

## NSWEC OPERATIONS

### Election personnel

#### Returning officers

In 2006 the NSWEC conducted a recruitment drive across New South Wales to secure the services of suitable people to fill the role of returning officer at the 2007 State election. It was considered prudent to select and train more people than positions so that if those ultimately appointed as a returning officer were unable to take up their appointment, a suitable replacement could readily be found.

Following a merit-based interview process over 100 people were selected to participate in the training component. This involved attending a one day induction session, a four day training seminar on the election processes and procedures, and 1½ day training session on the computerised election management application and finance-related issues.

Based on their performance in assessments done in the training period and their past experience, the NSWEC appointed 93 people as returning officers to conduct the election in each of the Legislative Assembly districts. This selection process ensures the most capable people are appointed.

Under the Act the Electoral Commissioner performs the role of returning officer for the Legislative Council where the whole State is considered a single electoral district.

Returning officers were responsible for issuing pre-poll and postal votes, receiving candidates' nominations, and organising staff and polling places for election day. On election day they were responsible for the conduct of the election and the counting of votes in their district.

See Appendix 12 for a list of the 93 returning officers.

#### Support for the returning officers

##### Office setup

An important part of a returning officer's duties is to establish an appropriate office within their district from which they will conduct the election. All returning officers had secured their office premises by January 2007, and were working full-time in their offices from 19 February 2007. These offices were open to the public from Thursday, 1 March 2007.

The NSWEC provided a range of services and materials to returning officers to assist them in establishing their offices. Communications, including computer and telephone connections, were installed in late January and by early February all returning officers had received their office supplies including computer equipment, stationery and voting materials. Preparation and distribution of these materials was a large logistical exercise managed through the NSWEC warehouse premises at Riverwood.

### Returning officer manual and diary

To assist returning officers in their day to day duties each returning officer was provided with a detailed manual and diary to ensure consistent application of the procedures associated with the election.

### Returning officer support officers

The NSWEC established a group of ten returning officer support officers (ROSOs) to provide returning officers with advice on complex issues. These ROSOs were very experienced staff who were nonetheless provided with training relevant to the procedures to be implemented at the 2007 election. The ROSOs were located at the NSWEC and acted as the point of contact between the returning officers and NSWEC staff.

This approach was adopted to improve consistency in advice being provided to returning officers, and as a consequence ensure that advice provided by returning officers to registered political parties, candidates and scrutineers was the same across the State.

Each ROSO was responsible for a specified team of returning officers (the majority had nine with three ROSOs having ten). This assistance was available from November 2006 with a smaller team of ROSOs available on a rotating roster and then full-time from February until April 2007.

### Help desk

A separate 'IT help desk' was also established. Four NSWEC staff members were trained to provide assistance to returning officers with IT-related queries particularly in relation to the operation of the EMA system.

### Centralised account payment system

For the first time the NSWEC centralised the payment of all accounts associated with the election ranging from returning officers' office rent and utilities to stationery and cleaning. The system was also used to pay all election staff including those employed on election day and allowed the majority of accounts to be paid by electronic funds transfer in a timely manner.

At previous State elections returning officers were individually responsible for the payment of accounts that they incurred during the election period. This new approach relieved the returning officers of time consuming finance-related tasks and allowed them to focus on other priorities.

This centralised account payment system proved successful and will be used in future elections as it provided efficiency gains and established a sound auditable payment process.

## Recruitment

### Employment of staff at returning officers' offices

All returning officers were responsible for the employment of administrative staff to work in their offices. Where possible, returning officers in areas with large numbers of people from CALD communities employed multilingual staff.

The roles performed by staff in returning officers' offices included:

- processing candidates' nominations;
- taking pre-poll votes;
- processing and issuing postal votes;
- answering queries from candidates and the general public;
- staffing polling places; and
- counting votes.

### Employment of election officials

Approximately 16,500 election officials were employed to work at polling places throughout New South Wales on election day.

