

Report on the Conduct of the Cobar Shire Council Byelection 23 August 2014

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Election Timetable

Activity	Date
Close of authorised rolls*	6:00pm, Monday, 14 July 2014
Close of nominations	12:00 noon, Wednesday, 23 July 2014
Registration of how- to-vote material commences	Wednesday, 23 July 2014
Pre-poll voting starts	Monday, 11 August 2014
Registration of how- to-vote material closes	5:00pm, Friday, 15 August 2014
Postal voting applications close	5:00pm 18 August 2014
Pre-poll voting finishes	6:00pm, Friday, 22 August 2014
Election day	Saturday, 23 August 2014
Return of postal votes closes	6:00pm, Monday, 25 August 2014
Declaration of the poll	Wednesday, 27 August 2014

* For nominations and roll printing purposes.

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Foreword

I am pleased to present to the NSW Government, the NSW Electoral Commission's report on the conduct of the Cobar Shire Council Local Government By-election held on Saturday, 23 August 2014.

Mr Peter Abbott was declared elected on Wednesday, 27 August 2014.

I would like to thank all NSWEC staff involved in conducting the Cobar Shire Council Local Government By-election, as well as electors, the council, 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.

Provda branklin

Linda Franklin Acting Electoral Commissioner

Election at a Glance

Date of Election Saturday, 23 August 2014

Returning Officer

John NEELY

Who was Elected?

Councillor Election			
Successful Candidate Peter ABBOTT			
Female Candidates	0		
Male Candidates	2		
Total Candidates	2		

Your Vote is Your Voice!

Voter Participation		
Total Electors	3,100	
Formal Votes	2,063	
Informal Votes	84	
Total Votes	2,147	
Voter Turnout	69.26%	
Rate of Informality	3.91%	

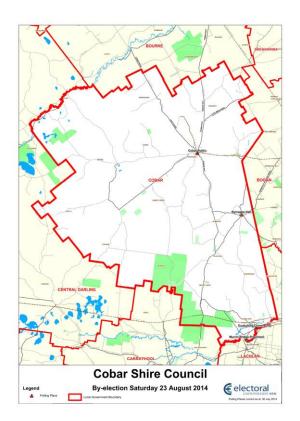
How did Electors Vote?

Voting Methods Electors Used		
Ordinary	914	
Postal	107	
Pre-poll/Declared Institution	1,106	
Section/Silent	1	
Enrol and Vote	19	
Total Votes	2,147	

Polling Places, Election Officials and Cost

Election Details		
Pre-poll Voting Centres	1	
Polling Places	4	
Total No. of Election Staff	11	
Cost of By-election	\$17,502	
Cost per Elector	\$5.65	

Cobar Shire Council



Conduct of the Election

Background

Cobar Shire Council is an undivided council with twelve 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 Cobar Shire Council Byelection.

Comparative data on key indicators for the Cobar Shire Council in the 2014 By-election

and the 2012 Local Government Elections is provided.

Comparisons to 2012 Local Government Elections

	Voter Participation	
	2012 Election	2014 By- election
Total Electors	3,096	3,100
Formal Votes	N/A	2,063
Informal Votes	N/A	84
Total Votes	N/A	2,147
Voter Turnout	N/A	69.26%
Informality	N/A	3.91%
Pre-poll Voting Centres	N/A	1
Polling Places	N/A	4
Election Officials	N/A	11
Cost per elector	\$4.01	\$5.65

The Cobar Shire Council Election in 2012 was uncontested.

Communications

Advertising

The 2014 Local Government By-election advertising campaign for Cobar Shire Council consisted of council specific statutory advertisements.

Statutory Campaign

Prior to the election the NSWEC consulted Cobar Shire 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-C.

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 just electors, needed to participate in the Byelection. It provided information on the election timetable, employment opportunities, enrolment, polling places, candidates and results.

The NSWEC had a specific Cobar Shire Council Election 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.

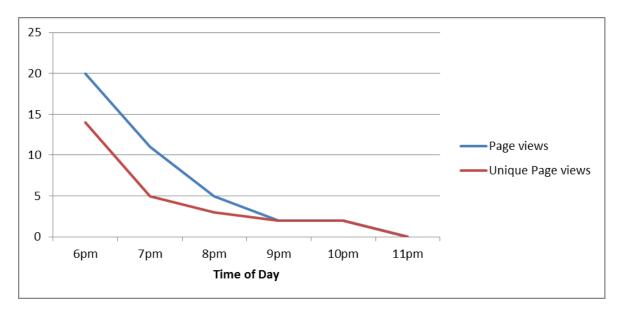
An enrolment search facility on the NSWEC website was available to assist electors in verifying their enrolment information.

