

14 May 2020

Mr Peter Russo MP
Chair
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000
Email: lacsc@parliament.qld.gov.au

Dear Mr Russo

Thank you for the opportunity for the Electoral Commission of Queensland (ECQ) to provide a response to submissions to the Legal Affairs and Community Safety Committee's (the Committee) *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*.

Please find enclosed the ECQ's detailed responses to the submissions. Given the time available, the ECQ has focused on the key issues identified by the Committee for response that are within the inquiry's terms of reference. However, please be assured that the ECQ has considered all comments made by submitters and will take this into consideration in its future activities.

I also note that many submissions refer to scenarios directly related to the extraordinary circumstances of the March 2020 elections. As the pandemic escalated throughout the election period, the need to develop and deploy a state-wide response and the dynamic decision-making environment precluded the usual level of stakeholder consultation and engagement that the ECQ would generally undertake so that local impacts are understood. Nevertheless, the ECQ is committed to establishing constructive relationships with stakeholders and community members and will consider ways in which it can enhance its engagement with stakeholders in relation to future electoral events.

In this respect, the ECQ notes the broad-ranging submission from the Local Government Association of Queensland (LGAQ). I note that many matters raised in this submission fall outside the inquiry's term of reference, and those matters which do relate to the election results website and counting process have been addressed in the ECQ's submission and public briefing. Further responses to relevant issues are included in the ECQ's attached response to submissions.

There are, however, some fundamental matters raised by the LGAQ which I will address at the outset. The ECQ has administered local government elections since 2008. This decision was made by the then government on the basis of the need to ensure impartiality, objectivity and transparency in the conduct of local government elections, and to resolve an inherent conflict with council officials conducting elections for their political representatives. At every election since, some local government stakeholders have advocated for a return to locally run elections. This view, which the LGAQ again advances, does not accord with views expressed to the ECQ by a great many local governments, which it engaged with during these elections. While this is a policy matter for government, it is noted that significant law reform has been required in recent years to address transparency, corruption (real and perceived) and conflict of interest matters identified in the local government sector.

The ECQ notes that efficiency and effectiveness arguments are proffered to support locally run elections and reference made to the lower cost of elections prior to 2008. This does not take into account full end-to-end service delivery costs nor the ECQ's role as a regulator which continues before, during and after elections. On this note, I can confirm to the Committee that during the 2020 elections the ECQ was required to investigate a number of matters relating to the conduct of candidates; it is difficult to see how councils themselves could realistically manage this essential part of the electoral system.

In April 2019, every local government was formally advised of estimated costs, and an itemisation of actual costs is currently being prepared for each council. The estimated average cost per elector for the local government elections is \$8.63. This compares favourably with elections in other jurisdictions, including the 2016 Federal election (\$18.28 per elector), the 2014 Victorian election (\$11.32 per elector) and the 2017 Western Australian election (\$11.61 per elector).

Reference to the speed of the count and declarations also require balance and context, taking account of the complexity inherent in delivering local government elections in Queensland. These elections involve 578 mayors and councillors across 77 local governments for a mix of divided and undivided councils. These councils employ different counting methodologies – optional preferential voting and first-past-the-post voting – and with the concurrent conduct of state by-elections, three different counting methodologies were used during the March 2020 elections.

Councils were in caretaker mode for six weeks leading up to the election and, following the successful conduct of the elections, will govern for over 200 weeks. A three-week counting and declaration period, noting the record number of postal votes and social distancing required during counting, is not unreasonable. I can also confirm that prior to election day, the LGAQ advised the ECQ that it would be happy for all results to be declared by the end of April given the extraordinary circumstances. The final declaration was made on 20 April 2020.

