

**Submission
No 14**

INQUIRY INTO CONDUCT OF ELECTIONS IN NEW SOUTH WALES

Organisation: NSW Electoral Commission

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The conduct of elections under COVID-19 conditions in NSW

NSW Electoral Commission
submission to the
Select Committee

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Contents

Background	6
Executive summary	7
Part One – the Electoral Commissioner and the NSW Electoral Commission	8
Introduction	8
Roles and structure	8
Role – the Electoral Commissioner	8
Role – the NSW Electoral Commission	8
Role – the NSW Electoral Commission staff agency	8
Structure	9
The current event-based funding model for the NSW Electoral Commission	9
Part Two – COVID-19 measures for the LGE2021 and State and local government by-elections	11
Introduction	11
LGE2021 – 4 December 2021	11
Background	11
LGE2021 COVID-19 measures	11
Amendments to the Local Government Act and the Local Government (General) Regulation	12
COVID-19 safety measures implemented by the Electoral Commissioner	13
COVID-19 provisions for election staff	15
Rationale for additional COVID-19 safety measures	15
The impact of high rainfall and flooding across New South Wales	16
Compliance with the Commissioner’s COVID-19 Directions	17
State by-elections – 12 February 2022	18
Background	18
Amendments to the Electoral Act and the <i>Electoral Regulation 2018</i>	18
COVID-19 safety measures implemented by the Electoral Commissioner at the February 2022 State by-elections	19
Voting Options	19
Comparative data – State by-elections	20
Elector turnout and informality rate	20
Bega State by-election 12 February 2022	21
Monaro State by-election 12 February 2022	22
Strathfield State by-election 12 February 2022	23
Willoughby State by-election 12 February 2022	24
Local government by-elections – 26 February 2022	24
Background	24

COVID-19 safety measures in place	25
Voting Options	25
Comparative data – local government by-elections	25
Cobar local government by-election 26 February 2022	26
Tenterfield C Ward local government by-election 26 February 2022	26
Part Three – The regulation of postal voting in the February 2022 State and local government by-elections	28
Introduction	28
Expansion of postal vote eligibility for the February 2022 State by-elections	28
Rationale for the extension of postal vote eligibility	28
Expansion of postal vote eligibility for the February 2022 local government by-elections	29
Rationale for the extension of postal vote eligibility	29
Postal vote election integrity processes at the February 2022 State and local government by-elections	29
Postal vote ballot paper design and handling	29
Scrutiny of postal ballots	30
Postal vote results overview	30
i. Electoral District of Bega	30
ii. Electoral District of Monaro	31
iii. Electoral District of Strathfield	32
iv. Electoral District of Willoughby	33
v. Cobar Shire	33
vi. Tenterfield Shire – Ward C	34
Costs of postal voting	35
Part Four – Communications, advertising and voter awareness	37
Introduction	37
Integrated communications strategy	37
Communications campaign for 2021 NSW Local Government elections	37
Communications campaign approach	37
Communications channels	38
Voter awareness campaign	39
Campaign approach	39
Voter awareness campaign results	40
COVID-19 safety campaign	40
COVID safety campaign results	41
Enrolment reminders	41
Election reminders	41
Target audiences	41
Identify, mitigate, and eliminate barriers to participation	41

Advertising for culturally and linguistically diverse communities for LGE2021	42
In-language campaign activity	43
People living with disability	45
Videos	45
Easy-read guide	45
Auslan interpreters	45
Stakeholder communications kit	45
Communications campaigns – February 2022 State and local government by-elections	46
CALD communications	48
Other measures to support CALD electors for the 2022 state and local government by-elections	48
Postal voting packs	49
Comments about translated postal voting information at the State by-elections	49
Determination of languages for translations	51
Funding for expanded CALD engagement	51
SGE2023 CALD engagement	51
Comparison with other electoral jurisdictions	51
Part Five – the use and future of iVote	52
Introduction	52
Background – the use of iVote at the LGE2021	52
iVote Summary Data – LGE 2021	52
iVote applications by day	52
iVote eligibility criteria breakdown	53
Preparation for LGE2021 – iVote volumes and testing	53
Pre-election testing	54
Actual volumes experienced	54
The use of iVote on election day and systems issues	54
Overview	54
Cause of service interruption on election day	55
Analysis of electors who registered for iVote on election day but did not receive their credentials (iVote number) to vote using iVote	55
Alternate voting channels used	55
Nomination of iVote criteria	56
Findings from the materiality assessment	57
Supreme Court proceedings concerning iVote and the LGE2021	57
Act of Grace payments for participants in the affected elections	58
Determination not to use iVote at 2023 NSW State election	59
Alternative arrangements for voters who are blind or have low vision	59
Targeted review of iVote	59
Appendices	60

Appendix A – Elector brochure February State by-elections	60
Appendix B – Content translated into Community languages for February State by-elections	61
Appendix C – Revised elector brochure format for July 2022 Local government elections with additional in-language information	63

Background

On 11 May 2022 the Legislative Council established a select committee to inquire into and report on the conduct of elections under COVID-19 conditions by the NSW Electoral Commissioner, including the local government elections held on 4 December 2021 and the four New South Wales by-elections held on 12 February 2022, with particular reference to the appropriateness of similar settings in a general election, including:

- the COVID-19 restrictions that were in place for the conduct of these elections and any implications that had for the conduct of the elections,
- the issuing of postal votes in both elections to all registered voters in the four New South Wales by-elections and the rationale for doing so, the administrative arrangements and processes employed to support this, and any implications for the conduct of the elections,
- the adequacy or otherwise of material alerting voters to the upcoming by-elections and explanatory information provided in languages other than English,
- the use of the iVote system in the local government elections, the performance of that system and its implications, and future arrangements for use of the iVote system, including the possibility of a replacement software system, and
- any other related matter.

Executive summary

The NSW Electoral Commission welcomes the opportunity to provide a submission to the Select Committee Inquiry into the conduct of elections under COVID-19 conditions administered by the NSW Electoral Commissioner, including the local government elections held on 4 December 2021 and the four New South Wales state by-elections held on 12 February 2022.

This submission is structured as follows:

- [Part One](#) provides a brief overview of the NSW Electoral Commission.
 - [Part Two](#) provides information on the elections and details the COVID-19 restrictions that were in place for the conduct of the LGE2021 and State and local government by-elections.
 - [Part Three](#) provides information on the issuing of postal votes to all registered voters in the February 2022 State and local government by-elections.
 - [Part Four](#) examines the material alerting voters to the upcoming by-elections and explanatory information provided in languages other than English.
 - [Part Five](#) provides information on the use of the iVote system in the local government elections and possible future arrangements for use of technology assisted voting.
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Part One – the Electoral Commissioner and the NSW Electoral Commission

Introduction

Part One of this submission briefly outlines the statutory and budgetary frameworks within which the NSW Electoral Commission operates.

Roles and structure

Role – the Electoral Commissioner

The Electoral Commissioner for New South Wales is a statutory office-holder under the [Electoral Act 2017](#).¹ Pursuant to the Electoral Act, the *Local Government Act 1993*, and other NSW legislation,² the Electoral Commissioner has the function of registering political parties; conducting elections (when engaged to do so); and maintaining the electoral roll for New South Wales.

Role – the NSW Electoral Commission

The NSW Electoral Commission is constituted as a three-member statutory body under the Electoral Act. The Electoral Commissioner is an ex officio member of the NSW Electoral Commission, which is led by a Chairperson, who must be a former judge.³

Under the [Electoral Funding Act 2018](#), the Electoral Commission has the functions of administering the election funding, expenditure, and disclosure scheme under that Act, including registering electoral participants for the purposes of that scheme. It also enforces breaches of electoral legislation in relation to both funding and the conduct of elections, including elections held under the *Local Government Act*. Under the *Lobbying of Government Officials Act 2011*, the Electoral Commission has the function of maintaining the Register of Third-Party Lobbyists and Lobbyists Watch List and the enforcement of obligations relating to lobbying.

In the exercise of their functions, neither the NSW Electoral Commission nor the Electoral Commissioner are subject to the direction of any Minister administering NSW electoral legislation. This independence from executive government is set out in sections 10(4) and 12(4) of the Electoral Act respectively.

Role – the NSW Electoral Commission staff agency

Both the NSW Electoral Commission and the Electoral Commissioner are supported in the exercise of their distinct, but complementary, statutory functions by a public service staff agency which is also known as the Electoral Commission, established as a separate agency under Part 3 of Schedule 1 to the *Government Sector Employment Act 2013 (GSE Act)*.

¹ See Part 2 Division 2 of the *Electoral Act 2017*.

² For example, the *Industrial Relations Act 1996* and the *Registered Clubs Act 1976*.

³ The third member of the NSW Electoral Commission must be a person appointed by the Governor who has financial or audit skills and qualifications relevant to the functions of the Commission: s 9(1)(c) of the Electoral Act.

The staff agency is headed by the Electoral Commissioner, who exercises the employer functions of the Government under the GSE Act. The members of the NSW Electoral Commission have delegated their functions as the accountable authority under the *Government Sector Finance Act 2018* to the Electoral Commissioner to support the day-to-day management of the staff agency.⁴

This submission is made by the Electoral Commissioner in his capacity as head of the staff agency and the person responsible for the NSW Electoral Commission's day-to-day management.

Structure

The NSW Electoral Commission's staff work across four Divisions: Corporate; Elections; Funding, Disclosure and Compliance and General Counsel; and Information Services. The NSW Electoral Commission staff agency supports the NSW Electoral Commission and the Electoral Commissioner to:

- Conduct, regulate and report on elections.
- Conduct elections for local government councils who engage the Electoral Commission's services.⁵
- Investigate possible offences against and enforce breaches of electoral, funding and disclosure, and lobbying laws.
- Administer electoral funding legislation, including maintaining a scheme of public funding.
- Publish political donation and expenditure disclosures and registers of political parties, candidates' agents, third-party campaigners and third-party lobbyists.
- Conduct elections for registered clubs, statutory boards, the NSW Aboriginal Land Council and state registered industrial organisations on a not for profit, cost recovery basis.
- Prepare and maintain the NSW electoral roll, in conjunction with the Australian Electoral Commission (**AEC**).
- Contribute to public understanding and awareness of elections and electoral matters to make it easier for people to understand and participate in the democratic process
- Report to the Ministers administering NSW electoral legislation and the Parliament's Joint Standing Committee on Electoral Matters (**JSCEM**) on the NSW Electoral Commission's activities.

In the rest of this submission, references to the *NSW Electoral Commission* should be taken to include the statutory body, the Electoral Commissioner and the staff agency as is appropriate in the context.

The current event-based funding model for the NSW Electoral Commission

The NSW Electoral Commission historically has been funded as if the costs of delivering major election events are incurred only in the year of an event, which is out of step with the agency's regulatory and educational responsibilities, as well as with the need for ongoing logistics and other technical expertise to plan for major event and regulatory operations. The lack of investment 'between events' has also prevented the NSW Electoral Commission from meeting in full NSW public sector governance and other policy standards, as well as creating major challenges for the agency in managing its workplace safety obligations.

⁴ Section 2.5(1)(d) of the *Government Sector Finance Act 2018* provides that the NSW Electoral Commission is a separate agency for the purposes of that Act.

⁵ Pursuant to election arrangements under s 296 of the *Local Government Act 1993*.

Recently, however, the Premier has announced that a new funding model for the NSW Electoral Commission and other independent integrity agencies will be implemented in the 2023 Budget (after the March State general election).⁶ The NSW Electoral Commission supports in principle the proposed new model, as it appears it will deliver greater levels of transparency and sustainable investment in the administration of NSW electoral systems. We look forward to working with the NSW Parliament and the NSW Government to develop a more sustainable and appropriate funding regime going forward; and new budget processes that are designed to strengthen the integrity of public administration.

⁶ See, e.g., Further Government response to a report of the Public Accountability Committee, www.parliament.nsw.gov.au/tp/files/82027/Government%20response.pdf

Part Two – COVID-19 measures for the LGE2021 and State and local government by-elections

Introduction

Part Two of this submission addresses those changes implemented by the NSW Electoral Commission to safely conduct elections during the COVID-19 pandemic, both those provided for by legislative changes and others considered necessary and appropriate having regard to the health and safety of staff, electoral participants and the general public. It also examines in detail the results arising from different types of by-election voting methods and compares the overall results with those of previous elections for the same electoral districts or local government areas.

LGE2021 – 4 December 2021

Background

As section 287(1) of the *Local Government Act 1993* provides that local government ordinary elections are to be held in New South Wales on the second Saturday in September every four years, ordinary elections originally were scheduled to be conducted on Saturday, 12 September 2020. However, in response to the COVID-19 pandemic, the then-Minister for Local Government announced the postponement of the local government elections (**LGE2021**), first to 4 September 2021 and subsequently to **Saturday 4 December 2021**.

Pursuant to election arrangements entered into with councils under section 296 of the *Local Government Act*, the NSW Electoral Commission conducted elections for 122 of the state's 128 local councils.⁷ Ultimately, the Bourke, Cobar and Narromine Shire Council elections were uncontested.

As required by section 393AA of the *Local Government (General) Regulation 2021*, the Electoral Commissioner's report on the conduct of the election to the Minister for Local Government is available on the NSW Electoral Commission's website.⁸

LGE2021 COVID-19 measures

The preparation and delivery of an election with consideration of, and adherence to, COVID-19 safety measures required a high level of coordination and planning. At that time, these elections were the largest public participation event held in Australia since the beginning of the pandemic.

Conducting an election is a considerable logistical exercise; COVID-19-safety measures added considerably to the challenges. Items procured and transported to venues across New South Wales for the LGE2021 included 4,087,052 single-use pens, 4,570,452 face masks, 2,532 COVID personal protective equipment (PPE) kits and 27,761 litres of hand sanitiser.

⁷ Fairfield City and Penrith City Councils engaged a commercial election service provider; Balranald Shire, Central Coast, Central Darling Shire and Wingecarribee Shire Councils were under administration and therefore did not hold an election.

⁸ <https://www.elections.nsw.gov.au/About-us/Reports/Election-reports>

Central to its preparedness, the NSW Electoral Commission developed a *COVID-19 Safety Plan for Elections*, which included a range of policy and operational measures to protect staff, voters and other election participants. The Safety Plan was supplemented by a range of educational and other awareness-raising material to manage the risks of COVID-19.

