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## SERVICES TO REGISTERED POLITICAL PARTIES AND CANDIDATES

### Information services

The NSWEC provided all registered political parties and candidates with timely election information and advisory services.

In early December 2006, the NSWEC conducted briefing sessions for registered political parties on the election process. These sessions provided information such as the election timetable, amendments to the Act, nomination procedures, registration of how to vote material and how to access results on election night.

Participants were also provided with an information kit containing general election information as well as more specific information relevant to each electoral district.

Representatives from all registered political parties that contested the 2007 State election attended these sessions.

The NSWEC maintained ongoing communication with the registered political parties during the election through a series of 15 circulars which provided up to date information, maps of each electoral district and lists of pre-poll voting centres and polling places.

Candidates were provided with a detailed Candidates' Handbook for the House for which they were standing. This contained information on topics such as: the nomination process, election advertising, registration of how to vote materials, electoral offences and election funding requirements. All handbooks are available on the NSWEC website.

Prior to election day returning officers also held information sessions for candidates to outline the election process and clarify any outstanding matters.

### Election support services

#### Register of political parties

The Act sets out the registration process for political parties and requires the NSWEC to establish and maintain a register of them.

In order to be registered a political party must, at the time of registration, meet certain legislative requirements. An application must:

- set out the name of the registered political party and abbreviation, if relevant;
- set out the name and address of the registered officer and deputy registered officer;
- set out the address of the party headquarters in New South Wales;
- be accompanied by a copy of the party's written constitution;

- set out the names and addresses of at least 750 members who are on the New South Wales electoral roll and upon whom the political party relies for the purpose of registration; and
- be accompanied by the payment of a registration fee (\$2,000) to the NSWEC.

It is not compulsory to be registered to contest an election, however, registration gives political parties certain entitlements. It allows them to:

- nominate candidates through the party's registered officer or deputy registered officer;
- have the party name or its abbreviation printed next to the names of endorsed candidates on the ballot paper;
- register election material (including how to vote cards) for distribution on election day;
- access electronic copies of the electoral roll; and
- be eligible for funding under the *Election Funding Act 1981*.

At the time of the election there were 18 registered political parties in New South Wales although one of these did not stand candidates in 2007.

### The nomination process

The NSWEC placed an advertisement calling for candidate nominations in the *Sydney Morning Herald* and *Daily Telegraph* on 5 March 2007, the day of the issue of the Writs.

For the Legislative Assembly a nomination deposit of \$250 must accompany the nomination form. After the election the nomination deposit is refunded to the candidate or to the registered officer of the party, if the candidate:

- is elected;
- has received at least 4% of the total number of first preference votes;
- died before the date of the election; or
- withdrew the nomination before the close of nominations.

For the Legislative Council, the nomination deposit for a single candidate is \$500, however, a fixed amount of \$5,000 applies to a group consisting of between 11 and 21 candidates. After the election the deposit is refunded to the candidate or to the registered officer of the party if:

- the candidate is elected;
- one of the candidates in the group of which he or she is a member is elected;
- the candidate or the group of which he or she is a member has received at least 4% of the total number of first preference votes;
- the candidate died before the date of the election; or
- the candidate withdrew the nomination before the close of nominations.

Returning officers provided prospective Legislative Assembly candidates with a kit that included:

- Handbook for parties and candidates – Legislative Assembly Election 2007
- Handbook for scrutineers – State Election 2007
- Election funding candidate fact sheet
- Application to register electoral material
- Notice of appointment of official agent
- Copy of the election timetable
- Map of electoral district
- Electorate profile for the district
- List of polling places
- List of declared institutions
- Printed reference list of electors for electoral district
- Request for electronic list of electors enrolled for the district
- Appointment of scrutineer form
- Election funding receipt book
- Election funding acknowledgement book

Candidates, parties and groups standing for the Legislative Council received a kit containing:

- Handbook for parties, groups and candidates - Legislative Council Election 2007
- Handbook for scrutineers – State Election 2007
- Election funding candidate fact sheet
- Application to register electoral material
- Notice of appointment of official agent
- Copy of the election timetable
- Request for electronic list of electors enrolled for the State
- Request for electronic list of polling places and declared institutions
- Appointment of scrutineer form
- Election funding receipt book
- Election funding acknowledgement book

In 2007 registered political parties were able for the first time to submit their candidate nominations in bulk at the NSWEC by noon on the day before nominations closed, or they could do what individual candidates do and that is submit each candidate's nomination with the returning officer in each district by noon on the following day.