Elections are necessarily delivered under a distributed model. Systems are designed and people trained to provide a consistent level of service and largely this is achieved irrespective of the local government area. Returning Officers are vital to the delivery and success of elections. However, they are temporary staff engaged for eight weeks

once every four years. Notwithstanding training and support, errors will be made in applying that training and inconsistency in advice and approaches at times will occur. Returning Officers and all temporary election staff did an outstanding job in extraordinary circumstances both with the COVID-19 response and the use of a new Election Management System. The level of investment in recruitment, training and support for the staff was significantly greater than it ever has been. Mistakes were made and lessons will be learnt. This is the case after every election. The Committee can be assured that staff performed their very difficult roles impartially, transparently, to the best of their ability and because of their efforts, all local governments were reconstituted just over three weeks after election day during a global pandemic.

Following the conclusion of the local government elections, the ECQ is now firmly focused on delivering the State general election, including an effective, functional, secure and user-friendly results website. The finalisation of development of the results website integrated with the new EMS is currently occurring, and will allow automated feed of results to the website and improve the accessibility and availability of election results to the public. The automated system will address many issues identified by stakeholders regarding the updates to election counts on the website, by removing the manual verification and validation process that was required to be implemented for the March 2020 elections.

Key stages in finalisation of the results website are:

- Migration of local government election results data to the EMS results website (April-May)
- Finalise XML data feed specification with stakeholders (April-May)
- Undertake ongoing load and security testing in line with development activities, including testing, analysing and remediating any identified issues (May-September)
- Develop and test XML data feed (May-June)
- Develop and test changes to EMS website (June-July)
- Validate results site against 2020 local government data (July)
- Incorporate stakeholder feedback on XML data feed (July-August)
- Undertake final targeted load and security testing as required (September).

The finalisation of development of the website will be overseen by a new Technical Reference Group that has been established by the ECQ and which will start meeting next week. This group will be chaired by the Queensland Government Chief Digital Officer and will include the Chief Information Officer of the Department of Justice and Attorney-General, the Queensland Government Chief Information Security Officer and senior representatives of the ECQ.

The Technical Reference Group will report to the Election Gateway Project Steering Committee, as part of the existing governance structure established to oversee development of the EMS. The purpose of the group is to provide assurance that both the results website and XML data feed are fit-for-purpose for the delivery of election results that meets the needs of interested parties. The group will also assure that the solution meets performance needs and has appropriate cybersecurity protections in place.

As part of this process, the website will be subjected to rigorous load testing to ensure it is able to perform effectively when accessed by large numbers of people, and penetration and vulnerability testing to ensure there are no identifiable cyber security weaknesses. These tests are undertaken by independent expert agencies on behalf of the ECQ and will occur at multiple stages during the development process. The ECQ is working closely with both the Queensland Government Chief Information Security Office and the Australian Cyber Security Centre to ensure the website adheres with all cyber security requirements and that the integrity and security of the system is assured.

I trust this information is of assistance. Please don't hesitate to contact the ECQ should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Vidgen', is written over the typed name and title.

Pat Vidgen PSM
Electoral Commissioner

Submissions to Legal Affairs and Community Safety Committee’s *Inquiry into the Electoral Commission of Queensland’s online publication of the preliminary and formal counts of votes cast in the local government elections and state by-elections held on 28 March 2020*

The Electoral Commission of Queensland’s (ECQ) responses to issues raised in public submissions to the above inquiry are detailed below. The ECQ has considered all issues raised in submissions, but has provided detailed responses only to issues raised within the scope of the current inquiry.