To ensure that the NSW Electoral Commission had access to relevant information and resources to develop the Safety Plan, a working group was established to facilitate close collaboration and coordination across key government agencies. Members of the working group included NSW Electoral Commission officers and representatives from the following NSW Government agencies:

- NSW Health;
- Department of Premier and Cabinet;
- NSW Police;
- Office of Local Government NSW;
- NSW Department of Customer Service; and
- NSW Department of Education.

Representatives from the councils that had not engaged the NSW Electoral Commission to run their elections, namely the City of Fairfield and Penrith City Council, also attended.

Amendments to the Local Government Act and the Local Government (General) Regulation

In May 2021, the *Local Government Amendment Act 2021* amended the Local Government Act to allow the time in which a postal vote may be received to be prescribed by the Regulations. In July 2021, the *Local Government (General) Amendment Regulation 2021* amended the Local Government (General) Regulation in preparation for the 2021 local government elections. The key changes included:

- The time by which a postal vote may be received was prescribed as 6pm on the thirteenth day following the election day. This reflects postal voting arrangements for federal elections. The Local Government Act previously required a postal vote to be returned by the first business day after the election.⁹
- Technology assisted voting, i.e., iVote, was permitted at local government elections administered by the NSW Electoral Commissioner.
- Special measures to mitigate COVID-19-related risks, including -
 - allowing all electors to vote before election day at a pre-poll venue;
 - expanding eligibility for postal voting to electors who were self-isolating or electors who believed that attending a venue on election day would pose a risk to health and safety; and
 - empowering the election manager to make directions about scrutineering, the display of posters and the handing out of electoral material.

⁹ Postal vote applications opened on 26 October 2021, and postal votes were accepted up until 6pm on 17 December 2021.

In November 2021, the *Local Government Amendment (COVID-19 – Elections Special Provisions) Act 2021* enabled regulations to be made that would modify the application of the Act for the elections for the purposes of responding to the public health emergency caused by COVID-19.¹⁰ Such regulations could only be made if they were in accordance with advice issued by the Electoral Commissioner and were reasonable to protect the health, safety and welfare of persons from the risk of harm caused by the COVID-19 pandemic. Any regulations made were not permitted to enable an election to be conducted exclusively by means of postal voting, or exclusively by postal voting and internet voting. No regulations were ultimately made under this special regulation-making power.

COVID-19 safety measures implemented by the Electoral Commissioner

As noted above, the NSW Electoral Commission developed a COVID-19 Safety Plan which introduced measures to safeguard the health, safety and wellbeing of voters, election staff, and political participants. In addition to following these safety measures, the NSW Electoral Commission instructed people to refer to NSW Health advice. The COVID-19 Safety Plan was made available on the NSW Electoral Commission's website.¹¹

The following specific measures were introduced for the LGE2021:

- i. Campaigning guidelines for candidates were published in response to the COVID-19 pandemic. The guidelines were updated regularly during the election timeline to reflect the changing public health situation and NSW Health advice.
- ii. To be eligible to work in voting venues, counting places, and returning officers' offices, election officials had to be vaccinated for COVID-19 (except in cases of a medical contraindication) and wear a face mask when working.
- iii. Based on the assessment of risks arising from COVID-19, directions under the Local Government (General) Regulation were made by the NSW Electoral Commissioner about the display of posters and the handing out of electoral material near election venues. The directions made were:
 - a. Direction under s 356TB – Handing out electoral materials – arrangements for COVID-19 – prohibiting the handing out of electoral material in publicly owned or occupied areas within 100 metres of the entrance to a polling place.
 - b. Direction under s 356TA Posters – arrangements for COVID-19 pandemic – prohibiting the placement or adjustment of posters in publicly owned or occupied areas within 100 metres of the entrance to a polling place between 7am and 7pm on days that the polling place was open for voting.
 - c. Direction under s 337A(1)(a) – Special provisions about scrutineers for COVID-19 pandemic – procedures to be followed relating to the number of scrutineers in election venues and other safety conditions, such as being vaccinated.

Under the s 337A direction, the Electoral Commissioner directed that no scrutineers were permitted other than in accordance with a *COVID-19 Safety Protocol for Scrutineers* for the LGE2021, the key points of which are reproduced below:

- *The total number of scrutineers present in an election venue at any time will be limited by the NSW Electoral Commission to maintain a COVID-safe venue capacity of 1 person per 2 square metres.*
- *The number of scrutineers permitted at each venue will be limited to 1 per candidate and for those candidates that are part of a group, 1 scrutineer per group of candidates.*

¹⁰ See s 747C of the *Local Government Act 1993*.

¹¹ See <https://www.elections.nsw.gov.au/LGE2021-COVID19>

- *At most election venues, ungrouped candidates and groups can safely send one scrutineer without obtaining the NSW Electoral Commission's prior permission, subject to the usual requirements for appointing scrutineers. At some smaller election venues, however, the NSW Electoral Commission may notify candidates or groups that COVID-safe venue capacity could be exceeded by the attendance of one scrutineer each, and in those cases proposed scrutineers must first seek permission to attend by pre-registering their attendance.*
- *In the cases that pre-registration is required, candidates will be informed and pre-registration for a venue may be done by way of telephone to the Candidates Helpdesk on 1300 022 011 or by email to candidates@elections.nsw.gov.au.*
- *Permission for a pre-registered scrutineer to attend at a venue at the proposed time and date will be granted on a 'first come first served' basis.*
- *If a scrutineer's application to register to attend at a particular venue, where required, would mean the venue's COVID-safe capacity was exceeded, the NSW Electoral Commission may arrange for scrutiny by way of attendance at: – an alternative venue within the same local government area or ward; or – an alternative time at the same venue.*
- *Scrutineers must maintain a physical distance of 1.5m from any other person in attendance at an election venue at all times, which shall be maintained by way of:*
 - *Scrutineers refraining from shaking hands or attempting to do so;*
 - *Scrutineers only inspecting ballot papers when the relevant election official has stepped away to allow the scrutineer to step closer, and not returning until the scrutineer has again moved away 1.5m; and*
 - *Scrutineers being permitted reasonable use of their own devices within an election venue to assist them to see electoral officials undertake their voting or counting duties better where it is not practicable to stand only 1.5m away.*
- *Scrutineers must not attend any election venue if they have not been fully vaccinated for COVID-19 (or do not have a medical contraindication in the correct form from their doctor, using the NSW Health form).*
- *Scrutineers must show evidence to staff of the NSW Electoral Commission before they enter any election venue that they have had two doses of a COVID-19 vaccination (or have a medical contraindication in the correct form from their doctor, using the NSW Health form).*
- *Scrutineers must check in using the Service NSW QR Code or manually register if they do not have a smartphone, must wear a mask at all times in election venues, and comply with all hand hygiene directions from staff of the NSW Electoral Commission.*
- *Additional scrutineers beyond one per ungrouped candidate or group may be permitted, on a 'first come first served' basis, where the venue capacity of 1 person per 2 square metres would not be exceeded. Additional scrutineers may be directed to leave an election venue, however, at any time venue capacity may be exceeded.*
- *In attending an election venue, scrutineers acknowledge that they are visitors to NSW Electoral Commission workplaces and have responsibilities under work health and safety laws to take reasonable steps to reduce the risk of their actions causing harm to other persons on the premises, including Electoral Commission staff and other scrutineers. Each scrutineer also acknowledges that, pursuant to section 369(1A) of the Local Government Regulation 2021 [the Regulation], if they contravene the Electoral Commissioner's Direction under section 337A(1) of the Regulation, including not complying with any of the safety measures set out in this Protocol, an election official may instruct them to leave the election venue.*

The Electoral Commissioner's Directions and the Protocol were made publicly available on the NSW Electoral Commission website. Relevant information was also included in published FAQs, as well as candidate communications, which included candidate bulletins and webinars that were recorded and published on the NSW Electoral Commission website.

Declared facilities not available

Section 327(1) of the Local Government (General) Regulation provides that an election manager may, not later than on the nomination day, declare a hospital, nursing home, retirement village or similar facility in an area to be a 'declared institution' for the purpose of enabling permanent or temporary residents of the facility who are electors of the area to vote in person before election day.

In previous elections, election officials would visit declared institutions in the five days before an election day to allow residents to vote in person on site. However, as a COVID-19 safety measure, the NSW Electoral Commission did not provide in-person voting services at declared institutions for the 2021 local government elections. Rather, as part of the NSW Electoral Commission's commitment to ensuring that every eligible elector had the opportunity to vote, postal vote applications were provided to all registered declared institutions/facilities.

COVID-19 provisions for election staff

The following staffing measures were implemented for the LGE2021 in response to COVID-19:

- All election officials eventually were deemed to be essential workers under Public Health Orders made under the *Public Health Act 2010* and permitted to attend office locations during lockdown periods.
- Three additional staff members were appointed to every pre-poll venue and polling place. These staff were responsible for queue control, ensuring QR and manual check-in to venues, physical distancing, mask wearing, wiping surfaces, and hygiene within the venues.
- The table loading for the election was reduced from 450 to 300 electors per ordinary issuing officer per day. *Table loading* is the number of votes an ordinary vote issuing officer can be expected to issue in a day of operation.
- All staff were required to be vaccinated for COVID-19 (subject to any medical contraindication).
- All staff were required to wear a mask indoors and outdoors at all venues (subject to any medical contraindication).

Rationale for additional COVID-19 safety measures

As noted in the COVID-19 Safety Plan, the NSW Electoral Commission's overall aims in responding to COVID-19 and delivering an election were (not in order of importance) to:

- protect the health and safety of electors;
- protect the health and safety of candidates, scrutineers and other political participants;
- protect the health and safety of election workers;
- follow advice and directions of government authorities in reducing exposure to COVID-19; and
- minimise COVID-19 exposure risks by:
 - encouraging eligible electors to vote by post, or to use technology assisted voting (if available, such as telephone voting for electors who are blind or have low vision) or to vote early in person to reduce the number of people simultaneously attending voting venues on election day
 - abiding by venue capacity restrictions where applicable
 - requiring all eligible workers of the NSW Electoral Commission to be double vaccinated (except in cases of a medical contraindication), with booster vaccinations strongly encouraged
 - requiring the wearing of a face mask in election venues
 - requiring all persons attending election venues to check in and out, using Service NSW COVID Safe Check-in QR code wherever possible

- encouraging physical distancing (1.5m) wherever possible – implementing hygiene management measures
- directing persons to stay home if they display symptoms of COVID-19.

Specific measures at LGE2021 to achieve these aims were adopted based on criteria such as the following:

- i. the high likelihood of transmission, with the highly contagious Delta variant circulating in the community;
- ii. the very large numbers of interpersonal contacts that would occur during the course of the LGE2021;
- iii. the fact that such a large cohort of staff meant that some in attendance would be at increased risk of being infected, e.g., older people and those with underlying health issues;
- iv. the fact that some voters would not be vaccinated and might also choose to not comply with COVID-19-safe measures; and
- v. the potentially severe consequences if people became infected, i.e., serious illness and fatalities.

In addition to the specific COVID-19 related legislative changes, the NSW Electoral Commission and its officers had to comply with the primary duty of care to ensure the health and safety of workers while they are at work and others who may be affected by the carrying out of work, such as visitors. The *Work Health and Safety Act 2011* requires the NSW Electoral Commission as an employer to ensure workplace health and safety by eliminating hazards or, if that is not possible, to minimise risks as far as reasonably practicable.

The impact of high rainfall and flooding across New South Wales

It should also be noted that November 2021 was the wettest November for New South Wales (and Australia) since national records began in 1901. The heavy rains contributed to substantial flooding, particularly in inland New South Wales. This resulted in numerous flood watches and warnings over the two-week voting period and covered areas of the State from the Queensland border to the Victorian border.

This affected the conduct of some local government elections. There were 12 local government areas particularly affected, with local and major road closures limiting movement in and around some council areas. This resulted in some polling place closures and changes as a result of the flooding. Fortunately, the impact of this was localised, as set out below:

Area effected	Polling place	Impact
Forbes	Forbes Pre-Poll	Venue moved prior to pre-poll opening due to previous venue being used as Emergency Operations Centre
Muswellbrook	Denman Pre-poll	Pre-poll opening was delayed by an hour on one day due to staff having to wait for roads to be declared safe to travel on.
Narrabri	Wee Waa Pre-Poll	The town was isolated by floodwaters. Additional staff had to be recruited who resided within the levee banks. The venue was able to open for all days of pre-polling.
Narrabri	Pilliga Public School	Roads to venue were closed or unsuitable for travel. Venue was abolished prior to election day

Area effected	Polling place	Impact
Moree Plains	Boggabilla Central	Town evacuated due to flooding. Venue was abolished prior to Election Day.
Moree Plains	Toomelah Public School	Village evacuated due to flooding. Venue was abolished prior to Election Day.
Moree Plains	Moree East Public School	Venue was used as a flood evacuation centre. Polling was moved to the Shae Academy prior to Election Day.

Compliance with the Commissioner's COVID-19 Directions

During the LGE2021, five NSW Electoral Commission field teams (each comprised of two investigators) visited numerous pre-poll and election day venues throughout New South Wales. The teams were mainly based in the Sydney metropolitan area, and the Illawarra and Hunter regions. Two teams were sent to rural and regional areas including the Northern Rivers, Mid-North Coast and Central West.

Some pre-poll venues were attended numerous times as emerging issues were identified, including breaches of the Electoral Commissioner's COVID-19 Directions for posters and handing out electoral materials within 100 metres of a polling venue. However, while a number of isolated breaches were reported, only two local government areas were noted as experiencing ongoing issues with these arrangements. This resulted in written directions being issued to specific candidates within the Cumberland and Canterbury Bankstown local government areas.

To manage the new handing out and poster rules consistently across New South Wales, the NSW Electoral Commission's Investigation Team implemented a *Compliance Strategy – 100 Metre Rules*, which was based on the guiding principles of safety, fairness and practicality. Guidelines were also issued to assist polling place officials in establishing the boundaries around polling places and communicating these to candidate workers and volunteers, and to monitor compliance. In instances where polling place officials observed ongoing non-compliance, they were advised to escalate the matter to the staff from head office supporting the Candidate Help Desk to obtain further assistance. Local election officials were able to give directions to individuals who appeared to contravene the 100-metre rules.

Overall, compliance with the COVID-19 Directions was observed to be positive, noting candidates within some local government areas such as Dubbo and Sutherland agreed among themselves not to canvass for votes or display posters at polling places. Nonetheless, a number of candidates and their volunteers did express concerns regarding the scope and implementation of the Directions.

