

Report on the conduct of the Lachlan Shire Council (D Ward) by-election

20 May 2023

The NSW Electoral Commission acknowledges the Traditional Owners of Country throughout New South Wales and their continuing connection to the land, sea and community. Our head office is located on Gadigal land. We pay our respects to Elders past and present.

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All tables and figures are sourced to NSW Electoral Commission unless stated otherwise. This report was produced using internal resources. To reduce our environmental impact, this report can be downloaded from the NSW Electoral Commission's website at elections.nsw.gov.au

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Foreword from the Electoral Commissioner

The Lachlan Shire Council (D Ward) by-election was conducted on Saturday, 20 May 2023 to fill a vacancy resulting from the death of Councillor Elaine Bendall.

Robyn Turner was declared elected on Tuesday, 6 June 2023.

As Electoral Commissioner for New South Wales, I have conducted a review of the administration of the Lachlan Shire Council (D Ward) by-election. This report reflects the outcomes of that review.

The conduct of the Lachlan Shire Council (D Ward) by-election proceeded smoothly, with voter participation and formality rates of 66.23 per cent and 97.97 per cent, respectively.

The delivery of efficient, accurate and trusted elections, in accordance with New South Wales electoral legislation, relies heavily upon the capability of NSW Electoral Commission staff. For the efficient conduct of this by-election, I would like to express my gratitude to everyone at the NSW Electoral Commission as well as the temporary election employees, suppliers and contractors.

John Schmidt

John Schmidt Electoral Commissioner for New South Wales

Election overview

By-election results

The by-election was originally scheduled for Saturday, 25 February 2023. However, at the close of nominations at 12 noon on Wednesday, 25 January, the returning officer for the Lachlan Shire Council (D Ward) by-election had not received any nominations. A new by-election date of Saturday, 20 May 2023 was set.

At the close of nominations for the Saturday, 20 May 2023 election, two candidates had nominated to fill the vacancy and a by-election was conducted.

Robyn Turner was elected at the Lachlan Shire Council (D Ward) by-election. The result was declared by the returning officer on Tuesday, 6 June 2023.

Candidate	Affiliation	Number of formal first preference votes	Percentage of formal first preference votes
JONES Kim	No affiliation	239	41.07%
TURNER Robyn	No affiliation	343	58.93%

Table 1: Lachlan Shire Council (D Ward) by-election Saturday, 20 May 2023 - first preference votes

Note: The order of candidates in the table is the order in which the candidates' names appeared on the ballot paper (see Appendix A) as per the ballot paper draw. Detailed information on the result counts is available on the NSW Electoral Commission's website, at <u>elections.nsw.gov.au</u>

By-election summary

Table 2: Lachlan Shire Council (D Ward) by-election Saturday, 20 May 2023

Enrolment	
Total electors at close of roll	912
Venues and staff	
Pre-poll (early voting) venues	1
Polling places (voting centres on election day)	2
Staff employed	16
Voter turnout	
Formal votes	582
Informal votes	12
Total votes	594
Voter participation rate	66.23%
Formality rate	97.97%
Non-voting penalty notices issued (18 August 2023)	268
Voting channels used (includes informal votes)	
Ordinary (election day)	249
Ordinary (pre-poll)	205
Postal	126
Enrolment/declaration	14
Candidates	
Candidates contesting the election	2
Councillor positions vacant	1

By-election key dates

Table 3: Lachlan Shire Council (D Ward) by-election Saturday, 20 May 2023 - timeline

