15 March

2014

Report on the Conduct of the Woollahra Municipal Council (Double Bay Ward) By-election



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Election Timetable

Activity	Date
Activity	Date
	/ 00
Close of authorised rolls*	6:00pm Monday,
	3 February 2014
Close of	12:00 noon
nominations	Wednesday, 12 February
	2014
Registration of how-to-vote	Wednesday, 12 February
material	2014
commences	Monday,
Pre-poll voting starts	3 March 2014
Registration of how-to-vote	5:00pm Friday, 7 March 2014
material closes	7 Ividi Ci i 2014
Postal voting	5:00pm
applications close	Monday, 10 March 2014
Declared	Monday,
Institution voting	10 March 2014
commences Pre-poll voting	6:00pm Friday,
finishes	14 March 2014
Declared Institution voting	Friday, 14 March 2014
concludes	
Election day	Saturday,
	15 March 2014
Return of postal	6:00pm
votes closes	Monday, 17 March 2014
Distribution of	Tuesday,
preferences	18 March 2014
Declaration of	Wodposday
the poll	Wednesday, 19 March 2014
•	

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^{*} For nominations and roll printing purposes.

Foreword

I am pleased to present to the NSW Government, the NSW Electoral Commission's report on the conduct of the Woollahra Municipal Council By-election (Double Bay Ward) held on Saturday, 15 March 2014.

Mr James Keulemans was declared elected on Wednesday, 19 March 2014, to represent Double Bay Ward within Woollahra Municipal Council.

I would like to thank all NSWEC staff involved in providing the Woollahra Municipal Council Local Government By-election for Double Bay Ward, as well as electors, councils, candidates, registered political parties and other stakeholders for their participation in this important event. I look forward to building on our achievements and carrying these forward into the 2016 Local Government Elections.

Colin Barry

Electoral Commissioner

Colin Barry

Election at a Glance

Date of Saturday, Election 15 March 2014 Returning Colin McNaught Officer

Who was Elected?

Councillor Election			
Successful Candidate	Mr James KEULEMANS		
Female Candidates	2		
Male Candidates	1		
Total Candidates	3		

How Did Electors Vote?

Voting Methods Elec	ctors Used
Ordinary	2,455
Postal	147
Pre- poll/Declared Institution	667
Silent	70
Enrol and Vote	0
Total Votes	3,339

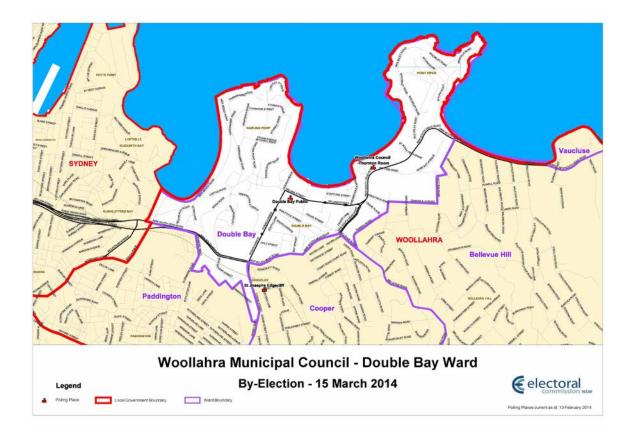
Your Vote is Your Voice!

Voter Participation	
Total Electors	7,895
Formal Votes	3,339
Informal Votes	70
Total Votes	3,409
Voter Turnout	43.2%
Rate of Informality	2.1%

Polling Places, Election Officials and Cost

Election Details				
Pre-poll Voting Centres	1			
Polling Places	3			
Election Officials	57			
Cost of By- election	\$33,569.75			
Cost per Elector	\$4.25			

Woollahra Municipal Council - Double Bay Ward



Conduct of the Election

Background

Woollahra Municipal Council is a divided council. It has five wards; each ward has three councillors.

