



Recognising and upholding excellence in local government

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11 May 2020

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000
Email: laccsc@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.*

OSCAR (Organisation of Sunshine Coast Association of Residents) is the peak body representing resident and community organisations on the Sunshine Coast. We are a non-partisan and not-for-profit incorporated association.

OSCAR appreciates the opportunity to make a submission in relation to the online publication of the preliminary and formal counts of the votes cast in the 2020 quadrennial local government election held on March 28 2020.

Please find our submission on the following pages. Our submission reflects responses to surveys conducted by OSCAR in response to the establishment of the Inquiry. As there was limited time and our members represent a range of other organisations across both the Sunshine Coast Regional Council (SCRC) and Noosa Shire LGA's it has not been possible to gain responses from all member groups. However, as our submission will explain, the responses are very similar from across both LGA's on the Sunshine Coast.

We would also appreciate the opportunity to appear before the committee at the Public Hearing on Friday 15 May 2020.

OSCAR would also like to draw to the committee's attention the concern raised by many of our members at the narrow focus of the Inquiry. They were unhappy about a number of the processes and the inconsistencies across LGA's and would like to have their concerns heard. We request that the Legal and Community Safety Committee initiate a wider inquiry to the 2020 LG Election. To this end OSCAR is undertaking an evaluation of the whole election process as it applied to the LGA's within OSCAR's purview.

OSCAR wishes the committee well in its deliberations.

Yours sincerely

A handwritten signature in black ink that reads "Melva E Hobson". The signature is written in a cursive, flowing style.

Melva Hobson PSM
President

Email mail@oscar.org.au (NB our preferred form of communication)

Submission details

Introduction

OSCAR, in considering this topic was interested in finding out how and who was using the ECQ website for information relating to the preliminary and formal count of votes in the LG election.

Anecdotally we had been told of issues and had experienced them ourselves as an organisation. For this inquiry it was important to identify what the actual issues were and who was affected and how. Were the key issues related to: the user experience, transparency of the count, the information available and were there other factors? OSCAR through its research identified these and a number of other issues related to the operation of the website.

From the surveys we were able to identify the implications for the community and democracy of the website issues and make recommendations to the Legal Affairs and Community Safety Committee going forward.

To investigate this issue, OSCAR developed 2 different surveys (included as Attachment 1) One survey was intended for candidates from within Sunshine Coast Regional Council and Noosa Shire Council and the second intended for OSCAR members and divided into two parts, the first four questions for those following the election generally and part two for those who had been part of a support team for a particular candidate/s.

It is important to note that OSCAR as an organisation did NOT support any particular candidate in any division or the Mayoral contest in either LGA. We are a politically active group around local and state-wide strategic issues, but non-partisan in relation to the election. OSCAR has worked and will continue to work closely with both Councils, acknowledging good decisions made and calling for change where it considers that transparency, good governance and community engagement related to significant issues has not been heard.

OSCAR also took the steps to require any member or representative of a member group to stand down from any position of responsibility that they held on the executive, if they intended to play an active role in support of a candidate or to be candidate for election. As an organisation that demands high standards from both Councils, we considered it was ethical that such decisions be made. As a consequence two members of the executive resigned, one to run as a candidate and the other to support divisional candidates.

Responses to the survey underpinning this submission to the Inquiry.

The response to our candidate survey was somewhat disappointing, although understandable. Surveys were sent to all candidates in both the SCRC and Noosa Shire LGAs. Their candidate email addresses were used. Given the time lapse between the election 28 March and the establishment of the Inquiry, OSCAR acknowledges that many candidates had "moved" on and would not necessarily be looking at their election emails. OSCAR was also aware that as a community organisation it had no official or legal basis to seek responses from candidates. We made the offer to them to include their responses in our submission. A number responded that they would be making their own submission.

The surveys returned by candidates, although not statistically significant enabled us to make some generalisations about their response to ECQ web-site issues which we feel are representative of candidates as a whole.

