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 No 024

LGAQ

LOCAL GOVERNMENT ASSOCIATION
OF QUEENSLAND

13 May 2020

Mr Peter Russo MP
Chair, Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Chair

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 on 28 March 2020

Thank you for the opportunity to provide a submission to the Legal Affairs and Community Safety Committee on this matter.

On behalf of our 77 member Councils, please see *enclosed* the LGAQ's submission for the committees 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 on 28 March 2020, along with associated annexures.

We thank the committee for their extension of time in providing this submission.

Yours sincerely

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Contents

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 No 024

Introduction

The Local Government Association of Queensland (LGAQ), the peak body for Queensland's 77 councils, appreciates the opportunity to make a submission to the Legal Affairs and Community Safety Committee's *Inquiry into the Electoral Commission of Queensland's (ECQ's) Online Publication of Preliminary and Formal Counts of the Votes cast in the Local Government Elections and State by-elections held on 28 March 2020*. The LGAQ would like to acknowledge the extension provided by the Committee to prepare this submission and the efforts of member councils given the limited timeframe and the broader issues being managed at this time due to the COVID-19 pandemic.

To inform this submission, the LGAQ called for submissions from member councils, and received them from the following councils:

- Balonne Shire Council
- Brisbane City Council
- Cairns Regional Council
- Central Highlands Regional Council
- Charters Towers Regional Council
- Fraser Coast Regional Council
- Goondiwindi Regional Council
- Isaac Regional Council
- Mackay Regional Council
- Noosa Shire Council
- Quilpie Shire Council
- Redland City Council
- Scenic Rim Regional Council
- South Burnett Regional Council
- Townsville City Council
- Torres Strait Island Regional Council
- Whitsunday Regional Council

The LGAQ also conducted a comprehensive survey of all elected members (mayors and councillors) and council CEOs.

The remit of the Committee's inquiry is very narrow and does not extend to the full scope of the electoral process. The LGAQ has therefore focused its in-scope submission in two key parts.

Part A seeks to highlight the importance of understanding the broader ecosystem in which elections take place to ensure resourcing, communications and risk management is effectively prioritised and undertaken. Part B relates to the administrative process and technical proficiency in the delivery of an election and the publication of the results.

Out of scope but for the benefit of the Committee, the LGAQ has provided Part C to place on the record broader strategic considerations that impacted on the delivery of the 2020 elections and an Appendix as a summary of the direct feedback received and data gathered on matters by member councils and candidates. Should the Committee's mandate be expanded at some future point, the LGAQ would be pleased to elaborate and provide more detailed analysis.

History of the delivery of local government elections in Queensland

Local government elections are conducted under the *Local Government Electoral Act 2011*. This Act closely aligns local government electoral arrangements with those applying at state government elections in Queensland. Under this Act the Electoral Commission of Queensland (ECQ) conducts all local government quadrennial and by-elections.

The 2008 local government election was the first instance that local governments did not conduct their own elections. The previous local government reform process established that the ECQ would conduct all elections. Prior to 2004, only Brisbane City Council elections had been conducted by ECQ.

Whilst this action was aimed at demonstrating electoral probity and confidence to the community, over a century of tradition and satisfactory service by local Returning Officers came to an end. Regrettably, under the ECQ the costs of conducting elections have more than doubled and there have been repeated and significant performance failures and instances of administrative errors and delays in declaring results.

In 2016 the costs to councils for the ECQ conducting the elections was $16 million off-set by $3.7 million in shared savings with the State Government arising from the four-year term referendum being held at the same time. The estimated costs of the 2020 election, with the impact of COVID-19 yet to be factored, were more than double, with costs passed directly onto local governments and their communities.

Following the 2016 election the *Soorley Review*[1] was undertaken in response to the large number of complaints from local government about the conduct of the election. A broad scale review examined the conduct of poll, communications, adequacy of processes and planning for the election as well as the adequacy of arrangements for the delivery of a voting and counting processes. The review recommended the ECQ overhaul its management, communication and accountability systems and processes. Disappointingly, despite the Government accepting the Soorley Review's recommendations and committing to their implementation ahead of the 2020 local government elections, not much has been improved. Attached as a matter of record is the submission made by the LGAQ following the last election with much remaining relevant to this inquiry.

Impact of COVID-19

It needs to be acknowledged that the impact of the COVID-19 global pandemic could not have been anticipated in the planning and risk management processes undertaken by the ECQ. While the discussion in this submission would remain unaltered if COVID-19 did not feature, it needs to be acknowledged that against this background, the delivery of the election balanced against the management of a public health priority would make us the envy of many nations and political jurisdictions globally. We express gratitude for the prudent management and pragmatism shown during this time.

While the emergence of COVID-19 placed additional strain on the ECQ and their ability to meet the requirements of conducting the election to comply with prudent public health standards, there are underlying issues of electoral delivery that have nothing to do with COVID-19 that should be considered without any dispensation given for presence of this unforeseen externality.

Future of local government elections

It is the view of the LGAQ that the scope of this inquiry is too narrow and does not afford effective consideration of the multitude of issues that impacted the delivery of the election. Many of these issues are recurring and have been the subject of previous inquiries. After every quadrennial election, the local government sector is forced to conclude that recommended improvements are not delivered. Regrettably, this is again the case, despite the considerable personal efforts and engagement by the current ECQ leadership with the LGAQ.

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[1] *Inquiry report: A review of the conduct of the 2016 local government elections, the referendum and the Toowoomba South by-election, March 2017*

The impact of these continued and systemic failures has implications on the overall confidence of not just the system of local government but all levels of government. The LGAQ would like to put forward the following recommendations, for the consideration of the Committee and the Queensland Government:

- Recommendation 1: That a broader inquiry be undertaken into the conduct of the 2020 local government elections to allow for the canvassing of all relevant issues, including systematic analysis on how the 74 recommendations of the *2017 Soorley Report* were implemented and what impeded their successful execution.
- Recommendation 2: That options be examined, in consultation with the LGAQ and councils, for the delivery of the 2024 elections, including providing councils with the choice to conduct the elections themselves or engage a pre-approved supplier.
- Recommendation 3: If current monopolistic arrangements are to continue, then consideration needs to be given to putting in place performance arrangements with the ECQ and delivery of the election to be fully state funded to ensure these contracted expectations are delivered.
- Recommendation 4: A Memorandum of Understanding be developed between the LGAQ with the ECQ to ensure a reasonable level of communication is provided to the local government and key stakeholders so that all can have clarity of expectations and performance levels.
- Recommendation 5: The Independent Council Election Observer be independently funded and resourced accordingly to continue with the positive impact its presence had on the election.

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 No 024

Part A: General Matters

The remit of the Committee is limited to the online publication of the preliminary and formal counts. However, it is prudent to identify there were a range of issues encountered at the 2020 local government elections which are far deeper than the apparent technical scope of the Committee's Inquiry and worthy of note to inform the Committee's considerations.

While improvements have been made in aspects of the operations of ECQ since 2016, the recurring issues indicate that systemic issues remain unresolved and that the full list of accepted recommendations from *Soorley Review* were not implemented for the 2020 elections. The LGAQ would suggest that there are some broader based considerations that need to be considered if seeking to truly understand the drivers that underpin these recurrent failures.

