

Inquiry report

A review of the conduct of the 2016 local government elections, the referendum and the Toowoomba South by-election

BY THE INDEPENDENT PANEL

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Queensland
Government

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Terms of reference

- A That the Review Panel inquire into and report on all aspects of the conduct of the 2016 local government elections and the referendum on fixed four-year terms and related matters including:
1. the form, content and design of communications with electors (including the voter information letter, arguments for and against the referendum and postal votes)
 2. the adequacy of public advertising of the arrangements for the election including advising of boundary changes and booth location
 3. the advantages/disadvantages of attendance voting vs full postal voting
 4. the costs of the elections to local government and the perception that Councils can conduct elections on a more cost effective basis
 5. the adequacy of processes and planning in preparation for the election including preparation of the electoral roll and approval of how-to-vote material
 6. the adequacy of pre-polling arrangements including location and resourcing of pre-poll booths, staffing levels and distribution of ballot papers
 7. the fulfilment of the responsibilities of Returning Officers
 8. the conduct of poll/pre-poll voting including reports of voters experiencing long queues; booths running out of ballot papers; voters being unable to vote in their electoral district; voters being provided ballot papers for the wrong ward; closure of previous booths; conduct of polling officials during voting; conduct of candidates and their volunteers; and slow delivery of postal ballot papers to eligible electors
 9. the recruitment of staff, including the adequacy of ECQ's staffing levels, any conflict of interest in recruitment, and the training and knowledge of staff
 10. issues arising during the counting process including allegations of missing ballots, the slow speed of the count and the conduct of scrutineers
 11. the timeliness of the declarations of seats in cases where the outcome of the poll is already determined
 12. refusal to recount requested polls, including where the outcomes were extremely close
 13. the effectiveness of the use of technology by the ECQ such as the computerisation of the electoral roll, use of bar scanning technology, access to and user-friendliness of the ECQ website and its ability to cope with high volume demand in reporting election results
 14. the role of technology in providing improvements for future elections such as improving access for certain classes of electors, enabling speedier counting of votes and less counting errors
 15. response to alleged unlawful behaviour
 16. any learnings from other Australian jurisdictions which promote the effective conduct of elections
 17. practical and procedural differences in the conduct of a referendum in conjunction with local government elections (for example, under the *Local Government Electoral Act 2011* voters are unable to vote at a voting booth outside their electoral division whereas they are able to do so for a referendum) and the impact on ECQ staff and voters.

- B** That the Review Panel also inquire into and report on all aspects of the by-election for the State Parliament seat of Toowoomba South, including the matters listed under A above to the extent they are relevant.

Glossary

Term	Explanation
CIO	Chief Information Officer
DILGP	Department of Infrastructure, Local Government and Planning
DSITI	Department of Science, Information Technology and Innovation
ECQ	Electoral Commission of Queensland
ECL	Electronic Certified Lists
ELMO	Electronic Lookup and Mark Off
ERIS	Election Results Information System
FPV	full preferential voting
FPTP	first past the post
ICT	Information and Communications Technology
LGAQ	Local Government Association of Queensland
LGEA	<i>Local Government Electoral Act 2011</i>
LGMA	Local Government Managers Australia (Queensland)
OPV	optional preferential voting
RO	Returning Officer
ROSS	Returning Officer Staffing System
SEMS	State Electoral Management System

Chair's foreword

The Inquiry into the conduct of the 2016 local government elections, the referendum on fixed four-year terms and the Toowoomba South by-election was established by the Queensland Government in response to the large number of complaints following the elections and referendum which were managed and implemented by the Electoral Commission of Queensland (ECQ).

In particular, the panel was asked to examine: the conduct of poll and pre-poll voting; communications with electors; adequacy of processes and planning for the election; adequacy of pre-polling arrangements; the fulfilment of the responsibilities of Returning Officers (ROs); issues arising from the counting process; and the use of technology.

This report uncovers many problems that require urgent action prior to the next election. Specifically, the ECQ needs to overhaul its management, communication and accountability systems and processes.

The local government elections and the referendum on fixed four-year terms were held concurrently on 19 March 2016 and the Toowoomba South by-election was held on 16 July 2016. The March elections were held in 77 local government areas for 77 mayoral positions and 502 councillor positions as well as 89 referendum ballots. The total participation rate was 83.04% with an informality rate of 4.34%¹. Approximately 417,000 postal vote ballots were sent to electors with a return rate of 321,000².

The inquiry panel used an action research model to review the conduct of the elections and to investigate the operation of the ECQ. Over the past few months the panel interviewed and met with the Local Government Association of Queensland (LGAQ), councillors and mayors, and conducted many regional meetings and group consultations. All candidates and ROs were invited to make a written submission. A submission was also received from a branch of a major political party.

Additionally, there was extensive communication with ECQ management and staff through written submissions, requests for data, and one-on-one interviews, as well as meetings with other state government officials and discussions with interstate electoral commission counterparts.

¹ Electoral Commission of Queensland, 2016. *Annual report 2015-16*. September

² Data provided from ECQ 14 February 2017

Throughout the consultation process several issues were regularly raised and stood out as major problems with the last local government election and referendum. These included issues related to technology, communication, the postal voting system, the roles and management of ROs and other staff, staffing numbers, training of staff and the organisation of the ballot process on the ground.

An inquiry of this nature is designed to find and highlight any problems, and offer recommendations for improvement, but it is important to acknowledge the great majority of the 8829³ workers on election day were committed to ensuring that democracy was well served. Most ECQ officers did a great job, sometimes under difficult circumstances. As we proceed to highlight problems that can be rectified and processes that can be improved, we thank the ROs and polling booth staff who did their very best on the day. Many of the ECQ staff also went the extra mile to resolve issues and ensure good outcomes.

The ECQ published an internal review report following the election⁴. This report is a detailed analysis highlighting all the areas that need to be reviewed or rectified before the next state election. However, it glossed over many issues and problems within the organisation.

The ECQ is an independent organisation responsible for the impartial conduct of state and local government elections. Its organisation chart is provided in **Appendix 2**. The organisation is governed and guided by the *Electoral Act 1992* and the *Local Government Electoral Act 2011* (LGEA). The ECQ is legally required to report annually to Parliament, however, it is independent from the day-to-day operation of government. It is in this context that the panel assert that ECQ senior management must accept responsibility for the issues highlighted in this report.

The evidence collected points to a management style and culture that is secretive, authoritarian, silo-based and non-consultative. Senior management staff often did not attend, or would leave early from, important meetings regarding election issues and planning. There is a need for improved communication and coordination between the Event Planning branch, Human Resources and the ICT Project Board. There were claims that positions were filled without the appropriate advertising.

The management style seemed to be a 'top down' approach with many decisions made off line and staff were informed without consultation. The 2016 Queensland Government employee engagement survey⁵

³ Electoral Commission of Queensland, 2016. *Review of LG16 and referendum*, 6 April 2016

⁴ *ibid.*

⁵ Queensland Government, 2016. *Working for Queensland survey*

shows that there has been a significant improvement of management within ECQ. We believe there is still some way to go and that the engagement of a specialist consultant may be useful to assist with cultural change.

One of the biggest problem areas for the 2016 elections was ICT. The ECQ relies heavily on technology to conduct elections but does not have a permanent and full-time Chief Information Officer. The panel interviewed a contractor. There is an urgent need for the ECQ to invest in technology, including appropriately qualified and experienced personnel. In particular, there is a need to recruit a highly skilled CIO. The CITEC report to the panel highlighted major problems in technology ownership. These matters will be addressed later in the report.

Unfortunately, the panel was unable to meet with the Electoral Commissioner on his own as he was always accompanied by the Assistant Commissioner who took the lead on responding to most issues. It seems that there is a division of responsibility between the two. Their interactions and behaviour has the semblance of 'good cop bad cop' management style.

The way in which the ECQ operates internally had serious flow-on effects for the 2016 local government elections and the referendum. This included widespread issues with inadequate staff numbers at pre-polling and election days, insufficient training provided to them, and a lack of clarity around their work hours. The postal vote system was beset with problems, in part due to the content of ECQ communication materials such as the 'voter information letter', which led to confusion, unreturned ballot papers and invalid ballot papers. In addition, inadequate staffing of the call centre, compared to the 2015 state government election, combined with significantly increased call loads led to inferior customer service.

There was also no clear agreement on budget for the elections and the referendum between the ECQ and the LGAQ. The combined election budget was underspent by just over \$4 million which had a significant impact on resources – resulting in inadequate pre-poll locations and insufficient staff on election night.

While the panel recommends the ECQ retains responsibility for running local government elections, the report makes extensive recommendations on how the organisation can ensure a high standard of service and maintain the integrity of the electoral process.

The panel also concluded that the election day for local government elections in Queensland should be relocated to a day in October or November. Some stakeholders argued there should be compulsory

preferential voting for all councils. The panel, however, recommends that the current system should remain.

The report makes 74 recommendations (see **Appendix 1**) and the panel urges the ECQ and other stakeholders to act urgently on the recommendations to improve outcomes for the next state election which is due to be held later this year or in early 2018.

The panel also notes that many similar issues are raised in the report of the NSW Joint Standing Committee on Electoral Matters⁶. The panel appreciates the efforts of all those who made submissions or made themselves available for meetings and interviews. Finally, I would like to thank my panel colleagues for the way they have worked together over the past three months to respond to the Terms of Reference.

Jim Soorley
Chair

⁶ Joint Standing Committee on Electoral Matters, Parliament of New South Wales, 2016. *Administration of the 2015 NSW Election and related matters*, 17 November.

1. Introduction

On 15 October 2016 the Attorney-General and Minister for Justice and Minister for Training and Skills, the Honourable Yvette D'Ath MP appointed the independent panel to undertake the inquiry into the performance of the ECQ's conduct of the 2016 local government elections, the referendum on fixed four-year terms and the by-election for the state seat of Toowoomba South.

The panel included:

Jim Soorley, Chair

Jim Soorley was the Lord Mayor of Brisbane from 1991 to 2003, presiding over an annual budget of \$1.6 billion and a workforce of 7000. Jim lists his greatest achievement as Lord Mayor as transforming Brisbane from a city with a 'country town' mentality into a vibrant urban metropolis, without compromising its liveability. Since leaving the mayoralty, Jim has worked as a consultant for government and business across a range of issues relating to sustainable development, partnerships between government and corporations, and efficient customer service delivery. Jim is currently Chairman of several corporations including Unitywater and CS Energy.

Wayne Kratzmann

Wayne Kratzmann was the Mayor of South Burnett Regional Council between 2012 and 2016, having also served 30 years at the former Wondai Shire Council as Deputy CEO and Deputy Mayor. Wayne has sat on a number of committees including LGAQ's Policy Executive and the Regional Tourism Organisation, Southern Queensland Country. He is currently a mayoral mentor for LGAQ and is Chairman of the Lady Bjelke-Petersen Community Hospital board. Wayne still has close ties with the local community and donates a lot of his time and effort to local charities and committees to further aged care, education, sport and tourism just to name a few.

