25 August 2012

Report on the Conduct of the Election

Heffron State By-election

New South Wales Electoral Commission



The Hon Barry O'Farrell MP Premier Level 40 Governor Macquarie Tower 1 Farrer Place SYDNEY NSW 2000

Dear Premier

I am pleased to submit to you, for presentation to Parliament, my report on the results and administration of the State by-election held on 25 August 2012 for the Legislative Assembly District of Heffron.

Yours sincerely

Colin Barry

Colin Barry

Electoral Commissioner 12 February 2012

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Foreword

This Report provides information on the conduct, administration and results of the by-election held in the Heffron District on 25 August 2012 following the resignation of the Honourable Kristina Keneally MP on 29 June 2012.

A State by-election is very different to a State General Election. NSW State elections have a known fixed four year timetable with a completely different scale and complexity. While a byelection is a smaller scale event there is typically less preparation time. The Writ for the calling of the Heffron Byelection was issued on Monday, 23 July 2012. This gave the New South Wales Electoral Commission (NSWEC) less than five weeks to recruit staff, hire venues and make all necessary preparations, whilst in the middle of preparing for the Local Government Elections 2012.

Once again iVote was provided as an early voting option and was used by 12.7% of electors who chose to vote before election day.

The participation and informality rates for the Heffron By-election were 65.9% participation and 5.2% informality. These figures are outside the range for recent State by-elections.

The NSWEC provided the notional count results by 10.30pm on election night and declared the poll on the second day following election day. This was within the range seen in the earlier State by-elections.

Delivering efficient, accurate and trusted elections according to electoral legislation relies heavily upon the capability of the NSWEC's staff. I thank my staff and the NSWEC's suppliers and contractors for their contribution and commitment to the successful conduct of the Heffron Byelection.

Colin Barry
Electoral Commissioner

Overview

By-election Outcome

The candidate elected at the Heffron By-election on 25 August 2012 was Mr Ron Hoenig (Labor Party) with 20,501 votes.

By-election Summary

Enrolment	
Total Electors	55,712
Electors enrolled or re-	5,751
enrolled via SmartRoll	
Polling Booths	
Pre-poll voting centres	3
Polling Places	23
Election Officials	181
Voter participation	
Formal votes	34,814
Informal votes	1,910
Total votes	36,724
Voter participation	65.9%
Formality rate	94.8%
Non-voting penalty	16,176
notices issued	
Penalty notices issued as	29.0%
% of Roll	
Voting options used by Elec	tors
Ordinary	30,021
Postal/iVote	3,553
Pre-poll/Declared	2,735
Institution	
Enrol and vote	320
Candidates	,
Total candidates	4
Female candidates	2
Male candidates	2
Cost of By-election	\$432,209

By-election important dates

23 July	Issue of Writ
26 July	iVote registration
	opened
28 July	Candidate Seminar
23 July	Nominations Open
8 August	Close of Nominations
_	for Registered Political
	Parties lodging forms
	with NSWEC Head
	Office (12.00 noon)
9 August	Issue of Authorised Roll
9 August	Close of Nominations
	for Candidates
	lodging forms with
	Returning Officer
	(12.00 noon)
	Registration of
	Electoral Material
	(how-to-vote) opened
13 August	Pre-poll and iVote
	voting opened
17 August	Close applications to
	register Electoral
	Material (how-to-vote)
	(5.00pm)
20 August	Close receipt of
	Overseas Postal Vote
	applications (6.00pm)
22 August	Close receipt of Postal
	Vote applications
	from within Australia
	(6.00pm)
25 August	Election Day
	(8.00am-6.00pm)
29 August	Close receipt of Postal
	Vote declarations
00 A	(6.00pm)
28 August	Declaration of the Poll
7 September	Return of Writ
1 July to 22	Disclosures of political
September	donations and
2012	electoral expenditure
	due 30 June 2012

Innovations at the Heffron By-election



1. Introducing iVote to Parliamentary By-elections

The amendments to the Parliamentary Electorates and Elections Act 1912 in December 2010 to provide iVote at a State General election also enabled internet and telephone voting (iVote) to be used in Parliamentary byelections. The Heffron By-election was the second by-election where iVote was offered.

The iVote service offered at the State Election in March 2011 and the 2011 Clarence By-election was provided for the Heffron By-election with minor modifications based upon that experience and the feedback received. Both online and telephone voting were provided although the State Election demonstrated that of the two, online voting was the preferred and most utilised form.

The criteria applied to electors seeking to use iVote were the same as applied in the previous elections, it allowed electors to use iVote if they:

- had a visual impairment;
- had other disability;
- were 20 kilometres or more from a polling place; or
- were outside NSW on election day.

The key dates for iVote in the Heffron By-election were:

- registration opened 10am Thursday, 26 July;
- registration closed 6pm Wednesday, 22 August;
- voting opened 8am Monday, 13
 August, and closed 6pm Friday, 24
 August.

iVote was not available on election day.

The NSWEC provided an online survey to ascertain electors' views of using iVote at the by-election. A very low response was received despite 868 registering for the service. Response rates were too small to report other than to say electors were happy with iVote.

In addition to informing the NSWEC of electors' views, the results of the survey will be shared with other electoral jurisdictions.



2. Automatic Enrolment and Re-enrolment

The NSWEC has led the way nationally in increasing elector enrolment through automatic enrolment and reenrolment using data held by other NSW public sector agencies such as licensing authorities and the Registry of Births, Deaths and Marriages. The impact of the changes to the electoral roll had been tested at the Penrith Byelection in June 2010, Clarence Byelection in 2011 and SmartRoll implemented for the 2011 NSW State Election.

The NSWEC's aim was to ensure the most up-to-date and accurate electoral roll possible for the byelection. The Heffron By-election required a specific focus on those electors eligible to be but not currently on the roll for the Heffron District or who were incorrectly enrolled. As a result those electors who had moved into, out of, or within the district were taraeted. Data from the NSW Roads and Maritime Services was supplemented with data from the Registry of Births, Deaths and Marriages and additionally citizenship information. This action lead to 5,751 newly enrolled or correctly re-enrolled electors for the Heffron District.