Confidence in the system of local government

The conduct of a local government election by the ECQ places considerable responsibility on the delivery agency that administrative and technical processes intuitively assume a comprehensive understanding of the broader system of local government. As the level of government closest to the community there is a need to understand and respect the system and the role it plays and ensure that the conduct of the election is developed to support this system and enhances the confidence placed in it.

For most local government candidates, the first motivator in their decision to seek office is a desire to practically support their communities in a more hands on manner. Most candidates are not members of political parties, nor do they want to be. Moreover, at local government level, there is a greater expectation that Mayors and Councillors be apolitical and represent their community first and be prepared to work with all parties. This means, unlike State elections, most candidates contesting local government elections are not supported by major, or minor, party "machines", even if they have personal political leanings. As such, the need for the ECQ to provide absolute clarity around all aspects of the process is paramount. Clarity of decisions, effective communication channels, strong and reliable engagement platforms and clearly understood processes are fundamental to ensure candidates are provided with adequate guidance. This needs to be understood and respected by the ECQ. It must ensure adequate investment is made to ensure staff, systems and resources provide the necessary time, care and understanding to give the candidates and the system more generally the respect it deserves.

The ECQ fails to appreciate that councils are often the place of last resort when things go wrong; they are where the community turn. Communities expect councils to step in when there is local confusion, whether it is their role or not. In many communities, the failure to provide timely election results and lack of clarity around the counting of the vote saw councils blamed for this confusion and failure. This undermines the confidence in our system of government, but moreover will have lasting impact in terms of attracting candidates and providing local confidence in decision making.

The ecosystem surrounding democratic processes

The online publication and count of votes should not be planned, managed or assessed from a technical delivery perspective alone. The technical failure of the ECQ to effectively count and publish election results is largely self-evident in the failure of the ECQ to provide the anticipated preliminary results on the evening of the election and in the days and weeks after.

LGAQ contends that ECQ failed to recognise its stakeholders and understand their needs and value in monitoring the counting of votes and the publication and communication of results. The success of the publication process needs to be considered in terms of the impact it has on the ecosystem that surrounds elections as a democratic process. This lack of stakeholder understanding was evident in decision making leading up to the election and exacerbated when technical failures became evident.

For example, the ECQ's initial decision to not allow scrutineers to be present at all for the count and not to provide them with preliminary results at the polling booth due to the COVID-19 environment meant: 1) the ECQ set aside the fundamental democratic principle that requires votes to be managed and counted in a transparent manner and 2) that a critical set of stakeholders was not available to help ameliorate the ensuing technical failure to publish results online and to assist in assuring the integrity of the vote and communication of results.

Likewise, the ECQ either did not understand the role and requirements of or did not provide effort to support and engage with, analysts, media commentators, council administrations and other important stakeholders beyond the candidates themselves. This meant communication, risk management and engagement strategies were not in place to assure quality of the performance. The lack of effective engagement channels with stakeholders who could have assisted in the communication of results was magnified by the technical failure of the website. Understanding the valuable role that each of these stakeholders have in the process will be critical to breaking the cycle of continued failures experienced in the delivery of elections into the future.

Value for Money

Councils are growing increasingly frustrated and there is a strong perception around declining value for money from ECQ's conduct of their elections. Over two thirds of council CEOs surveyed feel their council does not receive value for money from ECQ's services, rating it at poor or very poor.   The LGAQ's survey of Council CEOs found that:

- o *80.77% were dissatisfied with process of counting*
- o *80.76% were dissatisfied with the speed of count*
- o *80.77% were dissatisfied with website functionality*
- o *92.3% were dissatisfied with time taken to declare results*
- o *73.08% were dissatisfied with the publishing of results.*

With half of the local government CEOS providing a response and 87% of those involved in a similar role in a previous election, their assessment needs to be considered with some weight.

Prior to the elections, the ECQ had estimated that the aggregate state-wide cost of running the local government elections - which is passed on in full to councils - would more than double from $13 million in 2016 to $27 million in 2020. For some councils, the costs of the election have trebled. As a result, some councils have expressed a desire that the legislation be changed so that local governments are given the choice to conduct the 2024 local government elections themselves or enabled to engage a supplier or pre-approved supplier.

There is clearly a service delivery expectation that is not being met but, given the public funding involved, needs to be met to ensure value for money is achieved.

Part B: Counting and Publication of Votes

The overall process of counting and publication of votes received sharp criticism from both candidates and the administration of councils. Their response reflects an underlying lack of confidence in the process and resulted in negative community perception of the councils, the local government sector and the State Government.

Submissions from Councils to the LGAQ described the process as "terrible", "embarrassing", "an absolute joke", "absurdly slow", and "a debacle".   Specifically, *"to not even have any results up on election night is ridiculous"* provides an insight into the overwhelming sentiment expressed by the sector to the performance of the online counting and publication of votes.

Delays in the declaration of results had serious practical impacts on councils

The extended delays in publishing counts for several council areas despite local returning officers submitting counts in a timely manner, further exacerbated frustrations.

One council received notification on 9 April 2020 that there were only 165 phone votes and a remaining 69 postal votes to complete the count following the deadline for the return of postal votes. However, it then took over a week to count these few remaining votes.

Uncontested positions were not declared early. There were 15 mayors and 31 councillors who were unopposed, and those positions could have been declared at 6:00pm on 28 March.

Seemingly unnecessary delays in providing the final declaration in many councils where results were clearly able to be determined, caused a range of administrative issues for councils. One council had to twice delay the post-election meeting despite a relatively simple count and clear result. This was exacerbated in some instances where returning officers were no longer present locally.

For one council, direct follow up with the ECQ was required to ascertain the status of the final declaration of the Mayoralty position as the Returning Officer had advised it had been processed and subsequently left the local government area. It then required three calls for the declaration to be processed albeit it was shown to have been in Brisbane for three days waiting for sign off.

The delays in simple processes, lack of clarity of long-standing procedures and lack of clear communication all compounded in a very challenging time.

Not being able to follow the Government's strong encouragement to have councils take their declarations of office as soon as possible, especially given the major disruption caused by the coronavirus and the need for continuity of council services, was challenging.

Delays in the declaration of results had a direct impact on the transition of key roles such as the appointment of Local Disaster Management Group Chairs. This was particularly problematic this year when many LDMGs were stood up due to COVID-19.

Many councils remarked the delays in the declaration of the elections caused delays to other administrative processes that are critical given the March timing of the election. The need to understand these broader local government impacts would ensure that communications and resourcing delivers more timely intelligence and outcomes.

Public perception of poor performance was attributed to councils

The apparently unreasonable delay in the mind of the public, exacerbated by the absence of clear understanding and explanation, was often determined to be the councils' fault. This is despite councils having absolutely no responsibility or indeed any influence over the process.

In a participatory democracy failure to develop and implement a clear communication strategy and engagement plan for all stakeholders is no longer acceptable.   Timeliness of communications is as critical, as is the timeliness of delivery, given the interdependencies

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 No 024

involved in the decision-making process. Resourcing this must be given greater consideration in any future election.