The response to the survey of member groups and associate members was more significant and we feel that it is appropriate to draw conclusions and recommendations from that cohort. Many people responded in less than a week from the time of receipt of the email request.

The third component of the survey related to members who were supporting particular candidates as part of a candidate support team.

Assumptions made in developing the survey

The following assumptions were made when developing the surveys. That:

1. candidates would be depending on the website for count details, particularly as a result of the regulations made in relation to COVID-19 and the count of votes.
2. community groups would be totally dependent on the ECQ website for up to date and reliable information re counts

3. community members as part of the candidate support teams would be vitally interested in the vote count and would probably be following their candidate's vote frequently during the counting period and would be looking for up-to-date results.
4. given the high level of interest and at times lack of trust in Local Government among many in the community, apart from community groups involved in matters relating to local government, that members of the community may also be following the results on the ECQ website.

This last assumption we were unable to test, given the time constraints of the Inquiry.

What the responses told us.

Candidates

Candidates were asked about their use of the ECQ website during the counting period. None of the respondents indicated that they referred to the website **ALL** the time, with equal numbers indicating either **most** or **some** of the time. However the majority indicated that they either sought or waited for information emailed from the relevant Returning Officer (RO) or Assistant Returning Officer (A/RO). Two candidates indicated that they did not bother after a few days as they knew that they were not in the running.

Some candidate responses to reasons for their lack of reliance on the ECQ website for vote counts include:

- *Emails received every day during initial count but less frequent as count went on.*
- *Specific questioning to the RO or A/RO*
- *Major source of frustration for others*
- *It was appalling*
- *1-2 days generally, sometimes no info.*

Candidates were asked what feedback they had had from other candidates re the ECQ website and counts. Some of their responses included:

- *The online publication was slow and grossly out of date. Many residents and even candidates were unaware of the need to click the second button titled "Official First Preference Count" to see the latest figures as opposed to the default setting of "Unofficial Preliminary Count"*
- *Late and too infrequently updated*
- *All candidates I spoke with had a similar experience and some were not aware when official counting was being conducted.*
- *Disaster*

Our assumption re candidates and the website was factual on the day of the election, but very quickly candidates identified a far more reliable approach – make contact with the relevant RO, hence that assumption became redundant. This was an unfortunate turn of events as it did seriously disadvantage a number of candidates, particularly those who were still in paid employment and had to return to work owing to the delay in the results.

OSCAR member groups and associate members

Questions to OSCAR members re ECQ website

1. Were you following candidate results via the ECQ website during the 2020 LG election? Y/N
(a) If NO how did you obtain ongoing information re the vote count?

If YES please answer the following questions

2. Approximately how frequently did you refer to the ECQ website for vote count updates?
 - a. Several times per day

- b. Daily
- c. Several times a week
- d. Less frequently

3. Did you find the vote count on the website informative and reliable? Y/N. If NO why not?

Of the responses re use of the ECQ website from OSCAR members, 90% indicated that they were following the election results via the ECQ website, while 10% indicated they used other sources such as: the Sunshine Coast Daily (however, with media paywall in place); local ABC reporting; the local suburban paper; Facebook and organisations such as OSCAR.

Of the respondents using the website, 55% checked the website several times a day, with 38% making daily visits.

In response to the question about information being informative and reliable, 94% indicated that the website was NOT reliable re the vote counts. One response indicated that the ECQ site was informative but NOT reliable

In many respects OSCAR members had similar issues to those experienced by candidates, but theirs were compounded by the fact that they did not have access to other sources with potentially as much detail. Some were reliant on external sources as suggested above.