Submission	ECQ response
1. Whitsunday Regional Council	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Timing and publication of results on website. • Variation in published results and results provided to candidates. • Regularity of updates to results website. • Public confusion about responsibility for conduct of election. • Progress of vote counting. • Timing of declaration of uncontested positions and advice on declarations to the Council. 	<p>The ECQ accepts that the delay in publishing results on election night is unacceptable. The delay was due to issues with the data feed to the website from results reported from Returning Officers. This did not affect the progress or integrity of the count being undertaken in individual councils under the direction of the responsible Returning Officer or Polling Booth supervisor.</p> <p>ECQ staff continued to count votes every day from election night onwards, excluding Good Friday, and the declaration of individual elections was the ECQ’s highest priority. The ECQ implemented additional verification and validation processes prior to public release of data, and results data was updated based on results reported from Returning Officers. However, the upload of additional data for individual elections was dependent on the progress of vote counting and reporting of results for individual council areas.</p> <p>At the 2020 local government elections, there were 46 uncontested mayoral and councillor positions, meaning only one candidate had nominated for election and was therefore elected unopposed. All uncontested positions, including the Mayor of Whitsunday Regional Council, were formally declared by the ECQ on 30 March 2020, the first business day after election day. The CEOs of councils with uncontested elections, including the CEO of the Whitsunday Regional Council were informed by email of the declarations on 31 March 2020. The final declaration of elections for the Whitsunday Regional Council were made on Tuesday, 14 April 2020.</p>
2. Mackay Regional Council	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Availability of data on election night and the following day. • Publication of count updates to website. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>The ECQ implemented additional verification and validation processes prior to public release of data following election night, and results data was updated based on results reported from Returning Officers. However, the</p>

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Submission	ECQ response
<ul style="list-style-type: none"> Challenges with staff manually sending local data to ECQ head office to be uploaded. Timing of declarations, particularly when minimal number of votes were being assessed. 	<p>upload of additional data for individual elections was dependent on the progress of vote counting and reporting of results for individual council areas.</p> <p>Declarations of results in individual elections are made once a result is mathematically certain. In some cases, it was necessary to await the return of postal votes (by the statutory deadline of 7 April 2020) in order to determine the outcome of the elections. Notices formally declaring election outcomes were posted to the ECQ website as soon as possible after the declaration (usually the same day or the day following the declaration). The notices formally declaring the elections of all 578 mayors and councillors in the local government elections are available on the ECQ website.</p>
<p>Expressed concern regarding increase in costs of elections from 2016 elections to 2020 elections.</p>	<p>For the 2020 local government elections, the ECQ undertook a review of costs of conducting the elections and provided cost estimates to each council in 2019. The costs of the 2020 elections differ from the 2016 elections for a number of reasons, including the Queensland Government subsidy for the concurrent conduct of a referendum in 2016, and the substantial operational improvements (e.g. remuneration review and additional training for temporary election staff) implemented following the 2016 elections.</p> <p>The ECQ endeavours to minimise costs and work with individual councils to identify savings at the local level wherever possible in acknowledgement that it must by law recover the costs of conducting the elections from the local government (refer section 202 of the <i>Local Government Electoral Act 2011</i>).</p>
<p>3. Lynne Hackwood</p>	
<p>Provides background to the Election Gateway Project (EGP) including:</p> <ul style="list-style-type: none"> Impacts of changes to legislation passed in November 2019. Results website capability issues, alternative options and solutions. Learnings from the experience. 	<p>The ECQ notes the submission from the Special Advisor to the Election Gateway Project (EGP) Steering Committee. During 2019, the EGP Steering Committee directed a change in delivery strategy to a prioritised, phased approach to mitigate risks including the impact of timing of the legislative amendments.</p> <p>The testing outcomes of the EMS website gave low confidence that the results website would perform as required on election night for the 2020 elections. Therefore, a risk-based decision was made by the ECQ and advised to supplier, Konnech, on 23 March 2020 and the EGP Steering Committee on 24 March 2020. The ECQ proceeded with final development of the (in progress) ECQ backup site for use on election night due to the results from the load testing representing a risk that did not look to be sufficiently reduceable within available timeframes and resources.</p>