Councillors are usually elected for a period of four years, commencing their role on the day that the election is declared and holding the position until the next ordinary election in September 2016.

Performance

The service standards in the Local Government Elections 2012 Service Charter were applied to the Woollahra Municipal Council Byelection (Double Bay Ward).

Comparative data on key indicators for the Woollahra Municipal Council (Double Bay Ward) were not available as data was not recorded to ward level for the 2012 Local Government Elections.

Communications

Advertising

The 2014 Local Government Byelection advertising campaign for Woollahra Municipal Council (Double Bay Ward) consisted of council specific statutory advertisements.

Statutory Campaign

Prior to the by-election the NSWEC consulted Woollahra Municipal Council to determine in which local newspapers the statutory advertisements, required under the legislation, were to be placed. The NSWEC also requested that council provided information about the number of times the advertisements were to appear in the newspapers.

Items covered in the statutory advertisements included:

- enrolment on residential and nonresidential rolls;
- nomination information;
- candidates and polling place information; and
- election results.

Reproductions of the Newspaper Advertisements are at Appendices A and B.

Social media

Social media was monitored but not engaged during the election period.

Website

The NSWEC's website provided all the information that stakeholders generally, not only electors, needed to participate in the by-election. It provided information on the election timetable, employment opportunities, enrolment, polling places, candidates and results.

The NSWEC had a specific Woollahra Municipal Council By-election

(Double Bay Ward) page from which stakeholders could source information on:

- election timetable;
- election employment opportunities;
- enrolment requirements and online enrolment confirmation;
- methods for voting;
- Local Government political parties;
- candidates;
- polling place lookup facility; and
- election results.

An enrolment search facility on the NSWEC website was available to assist electors in verifying their enrolment information, including their council and ward information.

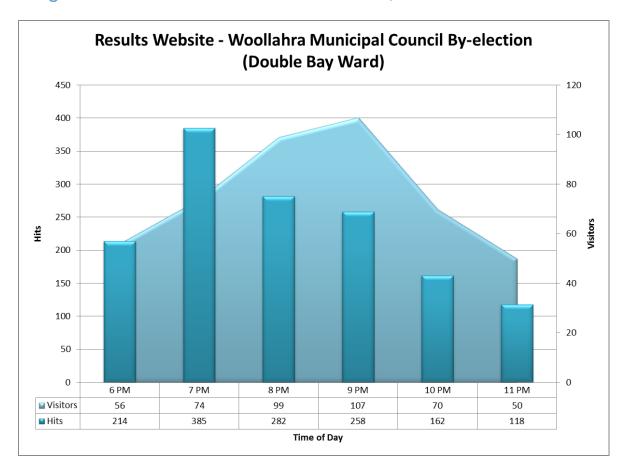
Polling place information provided on the website included accessibility information for electors with a disability.

To ensure availability of election information, the NSWEC requested Woollahra Municipal Council provide a link on their website to the NSWEC site.

The pages on the NSWEC's website relating to the Woollahra Municipal Council (Double Bay Ward) Election were well utilised.

Use of the NSWEC's website is typically greatest on election night when users seek information on results. The following graph charts the usage over the period from close of polling to midnight on election night for the Woollahra Municipal Council By-election (Double Bay Ward).

Graph 1: Woollahra Municipal Council By-election (Double Bay Ward) – Usage of the NSWEC Website for Poll Results, 15 March 2014



Nominations

Nominations closed at 12:00 noon on Wednesday, 12 February 2014.

A total of three nominations were received by close of nominations.

The draw for ballot paper position, held at 2pm on nomination day, was conducted by the Returning Officer at the Returning Officer's office. The ballot papers were printed in Sydney by the NSW Electoral Commission's preferred security printer with the ballot papers being produced with a security background. A reproduction of the Ballot Paper is at Appendix C.