Date	Details
Friday, 31 March 2023	Open of candidate and third-party campaigner registrations under the <i>Electoral Funding Act</i> 2018
	Start of capped expenditure period for candidates and third-party campaigners
Monday, 10 April 2023	Start of regulated period for electoral material
Tuesday, 11 April 2023	Open of candidate nominations
	Open of postal vote applications
	6pm: Close of rolls
Wednesday, 19 April 2023	12 noon: Close of nominations and registration of candidates
	Start of registration of electoral material
Thursday, 20 April 2023	10am: Ballot paper draw
Monday, 8 May 2023	Open of pre-poll voting
Friday, 12 May 2023	5pm: Close of registration of electoral material
Monday, 15 May 2023	5pm: Close of postal vote applications
	Close of registration for third-party campaigners
Thursday, 18 May 2023	9am: Start of telephone-assisted voting
Friday, 19 May 2023	5pm: Close of pre-poll voting
	5pm: Close of telephone-assisted voting
Election day	Polling places open 8am-6pm
Saturday, 20 May 2023	End of capped expenditure period
	6pm: End of regulated period for electoral material
Friday, 2 June 2023	6pm: Close of return of postal vote certificates to the NSW Electoral Commission
Monday, 5 June 2023	Distribution of preferences
Tuesday, 6 June 2023	Declaration of results
Friday, 11 August 2023	Disclosures of political donations for the half-yearly period 1 January to 30 June 2023 due
Friday, 18 August 2023	Apparent failure to vote notices issued
Friday, 22 September 2023	Disclosures of electoral expenditure for the annual period 1 July 2022 to 30 June 2023 due

The election in detail

Lachlan Shire Council (D Ward) map



Safety measures implemented due to COVID-19

Due to the continued presence of COVID-19, the NSW Electoral Commission's *COVID-19 Safety Plan* was implemented for the Lachlan Shire Council (D Ward) by-election to safeguard the health, safety and wellbeing of voters, election staff, political participants and the public. Key measures included:

- encouraging electors to bring their own pen, or use the single-use pens provided at all voting venues, to mark their ballot papers
- maintaining physical distancing at voting venues by managing elector numbers and ensuring sufficient space between voting screens and ballot paper issuing tables
- employing additional election staff to assist in managing physical distancing and to implement hygiene measures such as the regular cleaning of voting screens, ballot paper issuing tables and other surfaces
- providing hand sanitiser and other personal protection equipment for use by election staff, electors and political participants.

Training covering COVID-19 infection control practices was undertaken by all staff. The NSW Electoral Commission also produced a series of videos explaining the key health protection measures and displayed posters in voting and count centres as a safety reminder.

Electoral rolls

Residential roll

The New South Wales electoral roll is jointly managed by the NSW Electoral Commission and the Australian Electoral Commission. Legislation provides that the electoral roll closes for local government elections on the 40th day before the day of an election. Rolls are closed to allow sufficient time to print and distribute the authorised rolls and for nomination purposes.

For the Lachlan Shire Council (D Ward) by-election, any person who was on the roll when it closed at 6pm on Tuesday, 11 April 2023 was required to vote. Eligible Australian citizens can still enrol and vote after the close of rolls.

Non-residential roll

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 this by-election.

Voting services

The following voting options were available for the Lachlan Shire Council (D Ward) by-election:

- postal voting (available to eligible electors)
- pre-poll (in-person early voting).
- telephone-assisted voting (available to electors who are blind or have low vision)
- in-person voting on election day.

Postal voting

Postal voting was available to eligible electors.

Table 4: Lachlan Shire Council (D Ward) by-election 20 May 2023 - postal vote key dates

Date	Process
Tuesday, 11 April 2023	Postal vote applications open
Monday, 15 May 2023	5pm: Postal vote applications close
Election day Saturday, 20 May 2023	6pm: Elector to complete their postal vote ballot paper and postal vote certificate
Friday, 2 June 2023	6pm: Close of return of completed postal votes to the NSW Electoral Commission

Pre-poll (early voting, in person)

All electors were eligible to vote during the pre-poll period Monday, 8 May to Friday, 19 May 2023.

See Appendix B for the Lachlan Shire Council (D Ward) by-election pre-poll location. This location was published on the NSW Electoral Commission's website, including information about venue wheelchair accessibility and opening hours.

Telephone-assisted voting

Telephone-assisted voting was available for electors who are blind or have low vision. Application and voting were available from 9am on Thursday, 18 May to 5pm on Friday, 19 May 2023.

Voting in-person on election day

Polling places were open on election day from 8am to 6pm (see Appendix B). Locations were published on the NSW Electoral Commission's website, along with information about accessibility.

Communications campaign

Social media

The NSW Electoral Commission conducted a social media campaign to raise awareness of the Lachlan Shire Council (D Ward) by-election and provide information to electors and political participants. All communications directed people to the Electoral Commission's website. Examples of social media posts are reproduced at Appendix D.

