Tenterfield Shire Council – D Ward by-election

# 19 August 2017



Report on the conduct of the election



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# **ELECTION TIMETABLE**

Activity	Date
Local Government expenditure period commenced	Wednesday, 28 June 2017
Registration for candidates, third-party	Monday, 10 July 2017
campaigners and official agents opened	
Close of rolls*	Monday, 10 July 2017, 6pm
Close of nominations	Wednesday, 19 July 2017,
	12noon
Registration of electoral material commenced	Wednesday, 19 July 2017
Close of registration of candidates	Wednesday, 19 July 2017
Pre-poll voting commenced	Monday, 7 August 2017
Registration of electoral material closed	Friday, 11 August 2017, 5pm
Close of registration of third-party campaigners	Friday, 11 August 2017
Postal voting applications closed	Monday, 14 August 2017, 5pm
Pre-poll voting finished	Friday, 18 August 2017, 6pm
Election day	Saturday, 19 August 2017
Local government expenditure period ended	Saturday, 19 August 2017
Return of postal votes closed	Monday, 21 August 2017, 6pm
Distribution of preferences	Tuesday, 22 August 2017
Declaration of the poll	Wednesday, 23 August 2017

\* For nominations and roll printing purposes.

# FOREWORD

I am pleased to present the NSW Electoral Commission's report on the conduct of the Tenterfield Shire Council - D Ward Local Government by-election held on Saturday, 19 August 2017.

Bob ROGAN (Independent) was declared elected Wednesday, 23 August 2017.

I would like to thank all NSWEC staff involved in providing the Tenterfield Shire Council - D Ward Local Government by-election, as well as electors, the council, candidates, registered political parties and other stakeholders for their participation in this important event.

John Schmidt

John Schmidt Electoral Commissioner 15 February 2018

# **OVERVIEW**

# **By-election outcome**

The candidate elected at the Tenterfield Shire Council - D Ward by-election on Saturday, 19 August 2017 was Bob ROGAN (Independent) with 294 votes, 40.5 per cent of first preference votes.

# **Candidates standing for election**

Candidate name	Party affiliation
Bob ROGAN	Independent
Ted HARTFIELD	Independent
Brian BROWN	Independent

# **Cost data**

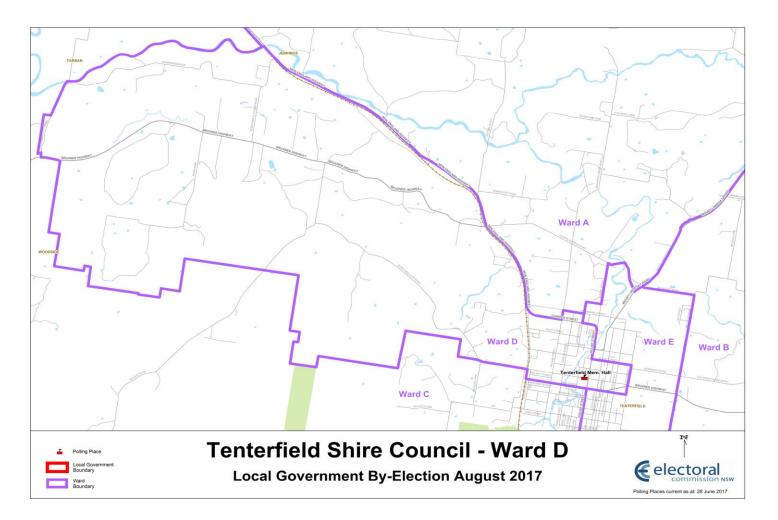
Cost of by-election	\$19,804
Cost per elector	\$19.38

# **BY-ELECTION SUMMARY**

Enrolment	
Total electors	1,022
Voting venues	
Pre-poll venues	1
Polling places	1
Voter turnout	
Formal votes	693
Informal votes	33
Total votes	726
Voter turnout rate	71.04%
Formality rate	95.46%
Non-voting penalty notices issued	228 <sup>1</sup>
Penalty notices issued as % of roll	22.3%
Voting options used by electors	
Ordinary	301
Postal	30
Pre-poll	376
Enrolment	19
Provisional/Silent	0
Candidates	
Total candidates	3

<sup>&</sup>lt;sup>1</sup> A penalty notice is withdrawn if an elector provides a valid excuse for not voting. At the date of this report the enforcement process for failure-to-vote penalty notices for this by-election had not yet been completed.