For a nomination to be accepted by the Returning Officer, candidates were required to complete a nomination form and a Candidate Information Sheet. All Candidate Information Sheets were published on the NSWEC website and were made available for public inspection at the Returning Officer's office, prepoll centres, Declared Institutions and all polling places.

As part of the nomination process, candidates were also required to submit a statistics form and pay a nomination deposit to the Returning Officer at the time of nomination. The nomination fee of \$125 was applicable to all candidates.

The nomination deposit is refunded to candidates if:

- a candidate is elected or receives at least 4% of the total first preference votes;
- in a group, any one of the group is elected or receives at least 4% of the total first preference votes; or
- the election is uncontested.

Rolls

Residential

In NSW, enrolment and voting are compulsory at all Federal, State and Local Government elections. The NSW electoral roll is managed by the NSWEC in conjunction with the Australian Electoral Commission.

Legislation provides that for Local Government elections the electoral roll closes on the fortieth day before the day of the election. Any person who was on the roll at the close of roll date, 6:00pm Monday, 3 February 2014, was required to vote.

There were 7,895 electors on the residential electoral roll for Woollahra Municipal Council (Double Bay Ward). This was an increase of 397 electors from the number on the roll for the Local Government Elections in September 2012.

Non-residential

The non-residential roll of electors is a means to allow people who pay rates to a council for property they own, but do not occupy, to participate in the democratic process for that area. The non-residential roll lapses after each election. Electors must make a fresh application to appear on the roll for each election. Electors on the non-residential roll are not fined for failing to vote. While the NSWEC undertook steps to promote non-residential enrolment as part of the advertising campaign, the responsibility for compiling the non-residential roll remained with the Woollahra Municipal Council General Manager. The General Manager was required to prepare and certify a list of the potential electors who applied for the nonresidential roll and provide the list to the NSWEC.

There were no electors on the nonresidential roll for Woollahra Municipal Council (Double Bay Ward) 2014 By-election.

Voting

Method of Voting

Section 285 Local Government Act 1993 prescribes that the voting system in a contested election of a councillor or councillors is to be:

- optional preferential if the number of councillors to be elected is one; or
- proportional representation if the number of councillors to be elected is two or more.

For this by-election, optional preferential was the method used.

Absent Voting

Unlike State and Federal elections, absent voting is not available at NSW Local Government elections for electors who are outside their council area or ward on election day.

Early Voting

Pre-poll Voting

Pre-poll voting opened on Monday, 3 March 2014, and closed on Friday, 14 March 2014. The pre-poll location was:

1 Council Chambers 536 New South Head Road Double Bay NSW 2028 Pre-poll voting was available to those electors who met at least one of the following criteria set out in the legislation:

- were not within the ward or area for which the election was being held on election day;
- were not within eight kilometres of any polling place within their council area or ward on election day;
- were travelling under conditions that prevented them from attending a polling place to vote;
- were unable to attend a polling place to vote due to religious beliefs;
- were caring for another person who requires his or her care for medical reasons and so were prevented from attending at any such polling place to vote; or
- were working throughout the hours of voting on election day.

Electors meeting the above criteria were provided with the opportunity to cast their vote in the two weeks prior to election day.

iVote

Although iVote was allowed for the NSW State Election in 2011, legislation is yet to be passed to enable iVote at Local Government elections or Local Government by-elections.

Postal Voting

Postal voting services were provided to those electors who were unable to cast their vote on election day at a polling place for any of the following reasons prescribed in the legislation:

- will not be within the ward or area for which the election is being held on election day;
- will not be within eight kilometres of any polling place within their council area or ward on election day;
- will be travelling under conditions that prevent them from attending a polling place to vote;
- due to illness, disability or approaching maternity are prevented from attending a polling place to vote;
- are unable to attend a polling place to vote for religious beliefs;
- are incarcerated;
- are caring for another person who requires his or her care for medical reasons and so will be prevented from attending at any such polling place to vote;
- will be working throughout the hours of voting on election day; or
- are a silent elector.