Comments from respondents included:

- *Neither reliable nor informative. Div 8&9 – tight races, online info not change for days. Everybody anxiously waiting results or occasional update but nothing happened. May be good explanation but to the average person was a very poor outcome.*
- *Info not up-to-date & lagging other LGA's. Why some div poorly updates & some not even updates at all was not clear. Surely votes were still being actually counted.*
- *On the day of the election and for days after, the number of votes counted didn't update for many hours, if not days.*
- *The site did not update on a daily basis*
- *It informed the count as logged but the numbers were not representative of the actual count.*
- *About as useful as a concrete parachute*
- *Never up to date during the actual count*
- *Not as informative as it should have been. But we have to presume that what votes were reported were accurate.*
- *It was not a true reflection of what was happening. It was not updated in a timely manner.*
- *The vote didn't seem to change very often.*
- *In general the results came out far too slowly and were days behind the info available by scrutineers. Further the lack of any website info on preference trends meant total reliance on subjective trends identified by scrutineers (who had limited access) was the only way to have any real idea of what was happening in some divisions over a week after Election day*
- *I have screen shots movements in counts that did NOT reflect vote counts. It was continuous. I also believe that ECQ were manipulating the data for counts long after any real computer problems. Over Easter the counts moved when nothing was happening, they didn't when they were supposed to be counting.*
- *It had frequently not changed and was always behind the RO's figs when it had changed.*
- *It often went days without changing or any explanation. No expectations on time frames were set.*
- **NO** *for 90% of the time, however initially I did think this was good. Overall it was disappointing, however it was a good initiative, but not well executed. The website stated it was updated every 20 minutes, without*

evidence - they could have used database date-stamps by division/electorate and candidate to provide a confidence level that updates were occurring

OSCAR members supporting candidate/s in the 2020 local government election

OSCAR members supporting candidates for the 2020 LG Election (not in any capacity as an OSCAR member) were asked two questions pertaining to the ECQ website vote counts.

Question for candidate support teams members

- Describe your experience with the ECQ website for publishing vote counts in the recent elections.
- How did you and the candidate/s you were supporting obtain reliable and current vote counts?

Responses relating to candidate support team members experience of the website included:

- *Incredibly frustrating*
- *Frustrating! Extremely slow if non-existent updating of details*
- *Frustrating as it was so far behind the actual count*
- *In short – disappointing and frustrating – with the many supporters who had toiled hard having no idea where their candidate's outcome was at on Election Night*
- *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 telephone voting results from Brisbane ECQ were slow and aroused suspicion when they were added to the count. 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.*

Support team members were also asked how the candidates they were supporting obtained information. Their responses to this question included:

- *grapevine;*
- *just had to wait until website updated data;*
- *went to counting stations; scrutineered and spoke one on one with the returning officers – who were generally pretty helpful given the constraints they were working under.*
- *From the RO but sometimes via other candidates and this sometimes meant daily totals rather than the count total*

Experience of a community organisation, trying to keep members informed e.g. OSCAR

From the moment the polls closed until the declaration of the polls for both SCRC and Noosa councils OSCAR executive was watching the website with the intent to provide members with regular updated vote counts. When updated figures were given the notation had to be included as to the time and date that they were recorded from the website as there was no such indication on the website. On talking with some members who were part of candidate teams it became very clear that attempting to give a realistic report to members was impossible. We encouraged members to visit the ECQ website but to understand that it was not at all reliable.

Summary of issues related to the Inquiry:

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 following table lists the issues and implications of those issues to the community as a whole and ECQ.