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Submission	ECQ response
	<p>The results presentation website was an internal ECQ initiative that commenced early in March 2020 as a possible backup solution should the EMS results website not be available for use. Unlike the EMS results website, which is an integrated component of the EMS, the ECQ results website is a standalone environment.</p>
<p>4. Paul Gleeson</p>	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Pre-polling and postal voting. • Absence of scrutineers. • Communication of results. 	<p>Some matters raised in the submission are out of scope for this inquiry, however the ECQ notes the issues raised.</p> <p>The ECQ acknowledges Mr Gleeson’s views regarding the prohibition of scrutineers from the preliminary count on election night. The ECQ ultimately made the decision regarding scrutineers in the interests of ensuring public health and safety during the extraordinary circumstances of the COVID-19 global pandemic.</p> <p>As the issues relating to the publication of results were identified, the ECQ proactively issued a number of communications to key stakeholders to ensure they were aware of the status of publication of results and to provide regular updates on progress. This included telephone contact with representatives of registered political parties, email communications to candidates and political parties to advise of the issue and subsequent rectification, regular liaison with media outlets, updates posted to the ECQ website and social media.</p> <p>A number of follow-up communications were put in place on Sunday, 29 March and beyond, primarily through social media, media releases and an online daily update to provide regular summary information on the progress of the counts. This continued until all results were formally declared on 20 April and all updates are available on the ECQ website.</p>
<p>5. Burdekin Shire Council</p>	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Progress of vote count on election night and absence of scrutineers. • Count progress. • Performance of the results website compared with previous elections. • More extensive testing of functionality for results website required. • Delays between Returning Officers sending information to ECQ and being made public. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>The ECQ also acknowledges the views of the Burdekin Shire Council regarding the prohibition of scrutineers from the preliminary count on election night. The ECQ ultimately made this decision in the interests of ensuring public health and safety during the extraordinary circumstances of the COVID-19 global pandemic.</p> <p>While there were issues experienced with data formatting that delayed the data loading process and the publication of results on election night, it should be noted that automated and manual validation processes are always required to be implemented by the ECQ to verify results. In addition, the process of counting votes occurs in a number of stages to ensure that all votes are counted multiple times to provide confidence in the results.</p>

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Submission	ECQ response
<ul style="list-style-type: none"> Timing of declarations and communication with councils. 	<p>All positions in the Burdekin Shire Council were declared by Wednesday, 8 April 2020, nine days after the conduct of the election.</p>
6. Coolum Residents Association	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> Timely updates to results website. Candidate conduct and signage. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>The other matter raised in the submission is out of scope for this inquiry, however the ECQ notes the issue raised.</p>
7. Redlands 2030	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> Count progress updates for community and candidates. Availability of booth level results data. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>The counting of votes is a highly manual and decentralised process and electoral legislation requires the conduct of multiple counts as a safeguard to the accuracy and legitimacy of election results. Once the augmented data load process was fully finalised on Tuesday 31 March, the ECQ updated data based on available results reported from Returning Officers. Further validations were added to improve performance; however, the limiting factor became the speed of Returning Officers counting votes within the COVID-19 restrictions and associated resourcing impacts.</p> <p>Booth level data is now available on the results website and the ECQ is reviewing display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p>
8. Estelle Blair	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> Irregularity of results and delayed updates. Speed of the count in divisions with few candidates. Availability of booth level results data. Difficulties experienced with format and display of XML dataset. 	<p>The counting of votes is a highly manual and decentralised process and electoral legislation requires the conduct of multiple counts as a safeguard to the accuracy and legitimacy of election results. Once the augmented data load process was fully finalised on Tuesday 31 March, the ECQ updated data based on available results reported from Returning Officers. Further validations were added to improve performance; however, the limiting factor became the speed of Returning Officers counting votes within the COVID-19 restrictions and associated resourcing impacts.</p> <p>Booth level data is now available on the results website and the ECQ is reviewing display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p>