Background to the By-election

Heffron District Profile



The State Electoral District of Heffron includes the geographical area from Cleveland Street, Surry Hills in the north to Kingsford Smith Airport in the south, and from Railway Parade, Marrickville in the west to Anzac Parade, Malabar in the east.

Area

33 square kilometres.

Postcodes

2015, 2016, 2017, 2018, 2020, 2032, 2033, 2035, 2036, 2043, 2044.

Local Government Areas within district

Parts of Botany Bay, Marrickville, Randwick, Rockdale and Sydney.

Localities

This list is indicative only: Alexandria, Beaconsfield, Daceyville, Eastlakes, Eveleigh, Kensington, Mascot, Pagewood, Redfern, Rosebery, Sydenham, St Peters, Tempe, Waterloo, Zetland.

Demographic Profile

The 2011 census revealed that the Heffron District had: 86,603 as the number of usual residents (excluding overseas visitors) of which 48.4% were female (41,881) and 51.6% were male (44,722); 1.6% (1,392) were Indigenous people; 12.1% were children aged between 0-14 years, and 11.8% were people aged 65 years and over; median age of 34 years compared with 37 years in Australia overall; 48.2% of people were born in Australia. The most common countries of birth were China (excludes Special Administrative Region and Taiwan) 5.5%, England 3.2%, New Zealand 2.6%, Indonesia 2.5% and Greece 2.0%.; and English was the only language spoken at home by 53.1% with the most common other languages spoken at home being: Mandarin 5.1%, Greek 4.9%, Cantonese 3.5%, Indonesian 2.5% and Spanish 1.9%.

Historical Electoral Representation

Previous State representation for the Heffron District has been:

State Election	Kristina	Australian
2003 - 2012	Keneally	Labor Party
State Election	Deirdre	Australian
1995 and 1999	Mary	Labor Party
	Grusovin	

Services to Electors

Maximising Participation in the Heffron By-election

The NSWEC undertook an advertising and communication campaign to raise awareness of the Heffron Byelection and provide necessary information to electors and candidates. The major aspects of this strategy involved advertisements placed in State and local newspapers and provision of information via the NSWEC website and the Returning Officer. The NSWEC used a number of different strategies to increase participation in the Heffron Byelection. These strategies included the elector brochure and advertising in the press and notifications sent to electors by email and SMS.

Elector Brochure

An elector brochure was sent to each person on the electoral roll for the Heffron District. The brochure provided information on date of the election, the opening hours, locations and the accessibility of polling places, the mandatory nature of participation in the by-election, voting options if unable to vote on election day, instructions on how to vote formally, and how to get assistance for electors not confident in written English or unable to read the brochure for other reasons.

The Heffron By-election brochure also contained features enabling electors to subscribe to a Voting Reminder Service and facilitated voting by having a detachable section that could be used by election officials in the polling place for more efficient issuing of ballot papers.

In total 55,455 brochures were sent at a total cost of \$15,640.87. A copy of the brochure is provided at Appendix A.

Advertising

The Parliamentary Electorates and Elections Act 1912 prescribes that certain advertising must occur. The advertising strategy for the Heffron By-election comprised seven separate components:

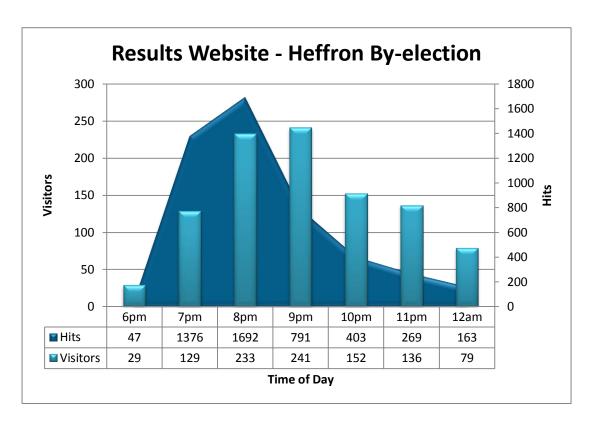
- Enrol to Vote
- Issue of Writ
- Candidate Information Seminar
- Register electoral material
- Pre-poll and postal voting
- Candidates and polling places
- Results

The schedule of advertising is provided in Appendix B and copies of the advertisements at Appendix C.

NSWEC Website

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

Use of the NSWEC's website is typically greatest on election night when users seek information on results. The following graph provides a picture of usage over the period from close of polling to midnight on election night for the Heffron By-election.



Graph 1: Usage of the NSWEC Website for Poll Results, 25 August 2012

Table 1: Voting Methods Heffron District, 2011 By-election and 2011 and 2007 State General Elections.

Vote Type	2012 Heffron By-election		2011 Sta Elect Heff Dist	te ion, ron	2011 NSW Electic All Elect Distric	on, oral	2007 I Sta Elect Heffi Distr	te ion, ron	2007 NSW Electic All Elect Distric	on, oral
	No.	% Total	No.	% Total	No.	% Total	No.	% Total	No.	% Total
Ordinary	30,021	81.75	34,140	72.2	3,188,142	74.3	33,170	78.2	3,285,087	81.1
Postal	2755	7.50	4,217	8.8	245,411	5.7	2,460	5.8	223,951	5.5
iVote	798	2.17	*	*	46,862	1.1	n/a	n/a	n/a	n/a
Pre-poll/ Dls	2735	7.45	1,262	2.7	776,656	18.1	1,611	3.8	239,236	5.9
Provisional/ Silent	95	0.26	169	0.4	12,564	0.3	88	0.2	5,714	0.1
Enrolment	320	0.87	315	0.7	20,960	0.5	n/a	n/a	n/a	n/a
Absent	**		7,212	15.2	**		5,081	12.0	298,135	7.4
TOTAL	36,724	100	47,315	100.0	4,290,595	100	42,410	100	4,052,123	100

^{*} iVote figures combined with Postal Vote figures

^{**}Absent votes not shown seperately



This provided electors the opportunity to request to be kept informed of electoral activities and information by SMS messaging or email. The service commenced with the Penrith Byelection in 2010.

In the Heffron By-election notifications were sent to electors by email to 182 electors and by SMS to 160 electors. These electors had subscribed to the notification service and provided preferred contact details. This service had been in place for the NSW State Election in 2011.

