

Coonamble Shire Council local government by-election

29 June 2019

Report on the conduct of the election

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NSW Electoral Commission | Report on the conduct of the Coonamble Shire Council by-election

Election timetable

2019
9, 6pm
2019, 12noon
2019
2019
9
, 5pm
9, 5pm
9
, 6pm
19
19
6pm
)19
2019

* For nomination and roll printing purposes.

Foreword

I am pleased to present the NSW Electoral Commission's report on the conduct of the Coonamble Shire Council Local Government by-election held on Saturday, 29 June 2019, to fill the vacancy created by the passing of Councillor John Walker and the resignation of Councillor Michael Roy Webb.

Councillor Pat Cullen (Independent) and Councillor Barbara Deans (Independent) were declared elected on Wednesday, 3 July 2019.

I am grateful to the staff of the NSW Electoral Commission and the political participants and voters of the Coonamble Shire Council who contributed to the successful conduct of this byelection.

John Schmidt

John Schmidt

Electoral Commissioner

Overview

By-election outcome

The candidates elected at the Coonamble Shire Council by-election on Saturday, 29 June 2019 were Pat Cullen (Independent) and Barbara Deans (Independent) with 684 and 509 votes, 32.54 and 24.22 per cent per cent of first preference votes respectively.

Candidates standing for election

Candidate name	Party affiliation
Margaret GARNSEY	Independent
Pat CULLEN	Independent
Barbara DEANS	Independent
Mark VAUGHAN	Independent

Cost data

Cost of by-election	\$34,392
Cost per elector	\$12.34

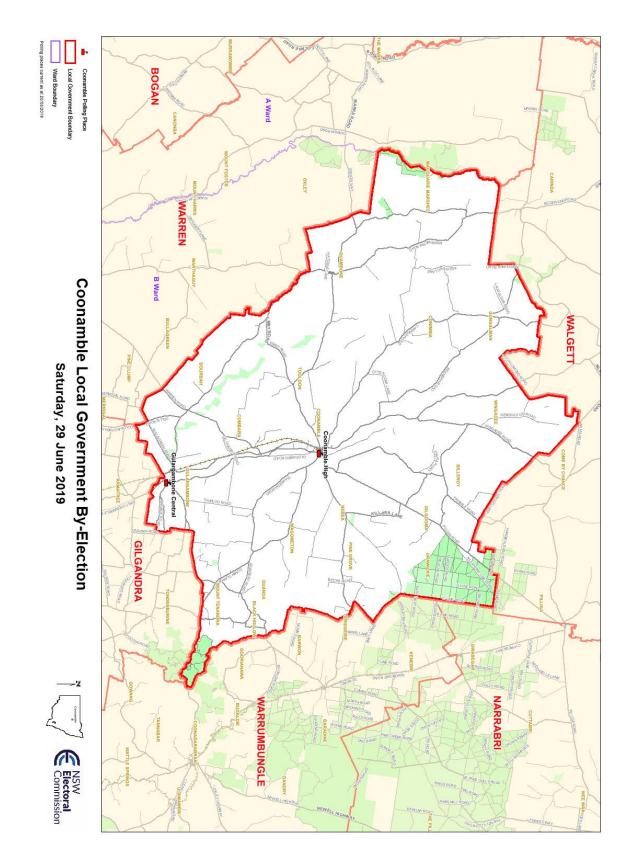
By-election summary

Enrolment	
Total electors	2,786
Voting venues	
Pre-poll venues	1
Polling places	2
Declared institutions	1
Voter turnout	
Formal votes	2,059
Informal votes	43
Total votes	2,102
Voter turnout rate	75.45%
Formality rate	97.95%
Non-voting penalty notices issued	509 ¹
Penalty notices issued as percentage of roll	18.27%
Voting options used by electors	
Ordinary	1,003
Postal	144
Pre-poll	952
Declared institution	17
Enrolment	3
Provisional/silent	0
Candidates	
Total candidates	4

¹ A penalty notice is withdrawn if an elector provides a valid excuse for not voting.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.

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Coonamble Shire Council



Conduct of the election

Background

Coonamble Shire Council is an undivided council with seven councillors. There were two vacancies to be filled for this by-election following the passing of Councillor John Walker and the resignation of Councillor Michael Roy Webb.

Performance

The service standards in the Election Service Charter 2017–2020 were applied to the Coonamble Shire Council by-election. In summary, the NSW Electoral Commission 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.

Comparison with 2016 local government elections

Comparative key data for Coonamble Shire Council in the 2019 by-election and the 2016 local government elections are shown in the following table.