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Submission	ECQ response
	<p>The data in the XML feed is the same as the results data displayed on the website but is stored in a machine-readable manner with specialised coding required for extracting data. It is generally utilised by specialised information technology systems belonging to interested parties such as the media and political organisations.</p>
<p>9. Townsville Residents and Ratepayers Association</p>	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Timing and publication of results on website. • Variation of figures locally and on the website. • Differing commencement of counting at booths on election night • Mixture of postal votes, ordinary votes and telephone votes in the same box. • Variable count data and update timeframes. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>While there were issues experienced with data formatting that delayed the data loading process and the loading of results on election night, it should be noted that automated and manual validation processes are always required to be implemented by the ECQ to verify results. In addition, the process of counting votes occurs in a number of stages to ensure that all votes are counted multiple times to provide confidence in the results.</p> <p>At the close of polling at 6pm on election day, the following preliminary (unofficial) counts were commenced:</p> <ul style="list-style-type: none"> • Preliminary counts of early voting centre votes. • Preliminary counts of ordinary votes received at election day polling booths for mayors and councillors. <p>After election night, the following counts commenced:</p> <ul style="list-style-type: none"> • Telephone voting – ballot papers were sorted and securely despatched to the Returning Officer for the relevant council. • Votes taken at Brisbane City Hall for other local government areas – ballot papers were sorted and securely despatched to the Returning Officer for the relevant council. • Continuation of counting of early voting centre votes if required. • Counting of ordinary absent votes for councillor from polling booths and pre-poll centres. • Scrutiny and counting of declaration votes, other than postal votes. <p>As soon as practicable after the preliminary counts were completed, the official counts were undertaken under the supervision of the Returning Officer for the relevant council. All preliminary counts are counted again as part of the official count</p>
<p>Expressed concerns regarding the exclusion of scrutineers from the preliminary count and communication regarding this decision.</p>	<p>The ECQ acknowledges the views of the Townsville Residents and Ratepayers Association regarding the prohibition of scrutineers from the preliminary count on election night. The ECQ ultimately made this decision regarding scrutineers in the interests of ensuring public health and safety during the extraordinary circumstances of the COVID-19 global pandemic.</p>

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Submission	ECQ response
	<p>As the issues relating to the publication of results were identified, the ECQ proactively issued a number of communications to key stakeholders to ensure they were aware of the status of publication of results and to provide regular updates on progress. This included telephone contact with representatives of registered political parties, email communications to candidates and political parties to advise of the issue and subsequent rectification, regular liaison with media outlets, updates posted to the ECQ website and social media posts.</p>
10. Lonnie Nielsen	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • The banning of canvassing near voting places. • Candidate conduct. 	<p>The matters raised in the submission are out of scope for this inquiry, however the ECQ notes the issues raised.</p>
11. Antony Green	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Delivery of the results feed on election night and regularity of updates in post-election period. • Issues identified with technical aspects of the results feed. • Data availability at booth level. • Delayed publication of preference counts undertaken on election night for State by-elections. • Publication of first preference and two candidate preferred results as reference material for all stakeholders. • Publication of both initial (preliminary) count and check (official) count rather than a single set of results, which may create confusion. • Publication of additional details on preference flows on election night which may delay or confuse transmission of results. 	<p>The ECQ acknowledges the constructive discussions held with Mr Green regarding the technical and presentational aspects of the results website and the XML data feed. As detailed in the ECQ's submission, the short timeframe for development of the results website and accompanying XML data feed precluded the usual level of consultation and testing the ECQ would generally seek to undertake with key stakeholders.</p> <p>Following the March 2020 elections, the ECQ has undertaken further discussions with Mr Green regarding the display of results and will continue consultation regarding technical aspects of the XML feed, the presentation of results on the ECQ website and the conduct of indicative counts on election night.</p> <p>The ECQ is committed to addressing all issues relating to the display of results from the March 2020 elections prior to the State general election and will continue to engage with key stakeholders including Mr Green, to ensure their feedback and input is taken into consideration.</p>

ECQ responses to submissions to Legal Affairs and Community Safety Committee inquiry into publication of election results