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

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

The pages on the NSWEC's website relating to the Cobar Shire Council By-election were well utilised.

Use of the NSWEC's website is typically greatest on election night when users seek information on results. The graph on the next page provides a picture of usage over the period from close of polling to midnight on election night for the Cobar Shire Council Byelection.



Graph 1: Cobar Shire Council By-election – Usage of the NSWEC Website for Poll Results, 23 August 2014

Nominations

Nominations closed at 12:00 noon on Wednesday, 23 July 2014.

A total of two 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 NSWEC's preferred security printer with the ballot papers being produced with a security background. A reproduction of the Ballot Paper is at Appendix D.

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, pre-poll 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, 14 July 2014, was required to vote.

There were 3,100 electors on the residential electoral roll for Cobar Shire Council.

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 nonresidential enrolment as part of the advertising campaign, the responsibility for compiling the non-residential roll remained with the Cobar Shire Council General Manager. The General Manager was required to prepare and certify a list of the potential electors who applied for the non-residential roll and provide the list to the NSWEC.

There was one elector on the non-residential roll for Cobar Shire Council for the 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, 11 August 2014, and closed on Friday, 22 August 2014. The pre-poll locations were:

• Cobar Shire Council, 36 Linsley Street, Cobar

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.

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:

- were not within the ward or area for which the election is 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 prevent them from attending a polling place to vote;
- due to illness, disability or approaching maternity were prevented from attending a polling place to vote;
- were unable to attend a polling place to vote for religious beliefs;
- were incarcerated;

- were caring for another person who requires his or her care for medical reasons and so was prevented from attending at any such polling place to vote;
- were working throughout the hours of voting on election day; or
- were 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, 18 August 2014.

In order to be admitted to the count postal votes needed to be received by the Returning Officer by 6:00pm on Monday, 25 August 2014.

Declared Institutions

The Electoral Commissioner has the authority to appoint hospitals, nursing homes, retirement villages and like facilities as Declared Institutions, to assist the residents and/or patients of these facilities who are unable to attend a polling place on election day.

Election officials visited Declared Institutions from the Monday until Wednesday before election day.

One institution was visited:

 Lillian Brady Village Nursing Home & Hostel

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.

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 four polling places across the Cobar Shire Council area on election day. Of those, all four were 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 E.

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, 27 August 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. 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

Elector Information Brochure

Cobar Shire 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 Byelection.

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 nonvoters. The penalty for failing to vote without a valid reason at a Local Government election is \$55.00.

For this election 880 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 Thursday, 17 July 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, 'howto-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.*

There were five prospective candidates who attended this seminar.

The Candidates and other interested parties were appreciative of the opportunity to have the election process 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 helpline 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 Stephen Middleton as Returning Officer for the Cobar Shire Council's 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 Cobar Shire Council By-election was located at:

36 Linsley Street Cobar NSW 2835

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 Ross Symons, an experienced Electoral Commission 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 Cobar Shire Council with an estimate of the costs for the conduct of their election.

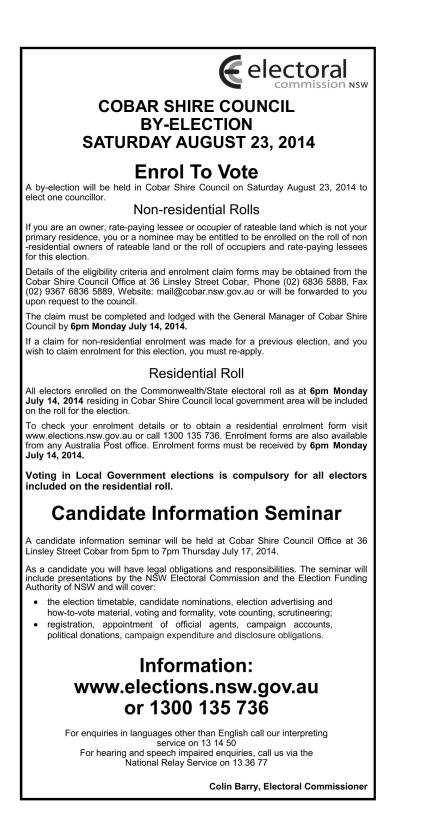
The final cost of NSWEC conducting the election was \$17,502 (GST exclusive).

This was made up of election staffing \$10,551.42; venues \$494.36; logistics \$934.11; ballot papers and electoral rolls \$531.50; other miscellaneous items \$2,946.36 and Election Management Fee \$2044.25. The cost per elector was \$5.65.

