

# Report on the conduct of the 2015 North Sydney by-election

24 June 2016



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## Introduction

A by-election is triggered when a House of Representatives seat falls vacant for reasons such as the death, resignation or absence without leave of the sitting member, or the sitting member becoming ineligible to retain their seat by virtue of a disqualification under section 44 of the Australian Constitution. This by-election was triggered by the resignation of the former Member for North Sydney, the Hon. Joe Hockey MP on 23 October 2015.

## Key information

### By-election timetable

The North Sydney by-election was held on Saturday 5 December 2015.

A number of essential steps are involved in the conduct of a by-election. These steps, according to the Australian Constitution and the *Commonwealth Electoral Act 1918* (Electoral Act), set various milestones in the by-election timetable. The timetable for the North Sydney by-election is available at [Attachment A](#). Key data relating to the North Sydney by-election is provided at [Attachment B](#).

### North Sydney by-election Service Plan

The Service Plan, which was a new initiative for the Australian Electoral Commission (AEC), outlined the key election services and standards that underpinned the AEC's delivery of the by-election in the Division of North Sydney. The [Service Plan](#) was published on the AEC website prior to the close of rolls.

The AEC's performance against the standards outlined in the Service Plan is at [Attachment C](#).

This report has been structured based on the four standards outlined in the Service Plan:

1. Voters and candidates receive timely and accurate information.
2. The AEC delivers a high quality service.
3. Votes will be counted in accordance with the Electoral Act and the public and stakeholders have confidence in the result.
4. The public and stakeholders have confidence that the electoral process is well managed.

## 1. Voters and candidates receive timely and accurate information

For each electoral event, the AEC produces a guide that provides information on where, how and when to vote and what to do if an elector cannot attend a polling place on by-election day.

A personally addressed '*Your official guide to the 2015 North Sydney by-election*' (the guide) was delivered to voters enrolled in the Division of North Sydney as at the close of rolls deadline.

The guide was supplemented by a series of print advertisements in local newspapers, the North Shore Times and Mosman Daily, to alert voters to key aspects of the by-election including:

- the issue of the writ and election timetable
- enrolment reminder, including map of the electoral division
- early voting locations and times
- formality messages
- polling places and candidates.

The AEC website had a dedicated homepage set up for the North Sydney by-election, providing clear information regarding key aspects of the by-election. In addition to newspaper advertising and the delivery of the official guide, voters were directed to the AEC's website information via Google search term advertising and posts from the AEC's Facebook and Twitter accounts.

AEC staff in Parramatta answered calls made to the AEC's 13 23 26 number during the by-election period.

## 2. The AEC delivers a high quality service

### Enrolment services

104 294 electors were eligible to vote in the by-election to elect one of 13 candidates who nominated. During the close of rolls period the AEC processed 489 enrolment transactions.

## Voting services

A range of voting services were available to North Sydney voters.

### Early voting services

#### Review of pre-poll voting procedures

The grounds of application for a pre-poll (early) vote are set out in Schedule 2 of the Electoral Act. There is no specific or express requirement under the Electoral Act for a person to declare that he or she is applying for a pre-poll vote on one or more of the grounds in Schedule 2. However, following a legal review of the relevant procedures prior to the September 2015 Canning by-election, the AEC adopted a new administrative procedure to better test that voters who presented for a pre-poll vote were entitled to vote prior to by-election day.

At the North Sydney by-election, the issuing officers asked each voter who presented at a early voting centre the question “Are you entitled to apply for an early vote?” By asking this question the issuing officers were better able to be satisfied that the voters were entitled to a pre-poll vote before issuing them with a ballot paper.

### Other voting services

Blind and low vision and mobile polling services were available for the by-election. Overseas voters were catered for in line with the usual practice for by-elections, through postal voting services.

### Voting on by-election day

On by-election day, Saturday 5 December, North Sydney voters were able to vote between 8am and 6pm at any one of the 36 polling places that were open across the Division of North Sydney.

### Electronic Certified Lists

For the North Sydney by-election all polling places, early voting centres and mobile teams used Electronic Certified Lists (ECLs) to issue ordinary votes to voters. Training was provided to all polling officials using ECLs for the by-election.