	Voter participation		
	2016 election	2019 by-election	
Total electors	2,845	2,786	
Formal votes	2,073	2,059	
Informal votes	42	43	
Total votes	2,115	2,102	
Voter turnout	74.34%	75.45%	
Informality	1.99%	2.05%	
Total staff	6	6	
Cost per elector	\$9.66	\$12.34	

Referendum

A referendum was also conducted. The referendum question asked:

"Do you support an increase in the number of Coonamble Shire Council councillors from seven (7) to nine (9)?"

The referendum was passed with 64.59 per cent of the votes being "Yes".

	Yes	Νο	Total Formal	Informal	Total votes
Ordinary votes	636	320	956	30	986
Pre-poll	625	304	929	23	952
Declared	11	6	17	0	17
Institution					
Enrolment	1	2	3	0	3
Postal	84	59	143	0	143
Provisional/Silent	0	0	0	0	0
	1,357	691	2,048	53	2,101

Communications

Advertising

The advertising campaign for the Coonamble Shire Council 2019 local government byelection 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 Act 2018*.

Election reminder service

People enrolled to vote in New South Wales can sign up to the NSW Electoral Commission's free election reminder service. Subscribers to this service receive an email and/or SMS reminder about upcoming State and local government elections and by-elections relevant to the enrolled address.

For the Coonamble Shire Council by-election, we trialled an expansion of the reminder service to all enrolled voters in the ward who had provided email and/or mobile details as part of their enrolment information (1,022 electors, 36.68 per cent of total electors), in addition to those people who had signed up for the reminder service (97 electors, 3.48 per cent of total electors).

Election reminder service subscribers	Reach of expanded reminder service trial		
	Initial reminders	Final reminders	
Email	660	629	
Mobile	998	951	
Unique* (*received email or SMS or both)	1,085	1,069	
As a percentage of electoral roll (2,786)	38.94%	38.37%	

Statutory advertising campaign

Statutory advertisements are required by legislation to be placed in newspapers. The NSW Electoral Commission consulted Coonamble Shire Council on the placement and frequency of these advertisements.

Topics covered in the statutory advertisements included:

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

Advertisements were placed as follows:

Advertisement	Publication name	Publication date
Nominations and enrolment	Coonamble Times	17 May 2019
Notice of election	Coonamble Times	5 June 2019
Declaration of poll	Coonamble Times	5 July 2019

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

Social media

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

We executed two Facebook posts and one tweet, covering:

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

Social media reached a total of 9,128 users. The top performing tweet and Facebook post are shown below.



NSW Electoral Commission ©NSWElectoralCom
The Coonamble Shire Council by-election will be held
on
Saturday, 29 June 2019. Pre-poll voting for the byelection opened
today. Find out more here: bit.ly/2IQCiTv #Coonamble

Coonamble by-election and constitutional referendum Pre-poll voting now open

2:15 PM · Jun 17, 2019 · Twitter Web Client



Direct communications with political participants

Direct communications (via email and letter mail out) to candidates, third-party campaigners and official agents 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

The NSW Electoral Commission website provided information specific to the Coonamble Shire Council by-election on:

- the election timetable
- election employment opportunities
- enrolment requirements and online enrolment confirmation
- methods for voting
- political parties
- nomination and registration of candidates, third-party campaigners and donors
- political donations

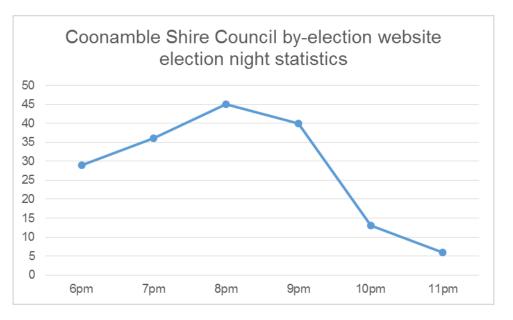
- list of nominated candidates
- polling place lookup facility
- election results.

The NSW Electoral Commission's online enrolment search facility helped electors to verify their enrolment information. Polling place locations provided on the website included accessibility information for electors with a disability.

Coonamble Shire Council provided a link on its website to the NSW Electoral Commission website. The by-election pages experiencing 1,632 unique views in the month leading up to the election.

Traffic to the NSW Electoral Commission's website typically peaks after close of polls when users seek information on results. The following graph shows website usage from close of polling to midnight on Saturday, 29 June 2019. A total of 257 page views were recorded on election day.





Registrations

Registration of candidates closed on Wednesday, 29 May 2019. Registration of third-party campaigners closed on Friday, 21 June 2019.

Four candidates were registered under the *Election Funding Act 2018* (EF Act) for the byelection.

There were no third-party campaigners registered for the by-election. Following the declaration of the polls, we advised the elected candidates of their obligations under the EF Act as elected members. An elected member must disclose to the NSW Electoral

Commission, throughout their term as an elected member, all political donations made and received and electoral expenditure incurred.

Nominations

Nominations closed at noon on Wednesday, 29 May 2019.