Electors who are registered as a Registered General Postal Voter at State level are not required to register again for Local Government elections and were therefore automatically sent postal vote ballot papers. Applications for postal voters opened on nomination day with electors able to obtain applications from the NSWEC website, the NSWEC head office or the Returning Officer's office. Applications for postal voting closed at 5:00pm on Monday, 10 March 2014.

In order to be admitted to the count postal votes needed to be received by the Returning Officer by 6:00pm on Monday, 17 March 2014.

Election Day Voting

Voting

Three types of votes were distributed to electors on election day. The type of vote the elector receives is determined by their individual circumstance and includes:

- Ordinary
 - Issued to an elector whose name and address is on the roll at the polling place.
- Silent
 - Issued to an elector whose name appears on the roll but their address has been suppressed.
- Section Vote
 - Name Not On Roll issued to an elector whose name cannot be found on the roll but claims to be entitled to vote; and
 - Name Already Marked As
 Voted issued to an elector
 whose name is already
 marked off as having voted,
 but claims not to have voted.

Polling Places

The establishment of polling places for election day is a major component of the election preparation for the NSWEC and the Returning Officer. It is a difficult balance to select the number of polling places to meet the needs of the community while keeping the costs to a minimum.

The NSWEC provided council with a draft list of proposed polling places to be used at this election.

Comments from the council received by the NSWEC were taken into consideration prior to the final selection of polling places.

Polling places were open to electors from 8:00am to 6:00pm on election day.

There were three polling places across the Woollahra Municipal Council (Double Bay Ward) area on election day. Of those, two were fully wheelchair accessible and one was accessible with assistance. The NSWEC website provided details of which polling places were accessible with assistance and the restrictions on accessibility where relevant.

While the NSWEC does not own any of the venues used for voting it is committed to providing the best possible voting facilities for electors with a disability and understands the importance of providing accurate accessibility information to the public. Where possible, the NSWEC hired polling places with the greatest

possible level of access for electors whose mobility may be constrained by a disability.

A list of polling places and their accessibility rating is at Appendix D.

Counting the Votes

Accuracy of vote counting and impartiality of counting the votes are paramount and election staff are trained how to do this and to respect the role of scrutineers. The counting of results is a complex process, prescribed by legislation, to ensure the correct declaration of the poll.

The method of counting votes for Local Government elections is set out in the Regulation.

For the Councillors' election the optional preferential voting method was used.

Counting Procedures

On election night all polling places conducted an initial sort and count of first preference votes. At the Returning Officer's office, declaration (ie postal, pre-poll and Declared Institution) votes are opened, sorted and first preference counted. The count results were placed on the NSWEC website on election night from 6.30pm onwards.

The successful candidate was declared elected by the Returning Officer on Wednesday, 19 March 2014, following the statutory 24

hour period required for any recount requests.

Once the declaration paperwork had been signed by the Returning Officer, copies of the declaration were provided to the Electoral Commissioner, the Council's General Manager and the Director General, Division of Local Government NSW, Department of Premier and Cabinet. In addition, the Returning Officer advised all candidates by phone, email or SMS that the election results were available on the NSWEC website. Election results were also published in local press.

Services to Electors

Election Information Brochure

Woollahra Municipal Council opted not to use an elector brochure for its enrolled electors.

Braille Ballot Papers

Amendments to the *Local*Government (General) Regulation
(2005) allowed for the introduction
of Braille ballot papers for electors
with vision impairment.

No Braille ballot papers were requested for electors at this election.

Equal Access to Democracy/ Electors with a Disability

The NSWEC's Equal Access to Democracy Plan focuses on ways to improve services to, and participation in, the democratic process for people with a disability.