Submission	ECQ response
12. Mark Huges	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Delays in publishing results. • Accessibility of ECQ website and display of results broadly without detailed breakdown (booth level and second distribution of preferences). • Detailed data available through XML, and not on the website for accessible consumption. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>Booth level data is now available on the results website and the ECQ is reviewing display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p> <p>The ECQ notes additional comments raised in the submission relating to the conduct of the election which are outside the scope of the current inquiry. As detailed in the ECQ's submission, the March 2020 elections were delivered in extraordinary circumstances during the escalation of the COVID-19 global pandemic.</p>
13. Rockhampton Regional Council	
<p>Expressed concerns regarding timeframes for publication of results and declarations.</p>	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>All positions in the Rockhampton Regional Council were declared by Friday, 3 April 2020, six days after the conduct of the election.</p>
14. Hinchinbrook Shire Council	
<p>Expressed concerns regarding availability of data at booth level.</p>	<p>As noted above, booth level data is now available on the results website and the ECQ is reviewing display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p>
15. Dave Barrowcliffe	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • How-to-vote card content in Fraser Coast. • Correspondence with ECQ officers. • Legislative interpretation matters. 	<p>The matters raised in the submission are out of scope for this inquiry, however the ECQ notes the issues raised.</p>
16. Department of Housing and Public Works	
<p>Provides background to the Election Gateway Project (EGP) and Election Management System (EMS) including:</p>	<p>The ECQ confirms the challenges in delivery of the EMS project as outlined in the submission. During 2019, the EGP Steering Committee directed a change in delivery strategy to a prioritised, phased approach to mitigate risks including the impact of timing of legislative amendments.</p>

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Submission	ECQ response
<ul style="list-style-type: none"> • Scope, governance and capacity issues under former ECQ management. • Implementation of new management, board structure and effective governance. • Challenges in operationalising changes to legislation in the EMS. • COVID-19 supplier development challenges. • Results website alternative backup solution. 	<p>As the lead agency for Queensland Government ICT, the Department of Housing and Public Works is represented on the EGP Steering Committee and the ECQ is continuing to work closely with the Queensland Chief Customer and Digital Officer and other departmental representatives to ensure that delivery of the EMS complies with all Queensland Government IT requirements and guidelines. This included requesting an assurance audit of the results website by senior IT officers of the department on Sunday, 29 March 2020.</p> <p>The ECQ is also working closely with cybersecurity agencies such as the Queensland Government Chief Information Security Office and the Australian Cyber Security Centre which is part of the Australian Signals Directorate to ensure the EMS meets all required technical and cybersecurity specifications.</p>
17. Queensland Local Government Reform Alliance	
<p>Expressed concern regarding updates of election results compared to results provided by the RO and scrutineers.</p> <p>Provided suggestions to:</p> <ul style="list-style-type: none"> • Improve explanatory information on results page. • Provide polling booth data. • Provide voting type data. • Increase communication with candidates on progress of the count. 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>While there were issues experienced with data formatting that delayed the data loading process and the loading of results, it should be noted that automated and manual validation processes are always required to be implemented by the ECQ to verify results. In addition, the process of counting votes occurs in a number of stages to ensure that all votes are counted multiple times to provide confidence in the results.</p> <p>As noted above, booth level data is now available on the ECQ website and the ECQ is reviewing the display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p> <p>The ECQ notes other suggestions and feedback provided and will consider this in preparation for future events.</p>
18. Organisation of Sunshine Coast Association of Residents (OSCAR)	
<p>Expressed concerns regarding</p> <ul style="list-style-type: none"> • Timely updates of election results compared to results provided by the RO and scrutineers. • Updates occurring over Easter. • Provision of results for telephone voting. <p>Provided suggestions to:</p> <ul style="list-style-type: none"> • communicate updates to results page 	<p>As noted above, the ECQ accepts that the delay in publishing results on election night is unacceptable, however it notes that this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>Once the data load process was finalised, the ECQ updated data based on available results reported from Returning Officers. The limiting factor became the speed of Returning Officers counting votes within the COVID-19 restrictions and associated resourcing impacts.</p>