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

The draw for ballot paper position, held at 2pm on 29 May 2019, 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 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 NSW Electoral Commission 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, 20 May 2019 was required to vote. Rolls are closed to allow sufficient time to print and distribute the authorised rolls and for nomination purposes. Eligible citizens can enrol and vote on election day.

There were 2,784 electors on the residential electoral roll for Coonamble Shire Council. This was a decrease of 61 electors from the number on the roll for the local government 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 two electors on the non-residential roll for Coonamble Shire Council for the 2019 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, proportional representation was the method used. A reproduction of the ballot paper is shown at Appendix E.

Absent voting

Unlike federal and NSW State elections, absent voting is not provided 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, 17 June 2019 and closed on Friday, 28 June 2019 at Coonamble returning officer's office – 80 Castlereagh Street, Coonamble NSW 2829.

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 voting opened on nomination day with electors able to obtain applications from the NSW Electoral Commission website, the NSW Electoral Commission head office or the returning officer's office. Applications for postal voting closed on Monday, 24 June 2019.

In order to be admitted to the count postal votes needed to be received by the returning officer by 6pm on Monday, 1 July 2019. Of 170 postal votes issued, 144 were accepted, 13 were rejected and 13 were not scrutinised because they were either returned too late or not returned at all.

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.

One declared institution was appointed for the Coonamble Shire Council by-election: Koonambil Hostel – 140-148 Castlereagh Street, Coonamble NSW 2829. Election officials visited from the Monday until Wednesday before election day.

Election day voting

Polling places

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

The NSW Electoral Commission 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 NSW Electoral Commission aimed to provide accessible and appropriately sited polling places for the by-election.

There were two polling places for the Coonamble Shire Council area on election day:

- Coonamble High School 23 Aberford Street, Coonamble NSW 2829
- Gulargambone Central School Yalcogrin Street, Gulargambone NSW 2828

Both polling places were accessible with assistance and were open to electors from 8am to 6pm on election day.

Counting the votes

On election night both polling places conducted an initial sort and count of first preference votes. At the returning officer's office, declaration (i.e., postal, pre-poll and declared institution) votes were opened, sorted and first preferences were counted. The count results were placed on the NSW Electoral Commission website on election night from 6pm onwards.

The successful candidates were declared elected by the returning officer at 3pm on Wednesday, 3 July 2019, 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

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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 NSW Electoral Commission website. Election results were also published in local newspapers.

Non-voters

Failure to vote

Under electoral legislation, the NSW Electoral Commission 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 reason for not voting.

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, 509 penalty notices were issued within the three-month period after election day.²

² 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.

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Services to candidates and political parties

Candidate information

A candidate information presentation was available on the NSW Electoral Commission 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
- campaigning (election advertising, 'how-to-vote' material and public scrutiny of candidates)
- complaints handling by NSW Electoral Commission
- voting and counting ballot papers
- scrutineers
- election funding obligations.

The NSW Electoral Commission's *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 NSW Electoral Commission. 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 NSW Electoral Commission provided candidates with guidelines to assist them to meet the registration requirements. A candidate help line was also set up by the NSW Electoral Commission to aid candidates.

Electoral staffing

Returning officer

The returning officer had a number of responsibilities 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 and declared institutions
- 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 Coonamble Shire Council by-election was located at 80 Castlereagh Street, Coonamble NSW 2829

Returning officer support officer

A returning officer support officer was appointed in order to provide support to the returning officer on electoral matters and procedures in the conduct of the election.

Election day staffing

Staffing is a significant cost for elections and, as such, the NSW Electoral Commission recognises the importance of accurately forecasting the number of staff required 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
- visits to declared institutions
- 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 NSW

Electoral Commission services required for local government elections, such as enrolment and non-voting services, are provided by the NSW Electoral Commission at no cost. It should also be noted that services provided to candidates, political parties and others regarding the requirements of the EF Act are provided by the NSW Electoral Commission 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 advertising and elector brochure production and distribution.
- printing/materials for polling places.

The final cost of NSW Electoral Commission conducting the election was \$34,392 (GST exclusive).

This was made up of election staffing \$17,890; venues \$726; logistics \$3,895; ballot papers and electoral rolls \$736; other miscellaneous items \$9,195 and election management fee \$1,950. The cost per elector was \$12.34.