Service Standards

The NSWEC seeks to meet the expectations of electors of its electoral services and to this end has developed Service Charters to outline the NSWEC's service standards. The 2011 NSW State Election Service Commitments Charter was maintained as the overall service standard for this by-election.

Culturally and Linguistically Diverse Electors

Instructions for Voting at a State By-Election were produced in English, Chinese, Spanish, Indonesian and Greek. These information sheets were provided to each polling place and were also put up on the website. "I speak [language]" stickers were also produced in each of these languages and provided to the Returning Officer and Polling Place Managers for bilingual staff to wear.

A handout was produced for the Returning Officer and Polling Place Managers providing statistical information about the languages spoken in the Heffron area and the resources that were being provided to assist electors.

Access and Polling Places

The NSWEC sought to provide the most accessible and appropriately sited polling places possible for the Heffron By-election. Detailed information was provided on polling places to assist electors with mobility or other disabilities locate the most suitable polling place. This access material was provided on the NSWEC's website, in the elector brochure, in advertisements and by the NSWEC's staff.

Arrangements for Voting before Election Day

Electors unable to vote on election day had the opportunity to vote early via postal or pre-poll voting including voting in Declared Institutions. In addition, for the first time in a by-election, internet and phone voting were offered to electors who met the criteria.

A total of 2,735 electors voted early in person, or in Declared Institutions and another 3,553 utilised postal voting or iVote. Compared to the March 2011 State Election, a greater proportion of electors in the Heffron District voted before election day which is an increasing trend generally across NSW.

Table 1, sets out the usage of the different types of voting in the Heffron District for the by-election and the 2011 and 2007 NSW State Elections. The overall NSW picture is provided as well.

Postal Voting

Electors unable to attend a polling place on election day were able to apply for a postal vote. Postal vote application forms were available from the Returning Officer and the NSWEC's website. All postal votes were processed by the NSWEC's Returning Officer.

Electors registered as 'General Postal Voters' did not have to re-apply and received vote material sent by post to their address.

The closing dates for receipt of postal voting applications were 20 August 2012, 6pm for those applying from overseas and 22 August 2012, 6pm for electors from within Australia. Completed postal votes had to be returned by Wednesday, 29 August 2012, 6.00pm.

A total of 3,483 postal votes and iVotes were included in the count of formal votes. This was a small decrease from the 4,172 of the same types of votes taken in March 2011 in this electoral district.

Pre-poll Voting

Pre-poll voting was provided at the Returning Officer's office, the NSWEC's office in Kent Street, Sydney and at a pre-poll voting centre in Redfern. Pre-polling was not provided at other Electoral Commissions as electors could choose to vote using iVote. There were no complaints regarding this arrangement.

The pre-poll locations were listed on the NSWEC website. There were no overseas voting locations as iVote could be used by electors out of Australia. Within NSW, pre-poll voting occurred from Monday, 13 August 2012 until Friday, 24 August 2012 as follows:

NSWEC Office:

9am – 5pm Monday to Friday 9am – 6pm Friday 24 August 2012

Returning Officer's Office and Redfern Pre-poll voting centre:

8am – 6pm Monday to Friday

9am – 5pm Saturday

8am – 8pm Thursday 23 August 2012

8am – 6pm Friday 24 August 2012

Polling Places

Securing appropriate premises for polling places and the Returning Officer's office can be a difficult task. The NSWEC does not own any facilities and therefore has to lease venues. The pool of available premises is limited by the short-term nature of the lease as well as the requirements of the NSWEC's space, accessibility and location criteria. These criteria are applied to meet electors' expectations and requirements such as occupational health and safety.

There were 23 polling places established for the Heffron State Byelection. The NSWEC was able to source venues known to the community as polling places in the majority of cases.

For this by-election the NSWEC again used the Assisted Access rating system. This system rated the accessibility of each of the polling places in the Heffron District, indicating any restrictions. The Assisted Access rating system allows people to make more informed choices about which polling place to use. The information was made available on the NSWEC website, in press advertisements and the elector brochure posted to all enrolled electors.



Appendix D provides the list of all polling places plus the Assisted Access rating.

Hospitals and Declared Institutions

The Parliamentary Electorates and Elections Act 1912 allows hospitals or similar institutions to be appointed by the Electoral Commissioner as polling places for election day. Similarly the Electoral Commissioner has the power to appoint nursing homes, retirement villages and like facilities as Declared Institutions from which votes can be taken by election officials on the Monday to Friday in the week preceding the election.

Using hospital facilities as polling places raises challenges due to their design, possible issues of infection control and the operational considerations of a working hospital.

There are also challenges identifying all facilities in a district and then liaising with the individual facility managers to allow visits by election officials.

Analysis and Evaluation

The NSWEC has an online feedback facility and also registers complaints received via written correspondence. In total there were seven complaints received about the conduct of the Heffron By-election. These concerned being unable to vote mainly through being out of the area on election day, which was not grounds for using iVote (to use iVote they had to be out of NSW on election day). All complaints raised were followed up by the NSWEC.

Services to Candidates and Registered Political Parties

Candidate Information Seminar

A Candidate Information Seminar was held 28 July 2012 and all intending candidates were invited to attend. The four attendees were given information regarding funding and disclosure obligations, as well as the electoral process.

Nominations

While nomination forms were available from the NSWEC website prior to lodgement, nomination forms could not be lodged before the issue of the Writ on 23 July 2012. The Writ set 9 August 2012 as close of nominations day.

Registered Officers (or Deputy Registered Officers) of registered political parties could nominate candidates at the NSWEC's office in the city or at the Returning Officer's office in Mascot. Independent candidates could only nominate at the Returning Officer's office.

There were four nominated candidates. Following the close of nominations the Returning Officer conducted a draw to determine the order of candidates on the ballot paper.

'How-to-Vote' Material

Registration of 'How-to-Vote' material was handled at the NSWEC rather than in the Returning Officer's office. Any 'How-to-Vote' material for distribution on election day could be registered with the NSWEC prior to printing. Registration of this material opened on 9 August 2012.

Eight applications were received and all were registered within an hour.