Assistance for voters

Elector brochure

An election brochure was sent to all electors enrolled in the Lachlan Shire Council (D Ward), with information about the by-election including key dates, voting options and voting locations. The brochure is reproduced at Appendix C.

Election reminder service

The NSW Electoral Commission's election reminder service enables voters to subscribe to receive free SMS and/or email reminders about New South Wales state and local government elections relevant to their enrolled address. For the Lachlan Shire Council (D Ward) by-election:

- 110 early voting reminders were sent by email and 174 by SMS on 9 May 2023
- 109 notifications were sent by email and 173 by SMS on 18 May 2023 to remind people to vote on election day.

In-language resources and assistance

The NSW Electoral Commission provided in-language support for electors whose primary language is not English. In-language services and information to support culturally and linguistically diverse electors were published on the NSW Electoral Commission's website in 24 community languages, promoted via digital advertising, displayed on posters at all polling places and shared with the NSW Electoral Commission's Culturally and Linguistically Diverse (CALD) reference group members for distribution to their members and networks.

Translation and interpreting services were available by phone via the National Translation and Interpreting Service (TIS National, on 131 450).

Other support available for electors

The NSW Electoral Commission has support available for electors who may need help completing their vote.

- All voting centres had accessible voting screens, maxi pens and magnifying sheets available for use by electors.
- All electors had access to the NSW Electoral Commission via the National Relay Service.

The services and information to support electors are published on the NSW Electoral Commission's website, displayed on posters at all polling places and shared with the NSW Electoral Commission's Equal Access to Democracy Disability reference group members for distribution to their members and networks.

Candidates, political parties and other political participants

Electoral funding registration

Candidates are required to be registered for an election before accepting political donations or making payments for electoral expenditure. Registration is a separate process to being nominated as a candidate. It is an offence for a candidate to accept a political donation or make a payment for electoral expenditure without being registered. All candidates who do not register before being nominated are taken to be (deemed) registered by the returning officer when they are nominated for the election. This is usually the day after the close of nominations. From that time, all nominated candidates can lawfully accept political donations and make payments for electoral expenditure for the by-election. A person or entity (not being a party, associated entity, elected member or candidate) who incurs electoral expenditure of more than \$2,000 during the capped expenditure period is a third-party campaigner. Third-party campaigners must be registered before making payments for that expenditure. It is an offence for a person or entity to make such payments or accept political donations for that purpose without being registered.

For the Lachlan Shire Council (D Ward) by-election, electoral funding registration forms were available on the NSW Electoral Commission's website and could be lodged with the Electoral Commission from Friday, 31 March 2023 to Wednesday, 19 April 2023 for candidates and from Friday, 31 March 2023 to Monday, 15 May 2023 for third-party campaigners. Two candidates were registered for the by-election, both of whom were deemed to be registered upon nomination. No third-party campaigners were registered for the Lachlan Shire Council (D Ward) by-election. Registers are published on the NSW Electoral Commission's <u>website</u>.

Nominations

Nomination forms were available on the NSW Electoral Commission's website and could be lodged from Tuesday, 11 April to 12 noon on Wednesday, 19 April 2023. Following the close of nominations, the ballot paper draw was conducted to determine the order that the two candidates would appear on the ballot paper.

Electoral material

The period for registration of electoral material commenced on Wednesday, 19 April and closed at 5pm on Friday, 12 May 2023.

- Electoral material produced, published, distributed or displayed during the regulated period for the by-election must comply with the requirements of the *Local Government* (*General*) *Regulation* 2021.
- Electoral material distributed on election day must be registered with the NSW Electoral Commission. It is an offence to distribute electoral material on election day unless the material has been registered.

"Distribution" of electoral material includes the placement of electoral material in a public place that can be collected by voters. Posters are not required to be registered but they must comply with the requirements detailed in the *Candidate handbook* published for each election by the NSW Electoral Commission.

Information bulletins and webinar

The NSW Electoral Commission distributed two information bulletins to provide political participants with key information about the election and their obligations and entitlements. A candidate information webinar was held on 4 May 2023. Topics included:

- the election timetable
- nomination, registration for electoral funding purposes, ballot paper draw
- electoral material (how-to-vote cards) including registration, regulated period, authorisation, legislation, preparation
- voting options available
- scrutineers and candidate workers including policy, guidelines and appointment
- counting and results including the count timetable, distribution of preferences, recount requests and declaration of results.