Postal votes were not provided in the appropriate time frame

Council feedback indicates a significant number of postal applicants did not receive postal votes, either within the timeframe to vote or at all. While the volume was significant due to the COVID-19 outbreak, timeframes are set to ensure this provides an ability to receive the ballot. The LGAQ is aware of instances where receipt of postal ballots was significantly delayed, duplicates were received, ballots were never received. These instances occurred despite applicants receiving receipts on application.

These failures have lasting impacts. The perception of a fair election and the underlying sentiment of the community regarding their ability to exercise their democratic right or candidates who have doubts that the result reflected the community intent, especially where candidates were separated by only a few votes, can create ongoing and real challenges for both the successful candidate and community confidence in the elected council. This can be even more exacerbated in smaller rural communities.

Scrutineer value not understood in the election planning

Not allowing scrutineers to be part of the count at each booth on the night was of serious concern. Scrutineers play a valuable role within the ecosystem of an election. Their presence underpins the integrity of the election and the vote count and practically, they provide an important support mechanism to the Returning Officer.

The exclusion of scrutineers from being physically allowed in the counting area lacked transparency. Ballot paper scrutiny, i.e. management of ballot papers as well as the appropriate counting of ballots, is one of the cornerstones of electoral democracy and there appeared no consideration was given by some Returning Officers to put in place a system, albeit COVID-19 impacted, to ensure ballot papers were visible and able to be supervised from a distance. Scrutineer supervision is essential to unpin the integrity of the democratic vote.

The decision to limit the opportunity for scrutineers to be engaged on the night compounded the technology failures in the publication of results. It meant there was no alternative vehicle to communicate results to candidates and other impacted stakeholders on the night. The ECQ's inability to publish results online on the night meant the public, media and other stakeholders were left without a primary avenue to be informed. Without a secondary information option through the scrutineer process, the resulted in a highly embarrassing and disappointing outcome for all.

For the LGAQ, the election night offers a unique community engagement opportunity for the sector and, while not a primary consideration, is a valuable secondary benefit that was lost during this election.

The ECQ website was not user-friendly

Problems with the ECQ website were experienced early (e.g. during the candidate nomination process) but were specifically notable on election night with its failure to upload any meaningful results.

This persisted throughout the count process as it was not regularly updated and was not easy to navigate. This presented significant problems and should have been pilot tested as a user interface well prior to the election.

The ECQ website is a primary data source for many. The navigation and home pages are key information sources before, during and after the elections. The lack of simple and clear links to relevant pages from the home page, simple navigation and functionality to enable review of results, and some basic analysis of results provided a frustrating user experience again undermining confidence in the election. Again, while not the primary objective, it also lost an

important secondary objective of the LGAQ to provide a focus on an important level of government and give due attention to the system that supports it.

Failure to provide results on election night

On the night of the election the ECQ website was not kept up to date with vote counting data, which resulted in the public and candidates not having timely access to election results. This was despite the results being provided by Returning Officers in many instances. This repeated the 2016 local government election experience and cannot be excused due to the impact of COVID-19.

It is apparent there was some type of ICT issue causing the delay of publishing election results and it is recommended that more comprehensive testing of the ICT systems is required prior to polling day.

It became obvious no thought had be given to preparing an alternative communication strategy able to be implemented in the instance of technical failure. Given the ECQ's difficulties in publishing results in 2016, this was an obvious risk management strategy that should have been identified and developed by the ECQ. Communication strategies needed to be better planned to provide guidance as challenges unfold. The lag in communicating the issue (technology failure), inconsistent messaging and the lack of centralised communications created even larger frustrations than were being understandably experienced due to the technology failures.

Booth by Booth results were also not available on the night, and in fact were only released fully by the ECQ as late as 12 May 2020. The conduct of elections and the use of technology is not a unique function of this election, there are no excuses for more reliable applications and delivery.

Failure to provide updated counts on the centralised website following election night

After polling day the counting of the votes was delayed and the updating of results on ECQ's website was not timely.   There was a delay between when returning officers advised candidates that divisions had been declared, when councils were notified, and advice being published on the ECQ website.

With technology available today 'live' preliminary results are a reasonable expectation, including results for each polling booth.

Inconsistencies in the counting processes used by Returning Officers

In the days following the elections there were a range of different approaches undertaken by Returning Officers to the counting of mayoral and councillor ballots, pre-poll votes and postal votes. The timing and allocation of preferences where applicable also varied or appeared to vary.

These varying approaches and timing dragged out the declaration of some results and added to confusion stemming from the failures with the ECQ results website.

There did not appear to be appropriate prioritisation of vote counting for the Mayoral role. Given the need to create confidence in the community around the Mayoral position in a COVID-19 environment, where it was clear that an incumbent mayor was to be returned, this counting should have occurred with priority. Likewise, all mayoral positions should be treated with priority acknowledging the community interest and respect that should be given to this community leadership position.

Again, this shows the ECQ's inability to identify and consider the wider eco-system in which it is operating and the role its decisions play in creating certainty within communities, levels of government and, in the COVID-19 environment, in disaster management situations.

Clear, consistent processes need to be developed, clear consistent communications to all relevant stakeholders need to be planned for and a comprehensive training program for local Returning Officers needs to be implemented to ensure the counting process is improved going

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 No 024

forward. Recommendations 60 and 61 in the *Soorley Report* remain relevant; to give increased pre-poll and postal voting would have provided more clarity on election about the outcome of some council areas.

Confusion over who was to complete and distribute the Notice of Election Result

Some councils reported that the Returning Officer issued the initial Mayor and Divisional/Councillor results, however it was then advised that this would come from ECQ. This then took several more days to receive these Notices.

Supporting analysis:

The following data provides some supporting evidence to the above statements received from member councils and candidates.

- Almost 60% of candidates who responded to the LGAQ's election survey rated the ECQ website functionality and user experience as "poor" or "very poor" with only 6% indicating very high satisfaction.
- Almost 60% of candidates who responded to the LGAQ's election survey indicated the process to declare results was "poor" or "very poor".
- 55% of candidates who responded the LGAQ's election survey rated the ECQ's management of the publication of results as "poor" or "very poor".
- 48% of candidates who responded to the LGAQ's election survey disapproved of how notification of results was managed by the ECQ, with 30% rating it "very poor" and "18% poor".
- 38.53% of candidates who responded to the LGAQ's election survey were highly critical of the lack of access for scrutineers to watch ballot counting on election night. It should be noted in a modern democracy these check and balances should be more highly respected.
- 30% of candidates who responded to the LGAQ's election survey rated the process of vote counting as "poor" or "very poor".
- Only 14% of candidates who responded to the LGAQ's election survey who responded to the LGAQ election survey rated the speed of counting as "very good". One third rated it as "poor" or "very poor".

