19 September 2016

The Election Manager
Kempsey Shire Council
Elbow St
West Kempsey NSW 2440

KEMPSEY SHIRE COUNCIL
2016 LOCAL GOVERNMENT ELECTIONS
SATURDAY 10 SEPTEMBER 2016

RETURNING OFFICER’S REPORT TO COUNCIL


PLANNING AND GENERAL LOGISTICS

Given Council’s acceptance of the option to have the 2016 Elections again be conducted by Australian Election Company, we set about early planning and development work during March 2016 with detailed development work commencing from late April 2016.

Australian Election Company reviewed the Local Government Act 1993 and the Local Government (General) Regulation 2005 for amendments which had impacted the Election process and then made consequential amendments to proprietary forms and materials including the Returning Officer’s Manual, all Polling Official Manuals; the Candidate Guide, as well as revised PowerPoint Briefings. All of these materials, except for the PowerPoint Briefings, were drafted and printed prior to the scheduled Company’s Returning Officers’ Training Conference, which was conducted at Nelson Bay during 27-30 June 2016.

However, just as had previously occurred in 2012, it transpired that a number of Act and regulatory amendments were made during the course of the printing of our election forms and materials. Indeed, regulatory changes were made as late as 1 July 2016; and these amendments, inter alia, significantly impacted Nomination materials. So all Nomination materials had to be re-cast and be re-printed, less than three weeks out from the opening of Nominations. Frankly, an embargo should be imposed on the drafting/passing of electoral legislative amendments, at least six months prior to the Opening of the Election period.

When/where the design, content and format of election forms/materials had been settled, bulk materials and equipment requirements were assessed and then the relevant stocks were ordered. However the bulk assessments essentially had been derived from the basis of our 2012 election experiences, inclusive of an appropriate allowance for growth. Again as in 2012, ultimately all that was required of Returning Officers was to formally review and fine-tune the bulk assessments provided and to develop individual Polling Place etc Inventories of equipment/materials.
Depending upon specific negotiated arrangements with Councils, Australian Election Company acquired short term tenancies/temporarily leased premises and equipped Returning Officers with the basics of office furniture, and materials; laptop computers, a printer, mobile phones and Nominations and Postal Voting materials. The initial materials/equipment delivery was made to essentially coincide with the commencement of all Returning Officers being “on the ground” during the week commencing 11 July 2016.

In the case of this Council, the premises used were Shop 2/4, Centre Point Arcade Smith St, Kempsey NSW 2440. This tenancy/accommodation was conveniently located within the Council Area. The accommodation, at circa, approximately 120 sq m, proved adequate for operational requirements.

CLOSE OF ROLLS

Rolls closed for the Elections on 1 August 2016. It transpired that there were 21,523 electors entitled to vote in the Kempsey Shire Council Elections, as at the Close of Rolls. The Electoral Commission NSW (ECNSW) sought signed Undertakings from our Returning Officers and assigned users, regarding the provision of a data “look up” facility. Suitable soft copy Electoral Roll data initially was not provided by ECNSW to Council Returning Officers, however upon written request by Council Election Managers, and given further undertakings by assigned users, Councils were provided with data in a format compatible and suitable for application with the Australian Election Company semi-automated Postal Voting facility.

ADVERTISING

In accordance with both legislative and Council contractual requirements, advertising was arranged pertinent to the various major facets of the Election, with our aim being to inform the electors of the Council Area of the election facilities and services being made available to electors. For convenience and also for legal requirements, our advertising was categorised “Statutory” and “Information” advertising. Statutory advertising included all the formal advertisements required under the law; Information advertising involved the provision of basic information about voting services and facilities. In the case of arrangements negotiated with Kempsey Shire Council, Australian Election Company had sole responsibility for “Statutory Advertising”; Council could arrange, place and pay for its own “Information Advertising”. All Statutory Advertisements, appropriate Nominations and Postal Voting materials, and the Election FAQ document, were posted on our website to meet and accord with significant milestones in the election process.

CLOSE OF NOMINATIONS

Nominations opened 1 August 2016 and the statutory “Notice of Election and Call for Nomination Proposals” was published in compliance with the Regulations. Nominations closed 12 noon Wednesday 10 August 2016. By the Close of Nominations a total of 18 Nominations had been received. There were no withdrawals of Nominations received prior to the close of Nominations. No Nominations were rejected.

The number of Mayoral Nominations accepted was 2 and the number of Councillor Nominations accepted was 16.

There were no Groups included in the Nominations.

Candidate Information Statements were posted on our website, just as soon as possible following review checking within each Returning Office and also within the Australian Election Company’s Head Office.