Pam Parker

Pam Parker served as the first female Mayor for Logan City and councillor for almost 20 years until retiring at the 2016 local government elections. Pam served as Chair of the Logan Disaster Management Committee, an Executive Member for the Council of Mayors South East Queensland, the LGAQ and the Women in Local Government Committee. Whilst Mayor, she was a recipient of Economic Development Australia Award and was honoured to receive the Rotary Paul Harris Fellowship for community service. Pam is currently Chair of the Local Government Grants Commission (Queensland) and an Ambassador for Women in Business. She is involved in the speaking circuit, passionately empowering young people and women from all walks of life to believe in themselves.

The joint views of the panel expressed in this final report were made in a private capacity and do not necessarily reflect the views of any other organisation to which a panel member belongs. All confidential information made available to the inquiry was respected as such by the panel and its administration.

1.1 Consultation process

The panel began the process of collecting and reviewing evidence by firstly reading the ECQ's own review of the 2016 elections and referendum, which was published in April 2016. The panel was also informed by the ECQ's 2015-16 annual report, *Year in Review*, which was presented to the Queensland Attorney-General Yvette D'Ath on 20 September 2016.

Following the overview of these reports, the panel sought interviews with the Electoral Commissioner of Queensland, the Assistant Electoral Commissioner and other ECQ directors and staff.

In November 2016, the panel wrote to the following stakeholders inviting them to provide feedback or attend one-on-one or group meetings:

- 1502 candidates
- 77 mayors
- 77 local government CEOs
- 102 ROs
- 200 randomly selected polling officers (8500 polling officers were employed)
- LGAQ and Local Government Managers Australia (Queensland) (LGMA).

A total of 171 written submissions were received and considered (**Table 1**).

Table 1: Number of written submissions received

Stakeholder type	Submissions received
Local government	24
Councillor	19
Mayor	5
Candidate	79
Returning officer	28
Polling officer	12
Other entity	4
Total written submissions	171

In addition to invitations for feedback, throughout the course of the inquiry the panel conducted in-depth interviews and attended meetings with:

- the ECQ management team and a cross-section of staff
- a cross-section of mayors and CEOs, ROs, candidates and councillors
- the RO and the two key candidates from the Toowoomba South by-election
- Regional Organisations of Councils
- LGAQ, including their Indigenous Mayoral Mentor
- Queensland Government's primary ICT provider
- interstate electoral commission counterparts.

In total, the panel issued invitations for feedback to approximately 2000 stakeholders, completed close to 60 interviews, attended 15 meetings and considered 171 written submissions.

2. The 2016 election in context

2.1 The 2016 local government election and the referendum

As outlined in the ECQ's review report on the 2016 local government elections and the referendum, the combined electoral event was the largest ever undertaken by the ECQ. There were 1787 candidate nominations, 579 separate local government ballots and 89 state referendum ballots. The ECQ employed 8829 people to conduct these elections and count the ballots. More than 9 million ballots were circulated and counted, while approximately 417,000 postal votes were distributed. Twenty-one councils opted to use only postal voting and two councils used a combination of postal and attendance voting⁷.

Optional preferential voting (OPV), in which voters can choose to vote for just one candidate or multiple candidates using preferences, was introduced as compulsory for all mayoral ballots for the first time in 2016. The OPV system also applied to all divided council elections, while all undivided councillor contests required first past the post voting (FPTP).

The ECQ conducts and plans for local government elections in consultation with stakeholders including the LGAQ, the LGMA, individual local councils and CEOs and senior staff from the Department of Infrastructure, Local Government and Planning (DILGP).

Local government elections are cost recovered, however the ECQ underspent the budget for the 2016 elections and referendum. The overall election budget was around \$28 million, comprising nearly \$17 million for the local government elections and just over \$11 million for the referendum⁸. Fourteen percent of the budget – \$4.05 million – was remitted to Treasury, of which \$1.85 million related to the local government election and \$2.2 million to the referendum⁹. Following the 2015 state election, the ECQ established a permanent Elections Planning Board and an ICT Project Board.

The 2016 elections and referendum were the first to completely forego paper electoral rolls. For this election the ECQ also introduced a pilot in some larger and undivided councils of ballot paper scanning to count the votes; state-wide Electronic Lookup and Mark Off (ELMO) on tablet devices; and Electronic Certified Lists (ECL) on laptops¹⁰.

For the first time the ECQ trialled a 'multi-council' voting centre at City Hall in Brisbane. Training of ROs and polling booth staff was also outsourced for the first time to a contractor and all training was provided online, removing face-to-face and group training. As a result, the ECQ reported a saving of \$200,000 with respect to training¹¹.

There were many challenges arising from these significant changes. In particular, there were serious issues around the management of the move from printed electoral rolls to electronic rolls. There are significant challenges ahead including ever-increasing pre-poll voting and

⁷ Data provided by ECQ 14 February 2017

⁸ Data provided by ECQ 6 February 2017

⁹ *ibid.*

¹⁰ Electoral Commission of Queensland 2016. *Review of LG16 and referendum*, 6 April 2016

¹¹ *ibid.*

planning towards meeting the demands and expectations of a digital future including online voting.

2.2 Toowoomba South by-election

On Saturday 16 July 2016, a by-election for the seat of Toowoomba South was held to fill a vacancy in the Queensland Parliament. There were 34,530 electors on the rolls to vote and six candidates were nominated.

The Toowoomba South by-election was the first election held in Queensland since the state abandoned OPV. For the first time since 1991, electors were required to number all the squares on a Queensland state ballot paper. However, voters were familiar with this electoral process having used full preferential voting (FPV) only two weeks prior at the federal election. In addition, ballot booth staff had adequate time to explain the FPV system to electors.

3. Findings and recommendations

3.1 Management and culture of ECQ

Throughout the inquiry's process of reviewing the ECQ's conduct, and during many staff interviews, it became apparent the management style within the ECQ is authoritarian and lacks consultation, consensus and integration. The culture is one of insecurity and avoidance, with poor staff engagement and communication. We also note that the recent Queensland Government employee engagement survey indicated there had been some improvement in management style¹².

This is clearly reflected in the Election Planning Board. The panel is of the view that there would be no meeting more important than Election Planning Board meetings. However, ECQ's 2015-16 annual report highlighted that the Commissioner and the Assistant Commissioner missed four (29%) and five (36%) of the 14 meetings held.

It also appears the ECQ pre-determined that the council election and referendum would come in well under budget. The annual report cited that there was a \$10 million reduction in ECQ's overall expenditure. A significant amount of this was through lowering costs, which had a significant impact on resources and led to inadequate pre-poll locations and insufficient staff. It was also reported that polling booth staff did not receive their wages until six weeks after the election, creating financial pressure for some.

Recommendation 1: that ECQ secures a consultant in change management and organisational culture to work on management issues.

3.2 Returning Officers

ROs play an important role in the democratic process, ensuring local government elections are conducted in accordance with the LGEA and its regulations. ROs are responsible for appointing and training polling booth staff and ensuring the proper distribution and security of electoral rolls, postal votes, declaration votes, visitor votes, ballot papers and ballot boxes.

Appointment and role of ROs

The panel regards the recruitment and selection process for ROs to be inadequate, inconsistent and lacking transparency. ECQ's Event Planning branch currently appoints ROs for each of the local government areas, whereas the Governor in Council appoints ROs for the state government elections.

The Human Resources and Event Planning business areas across the ECQ currently work in silos. ECQ's Human Resources currently has responsibility for booth workers, while Event

¹² Queensland Government, 2016. *Working for Queensland survey*

Planning has responsibility for ROs. Further, it is understood that many ROs have already been selected and automatically reappointed for the state election.

The panel considers there is value in ECQ continuing to be able to appoint current council CEOs in remote locations and ex-CEOs as ROs as per the current legislation.

The panel believes the position description and operational manual for ROs to be inadequate and open to interpretation. While opening hours for the offices of ROs are determined by the ECQ, some ROs did not comply with the set hours.

Recommendation 2: that the ECQ reviews its structure so that recruitment, training and management of all election staff is its core business. The ECQ therefore needs to have a more integrated approach to recruitment and training, involving both Events Planning and Human Resources.

Recommendation 3: that a more transparent process for the recruitment, selection and appointment of ROs needs be adopted.

Recommendation 4: that the current practice of the Governor in Council appointing ROs for state elections should be abolished and all ROs should be appointed by the ECQ.

Recommendation 5: that there should be a comprehensive review of RO position descriptions, including the scope of their roles and responsibilities.

Recommendation 6: that the RO job description should clearly state that all available ballots must be counted on election day, without exception.

Recommendation 7: that the RO operational manual be reviewed by ECQ to ensure procedures are clear and not open to interpretation.

Recommendation 8: that the ECQ undertakes a formal review of RO performance after each election, along with a process to document lessons learned.

Remuneration

The remuneration for ROs is considered to be inequitable and does not reflect the size of the job, size of electorate or the diversity of responsibilities.

Remuneration for a local government RO is based on the rate received by state government election ROs. A base rate of AO4(1) is applied for the hours worked over the election period and is either scaled up or down depending on a range of factors. In 2016 the RO remuneration ranged between \$1250 and \$30,000. The variables considered and applied to scale the base rate are:

- enrolled numbers within the local government area

- type of election: postal or attendance
- number of polling booths and election staff
- type of voting system for councillors (FPTP or OPV) and the number of councillors to be elected
- the number of divisions in a council¹³.

In general, an RO responsible for a large electorate with pre-poll and polling booth voting is remunerated towards the top of the range, while a small, postal-only voting electorate is remunerated at the lower end of the range.

Recommendation 9: that the RO remuneration structure be reviewed, taking into consideration the size of the electorate, the type of voting, the RO responsibilities and their workload.

Training

ECQ worked with a third party provider to deliver training via an online training platform for this election and referendum. The online training wholly replaced in-person training and ROs were offered four webinars or video conferences during the election period.

It is clear to the panel that training was inadequate and in many cases not completed and ad hoc. Many ROs indicated that they did not understand the new technology and some struggled with the Declaration of Votes process.

Whilst training was provided online, it was not sufficient to adequately prepare staff.

Recommendation 10: that core RO training should be completed six weeks prior to the election. The panel acknowledges there will be weekly updates up to election day. Compulsory training should include online modules, face-to-face Q&A forum(s) and weekly online updates (webinars).

Recommendation 11: that ROs must competently complete training on the Declaration of Votes process and the how-to-vote cards approval process and subsequently ensure face-to-face training by the ROs with polling booth staff on these and all election processes.

Recommendation 12: that candidates must meet and engage with the ROs regarding their obligations as a candidate at least two weeks before the election to ensure they have clear understanding of the rules, guidelines and their responsibilities, both during pre-polling and on election day.

¹³ Information provided by ECQ 14 February 2017

3.3 How-to-vote cards

Candidates and their volunteers are allowed to distribute how-to-vote cards.