State by-elections – 12 February 2022

Background

Four State by-elections were required due to the resignation of members of the Legislative Assembly. These were for the electoral districts of Bega,¹² Monaro,¹³ Strathfield¹⁴ and Willoughby.¹⁵

The Writ for each of the by-elections was issued on Friday 21 January 2022 by the Speaker of the New South Wales Legislative Assembly, the Hon. Jonathan O’Dea MP, for by-elections to be held on Saturday, 12 February 2022. The results were declared by the Electoral Commissioner on Wednesday, 2 March 2022, eighteen days after the election, and within the range for declaration of the poll for previous State by-elections. The Writs were returned to the Speaker on 22 March 2022.

Amendments to the Electoral Act and the Electoral Regulation 2018

Following a recommendation from the Electoral Commissioner, the *Electoral Amendment (COVID-19) Act 2021* was passed and received Royal Assent on 21 November 2021. This Act inserted into Part 10 of the Electoral Act a new Division 3 – *By-elections during COVID-19 pandemic*. This Division provided that, for any State by election held between the date of assent and 30 June 2022:

1. all electors were eligible to apply for early voting [s 272(1) of the Electoral Act] and certain electors were eligible to apply to vote by post [s 272(2) of the Electoral Act];
2. electors eligible to apply under section 143 of the Electoral Act to postal vote was expanded to include were those who:
 - a. were self-isolating because of COVID-19 related reasons;
 - b. reasonably believed that attending a voting centre on election day would pose a risk to the health or safety of the person, or of another person, because of the COVID-19 pandemic; or
 - c. were a permanent or temporary resident in a hospital, nursing home, retirement village or similar facility; and
3. regulations may, in certain circumstances modify the application of the Electoral Act for the purpose of responding to the public health emergency caused by the COVID-19 pandemic.

Division 3 expressly prohibited the making of a regulation that would authorise the Electoral Commissioner to impose any restrictions on handing out how to vote material, displaying posters or scrutineering activities.

Subsequently, on 19 January 2022 Schedule 2 was inserted into the Electoral Regulation to provide that the Electoral Commissioner may, if satisfied it is necessary to comply with a Public Health Order, or to reduce the risk of infection from COVID-19, declare that electors of a specified electoral district are COVID-19 affected electors for a by-election to which this Schedule applies. The effect of this declaration was to enable a postal vote pack to be sent to all electors in the relevant district. The Electoral Commissioner declared the electoral districts of Bega, Monaro, Strathfield and Willoughby as being ‘COVID-19 affected’ and the NSW Electoral Commission sent postal voting packs to every voter enrolled in those districts.

Both Division 3 of Part 10 of the Act and Schedule 2 to the Regulation were automatically repealed on 30 June 2022.

¹² Due to the resignation from the Legislative Assembly of Hon A J Constance MP on 30 December 2021.

¹³ Due to the resignation from the Legislative Assembly of Hon G D Barilaro MP on 31 December 2021.

¹⁴ Due to the resignation from the Legislative Assembly of Ms J L McKay MP on 31 December 2021.

¹⁵ Due to the resignation from the Legislative Assembly of Hon G Berejiklian MP on 30 December 2021.

COVID-19 safety measures implemented by the Electoral Commissioner at the February 2022 State by-elections

The continued impact of the pandemic in January and February 2022 meant that the NSW Electoral Commission also needed to implement COVID-19 measures to safeguard the health, safety and wellbeing of voters, election staff, political participants and the general public at the February by-elections. A *COVID-19 Action Plan* for each State by-election was developed by the NSW Electoral Commission and reviewed by the NSW Department of Health. Key measures included:

- encouraging electors, election staff and political participants to check-in at voting and count centres using the Service NSW QR code
- encouraging electors to bring their own pens, or use the single-use pens provided at voting centres, to mark their ballot papers
- maintaining physical distancing at voting centres by managing elector numbers at these venues and ensuring there was sufficient space between voting screens and issuing tables
- employing additional election staff to assist in managing physical distancing and implement hygiene measures
- using voting screen inserts to allow for regular cleaning
- regularly cleaning surfaces, including voting screens and ballot paper issuing tables
- ensuring hand soap and/or hand sanitiser and paper towels were available in bathrooms
- providing hand sanitiser and other personal protection equipment for use by election staff, electors and political participants
- displaying public health messaging at voting centres
- implementing reporting procedures for suspected or confirmed cases of COVID-19.

Training modules developed for the LGE2021 covering COVID-19 infection control practices were undertaken by all staff. The NSW Electoral Commission also displayed posters in voting and count centres as a safety reminder. The *COVID-19 Action Plans* were published on the NSW Electoral Commission's [website](#).

Voting Options

The following voting options were available to all electors at the February 2022 State by-elections:

- Postal voting – a pack sent to all electors in the week commencing 31 January 2022;
- Early voting – 2 weeks prior to election day (including on Saturday 5 February 2022) all electors were eligible as there were no eligibility criteria; and
- Telephone voting – 1 week prior to election day to 1pm election day for blind and low vision electors only.

More than 40% of electors chose to vote by post, with 20% of voters accessing early voting services and another 20% voting on election day. Although the provision of postal vote packs to all electors has not been done for any other elections in NSW prior to the February 2022 State by-elections, key indicators such as turnout and formality were consistent with, or better than, when compared to similar event types.

The NSW Electoral Commission put in place procedures and processes to ensure postal ballot papers returned were checked for potential multiple voting against records of attendance voting. Elector mark-offs from pre-poll (in-person early voting), declaration votes and ordinary voting on election day were checked before postal ballot papers were admitted for further scrutiny in the counting process.

Comparative data – State by-elections

The following material provides a comparison of the data for each State by-election relating to:

- Elector participation and informality rates
- Voting summary
- Declaration vote overview.

With respect to declaration votes, the NSW Electoral Commission's Election Management Application does not capture the reasons for rejection at scrutiny. However, anecdotal evidence from voting centres suggests that the primary reason for rejection was the omission of proof of identity data for enrolment new and enrolment update declaration votes.

Electoral turnout and informality rate

Turnout in a NSW election is a measurement of the percentage of electors who cast valid votes in an election, i.e., votes that were rejected at scrutiny are not included in the "turnout" figures below.

District/Area	Election Day	Turnout	Informality
Bega	February 2022	85.69%	1.75%
Monaro	February 2022	83.39%	2.24%
Strathfield	February 2022	80.82%	1.58%
Willoughby	February 2022	80.49%	1.57%

Recent by-election turnout and informality rates

By-elections	Election Day	Turnout	Informality
Upper Hunter	May 2021	86.74%	2.53%
Wagga Wagga	September 2018	88.34%	3.20%
Blacktown	October 2017	81.52%	4.89%
Cootamundra	October 2017	87.18%	2.27%
Murray	October 2017	83.98%	3.12%
North Shore	April 2017	78.76%	1.94%
Gosford	April 2017	85.05%	2.70%
Manly	April 2017	79.90%	2.60%
Canterbury	November 2016	78.54%	4.63%
Orange	November 2016	88.30%	2.70%
Wollongong	November 2016	84.97%	3.17%

SGE 19 participation and formality rate

District	Election Day	Turnout	Informality LA
Bega	23 March 2019	89.75%	2.82%
Monaro	23 March 2019	89.13%	2.58%
Strathfield	23 March 2019	89.15%	3.02%
Willoughby	23 March 2019	89.51%	1.91%

Previous declaration vote reject rates

Event	Postal Reject Rate	Other Declaration vote reject rate
Local Government 2021	9.52%	13.06%
Upper Hunter	5.02%	15.30%
SGE 2019	20.4%*	12.14%
Wagga Wagga	7.53%	4.32%

*Note that the Electoral Act currently does not allow ballot papers outside of the postal certificate envelope to be accepted; this was made possible for local government elections by amendments made to the Local Government (General) Regulation prior to LGE2021. Therefore, the above postal rejection rate for State by-elections and for SGE 2019 is not directly comparable to the rate for local government elections conducted since the amendments.

The *Electoral Legislation Amendment Bill 2022*, which was introduced in the Legislative Assembly on 22 June 2022, provides that where the Electoral Commissioner has delivered or posted 2 envelopes to electors, ballot papers are not to be rejected for further scrutiny merely because the ballot papers were not inside the envelope on which the postal vote certificate is printed. As noted in the Bill's second reading speech, '[t]his will have the effect of saving postal ballots in certain circumstances where the ballot paper is not correctly sealed in the envelope bearing the postal vote certificate'.¹⁶

Bega State by-election 12 February 2022**Voting Summary****Total electors: 58,908**

Voting stream	Total votes	%
Early voting	17,343	29.441%
Telephone voting	2	0.003%
Postal voting	22,342	37.927%
Election day	10,866	18.446%
Enrolment	1,022	1.735%

¹⁶ Hon G C Upton MP, Parliamentary Secretary to the Premier, Legislative Assembly *Hansard*, 22 June 2022.

Voting stream	Total votes	%
NAMAV	2	0.003%
Absent	174	0.295%
Total participation	51,751	88%

Declaration Vote Overview (Enrolment, Absent, NAMAV¹⁷)

Scrutiny

Dec Vote	Accepted	Rejected	Reject %
Absent	173	1	0.57%
Enrolment	915	107	10.47%
NAMAV	2	0	0%
Total	1090	108	9.91%

Monaro State by-election 12 February 2022

Voting Summary

Total electors: 58,809

Voting stream	Total votes	%
Early voting	13,424	22.826%
Telephone voting	2	0.003%
Postal voting	23,229	39.499%
Election day	12,030	20.456%
Enrolment	838	1.425%
NAMAV	2	0.003%
Absent	130	0.221%
Total participation	49,655	84.43%

¹⁷ Name Already Marked As Voted.

Declaration Vote Overview (Enrolment, Absent, NAMAV)**Scrutiny**

Dec Vote	Accepted	Rejected	Reject %
Absent	125	5	3.84%
Enrolment	763	75	8.95%
NAMAV	2	0	0%
Total	890	80	8.99%

Strathfield State by-election 12 February 2022**Voting Summary****Total electors: 55,291**

Voting stream	Total votes	%
Early voting	8,993	16.265%
Telephone voting	10	0.018%
Postal voting	24,650	44.582%
Election day	11,444	20.698%
Enrolment	1106	2.000%
NAMAV	2	0.004%
Absent	23	0.042%
Total participation	46,228	83.61

Declaration Vote Overview (Enrolment, Absent, NAMAV)**Scrutiny**

Dec Vote	Accepted	Rejected	Reject %
Absent	22	1	4.55%
Enrolment	1030	76	7.38%
NAMAV	2	0	0%
Total	1054	77	12.93%

Willoughby State by-election 12 February 2022

Voting Summary

Total electors: 55,039

Voting stream	Total votes	%
Early voting	5,273	9.580%
Telephone voting	7	0.013%
Postal voting	26,776	48.649%
Election day	12,708	23.089%
Enrolment	771	1.401%
NAMAV	7	0.013%
Absent	33	0.060%
Total participation	45,575	82.81%

Declaration Vote Overview (Enrolment, Absent, NAMAV)

Scrutiny

Dec Vote	Accepted	Rejected	Reject %
Absent	33	0	0%
Enrolment	685	86	12.55%
NAMAV	2	0	0%
Total	1054	77	

Local government by-elections – 26 February 2022

Background

In the lead-up to the LGE2021, only 11 candidates nominated for Cobar Shire Council's 12 councillor vacancies. Pursuant to section 311 of the Local Government Act, all of these candidates were declared elected and a by-election was required to fill the remaining vacancy (with two candidates subsequently nominating). Similarly, only one candidate nominated for the councillor position in Tenterfield Shire Council – Ward C. That candidate was declared elected, and a by-election was required to elect the final councillor (with two candidates nominating).

Pursuant to section 296(b) of the Local Government Act, the Electoral Commissioner set the date for the two by-elections as **Saturday 26 February 2022**.

COVID-19 safety measures in place

The following COVID-19 safety measures were in place for the local government by-elections:

- Although postal vote qualifications were the same as for LGE2021 and included COVID-19 related criteria, as the Electoral Commissioner declared the relevant areas 'COVID-19 affected', pursuant to s 314A(3) of the Local Government Regulation, postal vote packs were issued to all enrolled electors, such that no postal vote application was required;
- COVID-19 measures for attendance were the same as for LGE2021 and the State by-elections, i.e., masks and vaccination were mandated, check-in was required, additional elections staff were employed, and limits were maintained on both venue capacity and scrutineers;
- Early voting was available with no COVID-19-related eligibility criteria (see below); and
- Telephone-assisted voting was available for blind and low vision electors only.

The Electoral Commissioner determined that, following changes to Public Health Orders and guidance, restrictions on poster display and distribution of how to vote material in place for LGE2021 were not necessary for the local government by-elections. The Electoral Commissioner also noted that amendments to the Electoral Act in November 2021 had expressly prohibited the making of similar directions for the February 2022 State by-elections.

Voting Options

The following voting options were available to all electors at the local government by-elections:

- Postal voting – a pack was sent to all electors in the week commencing 7 February 2022;
- Early voting – 2 weeks prior to election day (including on Saturday 19 February 2022) all electors were eligible, as there were no eligibility criteria; and
- Telephone voting – 1 week prior to election day to 1pm election day for blind and Low vision electors only.

Comparative data – local government by-elections

The following material provides a comparison of the data for each local government by-election relating to elector turnout and informality rates; voting summary; and declaration vote overview.

February 2022 by-election turnout and informality rates

	Election Day	Turnout	Informality
Cobar	February 2022	72%	1.58%
Tenterfield C Ward	February 2022	78%	3.65%

Recent election turnout and informality rates

	Election Day	Turnout	Informality
Cobar	August 2018	75%	3.17%
Tenterfield C Ward	September 2016	76.4%	4.46%

Cobar local government by-election 26 February 2022

Voting Summary

Total electors: 2,810

Voting stream	Total votes	%
Early voting	387	13.772%
Telephone voting	0	0.000%
Postal voting	1480	52.67%
Election day	238	8.470%
Enrolment	33	1.174%
NAMAV	0	0.000%
Total participation	2138	76.09%

Declaration Vote Overview (Enrolment, NAMAV)

Scrutiny

Dec Vote	Accepted	Rejected	Reject %
Enrolment	26	7	21%
NAMAV	0	0	0%
Total	1054	77	21%

Tenterfield C Ward local government by-election 26 February 2022

Voting Summary

Total electors: 918

Voting stream	Total votes	%
Early voting	74	8.061%
Telephone voting	0	0.000%
Postal voting	591	64.38%
Election day	45	4.902%
Enrolment	19	2.070%
NAMAV	0	0.000%
Total participation	729	79.41%

Declaration Vote Overview (Enrolment, NAMA V)

Scrutiny

Dec Vote	Accepted	Rejected	Reject %
Enrolment	19	0	0%
NAMA V	0	0	0%
Total	19	0	0%



Part Three – The regulation of postal voting in the February 2022 State and local government by-elections

Introduction

Part Three of this submission considers the issuing of postal voting packs to all registered voters in the four New South Wales State by-elections and two local government by-elections.