Appendices

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Appendix A: Election Service Charter 2017–2020

Goals	To be achieved by:	Success measured by:
Foster participation in the democratic process	 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 	 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
Provide seamless service delivery	 Providing comprehensive services including: information services enrolment services voting options including pre-poll and technology enabled voting location and accessibility of polling places 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 	 Stakeholders feel well informed about election events Election participants report satisfaction with the NSW Electoral Commission's electoral services
Be customer focused and commercially minded	 Understanding the needs of our stakeholders and users of our election services through liaison, consultation and structured feedback Delivering well organised, reliable and quality elections Ensuring elections are provided on a competitive basis 	 Participants report satisfaction with NSW Electoral Commission's services and election staff Those entities using the NSW Electoral Commission to conduct elections report satisfaction with services provided and see these are representing value Costs of providing elections are recovered The NSW Electoral Commission actively seeks feedback on its services
Be innovative and fast adapters	 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 	 The NSW Electoral Commission is seen as seeking to adapt its services, within legislative requirements, to meet participants' needs The NSW Electoral Commission advises Government of innovations that will strengthen the democratic system and improve administration of elections

Appendix B: Coonamble Shire Council by-election – nominations and enrolment advertisement



Advertising schedule

Coonamble Times

Wednesday, 15 May 2019

Appendix C: Coonamble Shire Council by-election – notice of election advertisement

Electoral Commission **Coonamble By-Election and Constitutional Referendum** Saturday, 29 June 2019 A by-election will be held in the Coonamble local government area on Saturday, 29 June 2019 to elect two councillors and conduct a constitutional referendum If you are enrolled in the Coonamble local government area, you must vote. To check your enrolment details, visit www.elections.nsw.gov.au or call 1300 135 736. Voting on election day Voting will take place on Saturday, 29 June 2019 between the hours of 8am and 6pm. **Polling Places** Locality Venue Name Address 23 Aberford Street, COONAMBLE Coonamble Coonamble High School NSW 2829 Gulargambone Gulargambone Central School Xalcogrin Street, GULARGAMBONE, NSW 2828 For accessibility information visit www.elections.nsw.gov.au or call 1300 135 736 Voting before election day If you are unable to make it to a polling place on election day, you may be entitled to a postal or pre-poll vote. For details, visit www.elections.nsw.gov.au or call 1300 135 736. Pre-poll voting You can vote early in person from Monday, 17 June 2019 at the Returning Officer's office at the Coonamble Shire Council Administration Building, 80 Castlereagh Street, COONAMBLE NSW 2829. Pre-poll voting hours: Monday, 17 June 2019 to Friday, 28 June 2019: 8:30am-5:00pm
Closed on Saturday, Sunday Voting by post You can apply online for a postal vote from www.elections.nsw.gov.au or by calling 1300 135 736. Your application must be completed and received by the Returning Officer no later than 5pm Monday, 24 June 2019. Candidates Name of candidate Party Affiliation GARNSEY, Margaret Independent CULLEN, Pat Independent DEANS, Barbara Independent VAUGHAN, Mark Independent **Candidate Information Sheets** Each candidate's information sheet is available for viewing at www.elections.nsw.gov.au or at the Returning Officer's office or at polling places. **Constitutuional Referendum** A constitutional referendum will be held in conjunction with the by-election. Electors will be required to write 'Yes' or 'No' to the following question: Do you support an increase in the number of Coonamble Shire Council Councillors from seven (7) to nine (9)? Voting is compulsory Voting is compulsory for all electors of the Coonamble local government area. The penalty for not voting is \$55 Information: www.elections.nsw.gov.au 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. Janet Sternbeck, Returning Officer

Advertising schedule

Coonamble Times

Wednesday, 5 June 2019

Appendix D: Coonamble Shire Council by-election – declaration of poll advertisement



Coonamble Council By-Election and Constitutional Referendum Held Saturday, 29 June 2019

Declaration of Election

An election was held to elect two Councillors for the Coonamble Council. I declare **Pat Cullen** and **Barbara Deans** elected until the next general election of the council in 2020.

Constitutional Referendum Result

A constitutional referendum was held in conjunction with the by-election. The question was:

Do you support an increase in the number of Coonamble Shire Council Councillors from seven (7) to nine (9)?

The 'Yes' vote was successful. The results were:

YES	721
NO	371

The increase to the number of councillors will come into effect at the next local government general election in 2020.

Detailed results are available from the NSW Electoral Commission website.

https://www.elections.nsw.gov.au/Elections/past-results/Local-election-results/2019-Coonamble-Shire-Council-by-election-results

Janet Sternbeck, Returning Officer Wednesday, 9 May 2018

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.

Advertising schedule

Coonamble Times

17 July 2019

Appendix E: Coonamble Shire Council by-election – ballot paper

Local Government Election
Coonamble BALLOT PAPER FOR ELECTION OF 2 COUNCILLORS Held on 29 June 2019
DIRECTIONS FOR VOTING PLEASE READ CAREFULLY
Place the number 1 in the square next to the candidate of your choice. If you wish to vote for any more candidates, place consecutive numbers starting with 2 in the squares next to those candidates in order of your preferences for them.
GARNSEY Margaret
CULLEN Pat Independent
DEANS Barbara
VAUGHAN Mark Independent
You must not take a ballet paper out of the polling place
Electoral Commission