Council CEOs were even more critical of the counting and publication process, with the following dissatisfaction ratings (poor or very poor):

- *80.77% dissatisfied with process of counting*
- *80.76% dissatisfied with the speed of count*
- *80.77% dissatisfied with website functionality*
- *92.3% dissatisfied with time taken to declare results*
- *73.08% dissatisfied with the publishing of results.*

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 No 024

Part C: Summary of Candidate and Council Feedback

Part C provides a summary of views received from the members survey.

Engagement and communications

- Not enough delivery methods to get advice into community.
- May voters still had unanswered questions up to and prior to polling day.
- Communication from ECQ was left to the last possible moment to inform public
- Voters expressed inability to contact ECQ when they had questions or clarifications.
- More information and communication should have been given prior to the election regarding the voting process and what community should expect.
- Directives from ECQ were consistently misinterpreted by the local returning officers who had to be pressed or have someone go over their head to get clarification. Clarifications, time and again, proved the first interpretation of the local returning officer to be incorrect. Once clarified the directives were then carried out but this undermined confidence and relationships locally.
- Signage regulations were all over the place and very confusing especially on election day.
- Members of the public did not understand ECQ were responsible for the election and not Councils. Councils received a huge amount of correspondence that should have gone to ECQ.
- Communication from ECQ to candidates or the general public was comprised of a series of mixed messages and confusing clarifications throughout the election period.

Billing of councils for ECQ services

- Many regional areas advised there were too many polling stations for number of voters, causing excessive and unnecessary cost to local authorities. Greater respect for local knowledge is needed.
- ECQ failed to listen or take advice on number of booths required. With Councils ultimately forced to wear the bill this continues to strengthen requests for more local control on key decisions.
- The overall performance did not do credit to the *Soorley Review*. It seems this report was not taken seriously.
- Adding extra early voting with limited to no advertising was a total waste of time and money. It is worth noting the LGAQ sought to support this decision and funded additional advertising to inform communities over its social channels.
- The State Government should waive all or part of the ECQ fee. The costs to Councils went up by about 80% and the poor service from 2016 went down (if that was possible).
- Performance was disappointing given the significant increase in cost for the conduct of the election.

Returning Officers

- ECQ and Returning Officers gave contradictory information in many councils which added to confusion.
- Most returning officers were reported as satisfactory to deal with but appeared to have problems understanding some of the changed policies or rules being handed down by ECQ.
- Many were acknowledged for their performance in very difficult circumstances and it was felt they were not provided with the support necessary or the clarity to ensure the consistency that was needed.

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 No 024

Polling booth staffing

- Appropriate numbers of booth staffing provided at most locations.
- Incorrect directions were given by polling booth staff to voters regarding OPV for Mayoral ballots in some locations. These fundamental directions and understanding of the vote are critical to achieving confidence in the result.
- Inconsistent advice given by polling booth staff on election day.

Polling booths locations

- Polling booth locations were not updated on the ECQ website, until too late.
- Early voting centres were in inconvenient locations that were not suitable for the required use and advices from council were disregarded.
- Not enough information made publicly known on other voting options with COVID-19 concerns for indigenous and elderly voters. Cultural awareness was lacking.
- Pre-Poll was advertised state-wide as commencing 2 weeks prior but in remote locations was reduced to 1 week without any public advertising to notify electors.

How to Vote Cards

- The handing out how to vote card information was incredibly messy
- The requirements placed by ECQ on candidates made it feel like the State were supporting a form of CPV.
- Many candidates believe ECQ misinterpreted the definition of the How To Vote card under the Local Government Electoral Act.
- New rules or newly interpreted rules meant intended How to Vote cards were just election material for several candidates. The differences or implications were not appropriately explained by ECQ.

Voting methods: pre-poll, postal, phone and attendance voting

- Some voters in full postal areas were not aware of their voting method due to a lack of communication.
- Postal votes were not received on time by several applicants right across the State.
- Telephone voting was overwhelmed with long delays. Many voters gave up and simply did not vote.
- Lack of communication over cancellation of institution voting.

Voting systems: First Past the Post, Optional Preferential Voting

- Voting systems were poorly explained by ECQ staff
- There is a glaring need for better communication of optional preferential voting
- The mayoral vote was optional preferential voting, but polling booth workers weren't following the ECQ handbook on how to communicate that to the voters. 'Simply mark 1' was the common instruction communicated.
- There was a lot of confusion about OPV for Mayor, and insufficient communications given it was the first time this had been the process for the Mayoral vote

Technology/website functionality, not related to the count or publication of votes

- Remarkably slow
- Website took too long to update and was inaccurate and unreliable at times
- The election results were not updated in a timely manner with a ridiculous unfriendly user platform.
- After poll counting incredibly slow. Counts were incorrectly displayed on the ECQ website without explanation to candidates or an apology

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 No 024

- ECQ website was a major disappointment in terms of the timeliness of the information, including the systems issues encountered on election night.
  Updates to the count seemed to be very slow and in some instances the numbers reverted to previous counts. There seemed to be a major time lag in getting the progress count information posted to the website.
- The website failure is the most catastrophic failure of ECQ's performance during the 2020 quadrennial election which coloured the perception of the handling of the election.

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 No 024

Appendix: Direct Council Comments Received by LGAQ

ECQ engagement and communications with councils and the public prior/during the election:

- *This Council had good communication with the Electoral Commissioner and Deputy Electoral Commissioner prior to the Poll, with consultation being conducted and enquiries being responded to promptly. Council also participated in an interview conducted by Nous on behalf of ECQ to collect feedback on ECQ's performance prior to the conduct of the Poll and assist with the preparation of the Election evaluation report.*
- *With respect to complaints by members of the public during the Election, Council experienced ambiguity regarding responsibility for handling such complaints, which would normally be in the remit of ECQ.*
- *Information provided on ECQ's website, including fact sheets was comprehensive.*
- *Seemingly lack of communication to region by ECQ or delegate on how voting would operate and who needed to vote on the day.*
- *Council had to take on the role of providing communication to its residents to clear confusion*
- *Lack of engagement and communication with Council in the lead up to the poll and during. This was evidenced particularly with the uncertainty on if the elections would proceed and what they would look like in the event they proceeded. Acknowledging that the uncertainty arose considering the current global crisis, however the uncertainty was only appeased through communication from DLGRMA and LGAQ not communication delivered through ECQ.*
- *Very few electors understand that ECQ conduct the elections and that Council is not involved. This is despite all council multi-media content directing voters to ECQ.*
- *Both Council and existing Councillors received extensive criticism from the community about the conduct of the election, no matter how many times we publicised that the election was being run by ECQ. We received all the criticism for the conduct of the election without having any control over the conduct of the election.*
- *ECQ provide no localised information to electors so Council has no option but to step in to fill the communication gap which tends to blur the areas of responsibility further. Despite clearly stating every time that ECQ are the responsible agency and all enquiries must be directed to them, Council still receives numerous enquiries and complaints.*
- *The only communication ECQ issue is the elector card and information regarding the methods of voting. Electors are expected to source all other relevant 'local' information by going to the ECQ website which is not the most user friendly to navigate.*
- *It is suggested there needs to be an agreed communication plan or agreement between ECQ and local government clearly outlining responsibilities for engagement with the community (who does what and when).*
- *ECQ should undertake further awareness campaigning to encourage voters to update their addresses and/or enrol to vote to ensure they are voting in the local government area they are residing in*
- *Further information needs to be provided during local government elections in order to educate the public on where they can cast their vote if they are not in the local government area at the time of the election*
- *Council would encourage promotion to senior school students encouraging them to enrol to vote early, thereby already being on the electoral roll when an election is declared*
- *This election, Council experienced a very low rate of return of votes (65.42%). Council is unsure if voters were expecting postal votes due to the lack of publicity in our area from the ECQ that it had changed from full postal to attendance voting (Council had applied to conduct the election by full postal but this was not approved by the Minister).*
- *There was insufficient advertising in our region by the ECQ promoting to voters that, after 3 local government elections by full postal voting, this time the voting process had changed to attendance ballot.*
  - *Council had advertised, at its own expense, advising the community that voting had been changed to attendance voting.*