Every polling place was also provided with a contingency supply of all materials required to conduct polling in case of ECL failure.

### 3. Votes will be counted in accordance with the Electoral Act and the public and stakeholders have confidence in the result

In total, 81 779 votes were counted representing a turnout of 78.41 per cent.<sup>1</sup>

The elected candidate was Mr Trent Zimmerman, the Liberal Party candidate, who received 48.2 per cent of the formal first preference votes.

The poll was declared on Tuesday 22 December 2015 and the writ for the North Sydney by-election was returned on Wednesday 23 December 2015.

### 4. The public and stakeholders have confidence that the electoral process is well managed

The AEC is well underway with its delivery of the 2016 federal election. The federal election will see the implementation of a significant range of reforms arising from the AEC's post-election review processes, the recommendations of the *Inquiry into the 2013 Western Australia Senate Election* (the Keelty Report) and reports of the Australian National Audit Office.

The AEC implemented its response to many of these recommendations through a range of new and enhanced policies and procedures at the September 2015 Canning by-election. The announcement of the North Sydney by-election provided a further opportunity to test and refine these measures that included:

- Policies addressing ballot paper handling and security; visual identification of AEC staff, visitors and scrutineers in polling places; the operation of out-posted centres and the management of election waste. These policies were supported by a range of forms and materials that included:
  - ballot paper tracking forms, packaging labels, posters indicating ballot paper secure zones, and Divisional Materials Manager logs, and
  - tamper evident tape, parcel bags, election personnel bibs, vests and lanyards for all polling officials, final ballot paper storage boxes, barrier tape, and cardboard screens to cordon off ballot paper secure zones.
- Eight Polling Place Liaison Officers (PPLOs) were assigned to monitor the operation of polling places on by-election day; three more than the number of PPLOs employed in North Sydney for the 2013 federal election. PPLOs were

<sup>1</sup> Turnout figure is the percentage of people who voted in the election, calculated by dividing the sum of formal and informal votes by the final enrolment figure.

- scheduled to undertake a minimum of two visits to each polling place on by-election day.
- Early Voting Liaison Officers were employed to monitor the operation of mobile polling teams and early voting centres, visiting each early voting centre twice daily during their period of operation. Mobile teams were visited several times whilst conducting polling.
  - Ballot box guards were employed at every polling place and pre-poll voting centre.
  - An enhanced security procedure was implemented on election night for the transmission and recording of results. Officers in Charge of polling places were required to provide a pre-assigned unique passcode before relaying vote results.
  - Ballot paper images were made available for divisional offices outside of Western Australia so that all divisions were able to issue pre-poll votes where required. This was done via a secure intranet site with restricted access to the ballot paper images for nominated divisional office staff.
  - Standard Operating Procedures (SOPs) for essential processes and procedures covering preliminary scrutiny, election night scrutiny, House of Representative fresh scrutiny, further scrutiny distribution of preferences. Two SOPs trialled at North Sydney covered return and sorting of election materials from polling places and the exchange of declaration votes.

Enhanced means of AEC staff (permanent and temporary staff) demonstrating their commitment and compliance with the AEC's values and principles, such as political neutrality and the ballot paper principles, were also in place.

Implementation of these policies and procedures was reviewed following the by-election, with refinements informing final preparations for the delivery of the 2016 federal election.

### **Apparent non-voters and multiple marks**

The AEC has reviewed and investigated 39 cases of multiple marks (all dual marks) occurring at the by-election. Analysis against the prosecution policy is still underway with a view to determining which cases should be referred by the AEC's National Office to the Australian Federal Police.

The AEC is currently in the process of identifying and investigating apparent non-voters at the North Sydney by-election. Initial letters to electors who appeared to have failed to vote were sent in the week commencing 15 February 2016, inside the three month timeframe specified in the *Commonwealth Electoral Act 1918*. Prosecutions are planned to occur in late 2016, following the 2016 federal election.

## Election funding

On 23 December 2015, the AEC authorised the payment of election funding to the three candidates who received more than four per cent of all formal first preference votes and were entitled to receive election funding. The public funding rate applicable for the North Sydney by-election was 259.405 cents per vote. The total of payments made was \$163 300.63.