Some features of the Plan and its application include:

- the provision of Braille ballot papers upon request for electors who are vision impaired;
- consultation with NSW government organisations such as the Ageing, Disability and Home Care;
- increased website accessibility and content relevant to electors with a disability;
- Returning Officer guidelines to include information on assisting electors who have a vision impairment, mental illness or intellectual disability.

These measures were applied to this by-election.

Non-voters

Failure to Vote

Under electoral legislation, the NSWEC was required to issue 'failure to vote' notices to those electors whose names were not marked off the electoral roll as having voted or as having provided a valid excuse.

All electoral rolls marked at polling places and in the Returning Officer's office were scanned after election day to create a list of non-voters. The penalty for failing to vote without a valid reason at a Local Government election is \$55.00.

For this election 3,725 penalty notices were issued within the three month period after election day.

Services to Candidates and Political Parties

Candidate Information Seminars

A candidate information seminar was conducted by the NSWEC on Tuesday, 4 February 2014, to assist prospective candidates in their preparation for the election.

The seminar provided prospective candidates with the opportunity to clarify any issues with senior NSWEC staff. Major topics covered in the seminar included:

- the election timetable;
- candidate eligibility criteria and how to nominate;
- groups of candidates and political party names on ballot papers;
- campaigning (election advertising, 'how-to-vote' material and public scrutiny of candidates);
- complaints handling by NSWEC;
- voting and counting ballot papers;
- scrutineers; and
- election funding obligations.

The seminar was advertised in local newspapers covering the council area.

The NSWEC's handbook "Information for Candidates and Scrutineers in Local Government Elections" was made available as was the "Election Funding Handbook" which explains candidates' obligations under the Election Funding, Expenditure and Disclosures Act 1981.

Three prospective candidates and associated staff attended this seminar.

The attendees were appreciative of the opportunity to have the election process and their obligations explained to them.

How-to-vote material

All electoral material to be distributed by candidates or their representatives on election day must be registered by the NSWEC. Registration does not apply to posters, whether they are displayed before or on election day, nor is it required for material to be distributed before election day.

Candidates are required to provide an application form and a copy of each item to be registered. The NSWEC provided candidates with guidelines to assist them to meet the registration requirements. A candidate help line was also set up by the NSWEC to aid candidates. The NSWEC registered all how-to-vote material that met the requirements.

Electoral Staffing

Returning Officer

The Electoral Commissioner appointed Colin McNaught as Returning Officer for the Woollahra Municipal Council's (Double Bay Ward) By-election. Appointment was for six weeks, with a performance review conducted on completion of his service as part of the feedback process.

Returning Officer's Duties

The Returning Officer had a number of responsibilities which were central to the running of the election.

Operational duties included:

- set up and decommissioning of a temporary office;
- training of office staff and Polling Place Managers;
- making arrangements for voting at polling places and Declared Institutions;
- issuing and processing postal and pre-poll votes;
- dealing with enquiries and complaints from candidates and the public;
- processing candidate nominations; and
- counting of votes and declaring the result of the election.

The Returning Officer's office for Woollahra Municipal Council Byelection was located at:

1 Council Chambers 536 New South Head Road Double Bay NSW 2028

Returning Officer Support Officer

A Returning Officer Support Officer (ROSO) was appointed in order to provide support on electoral matters and procedures in the conduct of the election. The appointed ROSO was Jill Johnson, an experienced NSWEC officer.

Staffing

Staffing is a significant cost driver for elections and, as such, the NSWEC recognises the importance of accurately predicting the number of required staff while taking into consideration the associated costs without compromising the level of service to electors.

The level of staffing required at the Returning Officer's office varied during the different phases of the election. These staff were employed to administer a variety of tasks including:

- office setup;
- engaging polling place staff;
- packing materials for each polling place;
- registration, distribution and receipt of postal votes;
- operation of pre-poll voting;
- visits to Declared Institutions;
- counting of the votes; and
- office pack-up.

All polling places have a minimum of two staff, one of whom is the Polling Place Manager.