Website information

The NSW Electoral Commission's website provided a range of information about the by-election including the election timetable; candidate requirements; employment opportunities; enrolment; how, when and where to vote; names of candidates; and the election results.

Election staff

The NSW Electoral Commission employed 16 people to work at the Lachlan Shire Council (D Ward) byelection. Recruitment of election staff took place via the Electoral Commission's online registration system. Staff were employed to work on election day or during the pre-poll period. Some roles were based in the returning officer's office to help recruit staff, pack and prepare materials for the voting centres, count votes and pack materials after the election.

Role	Number employed	Tasks and responsibilities
Polling place manager	2	The polling place manager is responsible for managing a pre-poll venue during the early voting period or a polling place on election day.
Deputy polling place manager	2	The deputy polling place manager supports the polling place manager and undertakes key election operational activities under the guidance of the polling place manager.
Election official	3	The responsibilities of an election official include: to issue ordinary votes, respond to elector enquires and manage queues (internal and external to polling places).
Office assistant	7	This role reports to the senior office assistant and performs general office administration, packing and checking of election materials, issuing ballot papers during early voting, and counting ballot papers.
Senior office assistant	1	This role assists the returning officer to manage key tasks during the election period including staffing and venue management, the secure receipt and return of election material, and managing counting and results.

Table 5: Number of staff for each role for the Lachlan Shire Council (D Ward) by-election

Role	Number employed	Tasks and responsibilities
Returning officer	1	An official appointed by the Electoral Commissioner to conduct an election for one or more council areas. Duties include staffing the returning officer's office, conducting the ballot paper draw and liaising with political parties, candidates and the public.
Total	16	

Of the staff employed throughout the election period, two staff members identified as having Aboriginal or Torres Strait Islander background. All staff were required to complete online training, mapped to their job role.

Returning officer

The returning officer's office was located at 58-64 Molong Street, Condobolin NSW 2877.

The duties of the returning officer include:

- set up and decommissioning of the temporary office
- training of office staff, polling place managers and deputy polling place managers
- arranging voting at polling places
- issuing and processing postal and early votes
- responding to enquiries from candidates and electors
- processing candidate nominations and electoral material
- counting votes.

A returning officer support officer was appointed in the NSW Electoral Commission's head office to monitor, guide and support the returning officer on electoral matters and procedures in the preparation and conduct of the by-election.

Work health and safety principles

The NSW Electoral Commission's work health and safety principles were followed for the Lachlan Shire Council (D Ward) by-election in the interests of staff safety and wellbeing. Focussing on fatigue management, the principles include cut-off times for counting on election night and closing times for voting venues and the returning officer's office.

General principles

- staff will not work in isolation
- one 30-minute break to be taken every five hours
- a minimum of eight consecutive hours between rostered shifts
- staff should not work more than six consecutive days
- maximum 10-hour shifts, with the exception of election day.

Election day operations

- all counting to cease at 10:30pm on election night
- staff working in the returning officer's office will not work past 11pm on election night
- voting centre staff to cease work no later than 11pm on election night
- staff should not be expected to drive more than one hour from their voting/count venue to a nominated material drop-off point on election night
- staff responsible for returning materials on election night will finish no later than 12.30am.

Venues and logistics

Polling places and office premises

The NSW Electoral Commission selects the most suitable premises from those available. Venue considerations are extensive and include size, location, accessibility, amenities, street frontage, access for deliveries, internet connectivity and workplace health and safety. The ability to secure premises that meet functional requirements presents challenges, particularly in negotiating agreements to enter short-term leases when the supply of premises is limited.

The Electoral Commission aimed to provide accessible and appropriately sited polling places for the Lachlan Shire Council (D Ward) by-election.

Venue type	Fully accessible	Assisted access	No wheelchair access	Total
Pre-poll (early voting) venue	1	-	-	1
Polling places	-	2	-	2

Table 6: Lachlan Shire Council (D Ward) venue numbers and accessibility

Ballot papers and supplies

A total of 1,400 ballot papers were printed (1,100 ordinary and 300 postal). A sample of the ballot paper is reproduced at Appendix A.