Close of applications to register 'How-to-Vote' materials was 5.00pm, 17 August 2012.

Postal Vote Applications

Registered Political Parties planning to send Postal Vote Applications to electors were requested to submit these forms to the NSWEC prior to distribution.

Electoral Material

In the Heffron By-election, there were no reported incidents of electoral material displayed or distributed on election day not complying with the legislative requirements.

Conduct of the Heffron By-election

Returning Officer Arrangements

Ms Marilynne Smith was the Returning Officer for the Heffron By-election. The Returning Officer's office was situated at Suite GO2, Block B 247 King Street Mascot and open from Monday, 23 July 2012 from 8am to 6pm.

Returning Officer's duties include:

- set up and decommissioning of the (temporary) office;
- training of office staff and polling place managers;
- arranging voting at polling places and Declared Institutions;
- issuing and processing postal and pre-poll votes;
- dealing with enquiries from candidates and electors and other feedback;
- processing candidate nominations and how-to-vote material; and
- counting votes and declaring the results of the election.

A Returning Officer Support Officer was appointed in the NSWEC's head office to provide support on electoral matters and procedures. This officer was experienced in the Returning Officer role and had worked also in the head office of the NSWEC over many elections.

Logistical and Other Support

Staffing

The majority of staff were employed to work on election day in polling places as Polling Place Managers or Election Officials. In addition casual staff were employed in the Returning Officer's office to pack materials for each polling place, operate pre-poll voting, visit Declared Institutions, count votes and pack up materials following the election.

Staff employed to work in the 23 polling places numbered 181 and staff working from the Returning Officer's office numbered 14. The Polling Place Managers, their Deputies and Declaration Vote Issuing Officers all received online training. All Election Officials were issued a manual to study and to use on election day for reference if required. Recruitment for Office Assistants and Election Officials commenced on 25 July 2012 with final offers being made up to election day as notifications of inability to work were received from those who had accepted prior employment offers.

The NSWEC website was used again to provide online registration of prospective staff. The entire employment process is undertaken online including the provision of bank, tax and superannuation details and is a very efficient and effective mechanism for the employment of election staff.

Supplies

The ballot papers were printed by the NSWEC's preferred security printer with ballot papers having a security background. 60,000 ballot papers were printed. A copy of the ballot paper is at Appendix E.

As in every election, considerable quantities of materials need to be printed. Some printing was done in house and some by commercial printers. In general, the printing undertaken externally concerned documents to be used by external stakeholders, such as postal voters and where more specialised printing was required such as in the treatment of declaration envelopes.

Providing the right type and quantity of supplies to the right location is comparatively easy in a by-election compared to a State Election. Even so, to adequately supply all 23 polling places and the Returning Officer's office as well as provide materials to candidates and registered political parties, approximately 55,000 items of election material were distributed over three weeks.

IT Support

For the Heffron By-election the Election Management Application was utilised. An internet based application for the use of Returning Officers, office assistants and head office staff, it consists of a suite of software modules to assist with managing election processes such as enquiries, election day staffing, candidate nominations, the distribution and return of declaration votes, results and nonvoter administration.

Waste Management

The NSWEC is bound by the NSW Government's waste management policy. In providing electoral services the NSWEC seeks to use, wherever possible, paper and cardboard comprising recycled content and to ensure that the paper and cardboard material used in elections are recycled.

All ballot papers are printed in the most efficient way to minimise cost and paper wastage.

The majority of the cardboard used in the Heffron By-election was recycled from the polling places and unused paper and other cardboard materials were accepted by the venues for recycling.

Election Costs

The expenditure on the Heffron Byelection was \$432,209.

The key cost drivers for the Heffron Byelection were:

- election official wages including that of the Returning Officer;
- iVote;
- hire of premises;
- elector brochure:
- information and technology support;
- advertising;
- printed materials such as ballot papers; and
- cardboard and other materials for polling places.

Results

On any election night the NSWEC provides figures showing the result of counts conducted at each polling place for the first preference vote for each candidate, and the result of the notional count for the two candidates considered most likely to receive the greatest number of votes. The figures provided on election night do not include any postal, pre-poll, absent or other declaration votes. These results are shown on election night from 6.30pm and progressively updated.

On the day after polling day, all the ballot papers from every polling place are recounted to ensure the election night count is accurate (the Check Count). Declaration votes are added progressively over the next few days with postal votes accepted up to Wednesday afternoon after election day at which point the final distribution of preferences is conducted to determine who is to be elected.

Scrutineers appointed by candidates are welcome to attend all counts.

In the Heffron By-election, the election night notional count for the two major candidates (Ron Hoenig, Australian Labor Party and Mehreen Faruqi, The Greens) was completed and placed on the NSWEC website on election night by 10.30pm. Due to the overwhelming majority obtained by Hoenig, a full distribution of preferences was not required and the poll was declared on Tuesday, 28 August 2012.

Table 2: Final Results Heffron By-election 25 August 2012

Candidates	Votes	
HOENIG, Ron	20,501	ELECTED
PEEBLES, Robyn	2,442	
FARUQI, Mehreen	8,122	
SIMMONS, Drew	3,749	
Total Formal Votes	34,814	
Total Informal	1,910	
Votes		
Total Votes	36,724	
Absolute Majority	17,408	

More detailed information of the election night and other counts is available on the NSWEC's website www.elections.nsw.gov.au

Declaration of the Poll

On Tuesday, 28 August 2012, the Returning Officer declared Mr Ron Hoenig elected. A reproduction of the declaration of the poll is at Appendix F.

Enforcement of Compulsory Voting

Failure to Vote

Under electoral legislation, the NSWEC is required to issue 'failure to vote' notices to those electors whose names were not marked off the electoral roll as having voted or recorded as providing a valid excuse. The penalty for not voting in a State by-election is \$55. The funds generated from penalty notices are not collected by the NSWEC but directed to the consolidated fund held by NSW Treasury.

All electoral rolls marked at polling places or in the Returning Officer's office were scanned after election day to create a list of non-voters for the Heffron District.