| Issues associated with the ECQ website re vote counts | Implications for the candidates, community and the ECQ |
|---|---|
| No-one either candidate or a community member found the ECQ website reliable, informative or timely in posting updates. It was not a true reflection of what was happening. | Loss of faith and trust in the ECQ. This was a key role of the ECQ. Reputational damage to ECQ. |
| A great deal of time was spent by users waiting for updating to occur meaning users were frustrated and disheartened to say the least. | Wasted time by all users leading to frustration and suspicion by candidates and community users. Increase in anxiety on candidates following a stressful period of the election. |
| Candidates had to obtain results where they could from Returning Officers (RO), via phone, email or face-to-face contact. | Time consuming, unnecessary and frustrating for ECQ staff as well as candidates operating in an already unusual environment. |
| There were inconsistencies across the state in how such issues were handled. The ad-hoc emails from RO provided far better and more up to date results, but they were not frequent enough to be reliable. | Some candidates felt disadvantaged given the inconsistency in approach by ECQ (no fault of ECQ staff). Some candidates felt that democracy was sold short through this drama. |
| There was difference between the RO figures and the website when they were both supposedly showing the updated totals. | This was embarrassing and worrying for ECQ efficiency. |
| When updated the information informed the count as logged but were not representative of the actual count. | Unreliable and confusing information. |
| No database date-stamps by division/electorate. | Lack of confidence in the updates. |
| ECQ site was the only legitimate source of information. | Community members had to turn to other sources of information. Many of which were covered by media paywalls or given at varied time across a day and week. |
| Anyone reviewing multiple LGAs or divisions on the website found the user experience clumsy and frustrating. | Was ECQ using dated technology that did not have a sophisticated search capacity? |
| Counts from individual polling stations not included in the original count. | This appeared to be a change in service from previous elections. |
| Telephone voting results from Brisbane were slow and aroused suspicion when added to the count. | Reputational damage to ECQ. |
| The XML file zip file currently available for downloading the election results is not user friendly. Comment - BTW: Have you tried extracting booth by booth data from the XML file on the ECQ website? It seems to be challenging – Unless you are some sort of data processing wizard. | Make available a more user-friendly option. |

Messages respondents to the OSCAR survey wish to send to the ECQ. Members were asked via the survey to make recommendations to the ECQ relating to the functioning of the ECQ website in publishing vote counts. The following were some of the responses. OSCAR makes no apology for the manner in which some of these responses were made.

- *FIX IT*
- *Get their act together. Whilst COVID-19 may have been an issue in running the election & counting votes, there appears to be no excuse for transferring results to their website. They either need more counters, a better counting system and/or better communication to the website.*
- *The website should have advised the cause of the delays. It was very frustrating to log on daily and find no updates and no explanation.*
- *Streamline the code in order that it can replicate the data live.*
- *Fire the boss. Get some competent IT people*
- *Without any knowledge of the software being used by ECQ, and particularly how figures from the actual count were uploaded to the website, it is difficult to comment on this. The ECQ election result portal had a good "look and feel" and was easy to navigate- this was not the problem. The issue of concern was the failure by the ECQ to upload results to this portal in a timely fashion and it is difficult to know why. By their own admission, their technology failed for some unexplained reason on Election night. I understand that after they transitioned to some form of manual data posting which was demonstrably very slow. Whilst acknowledging that there is clearly a lot of data coming in from diverse sources – surely in 2020 there is a technology platform better able to cope with what are predictable volumes. Is it not possible or practical to move towards some form of progressive data entry? – particularly given that nearly half the votes were cast before Election Day and hence could have their info processed in raw form – but not collectively processed in any way – prior to Election day. If entered in this way the above mentioned preference trends would then begin to emerge much more quickly using modern data processing*
- *The entire website is a disgrace and needs updating not just for reporting the vote count.*
- *It does not have an easily usable interface and is simply a paper system moved to the internet.*

Recommendations from OSCAR relating to the future application of such technology to publishing preliminary and formal count of votes cast

1. Establish resources & procedures so that all votes placed on Election Day are counted within a matter of days of the election and the results regularly (hourly?) entered into the database accessible via the ECQ website.
2. Since the delay in finalising the results was probably due to the window allowed for postal votes to come in the deadline for postal votes should be set so that there is adequate confidence that all postal votes have been received by Monday after the election.
3. Action has to be taken to confirm that postal and absentee voting is free of any possibility of corruption. It would be interesting to see how the split in postal votes differed from that in votes placed on Election Day.
4. Investigate more user-friendly options for search capability across multiple LGA's, divisions and wards without having to go through each LGA on the website.
5. Ask the following questions: How much testing of the interface with the internal software used by the ECQ to record the count and the actual 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 properly resourced?
6. For each candidate, publish the total count (as was done in 2020), PLUS for each candidate name, the total votes could have a drill-down function to display (a) the vote count source and (b) count number for that vote source (by polling booth, mail, phone and on-line).
7. Each candidate name could have a *last update date and time* (database time-stamps could be published next to the count total) by candidate and by division.