The returning officers recruited election officials who had worked at previous elections and from applications received by the NSWEC prior to the election. The NSWEC wrote to electors who had previously worked as an election official at a New South Wales election inviting them to complete an expression of interest form.

Applicants were able to submit their applications online through the NSWEC staffing website. The recruitment website was integrated with the NSWEC EMA system minimising double-handling of applications and allowing the returning officers direct access to applications for their electoral district.

Of the 30,000 people who expressed interest in working, approximately 14,500 were selected through the NSWEC staffing website.

The work performance of all election officials was evaluated by polling place managers after election day to assess the suitability of staff for future employment.

### Measures to ensure election officials' impartiality

When submitting either an online expression of interest or a written application, prospective election officials were made aware of the NSWEC's commitment to performing election functions with complete impartiality in a politically sensitive environment.

Applicants were informed that people who were, or were seen to be, active in political affairs may compromise the strict political neutrality of the NSWEC and could not be considered for employment.

Applicants were also informed that any real or possible conflict of interest must be disclosed prior to accepting employment as an election official.

## Service providers

In 2006 and 2007 the NSWEC entered into contracts with a range of specialist service providers. Contractors were selected after competitive tendering processes in line with New South Wales Government requirements, and taking into account the level and quality of service and value for money they could provide.

Services contracted by the NSWEC for the 2007 State election included:

- programme management;
- website redevelopment;
- information technology development and support;
- voter information campaign;
- NSWEC election information centre operations;
- printing of ballot papers and other election materials;
- tally room construction and operation of the electronic tally board;
- mail-house services; and
- facilitation for the Equal Access to Democracy Plan.

See Appendix 13 for the list of service providers.

## Legislative Council arrangements

### The Australian Electoral Commission involvement

Following the 2003 State election, it was recognised that the demands placed on returning officers to count the Legislative Assembly ballot papers, as well as process the Legislative Council ballot papers within the strict time lines stipulated under the Act, created unacceptable risks to the integrity of the count of the Legislative Council ballot papers.

To enable returning officers to concentrate their efforts on obtaining a result for the Legislative Assembly election, it was decided to decentralise the count of the Legislative Council ballot papers by establishing regional counting centres (RCCs). Ballot papers marked above the line with a single preference or those following a registered how to vote card were sent to the RCCs.

A Memorandum of Understanding was signed in May 2006 between NSWEC and the AEC for the AEC to provide staff to undertake the following election services:

- receive election materials from polling places on behalf of the returning officer on election night;
- conduct the initial sort and count of absent votes on the Sunday following election day; and
- manage 50 RCCs where the Legislative Council ballot papers would go through a rigorous sorting and counting process.

The cost of engaging the AEC to provide these services was \$1,078,941.

A Working Party comprising senior NSWEC and AEC officers was established to identify the administrative and operational arrangements for the provision of these election services. A training programme was developed and delivered by NSWEC training officers to all AEC staff involved in the election activities.

Returning officers reported that the assistance provided by the AEC staff in the return of polling place materials and the absent votes activities was of substantial benefit to them, enabling them to concentrate on the Legislative Assembly ballot papers.

The RCC concept was a successful innovation, largely meeting NSWEC expectations and those of stakeholders in terms of the timely delivery of accurately counted ballot papers to the centralised counting centre.

The process for determining the Legislative Council result took place without incident or complaint from stakeholders, and the count was achieved in record time by staff working during the Easter period.

### The Joint Standing Committee on Electoral Matters

In December 2004, the Joint Standing Committee on Electoral Matters (JSCEM) inquired into various aspects of the administration of the 2003 State election. A particular area of concern, as identified by the JSCEM, was the lack of a robust software development and testing methodology for the count of the Legislative Council ballot papers.

The NSWEC implemented a robust approach to manage the improvements to the software and the counting processes.