A person must not publish a how-to-vote card during an election period unless the name of the registered political party or candidate on whose behalf the card has been published is clearly printed at either the bottom or top of each printed face of the card. The card must also include a physical address for the candidate or person who authorised the how-to-vote card, such as a campaign manager.

It is also an offence to print, publish or distribute misleading or deceptive statements relating to the actual marking of a ballot paper. While the value of how-to-vote cards is diminishing due to increased use of digital mediums, the practice is still widespread. The panel is aware that how-to-vote cards are banned in Tasmania and the ACT and ballot positions on the ballot paper are randomly rotated. Is it time to now ban how-to-vote cards in Queensland?

Approval

Under the LGEA, the ECQ and ROs review and approve how-to-vote cards to ensure the cards are compliant with the LGEA.

Recommendation 13: that the RO job description should include approval of how-to-vote cards. If there is any dispute on how-to-vote cards they should be referred to the ECQ for final approval.

Recommendation 14: that the ECQ provides a pro forma template for candidates to use for their how-to-vote card communication.

Recommendation 15: that an ECQ contact be provided to candidates in their election kit should they need to escalate contentious election day rulings by ROs.

Recommendation 16: that the ECQ sends a representative to the DILGP's Intending Candidates training to explain guidelines around how-to-vote cards and other election matters for those who are considering running for office.

Political material by non-candidates

Concerns were raised in several electorates about non-candidates entering the political debate by distributing unauthorised how-to-vote cards or brochures with political information that could have influenced the outcome of the election. None of these were approved.

Recommendation 17: that the ECQ should review the policy and legal framework around political material distributed by people who are not running in an election. Options should include removal of signage, confiscation of material, penalty notices and, where necessary, injunctions.

Conduct of volunteers

A number of submissions had concerns about the conduct of volunteers handing out how-to-vote cards at pre-poll and polling booths. Many people described volunteers as being aggressive and in breach of the six-metre rule for polling booths.

Recommendation 18: that regulations around the minimum distance from the entrance of the pre-polling and polling booths (including corridors) by volunteers and candidates be enforced by polling booth officers.

Recommendation 19: that volunteers handing out how-to-vote cards on behalf of candidates be controlled, particularly at large or contentious polls.

Recommendation 20: that in larger polling booths and/or hotly contested elections, the ECQ should consider the employment of a security officer to monitor activity which might be construed as canvassing for the elector's vote. Police intervention may need to be considered where warranted.

3.4 Preferential voting

In divided local government areas, electors are currently given the choice as to whether they would like to just 'vote 1' for a single candidate or vote for several candidates using preferences. This is an OPV (optional preferential voting) system.

The panel supports OPV for divided councils in local government elections. Non-divided councils use FPTP to elect councillors and OPV for mayors. The panel is aware of the argument to change to full preferential voting (FPV), whereby voters must number all boxes in order of their preference on the ballot paper. This change would align local government elections with state and federal election systems and it is argued FPV would reduce informal votes and voter confusion.

However, the local government electoral system has a greater diversity of candidates who do not necessarily align with parties. The panel supports the current OPV system for local government elections for all mayors and councillors in divided councils and FPTP for councillors in undivided councils.

Recommendation 21: that Queensland should retain the current optional preferential voting system for local government elections at least until after the next election.

3.5 Polling booth staff

Polling booth staff ensure voters can cast their vote in secret, free from influence and in a calm environment. The ECQ is responsible for the recruitment of polling booth staff and had nearly 9000 additional staff positions available during the elections. These positions include translators, interpreters, officials who visit patients and residents in their homes or at registered institutions, and mobile polling staff who visit remote locations.

As was the case for RO recruitment and job descriptions, the panel found similar issues with the recruitment of polling staff including problems with recruitment, administrative organisation and management. The number of polling booth staff was also found to be inadequate on election day.

Recommendation 22: that ROs continue to have the responsibility for the recruitment of polling booth staff.

Recommendation 23: that job descriptions and responsibilities for polling booth staff be reviewed to ensure that there is clarity of roles and responsibilities for activities on the day and during counting.

Recommendation 24: that the ECQ should use all possible media channels, such as local newspapers, radio, ECQ website, council websites and online advertising, for the recruitment of polling booth staff.

Recommendation 25: that the ECQ should bring together some experienced ROs after each election for a total review of polling staff activity.

Family and friends

The panel also found that ROs have been selecting family members and friends to work at pre-polling booths on election day. The panel received feedback regarding the inappropriateness of such recruitment.

Recommendation 26: that there should be a merit-based recruitment process that includes a pre-qualification criterion for mandatory skills (i.e. local knowledge, ICT competency and managerial experience).

Recommendation 27: that ROs should not automatically appoint family members and friends as polling booth staff. The ECQ can only approve these appointments under special circumstances.

Returning Officer Staffing System (ROSS)

Concerns were raised over the complexity of navigating the ECQ's Returning Officer Staffing System (ROSS) for managing polling booth staff. Limitations included not being able to provide polling staff with the option of nominating a preferred booth location to work. This made planning and recruitment of staff difficult.

Recommendation 28: that the ECQ ensures its new SEMS includes the functionality to allow polling staff to lodge job applications online and also nominate their preferred booth location(s).

Training

Training of polling booth staff was delivered using an online platform that ECQ worked with a third party contractor to provide. ECQ decided to remove face-to-face training; this was reported to have saved \$200,000 in training costs¹⁴. However, the level of training for polling booth staff was found to be wholly inadequate and ad hoc.

Recommendation 29: that training be compulsory for all polling booth staff.

Recommendation 30: that training includes staged modules, each of which must be completed in sequence, with all modules needing to be successfully completed before the election.

Recommendation 31: that ROs meet all polling booth staff prior to election day. In some cases this may involve training or simply discussing the operation of the day.

Recommendation 32: that the ECQ reviews the effectiveness and usability of the platform used for online training with the external provider.

¹⁴ Electoral Commission of Queensland 2016. *Review of LG16 and Referendum*, 6 April 2016

3.6 Pre-polling and polling booths

There is a clear growing trend for more people to vote early. The ECQ needs to be prepared for at least 50% pre-poll voters in the near future. In the Victorian 2014 state election, the South-West Coast electorate received nearly 50% pre-poll of votes¹⁵.

A growing number of people are choosing to cast their vote early at pre-polling booths, or early voting centres. Access to pre-polling booths, however, is restricted in some council areas to one week prior to the election.

Recommendation 33: that all electorates that offer pre-poll voting must take steps to ensure that voters can cast their ballots in the two weeks leading up to the election. In remote and Indigenous communities this may not apply.

Location

The location of pre-polling booths should vary depending on census data and demographics from one election to the next. The ECQ advertised the location of polling places in *The Courier-Mail* and in social media to communicate key messages however it failed to make use of local council websites and local media. Concerns were raised with the panel over the lack of advertising of pre-polling locations, which may have contributed to increased numbers at some booths.

Some pre-polling booths were inappropriately located next to, or very close to, sitting councillor offices, thereby giving them an unfair marketing advantage.

¹⁵ Victorian Electoral Commission website, state election results 2014, retrieved 27 February 2017

Recommendation 34: that ROs should select pre-polling booth locations in consultation with local councils, real estate agents, businesses and community groups. Final numbers and location of pre-polling booths to be signed off by ECQ.

Recommendation 35: that the pre-polling locations must be advertised in advance of the commencement of pre-poll voting in traditional and online state and local media as well as on local council websites.

Recommendation 36: that the ECQ review the criteria around the selection of pre-polling booth locations and use the lessons learned from the 2016 local government elections to inform future location of pre-polling booths. These include:

- that all pre-poll and polling booths must be accessible to people with disabilities. Disabled parking must also be available as well as parking that is close to the venue for elderly voters.
- that locations with dense traffic should be avoided to ensure that people going about their daily business are not inconvenienced.

Recommendation 37: that pre-polling booths must be separate from, or a designated distance away from, current sitting councillor electorate offices.

Staffing

A significant number of pre-polling booths were found to be under-staffed and ill-prepared for voter numbers. Some ROs were reportedly supervising pre-polling booths while simultaneously working their 'regular' job and as a result were unavailable at times due to existing work commitments.

Recommendation 38: that larger polling booths recruit an adequate number of staff to cater for an increased number and an expected ever-increasing number of pre-poll voters.

Recommendation 39: that if an RO is unable to perform their duties at a pre-polling booth they may delegate to another officer such as an assistant RO for those times.

3.7 Postal voting

Postal votes can arise several ways. A council can request to use full postal voting for the election. Alternatively, for councils using attendance voting at polling booths, postal voting is offered to those who cannot attend a booth on election day or attend a pre-poll centre.

After an election is announced, registered voters in a local government area with attendance voting can apply for a postal vote online, or complete a postal vote application form. Those living in a postal vote-only electorate are not required to fill in an application form. The ECQ will send ballot papers and information on how to complete the ballot to a voter's residential address. Once complete, the onus is on the voter to return the ballot papers by post.

For the 2016 election, 21 councils opted to use full postal voting and two councils were approved to use a combination of postal and attendance voting. In 2012, full postal voting was approved for 30 councils. Approximately 417,000 postal votes were distributed by the ECQ for the 2016 local government elections and referendum. This was a decline from the 538,000 distributed for the 2012 local government election (**Table 2**).

The postal vote system encountered several problems including issues with the voter information letter distributed by the ECQ to postal-only voting councils, delays in delivery and return of ballots by post, high numbers of invalid votes and unreturned ballot papers.

Of the 21 local governments offering postal-only voting, approximately 23% of registered voters did not participate or cast invalid votes. This does not compare favourably with the overall participation rate of the election of 83%.

Table 2. Comparison of postal voting between the 2012 and 2016 local government elections¹⁶

	2012	2016
Overall total number of postal votes distributed	538,000	417,000
Total number of postal votes distributed (full postal councils)	340,440	134,256
Total number of postal votes distributed (attendance councils)	197,954	283,231
Participation rate (attendance and postal voting councils)	78%	77%

Timing and distribution

The mass distribution of postal vote applications and ballot packages by the ECQ was poorly managed. There were many examples of ballot papers not being received and being delayed in the postal system. There were instances of ballot papers being delivered by Australia Post after election day, that is, during the week commencing 21 March 2016. Some ballots were lost or damaged in the wet weather, resulting in some voters not being able to complete their ballot via postal vote in the allowable timeframe. Postal voting has its limitations, and a limited future, if traditional postal services are to be the only method of distribution to send out and return ballot papers.

¹⁶ Data provided by ECQ 14 February 2017

Recommendation 40: that ECQ undertakes a comprehensive review of timelines for postal voting to expedite the election counting process.

Recommendation 41: that applications for postal votes be submitted to ECQ as soon as possible and no later than 10 working days prior to the election.

Recommendation 42: that ECQ must send out postal vote forms within 24 hours of receiving a request.

Recommendation 43: that the cut-off point for postal vote distribution be six working days before the election.

Recommendation 44: that postal-only voting be restricted to councils in remote and regional areas where the total number of electors is less than 5000. All other councils should only have pre-poll, absentee and election day polling booth voting.