The close of nominations for registered political parties lodging bulk nominations was noon, 7 March 2007, and that for individual candidates was noon, 8 March 2007.

Nominations were processed on receipt and details loaded directly into EMA.

The *Parliamentary Electorates and Elections Amendment (Child Sexual Offences Disclosures) Act 2006* introduced a new requirement as part of the nomination process. All candidates had to declare whether they had been:

- convicted of the murder of a child or a child sexual offence;
- the subject of proceedings for such an offence; or
- the subject of an apprehended violence order for the purposes of protecting a child from sexual assault.

If a person failed to complete this declaration their nomination was invalid. Making a false declaration deliberately is a criminal offence (maximum penalty up to 5 years imprisonment), and if a candidate is elected and then convicted of making a false declaration, he or she will be disqualified from sitting in Parliament pursuant to section 13A of the *Constitution Act 1902*.

The declaration of all candidates was posted on the NSWEC website. Following the return of the Writs, the declarations of those candidates elected to the Parliament were provided to the Commission of Children and Young People for audit, as specified in the legislation.

## Candidates

The NSWEC received 537 nominations for the Legislative Assembly, a decrease of 123 candidates compared to the 660 candidates who contested the Legislative Assembly election in 2003. There were 333 candidates who contested the Legislative Council election in 2007 compared with 284 candidates in 2003. Comparative information is provided below.

A full list of candidates contesting the Legislative Assembly and Legislative Council elections can be found on pp101-142.

### Legislative Assembly Candidate and Party Comparison past State Election

	2007	2003
Candidates	537	660
Party candidates	459	563
Independent candidates	78	97
Most candidates contesting an electorate	9	11
Least candidates contesting an electorate	3	3

For the 2007 Legislative Assembly election, the Australian Labor Party stood 93 candidates, the Liberal Party 73 candidates, the Greens 93 candidates and the National Party 20 candidates. 78 candidates stood that were not endorsed by any registered political party, compared with 97 at the 2003 election.

### Legislative Council Candidate Group and Party Comparison past State Election

	2007	2003
Candidates	333	284
Grouped candidates	326	277
Ungrouped candidates	7	7

For the 2007 Legislative Council election the Australian Labor Party stood 18 candidates, the Liberal Party/Nationals 15 candidates and the Greens 21 candidates. Seven candidates stood as ungrouped candidates.

### Electoral material including the registration of how to vote cards

Electoral material includes how to vote cards, handbills, pamphlets and notices.

Registered political parties, candidates, groups, organisations and individuals may distribute electoral material, including how to vote cards, during the course of an election.

There are legislative requirements that govern the distribution of such material from the issue of the Writs. These are that:

- all electoral material, including how to vote cards, must have printed at the bottom the name and address of the person who authorised the material and the name and address of the printer; and
- the material must not mislead a person in the casting of their vote.

There are additional legislative requirements regarding electoral material, including how to vote cards, to be distributed on election day. These are that:

- only electoral material registered by the Electoral Commissioner can be distributed;
- applications to register such material may be made from 12 noon on nomination day and before 5pm on the day that is eight days before election day (the Friday in the second week before election day);
- a sample or draft of the material must be provided with the application;
- the application must specify the electoral district(s) where the material will be distributed; and
- where the material includes a representation, partial representation or purported representation of a ballot paper, then certain other requirements must be met. The NSWEC will discuss these matters with the applicant if the material does not satisfy these provisions.

Information about the registration of how to vote cards was provided:

- to registered political parties at briefings held prior to the election;
- to candidates in the kit provided by returning officers; and
- via the NSWEC website.

In 2007 registered political parties and candidates were required to submit their materials for distribution on election day to the NSWEC no later than 5pm, Friday, 16 March 2007.



## Provision of electoral roll to candidates

Registered political parties that requested a copy of the New South Wales electoral roll were sent an electronic copy after the close of roll at 6pm on Monday, 5 March 2007.

Once the nomination process had been completed, candidates could submit a written request for an electronic copy of the roll. Candidates for the Legislative Assembly were provided with an electoral roll for the electoral district they were contesting. Candidates for the Legislative Council received an electoral roll for the State.