Conclusions

Some of our members gave a final comment in relation to the impact of the failure of the website on this election:

- *I am of the opinion that COVID-19 should not have had anything to do with the website performance. It was clearly a **fail** on behalf of ECQ and one the Premier called out early, but it was never satisfactorily addressed. If this was democracy in action then it is a sad indictment on the system. Without complicating the response but “fails” does not build confidence in moving to trust government agencies with internet engagement.*
- *All in all it has been a very disappointing experience dealing with ECQ website during 2020 elections. If the aim is to get the general public more engaged in the election process, this would have been counter-productive.*
- *It wasn't just unsatisfactory it was undemocratic.*

The 2020 Local Government election occurred in unprecedented times. Given the emergence of COVID-19, ECQ staff at polling booths are to be congratulated for the manner in which they conducted the election where “change” was the word for every day.

However this work was overshadowed by the failure of the website to regularly and frequently update. The role of the website in the election in publishing the vote counts was to give confidence to the electorate that they would have reliable information in a timely manner. Such a goal was not achieved!



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Candidate follow-up questionnaire – ECQ online publication of results

Introduction

On 27 April 2020 the Queensland Parliament *Legal Affairs and Community Safety Committee* issued an Update indicating that the committee is establishing an inquiry in relation to the online publication of the counts of the votes cast in the 2020 LG Election. The formal notice is as follows:

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

<https://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/ECQInquiry2020>

OSCAR will be making a submission on behalf of its members and is prepared to represent candidates across the SCRC and Noosa Local Government Areas (LGAs) if they so wish. The submission closing date is 11 May 2020 at noon.

In order to allow sufficient time to collate results of this survey and write the submission we would appreciate return of the survey by Thursday 7 May 2020.

As we wish to seek a wide range of views from across both LGAs we are asking your opinion as a candidate about the effectiveness or otherwise of the ECQ online publication of election results. We appreciate and value your comments. We do not intend to use names in the submission but would like to include your LGA and where appropriate division, as internet access may influence your comments. All responses, both positive and negative will be included in the submission.

Q 1 To what extent did you rely on the ECQ website for up-to-date, reliable figures in the preliminary and formal counts of the votes cast?

| | |
|--|--|
| Council: | |
| Position contesting: | |
| If SCRC, Division: | |
| a) <input type="checkbox"/> All of the time | |
| b) <input type="checkbox"/> Most of the time | |
| c) <input type="checkbox"/> Some of the time | |
| d) <input type="checkbox"/> Never | |

Q 2 If you selected b), c) or d) in Question 1 please complete the following. Otherwise go to Question 3.

Q 2a How then did you obtain up-to-date count figures?

Response:

Q 2b How often were you able to access this source?

Response:

Q 2c Was this source reliable?

Response:

Q 3 What feedback did you get from other candidates re the ECQ online publication of results?

Response:

Q 4 How would you describe the value of the online publication of the election count via the ECQ website?

Response:

Thank you for your time in responding to these questions. All responses will be included in OSCAR's submission.

OSCAR thanks you for standing for the LG Election in 2020 and wishes you all the best for the future.

Questions to OSCAR members re ECQ website as per the OSCAR Update 5 May 2020.

1. Were you following candidate results via the ECQ website during the 2020 LG election? Y/N
(a) If NO how did you obtain ongoing information re the vote count?

If YES please answer the following questions

2. Approximately how frequently did you refer to the ECQ website for vote count updates?
 - a. Several times per day
 - b. Daily
 - c. Several times a week
 - d. Less frequently
3. Did you find the vote count on the website informative and reliable? Y/N
If NO why not?
4. What recommendations would you make to the ECQ in relation to the function of their website in the 2020 Local Government elections in relation to publishing vote counts?

Question for candidate support teams members

5. Describe your experience with the ECQ website for publishing vote counts in the recent elections.
6. How did you and the candidate/s you were supporting obtain reliable and current vote counts?
7. Which candidate/division were you supporting?