In providing electoral services, wherever possible the Electoral Commission seeks to use paper and cardboard items comprising recycled content and to ensure that the paper and cardboard items are themselves recycled. For the Lachlan Shire Council (D Ward) by-election, standard cardboard items used in voting centres included voting screens, accessible voting screens, ballot boxes, signage and recycle bins.

Counting and results

From 6pm on election night, initial counts (the sorting and counting of ballot papers cast at each polling place and pre-poll votes at the returning officer's office) were conducted.

Counting continued from the Monday following election day until the close of receipt of postal votes at 6pm on Friday, 2 June 2023. During this period, all ballot papers (for all vote types from all venues) underwent a manual check count. Results were published on the NSW Electoral Commission's website from 6pm on election night and updated progressively.

The distribution of preferences was conducted on 10am on Monday, 5 June 2023. The result of the election was declared on Tuesday, 6 June 2023. Count reports are available on the NSW Electoral Commission's <u>website</u>.

Apparent failure to vote notices

Under electoral legislation, the Electoral Commissioner is required to issue 'Apparent failure to vote' notices to those electors whose names were not marked off the electoral roll as having voted or not recorded as providing a valid reason for not voting.

The penalty for not voting is \$55.00. The funds generated from penalty notices are not retained by the NSW Electoral Commission but are paid into NSW Government consolidated revenue. Responses to the notices can be submitted either by mail, email, or through the NSW Electoral Commission's online payments system. The notice provides options to satisfy the matter by either:

- paying the penalty of \$55.00
- advising of the voting centre attended
- submitting a reason for failure to vote for review
- electing for the matter to be dealt with by a court.

If the elector's reason for failing to vote is not accepted, a final notice will be issued giving two options:

- paying the penalty of \$55.00
- electing for the matter to be dealt with by a court.

If a person does not respond to the initial notice by the due date (28 days from the issue of the notice), a reminder notice is issued, giving a further 28 days to deal with the matter. If no response to the reminder notices or final notice is received by the due date, the matter is referred to Revenue NSW for enforcement action.

All electoral rolls used for voter name mark-off at voting centres or in the returning officer's office were scanned after election day to create a list of apparent non-voters for the Lachlan Shire Council (D Ward) by-election.

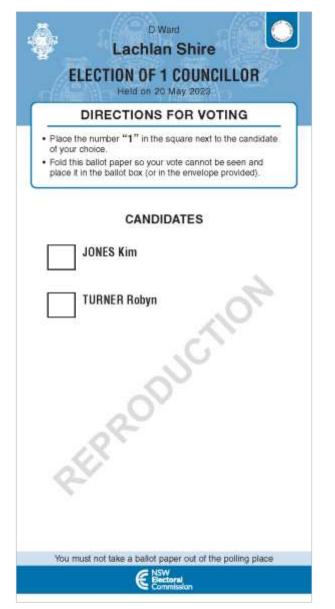
Following exclusions, 268 Apparent failure to vote notices were issued on 18 August 2023, with a due date of 15 September 2023. Of the original 268 notices, 106 were excused, 70 paid and 92 were referred to Revenue NSW.

Compliance and enforcement

The NSW Electoral Commission's Compliance team was available to respond to any compliance issues arising during pre-poll and on election day.

Appendices

Appendix A: Lachlan Shire Council (D Ward) by-election ballot paper



Appendix B: Lachlan Shire Council (D Ward) by-election voting locations

Pre poll location

• Lachlan Shire Council, 58-64 Molong Street, Condobolin NSW.

Election day voting centre locations

- Condobolin Public School, Molong Street, Condobolin
- Tullibigeal Community Hall, 24 Wooyeo Street, Tullibigeal.

Appendix C: Lachlan Shire Council (D Ward) by-election elector brochure



Lachlan Shire Council (D Ward) by-election

Polling places will be open from 8am to 6pm on Saturday, 20 May 2023.

· Voting is compulsory.

Wards, you cannot vote.

· in person on election day, or

Where can I vote on election day? You can vote in person on election day at either:

Condobolin Public School Molong Street, Condobolin; or

Tullibigeal Community Hall 24 Wooyeo Street, Tullibigeal.