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Submission	ECQ response
<ul style="list-style-type: none"> • provide polling booth data, and • make the XML feed more accessible. 	<p>The counting of votes is a highly manual and decentralised process and electoral legislation requires the conduct of multiple counts as a safeguard to the accuracy and legitimacy of election results. It should be noted that automated and manual validation processes are always required to be implemented by the ECQ to verify results. In addition, the process of counting votes occurs in a number of stages to ensure that all votes are counted multiple times to provide confidence in the results.</p> <p>The ECQ continued counting votes at all locations across Queensland where results were not yet declared. The count continued over Easter, excluding Good Friday.</p> <p>Telephone votes were received centrally, at a secure ECQ location at Coopers Plains in Brisbane. At the conclusion of a vote, the ballot papers were immediately placed into ballot boxes. Sealed ballot boxes containing telephone votes were unsealed after 6pm on election day, sorted and securely despatched to their home Returning Officer. That despatch process commenced on Sunday, 29 March 2020. Once in the possession of the Returning Officer, the number of ballots received was reconciled against the number of ballots despatched and then those ballots were admitted to counts.</p> <p>The ECQ notes the suggestions and feedback provided and will consider this in preparation for future events.</p> <p>As noted above, polling booth data is now available on the ECQ website. The ECQ is reviewing the display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p> <p>The data in the XML feed is the same as the results data that is displayed on the website but is stored in a machine-readable manner with specialised coding required for extracting data. It is generally utilised by specialised information technology systems belonging to interested parties such as the media and political organisations.</p>
19. Together Branch of the ASU	
<p>Expressed concerns regarding the development and rollout of the Election Management System (EMS) and alternative results website including:</p> <ul style="list-style-type: none"> • Late deployment of EMS. • Training for ECQ staff and Returning Officers in using the EMS. 	<p>As noted in the ECQ’s submission, the progress of development of the new Election Management System was affected by a range of factors including the timing of commencement of legislative amendments, the level of customisation required to a ‘Customised off the shelf’ system and the impact of COVID-19 on the supplier, Konnech. As a result, during 2019, the EGP Steering Committee directed a change in delivery strategy to a prioritised, phased approach to mitigate risks including the impact of timing of the legislative amendments.</p>

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Submission	ECQ response
<ul style="list-style-type: none"> • Prioritisation of development and level of defects with the system. • Conduct of user acceptance testing. • Use of functionality in old ECQ system. • Late roll out of alternative results website. 	<p>As with all IT systems, there have been risks and complexities associated with implementation of the EMS, reflecting the complexities of Queensland’s electoral system. However, despite these complexities, the majority of functionality of the EMS was delivered and employed for the March 2020 elections.</p> <p>The ECQ is continuing to finalise development of remaining system functionality prior to the October 2020 State general election, which will include rectification of identified defects, conduct of user acceptance testing, load testing and penetration vulnerability testing, and delivering training to key election staff.</p> <p>As acknowledged by the ECQ in its submission, the decision to stand up the alternative election result website solution was considered necessary to address identified technical and cybersecurity issues. Information and support were communicated to Returning Officers and other temporary election staff as soon as it was possible to do so.</p> <p>The ECQ acknowledges the considerable effort invested by ECQ staff and all temporary election staff across the state to successfully deliver the March 2020 elections in extremely challenging circumstances. The successful and safe delivery of the elections of all 578 mayors and councillors in 77 local governments across Queensland would not have been possible without the commitment of these thousands of staff.</p>
20. Liberal National Party of Queensland (LNP)	
<p>Expressed concerns regarding exclusion of scrutineers from observing the preliminary count on election night and communication of this decision.</p>	<p>In recognition of the extraordinary circumstances of the March 2020 elections, the Parliament passed the <i>Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020</i>. Under the authority of this Act, the <i>Local Government Electoral (2020 Quadrennial Election) Regulation 2020</i> empowered the ECQ to issue a Direction regulating or prohibiting the attendance of scrutineers during the counting of votes. This was undertaken in recognition of the public health risk posed by the attendance of multiple election staff, candidates and scrutineers within the confined areas of polling booths.</p> <p>In accordance with this Regulation, the ECQ made the decision to prohibit scrutineers from polling booths on election night, to ensure that appropriate social distancing measures were in place in polling booths during the conduct of the preliminary count under the Direction about Candidates and Scrutineers at Particular Places. Following the delay in publication of election results on election night, the ECQ determined that scrutineers should be admitted to polling booths to observe the count, to ensure transparency in the counting process. This decision was communicated to registered political parties and candidates on election night. The ECQ also posted a number of updates to the website and on social media. Under the Direction, one scrutineer per candidate was able to be present for the official count to observe subsequent stages of the counting process.</p>