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 No 024

- *Council was disappointed that there was no substantive attempt from the ECQ / Returning Officer to engage with Council prior and after the election.*
- *The successful candidates also reported that they did not receive regular correspondence / updates after the election.*
- *When communication was received by one candidate, he observed that because of the way that the email was sent, his personal email account was disclosed to other people involved in the election (ECQ should have bcc'd the candidates, to preserve his privacy and that of other candidates).*
- *When candidates sought clarification of issues, ECQ staff appeared restricted on the level of information they could provide, referring the candidate to the handbook, which required interpretation.*
- *The feedback from the successful candidates indicated that the ECQ website was difficult to navigate and were uncertain of the status of their nomination, receiving contradictory messages about their nominations.*
- *Successful candidates also advised of contradictory messages. For example: candidates told to remove signage within vicinity of election office: no branded material or hand outs were permitted, however, when Candidates drew the ECQ's attention to other candidate's signage and election material, it was descried as a 'grey area' and no action was taken, despite contradicting the earlier advice.*
- *Council was not advised of problems encountered with posting the election results onto the ECQ website, with the figures provided to candidates failing to match the results published on the ECQ website (Candidates had little faith in the ECQ figures being published, believing that the published results did not reflect the official count).*
- *The results posted to the ECQ website on the night of the election were not updated until the afternoon of Wednesday 1 April 2020 (4:54pm) - four days later*
- *The Manager Customer Services advised that between the Monday following the election (30 March 2020) and close of business Tuesday (31 March 2020), the Council has received almost 100 calls from people wanting election results as they did not believe the ECQ website had been updated or was accurate. It was also apparent that many residents believed that Council was responsible for conducting the election and were dissatisfied with the way it was conducted.*
- *Council recommends that the LGAQ develop a Memorandum of Understanding with the ECQ to ensure a reasonable level of communication is provided to the local government.*
- *Council recommends that the ECQ:*
  - *consider candidates' privacy when sending bulk emails.*
  - *Provide clear and concise responses to candidates when responding to candidate's queries.*
  - *Redesign its website to make it easier to navigate.*
  - *Provide clear instructions for printed election material and signs.*
  - *Ensures that the results posted to the ECQ website are accurate and updated frequently and regularly.*
- *Elections are the cornerstone of democratic governance and political stability. Through elections, governments obtain their democratic mandate and are held accountable for their performance in office. Council's reputation may be damaged as the result of ECQ's performance as many in the community are not aware of the nuanced relationship between Council and the ECQ.*
- *There was no contact made by the Returning Officer to Council or Council's Chief Executive Officer directly. Open lines of communication could have rectified some of the issues raised by Members of the Public directly to Council in a timely manner.*
- *Council received several complaints from Members of the Public who allege that they had attempted to contact ECQ but were not able to get through on the general line.*
- *ECQ engagement and communication with Council in the lead up to the poll was adequate however from the commencement of the election proper starting with the receipt of nominations, the quality of communication with Council diminished rapidly.*

Probably not intentionally just a matter of resourcing, skills, technology and time management.

o *Nevertheless, on a local front regular engagement and communication was held between the Returning Officer and Council's Group Manager Corporate Governance throughout the entire election process, both formally and informally. This engagement commenced shortly after the appointment of the Returning Officer and continued throughout the election process. The communication channels between the two were always open. The relationship between the Returning Officer and Group Manager Corporate Governance was and remains very positive.*

Billing of councils for ECQ services:

- *The estimated cost of the 2020 Election was significantly higher than in previous elections and the cost increase being passed on to Council was not commensurate with the resources that were required to service the local government electoral needs of this city.*

o *Council also has concerns that additional costs that may be incurred by ECQ for running the 2020 Election as a result of COVID-19 restrictions will be passed on to Councils. Whilst Council understands that the COVID-19 pandemic may have caused logistical issues for ECQ in the operation and finalisation of the local government elections throughout Queensland, however due to our position on the disproportionate cost estimate for this city, it is Council's expectation that the actual cost to Council should not be any greater than previously advised.*

- *Costs have increased exponentially from 2016 to 2020 (in my Council's case, from $180,000 to $378,000) but the level of service has gone down. That is essentially the problem with monopoly servicing/pricing. There is no accountability for performance or price because Councils have no choice about who they use.*

o *An alternative would be to establish a list of Pre-qualified Suppliers who could undertake the election on Council's behalf. These are individuals or firms who could conduct the election to the required standard (pre-approved by ECQ) and councils could choose to seek quotes from anyone on that list of suppliers or could use ECQ. This would bring some competitive tension into both the quality of the service and the price.*

- *Council is unsure of the cost to be billed and do not see value for money for the estimated $236,000 for this service and Council is unsure how the ECQ will treat the uncontested elections, i.e. will some rebate be given, having regard to the reduced scope of the election activity (acknowledging that additional opening hours were required for extended prepoll).*

o *Council recommends that legislation be changed to allowed it to call tenders for the provision of election services, in accordance with the sound contracting principles identified in the Local Government Act 2009.*

- *Council must (see section 104 of the Local Government Act 2009) seek value for money and promote open and effective competition when purchasing, but Council does not see these principles when paying for election services from ECQ.*

- *There have been some conversations in regard to the costs of the elections. It is Council's opinion that we would be able to conduct our own election at a lesser cost and that each Council should be allowed to decide who runs the election on their behalf. This would be done by resolution in suitable timeframe to allow for a tender process, should the decision be to outsource the elections, and ECQ would be requested to compete for the business along with any other contactor.*

- *'It's not the people but the process' – it is challenging being billed for a service that we have little to no involvement in or ability to direct - especially in the process post the election – i.e. the speed at which outcomes were achieved both at RO level and higher.*

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 No 024

- *Council has not yet received an account for ECQ services for conducting this poll however a cost estimate was received in late 2019. Council is of the view that it could conduct the poll ourselves significantly cheaper than the ECQ and use those additional funds for much needed community services and facilities.*

Returning Officers:

