



**Mackay Regional Council**

**Submission to the Legal Affairs and Community Safety  
Committee – 8 May 2020**

***Inquiry into the Electoral Commission of Queensland's  
online publication of the preliminary and formal counts of  
the votes cast in the 2020 quadrennial local government  
election and the Bundamba and Currumbin state by-  
elections held on 28 March 2020***

Submission to -

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Inquiry into the Electoral Commission of Queensland's online publication of the preliminary and formal counts of the votes cast in the 2020 quadrennial local government election and the Bundamba and Currumbin state by-elections held on 28 March 2020



## **Background**

Mackay Regional Council (Council) congratulates the Queensland State Government in identifying issues regarding the on-line publication of votes during the recent local government elections, and welcomes the opportunity to make a submission.

Such a submission comes on the back of Council's Mayor and Councillors publicly criticising the election process on two separate occasions. Firstly, Council's Mayor making comments covered in local media on 2 April 2020 calling the delay in election results "an absolute disgrace", and Council supporting a Notice of Motion from Cr Fran Mann at it's meeting of 29 April 2020 calling on the State Government to investigate the performance of ECQ Brisbane for the election process, as well as strongly objecting to the increased costs for the 2020 election.

It should be stressed that at no time were the above comments directed at local ECQ staff, with the view of Council that local ECQ staff worked tirelessly and did a good job under trying conditions (including COVID 19 impacts), but they were severely hampered by the ECQ on-line system which was the 'portal' to public information.

Without any set format for submissions, this document is simply broken down into subject headings, and includes comments on election costs etc which are believed to link to the subject given a question over performance or value for money.

## **ECQ On-line System**

### **General Comments**

- The system would appear to have been developed only recently and therefore not fully bedded down or tested.
- The system is very difficult to navigate. It would appear to be trying to cover a range of situations, but in doing so is difficult to find basic information. Candidates, Council staff, and the general public, all commented on how hard the site was to navigate and find information

### **Nominations**

- During the nomination period there were known delays. It was known that certain candidates had formally lodged their required paperwork (either on-line or in person with the Returning Officer), however did not display immediately on the system, and/or displayed in sequence that was not understood (ie some that were lodged earlier did not appear until some that had been lodged later)
- This made it difficult for the general public to be able to confirm who had nominated.
- It is also understood that local ECQ staff across the State had issues lodging nomination information as quite simply the system was constantly 'down', or so slow making it unworkable.



- This information was also difficult to find. One area simply had a PDF document of ALL nominations in Queensland, in alphabetical order, whereas there was another section where a search by Council area was possible

### Count Information

- The displaying of count information was greatly delayed.
- When needed most (election night when the candidates and the public are craving information), the on-line system crashed. It remained out of action all night and through most of the next day, and at one stage had a notice displayed acknowledging issues that were being worked on 'through the night'. In the interim there was no data available.
- For Mackay, on election night (where there was no need for the Mayoral count as the position of Mayor was unopposed meaning that counting could be dedicated to the Councillor vote), the system displayed only a very minor count (ie less than 1%), which was obviously a single small booth that was counted and lodged before the system crashed. This despite the fact that ALL physical booths (excluding pre-poll) were counted and available on the night and if the system had been working would have provided a very good trend for consideration.
- Even as the count continued across the following week, the data from the daily counts was not posted on the system for some time (up to a day or so later). There were no election results for Mackay Regional Council posted from Sunday night through till Wednesday. It was known that the information was available and being sent to Brisbane for loading, as candidates through scrutineering processes knew what had been counted and lodged.

### **Delay in Declaration of the Poll**

- With postal votes return not closing until Tuesday 7 April, a Declaration in practicality always needed to wait for this given the closeness of most polls around the final few positions.
- However even after 7 April and all postal votes counted, there was still a need to finalise the Declaration votes as the positions were still too close
- It is understood that clarification of which Declaration votes to include required assessment by ECQ Brisbane. This assessment was not received until Tuesday 14 April, and in fact resulted in only eleven (11) votes needing to be counted (therefore the Declaration was delayed by up to a week pending determination on what ended up being 11 votes – a number that ultimately had no impact). Whilst it is noted that the Easter weekend was within this period (meaning the loss of 2 working days), it is still a major delay when Council was looking to get on with the business of inducting new Councillors
- The poll was finally Declared dated 14 April, however whilst an e-mail was received from the local ECQ Returning Officer on 14 April the formal posting of the Declaration was not posted on-line until mid 15 April (although dated 14 April).