An operational test plan was developed, and there were two full-scale rounds of operational testing undertaken on site which simulated a 'live' count.

### Improvements on the 2003 Legislative Council election arrangements

The following initiatives were implemented for the 2007 Legislative Council election to improve arrangements for the count of the ballot papers:

- Enhancements to the software were critical to the reliability and stability of the application during the data entry and counting phases of the election. Accordingly, all resources necessary were placed at the disposal of the development team, and the extent of testing undertaken was unprecedented;
- Extensive operational testing was undertaken to simulate a 'live count' environment. This proved invaluable as a means of testing operational processes, and as a training exercise for all staff at data entry supervisor level and above who would be entering data on election night;
- The establishment of a Working Party comprising senior NSWEC and AEC staff assured a successful implementation of the RCC concept, the development of procedural material, the training of AEC staff and the functioning of the RCCs;
- The introduction of RCCs and using full-time, experienced AEC staff proved to be a success and achieved its major goals of freeing up the returning officers to enable them to concentrate on the Legislative Assembly election, and reducing the number of ballot papers returned to the CCC for data entry;

- Wherever possible the RCCs were established in a returning officer's office. This produced economies of scale and created efficiencies as the AEC staff and returning officers were able to share equipment and work closely together; and
- The lease of the 4,300m<sup>2</sup> warehouse at Riverwood assured that all activities associated with the organisation of the election, the operational testing of the software and the data entry of ballot papers were conducted in a much more user-friendly environment than in 2003 when two separate facilities were used to process, data enter and store ballot papers.

## Counting the votes

### Election night

Once voting finished at 6pm the doors of all polling places were locked so that ballot boxes could be opened and ballot papers sorted and counted in the presence of scrutineers.

### Legislative Assembly ballot papers

#### First preferences

Legislative Assembly ballot papers were counted for first preference for each candidate and informal votes on election night. The results of the count at each polling place were phoned through to the returning officers, who then entered the results into EMA. The results for each district, which were recorded and updated in real time, were sent to the electronic tally board at the tally room, to the NSWEC virtual tally room, and to the media.

#### Notional distribution

Prior to election day, the Electoral Commissioner decides the two candidates in each district most likely to be remaining in the count after the votes of less successful candidates have been distributed. This is referred to as the notional distribution of preferences.

This notional distribution has no official status and is merely intended to give the candidates, registered political parties and media an early indication of the likely result of the count at each polling place. In determining which candidates were to be selected for this notional count, the Electoral Commissioner consulted the main registered political parties and Antony Green, the ABC election analyst.

The results of the notional count from each polling place were phoned through to the returning officers who then entered the results into EMA where they were transmitted to the tally room, the virtual tally room, and the media.

In four districts (Epping, Maitland, Newcastle and Vacluse) the candidates selected for the two candidate preferred count were out-pollled by other candidates on election night. However, as each polling place had received instructions to follow the notional distribution it was not possible to make changes on election night.

### Legislative Council ballot papers

The Legislative Council ballot papers were counted at polling places on election night for above the line first preferences. These results were phoned through to the returning officer who entered the information into EMA for forwarding to the tally room.

## Post election night

### Legislative Assembly

#### Check count

On the Sunday following election day all returning officers conducted a check count of all the Legislative Assembly ballot papers counted at polling places on election night. The check count occurs at the returning officer's office with scrutineers able to attend.

#### Full distribution of preferences

To be elected to the Legislative Assembly, a candidate must receive an absolute majority (50% +1) of the formal votes. After election night a full distribution of preferences was conducted for each polling place by the returning officer regardless of whether a candidate received an absolute majority of first preference votes.

Those ballot papers on which only a first preference is shown cannot be distributed and are set aside. Ballot papers set aside are said to be exhausted and do not remain in the count. This reduces the number of votes remaining in the count and therefore the number of votes required to be elected.