The number of electors who could vote in the Heffron By-election but did not was 19,272 (34.6%). Of this group, 2,772 were excused before the issuing of penalty notices and 3,607 were excused from voting once a penalty notice had been issued; with the majority being absent from the district on polling day (1,391). There were 73 electors in the 'Religious Objector' category and 354 in the 'Sick' or 'Carer' category (non-voters can be excused under multiple categories).

Higher rates of non-voting tend to be a feature of by-elections as compared to State General elections.

To assist electors avoid this penalty in future elections, the penalty notice advises non-voters of the availability of the 'Voter Reminder Service'.



Analysis

1. Comparison to 2011 NSW State Election and other State by-elections

Participation and informality rates

For the 2011 NSW State Election in the Heffron District there were six candidates. The number of electors enrolled was 53,342, the voter turnout figure was 88.7% and the informality rate was 3.27%. At the August 2012 by-election, the enrolment figure had increased to 55,712 and the comparable participation and informality rates were 65.9% and 5.2%. Traditionally, participation rates tend to be lower in by-elections than general elections and informality rates higher.

Another means of assessing the conduct of the election is to compare it to other recent State by-elections. The participation and informality rates for the Heffron By-election were unusual as they were respectively low (65.9%) and high (5.2%) compared to other recent State by-elections. The range of participation rates for the four State by-elections held in 2008 and one in 2010 was 80.4% to 88.2%. The range of informality rates for these same by-elections was 1.8% to 4.1%.

Non-voters and penalty notices

The rate of penalty notices issued for the Heffron By-election was unusually high at 29.0%. Such a high rate has not been seen at recent by-elections as the following table shows. This rate was greater than double the Clarence By-election rate. (From this by-election the NSWEC implemented a decision to issue penalty notices to those nonvoters who had been 'SmartRolled' for by-elections. This increased the rate of penalty notices issued markedly from earlier elections.)

Table 3: Non-voters and Penalty Notices (PN), Heffron By-election August 2012 frequency and percentages

By-election	No. Roll	No. Non	PNs issued	No. PN as %
		Voters		Roll
Heffron	55,712	19,272	16,176	29.0
Clarence	52,171	8,204	6,577	12.6
Penrith	46,304	6,385	4,295	9.3
Cabramatta	50,383	8,261	4,422	8.8
Port	48,198	6,849	3,250	6.7
Macquarie				
Ryde	48,002	9,258	4,726	9.9
Lakemba	51,288	11,197	6,700	13.1

2. Availability of results of counting

The Heffron election night notional results provided stakeholders the first preference vote for each candidate, and the result of the notional count for the two candidates considered most likely to receive the greatest number of votes. These were posted progressively on the NSWEC's website from 6.30pm.

The Heffron By-election poll was declared on Tuesday, 28 August 2012.

This was an elapsed time of two days from polling day. The range for the time between election day and declaration of the poll for previous by-elections in 2011 was three days, 2010 was four days and the four 2008 by-elections was five to six days.

Table 4: Heffron By-election Results Provision and Targets, 25 August 2012

	TARGET		AC.	TUAL
Polling Places (44)	First Preference	Two Candidate Preferred	First Preference	Two Candidate Preferred
9:00pm	80%	60%	99%	98%
10:30pm	95%	80%	100%	100%
11:00pm	-	95%	100%	100%

3. Feedback from iVote

Due to the low volume of survey respondents, there is insufficient data to report other than to say electors were happy with using the iVote service.



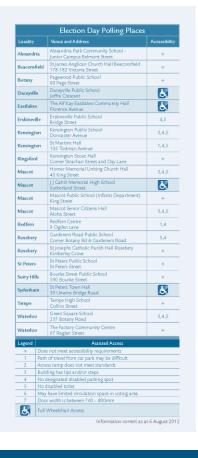


Appendices

List of Appendices

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Appendix E: Heffron By-election Ballot Paper	•
Appendix F: Heffron By-election Declaration of Poll	

Appendix A: Heffron By-election Elector Brochure



Bring this brochure with you on election day. It will make voting easier.



Your guide to voting in **Heffron**

IMPORTANT:

You will need to vote again at your council election on Saturday, 8 September 2012.

Your vote is your voice. **Be heard.**



Heffron State By-election Saturday, 25 August 2012

This brochure contains important information about the election. It's particularly important to remember:

- Polling places will be open from 8.00am to 6.00pm on Saturday, 25 August 2012;
- Voting is compulsory for all enrolled electors in the electoral district of Heffron; and
- The penalty for not voting at the by-election is \$55.

Do I need to vote?

You have received this brochure because you are enrolled in the Legislative Assembly District of Heffron. Voting is compulsory for all enrolled electors.

Who do I vote for?

You will vote to elect a candidate to represent the electorate of Heffron in the NSW Legislative Assembly. The full list of candidates is available at our website or by calling us.

Where can I vote?

On election day, Saturday, 25 August, you can vote at the polling places listed in this brochure. Visit the NSWEC website for more details.

What if I can't get to a polling place on election day?

Vote via internet or telephone

€ electoral

If you are blind, vision impaired or have another disability, if you live more than 20km from a polling place or will be outside NSW on election day, you can apply to use the Note system to cast your vote over the internet or the telephone. To apply visit ivote.nsw.gov.au or call 1300 24 86 83 (from outside Australia call + 161 29 990 5827). Applications close 6.00pm on Wednesday, 22 August 2012. Note: Note is not available for the upcoming September NSW Council decriped.

Vote early in perso

You may be eligible to cast a pre-poll vote. Pre-poll voting is available at the following locations and times:

Note: These Pre-poll centres are for the Heffron State By-election only.

You will not be able to vote early for your council election at these locations.

Heffron Returning Officer's office, Suite GO2,

Unit 2, 247 King Street, Mascot Heffron pre-poll centre, 147-151 Redfern Street, Redfern

Monday, 13 August to Friday, 17 August 2012

8.00am to 6.00pm

Saturday, 18 August 2012 - 9.00am to 5.00pm

Monday, 20 August to Wednesday, 22 August 2012 8.00am to 6.00pm

Thursday, 23 August 2012 - 8.00am to 8.00pm Friday, 24 August 2012 - 8.00am to 6.00pm

NSW Electoral Commission, Level 25, 201 Kent Street, Sydney

Monday, 13 August to Friday, 17 August 2012

Monday, 20 August to Thursday, 23 August 2012 9.00am to 5.00pm

Friday, 24 August 2012 - 9.00am to 6.00pm

Vote by post

Postal voting is also available for eligible voters. Application forms are available from www.elections.nsw.gov.au or by contacting the returning officer. Applications must be received by the returning officer by 6.00pm Wednesday, 22 August 2012 if sent from within Australia. Overseas applications must be received by 6.00pm Monday, 20 August 2012. Electors who are general postal voters will automatically be sent their ballot papers without further application.