# **TENTERFIELD SHIRE COUNCIL - D WARD**



# **CONDUCT OF THE ELECTION**

# Background

Tenterfield Shire Council is a council divided into five wards with 10 councillors. For this by-election, there was one vacancy.

# Performance

The service standards in the 2014-16 NSWEC Election Service Charter were applied to the Tenterfield Shire Council - D Ward by-election. In short, the NSWEC undertakes to:

- foster participation in the democratic process
- provide seamless service delivery
- be customer focussed and commercially minded
- be innovative and fast adaptors.

The Service Charter can be found at Appendix A.

#### **Comparisons to 2016 Local Government elections**

Comparative data on key indicators for Tenterfield Shire Council in the 2017 by-election and the 2016 ordinary election.

	Voter Participation	
	2016 election	2017 by-election
Total electors	989	1,022
Formal votes	793	693
Informal votes	31	33
Total votes	824	726
Voter turnout	83.32%	71.04%
Informality	3.76%	4.55%
Election officials	13 (All wards)	1
Cost per elector	\$10.49	\$19.38

# Communications

#### Advertising

The 2017 Local Government By-election advertising campaign for Tenterfield Shire Council - D Ward consisted of council specific statutory advertisements and non-statutory advertising. Non-statutory advertising included information about registering as a third-party campaigner or candidate under the *Election Funding, Expenditure and Disclosures Act 1981* (EFED Act).

#### **Statutory campaign**

Prior to the election the NSWEC consulted with Tenterfield Shire Council to determine in which local newspapers the statutory advertisements, required under the legislation, were to be placed and the frequency of those placements.

Items covered in the statutory advertisements included:

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

Reproductions of these advertisements, and details of their placement in newspapers, can be viewed at Appendices B-D.

#### Social media

The NSWEC utilised social media to raise awareness of the election, promote voter participation, and communicate the responsibilities of political participants.

There were four Facebook posts and five tweets published for the by-election covering the topics of:

- nominations and registrations
- the announcement of candidates
- pre-poll and postal voting details
- election campaign finance rules.

The Facebook posts and tweets were viewed a total of 16,794 times.

The top performing tweet and Facebook post are shown on the following page.





#### Reterror NSW Electoral Commission

Published by @ Charles King [?] -- August 16, 2017 - @ BY-ELECTIONS THIS SATURDAY, 19 AUGUST: NARROMINE SHIRE COUNCIL & TENTERFIELD SHIRE COUNCIL - D WARD People who are enrolled in the Narromine Shire Council area or the D Ward of Tenterfield Shire Council must remember to vote in this Saturday's byelections.

Polling places are open from 8am to 6pm this Saturday, 19 August. For locations, visit the following links:.... See More

€ electora

NARROMINE SHIRE & TENTERFIELD SHIRE - D WARD COUNCIL BY-ELECTIONS THIS SATURDAY, 19 AUGUST



NSWEC | Report on the Conduct of the Tenterfield Shire Council - D Ward by-election

# **Direct communications with political participants**

Direct communications to candidates, third-party campaigners and official agents were made for the by-election using email and letters. The direct communications covered the topics of:

- confirmation of candidate and third-party campaigner registrations
- advice to nominated candidates about the requirements to appoint an official agent
- confirmation of official agent registrations
- advice to official agents about the rules for managing the election campaign finances of candidates and third-party campaigners.

# Website

A NSWEC website was specifically setup for the by-election for stakeholders to source information on:

- the election timetable
- election employment opportunities
- enrolment requirements and online enrolment confirmation
- methods for voting
- political parties
- nomination and registration of candidates and third-party campaigners
- political donations
- list of nominated candidates
- polling place lookup facility
- election results.

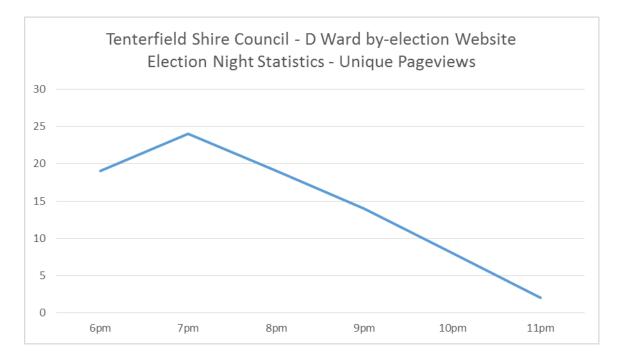
An enrolment search facility on the NSWEC website was available to assist electors to verify their enrolment information.