Expansion of postal vote eligibility for the February 2022 State by-elections

As noted in Part Two above, amendments to the Electoral Act made following recommendations by the Electoral Commissioner provided that, for any State by-election held between 21 November 2021 and 30 June 2022, electors eligible to apply under section 143 of the Electoral Act to postal vote were expanded to include those who:

1. were self-isolating because of COVID-19 related reasons;
2. reasonably believed that attending a voting centre on election day would pose a risk to the health or safety of the person, or of another person, because of the COVID-19 pandemic; or
3. were a permanent or temporary resident in a hospital, nursing home, retirement village or similar facility.

Schedule 2 to the Electoral Regulation provided that the Electoral Commissioner may, if satisfied it is necessary to comply with a Public Health Order, or to reduce the risk of infection from COVID-19, declare, by order published on the Electoral Commission's website, that electors of a specified electoral district are COVID-19 affected electors for a by-election to which that Schedule applies.

The Electoral Commissioner was satisfied that, to reduce the risk of infection from COVID-19, he should declare the electoral districts of Bega, Monaro, Strathfield and Willoughby as being 'COVID-19 affected' and, subsequently, sent postal voting packs to every voter enrolled in those electoral districts in the week commencing 31 January 2022.

Rationale for the extension of postal vote eligibility

The rationale for the amendments was set out in the second reading speech of the *Electoral Amendment (COVID-19) Bill 2021*, which was declared an urgent Bill and read on 15 November 2021:

...there are significant uncertainties and public health risks to be managed when conducting events during the pandemic. If a State by-election is held during the pandemic, the NSW Electoral Commission will need to implement a number of measures to ensure that voting can be carried out safely and effectively and that vulnerable members of the community are not disenfranchised. While most of those measures can be implemented within the existing framework of the Act, the commission has requested amendments to support vulnerable electors and ensure that the uncertainties and public health risks of the pandemic can be managed more effectively.

...The Electoral Act currently only allows electors to access postal voting or to attend an early voting centre if they are "unable to attend at a voting centre on election day" as deemed by section 6 of the Act. The circumstances in which an elector is deemed to be unable to attend at a voting centre on election day in section 6 do not specifically include COVID-19 impacts. For example, although section 6 captures circumstances where an elector is seriously ill or has a reasonable fear for their safety, electors who are vulnerable to COVID-19 because of their age or health characteristics are not expressly captured. In addition, the section does not specifically deem electors who may be required to self-isolate as being "unable to attend".

The Electoral Commission considers that this lack of clarity may deter some vulnerable electors from applying for a postal vote. As a result, and consistent with recent changes made to facilitate the upcoming local government elections, the bill expands the circumstances in which an elector can vote by post... these changes are consistent with recent changes made to the Local Government (General) Regulation 2021, specifically clause 313, to facilitate access to voting in the upcoming local government elections.¹⁸

Expansion of postal vote eligibility for the February 2022 local government by-elections

As noted above, although postal vote qualifications were the same as for the LGE2021, and included COVID-19 related criteria, the Electoral Commissioner declared the relevant local government areas 'COVID-19 affected'. Therefore, postal vote packs were issued to all enrolled electors, such that no postal vote application was necessary.

Rationale for the extension of postal vote eligibility

The regulation-making power of s 747C of the Local Government Act was added to the Local Government Act, following a recommendation by the Electoral Commissioner, by the *Local Government Amendment (COVID-19—Elections Special Provisions) Act 2021*. In introducing the Bill to Parliament, the then-Minister for Local Government noted the power was required so that:

...both the NSW Electoral Commissioner and the Government will be well placed to respond to any unexpected challenges posed by the COVID virus. The NSW Electoral Commissioner has strongly advocated to the Government for the ability to vary the requirements of the Act, on his recommendation, to avoid elections failing due to technical irregularities or missed deadlines because of COVID-19 impacts...

...the Minister will only be permitted to recommend to the Governor that regulations are made under new section 747C where the Electoral Commissioner has advised the Minister that the regulations must be made to address risks to the health, safety and welfare of persons caused by the COVID-19 pandemic.¹⁹

Postal vote election integrity processes at the February 2022 State and local government by-elections

In order to best maintain the integrity of the uniquely expanded availability of postal voting, the NSW Electoral Commission put in place a regime to oversight the application for, and scrutiny of, postal votes for both the State and local government by-elections.

Postal vote ballot paper design and handling

Postal ballot papers were printed with additional design features and in a different colour from ordinary ballot papers, to ensure that they could be distinguished from a ballot paper issued at a voting centre. Procedures at voting centres made clear that electors were not to place postal ballot papers in a ballot box. Election officials stored and returned separately any postal votes received at a voting centre.

¹⁸ Hon D T Harwin MLC, Special Minister of State, Legislative Council *Hansard*, 16 November 2021.

¹⁹ Hon S E Hancock MP, Minister for Local Government, Legislative Assembly *Hansard*, 13 October 2021.

Scrutiny of postal ballots

Preliminary scrutiny of postal votes did not occur until all authorised rolls used in voting centres on election day were scanned and the scrutiny on all declaration votes (i.e., absent and enrolment votes) completed, so that attendance voting records were available for cross-checking against returned postal packs. This ensured that the elector mark off records from early voting, declaration voting and in-person ordinary voting on election day were checked at the scrutiny. Any postal voter who had been marked as having already had their postal vote rejected and the ballot paper was not counted.

When undertaking preliminary scrutiny, election officials confirmed the following before accepting the postal ballot paper:

- i. the elector appeared on the electoral roll for the relevant district;
- ii. the certificate had been signed by the elector and a witness;
- iii. the certificate had been dated by the elector and the witness on the same day and before the close of voting; and
- iv. the elector had not been recorded as having voted by any other voting channel for the election.

With respect to the transparency of the postal voting process, scrutineers were able to attend and observe postal vote processes. The NSW Electoral Commission publishes results that include the numbers of formal and informal votes on its website.

Postal vote results overview

The following tables set out the statistics of the postal voting results in each February 2022 State and local government by-election.

i. Electoral District of Bega

Scrutiny

	Total	%
Number postal received	22,342	37.927%
Accepted at scrutiny	21,148	94.66%
Rejected at scrutiny	1,194	5.34%

Return to Sender

2,403 postal votes were returned to the NSW Electoral Commission marked 'Returned to Sender', i.e., 4.08% of the electors of the electoral district of Bega.

Leading reject reasons

Postal reject reason	Frequency	Proportion	Rank
Not signed by witness	647	36%	1
Not signed by elector	378	21%	2
Elector and witness dates do not match	289	16%	3
No elector date AND received after election day	246	14%	4
Dated after election day	121	7%	5

Postal reject reason	Frequency	Proportion	Rank
Received after close	58	3%	6
Elector has already voted (election day)	54	3%	7
Elector has already voted (early voting)	23	1%	8

Overseas electors

Overseas postal pack issued	Overseas pack returned (before close)	Overseas pack returned (after close as at 4/3/22)
41	3	6

ii. Electoral District of Monaro**Scrutiny**

	Total	%
Number postal received	23,229	39.499%
Accepted at scrutiny	21,993	94.68%
Rejected at scrutiny	1,236	5.32%

Return to Sender

1,008 postal votes were returned to the NSW Electoral Commission marked 'Returned to Sender', i.e., 1.71% of the electors of the electoral district of Monaro.

Leading reject reasons

Postal reject reason	Frequency	Proportion	Rank
Not signed by witness	650	36%	1
Not signed by elector	376	21%	2
Elector and witness dates do not match	263	15%	3
Dated after election day	183	10%	4
No elector date AND received after election day	174	10%	5
Received after close	68	4%	6
Elector has already voted (election day)	42	2%	7
Elector has already voted (early voting)	36	2%	8

Overseas electors

Overseas postal pack issued	Overseas pack returned (before close)	Overseas pack returned (after close as at 4/3/22)
101	4	10

iii. Electoral District of Strathfield**Scrutiny**

	Total	%
Number postal received	24,650	44.582%
Accepted at scrutiny	23,244	94.3%
Rejected at scrutiny	1,406	5.7%

Return to Sender

853 postal votes were returned to the NSW Electoral Commission marked 'Returned to Sender', i.e., 1.54% of the electors of the electoral district of Strathfield.

Leading reject reasons

Postal reject reason	Frequency	Proportion	Rank
Not signed by witness	811	40%	1
Not signed by elector	435	22%	2
Elector and witness dates do not match	336	17%	3
Dated after election day	133	7%	4
No elector date AND received after election day	132	7%	5
Received after close	75	4%	6
Elector has already voted (election day)	65	3%	7
Elector has already voted (early voting)	27	1%	8

Overseas electors

Overseas postal pack issued	Overseas pack returned (before close)	Overseas pack returned (after close as at 4/3/22)
169	12	19

iv. Electoral District of Willoughby**Scrutiny**

	Total	%
Number postal received	26,776	48.65%
Accepted at scrutiny	25,623	95.69%
Rejected at scrutiny	1,153	4.31%

Return to Sender

990 postal votes were returned to the NSW Electoral Commission marked 'Returned to Sender', i.e., 1.80% of the electors of the electoral district of Willoughby.

Leading reject reasons

Postal reject reason	Frequency	Proportion	Rank
Not signed by witness	570	33%	1
Not signed by elector	332	19%	2
Elector and witness dates do not match	314	18%	3
No elector date AND received after election day	303	17%	4
Dated after election day	134	8%	5
Elector has already voted (election day)	59	3%	6
Received after close	14	1%	7
Elector has already voted (early voting)	12	1%	8

Overseas electors

Overseas postal pack issued	Overseas pack returned (before close)	Overseas pack returned (after close as at 4/3/22)
375	8	33

v. Cobar Shire**Scrutiny**

	Total	%
Number postal received	1480	52.67%
Accepted at scrutiny	1375	92.91%
Rejected at scrutiny	105	7.09%

Return to Sender

96 postal votes were returned to the NSW Electoral Commission marked 'Returned to Sender', i.e., 3.4% of the electors of Cobar Shire).

Leading reject reasons

Postal reject reason	Frequency	Proportion	Rank
Not signed by witness	71	68%	1
Not signed by elector	34	32%	2
Elector and witness dates do not match	16	2%	3
No elector date AND dated after election day	15	2%	4
Elector has already voted (election day)	2	0.02%	5
Elector has already voted (early voting)	2	0.02%	5

Overseas electors

Overseas postal pack issued	Overseas pack returned (before close)	Overseas pack returned (after close as at 4/3/22)
1	0	0

vi. Tenterfield Shire – Ward C**Scrutiny**

Postal vote scrutiny	Total	%
Number postal received	591	64.38%
Accepted at scrutiny	576	97.46%
Rejected at scrutiny	15	2.54%

Return to Sender

51 postal votes were returned to the NSW Electoral Commission marked 'Returned to Sender', i.e., 3.4% of the electors of Tenterfield Ward C.

Leading reject reasons

Postal reject reason	Frequency	Proportion	Rank
Not signed by witness	9	60%	1
Not signed by elector	9	60%	1
Dated after election day	4	27%	2
Elector has already voted (election day)	1	0.07%	3

Overseas electors

Overseas postal pack issued	Overseas pack returned (before close)	Overseas pack returned (after close as at 4/3/22)
2	0	0

Costs of postal voting

The general provision of postal voting packs [PVPs] resulted in increased overall costs for operating that voting channel. By way of example, in the electoral district of Strathfield, with 55,291 enrolled electors, this meant an increase from 2,765 PVPs distributed at the 2019 State general election, with a return rate of 80 per cent (2,212) for processing at the NSW Electoral Commission; to 55,291 PVPs distributed at the by-election, with a return rate of 40% (22,116) for processing at a mail house.

The postal-related cost breakdown for a similar by-election as compared with the February 2022 Strathfield by-election is as follows:

Item	Unit Cost	Previous By-Elections	February 2022 By-Election
PO Box Hire	\$383.30	\$383.30	N/A
Locked Bag Hire	\$514.00	N/A	\$257.00 ²⁰
Australia Post Courier (per day)	\$19.77	N/A	\$988.50
Reply Paid Artwork	\$198.30	\$198.30	\$198.30
PVA (SE.300)	\$0.60	\$300.00	N/A
PVC (SE.301)	\$0.08	\$390.50	\$5,076.50
Reply Paid Envelope (SE.302)	\$0.17	\$865.00	\$11,245.00
Instructions (SE.303)	\$0.06	\$300.00	N/A ²¹
Household Brochure	\$0.27	N/A	\$17,810.00
Outer Envelope (SE.304)	\$0.08	\$390.50	\$5,076.50
Mail house Fulfilment	N/A	N/A	\$21,510.40 ²²
NSWEC Fulfilment Staff	N/A	\$3,864.14	N/A
PVP Mail Out – Australia Post	\$1.25	\$3,455.69	\$69,113.75
PVC Return – Australia Post	\$0.98	\$2,167.41	\$21,674.07

²⁰ This figure represents one half of the annual cost, apportioned to the by-election.

²¹ Instructions were incorporated in the household brochure which was included in the postal pack for the February 2022 by-elections.

²² This figure represents one quarter of the total cost of IVE fulfilment for the State by-elections run concurrently.

Item	Unit Cost	Previous By-Elections	February 2022 By-Election
Centralised Count Centre Staff	N/A	N/A	\$94,708.55 ²³
Total		\$12,314.84	\$247,658.54

²³ This figure represents one quarter of the total cost of agency staff costs for processing postal votes.

Part Four – Communications, advertising and voter awareness

Introduction

Part Four of this submission considers the material provided by the NSW Electoral Commission to advise voters of the LGE2021 and the February 2022 State and local government by-elections; and the explanatory information provided in languages other than English.

Integrated communications strategy

Building engagement with all election stakeholders helps to support trust and confidence in democracy and election processes. The NSW Electoral Commission's engagement approach is to continuously improve information, communication, and awareness through advertising, with a digital focus, by building on the work implemented at each election. The aim is to make it easier for people to understand and participate in democracy and for political participants to understand and comply with their legal obligations.