Appendices

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Appendix A: Cobar Shire Council - Enrolment/Non-residential Roll Advertisement



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Appendix B: Cobar Shire Council – Polling Places & Candidates Advertisement

COBAR SHIRE COUNCIL BY-ELECTION SATURDAY AUGUST 23, 2014



A by-election to elect one councillor will be held on Saturday, 23 August 2014.

If you are enrolled in the Cobar Shire Council local government area you must vote. 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 Cobar Shire Council local government area you can enrol or update your details 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 Cobar Shire Council local government area, and your Australian citizenship or passport details if you were born overseas.

Voting on election day

Voting will take place between 8am and 6pm.

Polling Places

Locality	Venue Name	Address
Cobar	Cobar Public School	6-8 Blakey Street
Euabalong	Euabalong Community Centre	Lachlan Street
Murrin Bridge	Murrin Bridge Pre-School	Riverside Drive
Nymagee	Nymagee Community Hall	Graham Street

For accessibility information visit elections.nsw.gov.au or call 1300 135 736.

Voting before election day

You may be entitled to a postal or pre-poll vote. For details check www.elections.nsw.gov.au or call 1300 135 736. **Voting by post**

Postal vote applications are available from either: www.elections.nsw.gov.au or by calling 1300 135 736. Completed application forms must be received not later than 5pm Monday August 18, 2014.

Pre-Poll Voting

You can vote early in person from Monday, 11 August 2014 at the Returning Officer's office, Cobar Shire Council, 36 Linsley Street Cobar NSW 2835

Pre-poll voting (office) hours:

- Monday August 11 to Friday August 15; 8am 4pm
- Monday August 18 to Thursday August 21; 8am 4pm
- Friday August 22; 9am 6pm

Voting is compulsory

Voting is compulsory for all electors. The penalty for not voting is \$55.

Candidates

Name of candidate	Party Affiliation
ABBOTT Peter	-
FLORANCE Peter	Independent

CANDIDATE INFORMATION SHEETS

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

Stephen Middleton

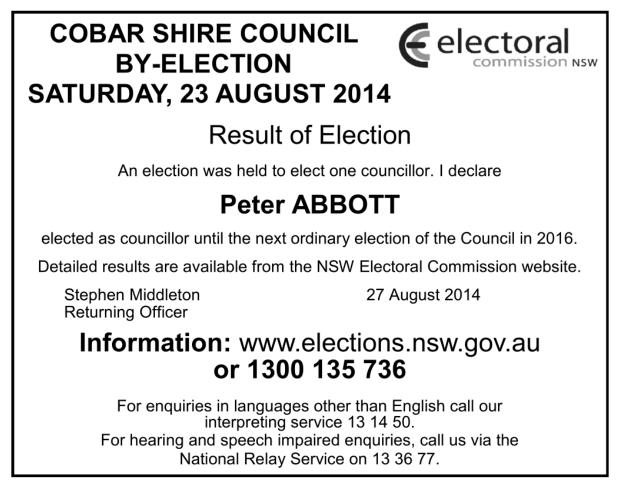
Returning Officer

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

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.

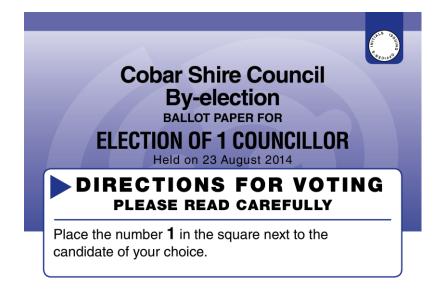
Page 6 The Cobar Weekly Wednesday July 30, 2014

Appendix B: Cobar Shire Council - Declaration of Poll Advertisement



Page 6 The Cobar Weekly Wednesday September 3, 2014

Appendix D: Cobar Shire Council - Ballot Paper



CANDIDATES



ABBOTT Peter

FLORANCE Peter Independent

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

Appendix E: Cobar Shire Council By-election - Polling Places and Accessibility

Premises	Address	Unique Short Venue Name	Accessibility
Cobar Public School	6-8 Blakey Street, Cobar NSW 2835	Cobar Public	Assisted Access No designated disabled parking spot No disabled toilet
Euabalong Community Centre	Lachlan Street, Euabalong NSW 2877	Euabalong Comm. Cntr	Assisted Access No designated disabled parking spot
Murrin Bridge Pre- School	Riverside Drive, Murrin Bridge NSW 2672	Murrin Bridge Preschool	Assisted Access No designated disabled parking spot No disabled toilet Path of travel from car park may be difficult
Nymagee Community Hall	Graham Street, Nymagee NSW 2831	Nymagee Hall	Assisted Access No designated disabled parking spot No disabled toilet Path of travel from car park may be difficult

References

http://www.elections.nsw.gov.au/profiles/new_council_profiles/Cobar

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