How to Vote

Place the number "1" in the square next to the person you want to see elected. If you want, you can then place the number "2" in the square next to your second choice candidate, the number "3" next to your third choice and so on. The directions will be printed on the ballot paper.

Can I get assistance in any other language?

For assistance in a language other than English please call 13 14 50.

العربية	Italiano Bahasa Indonesia		Polski
179977	日本語	Tiếng Việt	한국어
Tagalog	Русский	Türkçe	ទ្រីរ
中文	Português	Македонски	Hrvatski
हिंदी	ລາວ	فارسى	Español
Ελληνικά	Српски	ไทย	bil-Malti

You must vote again at your council election in two weeks time.

Your council election is on Saturday, 8 September.
Voting in the Heffron State by-election and council election

Voting in the Heffron State by-election and council elections is compulsory for all enrolled electors.

To check which council area you are enrolled in and for information about the elections visit **www.votensw.info** or call 1300 135 736.

Information: : www.votensw.info/heffron or call 1300 135 736

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

Appendix B: Heffron By-election Schedule of Advertising

Message/Publication	Advertisement Date
Issue of Writ/ Nominations, Can	didate Seminar
Daily Telegraph	Tuesday, 24 July 2012
Candidate Seminar	
SMH	Thursday, 26 July 2012
Daily Telegraph	Thursday, 26 July 2012
Nominations	
Daily Telegraph	Friday, 6 July 2012
Early Voting - Register electoral	l material
Central Courier	Wednesday, 8 August 2012
Wentworth Courier	Wednesday, 8 August 2012
Inner West (Inner City) Courier	Thursday, 9 August 2012
Southern Courier	Tuesday, 7 August 2012
Remember to vote	
Central Courier	Wednesday, 22 August 2012
Wentworth Courier	Wednesday, 22 August 2012
Inner West (Inner City) Courier Thursday, 23 August 2012	
Southern Courier	Tuesday, 21 August 2012
Results	
Daily Telegraph	Monday, 17 September 2012

Legislative Assembly By-election District of Heffron

Saturday, 25 August 20 12

On Monday, 23 July 2012, I received from the Speaker of the Legislative Assembly, The Honourable Shelley Hancock MP, a Writ for the election of one Member of the Legislative Assembly for the Electoral District of Heffron. The Writ sets the following dates:

Close of Nominations: 12 noon, Thursday, 9 August 2012
Election Day: Saturday, 25 August 2012

Colin Barry, Electoral Commissioner

How to nominate as a Candidate

To nominate you must lodge a nomination form, child-related conduct declaration and a \$250 nomination deposit by 12 noon, Thursday, 9 August 2012 with the Returning Officer.

Registered Political Parties lodging nominations with NSW Electoral Commission head office must do so by 12 noon Wednesday, 8 August 2012.

Nomination forms and the Handbook for Parties, Groups, Candidates and Scrutineers – Heffron State By-election are available from the Returning Officer or from the NSW Electoral Commission website.

For nomination enquiries telephone 1300 135 736.

Returning Officer details:

Returning Officer: Marilynne Smith

Returning Office address: GO2, Block B, Unit 2, 247 King Street, Mascot 2020

Postal address: PO BOX 114 Mascot 1460

Candidate Information Seminar

The NSW Electoral Commission in conjunction with the Election Funding Authority will be conducting a candidate information seminar for candidates and interested participants.

As a candidate, you should be aware of your legal obligations and responsibilities. Attendance at the seminar is highly encouraged to ensure candidates, official agents and party agents are aware of their legal responsibilities and obligations.

The seminar will cover a wide range of topics including the election timetable, nominations, election advertising and how-to-vote material, voting and formality, scrutineering, vote counting and election funding and disclosure obligations.

The seminar will take place at the Returning Office, GO2 Block B, Unit 2, 247 King Street Mascot at 10 am to 12 noon, Saturday, 28 July 2012. For more information visit the website or call us.

Work at the Election

If you are interested in working as an election official and you are on the electoral roll, please register your expression of interest online at www.votensw.info/heffron

Information: www.votensw.info/heffron or call 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.

Your vote is your voice.



Legislative Assembly By-election District of Heffron

Saturday, 25 August 20 12

Candidate Information Seminar

The NSW Electoral Commission in conjunction with the Election Funding Authority will be conducting a candidate information seminar for candidates and interested participants in relation to the Heffron Legislative Assembly By-election.

As a candidate, you should be aware of your legal obligations and responsibilities. Attendance at the Seminar is highly encouraged to ensure candidates, official agents and party agents are aware of the legal responsibilities and obligations.

The seminar will cover a wide range of topics including the election timetable, nominations, election advertising and how-to-vote material, voting and formality, scrutineering, vote counting and election funding and disclosure obligations.

The seminar will take place at the Returning Office, Suite GO2, Block B, 247 King Street, Mascot from 10 am to 12 noon on Saturday, 28 July 2012. For more information visit the website or call us.

Candidate Registration

Candidates must be registered with the Election Funding Authority prior to receiving political donations or making a payment for electoral expenditure. For more information regarding candidate registration, please visit www.efa.nsw.gov.au

Work at the Election

If you are interested in working as an election official and you are on the electoral roll, please register your expression of interest online at www.votensw.info/heffron

Information: www.votensw.info/heffron or call 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.

Your vote is your voice. Be heard.



Legislative Assembly By-election District of Heffron

Saturday, 25 August 2012

How to nominate as a Candidate

To nominate you must lodge a nomination form, child-related conduct declaration and a \$250 nomination deposit by 12 noon, Thursday, 9 August 2012 with the Returning Officer. Registered Political Parties lodging nominations with NSW Electoral Commission head office must do so by 12 noon, Wednesday, 8 August 2012.