Communications campaign for 2021 NSW Local Government elections

Communications campaign approach

An integrated communications, advertising and stakeholder engagement approach was implemented to deliver awareness and engagement with the LGE2021.

This approach was developed during the COVID-19 pandemic, following two postponements of the elections. It delivered messaging around the election itself, voting options and COVID-19 safety measures across a variety of paid, owned, earned and shared channels.

Communication goals

The goals of the NSW Electoral Commission's communications approach were that:

- stakeholders and electors were aware of the elections
- stakeholders and electors were aware of the voting options, including postal voting, at the elections
- stakeholders and electors were aware of the COVID-19 safety measures in place for the elections
- the election process was easy to understand
- stakeholders and electors could find the information they need quickly and easily to participate in the elections
- the people of NSW maintained trust and confidence in the democratic process.

Key audiences

The overarching audience was residents of New South Wales above the age of 18 and all political participants, including candidates, political parties and third-party campaigners. Target audiences included populations with barriers to participation in democracy including Aboriginal people, people with disability, culturally and linguistically diverse populations, and young people.

Communications channels

The following communication channels were used to reach and engage these key audiences.

Table 1: NSW Electoral Commission communication channels

Paid	Owned	Earned	Shared
television and finecast (broadcast/digital TV on demand)	NSW Electoral Commission website	media engagement	social media content shared by third parties
radio	NSW Electoral Commission social media channels – Facebook, Twitter, LinkedIn and YouTube	word-of-mouth	
print	electronic direct mail	stakeholder engagement and collaboration	
digital – news and other websites	events and webinars		
social media			
outdoor advertising			
direct mail			

LGE2021 Communication activity

Statutory advertising was previously undertaken at a local level in the newspapers of each council's choice; however, there is no longer a legislative requirement to publish election notices in newspapers. Statutory requirements are now fulfilled by placement of notices on the NSW Electoral Commission's website. Having said this, in addition to fulfilling the statutory notice requirements, the NSW Electoral Commission published election ads on its website and in state-wide newspapers (*Sydney Morning Herald*, *The Daily Telegraph* and *The Land*) to inform the public and political participants about key dates in the election calendar.

Each council that engaged the NSW Electoral Commission to conduct its election was provided with advertising templates for their use in local newspapers. Councils were also supplied with 'media kits' including advertising assets, newsletter articles, social media posts, save-the-date templates, press release templates and poster templates for use within their local communities. Other communications support included regular electronic direct mail with key election updates and translated election information for use in culturally and linguistically diverse council areas.

A COVID-19 safety campaign ran in parallel with the voter awareness campaign. The COVID-19 campaign informed voters of the safety measures in place to ensure the election followed current health orders. The campaign ran in local print media supported by digital display advertising and catch-up TV.

Election 'event' website

A subsite of the NSW Electoral Commission's [website](#) was developed to provide a central location with critical information about the LGE2021. The subsite content included:

- general information about the elections
- key dates for the elections
- checking enrolment
- candidate information
- early voting options
- voting on election day

- polling place locations
- counting schedules and locations
- COVID safety measures
- work opportunities
- election material registration and display
- pre-election metrics
- results.

Voter awareness campaign

Campaign approach

The LGE2021 elections voter awareness campaign leveraged the creative concept and assets developed for the 2019 State general election. As the 2019 *Get Vote Fit, Be Vote Ready* campaign received a positive reception from voters, the LGE2021 campaign leveraged this creative concept to build further engagement with the voting public around the election.

The NSW Electoral Commission continued to focus on areas across New South Wales with low voter turnout and/or additional barriers to voting, with a targeted and digitally focussed campaign approach. TV, radio, outdoor and print advertising was maintained, but the focus was digital-first to drive tailored measurable communications.

Messaging

Messaging was developed to drive awareness of the LGE2021, ensuring NSW electors were aware of when, where and how to vote. There was also an increased emphasis on awareness of the voting options available to support safe voting in the COVID-19 environment.

The campaign messaging was delivered over three phases:

- Phase 1: Check your enrolment and save the date
- Phase 2: Know your voting options and vote early
- Phase 3: Election day is coming up, make sure you have planned your vote.

Organic social media

A daily schedule of social media content was rolled out across the NSW Electoral Commission's social channels (Facebook, Twitter, and LinkedIn), amplifying messaging from the general awareness and COVID-19 Safety campaigns. This was in addition to more specific information about voting options, key dates, voter support, and information for candidates, councils, political parties, third party campaigners and donors.

These channels were also used daily in the lead up to election day to answer questions about the elections.

Media outreach

Proactive media outreach supported the election with a schedule of state-wide and localised media and radio releases promoting awareness of the election; how people could plan to vote on or before election day; and key events in the election calendar.

Voter awareness campaign results

The voter awareness campaign was initially planned and booked for the local government elections scheduled for September 2021, before the election was again postponed. Once the date was changed to 4 December 2021, all advertising had to be pulled and rebooked. This was done in the context of a much more limited advertising environment, due to the proximity to Christmas, which affected the cost of rebooking with the planned frequency and reach. This was particularly the case for television advertising.

Table 2: Channels and results (campaign period 10 October to 4 December 2021)

Channel	Result
TV	TV delivered good results given the scarcity of advertising inventory available for booking in the lead up to Christmas. It reached 37% of Sydney's audience, 29% of the Northern NSW TV audience and 35% of the Southern NSW TV audience.
Finecast (broadcast/digital TV on demand)	Finecast delivered 1,293,069 impressions across NSW.
Radio	Radio used as last-minute awareness driver across nine key markets in regional NSW, delivering reach of up to 69.8%.
Print	Print publications were used as an awareness driver across NSW close to election day. Targeted in-language print advertising achieved an estimated reach of more than 639,000.
Outdoor	Outdoor advertising reached 63% of the NSW population over 18 years of age.
Digital	Digital advertising delivered over 23 million impressions.
Social media	Paid social drove high reach with more than 38 million impressions overall. Youth targeting through TikTok media reaching more than 705,000 NSW residents aged 18-24. Targeted, in-language social media content achieved 2.1 million impressions.

COVID-19 safety campaign

The NSW Electoral Commission worked closely with NSW Health in the lead-up to the LGE2021 to develop a COVID-19-safe election plan. To raise awareness of this plan and the measures in place to help keep voters, staff and political participants safe, the following communications activities were implemented:

- publication of the COVID-19 safety plan on the NSW Electoral Commission's website;
- a digital and print media campaign promoting COVID safety at elections;
- videos and animations supporting the plan; and
- organic social media activity across all channels.

COVID safety campaign results

Table 3: Channels and results (campaign period 10 October to 4 December 2021)

Channel	Results
Print	Print publications were used to reach all regions across NSW in the lead up to election day.
Digital	Digital advertising delivered over 10 million impressions.
Social media	Facebook and Instagram delivered more than 9 million impressions overall.

Enrolment reminders

In July 2021, every NSW elector who had supplied their email address or mobile number upon enrolling on the electoral roll was sent a message to encourage them to check and update their enrolment details.

A total of 2,108,596 emails and 723,773 SMS messages were sent as part of this reminder activity.

Election reminders

Free election reminders via email and/or text message are available to electors enrolled in New South Wales who sign up to the NSW Electoral Commission's *election reminder service*. This is an opt-in service that enables subscribers to receive an email or SMS reminder (or both) of an upcoming election relevant to their enrolled address. The first reminder is sent one day after pre-poll (early) voting opens and a second reminder is sent two days before election day.

For the LGE2021, 485,636 email reminders and 465,312 SMS messages were sent to subscribed electors.

Target audiences

Identify, mitigate, and eliminate barriers to participation

The NSW Electoral Commission recognises that some members of the community face additional barriers to participation and works with these target communities to help identify, mitigate and eliminate these barriers. Resources for these target audiences are created in consultation with the NSW Electoral Commission's reference groups and is informed by post-election research. The Culturally and Linguistically Diverse (**CALD**) Reference Group and Equal Access to Democracy (**EAD**) Disability Reference Group are made up of peak bodies and advocacy groups across New South Wales.

The reference groups provide guidance, information, and feedback to the NSW Electoral Commission in relation to services for electors, in order to ensure that accessibility barriers to these services are identified and solutions to these barriers are reflected in the programs and services. This includes ensuring that a range of communication formats and channels are used to inform people about enrolment, elections and voting. Before each state-wide election the CALD and EAD (Disability) reference groups are consulted about their member needs and briefed about any changes to legislation, regulations and voting that may need to be communicated to their members and networks.

Advertising for culturally and linguistically diverse communities for LGE2021

Paid social media advertising artwork

Left: Korean – Election reminder and early voting: 11 October 2021.

Right: Greek – In Language – Be vote ready: 11 October 2021.



Press advertisement artwork

Left: Arabic – Enrol to vote and election reminder Burst 1.

Right: Greek – Election reminder and election information Burst 2.



Culturally and linguistically diverse (CALD) electors

In-language campaign activity

The NSW Electoral Commission's awareness campaign included a tailored component directed to key language groups in New South Wales. Government advertising campaigns greater than \$1m are required to include a spend of 7.5 per cent on CALD audiences. The NSW Electoral Commission exceeded this requirement in its communications to CALD electors for this election, with a spend of \$322,000, or 16.9 per cent of total media spend.

Advertising assets were translated into seven languages, selected based on how frequently they are spoken in NSW, cross referenced with how well English is spoken by those groups. Based on these criteria, Arabic, Cantonese, Mandarin, Greek, Vietnamese, Italian and Korean were selected.

A media strategy was then developed to reach and engage those communities, using their most used media channels.

Expanded CALD focus provided more translated information than previous elections

For the 2019 State general election, translated information about voting in Australia (covering enrolment, checking and updating details, and the election reminder service) was published on the NSW Electoral Commission's website in 24 community languages. For the LGE2021, these materials were expanded to include information about voting at local government elections in NSW.

Content was created and translated on topics including:

- general information about the local government elections;
- ways to vote;
- eligibility criteria for different voting channels, including postal and iVote, and the relevant dates;
- COVID-19 safety measures at voting centres;
- ballot papers; and
- funding and disclosure laws.

The languages identified above cater for the largest number of voters with low English proficiency and cover 79 per cent of all languages other than English users in New South Wales. The language analysis is based on 2016 Census data; and will be updated in the wake of the 2021 Census statistics.

Total page views for the in-language content increased by more than 32 per cent, compared with the views recorded for the 2019 NSW State election, and time on page increased by almost 10 per cent.

Table 4: Information for electors in 24 community languages

Cantonese	Vietnamese	Mandarin	Arabic	Greek	Italian
Korean	Spanish	Macedonian	Serbian	Turkish	Khmer
Croatian	Assyrian	Russian	Portuguese	Thai	Persian
Lao	Polish	Dari	Hindi	Tagalog	Maltese

Videos in key community languages

Animated videos were developed in English and seven community languages (Arabic, Cantonese, Mandarin, Greek, Italian, Korean and Vietnamese) and with an Aboriginal Australian voiceover.

Topics included:

- general information about the elections plus voting options and key dates
- iVote registration, voting and verification processes and key dates
- political donations
- ballot papers.

Other measures to support CALD electors for the LGE2021

The NSW Electoral Commission implemented the following measures for LGE2021 to engage with CALD electors:

- Extensive and inclusive advertising campaigns with targeted in-language advertising on relevant platforms and in relevant publications (see Voter awareness campaign).
- At all elections the NSW Electoral Commission seeks to recruit an election workforce reflective of the communities they are working in, and actively seeks to recruit temporary staff with language skills reflecting the community they will serve.
- Election officials and all staff at voting venues wear stickers indicating the languages they speak.
- Posters displayed at all voting centres promote translated materials in 24 languages, with direct QR code link to the NSW Electoral Commission's website.
- Electors can access the National Translation and Interpreting Service (TIS National) at election venues, and via our call centres. TIS National is also promoted in NSW Electoral Commission voter awareness advertising, social media activity and in-language on the NSW Electoral Commission's website.

Translated resources were distributed by the NSW Electoral Commission's CALD Reference Group members to their networks. The NSW Electoral Commission also collaborated with Revenue NSW to help distribute information about the election (including work opportunities) through its Aboriginal outreach programs focused on six areas, namely, Brewarrina, Burke, Mount Druitt, Nowra, Taree, and Walgett.

Stakeholder communications kit

All CALD Reference Group members were provided with the LGE2021 stakeholder kit. For these elections, the kit was web-based with links collating the resources and information to support the voter community. This community education resources web page, which also contained information for people living with disability, saw page views increase by more than 30 per cent compared with the 2019 NSW State general election.

LGE2021 Political donation laws

In tandem with the LGE2021 campaign, a campaign was developed to increase awareness of political donations laws in New South Wales. The campaign aimed to educate voters, political parties and existing donors of legislation changes that came into effect on 1 January 2020.

The content for this campaign was translated in 24 community languages. Animated videos specifically engaged Arabic, Chinese, Greek, Italian, Korean and Vietnamese communities as part of the broader communications campaign.

People living with disability

Videos

The NSW Electoral Commission greatly increased the range of information available for the LGE2021 in video format, with a series of videos produced by community and reference group members. All videos were published in line with accessibility guidelines (captions, voiceover where applicable and transcripts for use with screen readers).

A new initiative for the LGE2021 was the production of an Auslan video series in collaboration with The Deaf Society (now Deaf Connect). The topics covered by the four videos include:

- general information about local government elections
- ways to vote in-person (early and on election day)
- voting by iVote (online and telephone voting) and postal vote
- ballot papers.

The videos were promoted on the NSW Electoral Commission's social media channels (Facebook, Twitter, LinkedIn) and also by the Deaf Society.

The NSW Electoral Commission collaborated with the NSW Council for Intellectual Disability to produce a video to help people vote at the local council elections. Topics covered in the video include:

- having the right to vote
- how to vote
- where to vote and what to expect
- ballot papers.

The video has been viewed more than 1,200 times.

Easy-read guide

The Council for Intellectual Disability produced an easy-read guide with messages that supported the video.

Auslan interpreters

As for previous election events, Auslan interpreters were available to assist electors who are deaf. On weekdays, electors can connect to the NSW Electoral Commission's call centre via an Auslan interpreter through the Video Relay Service (part of the National Relay Service). The Video Relay Service is not available on weekends. To ensure access to information on the Saturday on which early voting was available, i.e., 27 November 2021, and on election day Saturday, 4 December 2021, the NSW Electoral Commission provided the opportunity to connect with an Auslan interpreter engaged via Deaf Services (now Deaf Connect) using Skype video functionality.