Polling Place Manager and Deputy Polling Place Manager

The Polling Place Managers' and Deputy Polling Place Managers' training programme was developed by the NSWEC to assist in the understanding of their duties and responsibilities during voting hours and when conducting the count on election night. Polling Place Managers and Deputy Polling Place Managers attended a training session at the Returning Officer's office and completed an online training programme.

Face to face training for Polling Place Managers and Deputy Polling Place Managers was conducted by the Returning Officer in the week prior to election day. The Returning Officer provided all election officials, part day election officials and information officers with the *Election Officials Manual* prior to election day. The handbook contained an overview of their responsibilities, voting processes, tasks undertaken before voting started, and instructions on how to issue ordinary votes and election night activities including reconciliation of ballot papers and counting of the votes.

Election Costs

As prescribed in the Act, the Electoral Commissioner conducts Local Government elections on a full cost recovery basis. The NSWEC is not funded by the NSW Government for the conduct of Local Government elections.

Key cost drivers for the election included:

- Election Official wages;
- Returning Officer wages;
- office accommodation for Returning Officer;
- information and technology support;
- polling places;
- number of electors in council area;
- newspaper and elector brochure advertising; and
- printing/materials for polling places.

To assist with budgeting, the NSWEC provided Woollahra Municipal Council with an estimate of the costs for the conduct of their election.

The final cost of NSWEC conducting the election was \$33,569.75 (GST exclusive) and the cost per elector was \$4.25.

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Appendix A: Woollahra Municipal Council (Double Bay Ward) - Enrolment Advertisement



WOOLLAHRA COUNCIL DOUBLE BAY WARD BY-ELECTION SATURDAY, 15 MARCH 2014

Enrol To Vote

A by-election will be held in Woollahra Council - Double Bay Ward on Saturday, 15 March 2014 to elect one Councillor.

Non-residential Rolls

If you are an owner, rate-paying lessee or occupier of rateable land which is not your primary residence, you or a nominee may be entitled to be enrolled on the roll of non-residential owners of rateable land or the roll of occupiers and rate-paying lessees for this election.

Details of the eligibility criteria and enrolment claim forms may be obtained from the Woollahra Council Office at 536 New South Head Road, Double Bay, Phone (02) 9391 7000, Fax (02) 9391 7044 Website: www.woollahra.nsw.gov.au or will be forwarded to you upon request to the council.

The claim must be completed and lodged with the General Manager of Woollahra Council by 6pm Monday, 3 February 2014.

If a claim for non-residential enrolment was made for a previous election, and you wish to claim enrolment for this election, you must re-apply.

Residential Roll

All electors enrolled on the Commonwealth/State electoral roll as at 6pm Monday, 3 February 2014 residing in Woollahra Council – Double Bay Ward local government area will be included on the roll for the election.

To check your enrolment details or to obtain a residential enrolment form visit www.elections.nsw.gov.au or call 1300 135 736. Enrolment forms are also available from any Australia Post office. Enrolment forms must be received by 6pm Monday, 3 February 2014.

Voting in Local Government elections is compulsory for all electors included on the residential roll.

Candidate Information Seminar

A candidate information seminar will be held at the Thornton Room, Council Chambers, 536 New South Head Road, Double Bay from 5pm to 7pm on Tuesday 4th February 2014.

As a candidate you will have legal obligations and responsibilities. The seminar will include presentations by the NSW Electoral Commission and the Election Funding Authority of NSW and will cover:

the election timetable, candidate nominations, election advertising and how-to-vote material, voting and formality, vote counting, scrutineering; and registration, appointment of official agents, campaign accounts, political donations, campaign expenditure and disclosure obligations.

