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Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Email: lacsc@parliament.qld.gov.au

Dear Secretary

Subject: 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

The QLGRA (Queensland Local Government Reform Alliance) is a peak body representing resident and community organisations in Queensland. We are a non-partisan and not-for-profit incorporated association.

Please find our response to this inquiry for your Committee's consideration on the following pages. Our comments are made in the context of the 2020 quadrennial local government elections rather than the two state by-elections.

We acknowledge the difficult environment, due to the COVID-19 pandemic, that the ECQ was required to conduct these elections under but do not believe that should have had any impact on the subject of this inquiry – ie the online publication of counts of votes.

We would also like to place on record the QLGRA's disappointment that the terms of reference of this inquiry are so limited and fail to consider some of the other issues associated with these elections. We see this as a diversion from the overall issue of how the ECQ conducted the election. If the government wants to restore confidence in the ECQ a full independent investigation into the anomalies reported during the running of the election is required.

While outside the scope of this inquiry, unnecessarily restrictive in our view, we have taken the liberty of placing a number of other serious concerns we have about the conduct of these elections on the record for the consideration of your Committee.

Yours sincerely

Colin Hewett
President

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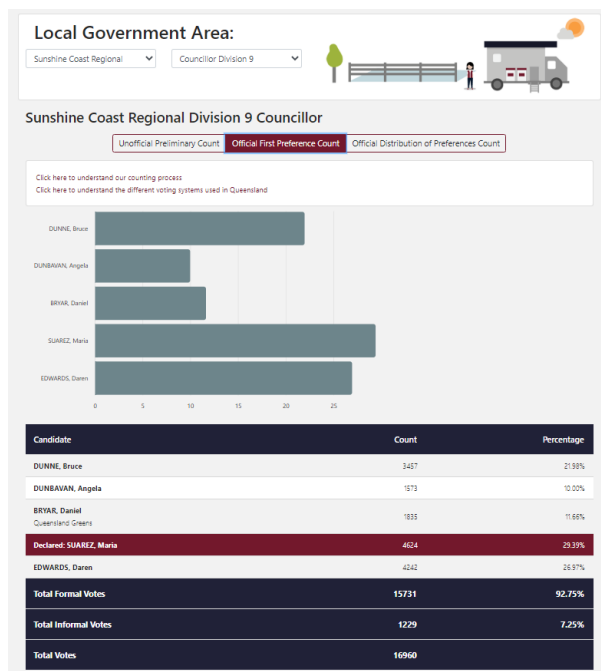
QLGRA submission - Inquiry into the ECQ's online publication of the count of votes, LG election 2020

Response

The QLGRA believes the election result portal provided by the ECQ at:

<https://prodresults.elections.qld.gov.au/lga2020>

had a good "look and feel", was responsive and reasonably easy to navigate:



The web based interface was not the problem although we would recommend that the page should have included an explanation of the different counts (Official Preliminary, Official First Preference and Official Distribution of Preferences Counts) that were available on the page to make it clearer for users.

Our concern relates to the failure of the ECQ to provide up-to-date figures relating to the count of votes on the portal.

We have had considerable feedback from candidates and our members expressing frustration at the lack of timeliness in the publication of figures. These comments have been provided to us directly by candidates, members of the QLGRA, individuals involved in election campaign teams and from responses to a survey conducted by a member organisation (OSCAR – Organisation Sunshine Coast Association of Residents).

The following comments are indicative of the feedback we have received:

[Candidate] *"It [online publication] is of value to candidates, public and the media. However, updating the counts on a more frequent basis would be helpful."*

[Candidate] *"Top marks for presentation, epic fail for frequency of updates. The ad-hoc emails from returning officer provided far better and more up to date results, but they were not frequent enough to be reliable."*

[Candidate] *"The online resource had no value to me as a candidate nor the public to be kept up to date with results. The public had many questions about why counting was taking so long and why I as a candidate had numbers that they were not able to see on this website. I feel the time to update the public website once counts were entered by the returning officer were not acceptable and definitely not in line with public expectations."*

[Community member] *"Candidates were able to get figures from the Returning Officer which could then be shared on Facebook but they sometimes were daily totals rather than the count total which was unsatisfactory. This system needs to be formalised. The difference between the RO figures and the website when they were both supposedly showing the updated totals was embarrassing and worrying for ECQ's efficiency."*