Recommendation 45: that postal votes should only be counted if they are received within five working days after the election.

Recommendation 46: that if the number of outstanding postal votes cannot change the electoral outcome then the poll should be declared.

Recommendation 47: that ballot papers be distributed in a single envelope that folds out with a perforated edge. The ballot itself should be enclosed in another plain envelope.

ECQ communications

Ballot materials distributed by ECQ prior to the election were considered to be poorly designed, confusing and misleading.

For example, the ECQ sent a standard voter information letter to all voters prior to the election. The letter asked voters to present the letter at the polling booth on election day. This letter misled many postal only voters into believing that they were required to attend a polling booth, resulting in large numbers of invalid votes in full postal-voting electorates due to unreturned ballot papers.

The voter information letters should be tailored to the specific circumstances of each local government area. For postal voting only council areas, the letter should only include information relevant to postal voting.

For all other council areas, voters should receive information on attendance voting, barcoding, and applying for postal voting if unable to attend a ballot on election day. This

would result in two versions of the voter information letters, one for each of attendance voting and postal voting only councils.

Recommendation 48: that the ECQ voter information letter be tailored to individual electorates and the type of voting offered in the electorate.

Recommendation 49: that in the lead up to an election, ECQ needs to engage several experienced election participants to attend board meetings to provide an external perspective.

Damaged and non-compliant (informal votes) ballot papers

As the election was held during monsoonal wet season, there were reports of widespread water-damaged postal vote forms and ballots throughout North Queensland and Far North Queensland.

Other issues included ballot papers that were not witnessed, were incorrect or had incomplete declarations, and confusion over the envelopes to be used for the declaration and the ballot paper. Cook Shire, for instance, had approximately 650 discarded ballot papers and another 500 ballot papers that were not returned. This is significant, as the total enrolment for the Shire is 2415 people.

Recommendation 50: that a planned program to manage postal voting be developed to address issues of timing, security, accuracy and convenience, especially in remote areas.

Confidentiality

The essence of a 'secret' ballot is that the voter's choice cannot be seen or known by another person. The voter should not be able to be identified in connection with his or her ballot paper. Unfortunately, concerns were raised over the lack of confidentiality for postal voters. Full names and addresses of voters were printed on declaration envelopes.

Recommendation 51: that ECQ postal vote packages need to include an additional separate envelope for returning the ballot paper, which does not disclose the ballot to the person registering the envelope's return against the electoral roll.

3.8 Electronically assisted voting

Electronically assisted voting and/or telephone voting in Queensland has been used for some time to assist vision impaired voters or people with a disability. Once identity and enrolment is confirmed, voters are registered by phone and telephone voting software sends a registration number to the voter who then selects a PIN which they then use to anonymously vote. For this election, 486 people used electronic telephone voting¹⁷.

Recommendation 52: that electronically assisted voting for the vision-impaired and people with a disability should continue to be supported.

3.9 Electronic voting

In the modern digital age of data collection and technology systems, the shift to electronic voting is inevitable and many of the issues in the last election could have been averted had electronic voting been used.

There is still some anxiety around security measures for online voting. Until greater confidence can be instilled among voters for a fully online system, the panel supports the trial use of electronic voting (e-voting) at pre-polling and polling booth stations.

The ACT has used electronic kiosk voting for 16 years, but it is limited to certain pre-poll booths which are also used on election day.

Recommendation 53: that due to high setup costs, as a first step the ECQ introduces e-voting by the 2020 election at some pre-polling and polling booths.

Recommendation 54: that the ECQ investigates options for internet voting in the longer term and begins to prepare for full online voting at the first appropriate election.

Recommendation 55: that the ECQ should trial technology that will allow polling staff to register and print ballot papers for absentee voters.

¹⁷ Electoral Commission of Queensland 2016. *Review of LG16 and referendum*, 6 April 2016

3.10 Electoral rolls

The ECQ pays the AEC \$3 million per annum to manage the electoral rolls¹⁸. While this election was complicated by the referendum and the subsequent need for two electoral rolls (state and local government), the inquiry found that the ECQ failed to manage the AEC's data and maintenance of electoral rolls. This lack of order in the management of the rolls resulted in errors. The panel finds the confusion of names and/or electorates unacceptable with the level of technology available.

The panel notes the scanning machines did not work effectively and caused delays in counting on election night. Complications involved folded ballots and insufficient training in use and maintenance of the equipment.

Recommendation 56: that the ECQ introduces clear performance management criteria with the AEC for the management of the electoral rolls.

With the exception of postal voting only areas, the ECQ's approach to sending out voting details in advance with bar codes worked well. There should be no delays at polling booths with manual processes replaced with bar coded identity cards and bar code scanning.

Recommendation 57: that the technology be upgraded to ensure the bar code system automatically marks voters off the roll.

Declaration voting

Allowing voters to change their enrolment details online up until the night before the election led to increased numbers of declaration votes, confusion and discrepancies with the certified roll, extra work for ROs and ballot booth staff, and ultimately led to delays in declaring an election outcome.

Polling booth staff had to support voters in the completion of their declaration vote materials as well as finding and confirming their enrolment details on the supplementary roll. A total of 28,531 declaration votes were made at pre-poll and polling booths for the local government election¹⁹. Where their details were unable to be found, staff then had to investigate further by scanning materials and sending them to ECQ in Brisbane.

¹⁸ Data provided by ECQ at a meeting with the panel on 3 February 2017

¹⁹ Data provided by ECQ on 16 February 2017

Recommendation 58: that once the roll has formally closed, there should be no further changes to the roll permitted for the current election.

Recommendation 59: that the declaration voting process should be reviewed to maximise efficiency.

If the ECQ moves towards electronic pre-polling and ballot voting, some of the recommendations in sections 3.9, 3.10 above and 3.11 below will be redundant.

3.11 Counting

The ECQ is tasked with ensuring secure and timely election results. The inquiry found counting to be too slow and in some cases inaccurate. This was in large part due to the lack of preparation, resources and training. There was also an issue with the work attitude of some ROs.

Some polling booths were understaffed, with some staff working 15 hour shifts. There were also reports of polling booth staff working late into the night until the count was completed, while other polling booths stopped counting when it suited the RO. It was found that the majority of ROs in large electorates needed more staff after 6pm to ensure the expediency of the count on election night.

There were also variations in the format of counting. Postal votes in some electorates were opened face down and placed in ballot boxes prior to election day which reportedly saved a significant amount of time and allowed the count to run smoothly on election night.

During the 2016 local government elections there were three individual counts where the margin was extremely narrow. The Commissioner's opinion was that a third count was not required. The panel is of the opinion that when the margin is extremely close or contentious, a third count should be considered.

Recommendation 60: that to ensure the count is completed on the night, ROs be empowered to roster staff who have not worked during the day to commence the count. If staff wish to work throughout voting and counting, ROs should arrange a roster for refreshments, lunch breaks and dinner. In smaller remote communities, polling booth staff would obviously also complete the count.

Recommendation 61: that legislation be amended to allow all pre-poll and postal vote counting to commence at 4pm on election day in a secure area. This will place an added demand on scrutineers but will allow staff to focus on the close of the count and report results in a more timely manner.

3.12 Budget administration

Even though there were several meetings between the ECQ and the LGAQ, the LGAQ were dissatisfied with the overall planning, budgeting and consultation in the lead-up to the election. The unstated aim was to minimise costs. However, the bottom line was that the budget was underspent. This had a significant impact on the resources and staff available, including inadequate pre-poll locations and insufficient numbers of polling staff to help count votes after 6pm on election night. The panel found that while partnerships between councils and the ECQ were much better for this election, the ECQ local government unit lacked clear guidelines on its role, function and budget.

ECQ charges local governments annually to fund the ECQ local government unit. This is separate to costs charged for election and by-elections. The panel notes there has been a significant annual variation in funding for this unit. In 2015-16, costs for the unit were \$280,577, down nearly 36% from \$435,203 in 2014-15²⁰.

Recommendation 62: that the ECQ and LGAQ negotiate an agreed budget and required resourcing prior to the election. This is of added significance due to the discounted costs of including the referendum in the 2016 election.

Recommendation 63: that the ECQ must establish thorough consultation processes with the LGAQ.

Recommendation 64: that the ECQ should continue to provide costing to councils for elections and by-elections.

Returning local government elections to councils

Some councils expressed a desire to return to running their own elections which the panel does not support.

Recommendation 65: that in the interests of transparency the panel supports the ECQ running all local government elections.

²⁰ Data provided by LGAQ 1 December 2016

3.13 Relocation of election day to October/November

The panel received numerous recommendations to review the date of the local government elections, which are currently held in March. The reasons provided were logical and of merit.

Firstly, March is one of Queensland's wettest months. Many communities face extreme conditions, particularly in Far North Queensland, where voting becomes extremely difficult in tropical conditions.

Secondly, the completion of the election in March means that councils are not sworn in until the end of April or early May. This causes difficulties for new councillors and councils to prepare budgets for the next financial year.

Thirdly, the enrolment of new voters and other operational issues faced by ECQ is very difficult in the months prior to March as 'Australia winds down' for the Christmas holiday and school holiday season.

The state government has now legislated their elections will be every four years at a fixed time, providing an opportunity for local government elections to also be held in October or November every four years. This would guarantee that any state election was held a minimum of 12 months away from a local government election.

Recommendation 66: that the timing of elections be reviewed and consideration given to holding the election during October or November in non-state election years, when weather conditions and festive dates are less likely to affect administration, logistics and community involvement.

3.14 Technology

Elections increasingly rely on technology systems to support and streamline many factors including but not limited to: voter enrolments, rolls, ballot casting, party and candidate management, election results, and corporate and event management. The inquiry has identified serious ICT governance issues at ECQ including the level of risk assessment performed, end to end testing, system simulation, and dry runs in the lead up to the election. This was highlighted in systems' failure on election night and issues such as the purchase of new computers only three weeks prior to the election with little concern as to the robustness of the systems, computers locking users out and batteries needing to be recharged regularly.

CITEC

The ICT difficulties in the 2016 election are so significant that the panel invited a submission from the Department of Science, Information Technology and Innovation (DSITI) which oversees CITEC (the Queensland Government's primary ICT provider) operations.

The panel found relationship, contract management and supply chain issues between ECQ and CITEC and other contracted external system business applications managers. An extract from DSITI's submission provides several examples:

Between 2004 and 2006, ECQ election software applications were designed and developed by CITEC ICT. At no point during this development, did ECQ require or commission CITEC ICT to implement referendum functionality. This meant that referendum functionality needed to be developed for the 2016 Local Government election. Commentary in the ECQ review (page 7) that "ECQ staff were not aware that CITEC had not included referendum functionality in SEMS" could not only serve to mislead that this was requested, but also points to very significant governance issues of core ICT systems for which ECQ are wholly responsible.

In July 2012, CITEC ICT ceased the provision of services relating to the management and support of all ECQ software applications, together with the resident infrastructure and associated databases. ECQ subsequently used external contractors to maintain its business applications, and prior to the 2016 election, changes were made to ECQ's website by its web application developer.