The candidate with the fewest votes is eliminated and his/her ballot papers are distributed to the remaining candidates according to the next available preference shown on them. The distribution process is repeated, with one candidate eliminated at a time, until one candidate has more than half the number of the votes remaining in the count. The full distribution of preferences for each district is included in the results section of this report. See pp 145-349.

#### Recounts

Candidates are entitled to request a recount of all ballot papers for a district. The NSWEC may also decide to conduct a recount if the final result is close. Recounts are conducted on a district-wide basis not by individual polling places.

During a recount all ballot papers are recounted and any scrutineer can challenge the formality of a ballot paper. The returning officer will determine this matter and his or her view is final.

Recounts were conducted for two districts: Lake Macquarie and Port Stephens. In both cases, the recount confirmed the outcome of the previous count although there were slight variations in the final number of votes achieved by the candidates.

#### Two party preferred vote

The two party preferred vote is always done between the Labor and Liberal/National parties.

The two party preferred vote is obtained for information purposes only. It provides a measure of the support for the parties most likely to form government and shows by district, and for the State as a whole, how the notional distribution of preferences was divided between the main parties, taking into account the preference for these parties shown by people who voted first for minor parties or independents.

The two party preferred vote was calculated in the following way:

- A notional distribution of preferences was conducted in all districts between the two candidates considered prior to election day as most likely to be the two final candidates after preferences were distributed. In the majority of cases one of those two candidates was from the Labor Party and the other from the Liberal or National Party. Where these candidates proved to be the final two candidates, the notional count on election night constituted the two party preferred count;
- In cases where the two selected candidates proved not to be the two final candidates, or where one or both of the two selected candidates was from a minor party or an independent, a further notional count was conducted between the two candidates from the Labor Party and the Liberal and National Parties; and
- The two party preferred vote for the State as a whole was 52.26% Labor and 47.74% Liberal/Nationals. This distribution was not uniform throughout the State.

## Legislative Council

### Regional counting centres

Following election day, Legislative Council ballot papers were transferred to one of the 50 RCCs for the recount of first preferences. These centres were managed by experienced AEC staff and the ballot papers were counted by polling place for each district. Most RCCs employed in excess of 20 staff to assist with the count, and scrutineers were in attendance during the counting, batching and packaging of ballot papers.

Details of the count of ballot papers marked above the line were sent to the CCC at Riverwood for data entry into a purpose-built computer application designed to produce the final results for the Legislative Council election.

Ballot papers marked below the line were sorted and sent to the CCC where they were individually entered into EMA.

See Appendix I4 for a list of the Regional Counting Centres.

### Central counting centre

Data entry of ballot papers commenced on Wednesday, 28 March. There were two eight hour data entry shifts, each shift using 140 staff. A total of 728,627 ballot papers were returned for data entry, representing 18% of the total votes cast. In 2003, 1.75 million ballot papers, representing 45% of the votes cast, were data entered.

The above the line counts conducted at the RCCs significantly reduced the number of Legislative Council ballot papers which needed to be sent to the CCC. Scrutineers from the major parties were in attendance during data entry and the distribution of preferences.

Data entry was completed on Easter Saturday, 7 April and the count (the distribution of preferences) using the NSWEC vote counting software was conducted on Tuesday, 11 April before candidates, registered political party representatives and the media.

The results for the Legislative Council were achieved in record time and without any criticism or complaint.

## Processing declaration votes

Absent, postal, pre-poll and declared institution votes were checked and counted at returning officers' offices.

Declaration votes are all votes other than 'ordinary votes' (those cast by electors voting in their own district on election day). They are called declaration votes because the elector makes a declaration stating his or her entitlement to vote, which is then checked by the NSWEC to determine whether the vote should be admitted to the count.