Stakeholder communications kit

All Equal access to Democracy (EAD) Disability Reference Group members were provided with the LGE2021 stakeholder communications kit to support the distribution of information about the elections to their members and stakeholders. As noted above, the LGE2021 kit was web-based with links collating the abovementioned resources and information to support the voter community.

Communications campaigns – February 2022 State and local government by-elections

All electors enrolled in each of the four state electoral districts and local council areas conducting a by-election in February 2022 were sent:

- an elector brochure with key dates, information about how to vote and where to vote; and
- a postal vote pack.²⁴

Media and advertising campaigns were conducted to support awareness of the elections.

State by-elections

An awareness campaign was implemented for the State by-elections, which included:

- specific election event pages including information about postal voting and FAQs on the Electoral Commission's website for each election and promoted from the home page
- geotargeted digital advertising was implemented to raise awareness in each district with a reach of 636,765
- election reminder service emails and SMS sent to all subscribers at the commencement of early voting and just before election day
- election ad placed in the Sydney Morning Herald and Daily Telegraph on Saturday, 22 January following the issue of the writs
- four media releases sent to state-wide media pointing to key dates in the election calendar
- organic social media strategy to raise awareness of key dates in the election calendar, COVID measures in place, candidate nominations, voting options and answer any questions raised by voters on each platform

Between the dates of 20 January 2022 and 16 February 2022 the NSW Electoral Commission's two main social platforms analytics showed:

- Facebook:
 - 56,179 reach
 - 192 likes and reactions
 - 2,454 link clicks
 - 50 comments
- Twitter:
 - 81,159 impressions
 - 1,885 engagements
 - 135 retweets

²⁴ The rationale behind, and the process of, the general provision of postal packs is dealt with in detail in Part Three of the submission.

Social media for the February 2022 NSW State by-elections

Facebook was utilised by the NSW Electoral Commission during the state by-elections for information including 'save the date', information for candidates (such as nomination information) and postal vote information. It was also used to create awareness surrounding the translated material on how to vote.



Local government by-elections

An awareness campaign was also implemented for the local government by-elections, which included:

- specific election event pages including information about postal voting and FAQs on the Electoral Commission's website for each election and promoted from the home page;
- three media releases sent to local media outlets pointing to key dates in the election calendar
- poster, flyers and social media tiles provided to councils to support their awareness raising activities for the elections; and
- organic social media strategy to raise awareness of key dates in the election calendar, COVID measures in place, candidate nominations, voting options and answer any questions raised by voters on each platform.

Between the dates of 20 January 2022 and 2 March 2022 the NSW Electoral Commission's two main social platforms analytics showed:

- Facebook:
 - 27,321 Reach
 - 86 Likes and reactions
 - 761 Link clicks
- Twitter:
 - 11,044 impressions
 - 105 engagements
 - 1 retweet

Concurrent campaigns

The following communications campaigns were delivered to NSW Electoral Commission key audiences concurrently with the February 2022 state and local government by-elections voter awareness campaigns:

- 2022 February by-elections workforce recruitment; and
- political donations awareness and education campaign.

All electors enrolled in each of the four state electoral districts and local council areas conducting a by-election in February 2022 were sent:

- an elector brochure with key dates, information about how to vote and where to vote; and
- a postal vote pack.²⁵

CALD communications

The NSW Electoral Commission made available the following specific assistance to CALD electors in the relevant state electoral districts and local government areas:

- Voter education resources about participating in the by-elections were published on the NSW Electoral Commission website in the seven core languages with lowest levels of English proficiency in NSW: Arabic, Chinese (Simplified), Chinese (Traditional), Greek, Italian, Korean and Vietnamese.
- Translated voting information and instructions on postal voting were available on our website in the top seven languages spoken by NSW electors with lower English proficiency: Arabic, Chinese (Simplified), Chinese (Traditional), Greek, Italian, Korean and Vietnamese. Translated resources were shared with the NSW Electoral Commission's standing culturally and linguistically diversified reference group members, for distribution to their members and networks.
- Social media advertising in Mandarin and Cantonese were targeted to Willoughby and Strathfield state electoral districts pushing to our translated resources.
- Advertising was placed with SBS digital in seven languages for the state by-elections.
- Geotargeted digital advertising was implemented to raise awareness in each district with a reach of 636,765.
- Ads were placed with the Australian Chinese Daily (print and digital) for the state by-elections.
- Ads were placed with Chinese language social media application WeChat in the Sydney Today group for the state by-elections.

Other measures to support CALD electors for the 2022 state and local government by-elections

As with the LGE2021, the NSW Electoral Commission took the following approach to assisting CALD electors in the February 2022 by-elections:

- Extensive and inclusive advertising campaigns with targeted in-language advertising on relevant platforms and in relevant publications (see Voter awareness campaign).
- At all elections the NSW Electoral Commission seeks to recruit an election workforce reflective of the communities they are working in, and actively seeks to recruit temporary staff with language skills reflecting the community they will serve.
- For example, of the 285 staff employed to work at early voting centres and on election day in the electoral district of Strathfield, 158 spoke a language other than English (54 per cent) with more than 40 different languages and dialects represented.

²⁵ The rationale behind, and the process of, the general provision of postal packs is dealt with in detail in Part Three of the submission.

- Election officials and all staff at voting venues wore badges indicating the languages they speak.
- Posters displayed at all voting centres promote translated materials in 24 languages, with direct QR code link to the NSW Electoral Commission's website.
- Electors can access the National Translation and Interpreting Service (TIS National) at election venues, and via our call centres. TIS National is also promoted in NSW Electoral Commission voter awareness advertising, social media activity and in-language on the NSW Electoral Commission's website.

Postal voting packs

For the February 2022 State by-elections, the NSW Electoral Commission sent postal voting packs to eligible electors in each of the four electoral districts. The postal voting packs were produced under extreme time pressure, given that the *Electoral Amendment (COVID-19) Regulation 2022*, which enabled the Electoral Commissioner to declare electors of a specified electoral district to be 'COVID-19 affected electors', was only gazetted on Friday 21 January 2022, the day the writs were issued, and ten days before the early voting period commenced on 31 January 2022. These packs included a postal voting kit with ballot papers and an elector brochure containing information about participation in the by-election and assistance for voters.

Comments about translated postal voting information at the State by-elections

During the voting period, some stakeholders were critical that in-language "how to postal vote" instructions were not included in the postal voting pack. The Ethnic Communities' Council of NSW, for example, called for more multilingual information to be made available to voters, noting that having a how-to-vote explainer in other languages would minimise the risk of informal voting in postal ballots.²⁶ Other stakeholders were also critical that information about the availability of translation and interpretation services and translated materials in the elector brochure were written in English only. The focus of these concerns was the electoral district of Strathfield.

Due to limitations on postal voting pack size, however, it has long been the NSW Electoral Commission's practice to publish in-language resources on its website and to promote these and other translation and interpreting services in the brochure sent to all electors for State by-elections and included in postal voting packs. As the electoral roll does not include details of languages spoken by electors or English language proficiency, it is not feasible to send full translations of all material to every elector in addition to the elector brochure.

Because of the unique nature of the February 2022 State by-elections, however, such as the non-availability of iVote as a voting channel and all electors receiving postal voting packs as a pandemic safety measure, new translated resources were created and published for these elections in the first week of early voting, coinciding with the arrival of postal voting packs.

Translated resources online included instructions about how to fill in a postal vote and were published in the top 7 languages with lower English proficiency in NSW:

- Arabic
- Chinese Simplified
- Chinese Traditional
- Greek
- Italian

²⁶ See <https://greekherald.com.au/news/australia/peter-doukas-calls-more-multilingual-information-ahead-upcoming-elections/> and <https://www.abc.net.au/news/2022-02-06/strathfield-by-election-postal-votes-lack-multilingual-info/100807802>

- Korean
- Vietnamese

Translated resources were also distributed to the NSW Electoral Commission's CALD Reference Group members to share with their networks.

The NSW Electoral Commission notes that there was decrease in voter turnout in the electoral district of Strathfield from SGE 2019 to the 2022 by-election from 89.15% to 80.82% (see table below). State and local by-elections often experience lower turn-out rates than general elections. Although lower than at the general election in 2019, the turnout at the Strathfield by-election is consistent with previous State by-elections. The NSW Electoral Commission also notes the significant improvement in the percentage of formal votes cast at the by-election compared to the 2019 general election.

Following feedback from the State by-elections, however, the NSW Electoral Commission has reviewed the elector brochure template included in the postal voting packs, and in future this brochure will include in-language additional information about available translation and interpreting services and pointers to translated information on the NSW Electoral Commission website. This has been added to the existing pointers in English, to translated resources, and information about the Translation and Interpreting Service (TIS National), the National Relay Service and AUSLAN interpreting services.

The NSW Electoral Commission will continue to maintain translated how to vote information for electors at State and local government elections in 24 languages and AUSLAN on its website²⁷ and translates key advertising and community education assets, such as videos about how to vote, into the top seven languages with lower English proficiency in NSW.

	2022 NSW State by-election	2019 NSW State general election
Strathfield electoral district enrolment	55,220	53,451
Total votes	44,631	47,654
Turnout	80.82%	89.15%
Formal	43,928	46,217
Informal	703	1,437
Formality %	98.42%	96.98%
Ordinary (in-person on election day)	20,442	30,382
Absent	14	4,753
Declared facility	19	36
Declaration (enrolment/provisional)	1,023	1,032
iVote	N/A	3,567
Postal	23,152	1,224
Early voting (in-person early voting)	8,996	6,660

²⁷ <https://www.elections.nsw.gov.au/Voters/Assistance-for-voters/Information-in-your-language>

Determination of languages for translations

Data analysis has determined the top languages spoken at home in New South Wales and the languages with lowest English language proficiency (a combination of prevalence and proficiency). English language proficiency is an important consideration.

The top 24 languages determined by the CALD language analysis using 2016 Census data) cover 79 per cent of the language speakers in New South Wales. (More than 275 languages are spoken in NSW). The top six languages (excluding Korean) cover 50 per cent of language speakers in NSW.

Funding for expanded CALD engagement

If the NSW Electoral Commission is to do more to engage with CALD and other groups of electors with diverse needs in the future, its longstanding resourcing constraints will need to be addressed, noting that:

- The Electoral Commission has only one Stakeholder engagement role.
- This role is responsible for liaising with our reference groups and leading the development of resources to reduce barriers to participating in democracy for people from our target audiences.
- Generally, no funding for community engagement, or education programs, resources or materials is available outside of election periods, preventing the NSW Electoral Commission delivering a sustained program of work on an ongoing basis.

SGE2023 CALD engagement

A project implementation review is conducted after each election to consider lessons learned, including feedback from our customers and stakeholders for future elections.

The NSW Electoral Commission also commissions comprehensive independent research after state-wide election events which forms part of the post-election reporting and recommendations for continuous service improvement.

Feedback from the LGE2021 post-election research and the state by-elections will be considered in consultation with the reference groups for SGE2023 planning.

Comparison with other electoral jurisdictions

Both in terms of CALD-specific resources and budget, the NSW Electoral Commission compares unfavourably with some other jurisdictions.

By way of comparison, the Victorian Electoral Commission [**VEC**] maintains an internal team of 11 people doing community education and outreach, managing a field force of 75 (paid, casual) Democracy ambassadors doing voter education primarily in CALD communities.

The VEC also delivers a school outreach program in line with the National Civics and Citizenship curriculum which has been fully implemented in Victoria.

The AEC maintains a permanent staff in each state and territory doing community outreach and commissions local CALD peak bodies to produce resources and materials.

Part Five – the use and future of iVote

Introduction

Part Five of this submission covers the use of the iVote system in the December 2021 local government elections [LGE2021]; the performance of that system and its implications; and future arrangements for use of technology assisted voting.

Background – the use of iVote at the LGE2021

Pursuant to the *Local Government (General) Amendment Regulation 2021*, technology assisted voting – iVote²⁸ – was made available for the first time at NSW local council elections. The iVote platform was available from Monday 22 November 2021 through the early voting period to election day, Saturday 4 December 2021.

At the close of the iVote registration period at 1pm on election day, almost triple the number of LGE2021 electors had used iVote than at any previous NSW election: 740,497 electors registered to use iVote. This compares with 278,932 electors registered to use iVote at the 2019 State general election.

iVote Summary Data – LGE 2021

iVote applications by day

Date	Votes	Applications
Monday, 22 Nov 21	19,376	25,911
Tuesday, 23 Nov 21	25,120	28,904
Wednesday, 24 Nov 21	23,104	26,225
Thursday, 25 Nov 21	21,242	23,022
Friday, 26 Nov 21	5,333	7,246
Saturday, 27 Nov 21	1,083	3,510
Sunday, 28 Nov 21	28,496	28,348
Monday, 29 Nov 21	34,879	36,842
Tuesday, 30 Nov 21	53,746	55,559
Wednesday, 1 Dec 21	73,515	76,439
Thursday, 2 Dec 21	100,034	103,477
Friday, 3 Dec 21	198,376	231,102

²⁸ iVote® is a registered trademark of the State of New South Wales (NSW Electoral Commission). The term iVote refers to the NSW Electoral Commission's internet and telephone voting system.

Date	Votes	Applications
Saturday, 4 Dec 21	87,516	93,912
Totals	671,820²⁹	740,497

iVote eligibility criteria breakdown

Criteria (2019 if different)	LGE 2021		SGE 2019	
	Applications	Percentage	Applications	Percentage
Low Vision	2,614	0.4%	1,410	0.5%
Other Disability	38,850	5.2%	15,772	5.7%
Literacy needs	5,318	0.7%	2,591	0.9%
No Post Pack (n/a)	12,682	1.7%	-	-
Distance to PP	11,759	1.6%	9,002	3.2%
Silent Elector	6,305	0.9%	3,795	1.4%
Outside Council area (Interstate and Overseas)	663,040	89.5%	246,362	88.3%

Preparation for LGE2021 – iVote volumes and testing

The NSW Electoral Commission projected the use of iVote at LGE2021 at approximately 218,000 votes. This figure was based on the iVote volumes at the 2019 State general election (i.e., approximately 5% of votes cast), adjusted for numbers on the roll,³⁰ and expected turnout, which is typically lower for local government elections than for State elections.