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

Tenterfield Shire Council provided a link on its website to the NSWEC site. The NSWEC's website experienced 1,231 unique page views in the month leading up to the election.

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 by-election. A total of 216 page views were recorded on election day.





#### **Registrations**

Registration of candidates closed on Wednesday, 19 July 2017. Registration of third-party campaigners closed on Friday, 11 August 2017.

Three candidates were registered under the EFED Act for the by-election. All three candidates applied to be registered before the close of nominations as required by the EFED Act. Three candidates appointed an official agent as required under the EFED Act.

There were no third-party campaigners registered for the by-election.

Following the declaration of the polls, we advised the elected candidate of his obligations under the EFED Act as an elected member. The elected member acts as his own official agent (as an elected member) and has an obligation to disclose, on an annual basis, (during his term as a councillor) any political donations made or received and electoral expenditure incurred.

# **Nominations**

Nominations closed at noon on Wednesday, 19 July 2017.

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

The draw for ballot paper position, held at 2pm on Wednesday, 19 July 2017, was conducted by the Returning Officer at the Returning Officer's office.

For a nomination to be accepted by the Returning Officer, candidates were required to complete a nomination form and a Candidate Information Sheet. Candidates were also required to submit a statistics form and pay a nomination deposit of \$125 to the Returning Officer.

The nomination deposit is refunded to candidates if:

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

# Rolls

#### **Residential roll**

In New South Wales, enrolment and voting are compulsory at all Federal, State and Local Government elections. The New South Wales 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 40th day before the day of the election. Any person who was on the roll when it closed at 6pm on Monday, 10 July 2017 was required to vote.

There were 1,022 electors on the residential electoral roll for Tenterfield Shire Council - D Ward. This was an increase of 33 electors from the number on the roll for the Local Government Ordinary Elections in September 2016.

#### **Non-residential roll**

The non-residential roll is comprised of the roll of non-residential electors and the roll of occupiers and rate-paying lessees. The non-residential roll lapses after each election. Inclusion on the non-residential roll of electors is available to electors who pay rates to the council on property they own but do not occupy, as well as people who occupy or lease property. Under the *Local Government Act 1993*, the council's General Manager is responsible for compiling and maintaining the non-residential roll of electors.

There were no electors on the non-residential roll for Tenterfield Shire Council - D Ward for the 2017 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. A reproduction of the ballot paper is shown at Appendix E.

#### **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 at 8am on Monday, 7 August 2017 and closed on Friday, 18 August 2017, 6pm. The pre-poll location was:

• Tenterfield RO Office, 247 Rouse Street, Tenterfield NSW 2372

#### Postal voting

Electors who are registered as a Registered General Postal Voter for NSW State Elections 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 on Monday, 14 August 2017.

In order to be admitted to the count postal votes needed to be received by the Returning Officer by 6pm on Monday, 21 August 2017. Of 43 postal votes issued, 30 were accepted, two were rejected and 11 were not scrutinised because they were either returned too late or not returned at all.

#### **Election day voting**

#### **Polling places**

Securing appropriate premises for polling places can be difficult. The NSWEC does not own facilities within council areas. The pool of available rental premises is limited by the short-term nature of the lease and the NSWEC's space, accessibility, location and workplace health and safety requirements.

The NSWEC provided council with a draft list of proposed polling places to be used at this election. Feedback from the council was taken into consideration prior to the final selection of polling places.

As far as practically possible, the NSWEC aimed to provide accessible and appropriately sited polling places for the by-election. Information was provided to assist electors with mobility issues or other disabilities to locate the most suitable polling place. This access information was provided on the NSWEC's website and by NSWEC staff.

There was one polling place for the Tenterfield Shire Council - D Ward area on election day. This polling place, which was fully wheelchair accessible, was located at the Tenterfield Memorial Hall, 96 Molesworth St, Tenterfield. The NSWEC website provided details of this polling place's location and its accessibility.

The Polling place was open to electors from 8am to 6pm on election day.

### **Counting the votes**

On election night all polling places conducted an initial sort and count of first preference votes. At the Returning Officer's office, declaration (i.e. postal and pre-poll) votes are opened, sorted and first preferences are counted. The count results were placed on the NSWEC website on election night from 6pm onwards.