It is to be noted that the report prepared by ECQ after the 2016 local government election contains a number of material inaccuracies, including:

- that CITEC ICT was the application developer for the ECQ systems in operation for the 2016 election
- problems with access to the Commission website were caused by the ageing SEMS and *management of the Commission's internet traffic by service provider CITEC*

On this latter point, it should be noted that prior to the election event, CITEC ICT proposed that ECQ engage additional active standby support from CITEC ICT during the night of the 2016 election. This would have meant that CITEC ICT would proactively monitor and action any outstanding alerts as had been customary practise in previous elections. ECQ chose not to take up this managed service. Instead ECQ opted for CITEC ICT to provide on-call support only. ECQ support staff were therefore responsible for proactively monitoring DOS attacks during the night of the 2016 Local Government election.

DSITI's submission clearly highlights substantive issues and corrects several claims made by ECQ regarding CITEC service level agreement and deliverables. The full DSITI submission is provided in **Appendix 3**.

ECQ ICT personnel and systems

The ECQ relies heavily on technology to conduct elections and, despite there being an ICT Project Board, there was no permanent CIO providing reports to them on strategic ICT matters. The panel interviewed an ICT contractor. There was clear lack of coordination and communication between the ICT and the Events Planning departments within the ECQ. This cavalier attitude to technology has led to a lack of IT rigour in the down time between elections, with ICT identified as one of the biggest problem areas for the 2016 elections.

The small window of opportunity between the late cut-off of voter enrolment and AEC update of the roll for data programming of computers also complicated matters. This resulted in discrepancies between local and state government information and a culture of blame between the two electoral authorities.

The panel notes that ECQ has funds approved for a total replacement of State Electoral Management System (SEMS). This will include replacement of the portals for candidate management, declaration and postal voting systems and ROSS.

The Election Results Information System (ERIS) could not cope with the large volume of data on election night, which led to delays in election results. The ability to publish results was also compromised by the ECQ's security firewall which interpreted the enormous increase in traffic to the ECQ website as a denial of service attack.

The ECQ should allow only electronic payments and make available all options for electronic payment when candidates pay their nomination fee.

Recommendation 67: that the state CIO be asked to review all aspects of ECQ ICT, including technology processes, systems, personnel and contracts. This may include the recruitment of a permanent CIO.

Recommendation 68: that ECQ should make ICT a priority, ensuring use of the best of breed technology available.

Recommendation 69: that the LGEA be amended to only allow electronic payment methods, including online credit card transactions.

Call centre

Issues were highlighted with the ECQ call centre and its operations. In 2016, call centre staff numbers were reduced. In the past, the call centre has had five dedicated support officers for ROs, however in 2016 there were no dedicated support officers for ROs. RO enquiries were handled by staff across the department and in some instances it was reported these staff had limited knowledge to answer RO queries and did not follow up as promised. This resulted in ROs needing to call a different support officer and detail their enquiry again with a different person.

The call centre was seriously understaffed for the local government election compared to the 2015 state election (**Table 3**). While a cross section of ECQ staff filled this void, there were also fewer experienced staff rostered, causing inconsistencies between touch points across the call centre.

Between Monday 1 February 2016 and Wednesday 23 March 2016, of over 188,000 calls made to the call centre, more than 23,000 were abandoned by callers and only 31% of calls were answered within 30 seconds²¹. **Table 3 and Box 1** present a summary comparison of call centre data between the state government election 2015 and the local government election 2016.

²¹ Data provided by ECQ 9 December 2016

Table 3: Call centre data comparison²²

Element	State election	Local government election
Overall average call centre agents per day	63	42
Overall minimum and maximum of staff per day	5 : 96	2 : 76
Overall total calls queued	83,094	157,774
Overall total calls abandoned	1,360 (2%)	23,333 (15%)
Election day agents	90	76
Election day calls queued	3609	8200
Election day calls abandoned	14 (0%)	3,020 (37%)
Election week average agents per day	91	69
Election week total calls queued	27,979	52,975
Election week total calls abandoned	165 (1%)	8924 (17%)
Notes: Call centre data was Mon-Sat for the state election. Local government data was Mon-Fri with the exception of the election weekend, which included Sat-Sun (only 14 calls were queued on the Sunday). As the date for the state election was announced on 6 January 2015, the call centre was not yet staffed to handle large call volumes, so the data for 6-7 January 2015 is excluded as outliers.		

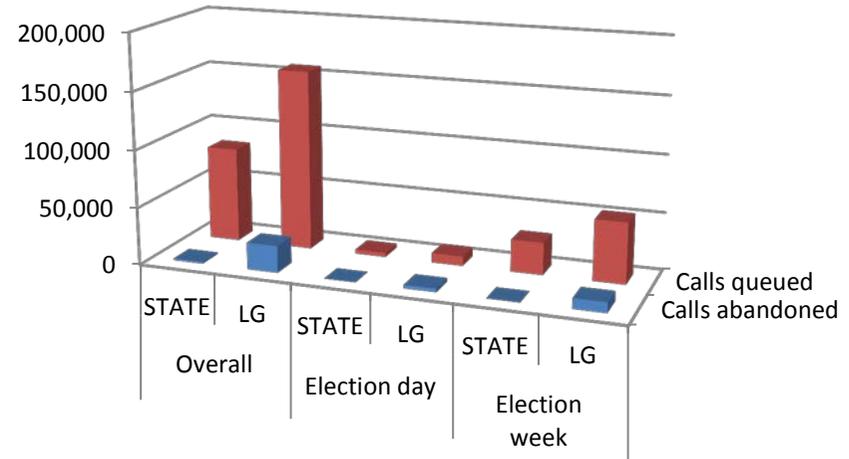
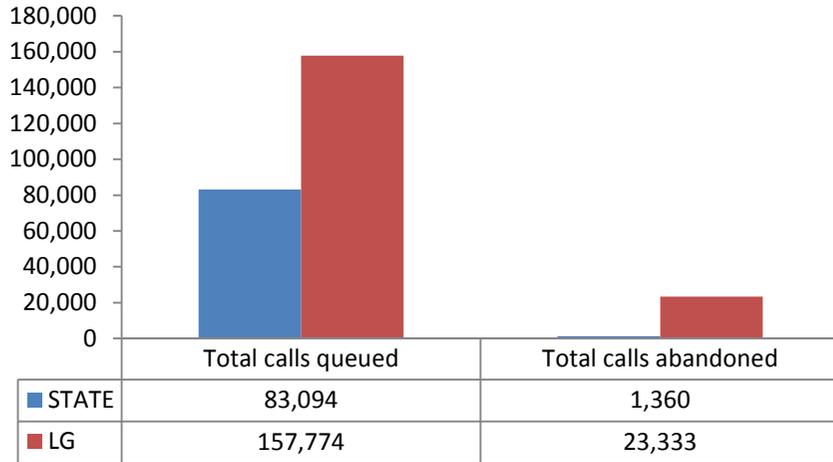
Recommendation 70: that ROs need to have designated specialist call centre resources to support their function.

Recommendation 71: that call centre staffing levels, training and scripting should be reviewed for each election and an FAQs booklet provided to all election staff.

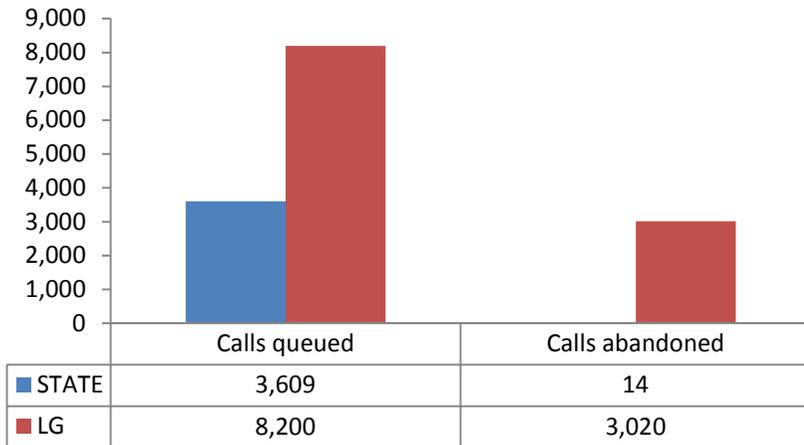
²² Data provided by ECQ 9 December 2016

BOX 1 Comparison of call centre data between the 2015 state government election and the 2016 local government election (data provided by ECQ)

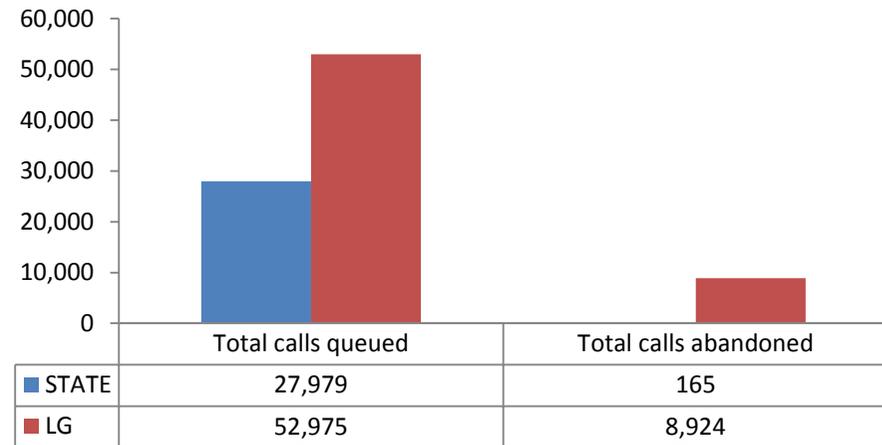
Overall call centre data



Election day call centre data



Election week call centre data



3.15 Ballot papers

As highlighted in other sections, the inquiry found several issues with ballot papers. Confusing messages in accompanying letters for postal vote only areas, mistrust of the barcode in identifying the voter against their ballot, and wet weather conditions damaging ballot papers present a number of opportunities to review and improve the format of pre-poll, postal and election day ballot papers. For example, there was a problem in Toowoomba where there were 39 candidates, which meant that ballot papers needed to be folded. This interfered with bar code scanning and added time.

Recommendation 72: the way ballot papers are produced, formatted, structured, and distributed needs to be reviewed.

Recommendation 73: that ballot papers be simplified for scanning purposes.

Should the recommendations relating to ICT improvements be accepted, including the introduction of e-voting by the 2020 election at pre-polling and polling booths, then some of these recommendations will be redundant.

3.16 Toowoomba South by-election

In general, the panel identified similar problems at the by-election as at the local government election and referendum. Consequently, the panel has not made any recommendations unique to the Toowoomba South by-election.

With the high turnout of pre-poll voters, some 29.8% compared to 13.3%²³ in the 2015 election, the day was quieter than expected allowing booth staff and the RO adequate time to explain the new FPV process to voters, namely that they number all the squares. Had it been busier this may not have been the case. If the new FPV is advertised comprehensively throughout the state in the lead up to the next state election then FPV should run smoothly and not cause delays.

