their misleading fake Commission style sign saying "IMPORTANT" You can just vote 1".

Recommendations:

I recommend our campaign leaders seek legal advice and lodge a protest to the appropriate institution asap and request a byelection in which EC are ordered not to bias the result by ordering voters to just mark one box and so help the Libs.

Bottom line we have a duty of care to report this miscarriage of justice to higher authority.

Dr Jonathan King

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[REDACTED]