## Attachment A - North Sydney by-election timetable

Action	Key dates
Issue of writ	Monday 26 October 2015
Close of rolls	8pm AEDT Monday 2 November 2015
Close of nominations	12 midday AEDT Thursday 12 November 2015
Declaration of nominations	12 midday AEDT Friday 13 November 2015
Early voting commenced	Tuesday 17 November 2015
Mobile polling conducted	from Monday 23 November 2015
Last day for receipt of postal vote applications	6pm Wednesday 2 December 2015
By-election day	Saturday 5 December 2015
Last day for receipt of declaration votes	Friday 18 December 2015
Declaration of the poll	Tuesday 22 December 2015
Return of writs	Wednesday 23 December 2015

## Attachment B - North Sydney by-election key data

Item	Number
Enrolment transactions processed during close of rolls	489
Total enrolled	104 294
Turnout	81 779 (78.41%)
Formal votes cast	76 121 (93.08%)
Total number of candidates	13
Number of polling staff	349
Number of Blind and Low Vision registrations	15
Number of Blind and Low Vision votes cast	15
Polling Places	36
Mobile polling teams	3
Pre-poll voting centres	4 (includes 1 Blind and Low Vision and 1 Divisional Office centres)
Total number of ordinary votes cast	72 427 (88.56%)
Total number of pre-poll votes cast as ordinary votes (NB: this is a subset of the ordinary votes cast total above)	9 963
Total number of provisional votes cast	1 729
Total number of postal vote certificates returned	9 271
Total number of postal vote applications	11 360
Total number of political party postal vote applications	5 364
Election event costs	\$1 512 604 <sup>2</sup>

<sup>2</sup> Figures are as at 30 April 2016 and are subject to change due to non-voter processes still occurring.

Public funding	\$163 301
Total cost	\$1 675 904 <sup>3</sup>

## Attachment C: AEC assessment against Service Plan performance indicators

### Standard 1: Voters and candidates receive timely and accurate information

Indicators	Target	Assessment
The AEC will provide timely and accurate information using appropriate technology and channels.	Always	Achieved
Details of voting centres (early voting centres and polling places) are published on the AEC website a minimum of 48 hours prior to being open to the public.	100 per cent	Achieved
Information published on the AEC website about the location and accessibility of voting centres (early voting centres and polling places) is accurate.	100 per cent	Not achieved Accessibility information for two polling places was updated on 19 November
By-election results are published as soon as they are available.	100 per cent	Achieved

### Standard 2: The AEC delivers a high quality service

Indicators	Target	Assessment
AEC staff are courteous and professional in all their dealings with the public and candidates.	Always	Achieved
Polling places are inspected and accurately assessed for accessibility.	100 per cent	Achieved
Enrolment claims received by the close of rolls deadline are correctly processed.	100 per cent	Achieved

<sup>3</sup> Refer footnote 2.

Postal vote packs are despatched within 3 business days of receipt of a valid and complete postal vote application (once ballot papers are available).	100 per cent	Achieved
Voting locations (including early voting centres and polling places) open in accordance with advertised date/s and times.	100 per cent	Not achieved One instance of a polling place opening at 8.01am and one instance of a polling place opening at 7.58am

**Standard 3:** Votes will be counted in accordance with the Electoral Act and the public and stakeholders have confidence in the result

Indicators	Target	Assessment
After election night, accurate count information is progressively updated on the AEC Website.	At least once per day (where counting activity has occurred)	Achieved
Ballot papers (both used and unused) are accounted for.	100 per cent	Achieved

**Standard 4:** The public and stakeholders have confidence that the electoral process is well managed

Indicators	Target	Assessment
The writ for the by-election is returned in accordance with the <i>Commonwealth Electoral Act 1918</i> .	returned within 100 days of being issued	Achieved
The AEC's conduct of the by-election is upheld in the event of any challenge in the Court of Disputed Returns.	All	Not applicable
All instances of apparent multiple voting are reviewed and dealt with in accordance with AEC policy and procedures and within statutory timeframes.	Always	Achieved
All instances of apparent non-voting are reviewed and dealt with in accordance with AEC policy and procedures and within statutory timeframes.	Always	Achieved