Nomination forms and the Handbook for Parties, Groups, Candidates and Scrutineers – Heffron State By-Election are available from the Returning Officer or from the NSW Electoral Commission website www.votensw.info/heffron

For nomination enquiries telephone 1300 135 736.

Returning Officer details:

Returning Officer: Marilynne Smith

Returning Office address: Suite GO2, Block B, 247 King Street, Mascot 2020

Postal address: PO BOX 114 Mascot 1460

Vote via the internet or telephone

People who are blind, vision impaired or who have another disability, people who live more than 20km from a polling place or who will be outside NSW on election day, can apply to use the iVote system to cast their vote over the internet or the telephone.

To apply visit iVote.nsw.gov.au or call 1300 2 iVote (1300 24 86 83) or from outside Australia call +612 9290 5287. Applications close 6.00pm on Wednesday, 22 August 2012.

Work at the Election

If you are interested in working as an election official and you are on the electoral roll, please register your expression of interest online at www.votensw.info/heffron

Information: www.votensw.info/heffron or call 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.

Your vote is your voice. Be heard.



Legislative Assembly By-election District of Heffron Saturday, 25 August 2012

Early Voting Options

The Heffron State By-election is on Saturday, 25 August 2012. If you can't get to a polling place, or you're out of the State on election day you may be eligible to vote early.

You can enrol or update your details when you vote

If you are not on the electoral roll in NSW or you are enrolled at an old address you may be eligible to enrol or update your details when you vote early in person. Just bring your NSW photo driver licence or NSW Photo Card showing your current address, and Australian citizenship details if you were horn overseas.

To check your enrolment details go to www.votensw.info or call 1300 135 736.

Vote by post

You can vote by post by lodging a postal vote application with the Returning Officer by Monday, 20 August 2012 if you're overseas, or Wednesday, 22 August 2012 if you're in Australia. You can apply for a postal vote online at www.votensw.info/heffron or request one by calling us.

Vote early in person

You may be eligible to cast a pre-poll vote from Monday, I3 August 2012. Pre-poll voting is available at the following locations and times:

Heffron Returning Officer's office, Suite GO2, Block B, 247 King Street, Mascot

Heffron pre-poll centre, 147-151 Redfern St Redfern

Monday, I3 August to Friday, I7 August 2012 - 8.00am to 6.00pm

Saturday, 18 August 2012 - 9.00am to 5.00pm

Monday, 20 August to Wednesday, 22 August 2012 – 8.00am to 6.00pm

Thursday, 23 August 2012 – 8.00am to 8.00pm Friday, 24 August 2012 – 8.00am to 6.00pm

NSW Electoral Commission, Level 25, 201 Kent St Sydney

Monday, 13 August to Friday, 17 August 2012 – 9.00am to 5.00pm

Monday, 20 August to Thursday, 23 August 2012 - 9.00am to 5.00pm

Friday, 24 August 2012 - 9.00am to 6.00pm

Vote via the internet or telephone

People who are blind, vision impaired or who have another disability, people who live more than 20km from a polling place or who will be outside NSW on election day, can apply to use the iVote system to cast their vote over the internet or the telephone.

To apply visit **iVote.nsw.gov.au** or call 1300 2 iVote (1300 24 86 83) or from outside Australia call +612 9290 5287. Applications close 6.00pm on Wednesday, 22 August 2012.

REMEMBER VOTING IS COMPULSORY. THE FINE FOR NOT VOTING IS \$55.

Register Your Electoral Material

Electoral material, including how to vote cards, to be distributed on election day by candidates, registered political parties or any person or organisation, must be registered.

Information about electoral material is available in the Handbook for Parties, Groups, Candidates and Scrutineers – Heffron State By-Election available from the NSW Electoral Commission or www.votensw.info/heffron

Applications to register electoral material should be forwarded to the NSWEC:

 ${\bf Email-how to vote@elections.nsw.gov.au}$

Fax - (02) 9290 5488

Mail - GPO BOX 832 Sydney NSW 2001

Deliver in person - Level 25, 201 Kent St Sydney 2000

Applications must be received by 5.00pm Friday, 17 August 2012. Material received after the deadline will not be considered.

Inquiries: 1300 135 736

Electoral material distributed before election day is not required to be registered but must comply with electoral legislation.

For information: www.votensw.info/heffron or call 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.

Your vote is your voice. Be heard.



Legislative Assembly By-election District of Heffron Saturday, 25 August 20 12

Remember to vote in Heffron this Saturday

Saturday, 25 August is election day. Polling places are open from 8am to 6pm. **Polling Places**

	Locality	Venue and Address
	Alexandria	Alexandria Park Community School – Junior Campus, Belmont Street
	Beaconsfield	St James Anglican Church Hall Beaconsfield, 178-182 Victoria Street
	Botany	Pagewood Public School, 60 Page Street
5	Daceyville	Daceyville Public School, Joffre Crescent
5	Eastlakes	The Alf Kay Eastlakes Community Hall, Florence Avenue
	Erskineville	Erskineville Public School, Bridge Street
	Kensington	Kensington Public School, Doncaster Avenue
	Kensington	St Martins Hall, 105 Todman Avenue
	Kingsford	Kensington Scout Hall, Corner Strachan Street & Day Lane
	Mascot	Horner Memorial Uniting Church Hall, 40 King Street
5	Mascot	J J Cahill Memorial High School, Sutherland Street
	Mascot	Mascot Public School (Infants Department), King Street
	Mascot	Mascot Senior Citizens Hall, Aloha Street
	Redfern	Old Commonwealth Bank Building, 147-151 Redfern Street
	Redfern	Redfern Centre, 9 Ogden Lane
	Rosebery	Gardeners Road Public School, Corner Botany Road & Gardeners Road
	Rosebery	St Josephs Catholic Parish Hall, Kimberley Grove
	St Peters	St Peters Public School, St Peters Street
	Surry Hills	Bourke Street Public School, 590 Bourke Street
خ	Sydenham	St Peters Town Hall, 39 Unwins Bridge Road
	Tempe	Tempe High School, Collins Street
	Waterloo	Green Square School, 237 Botany Road
	Waterloo	The Factory Community Centre, 67 Raglan Street

E = Fully wheelchair accessible. For accessibility information call 1300 135 736.