## Review of performance

### Debriefs

The NSWEC evaluated the services it provided to registered political parties by arranging for an independent survey of the scrutineers and registered political parties, including interviews with representatives from five parties (Australian Labor Party, Liberal Party, National Party, The Greens and the Christian Democrats) and used a mailout/self-complete/mail back method for 12 minor parties (including the Australian Democrats, Australians Against Further Immigration, Horse Riders Party, Outdoor Recreation Party etc). Six of these 12 parties responded to the survey.

The evaluation covered key areas including the provision of information to candidates/parties, the voter information campaign, the elector brochure mailout, the performance of returning officers, and overall service to candidates/parties in responding to questions during the election period.

The feedback from these election stakeholders and participants was taken into account in evaluating the NSWEC's management of the 2007 State election and will assist the planning of future elections.

### Services to registered political parties

Overall the registered political parties indicated they were satisfied with the NSWEC's performance and thought it was of a very high standard, being both professional and very responsive to their needs.

The following areas were identified by the parties as positive:

- the overall speed and responsiveness of service;
- professionalism of service;
- availability of election officials, especially the Electoral Commissioner;
- information available on the NSWEC website - maps, electoral district profiles, polling place locations, forms, and timeliness of election results on the website; and
- the election information centre and associated services.

## Pre-election

Parties found the pre-election information sessions and handbooks to be very informative and useful. The timeliness of responding to questions by the NSWEC and Electoral Commissioner was assessed as excellent, with parties describing the Electoral Commissioner as being accessible at all times.

The elector brochure mailout, informing electors of their electoral district and including an Easy Voting Card, was seen to be a good concept and 'moving down the right track of authenticating the voter'.

The voter information campaign was rated positively by the parties. Due to the complexity of the optional preferential voting system, parties suggested improvements could be made to the 'how to vote' phase of the campaign to better explain how to cast a formal vote for the Legislative Council election.

These suggestions will be taken into consideration for future campaigns.

## Pre-poll voting

Pre-poll voting services received mixed reactions from the parties with services being seen by some as highly improved whereas others complained about inconsistencies in hours of operation causing some confusion for electors.

## Election day

Overall parties were satisfied with the selection and location of polling places. Parties raised the issue of communication from the NSWEC regarding changes to polling place locations. These concerns will be taken into consideration by the NSWEC at future elections.

The use of iRoll was seen as a positive innovation to correctly identify the electoral districts of absent voters.

Parties considered the NSWEC virtual tally room to be an excellent resource on election night. Most parties did not attend the tally room relying instead on the virtual tally room for their updated results.

Overall there was general support from major political parties for not continuing the use of the actual tally room at future elections. Minor parties were split on the issue as some viewed the tally room as a media opportunity allowing coverage that they would be unable to generate themselves on election night.

## Complaints about political parties and candidates

In the lead up to the election, the NSWEC received numerous phone complaints and 46 written complaints about registered political parties and candidates. Where people rang the NSWEC election information centre or head office directly with a complaint, the complaint was handled by the appropriate NSWEC officer. Complaints dealt with issues including:

### How to vote material and postal voting applications

23 complaints were received about how to vote materials and political advertising. Complaints covered a variety of areas including the authorisation details not being printed on election posters, and the placing of election posters on trees, telegraph poles etc.

Another issue raised by complainants was the distribution of postal vote applications by the registered political parties and/or candidates. There was a degree of confusion as some people thought the material had come from the NSWEC and that the NSWEC had accepted 'advertising' from the registered political parties and/or candidates. Others queried why the application was to be returned to a registered political party or candidate and not the NSWEC.

### Party workers

Complaints were received regarding party workers handing out how to vote material outside polling places and speaking to electors while they were waiting to vote. Although registered political parties must register the material distributed on election day, the NSWEC has no discretion in the manner in which they are distributed.

Party and candidate workers are generally well behaved at polling places, although at a few polling places some party or candidate workers became more exuberant in their canvassing.

### Complaints about the NSWEC by candidates at the 2007 State election

Mr Greg Best, candidate for Wyong, submitted how to vote material for registration with the NSWEC prior to the election. Registration of some of that material was refused based on the Electoral Commissioner's view that it contained obscene or offensive language, which is a ground for refusal under the Act.

Mr Best took the NSWEC to the Supreme Court in an attempt to overturn the Electoral Commissioner's decision. The Supreme Court upheld the decision and the item was not registered for distribution at polling places on election day.

It should be noted that other how to vote material submitted by Mr Best was registered for distribution on election day.