There are several different types of declaration votes, and the method of processing each type varies:

- Postal votes were cast by electors who had applied to vote by post and who had been sent ballot papers by the NSWEC. Postal voters placed the ballot papers in the declaration envelope and posted it back to their electoral district returning officer where the declarations were checked against their application.
- Pre-poll votes were cast at pre-poll voting centres in the two weeks prior to election day. The majority of pre-poll voting centres were in operation from Monday, 12 March 2007. Electors make a written declaration that they are eligible for a pre-poll vote based on criteria set out in the Act. Pre-poll votes cast outside the elector's district were forwarded to the declaration vote exchange at the NSWEC warehouse where they were sorted into districts and then forwarded to the appropriate returning officer for counting.
- Declared institution votes were taken by polling teams who visited these facilities on the Monday, Tuesday or Wednesday before election day.
- Absent votes were cast by electors at polling places outside their own districts on election day. After election day, the declaration envelopes containing the ballot papers were sent to the declaration vote exchange where they were sorted into districts and forwarded to the appropriate returning officer for counting.
- Section votes were cast on election day by electors, whose name could not be found on the electoral roll, but who declared that they were entitled to vote. After election day, the declaration envelopes enclosing the ballot papers were sent to the declaration vote exchange at the NSWEC warehouse where they were sorted according to district and then forwarded to the appropriate returning officer for checking against the roll to ensure an elector was entitled to vote. Provided these details were correct, the vote was admitted to the count.

The use of iRoll at all pre-poll voting centres meant that the enrolment details of electors could be checked prior to the issue of ballot papers to ensure that they received the correct ballot papers for the district in which they were enrolled.

767,036 declaration votes were admitted to the count in 2007 compared with 642,252 declarations admitted to the count in 2003. The reason for the lower figure in 2003 reflects the fact that although electors thought they were enrolled in a particular district and were allowed to cast a declaration vote, when these votes were ultimately checked against the roll for each district by the returning officer, many were found to be incorrect and accordingly the votes were not admitted to the count. Having iRoll available on the day means that there is less chance of this occurring.



## Return of the Writs

The Writs were returned to the Cabinet Secretariat on Thursday, 12 April 2007 and formally received by the Governor of New South Wales, Her Excellency, Professor Marie Bashir AC, CVO on Wednesday, 2 May 2007.

## Review of performance

### Debrief

#### Returning officers

As part of the election evaluation process the NSWEC conducted debriefing sessions with returning officers throughout New South Wales.

Returning officers were asked to comment, by way of discussion and feedback forms, on a range of topics including office accommodation, recruitment, training, nomination procedures, polling places, pre-poll and postal voting, election day and EMA. Returning officers provided the NSWEC with positive feedback on initiatives and practices which were successfully implemented and strategies to improve election services in future.

Returning officers appreciated the training sessions, materials and additional support provided by the NSWEC prior to and during the election period. The possibility of providing online training modules in the lead up to the election period was also raised.

Securing office accommodation which both met the NSWEC guidelines and was located in appropriate places within the district was an issue for a number of returning officers in particular areas of the State. This was a challenge in the greater Sydney area as many building owners were not prepared to enter into short term rentals (3 – 4 months). It was also difficult for returning officers in some coastal areas to lease office accommodation in preferred areas.

Returning officers in rural and regional areas identified the need to recognise the difference in the conduct of elections in those areas compared with those in metropolitan areas. The size of rural and regional electoral districts gives rise to unique logistical challenges. The possible implementation of additional support practices for returning officers in these areas will be examined prior to the next State election.

Another issue raised by returning officers was the increasing number of postal votes means there is an extra administrative burden being placed on staff at returning officers' offices.

#### Polling place managers

Polling place managers were also asked to complete a feedback form to assist the NSWEC in its review of the running of election day activities. Polling place managers provided constructive feedback on polling place furniture and materials, election official training, vote issuing and counting procedures, iRoll and assistance to electors.

Polling place managers in facilities where iRoll was used were impressed with the initiative and the ability it gave election officials to assist electors voting outside their electoral districts. Many thought iRoll could be used more extensively in future elections.