Information: www.elections.nsw.gov.au or 1300 135 736

For enquiries in languages other than English call our interpreting service on 13 14 50. For hearing and speech impaired enquiries, call us via the National Relay Service on 13 36 77

Colin Barry, Electoral Commissioner

Appendix B: Woollahra Municipal Council (Double Bay Ward) -**Polling Places and Candidates Advertisement**

WOOLLAHRA MUNICIPAL COUNCIL DOUBLE BAY WARD BY-ELECTION SATURDAY, 15 MARCH 2014

A by-election to elect ONE Councillor will be held on Saturday, 15 March 2014.

Voting on election day

Voting will take place between 8.00am and 6.00pm. If you are enrolled in the Woollahra Municipal Council Double Bay Ward local government area you must vote at one of the polling places listed below. To check your enrolment details visit www.elections.nsw.gov.au, or call 1300 135 736. If you are not on the electoral roll or you are enrolled at an old address but now live in the Woollahra local government area, and your Australian offizenship or passport details if you were born overseas when you vote early in person or on election day. Just bring your NSW photo driver licence or NSW Photo Card showing your current address in the Woollahra Municipal Council Double Bay Ward Municipal Council Double Bay Ward local government area you can enrol or update your details

Polling Places

Address	Willam Street	536 New South Head Road	10 Albert Street
Venue Name	Double Bay Public School	Woolahra Municipal Council Thomton Room	St Josephs Parish Centre Edgeciff 10 Albert Street
Locality	Double Bay	Double Bay	Edgediff
		W	W

www.wiedfors.new.gov.au.or.cell 1300 135 735.

E electoral

Pre-Poll Voting

Pre-Poll voting in person

You can vote in person at Woollahra Municipal Council, 536 New South Head Road, Double Bay,

Pre-poll Hours:

- 8:00 am to 4:30 pm 8:00 am to 6:00 pm Monday, 10 March to Thursday, 13 March 2014
 - Friday, 14 March 2014
- The penalty for not voting is \$55. Voting is compulsory voting is compulsory for all electors.

Candidates

Name of candidate	Party Affiliation
GRIEVE Nicola	THE GREENS
CROOKS Arne	RESIDENTS FIRST WOOLLAHRA
KEULEMANS James	UBERAL

CANDIDATE INFORMATION SHEETS

Electors may view each candidate's Information sheet at www.elections.nsw.gov.au.

information: www.eleotions.new.gov.au or 1300 135 738

For enquiries in languages other than English call our interpreting service 13 14 50.

For hearing and speech impaired enquiries, call us via the National Relay Service on 13 36 77.

Appendix C: Woollahra Municipal Council (Double Bay Ward) - Ballot Paper

Double Bay Ward Woollahra Municipal Council By-election BALLOT PAPER FOR ELECTION OF 1 COUNCILLOR Held on 15 March 2014 DIRECTIONS FOR VOTING PLEASE READ CAREFULLY Place the number 1 in the square next to the candidate of your choice. If you wish to vote for any more candidates, place consecutive numbers starting with 2 in the squares next to those candidates in order

CANDIDATES

GRIEVE Nicola THE GREENS
CROOKS Anne RESIDENTS FIRST WOOLLAHRA
KEULEMANS James Liberal

of your preferences for them.

You must not take a ballot paper out of the polling place



Appendix D: Woollahra Municipal Council (Double Bay Ward) - Polling Places and Accessibility

Polling Place Name	Address	Locality	Accessibility
Double Bay Public School	William Street, Double Bay, NSW 2028	Woollahra	Assisted AccessBuilding has lips and/or steps
St Josephs Parish Centre Edgecliff	10 Albert Street, Edgecliff NSW 2027	Woollahra	Fully wheelchair accessible
Woollahra Municipal Council – Thornton Room	536 New South Head Road, Double Bay, NSW 2028	Woollahra	Fully wheelchair accessible

References

https://www.elections.nsw.gov.au/elections/woollahra_municipal_council_byelection_15_march_2014/candidates

Australian Bureau of Statistics '2011 Census QuickStats'; Australia, New South Wales, Local Government Areas, Woollahra.