- *Council did request notification of details of returning officers prior to the Election and this information was received but later than what had been committed to.*
- *The local Returning Officer seemed to handle things reasonably well, noting this was their first experience as a Returning Officer*
- *While the Returning Officer (RO) was appointed in November, our experience was that we had to chase the RO to arrange a meeting to discuss the upcoming election. They were reluctant to do so resulting in the first meeting not occurring until 18 February which was too late to address our concerns with challenges presented by the alternative early voting venues leased by ECQ.*
  - *It is extremely important that there is a close relationship between the Council and the RO (which we did eventually achieve as the election proceeded).*
  - *RO's should be required to contact the CEO at least to meet and have initial discussions within 2 weeks of their engagement by ECQ.*
- *Returning Officer & Booth Staff – did an excellent job.*
- *Council wishes to acknowledge the efforts and knowledge of the local RO in undertaking her responsibilities*
- *Our candidates have nothing but praise for the wonderful job our Returning Officer did especially in supporting candidates through the flood event which ran parallel to the election*
  - *He went above and beyond in supporting and assisting candidates and we would have him back as our Returning Officer anytime.*
- *Several incidents occurred during the election process that the Returning Officer / ECQ failed to investigate or take action to prevent:*
  - *The emailed complaint from one candidate to the ECQ on 18 March 2020 at 8:18 am seeking action to address the bullying behaviour and misinformation distributed by other candidates is to date, still not acknowledged and remains unanswered.*
  - *Another candidate complained about other candidates pushing her when attempting to put up a poster and the defacement of election, again no acknowledgement or response to this complaint has been received from the ECQ.*
  - *No candidates disclosed their nomination as part as a team or group, however, media reports quoted candidates working as being part of a team / group raised suspicions that they deliberately hid their association, contrary to the legislation. To Council's knowledge, no investigation of this matter has been initiated.*
  - *It has been alleged that certain candidates received funding from a prohibited donor (property developer) that has not been disclosed.*
  - *The Council acknowledge that the election must have rules for candidates but believe that (on the basis of observed behaviour and actions) the ECQ should apply the rules uniformly and be fair to everyone: Honest candidates complied with the ECQ requirements, but others did not.*
  - *It is also noted that the Independent Council Election Observer was established to promote truth and accuracy in campaigning in the lead up to the elections (so the voting public can be more confident they have not been misled by fake news and false information before casting their vote) was overwhelmed by the number of complaints made to it and unable to receive requests from 23 March*

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 No 024

2020 – almost a week before the elections. (it should be noted that this was funded by the LGAQ to support improved candidate behaviour in the election process)

- o *Council recommends that the ECQ impose and enforce a code of conduct on all candidates.*
- o *Council recommends that an independent referee (Independent Council Election Observer) be appointed and adequately resourced to quickly verify statements and responds to defamatory statements from other candidates.*
- o *Council recommends that the counting of votes be given a higher priority and greater sense of urgency.*
- *Initial engagement by the ECQ returning officer was regular and consistent to allow Council to adequately prepare. However in my view, ECQ did not communicate well for a number of months between November and January where they had a changeover of returning officer. The newly appointed returning officer seemed to have little to no information transferred from the previous RO. This made the process more Council resource hungry to assist the RO. The appointed RO seemed to have to 'learn on the job'.*
- *Council would like to make mention of our Returning Officer who successfully resolved many very difficult issues. Without his competent and resourceful input, it is difficult to imagine how a compliant and ultimately successful election process would have occurred in this region.*
- *The Returning Officer was having trouble communicating information through to Candidates such as amount of signs allowed, placements, etc.*
- *The Returning Officer would have benefited from further assistance when Candidates refused to comply with requests e.g. handing out of How to Vote Cards still being given out after they were advised to cease.*
- *Council had no input into this matter, however each local government has its own nuances. Input from the local government in this area should have been sought prior to and during the election period.*

Polling booth staffing:

- *The RO indicated they had difficulties in sourcing sufficient staff and particularly experienced staff. They left it late to recruit staff.*
  - o *Council endeavoured to assist ECQ with recruitment by distributing information to its staff. Few took up the offer possibly as there is now less experienced staff in local government as it has been many years since local government had responsibility for conducting the elections.*
  - o *The RO was unable to open all proposed booths as there were not sufficient staff to be able to open two of the smaller booths.*
- *They handled the sometimes large group of voters very efficiently in that it was well set out, they often cleaned rails and things people touched on account of COVID-19*
- *Monitoring and action taken for Candidates who do not follow the rules and guidelines specifically regarding petitioning people – leaving this to the Returning Officer is stretching resources*

Polling booths:

- *ECQ was very responsive to make necessary adjustments at polling booths to ensure that COVID-19 restrictions were adhered to, including not permitting candidate workers and the distribution of how to vote cards, and allowing how to vote signs to be used instead.*
  - *ECQ failed to re-engage with council when they found they could not hire the recommended venues for early voting, RO offices and polling day.*

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 No 024

- ○ *ECQ leased premises (early voting & RO Office) for an extended period of 12 months as that was the only term the property owner would accept. They took these terms on the basis it would cover the local government and then the upcoming State elections in October yet there was absolutely no consultation with Council. Council will be robustly opposing any proposal for Council to bear the costs associated with this arrangement.*
- ○ *The use of less than satisfactory premises also resulted in Council being on the receiving end of community complaints and Council having to step in at short notice to try and source alternatives and/or implement temporary parking controls and the like. The early polling booth selected by the RO was a small empty shop at the back of a small neighbourhood shopping facility that had a lack of parking and poor access.*
- ○ *Most people in the community do not differentiate as to who runs the election – it is a Council election so most assume that all decisions about the election are made by Council. Council (and incumbent Councillors) received significant criticism for the selection of the pre-polling locations even though it was a decision of the RO.*
- ○ *ECQ should be required to go back to the local government if they cannot source the recommended venues (or do not agree with Council's suggestions) to discuss alternatives or any challenges/concerns.*
- *The pre-poll location was not suitable. Specifically, because there was a small corner which was considered "prime real estate" to candidates. It was the only place that you could stand and see voters coming from both directions. It created a bottle neck of candidates handing flyers out to voters which may not have felt pleasant to voters to have to walk through.*
- *I felt the ECQ could have given better education to disabled or elderly requiring special assistance about how they can skip the que and be escorted in. There was a sign, but I feel like it was not enough as most people did not know the option existed and it relied on candidates to tell them about it.*
- *Extremely hard for elderly members of the community to access a polling booth. Long walk with an incline, again this year I have been contact by members of the community raising concerns over access. I have raised this matter for the past two elections as requested by the community members who have struggled with it.*
- *Behaviour at Pre-poll booths became an issue because the Returning Officer failed to enforce the rules of behaviour at the Polling Booths, Council believe that action should have been taken to stop candidates encroaching in to the 6 metre exclusion area at the entrance to the polling place and the slanderous statement/materials aimed at existing councillors, council staff and other candidates.*
  - ○ *The entrance to some polling places changed, without adequate signage, resulting in elector confusion – unsure of where the polling place was. Many did not vote as a result.*
  - ○ *Failure to regulate or control the signage positions around voting and pre-poll booths resulted in an increased level of bullying and poor behaviour displayed by some candidates who used force and bullying tactics to take prime positions for their signage.*
  - ○ *It is recommended that where changes occur to polling places (including entries), the ECQ provide adequate signage to direct electors.*
  - ○ *It is recommended that the ECQ take greater responsibility to ensure that candidate behaviour is regulated and complies with minimum standards of behaviour.*
- *Incorrect and inconsistent information on Electoral Commission Queensland Website and other media outlets and social media regarding pre-polling hours of operation*
- *Communication of changes to hours of operation for pre-polling e.g. when hours were extended to late nights and to include Saturdays this was not communicated*
- *Inconsistency across the pre-polling locations for hours and days of operation*