- This was actually half-way through the new Councillor induction day of 15 April. Councillors 'elect' were actually contacted 9 April and invited to attend Council for initial induction process. They were allocated laptops etc on 14 April, and were undertaking a Governance induction day on 15 April. All of this 'subject to' the unlikely situation that the vote count numbers changed in which case items like laptops would have had to be taken away, however we quite simply couldn't wait any longer because notice needed to be given and days planned, and if we waited until the 15<sup>th</sup> for Declaration this would have been another week planning the induction process.
- Formal Declaration of Office for Councillors was undertaken 22 April.

### **Postal and Telephone Voting**

- It is understood that driven by the COVID 19 situation the demand for postal votes was unprecedented, meaning issues with supply. This is understandable however anecdotal information received by Council via numerous phone calls from residents was that despite requesting postal votes early many were not received until a day or 2 before election day (thus prompting phone calls).
- Again understood as an impact driven by COVID 19 and a reluctance for people to attend booths, but maybe a lesson for future elections as voters were anxious when ballot papers didn't arrive.
- Telephone voting. This was being advertised for vulnerable or highrisk people however unfortunately when voters tried to call their calls were not answered leaving many voters concerned that they couldn't vote and as a consequence would be fined.

### **Electronic Counting**

- In 2016 Mackay was used as one of the sites for a trial of electronic counting (ie auto counting by scanning votes).
- With the alternative of a large number of staff manually counting, this was seen as beneficial and the way of the future
- The 2016 version was a little "clunky" however seen as a good start. It was therefore disappointing that for the 2020 election the electronic counting system had been dismissed and we were back to 100% reliance on manual staffing
- Electronic counting can work (a contractor undertaking the 2010 by-election run by Council used an electronic scanning system very successfully) and is the way of the future, therefore should be a focus of ECQ for coming elections. It would provide a faster count service less reliant on large staffing numbers.

### **Election costs**

- ECQ have been running local government elections since 2012
- Mackay Regional Council election costs -
  - 2012 - \$315,197
  - 2016 - \$375,465 (net of a subsidy of \$45,998 from the State Government for the Referendum component).



- 2020 - "estimated" cost for the 2020 election would be \$788,477.
- This is more than double the 2016 (and 2012) election cost, and is an estimate only given prior to the COVID 19 impacts which saw significant increase in opening hours and resources for longer pre-poll etc – thus possible further cost increase from the estimate?.
- Council has significant concern over both the major increase, and a value for money query based on issues around major delays in posting information.
- Also, historically costs are recovered by a simple 'one line' invoice, however Council would request that a break-down of costs be provided for any election. This is a transparent way of cost recovery and would also potentially satisfy any cost queries that Council has. No business would simply send a one-line invoice on a 'cost recovery' basis without some sort of justification

### **Communication**

- Noting that it was a very fluid and changing environment especially around the COVID 19 impacts, the constant changes on arrangements including at polling booths, pre-poll, how to vote cards etc, were difficult to keep up with and relied on manual passing on of information.
- It is suggested that along with changes to the on-line system is a candidates portal area dedicated to communication, which could include video messages etc

### **ECQ Returning Officer and Local Staff**

- The Mackay election was lucky to have the services of an experienced Returning Officer and Assistant Returning Officer, and in fact they were the same personnel from the 2016 election.
- Council is unsure of what might have happened in other areas, but the experience and dedication of these staff assisted greatly in making the election as smooth as possible. It is however believed that they were hamstrung by the ECQ system where all information needed to be manually sent to ECQ Brisbane to be uploaded. Locally the work was done but the data was not available.
- They, and all the local ECQ staff (pre-poll, polling day, and post polling day counting) did a great job under trying circumstances, including the COVID 19 impacts where some ECQ were uncomfortable continuing to work and pulled out forcing pressure onto the remaining resources

### **Summary**

In summary the following is noted –

- Mackay was fortunate to have experienced personnel in the roles of Returning Officer and Assistant Returning Officer, however they were hampered by needing to use the central ECQ on-line system



- The ECQ on-line system was reported by most users as hard to navigate and/or to find information easily
- Elections are an emotive time when the pressure is on for information to be provided promptly. This did not occur for the 2020 local government elections (and the State by-elections), and the only point to be made here would be what a televised and highly scrutinised full State election could have looked like using the same system for dissemination of count data
- Electronic counting should be the priority for future elections and something that the ECQ should invest in
- Council has a major issue with costs estimated for the 2020 election. Not only are they more than double both the 2012 and 2016 election costs, there is an argument that Council has not received value for money to justify such increase
- Council would be looking for a cost breakdown for any invoice provided