The eligibility criteria were largely the same as for the State elections and this was the first time iVote was to be used at the Local Government elections. To provide for possible variation from the projected usage, 350,000 votes was considered the upper estimate for iVote at LGE2021.

²⁹ This figure represents the number of total votes before multi-voter exclusions were applied. The total number of votes was 671,593.

³⁰ Roll growth was offset by the fact that a number of councils were not having elections, including the approximately 250,000 electors in Central Coast.

Pre-election testing

During June and July 2021 performance testing on all iVote processes³¹ in cycles at increasing levels, to determine the upper limit of performance. Testing results showed the following:

- The Registration/CM systems could process a maximum of 33,000 applications/hour
- The Create VBP (vote ballot paper) process could handle up to 300,000/hour
- The Voting system could accept 66,540 votes/hour.³²

A bottleneck was identified in the Registration/CM systems with a maximum of 33,000 applications per hour. An analysis of past elections (SGE2015, with 299,890 applications, and SGE2019, with 267,368 applications) showed that peak volumes experienced had been 7,841 and 11,932 per hour.³³ Extrapolation to calculate the total applications that would be accepted (with a peak of 33,000 per hour), gave 1,262,131 and 739,452, based on the 2015 and 2019 State General elections, respectively. These numbers were accepted as being of sufficient capacity for the LGE 2021, given that this performance was at least double the upper estimate of iVotes which would be cast.

Actual volumes experienced

The peak hour of applications for registration to use iVote was between 4-5pm on Friday 3 December 2021, with 15,899 applications made in that hour. The peak hour for casting iVotes was between 9am and 10pm on Friday 3 December 2021, with 23,536 votes cast in that hour. A total of 740,568 applications and 671,593 votes were accepted by iVote.

The use of iVote on election day and systems issues

Overview

The Electoral Commission was authorised to provide internet voting for the first time for the December 2021 state-wide ordinary local government elections. On election day (4 December 2021), staff of the NSW Electoral Commission became aware that some iVote users were unable to gain access to the system to cast their vote. This was due to the increased volume of people using the iVote system. The issue was included in a Statement issued by the Electoral Commissioner on 4 December 2021.³⁴ The Electoral Commissioner indicated he would undertake an assessment of the materiality of this iVote issue to the election results.

³¹ The exception was IVR voting, the use of the telephone keypad by an elector to cast their vote, which was an iVote voting option in the 2019 Stet general election. IVR voting was not offered for LGE2021.

³² Receipt checking and other steps in the iVote system also were tested, but these processes are not relevant to the issues experienced.

³³ However, there were issues with password resets in the course of SGE2019 that caused the higher peak.

³⁴ <https://www.elections.nsw.gov.au/About-us/Media-centre/News-media-releases/iVote-and-2021-NSW-Local-Government-elections>

Cause of service interruption on election day

On election day, many electors applied for iVote but did not receive their iVote number before voting closed. As a result, they were not able to vote using iVote. The problem occurred from about 6.30am and persisted throughout election day. After the completion of the election there was a detailed investigation into the technical cause of the issue which prevented iVote users being sent their iVote number (credential) before the close of voting.

It was determined that the election day issue was caused by a delay in the system sending out the credentials (iVote number) required to enable a voter to access the system to vote. The credentials are created and sent to a voter after they have successfully completed the application process. The primary cause of the delay has been identified as a database query used in the credential creation process to check that a credential has not already been allocated or used. This query searches against two separate tables, one containing credentials for all users that had applied to use iVote; the other containing the credentials of all users who had voted using iVote (both containing over 600,000 entries by election day). The query started performing poorly on election day because a database 'query optimiser' process changed the query execution to search the tables directly, rather than using indexes, which slowed performance significantly.

The high number of users who had already applied to use iVote, and the number of new applications being received on election morning, caused a queue of new requests. Because the query was designed to lock the database table to avoid changes whilst the check was being performed, once a queue was created the table was continually locked, causing a rapid build-up of requests, resulting in system performance issues and delays in creating the credentials. Because of the size of the queue of requests created, the problem did not resolve until after the close of voting at 6pm on election night.

This component of the system had been successfully tested as part of the overall performance testing of the system prior to the election. Testing was conducted with up to 800,000 credentials in the database, which exceeded the performance target of at least 500,000 iVote users for this election. However, during the election, the automatic database query optimisation process unexpectedly caused this specific query to be less efficient at the end of the election period, diverging from what was observed during the performance testing.

Analysis of electors who registered for iVote on election day but did not receive their credentials (iVote number) to vote using iVote

The NSW Electoral Commission analysed whether the iVote electors who did not receive their credentials on election day were able to find another way to cast a vote. Of the electors who did not receive their credentials on election day, 56% of them found other channels to vote. The majority of the iVote electors who voted using alternate voting channels did so by in-person ordinary voting at a polling place in their area/ward (i.e., 53.41%).

Alternate voting channels used

Alternate Voting Channel	%
NAMAV	0.01%
Pre-poll Ordinary	0.02%
Multiple Alternate Methods Used	0.06%
Postal	0.39%
Enrolment	2.19%
No Alternative Attempt (did not cast a vote)	43.93%

Alternate Voting Channel	%
Ordinary	53.41%
Total	100%

Note: If these electors had proceeded to cast by way of iVote, the system would have removed their iVotes because they had already voted by way of an alternate voting channel before election day.

Nomination of iVote criteria

Section 333C(1) of the Local Government (General) Regulation provides the following eligibility criteria for the use of iVote at a local government election:

- the elector is qualified for a postal vote and has duly applied for a postal ballot-paper and postal vote certificate envelope, but has not received a postal ballot-paper and postal vote certificate envelope before 5pm on the day that is 8 days before election day;
- the elector has a disability, within the meaning of the [Anti-Discrimination Act 1977](#), and because of the disability the elector has difficulty voting at a polling place or is unable to vote without assistance;
- the elector is illiterate and because of that the elector is unable to vote without assistance;
- the elector's residence is not within 20 kilometres, by the nearest practicable route, of a polling place;
- the elector is a silent elector;
- the elector will not, during the hours of voting on election day, be within the area for which the election is being held or
- the elector is a registered early voter (technology assisted voting).

Of those electors who did not receive their credentials (iVote number) to vote using iVote on election day, but did cast a vote using alternate voting channels, the criterion on which they relied to be able to register for iVote was predominantly 'outside area':

Criterion	%
Outside Area	91.8%
Other Disability	3.3%
No Postal Pack	2.5%
Distance to Polling Place	1.0%
Literacy	0.8%
Silent Elector	0.4%
Low Vision	0.2%
Registered early voter (technology assisted voting)	0.0%

Findings from the materiality assessment

On 23 December 2021, the Electoral Commissioner outlined in a public Statement the findings from the analysis of the potential impact of this iVote issue on the outcome of all the elections. This analysis was posted on the NSW Electoral Commission's website.³⁵

The Electoral Commissioner was satisfied, based on this analysis, that there was no material impact on these elections, with the important exception of three contests, namely:

- Kempsey – Councillor elections;
- Singleton – Councillor Elections; and
- City of Shellharbour – Ward A – Councillor elections.

The Electoral Commissioner formed the view there was a possibility that, if each individual who had registered to use iVote on election day had been able to vote, a different outcome might have occurred.

Supreme Court proceedings concerning iVote and the LGE2021

To address the risk of ongoing ambiguity about the materiality of the iVote issue for the local government elections, as well as to support the integrity of the electoral system more generally, on 10 January 2022, the NSW Electoral Commissioner commenced proceedings in the Supreme Court of New South Wales seeking a ruling about the validity of the 2021 NSW Local Government elections for councillors in Kempsey Shire Council, Singleton Council and Shellharbour City Council (Ward A) ["the affected elections"]. The Electoral Commissioner applied to the Supreme Court for a declaration about the validity of the election results in these three elections only.

As part of that legal process, it was necessary to join Kempsey, Singleton and Shellharbour Councils and the affected elected councillors as defendants in the proceedings. During the hearing, it was suggested that some members of the public misconstrued this approach to conclude that councillors were being 'sued' due to some wrongdoing on their part. To publicly address this, on 25 February 2022 the Electoral Commissioner published on the NSWEC website a further Statement to clarify that the defendant councils and councillors had not done anything wrong.³⁶

On 17 March 2022, the Supreme Court of NSW delivered judgment in relation to the application in *Electoral Commissioner v Kempsey Shire Council (No 2) [2022] NSWSC 409*. The Court decided that the problem that occurred for some internet voters in these areas was a material irregularity, and the affected elections were void.

In its decision, the Court noted that the failure of the Electoral Commissioner to provide eligible electors with the opportunity to vote by the iVote channel was capable of being a material irregularity with regard to section 333E of the Local Government (General) Regulation.³⁷ The Court also decided that the correct approach to assessing the materiality of the impact of not permitting eligible electors to use iVote was to consider the difference between the margin at each of the exclusion points in the count, including the last count, and the number of electors who were approved to use iVote and did not vote by any other means. This approach to analysing materiality was in contrast to the one taken by the Electoral Commissioner prior to the proceedings, which used the actual preference data of votes cast in each of the potentially impacted contests to produce thousands of simulated results that included additional 'missing' iVotes based (randomly) on those existing preferences.

³⁵ www.elections.nsw.gov.au/NSWEC/media/NSWEC/LGE2021/iVote-Assessment-Methodology.pdf

³⁶ <https://www.elections.nsw.gov.au/About-us/Media-centre/News-media-releases/Supreme-Court-proceedings-iVote-and-LGE2021>

³⁷ Section 333E provides that if the Electoral Commissioner is satisfied that an applicant is an eligible elector, the applicant *must be permitted to vote* at the election by means of technology assisted voting in accordance with this Division. Emphasis added.

For each of the three elections that was the subject of the proceedings, the Court found that because the number of potential 'missing iVotes' was greater than the margin between candidates at one (at least) of the exclusion points, that was sufficient to find there were reasonable grounds to believe that a majority of the voters may have been prevented from electing the candidate they preferred.

The Supreme Court declared void the elections on 5 April 2022, but further ordered that the declaration would not take effect until 3 May 2022. Pursuant to section 318(1)(b) of the Local Government Act,³⁸ councillor elections must be held within three months of the Supreme Court declaring the election void. After consultation with the affected councils, the election date was determined by the Electoral Commissioner, in accordance with the requirements of section 292 of the *Local Government Act*, as Saturday 30 July 2022.

Since the Supreme Court decision, each of the relevant councils has entered into an arrangement for the Electoral Commissioner to conduct the fresh elections, pursuant to election arrangements made under s 296 of the Act. The Electoral Commissioner has agreed with the councils that the costs of administering the requisite elections generally will be met by the Electoral Commissioner.

Act of Grace payments for participants in the affected elections

To alleviate the financial impact on candidates, and parties that endorsed candidates in the affected elections, delegated authority was sought and granted from the Premier under section 5.7 of the *Government Sector Finance Act 2018*, to offer act of grace payments to affected candidates and parties. Under delegated authority, the NSW Electoral Commission members have approved each application that was assessed as eligible for payment.

There were 41 eligible candidates and three political parties in the affected elections. On 13 April 2022, these candidates and parties were contacted by email (and shortly thereafter by post) informing them of their eligibility to make an application for reimbursement of lawfully incurred electoral expenditure in relation to the voided election/s they participated in. This correspondence was accompanied by an application form which outlined the associated terms and conditions of the scheme. As the primary purpose of the scheme was to reimburse candidates for expenditure on campaigning for an election that was subsequently voided, no obligation was imposed on candidates to recontest the new elections to be held later in 2022 in order to receive payment.³⁹

As at 13 July 2022, 27 applications for act of grace payments have been received, processed, audited and approved by the NSW Electoral Commission (including from 25 candidates and two parties). The total amount approved for payment is \$97,616.95. The amounts applied for range from \$205 to \$18,000, with the average amount applied for being \$3,615.45.

Of the remaining eligible candidates and parties, ten candidates and one party have advised the NSW Electoral Commission that they will not be making an application for an act of grace payment. Three candidates who initially made contact to indicate they would be making an application did not. The remaining three candidates have not responded to correspondence from the NSW Electoral Commission. It is possible that the eligible candidates (and party) who have not applied for act of grace payments may choose to lodge an application in the future and these will be assessed on a case-by-case basis if this occurs.

³⁸ Section 318(1)(b) requires the returning officer to hold another election as if a casual vacancy had occurred in the civic office. Under section 292(1)(a) of the Local Government Act, a casual vacancy in the office of a councillor is to be held on a Saturday that falls not later than 3 months after the vacancy occurs.

³⁹ It is also noted that public funding is not available to candidates or political parties registered for local government elections.

Determination not to use iVote at 2023 NSW State election

In 2022 the version of the iVote software used by the NSW Electoral Commission at LGE2021 is being phased out by its supplier. The short runway for configuring and testing a new version before the March 2023 State general election meant the Electoral Commissioner could not be confident an updated system adapted for NSW elections would be ready in time.

Accordingly, on 15 March 2022, the Electoral Commissioner made a determination, pursuant to section 162 of the Electoral Act and section 333L of the Local Government (General) Regulation, not to use iVote at the 2023 NSW State general election, or at any intervening by-elections between 1 July 2022 and 25 March 2023.⁴⁰

Telephone voting for blind and low vision electors has been delivered successfully at the February 2022 State by-elections and local government by-elections under COVID-19 special temporary arrangements. It is also being delivered at the new councillor elections that are being held on 30 July 2022 in Shellharbour Ward A, Singleton and Kempsey, pursuant to section 333M of the Local Government (General) Regulation.⁴¹ The *Electoral Legislation Amendment Bill 2022*, which is currently before the Parliament, provides that telephone voting for vision impaired or blind electors is the only form of technology assisted voting which will be made available at the March 2023 State general election.⁴²

Alternative arrangements for voters who are blind or have low vision

Following the decision that the iVote system could not be made available at the 2023 State general election on 29 March 2022, the Electoral Commissioner and staff of the NSW Electoral Commission met with representatives from Blind Citizens Australia, Vision Australia, Guide Dogs Australia, and the Public Interest Advocacy Centre.

During the meeting, the NSW Electoral Commission confirmed that iVote could not be available for the SGE2023 election. Although internet voting will not be available, the Electoral Commissioner advised that he remains committed to working with stakeholders to put in place alternative voting arrangements that address the needs of electors who are blind or have low vision.

The NSW Electoral Commission acknowledges that both internet and automated telephone voting using the iVote system are preferred by many electors who are blind or have low vision, over the iVote operator assisted telephone voting option. Although iVote was not available for use at the February by-elections, the NSW Electoral Commission noted that it had successfully offered an operator assisted telephone voting service at those elections. The NSW Electoral Commission proposes to offer a similar service, subject to appropriate legislative amendments being made, at the March 2023 State general election.