Submissions to the panel noted issues with under-estimating the number of people that would attend pre-poll and need for an additional pre-poll booth and more appropriate location, as well as the same IT issues as for the local government election. A candidate felt there was inconsistent messaging by the ROs in relation to the times for counting of votes after election day and ROs not enforcing the six-metre exclusion from polling booth for canvassers. Also noted was that party preference distribution should also have taken place on the night.

²³ Aurecon, 2016

3.17 Proposed legislation amendments

ECQ provided the panel with a number of proposed amendments to the *Local Government Electoral Act 2011* and the *Electoral Act 1992*. These amendments will increase consistency between state and local government elections and may assist ECQ to streamline operations and overall conduct of elections.

The proposed amendments are provided in **Appendix 5**. The panel notes that several of the amendments are similar to recommendations in this report.

Recommendation 74: that ECQ's proposed legislation amendments be investigated and implemented as appropriate.

4. Interstate benchmark

All state electoral commissions in Australia have traditionally run their own processes. This is not surprising as they report to the state parliaments. The electoral commissioners are now sharing ideas and directions through a national body and it is expected that there will be further cooperation between the states to address the complexities and expensive future of electronic voting. The next WA election is using NSW's iVote system as a trial in that state.

The ACT is the most advanced with electronic voting, with this system in place for 16 years. Currently, ACT utilises kiosk electronic voting for both pre polling and election day voting, but only at the pre polling booths. Their process includes physical sign in that gives voters a barcode that is used for sign in and sign out at the kiosk.

At the last election, 80% of pre-polls were electronic at a kiosk and about one third of all votes were electronic.

The ACT's kiosk system allows for all other votes to be scanned, integrated with the electronic votes and counted quickly.

There is a NSW Standing Committee report on electoral matters before the Parliament. Interestingly, this report covers many of the same areas that we have investigated including ROs, how-to-vote cards and behaviour of candidates and their supporters at polling booths. There is some similarity in recommendations.

With the exception of the ACT, NSW is the next most advanced with electronic voting. The iVote system is used for voters with disabilities, remote voters, and voters who are overseas. At the last election 300,000 people used the system,

iVote is owned by the NSW Electoral Commission in a joint venture, and while full electronic voting is a longer-term option, this system certainly has some potential. The WA trial will give some indication of the value of the iVote system going forward.

The Victorian vVote system has limited functionality, is static and difficult to use. At the last Victorian election only 1000 voters used vVote. Postal voting is significant in Victoria but, like Queensland, it is slow and expensive.

Appendix 1 – List of recommendations

- Recommendation 1:** that ECQ secures a consultant in change management and organisational culture to work on management issues.
- Recommendation 2:** that the ECQ reviews its structure so that recruitment, training and management of all election staff is its core business. The ECQ therefore needs to have a more integrated approach to recruitment and training, involving both Events Planning and Human Resources.
- Recommendation 3:** that a more transparent process for the recruitment, selection and appointment of ROs needs be adopted.
- Recommendation 4:** that the current practice of the Governor in Council appointing ROs for state elections should be abolished and all ROs should be appointed by the ECQ.
- Recommendation 5:** that there should be a comprehensive review of RO position descriptions, including the scope of their roles and responsibilities.
- Recommendation 6:** that the RO job description should clearly state that all available ballots must be counted on election day, without exception.
- Recommendation 7:** that the RO operational manual be reviewed by ECQ to ensure procedures are clear and not open to interpretation.
- Recommendation 8:** that the ECQ undertakes a formal review of RO performance after each election, along with a process to document lessons learned.
- Recommendation 9:** that the RO remuneration structure be reviewed, taking into consideration the size of the electorate, the type of voting, the RO responsibilities and their workload.
- Recommendation 10:** that core RO training should be completed six weeks prior to the election. The panel acknowledges there will be weekly updates up to election day. Compulsory training should include online modules, face-to-face Q&A forum(s) and weekly online updates (webinars).
- Recommendation 11:** that ROs must competently complete training on the Declaration of Votes process and the how-to-vote cards approval process and subsequently ensure face-to-face training by the ROs with polling booth staff on these and all election processes.
- Recommendation 12:** that candidates must meet and engage with the ROs regarding their obligations as a candidate at least two weeks before the election to ensure they have clear understanding of the rules, guidelines and their responsibilities, both during pre-polling and on election day.
- Recommendation 13:** that the RO job description should include approval of how-to-vote cards. If there is any dispute on how-to-vote cards they should be referred to the ECQ for final approval.
- Recommendation 14:** that the ECQ provides a pro forma template for candidates to use for their how-to-vote card communication.
- Recommendation 15:** that an ECQ contact be provided to candidates in their election kit should they need to escalate contentious election day rulings by ROs.
- Recommendation 16:** that the ECQ sends a representative to the DILGP's Intending Candidates training to explain guidelines around how-to-vote cards and other election matters for those who are considering running for office.
- Recommendation 17:** that the ECQ should review the policy and legal framework around political material distributed by people who are not running in an election. Options should

include removal of signage, confiscation of material, penalty notices and, where necessary, injunctions.

Recommendation 18: that regulations around the minimum distance from the entrance of the pre-polling and polling booths (including corridors) by volunteers and candidates be enforced by polling booth officers.

Recommendation 19: that volunteers handing out how-to-vote cards on behalf of candidates be controlled, particularly at large or contentious polls.

Recommendation 20: that in larger polling booths and/or hotly contested elections, the ECQ should consider the employment of a security officer to monitor activity which might be construed as canvassing for the elector’s vote. Police intervention may need to be considered where warranted.

Recommendation 21: that Queensland should retain the current optional preferential voting system for local government elections at least until after the next election.

Recommendation 22: that ROs continue to have the responsibility for the recruitment of polling booth staff.

Recommendation 23: that job descriptions and responsibilities for polling booth staff be reviewed to ensure that there is clarity of roles and responsibilities for activities on the day and during counting.

Recommendation 24: that the ECQ should use all possible media channels, such as local newspapers, radio, ECQ website, council websites and online advertising, for the recruitment of polling booth staff.

Recommendation 25: that the ECQ should bring together some experienced ROs after each election for a total review of polling staff activity.

Recommendation 26: that there should be a merit-based recruitment process that includes a pre-qualification criterion for mandatory skills (i.e. local knowledge, ICT competency and managerial experience).

Recommendation 27: that ROs should not automatically appoint family members and friends as polling booth staff. The ECQ can only approve these appointments under special circumstances.

Recommendation 28: that the ECQ ensures its new SEMS includes the functionality to allow polling staff to lodge job applications online and also nominate their preferred booth location(s).

Recommendation 29: that training be compulsory for all polling booth staff.

Recommendation 30: that training includes staged modules, each of which must be completed in sequence, with all modules needing to be successfully completed before the election.

Recommendation 31: that ROs meet all polling booth staff prior to election day. In some cases this may involve training or simply discussing the operation of the day.

Recommendation 32: that the ECQ reviews the effectiveness and usability of the platform used for online training with the external provider.

Recommendation 33: that all electorates that offer pre-poll voting must take steps to ensure that voters can cast their ballots in the two weeks leading up to the election. In remote and Indigenous communities this may not apply.

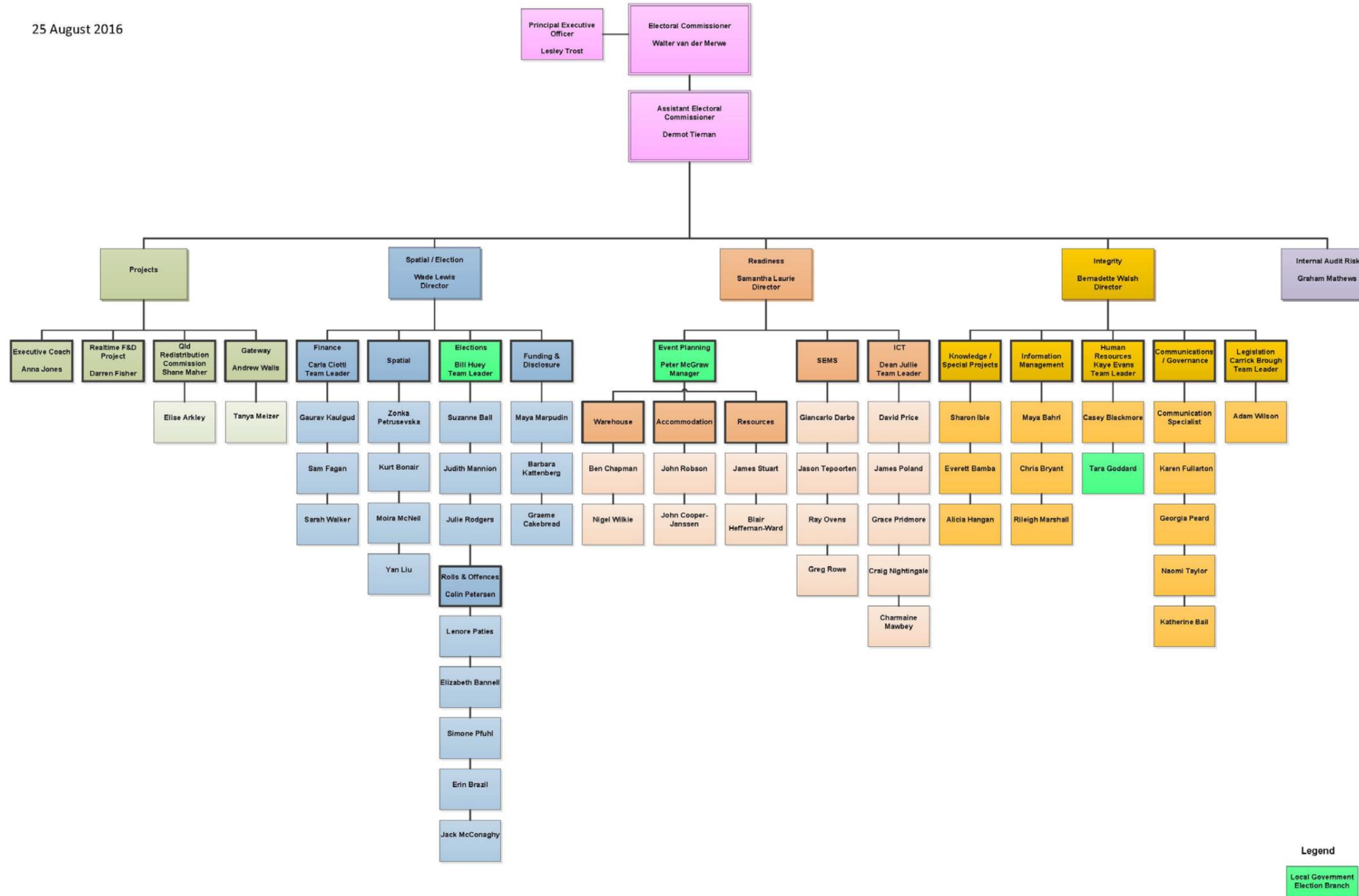
Recommendation 34: that ROs should select pre-polling booth locations in consultation with local councils, real estate agents, businesses and community groups. Final numbers and location of pre-polling booths to be signed off by ECQ.