The successful candidate was declared elected by the Returning Officer at 3pm on Wednesday, 23 August 2017, following the statutory 24-hour period required for any recount requests.

Once the declaration of the election result had been signed by the Returning Officer, copies of the declaration were provided to the Electoral Commissioner, the Council's General Manager and the Chief Executives of both the Office of Local Government and 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 newspapers.

# **Braille ballot papers**

No braille ballot papers were requested for an elector at this election.

# **Non-voters**

#### 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 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, 228 penalty notices were issued within the three-month period after election day.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> A penalty notice is withdrawn if an elector provides a valid excuse for not voting. At the date of this report the enforcement process for failure-to-vote penalty notices for this by-election had not yet been completed.

# SERVICES TO CANDIDATES AND POLITICAL PARTIES

# **Candidate information**

A candidate information presentation was available on the NSWEC website to assist prospective candidates in their preparation for the election.

The presentation provided prospective candidates with the opportunity to familiarise themselves with the candidate process. Major topics covered in the presentation include:

- the election timetable
- candidate eligibility criteria and how to nominate
- 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
- election campaign finance rules.

The NSWEC Handbook for Parties, Groups, Candidates and Scrutineers, which outlines relevant electoral processes and procedures for local government elections, was also made available to stakeholders.

Information about election processes and election campaign finance rules was also provided to candidates, political parties and others who made telephone or email enquiries.

A fact sheet for local government by-elections was published on the website to support candidates and other political participants understand the requirements for managing political donations and electoral expenditure.

# 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.

# **ELECTORAL STAFFING**

# **Returning Officer**

The Returning Officer had a number of responsibilities which were central to the running of the election, including:

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

The Returning Officer's office for the Tenterfield Shire Council - D Ward by-election was located at:

Tenterfield RO Office 247 Rouse Street Tenterfield NSW 2372

# **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.

# Staffing

Staffing is a significant cost 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 for the by-election varied during the different phases of the election. Staff were employed to undertake a variety of tasks including:

- office setup
- packing materials for each polling place
- registration, distribution and receipt of postal votes
- operation of pre-poll voting
- counting of the votes
- office pack-up.

All polling places have a minimum of two staff, one of whom is the polling place manager.

# **ELECTION COSTS**

Councils are required to meet the costs of conducting their elections. While the NSW Government does not provide direct funding for local government elections, some NSWEC services required for local government elections, such as enrolment and non-voting services, are provided by the NSWEC at no cost. It should also be noted that services provided to candidates, political parties and others regarding the requirements of the EFED Act are provided by the NSWEC at no cost.

Key cost drivers for the election included:

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

The final cost of NSWEC conducting the election was \$19,804 (GST exclusive).

This was made up of election staffing \$10,937; venues \$643; ballot papers and electoral rolls \$999; other miscellaneous items \$6,510 and election management fee \$715. The cost per elector was \$19.38.

# **APPENDICES**

Appendix A: NSWEC Election Service Charter 2014-16
Appendix B: Tenterfield Shire Council - D Ward by-election – registration and enrolment advertisement
Appendix C: Tenterfield Shire Council - D Ward by-election – notice of election advertisement 24
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Appendix E: Tenterfield Shire Council - D Ward by-election – ballot paper

# **Appendix A: NSWEC Election Service Charter 2014-16**

#### Goal 1 - Foster participation in the democratic process

To be achieved by:

- Conducting impartial and fair elections in accordance with the law
- Providing services and information to enable all election participants to participate fully including communities with historically lower participation rates
- Communicating election information in ways that encourage awareness and engagement
- Supporting events and activities that encourage participation in democracy

Success measured by:

- Election participants report conduct of election as impartial and fair and without barriers to participation
- Election participation equals or exceeds prior election levels
- Formality rates equal or exceed prior election levels
- There are no Court challenges to declared results

#### Goal 2 - Provide seamless service delivery

To be achieved by:

- Providing comprehensive services including:
  - o information services
  - o enrolment services
  - o voting options including pre-poll and technology enabled voting
  - $\circ \quad \text{location and accessibility of polling places}$
  - $\circ \quad$  services to assist those with particular needs
  - responsibilities and entitlements of candidates, groups and political parties including funding and disclosure requirements
- Providing efficient services to meet needs of participants according to legislative mandate
- Providing election services in timely, efficient and professional manner