Polling place managers responded positively to the extra training programmes and materials provided. Constructive comments on further improvements to training were offered including the possibility of an online training module for election officials issuing declaration votes.

Polling place managers in areas of large CALD communities reported that they received positive feedback from electors on the multilingual guide which was available. Polling place managers also found it a useful tool to assist these electors.

A possible review of the Legislative Council ballot box design was raised as a further improvement. If the slot in the ballot box was made larger it would mean that electors would not have to fold the ballot paper as many times. This would assist election officials counting the ballot papers as it would speed up the unfolding and sorting process.

In planning for the 2007 State election, the NSWEC decided that the best use of resources would be to have combined voting tables at polling places in the Sydney metropolitan area. This meant that rather than have election officials issuing ordinary votes in one area and others issuing declaration votes in another area, electors could vote in either way at every table. The rationale for adopting this approach was that if there was a dedicated table for declaration votes there would be queues for the other tables issuing ordinary votes only. However the use of combined tables did not work smoothly in many polling places and will be re-examined prior to the next election.

Polling place managers stated that there needs to be better adherence to the rules by party workers and candidates handing out how to vote material at the polling place and the display of posters around the polling place on election day.

## Election officials

A random sample of 8,000 election officials from all districts was selected and invited by email to participate in an online survey about their experience at the election. Using a rating system, election officials were asked to evaluate a variety of topics including venue size, access, training, staffing, hours of work, iRoll and areas for improvement. Over 5,000 responded and this information has been analysed by the NSWEC.

Overall feedback was positive with 90% of respondents indicating they would like to work for the NSWEC at a future election, and over 95% indicating that they would like to receive further correspondence from the NSWEC regarding employment.

The size, condition and accessibility of the polling place venues were overwhelmingly rated as good or excellent. The response to the pre-reading materials and training by the polling place manager was also positive, with 97% of respondents indicating the pre-reading material was adequate or more than adequate.

As in previous elections, the busiest hours of voting were in the morning before 11am with the busiest hour being 9am to 10am. The number of electors arriving at polling places decreased from 11am with a steady flow from 3pm to close of polls at 6pm. Over 60% of respondents reported maximum waiting times of 10 minutes or less while 20% reported the longest queuing time as 30 minutes or more.

Staffing during the hours of voting was assessed as adequate or more than adequate by 74% of respondents, however, 36% stated that the numbers of staff available to count the votes after 6pm was insufficient. Respondents raised the possibility of employing additional election officials after the close of polls to assist in the sorting and counting of ballot papers on the night. This will be considered by the NSWEC prior to the next State election.

Due to the number of ballot papers to be sorted and counted at polling places, election night was a late night for many election officials with over three quarters of respondents (76.3%) indicating that they left the polling place at 10pm or 11pm.

The iRoll initiative was said by respondents to have been extremely well received by election officials working on the declaration voting tables. Almost 90% rated the use of iRoll as excellent or good. Over 80% of respondents stated that iRoll assisted the operation of the declaration voting tables, and over 80% also said that electors accepted the iRoll findings.

Almost 90% of respondents found registering for employment (using the NSWEC web portal) excellent or good with less than 3% indicating that they found the registration process poor or very poor.

Although only 60% of respondents indicated that they thought the pay was appropriate for the duties, almost 90% stated that they would like to work for the NSWEC again.

Respondents indicated that improvements could be made by the NSWEC as follows:

- make additional staff available to assist sorting ballot papers after 6pm (21.5%);
- simplify forms (10.7%);
- simplify manuals by providing clear instructions and less narrative (10.4%);
- provide additional staff at the polling place to issue ballot papers (9.8%); and
- provide an online training programme on the NSWEC website (8.8%).

These and other constructive comments will be considered by the NSWEC prior to the next State election. The NSWEC will work to minimise the time electors are required to wait during peak voting hours, and will also look into the possibility of employing additional election officials to assist with the sorting and counting of ballot papers after the close of the poll.