- Recommendation 35:** that the pre-polling locations must be advertised in advance of the commencement of pre-poll voting in traditional and online state and local media as well as on local council websites.....
- Recommendation 36:** that the ECQ review the criteria around the selection of pre-polling booth locations and use the lessons learned from the 2016 local government elections to inform future location of pre-polling booths. These include:.....
- Recommendation 37:** that pre-polling booths must be separate from, or a designated distance away from, current sitting councillor electorate offices.
- Recommendation 38:** that larger polling booths recruit an adequate number of staff to cater for an increased number and an expected ever-increasing number of pre-poll voters.....
- Recommendation 39:** that if an RO is unable to perform their duties at a pre-polling booth they may delegate to another officer such as an assistant RO for those times.
- Recommendation 40:** that ECQ undertakes a comprehensive review of timelines for postal voting to expedite the election counting process.
- Recommendation 41:** that applications for postal votes be submitted to ECQ as soon as possible and no later than 10 working days prior to the election.....
- Recommendation 42:** that ECQ must send out postal vote forms within 24 hours of receiving a request.....
- Recommendation 43:** that the cut-off point for postal vote distribution be six working days before the election.
- Recommendation 44:** that postal-only voting be restricted to councils in remote and regional areas where the total number of electors is less than 5000. All other councils should only have pre-poll, absentee and election day polling booth voting.
- Recommendation 45:** that postal votes should only be counted if they are received within five working days after the election.
- Recommendation 46:** that if the number of outstanding postal votes cannot change the electoral outcome then the poll should be declared.....
- Recommendation 47:** that ballot papers be distributed in a single envelope that folds out with a perforated edge. The ballot itself should be enclosed in another plain envelope.
- Recommendation 48:** that the ECQ voter information letter be tailored to individual electorates and the type of voting offered in the electorate.
- Recommendation 49:** that in the lead up to an election, ECQ needs to engage several experienced election participants to attend board meetings to provide an external perspective.
- Recommendation 50:** that a planned program to manage postal voting be developed to address issues of timing, security, accuracy and convenience, especially in remote areas.....
- Recommendation 51:** that ECQ postal vote packages need to include an additional separate envelope for returning the ballot paper, which does not disclose the ballot to the person registering the envelope's return against the electoral roll.
- Recommendation 52:** that electronically assisted voting for the vision-impaired and people with a disability should continue to be supported.....
- Recommendation 53:** that due to high setup costs, as a first step the ECQ introduces e-voting by the 2020 election at some pre-polling and polling booths.
- Recommendation 54:** that the ECQ investigates options for internet voting in the longer term and begins to prepare for full online voting at the first appropriate election.
- Recommendation 55:** that the ECQ should trial technology that will allow polling staff to register and print ballot papers for absentee voters.....

- Recommendation 56:** that the ECQ introduces clear performance management criteria with the AEC for the management of the electoral rolls.
- Recommendation 57:** that the technology be upgraded to ensure the bar code system automatically marks voters off the roll.
- Recommendation 58:** that once the roll has formally closed, there should be no further changes to the roll permitted for the current election.
- Recommendation 59:** that the declaration voting process should be reviewed to maximise efficiency.
- Recommendation 60:** that to ensure the count is completed on the night, ROs be empowered to roster staff who have not worked during the day to commence the count. If staff wish to work throughout voting and counting, ROs should arrange a roster for refreshments, lunch breaks and dinner. In smaller remote communities, polling booth staff would obviously also complete the count.
- Recommendation 61:** that legislation be amended to allow all pre-poll and postal vote counting to commence at 4pm on election day in a secure area. This will place an added demand on scrutineers but will allow staff to focus on the close of the count and report results in a more timely manner.
- Recommendation 62:** that the ECQ and LGAQ negotiate an agreed budget and required resourcing prior to the election. This is of added significance due to the discounted costs of including the referendum in the 2016 election.
- Recommendation 63:** that the ECQ must establish thorough consultation processes with the LGAQ.
- Recommendation 64:** that the ECQ should continue to provide costing to councils for elections and by-elections.
- Recommendation 65:** that in the interests of transparency the panel supports the ECQ running all local government elections.
- Recommendation 66:** that the timing of elections be reviewed and consideration given to holding the election during October or November in non-state election years, when weather conditions and festive dates are less likely to affect administration, logistics and community involvement.
- Recommendation 67:** that the state CIO be asked to review all aspects of ECQ ICT, including technology processes, systems, personnel and contracts. This may include the recruitment of a permanent CIO.
- Recommendation 68:** that ECQ should make ICT a priority, ensuring use of the best of breed technology available.
- Recommendation 69:** that the LGEA be amended to only allow electronic payment methods, including online credit card transactions.
- Recommendation 70:** that ROs need to have designated specialist call centre resources to support their function.
- Recommendation 71:** that call centre staffing levels, training and scripting should be reviewed for each election and an FAQs booklet provided to all election staff.
- Recommendation 72:** the way ballot papers are produced, formatted, structured, and distributed needs to be reviewed.
- Recommendation 73:** that ballot papers be simplified for scanning purposes.
- Recommendation 74:** that ECQ's proposed legislation amendments be investigated and implemented as appropriate.

Appendix 2 – ECQ organisation chart

25 August 2016



Legend
Local Government Election Branch

Appendix 3 – DSITI submission



Department of
**Science, Information
Technology and Innovation**

Ref: 00260-2017

Mr Jim Soorley
Chair
Electoral Commission Review
ecqreviewpanel@dilgp.qld.gov.au

Dear Mr Soorley

Department of Science, Information Technology and Innovation submission

Thank you for meeting with me on 25 January 2017 to discuss the scope of the review of the performance of the Electoral Commission of Queensland (ECQ) in conducting the 2016 local government elections, the referendum on fixed four-year terms and the by-election for the seat of Toowoomba South (2016 election) that was announced by Minister D'Ath on 15 October 2016.

As indicated at that meeting, as the Terms of Reference for the review include the use of technology. The Department of Science, Information Technology and Innovation (DSITI) wishes to provide a submission to the review panel in relation to the role of CITEC ICT as one of the service providers to ECQ for the 2016 election, and to provide information on the broader requirements of governance and assurance for ICT projects within the Queensland Government.

CITEC ICT

Between 2004 and 2006, ECQ election software applications were designed and developed by CITEC ICT. At no point during this development, did ECQ require or commission CITEC ICT to implement referendum functionality. This meant that referendum functionality needed to be developed for the 2016 Local Government election. Commentary in the ECQ review (page 7) that "ECQ staff were not aware that CITEC had not included referendum functionality in SEMS" could not only serve to mislead that this was requested, but also points to very significant governance issues of core ICT systems for which ECQ are wholly responsible.

In July 2012, CITEC ICT ceased the provision of services relating to the management and support of all ECQ software applications, together with the resident infrastructure and associated databases. ECQ subsequently used external contractors to maintain its business applications, and prior to the 2016 election, changes were made to ECQ's website by its web application developer.

It is to be noted that the report prepared by ECQ after the 2016 local government election contains a number of material inaccuracies, including:

- that CITEC ICT was the application developer for the ECQ systems in operation for the 2016 election
- problems with access to the Commission website were caused by the ageing SEMS and *management of the Commission's internet traffic by service provider CITEC*

On this latter point, it should be noted that prior to the election event, CITEC ICT proposed that ECQ engage additional active standby support from CITEC ICT during the night of the 2016 election. This would have meant that CITEC ICT would proactively monitor and action any outstanding alerts as had been customary practise in previous elections. ECQ chose not to take up this managed service. Instead ECQ opted for CITEC ICT to provide on-call support only. ECQ support staff were therefore responsible for proactively monitoring DOS attacks during the night of the 2016 Local Government election.

CITEC ICT action/response to ECQ website issues

During the Queensland Local Government election on 19 March 2016, the ECQ website experienced issues related to an increase in users visiting the website.

At 6.55pm on 19 March 2016, during the 2016 Local Government election, CITEC ICT's Denial of Service (DOS) cyber-security protection and mitigation service was activated in response to an overload of the server. This was due to an unusually large number of visitors to ECQ's website and the server being unable to handle the traffic. As a result, the website became temporarily unavailable for a period during the 2016 election.

At 7.50pm on 19 March 2016, staff from ECQ contacted the CITEC ICT Service Centre advising that the ECQ website was experiencing a possible DOS attack. CITEC ICT immediately (within eight minutes) provided emergency assistance to ECQ by declaring a major incident and escalating the issue to the CITEC ICT specialist on-call support team.

After analysis by CITEC ICT on-call support staff, it was determined that CITEC's DOS service had automatically triggered. At 8.16 pm, ECQ requested CITEC ICT to change the DOS protect services settings to "LoggingOnly" so that the ECQ website traffic could progress unhindered, but vulnerable to cyber-attack. This resulted in the ECQ website service being restored by 8.22pm. Subsequent analysis of network logs, verified by the Queensland Government Chief Information Office, points to other less significant network connectivity issues (not a result of the now deactivated DOS Protect service) continuing throughout the evening.

CITEC ICT proactively monitored the ECQ website manually to ensure that no cyber-attacks occurred while the ECQ website was exposed. CITEC ICT performed significant forensic analysis of the ECQ traffic on the night of the 2016 election to determine the root cause of the access issues being experienced by users. This determined that the increase in traffic was legitimate user access that could be expected on election night.

CITEC ICT provided ECQ with access to the DOS customer portal to allow ECQ to proactively monitor the website on the election night. This is not normally provided to non-Queensland Government Internet Service provider clients, but was proactively enabled by CITEC ICT for ECQ on the night of the election.

Unlike previous elections, ECQ did not request that CITEC ICT load test the website to ensure the configuration could handle the processing load on the night. The review might seek clarification from ECQ as to whether such load testing did take place, as would be expected for such a high risk event.

Current state

CITEC ICT continues to provide ECQ with computing capacity to run its election applications, website and a facility to minimise cyber-attacks that could result in denial of service. It should be noted that CITEC was not requested to complete load testing to ensure the new configuration could handle the anticipated processing load on election night.

CITEC ICT's current service offering to ECQ includes:

- Business hours support for two web servers that are utilised for web traffic accessing the ECQ website. The configurations are doubled during the period of a State Government or Local Government election.
- Data Storage and Data Protection for the data resident on these two servers.
- Queensland Government Network connectivity from ECQ to CITEC ICT for access to these two web servers.
- Data Centre load balancing capability for these two web servers.
- Domain Name Hosting for the website ecq.qld.gov.au.
- ISP internet services.

Queensland Government governance and assurance for ICT projects

The Queensland Government Chief Information Office sets the policy framework for governance and assurance of all ICT-related project and programs to ensure that a structured, effective and consistent approach for program and project assurance is adopted across Queensland Government.