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 No 024

- *Multiple sites for pre-polling caused confusion amongst members of the public and Candidates*

How to Vote Cards:

- *The display of candidate how to vote cards inside the booth appeared to work well although fixing needs to be such that the cards cannot be removed.*
  o *Display of signage at polling venues is always problematic especially since many property managers are not permitting the erection of signs by a stake in the ground because of damage to their grounds/landscaping.*
- *I was happy when they sent all the candidate's home and indicated they would hang inside the polling booths BOTH the HTV's and if you didn't have a HTV, they would hang your election material.*
- *I was not impressed that in order to have an "approved" how to vote card, and therefore get a place on their website, I was told I would need to indicate preferences on the material. Simply asking people to place a 1 in the box and then choose their own preference is not considered an HTV card by ECQ, it's only "election material". This encouraged candidates to write in preferences, even where they did not want to, this is what another candidate did who was contesting the same division as me.*
  o *Choosing NOT to do this and therefore not have a place on the ECQ website was a risk to me as a candidate, when both other candidates did indicate preferences, turned out to be even riskier to me given the nature of the elections and the fact that we were only allowed to be present for the first week of pre polling. I felt that a larger number of people were postal voting than usual and would have went to the ECQ website to look at the HTV cards, and I was disadvantaged by not being there.*
- *My main concern was the ECQs interpretation of a 'How to Vote Card' (HTV) under Schedule 2 of the Local Government Electoral Act 2011. See (a)(ii) "lists the names of any or all of the candidates for the election with a number indicating an order of preference against the names of any or all of the candidates". The ECQ appeared to selectively interpret the HTV as a requirement to list preferences. The LG election was option preferential not compulsory preferential. As a consequence, unless a candidate preferenced other candidates the ECQ concluded that you did not have a HTV card and refused to register your card as a HTV. Instead it was characterised as 'election material'.*
  o *The reality is that 'election material' is anything that intends to influence a voter at an election.*
- *Failure to regulate or control the signage positions around voting and pre-poll booths resulted in an increased level of bullying and poor behaviour displayed by some candidates who used force and bullying tactics to take prime positions for their signage.*
  o *Further, conflicting information about election material issued by the ECQ caused confusion as to what was acceptable.*
  o *It is recommended that the ECQ provide consistent advice to candidates on 'how to vote cards' and other electoral material.*
- *The removal of handing out how to vote cards and the extended voting period over the two weeks seems to be have been well received. Given this type of model in future an extended period of voting could be undertaken with the poll closing at midday on the date of election – counting could be undertaken, and a result could be achieved very quickly in this process.*
- *Communication issue between the polling booth staff and the returning officer. Candidates were told conflicting information by different members of the team with no single source of truth e.g. initially notified they were only allowed to have 1 x sign per candidate, but some had up to 20 signs.*

- *Inconsistency on information distributed regarding the handing out of How to Vote cards and whether they could or not.*
- *Lack of communication to members of the public that How to Vote Cards would not be handed out – many members of the public relied on getting these to educate themselves when going to vote.*
- *Lack of communication to Candidates that How to Vote Cards would not be permitted which if communicated prior Candidates would have had an opportunity to brainstorm different ways to advertise / promote themselves in advance.*
- *Conflicting information regarding How to Vote Card Information – initially advised needed a statutory declaration lodged directly with the Returning Officer which was incorrect. This incorrect information caused delay in Candidates having election material ready in time for the election.*
- *There was significant confusion regarding the design of How to Vote cards, election material and what was allowed with respect to optional preferential versus compulsory preferential voting. The direction from ECQ staff differed from officer to officer or was inconsistent and in some cases appeared to be in conflict to State legislation.*
  - *It was Council who suggested to the Returning Officer to display how to vote cards rather than handing them out. This was the result of both the behaviour of the candidates and the effects of COVID-19. The result was a much better overall experience for the voters who were not approached by candidates and their helpers when exercising their democratic right to vote. It would be a great step forward if the system remained in place for future elections.*

Voting methods (pre-poll, postal, phone and attendance voting):

- *Public feedback received indicated that there were significant delays in getting through to ECQ by telephone to make postal vote applications and assisted voting. More staff needed to be available on a contingency basis for the ECQ's contact centre.*
  - *Delays were also experienced by members of the public in receiving postal vote applications within enough time prior to the Poll. To avoid this situation occurring in future it is recommended that ECQ have additional resources available to send and process applications and a longer period to apply for postal votes should be provided.*
- *Confusion within electorate on poll day about absentee voting options (i.e. FIFO workers) and need for more information for voters and promotion on the postal vote option*
  - *This was a lack of communication by ECQ on where and how people could vote and promote the absentee protocols for local government elections (i.e. no absentee voting available)*
  - *For areas with a high level of transient workers, this causes great confusion and frustration, when there is a desire to participate in voting and access to helpful information leading up to the election.*
- *ECQ does not respect the local governments wishes in relation to the period for early voting. In spite of Council's request that early voting be limited to one week, ECQ proceeded with a two-week early voting period.*
  - *There is no evidence that a longer period for early voting improves elector participation levels.*
  - *It is an un-necessary financial impost on ratepayers to meet the cost of venues & staffing; and it is hard for candidates to continue campaigning and sustain rostering at early voting venues. It also reduces the likelihood that community operated venues will be available as early polling venues. Many venues have regular commitments and are unwilling to disrupt their regular clients for an extended period.*
- *Electors are required to complete the ballot paper by no later than 6 pm on polling day yet are given 10 days to return the completed papers. It is far too easy for*

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 No 024

electors to vote 'after the fact" and potentially influence the outcome of the election where there is a very close contest. In our local election, candidate supporters were using social media to urge electors to return ballot papers just mere days before the cut-off date for return of postal votes. The RO indicated that some of the postal votes returned late in the process only contained the ballot paper for the closely contested position.

o   Consideration needs to be given to tightening the requirements around return of postal votes. They should be treated the same as early voting and have a postage date stamp no later than the date of the actual polling day; or be handed in by no later than 6 pm on the polling day. This may necessitate the closing of nominations and closing date for postal vote applications to be bought forward by 1 week.