Success measured by:

- Stakeholders feel well informed about election events
- Election participants report satisfaction with the NSWEC's electoral services

### Goal 3 - Be customer focussed and commercially minded

To be achieved by:

- Understanding the needs of our stakeholders and users of our election services through liaison, consultation and structured feedback
- Ensuring elections are provided on a competitive basis
- Delivering well organised, reliable and quality elections

#### Success measured by:

- Participants report satisfaction with NSWEC's services and election staff
- Those entities using the NSWEC to conduct elections report satisfaction with services provided and see these are representing value (Note this is not applicable in the case of State Government elections and by-elections, which must be conducted by the NSWEC.)
- Costs of providing elections are recovered (Note this is not applicable in the case of State Government elections and by-elections.)
- The NSWEC actively seeks feedback on its services

#### Goal 4 - Be innovative and fast adaptors

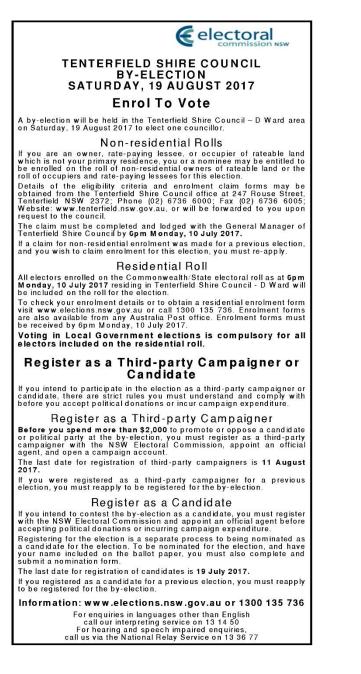
To be achieved by

- Utilising new technologies to increase convenience for those participating in elections within the legislative mandate while maintaining integrity of the election and security of information
- Review developments in election services and funding and disclosure across Australia and internationally for possible application to NSW

Success measured by:

- The NSWEC is seen as seeking to adapt its services, within legislative requirements, to meet participants' needs
- The NSWEC advises Government of innovations that will strengthen the democratic system and improve administration of elections

# Appendix B: Tenterfield Shire Council - D Ward by-election – registration and enrolment advertisement



Enrol + Register as a TPC or candidate

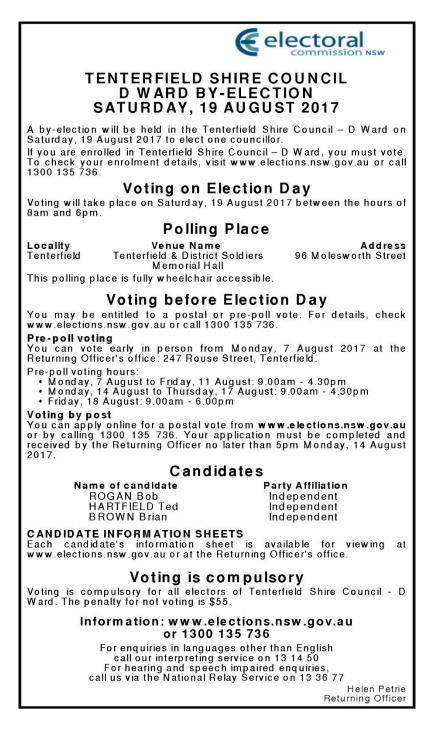
Wednesday, 28 June 2017

Southern Downs Weekly

**Tenterfield Star** 

Wednesday, 28 June 2017

# Appendix C: Tenterfield Shire Council - D Ward by-election – notice of election advertisement



Notice of electionTenterfield StarWednesday, 26 July 2017Southern Downs WeeklyWednesday, 26 July 2017

**Appendix D: Tenterfield Shire Council - D Ward by-election – declaration** of poll advertisement

TENTERFIELD SHIRE COUNCIL D WARD BY-ELECTION SATURDAY, 19 AUGUST 2017	
Result of Election	
An election was held to elect one councillor. I declare	
Bob ROGAN	
elected as councillor until the next ordinary election of the Council.	
Detailed results are available from the NSW Electoral Commission website.	
Helen Petrie Returning Officer	
23 August 2017	
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	
Results	

Warwick Daily News

Tenterfield Star

Wednesday, 30 August 2017

Wednesday, 30 August 2017

# Appendix E: Tenterfield Shire Council - D Ward by-election – ballot paper