The Draws for Positions on the Ballot Paper were conducted from 3.00pm on 10 August 2016. For each Council, the Mayoral Draw was conducted first; followed by Councillor Draws. The Draws were attended by approximately 25 persons and Draw Records were attested and witnessed. Ballot paper proofs were then finalised as quickly as possible and candidate information was arranged for website publication.
PRE-POLL VOTING & POSTAL VOTING

Resources for Postal Voting processing activities were planned and assessed on the basis of our 2012 experience.

However there were noticeable increases this election in the number of General Postal Voters (GPVs) referred from Electoral Commission, NSW. There were 249 GPVs this Election.

The total Postal votes issued for the Election was 491. It transpired that 1 Postal Application was rejected as defective and a Defective Notification issued.

Following receipt of ballot papers from the Printer and Authorised Rolls from ECNSW, a daily turnaround of Postal Votes from receipt to issue of ballot material was promptly processed.

However, use by electors of Pre Poll Voting facilities continues to flourish as electors tend to retreat in droves from Election Day Polling Place Voting. Of course there will always be increased Pre Poll Voting activity in Local Government Elections, compared with State and Federal Electoral events, given that there is no voting (generally) available external of Council Area boundaries i.e. there is no “absent voting” available in NSW Local Government Elections. It transpired that at the 2016 Elections 6,958 Pre Poll Votes were issued including 39 Declaration votes.

In our Council Area we provided the following Pre Poll Voting facilities/services:

Shop 2/4 Centre Point Arcade, Smith St, Kempsey 2440 - 29/8/16 – 9/9/16.
CWA Hall, Landsborough St, South West Rocks 2431 7/9/16 – 9/9/16.

These Pre Poll Voting facilities were appropriately resourced and operated in compliance with the Regulations. We believe we provided an efficient, professional, service to electors and no elector had to wait for an undue period of time in order to cast a Pre-Poll vote.

DECLARED INSTITUTION VOTING

In line with our objective to provide an effective front line service, Australian Election Company took steps to provide a significant Declared Institution Voting service. In June/July 2016 Australian Election Company contacted the Declared Institutions that were serviced at the 2012 Elections, to alert those facilities about the September 2016 Elections and to advise that their Returning Officer subsequently would be in contact.

The Returning Officer made contact with the Institution to formalize the Voting schedules. Under the Regulations, the Election Manager had to appoint any Declared Institution by Nomination Day.

In the situation where an Institution declined the service, Postal Vote Applications were sent to the Institution.

We perceive that the level of service provided generally was well appreciated by the establishments and their residents. Each Candidate was provided with details of the Polling schedule in advance of any visits. Declared Institution Voting proceeded uneventfully. For the 2016 Elections the following establishments were appointed as Declared Institutions:

Booroongen Djugun Aged Care Facility, 337-351 River St Greenhill 2440
Bupa Kempsey, 71-97 Cochrane St West Kempsey 2440
Cedar Place, 58 Cochrane St West Kempsey 2440
Kempsey District Hospital, 119 River St West Kempsey 2440
Macleay Valley House, 82-114 Macleay St, Frederickton 2440
Vincent Court Hostel, 88 Leith St, West Kempsey 2440
South West Rocks Nursing Centre, 110 Gregory St South West Rocks 2431
A total of 148 votes were recorded at these Institutions.

**POLLING BOOTH LOGISTICS**

The Polling Booth staffing estimates applied in the Elections essentially were based upon the figures from the 2012 NSW Council Elections, plus a percentage for perceived growth. In addition, where possible and available, Returning Officers also referenced polling figures and information from the recent Federal Election conducted by the Australian Electoral Commission, to firm up the estimated voting figures. There were 14 Polling Places in this Council at the 2016 Elections.

The Polling Places were staffed, based on an average workload for an Ordinary Vote Issuing Officer of 450 voters. However Australian Election Company is quite liberal in the application of Polling Place staffing levels and the Polling Places and the staff were resourced and equipped to an appropriate standard. In smaller (lower volume) Polling Places, Declaration Votes were to be issued by the Polling Place Manager; however in Polling Places taking more than 2,500 ordinary votes, then a Deputy Polling Place Manager was provided and the issue of Declaration Votes was delegated to the Deputy. Still, in some Polling Places, where historically the number of Declaration Votes had been significant, a Declaration Officer (or Officers) was provided. We also staffed Polling Places so that where an estimated number of voters was close to a threshold level, then we would choose to allocate an additional Issuing Officer, erring on the side of better efficiency and we would also obtain the benefit of allocating an extra Issuing Point/ Authorised Roll thus enhancing better elector service.

Australian Election Company remunerated the polling staff essentially at the same rates as the ECNSW. All Polling staff received Training materials including a PowerPoint Presentation for Ordinary Issuing Officers. On appointment, staff were also sent specially documented Procedural Manuals pertinent to their employment role/category.