Targeted review of iVote

Recent surveys undertaken by the NSW Electoral Commission indicate that most voters' experience with iVote at the local government elections in December 2021 were positive. The Electoral Commissioner is now commencing a targeted review regarding the use of technology assisted voting at future elections.

The NSW Electoral Commission looks forward to continuing discussions on the future of technology assisted voting. As part of this review, the NSW Electoral Commission will consult with other public sector agencies; the Commission's blind or low vision reference group and iVote Panel; and with Electoral Commissions in other Australian jurisdictions, as well as other stakeholders.



⁴⁰ <https://www.elections.nsw.gov.au/About-us/Media-centre/News-media-releases/Electoral-Commissioner-iVote-determination>



⁴¹ This section will be repealed at the end of 1 September 2024.

⁴² <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=3988>

Appendices

Appendix A – Elector brochure February State by-elections

<p>State by-elections</p> <p>Can I attend a voting center? If you do not want to postal vote you can vote at a voting center. Early voting commences on 31 January, and Election day is Saturday, 12 February 2022. Visit elections.nsw.gov.au for venues and opening hours.</p> <p>If you choose not to vote using the postal ballot paper in this pack you do not need to return it and can dispose of it.</p> <p>It is important to remember:</p> <ul style="list-style-type: none"> You must vote in this election The penalty for not voting is \$55 You must not vote more than once in this election Penalties apply to people who vote more than once. <p>Bring this brochure with you if you intend to vote in person</p> <ul style="list-style-type: none"> Wear a mask Bring your own pen Maintain recommended physical distancing Hand sanitiser will be provided. <p>Visit elections.nsw.gov.au for information on our COVID-19 safety measures.</p> <p>Making political donations to a candidate or political party If you donate \$1,000 or more to a candidate or political party, you must report it to the NSW Electoral Commission within 4 weeks after the end of the financial year. For more information visit elections.nsw.gov.au/td</p>	<p>Saturday 12 February 2022</p> <p>Can I vote online? Online voting (iVote) is not available at this by-election.</p> <p>Telephone voting is available for electors who are blind or have low vision. Visit elections.nsw.gov.au or call 1300 135 736.</p> <p>Can I get assistance in any other language? Yes. Please call Translating and Interpreting Service National on 131 450 and ask them to call the NSW Electoral Commission on 1300 135 736. If you are deaf, hard of hearing and/or have a speech impairment, please contact us through the National Relay Service.</p> <p>How can I help someone who cannot read this brochure? If you or someone you know requires assistance reading this brochure, please call 1300 135 736.</p> <p>For more information Visit elections.nsw.gov.au or call 1300 135 736.</p>	<p></p> <p>Your guide to voting safely</p> <h1>State by-elections</h1> <p>• Bega • Monaro • Strathfield • Willoughby</p> <p>Saturday 12 February 2022</p> <p>Voting is compulsory.</p> 
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<p>State by-elections</p> <p>Why are these State by-elections being held? These State by-elections are being held following the resignation of the sitting member in each district.</p> <p>Do I need to vote? You must vote in this by-election. You have received this brochure because you are enrolled in one of the following districts:</p> <ul style="list-style-type: none"> Bega Monaro Strathfield Willoughby. <p>Why have I received a postal pack? To help reduce the risk of COVID-19 transmission the enclosed postal pack has been provided to you. The following items have been included in this postal pack:</p> <ul style="list-style-type: none"> This voting instruction brochure Postal ballot paper Postal vote certificate envelope Reply paid envelope. <p>Vote by completing the postal ballot paper and postal vote certificate envelope. Follow the Five easy steps to complete your postal vote.</p> <p>When should I complete my postal ballot paper? You must vote and complete your postal vote certificate envelope by 6pm, Saturday, 12 February (Election day).</p> <p>Completed postal ballot papers must be received by the election manager no later than 6pm, Friday, 25 February.</p>	<p>Saturday 12 February 2022</p> <p>Five easy steps to complete your postal vote</p> <ol style="list-style-type: none"> Read, sign and date the certificate of elector in the presence of a witness. Ask the witness to complete the witness section. A witness must not: <ul style="list-style-type: none"> Look at or ascertain how the elector voted or allow any other person to do so Disclose any knowledge he/she may have of the vote Influence or attempt to influence the elector Persuade the elector to hand the envelope to him/her for posting or delivery. Complete your ballot paper. <ul style="list-style-type: none"> Read and follow the directions for voting on the Legislative Assembly ballot paper. Fold and place the completed ballot paper inside the postal vote certificate envelope and seal it. Put the postal vote certificate envelope inside the reply paid envelope provided and seal. You do not need a stamp if you post it from within Australia. <div style="display: flex; align-items: center; justify-content: center;">  ➔  </div> <p style="text-align: center; font-size: small;">Small ballot paper Postal vote certificate envelope</p> <ol style="list-style-type: none"> Post your envelope as early as possible. 	<p>State by-elections</p> <p>How to vote You must record a vote on the ballot paper by placing the number 1 in the square opposite the name of the candidate you want to give your first preference vote. You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 2.</p> <p>Candidate information To view the list of candidates and registered electoral material please visit elections.nsw.gov.au</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center; font-weight: bold; font-size: small;">BALLOT PAPER</p> <p style="text-align: center; font-size: x-small;">Legislative Assembly Election – Electoral District of</p> <p style="text-align: center; font-weight: bold; font-size: small;">District name</p> <p style="text-align: center; font-size: x-small;">Held on 12 February 2022</p> <hr/> <p style="text-align: center; font-weight: bold; font-size: x-small;">DIRECTIONS FOR VOTING</p> <ul style="list-style-type: none"> • Write the number 1 in the square next to the candidate of your choice. • You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 2. • Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided). <div style="margin-top: 10px;"> <p><input type="checkbox"/> CANDIDATE A PARTY</p> <p><input type="checkbox"/> CANDIDATE B PARTY</p> <p><input type="checkbox"/> CANDIDATE C Independent</p> <p><input type="checkbox"/> CANDIDATE D</p> </div> </div> <p style="text-align: right; font-size: x-small;">Information correct as at 20/01/2022</p>
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Appendix B – Content translated into Community languages for February State by-elections

The following translated voting information and instructions on postal voting were available on our website in the top seven languages spoken by NSW electors with lower English proficiency: Arabic, Chinese (Simplified), Chinese (Traditional), Greek, Italian, Korean and Vietnamese.

State by-elections Saturday, 12 February 2022

NSW State by-elections will be held on Saturday, 12 February 2022 for the electoral districts of:

- Bega
- Monaro
- Strathfield
- Willoughby.

Voting options

For these elections, you can vote:

- in person on election day, or
- in person before election day at an early voting centre, or
- by mail, using a postal vote.

Voting is compulsory at these by-elections. You must only vote once.

Voting on election day

To vote on election day, visit a voting centre between 8am and 6pm. To find out where you can go to vote on election day, visit the information page for your electoral district:

- Bega
- Monaro
- Strathfield
- Willoughby.

Early voting

You can vote before election day at an early voting centre from Monday, 31 January to Friday, 11 February. Everyone can vote early at these elections. To find out the location and opening hours of early voting centres, visit the information page for your electoral district:

- Bega
- Monaro
- Strathfield
- Willoughby.

Ballot papers

If you need assistance completing your ballot papers, you can ask an election official or take a friend with you. Your vote is secret but, if you need help, it's okay to take someone to the voting screen with you.

Postal voting

As a COVID-19 safety measure, all electors enrolled in these districts will receive a postal vote pack. You do not have to apply for the pack, it will be issued to you automatically. It's up to you whether you choose to use the postal vote pack or vote in person.

Read the instructions carefully.


- You must vote and complete your postal vote certificate envelope by **6pm on Saturday, 12 February 2022** (election day).
- To be counted, your completed postal vote must be received by the NSW Electoral Commission by **6pm on Friday, 25 February 2022**.

There are five easy steps to complete your postal vote:

1. Read, sign and date the certificate of elector in the presence of a witness (by **6pm on Saturday, 12 February 2022** (election day)).
2. Ask the witness to complete the witness section.
3. Complete your ballot paper (by **6pm on Saturday, 12 February 2022** (election day)).
4. Fold and place the completed ballot paper inside the postal vote certificate envelope and seal it. Put the postal vote certificate envelope inside the reply-paid envelope provided and seal. You do not need a stamp if you post it from within Australia.
5. Post your envelope as early as possible. Your completed postal vote must be received by the NSW Electoral Commission by **6pm on Friday, 25 February 2022**.

Appendix C – Revised elector brochure format for July 2022 Local government elections with additional in-language information

Help in your language



المعلومات باللغة العربية لاسمح رمز ال QR.

QR code - معلومات باللغة العربية لاسمح رمز ال QR.

浏览简体中文信息, 请扫描二维码。

掃描這二維碼來查閱繁體中文資訊。

Za informacije na hrvatskom jeziku skenirajte QR kod.

برای دریافت معلومات به زبان دری، QR را اسکن کنید.

Για πληροφορίες στα Ελληνικά, σαρώστε τον κωδικό QR.

हिंदी में जानकारी के लिए क्वार्ड कोड को स्कैन करें।

Per informazioni in italiano, fai la scansione del codice QR.

සුඛවුම් තීරණය කිරීම සඳහා QR කේතය ස්කෑන් කරන්න.

한국어로 된 정보를 원하시면, QR코드를 스캔하세요.

အားလုံးအတွက် အချက်အလက်များကို ရှိသားအတိုင်း QR ကို ခတ်ကြည့်ပါ။

За информации на македонски јазик, скенирајте го QR кодот.

Għal informazzjoni bil-Malti, skannja l-QR code.

برای کتب اطلاعات به زبان فارسی QR code را اسکن کنید.

Po informację w języku polskim zeskanuj kod QR.

Para informações em português, escaneie o Código QR.

Для получения информации на русском языке отсканируйте QR-код.

За информације на <српском>, скенирајте QR код.

Para obtener información en español, escanee el código QR.

Para sa impormasyon sa Filipino, i-scan ang QR code.


ສຳລັບຂໍ້ມູນໃນພາສາໄທ ໂປຼລະສານກຸງສຳລັບ QR Code

Türkçe bilgi için QR kodunu tarayın.

Muốn biết thông tin bằng <tiếng Việt>, hãy quét mã QR.

Name Surname
13 Some Street
Any suburb NSW 2038

Bring this brochure
with you when voting.
It will make voting easier.



Your guide to voting in the Local council elections

• Kempsey Shire Council • Shellharbour City Council – Ward A • Singleton Council

Saturday, 30 July 2022

Voting is compulsory.

Local council elections	Saturday, 30 July 2022	Local council elections
<p>This brochure contains important information about the elections.</p> <ul style="list-style-type: none"> • Polling places will be open from 8am to 6pm on Saturday, 30 July 2022. • Voting is compulsory. • The penalty for not voting is \$55. <p>Why are these elections being held?</p> <p>These elections are being held because the NSW Supreme Court decided that the December 2021 councillor (not mayoral) election results for Kempsey, Shellharbour - Ward A and Singleton were void due to a problem with iVote.</p> <p>Do I need to vote?</p> <p>You must vote in this election. You have received this brochure because you are enrolled in one of the following council areas:</p> <ul style="list-style-type: none"> • Kempsey Shire • Shellharbour City Council - Ward A • Singleton Council. <p>How do I vote?</p> <p>For the Kempsey Shire Council, Shellharbour City Council - Ward A and Singleton Council elections, you can vote:</p> <ul style="list-style-type: none"> • in person on election day, or • in person before election day (pre-poll), or • by postal vote if eligible. <p>Where can I vote on election day?</p> <p>Saturday, 30 July 2022 is election day. Polling places will be open from 8am to 6pm on the day.</p> <p>If you vote in person on election day you must vote at a polling place within your council area. To find out where you can vote on election day, visit elections.nsw.gov.au</p>	<p>Where can I vote before election day?</p> <p>Voting before election day (called pre-poll) is available from Monday, 18 July 2022 for all electors in these council elections. You must vote at a pre-poll location within your council area. To find out where you can vote before election day and the opening hours of each location, visit elections.nsw.gov.au</p> <p>COVID-19 safety measures</p> <p>Voters are asked to maintain physical distancing and to use the hand sanitiser provided. Although not compulsory, you are encouraged to wear a mask. Masks will be available at polling places. Voters can use their own pen to vote or be given a single-use pen at the voting centre.</p> <p>Postal vote</p> <p>Eligible electors can apply to vote by post. Visit elections.nsw.gov.au to check your eligibility and apply online for postal voting or to download the application form. You can also apply by calling 1300 135 736.</p> <ul style="list-style-type: none"> • Postal vote applications close at 5pm on Monday, 25 July 2022. • Postal ballot papers must be completed by 6pm on election day Saturday, 30 July 2022. • Your completed postal vote must be received by the NSW Electoral Commission by 6pm on Friday, 12 August 2022. <p>Ballot paper</p> <p>You will be given one ballot paper to complete for the election of councillors for your council. Read the voting instructions on the ballot paper carefully.</p> <p>If you need help to understand the voting instructions on the ballot paper, please ask the election staff or you can ask a friend, family member or carer to help you.</p>	<p>Candidate information</p> <p>To view the list of candidates and registered electoral material please visit elections.nsw.gov.au</p> <p>Making political donations to a candidate or political party</p> <p>If you donate \$1,000 or more to a candidate or political party, you must report it to the NSW Electoral Commission within four weeks after the end of the financial year in which you made the donation(s). For more information visit elections.nsw.gov.au/fd</p> <p>Can I get assistance?</p> <ul style="list-style-type: none"> • For assistance in a language other than English, please call Translating and Interpreting Service National (TIS National) on 131 450 and ask them to call the NSW Electoral Commission on 1300 135 736. • Information in languages other than English is also available at elections.nsw.gov.au/translations • If you are deaf, hard of hearing and/or have a speech impairment, please contact us through the National Relay Service. • If you or someone you know requires assistance with reading this brochure, please call 1300 135 736. • Auslan interpreters will be available on Saturday, 23 July and Saturday, 30 July via Skype at: NSWelections Auslan • All voting centres have handheld magnifying sheets, maxi pens and wheelchair accessible voting screens. <p>For more information</p> <p>Visit elections.nsw.gov.au or call 1300 135 736.</p>