- The decision to encourage people to attend early voting paid off as Election Day was way down on numbers at the last election.
- Extending hours of pre poll was a good idea.
- The process for voting over the phone was difficult for older people, and there were also many people who could simply not get through who really wanted to vote but did not feel safe leaving their homes.
- Postal votes were too slow to be posted out.
- A number of voters could not vote, for example one voter who intended on being here to vote, so didn't apply for a postal, then for whatever reason got stuck out of town and tried to do a phone vote but was told they didn't mean the criteria. This person had no other way of voting and they felt very upset that their right to vote was taken away because there was no other option for them.
- It was not uncommon for one household resident to receive their voter card but others within the same household did not.
- They should have made the call to not allow candidates / volunteers at the pre poll earlier.
- There should be more of an allowance for phone-based voting – and it should be simpler to register.
- Serious investigation the development of electronic voting at all elections managed by ECQ going forward. It is time all elected persons embraced electronic voting as there is a growing community demand for it.
- A lot of votes did not receive their postal ballot papers in time.
- Council only had one early voting booth for an area of 60,000 km2 with 14 communities.
o   Simply advising that voters are entitled to apply for a postal vote does not provide enough options for voters.
- A 14-day Pre-Poll period was considered too long, with half that period suggested as more than adequate opportunity for pre-polling.
o   Postal Votes should be available earlier and required to be posted or received by COB the day prior to the election day, rather than waiting 10 days after polling.
o   Anecdotal evidence is that many electors who applied for a postal vote did not receive any ECQ election material and are now concerned that they will be fined by the ECQ.
o   It is recommended that the ECQ reduce the time allowed for pre-poll voting to a week (5 business days) and make postal voting available earlier to allow receipt of postal ballots by the close of polls.
- Feedback we received from the community generally was that:
o   telephone voting took a level of perseverance to finally get to the end of the process to cast a vote.
o   Postal voting application deadline was too close to the election in that people who applied for postal votes were still waiting on the paperwork the day before the election.

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 No 024

- *It is acknowledged that the ECQ operations were hampered by the need to conform to the Chief Health Officer's Directions that restricted movement and gatherings, however interminable queuing of callers wishing to telephone vote or to make telephone enquiries of the ECQ also resulted in frustration and a poor voter turnout.*
  - *Again, these difficulties resulted in negative perceptions of Council and a large volume of complaints to our Contact Centre.*
- *Residents raised concerns regarding the difficulty to register or complete their voting via the phone with calls not being answered or being on hold for extended time.*
- *Many residents were still unaware of the ability to register for phone voting and whether they would meet the criteria to make them eligible.*
- *Pre-poll was held at three centres. Observations following the banning of candidates and helpers from the centres are that the centres worked well. Social distancing was practiced and without booth workers the voters were able to vote without interaction.*
- *Postal voting – there seemed to be concern from candidates and voters that it took a very long time for voters to receive their ballot papers. Resourcing this area needs to be closely scrutinised for future. Many postal vote applications come from the elderly sector of the community and the delay in receiving ballot papers caused a great deal of unnecessary angst amongst voters.*
  - *Council requested a full postal ballot. This request was denied by the Minister. We believe Council should be able to determine the method of voting in future elections.*
- *Telephone voting – There was significant delays in accessing telephone voting and several phone calls to Council and candidates from residents frustrated and concerned by these delays. With an ageing community and the added concerns around COVID-19, voters appeared particularly interested in accessing telephone voting and the appeal of this voting option for the aged demographic should be considered for future elections.*

Voting systems (First Past the Post, Optional Preferential Voting):

- *Information provided to the public about voting was sufficient.*
- *Electors are increasingly questioning why electronic voting is not possible. While Council understands the challenges and risks, ECQ needs to do more to explain why this option is not available (at least provide content on their web site and some FAQ's with the information posted to electors).*
- *Many voters have now been exposed to telephone voting and will not understand why it is not available to everyone at every election. If the option is not to be expanded, the reasons for doing so should be included with FAQ sheet posted to electors.*
- *ECQ did not clarify that they were solely responsible for conducting the election, with electors looking to Council for advice on polling locations, results, etc.*
  - *There was little local education about voting methods initiated by the ECQ, Council's customer service officers received hundreds of requests for information because the ECQ was so difficult to contact, or if contacted, failed to respond with helpful information or within a reasonable timeframe.*
  - *Declaration votes were not counted at the polling place that received them but forwarded to the Returning Officer to count, further delaying the results.*
  - *Counting of votes started at 1pm on the Sunday following the election, however, voting in other local government elections commenced at 9am.*
  - *It is recommended that the ECQ treat the counting of votes to establish the result as a priority and each election work to a similar timetable.*
- *Council responded to a significant number of enquiries from the public around the options for voting/ election enquiries. Whilst there was information available on the ECQ website, the community relied upon Council for information as the perception was that Council was responsible. Significant community complaint was received on the*

lack of information on the website and the long delays between information being uploaded.

- *Many adverse comments have been made to Council staff regarding how election workers instructed the voter on how to mark the ballot paper.*
- o *Optional preferential voting was the method of voting for this election. Feedback from voters indicates that polling staff gave conflicting instructions to voters. For future elections where Optional Preferential Voting is the form of voting clear instructions need to be given to the voters and early education with voters would be advisable.*

Technology/website functionality (not related to the counting or publication of results):

- *Problems were experienced by potential candidates nominating on-line and the payment of electoral deposits, finding the ECQ website difficult to navigate. One candidate received a message of "Notification Successful" (or similar), but then notified to provide further information. This was completed again for the same result – notified successful and later requested to provide further information. The candidate attempted to contact ECQ but they did not understand or provide the relevant information. Local ECQ officers referred the candidate back to head office and would not commit to providing information themselves.*
- o *Candidates in the uncontested elections were not advised if other nominations were received, even after the ballot order draw.*
- o *The 1300 number to register for a telephone vote was reported as being constantly busy.*
- o *Notwithstanding the difficulties experienced in navigating the ECQ website and having regard to the problems experienced with delays experienced in counting the votes and publish the results, Council recommends that options for electronic voting be investigated. It is believed that technology like MyGov could be used to streamline the processes, reduce costs and most importantly improve the turnaround time to return election results.*
- *Failings with the online registration process meant that a user had to print out the forms, complete them manually and present personally to the Returning Officer.*
- *During the nomination period, there were so many glitches with the online system and its alignment with the payment of the nomination fees that many candidates were forced to personally present at the ECQ returning office to process their payments.*
- o *In this Council, the glitches in the process resulted in one candidate's name being omitted from the original online publication of the full list of candidates after the close of nominations on 3 March 2020. That error was rectified promptly, however again it left our population bewildered and critical of the process, for which Council (undeservedly) received some of the blame.*
- *It is reported that some reimbursements of candidate fees have been made back to established bank accounts which now cannot be processed.*
- *There has been much reported about the failure of the ECQ website in relaying counting updates. This apparent failure caused a great deal of community concern, resulting in many phone calls to candidates and Council seeking updates. The concern of the ECQ website continues, the displaying elected Councillor's returns. By way of example the site somehow adds expenditure to the funds received, giving the perception on the public view page, that the campaign expenditure is double what the actual expenditure was.*

Attachment – 2016 Submission on Local Government Election Review

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 No 024

LGAQ

LOCAL GOVERNMENT ASSOCIATION
OF QUEENSLAND

16 December 2016

Mr Jim Soorley
Chair
Local Government Elections Review Panel

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.

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.

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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

GREG HALLAM PSM
CHIEF EXECUTIVE OFFICER