Forty Eight staff reported for duty on Election day. Australian Election Company had advised all its Polling Officials to expect their Election Day payment, three to four weeks after Election Day. Prior to their employment, all employees were issued with a Payment Information leaflet and documentation pertinent to their employment.

The conduct of the Polling on Election Day proceeded essentially uneventfully. All Counts had been received and all materials returned to the Returning Office by 10pm on Election night; a very creditable performance. Formal “check-in” procedures applied to ensure the safe, secure custodial receipt of all essential items of Election materials.

**CANDIDATE BRIEFING**

At a Post Nominations Candidate Briefing session conducted on 17 August 2016 at the Returning Officer’s Office with 10 attending, Candidates were informed about relevant basic legislative election processes, timetabling and requirements. Reference was made to the “Offences” provisions; further, special emphasis was placed on the desirability of Candidates having their “how to vote” cards reflecting the registration of electoral material and other requirements. Further, it was stressed to Candidates that any election signage or leaflet materials including “how to vote” cards not only should conform with the Local Government Act 1993 and Regulations, but they also conformed with the “spirit of the law”. Indeed Candidates were advised that the most appropriate policy was to “exceed the requirements of the law”.

**ELECTION DAY 10 SEPTEMBER 2016**

The Postal Vote Preliminary Scrutiny commenced, as scheduled, following the commencement of polling. Two (2) scrutineers attended for this process. After 6.00pm, 6,910 Pre-Poll Votes were counted. There were two Scrutineers observing these count processes.
Two employees were deployed to the critical task of the check-in of Election materials from Polling Places. The process was conducted orderly and efficiently using the checklists provided. We completed the evening’s activities by 10.30pm. Final “Election Night Results” for the evening were referred for web posting at 9.30pm. The Australian Election Company Election Night Reporting System performed admirably. The System displayed full polling place and other scrutiny information and the response time for users was near instantaneous.

**POLLING PLACE DECLARATION VOTING –**

The total number of Reg. 320 A,B,C & D votes issued was 82. There were 80 Declaration Votes admitted to the Count.

**SUNDAY 11 SEPTEMBER 2016 ACTIVITIES**

On the Sunday following Election Day, a team of experienced casual staff were employed in commencing the Count of Pre-poll Votes, the Re-check of Councillor ballot papers from polling Booths and in some cases the Re-check of Mayoral votes. There were no Scrutineers attending the Sunday activities.

Other staff were deployed to conduct the full re-sort and packaging of all un-used and/or re-useable materials, as well as the packaging of Authorized Rolls from the Polling Places.

**RETURNED Postal VOTES**

There were 419 sets of Postal Vote materials returned. Of that, 78 Postal Votes were rejected at preliminary scrutiny. Accordingly there were Postal Votes 341 votes included in the Count.

**CONDUCT OF MAYORAL PREFERENCE DISTRIBUTION (Where Applicable)**

No Mayoral distribution of preferences was required in Kempsey Shire as the successful candidate achieved a total vote in excess of the required absolute majority.

**APPARENT MULTIPLE VOTING / SCANNING REPORTS**

At the time of concluding the Distribution of Preferences, no Multiple Voting Reports were available from ECNSW and “Excuses” Authorized Roll either had just been or were about to be referred to ECNSW.

At the time of writing, no reports of scanning information or relevant outputs had been received from ECNSW. Decisions were made not to delay or impede the Declaration of the Poll(s).

**DECLARATION OF POLLS**

The Declaration of the Polls were conducted at 3pm on Thursday 15th September 2016.

Approximately 15 persons witnessed the Declaration

The Candidates elected in order of election, were:

**MAYOR**

Elizabeth Anne Campbell
COUNCILLOR

Anna Terese Shields
Dean Francis Saul
Anthony Paul Patterson
Mark James Baxter
Susan Elizabeth McGinn
Leo John Hauville
Bruce John Morris
Ashley John Williams

“DECLARING THE ELECTION”- PUBLIC ADVERTISEMENT

The formal notice “Declaring the Election”, made under Regulation 356(7), was placed by Australian Election Company, depending upon negotiated arrangements.

REPRESENTATIONS OR COMPLAINTS

There were a number of complaints regarding a particular candidate representative handing out material at the Pre-Poll Centre at Kempsey. The complaints related to information he was providing and the manner in which he provided this information. The person was spoken to on several occasions and given a number of warnings. There needs to be a shift in the power given to the Returning Officer to be able to deal with situations like this. There were no complaints about polling places or any other services provided.

CONCLUSION

Kempsey Shire Council, in partnership with Australian Election Company, considers that it conducted the Council Elections accurately, equitably and with the ultimate of professionalism.

Allan Wilcox
Returning Officer
Kempsey Shire Council Elections
19 September 2016.