Where can I vote before election day? All electors enrolled in Lachlan Shire Council (D Ward) are eligible to vote before election day (pre-poll). Pre-poll is available 8.30am to 4.30pm

from Monday, 8 May to Friday, 19 May 2023 texcluding Saturday and Sunday) at Lachlan Shire Council, 58-64 Molong Street, Condobolin.

· by postal vote if eligible.

Do I need to vote?

How do I vote?

u can vote:

· Tullio

The penalty for not voting is \$55.

This brochure contains important information about the Lachlan Shire Council (D Ward) by-election.

You must vote in this election. You have received this brochure because you are enrolled in Lachlan Shire Council (D Ward). If you are enrolled in A, B, C and ${\rm E}$

For the Lachian Shire Council (D Wardi by-election,

in person before election day (pre-poll), or

For more information visit elections.nsw.gov.au

Saturday, 20 May 2023

Postal vote

Eligible electors can apply to vote by post. Visit elections.nsw.gov.au to check your eligibility and apply online for postal voting or to download an application form. You can also apply by calling 1300 135 736.

- Postal vote applications close at 5pm on Monday. 15 May 2023.
- Postal ballot papers must be completed by 6pm on election day Saturday, 20 May 2023.
- Your completed postal vote must be received by the NSW Electoral Commission by 6pm on Friday. 2 June 2023.

Ballot paper

You will be given a ballot paper to complete for the election of one councillor for the Lachlan Shire Council (D Ward). Read the voting instructions on the ballot paper carefully.

If you need help to understand the voting instructions on the ballot paper, please ask the election staff or yo can ask a friend, family member or carer to help you. staff or you **Candidate information**

To view the list of candidates, and any registered electoral material, please visit elections.nsw.gov.au

Making political donations to a candidate o

political party

If you donate \$1,000 or more to a candidate of political party, you must report it to the NSW Electoral Commission within four weeks after the end of the financial year in which you made the donation(s).

For more information visit elections.nsw.gov.au/fd

Lachlan Shire Council (D Ward) by-election

Can I get assistance?

- For assistance in a language other than English, please call the Translating and Interpreting Service National (TIS National) on 131,450 and ask them to call the NSW Electoral Com on 1300 135 736.
- Information in languages other than English is also available at elections.nsw.gov.au/translations
- · If you are deat, hard of hearing and/or have a speech impairment, please contact us through the National Relay Service.
- · If you or someone you know requires assistance with reading this brochure, please call 1300 135 736.
- All polling places have handheld magnifying sheets, maxi pens and wheelchair accessible voting screens.

For more information

Visit elections.new.gov.au or call 1300 135 736.

Appendix D: Lachlan Shire Council (D Ward) by-election communications

Media release

The media release promoted key election information, including voting options and candidate information.

Release: 12 April 2023

Contested election for Lachlan Shire Council (D Ward)

A poll will be held on Saturday, 20 May 2023 to elect one councillor for the Lachlan Shire Council (D Ward).

The poll will be conducted by attendance (i.e. in-person) voting and postal voting.

Attendance voting

Pre-poll voting will commence on Monday, 8 May 2023 and close Friday, 19 May 2023 (note: there is no pre-poll voting on weekends). Pre-poll voting is available from 8:30am to 4:30pm. Visit the <u>event page</u> for details of the prepoll voting office location.

Election day polling places will be open from 8am and close at 6pm on Saturday 20 May 2023. Visit the <u>event page</u> for details of polling place locations.

Postal voting

Postal vote applications close at 5pm Monday, 15 May 2023. You may <u>apply</u> for a postal vote online or by completing and returning this form.

The NSW Electoral Commission will commence mailing out postal vote packs to registered postal voters in the week commencing Monday, 24 April 2023. The postal vote pack will contain a ballot paper, instructions, a postal vote certificate envelope and a reply paid envelope.

Postal votes and certificates must be completed by 6pm Saturday, 20 May 2023. Once completed, your postal vote pack must be received by the NSW Electoral Commission by 6pm Friday, 2 June 2023.

Post your vote as soon as possible to allow for Australia Post delivery periods.

Who are the candidates?

View the full list of candidates.

Social media posts





NSW Electoral Commission 231 Elizabeth Street Sydney NSW 2000 | GPO Box 832 Sydney NSW 2001 T 1300 135 736 | F 02 9290 5991 | elections.nsw.gov.au