[Community member] *"The reporting of 'percentage of votes counted' should be explained fully. Is the percentage based on the number of registered voters? One had the impression initially that only a percentage of the votes on hand had been counted. Counts from individual polling stations were provided in previous elections. This should be reinstated for future elections."*

[Community member] *"I am of the opinion that COVID should not have anything to do with the website performance. It was clearly a fail on behalf of the ECQ. If this was democracy in action then it's a sad indictment on the system. Without complicating the response but 'fails' of this type (recalling other fails in other areas of website interaction by governments with consumers) does not build confidence in moving to trust government agencies with internet engagement."*

[Candidate] *"I heard the Returning Officer, complaining about figures being entered incorrectly, and the system not working; I was acting as a scrutineer at this time."*

Without any knowledge of the software being used by the ECQ and particularly how figures from the actual count were uploaded to the website; was this a simple data entry operation which was then transferred to the site? Given the Inquiry "terms of reference" provided no background information it is difficult for the QLGRA to comment on the technical aspects of the uploading process in a meaningful way.

We assume that the ECQ has a computer based system for recording the vote count at local counting centres and this data is electronically aggregated and then supposedly uploaded to the results portal at regular intervals – presumably via an automated process.

Therefore, we wonder why was the ECQ unable to upload results to this portal in a timely fashion?

We hope this inquiry will provide answers to the following questions:

- Was real time reporting of the count of votes intended to occur and if so why did it not eventuate?
- How much testing of the interface between the internal software used by the ECQ to record the count of votes and the online portal was undertaken prior to the election?
- Was this interface written by the ECQ itself or was it developed by a third party?
- Was this software development, whether internal to the ECQ or undertaken by a third party developer, properly resourced?
- If developed by a third party what steps have been taken to seek compensation from the developer for its failure to deliver a "fit-for-purpose" solution?
- Was sufficient training given to ECQ staff to be able to competently use the system?

Recommendations

1. Establish resources and procedures so that all votes cast in polling booths on election day are counted that evening and the vote count uploaded in real time to the ECQ result portal. All other results from counting

(eg absentee votes, postal votes etc) should be uploaded to the portal as they are counted, again in real time.

2. Returning Officers should email candidates as soon as any additional counting is completed each day. These emails should include not only the type of vote counted and the quantum of the daily count but also the cumulative votes for candidates to that point. This should not be an onerous task assuming, as should be the case, all voting is entered into the ECQ's system/s as the count is conducted. Of course the same procedure should apply to the distribution of preferences once that process commences.

Other matters of concern

The QLGRA would like to place on record our concerns about a number of issues that were not, but should have been, part of this Inquiry. These include, but are not limited to, the following:

- The number of Direction documents sent to candidates from the ECQ and the contradictory nature of the information provided from one version to the next. We note that these documents appear to have now been removed from ECQ website.
- ECQ did not gather votes from Retirement Villages and Aged Care centres. Using COVID-19 as an excuse is not acceptable.
- Restrictions on the use of scrutineers and conflicting advice provided to candidates about when scrutineers could be used. Again, using COVID-19 as an excuse is not acceptable.

[Candidate] *"None of our Candidates have been informed that scrutineers are not required at the booths tonight yet the Bulletin says that they are not required. The ECQ says that they emailed all the candidates to inform them that this was the case but NO email notifications have been received as far as I know. I actually spoke to (the returning officer), and was advised that the official count would commence Sunday. When I arrived on Sunday I found some divisions had already actually been counted."*

[Candidate] *"... contacted me on election day, to advise that my "How to Vote" card was not displayed at South Townsville, with those of the other Mayoral Candidates (it was apparently subsequently located in an envelope). I spoke to the RO by phone about this, she told me some of the booth managers had only been appointed at 4.30 pm the previous day, as people pulled out."*

- Inconsistencies between how EVCs interpreted instructions from the ECQ.

[Campaign volunteer] *"I worked between two EVCs on the Sunshine Coast and witnessed inconsistencies between instructions relating to placement of HTVs, where signage could be placed and where volunteers could stand!"*

- We have received significant anecdotal feedback from scrutineers that ECQ staff were instructing voters to "just vote 1" on election day particularly and not following the ECQ instructions on what voters should have been told if they asked ECQ staff how to cast their vote. We understand that this was probably motivated by a desire to achieve rapid movement of voters through polling booths in the interests of social distancing but remain concerned that this may have had an adverse impact of voters' capacity to their cast an informed vote given the effective absence of HTVs in the second week of pre-polling and on 28 March.
- ECQ failure to send informational emails to candidates when claiming to have done so.