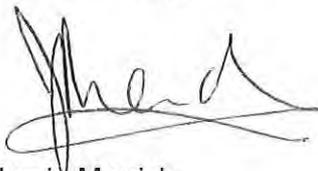
The Queensland Government Enterprise Architecture contains the following artefacts (refer to Attachments 1 to 3) that departments must comply with and apply:

- Portfolio, program and project management policy: use of AXELOS P3O and associated methodologies to manage and deliver projects and programs.
- ICT program and project assurance policy and framework: provides for four different assurance levels and processes.

ECQ should have complied with and applied these when reviewing and enhancing its system capability for the 2016 election.

Should the review panel require any further information, please Mr Dallas Stower, Assistant Director-General, Strategic ICT Department of Science, Information Technology and Innovation by email at dallas.stower@dsiti.qld.gov.au or on telephone 07 3034 2000 or Mr Andrew Mills, Queensland Government Chief Information Officer by email at andrew.mills@ggciio.qld.gov.au or on telephone 07 3215 3927.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Merrick', with a large, sweeping flourish underneath.

Jamie Merrick
Director-General

15 / 02 / 17

Encl. (3)

Appendix 4 – LGAQ submission



16 December 2016

Mr Jim Soorley
Chair
Local Government Elections Review Panel
ECQReviewPanel@dilgp.qld.gov.au

Dear Mr Soorley

The Local Government Association of Queensland (LGAQ) is grateful for the opportunity to make a submission into the Local Government Elections Review.

The LGAQ, the peak body for the 77 local governments in Queensland, has consulted with its members in preparation of this submission. The views expressed reflect feedback by our members and were endorsed by the 15-person elected member LGAQ Policy Executive at their meeting today. This submission complements the submissions made by individual councils as well as the many examples and feedback provided by councils, elected members and council CEOs during the Review Panel's own consultation.

It is clear from the LGAQ's own experience with the local government elections held on 19 March 2016 and feedback obtained from councils that the elections were marked by serious shortcomings in planning and execution on the part of the Electoral Commission of Queensland (ECQ). Unfortunately, this overshadowed the spirit of cooperation displayed by the ECQ towards councils and the LGAQ in the lead up to the elections and the cost savings achieved as a result of this collaborative approach, e.g. through the agreed use of council premises for polling booths.

This submission outlines some of the issues encountered.

1. ECQ resourcing and planning

The ECQ is under-resourced to handle the complexity of local government elections which well exceeds that of a state election. The 2016 local government elections comprised 438 separate electoral events consisting of 77 mayoral ballots, 218 councillor ballots for divided council areas and 284 councillor elections in 54 undivided council ballots (and 89 separate state referendum ballots). It is vital that the ECQ is properly resourced to undertake this task and able to plan for the complexity involved.

2. IT system

The ECQ's IT system was not able to handle the data load on the day. As a result, significant delays were experienced with updating the election counts.

3. Recruitment and qualification of Returning Officers (ROs) and electoral staff

Councils reported issues regarding qualification and availability of ROs and electoral staff (e.g. wide variation in RO experience and qualifications across the state, ROs going on leave before finalisation of count, some ROs electing to count state referendum ballots ahead of council ballots despite clear instructions not to, availability of ROs for pre-poll voting etc.).

These issues would suggest a need for ECQ to review its RO and electoral staff recruitment policy and procedures and provide better training for ROs and electoral staff.



4. Pre-polling

Pre-polling is increasingly becoming a preferred method for electors to cast their vote. However, many pre-poll venues experienced long queues at the 2016 elections which indicates under-resourcing of pre-polling. In addition, there were reports of poor management of pre-polling rules around distances from voting booths and subsequent voter harassment by candidates and volunteers.

5. Publication of election notices

There were complaints from some councils about the ECQ's decision to publicise election notices in the Courier Mail only, not local newspapers. This poses problems particularly for areas of Queensland where the Courier Mail does not circulate e.g. Cape York.

6. Voting methods

There were reports of confusion among voters about the change to optional preferential voting for the election of councillors in divided councils. This would suggest a lack of public education about the change.

On the subject of voting methods, the LGAQ would like to take this opportunity to draw to the attention of the Panel the fact that the LGAQ Annual Conference 2016 passed a resolution requesting the LGAQ to lobby the State Government not to introduce compulsory preferential voting for local government elections. Even though compulsory voting has recently been introduced for state elections, councils are opposed to its introduction for local government elections. Optional preferential voting has been the accepted process at local government elections for many years. It is a process that is understood and practised within the community. To change this system of voting could potentially create confusion for voters and result in a large volume of informal votes.

Conclusion

While the ECQ should be congratulated for its collaborative approach leading up to the 19 March 2016 elections, there were serious shortcomings in the ECQ's planning and execution. The LGAQ urges the Panel to carefully consider the issues raised in this submission and those made by councils and develop recommendations to the Government which, when implemented, should ensure that the errors that occurred before, during and after the 19 March 2016 elections are not repeated in 2020. Councils, and the communities they serve, deserve a better service from the ECQ for the conduct of their elections than the one they obtained this year, particularly given that the ECQ charges councils for this service.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Greg Hallam', is written over a horizontal line.

GREG HALLAM PSM
CHIEF EXECUTIVE OFFICER

Appendix 5 – ECQ proposed legislation amendments

ECQ provided the panel with a number of legislation amendments to the *Local Government Electoral Act 2011* and the *Electoral Act 1992*. These amendments would assist ECQ to streamline the conduct of elections and increase consistency between state and local government election operations.

	Topic	<i>Local Government Electoral Act 2011</i>	<i>Electoral Act 1992</i> (state elections)	Comments
1	Appointment of Returning Officers (ROs) and Assistant Returning Officers (AROs)	<p>s9(2) Returning officers The electoral commission may appoint a person as the returning officer for an election.</p> <p>s10(2) Assistant returning officers The electoral commission may appoint a person as an assistant returning officer for an election.</p>	<p>s31(1) Returning officers The Governor in Council may, on the recommendation of the commission, appoint an elector as the returning officer for an electoral district.</p> <p>s32(1) Assistant returning officers The Governor in Council may, on the recommendation of the commission, appoint an elector as assistant returning officer, or electors as assistant returning officers, for an electoral district.</p>	To align both acts allows the Commissioner to appoint ROs and AROs. These positions are casual roles and allowing the Commissioner to appoint and separate (for underperforming ROs) will provide flexibility leading up to and during the election period.
2	Replacement of postal ballot papers	<p>s85 Replacement ballot papers (3) If a ballot paper given to an elector under section 79, 80 or 82 is lost in transit or is accidentally defaced or destroyed, the returning officer for the election must, before 6pm on polling day, give the elector a replacement ballot paper and a declaration envelope for use in the election.</p>	Not required for state elections	Align with state.

	Topic	<i>Local Government Electoral Act 2011</i>	<i>Electoral Act 1992 (state elections)</i>	Comments
		(4) However, before a replacement ballot paper can be given— (a) the elector must declare, in the approved declaration form, before the issuing officer or an adult witness that—		
3	Statutory advertising/gazettal	Statutory advertising for the Notice of the Election, pre-polling booths be published in a newspaper circulating generally in the LG area. Same applies for mobile polling (s 49(3)(b), ordinary polling booths (s 48(3) and the complete list of candidates in ballot paper order (s 57)	Gazettal of the Writ and return of the Writ. Other gazettal advertising polling booths etc. on ECQ website.	Align as much as possible. While advertisements announcing LG elections should remain, the rest can be published on website. Polling booths, pre-poll centres, declared institutions and candidates etc. to appear on the ECQ website.
4	Material retention	s136(1) Storage of ballot papers and declaration envelopes Retain until the end of the period of the next Quadrennial Election	s102(2) Storage and disposal of material resulting from and election Retain until the issue of the writ for the next State General Election	Possible change to retain for 12 months after polling day for both state and local governments.

	Topic	Local Government Electoral Act 2011	Electoral Act 1992 (state elections)	Comments
5	Material retention	s196 Records to be kept a person who makes or receives a relevant record of an election must keep the record for at least 5 years after the conclusion of the election unless the record in the course of business or administration is transferred to someone else	s309 Records to be kept Period of at least 3 years commencing on the day on which the claim of return was made.	Align. No preference which is chosen, but consistency makes warehousing and archiving easier and more efficient.
6	Definition of a gift	107 Meaning of gifts	201 Meaning of gift	Align and provide the same definition of a gift for both Acts. ECQ accepts this is a policy decision for government.
7	Pre-poll closure	50(2) (a) Pre-poll ends at 6pm on the day immediately before polling day	118(1) Pre-poll ends at 6pm on the day before polling day	Consider closing pre-poll at 5pm on the day before polling day. Closing times would be consistent with all other pre-polling days - also avoids security issues where pre-poll is located in government buildings.
8	Removal of declaration flap for LG postal votes	91(2)(a) Requires the declaration flap to be removed	Not required for State.	Align with State for consistency.
9	Nomination payments	39(2)(c) by electronic funds transfer	Not available for State	Align with LGEA for consistency.
10	Announcement of nominations	32(1) as soon as practical after the RO has certified the nomination	93(1) as soon as practical after the cut-off day for nominations	Align with State for consistency.

	Topic	<i>Local Government Electoral Act 2011</i>	<i>Electoral Act 1992 (state elections)</i>	Comments
11	Early counting of votes	95(1) close of poll	127(1) at the end of ordinary voting hours on polling day	Consider early counting of pre-poll and postal votes from 8am on polling day at the discretion of the Commissioner.*
12	Ballot papers	55(1)(b) attached to butt	102(2)(b) attached to a butt	Consider removing the need for the butt to have unique numbering. Costly and impacts the printing process.
13	Request for postal vote	81(2A) Request must be received not later than 7pm on the Wednesday before polling day	119 (3) Request must be received not later than 7pm on the Wednesday before polling day	Consider earlier closing time for receipt of postal vote application due to slow mail delivery by Australia Post. Suggest 5pm on Friday one week prior to polling day to allow sufficient time for delivery.

	Topic	Local Government Electoral Act 2011	Electoral Act 1992 (state elections)	Comments
14	Declaration (absent voting)	Absent voting does not normally occur in local government elections (See Section 47(1)(a) for City Hall voting)	115 (a) & (b) Electors who wish to vote by going to a polling booth that has not been established for the electoral district for which the elector is enrolled must make a declaration vote. Also, electors who wish to vote by going to a polling booth described in section 99(4)(declared institutions during pre-poll period or (8) (mobile polling during pre-poll period) that is outside the electoral district for which the elector is enrolled must make a declaration vote.	159,421 absent declaration votes were lodged and admitted at the 2015 state election either on polling day or at declared institutions or mobile polling.(353 rejected). Using an ECL, the elector could be marked off and issued with an ordinary vote for their own district eliminating the need to complete a declaration envelope. Scrutiny would not be required by the RO in the electors district as the elector has been marked off at the point of issue. Results of absent voting would also occur 3 days ahead of the current process.
*Note the panel recommends (recommendation 61) that counting starts at 4pm not 8am on polling day.				

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