Candidates

HOENIG Ron	LABOR
PEEBLES Robyn	CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP)
FARUQI Mehreen	THE GREENS
SIMMONS Drew	AUSTRALIAN DEMOCRATS (NSW DIVISION)

Early voting

Pre-poll voting is available until 6pm on Friday, 24 August 2012. Pre-poll locations and times are available on our website or by calling us.

You can enrol or update your details when you vote

All enrolled electors have been sent an elector brochure to their postal address. If you are not on
the Heffron electoral roll or you are enrolled at an old address but now live in Heffron, you can enrol or update your details and vote on election day. Just bring your NSW Photo Driver Licence or NSW Photo Card showing your current address in the Heffron district, and your Australian citizenship or passport details if you were born overseas.

To check your current enrolment details visit our website or call us.

REMEMBER VOTING IS COMPULSORY. THE FINE FOR NOT VOTING IS \$55.

For information: www.votensw.info/heffron or call 1300 135 736

For enquiries in languages other than English call our interpreting service 13 14 50. Hearing or speech impaired? Call us via the National Relay Service on 13 36 77.

Your vote is your voice. Be heard.



Appendix D: Heffron By-election Polling Places and Disability Access, August 2012

Premises	Address	Locality	Accessibility
Alexandria Park Community School - Junior Campus	Belmont Street,	Alexandria NSW 2015	Does not meet accessibility requirements for electors with disabilities
Bourke Street Public School	590 Bourke Street,	Surry Hills NSW 2010	Does not meet accessibility requirements for electors with disabilities
Daceyville Public School	Joffre Crescent,	Daceyville NSW 2032	Fully Wheelchair Accessible
Erskineville Public School	Bridge Street,	Erskineville NSW 2043	Assisted Access No designated disabled parking spot No disabled toilet
Gardeners Road Public School	827 Botany Road,	Rosebery NSW 2018	 Assisted Access Building has lips and/or steps No designated disabled parking spot
Green Square School	237 Botany Road,	Waterloo NSW 2017	 Assisted Access Building has lips and/or steps No designated disabled parking spot No disabled toilet
Horner Memorial Uniting Church Hall	40 King Street,	Mascot NSW 2018	 Assisted Access Building has lips and/or steps No designated disabled parking spot No disabled toilet
J J Cahill Memorial High School	Sutherland Street,	Mascot NSW 2020	Fully Wheelchair Accessible
Kensington Public School	Doncaster Avenue,	Kensington NSW 2033	Assisted Access Building has lips and/or steps No designated disabled parking spot No disabled toilet
Kensington Scout Hall	Corner Strachan Street and Day Lane,	Kingsford NSW 2032	Does not meet accessibility requirements for electors with disabilities
Mascot Public School (Infants Department)	King Street,	Mascot NSW 2020	Does not meet accessibility requirements for electors with disabilities

Mascot Senior Citizens Hall	Aloha Street,	Mascot NSW 2020	Assisted Access Building has lips and/or steps No designated disabled parking spot No disabled toilet
Old Commonwealth Bank Building Redfern	147-151 Redfern Street,	Redfern NSW 2016	Assisted Access No designated disabled parking spot No disabled toilet
Pagewood Public School	60 Page Street,	Botany NSW 2019	Does not meet accessibility requirements for electors with disabilities
Redfern Centre	9 Ogden Lane,	Redfern NSW 2016	 Assisted Access No designated disabled parking spot Path of travel from car park may be difficult
St James Anglican Church Hall Beaconsfield	178-182 Victoria Street,	Beaconsfield NSW 2015	Does not meet accessibility requirements for electors with disabilities
St Josephs Catholic Parish Hall Rosebery	Kimberley Grove,	Rosebery NSW 2018	Does not meet accessibility requirements for electors with disabilities
St Martins Hall	105 Todman Avenue,	Kensington NSW 2033	 Assisted Access No designated disabled parking spot No disabled toilet Path of travel from car park may be difficult
St Peters Public School	St Peters Street,	St Peters NSW 2044	Does not meet accessibility requirements for electors with disabilities
St Peters Town Hall	39 Unwins Bridge Road,	Sydenham NSW 2044	Fully Wheelchair Accessible
Tempe High School	Collins Street,	Tempe NSW 2044	Does not meet accessibility requirements for electors with disabilities
The Alf Kay Eastlakes Community Hall	Florence Avenue,	Eastlakes NSW 2018	Fully Wheelchair Accessible
The Factory Community Centre	67 Raglan Street,	Waterloo NSW 2017	Does not meet accessibility requirements for electors with disabilities

Appendix E: Heffron By-election Ballot Paper

Ballot Paper Legislative Assembly Election – Electoral District of Heffron Held on 25 August 2012

- DIRECTIONS FOR VOTING PLEASE READ CAREFULLY
- Write the number **1** in the square next to the candidate of your choice.
- You can show more choices, if you want to, by writing numbers in the other squares, starting with the number **2**. Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).
 - **CANDIDATES**

HOENIG, Ron LABOR
PEEBLES, Robyn CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP)
FARUQI, Mehreen THE GREENS
SIMMONS, Drew AUSTRALIAN DEMOCRATS (NSW DIVISION)

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

€ electoral

Legislative Assembly By-election District of Heffron Held Saturday, 25 August 2012

Result of By-election

On Wednesday, 29 August 2012 I returned to the Speaker of the Legislative Assembly, the Honourable Shelley Hancock, MP, the writ for the election of the member for the Legislative Assembly District of Heffron.

The following candidate was elected:

Ron HOENIG

Detailed results are available from the NSW Electoral Commission website, www.elections.nsw.gov.au

Colin Barry, Electoral Commissioner

Your vote is your voice. Be heard.



References

Australian Bureau of Statistics '2011 Census QuickStat; Heffron (State Electoral District)'.

New South Wales Electoral Commission, 'Report on the Conduct of the NSW State Election 2011', Report to the NSW Parliament Joint Standing Committee on Electoral Matters, November 2011.