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Submission	ECQ response
	<p>The ECQ acknowledges the views of political parties and candidates regarding the prohibition of scrutineers from the preliminary count on election night. As advised to the Committee, the ECQ acknowledges the significance of the decision and the contrary views expressed by stakeholders regarding the issuing of the Direction. Due to the circumstances and timeframes involved, the usual process of consultation with key stakeholders was unable to be undertaken. However, ultimately, the Direction was issued in the interests of ensuring public health and safety during the counting process, during the extraordinary circumstances of the COVID-19 global pandemic.</p>
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Publication of results and counting on election night. • Small number and inconsistency in votes counted on election night. • Presentation of results data. • Distribution of preferences on election night. 	<p>The counting of votes is a highly manual and decentralised process and electoral legislation requires the conduct of multiple counts as a safeguard to the accuracy and legitimacy of election results. The ECQ accepts that the delay in publishing results on election night is unacceptable but notes that this did not affect the progress or integrity of the count being undertaken in individual councils.</p> <p>As noted above, the ECQ acknowledges the views of political parties and candidates regarding the prohibition of scrutineers from the preliminary count on election night. While this Direction was made in response to the COVID-19 global pandemic, as the publication of results was delayed on election night, a decision was made to re-admit scrutineers to reassure candidates and parties that the count was underway in accordance with statutory processes.</p>
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Communication on count progress. • Rate of the progress of the count and declarations. • Counts occurring in the absence of scrutineers. • When official distribution of preference would occur. 	<p>The ECQ continued to count votes and declare results every day following the election, excluding Good Friday. Notification of declarations were made to relevant councils upon finalisation of results, and the ECQ issued updates on finalised declarations on a daily basis. These updates are available on the ECQ website.</p> <p>Declarations of election results are made as soon as it is mathematically impossible for the result to change. The large volume of postal votes and in-person declaration votes and the high uncertainty of the impact they may have on distribution of preferences had an impact on the ECQ's ability to declare results in some elections. In those elections, the declarations occurred as soon as possible following the close of postal voting, and once sufficient postal ballots and in some cases the conduct of a full preference count had been completed to determine the outcome.</p> <p>All Returning Officers received extensive training over seven days which included training on communication with candidates regarding scrutineers.</p>

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Submission	ECQ response
	<p>For the Mayoral election in the Brisbane City Council, it was imperative that Returning Officers commenced the full preference count for all 26 wards at the same date and time. This is because the Mayoral preference count is a coordinated process requiring the exclusion of the same candidates at the same time across all wards in a divided Council.</p>
21. Australian Labor Party (ALP) (State of Queensland)	
<p>Provides suggestions to improve testing of the results website for future use.</p>	<p>As detailed in the ECQ's submission, the short timeframe for development of the results website and accompanying XML data feed precluded the usual level of consultation and testing the ECQ would generally seek to undertake with key stakeholders.</p> <p>The ECQ is committed to addressing all issues relating to the display of results from the March 2020 elections prior to the State general election and will continue to engage with key stakeholders to undertake required testing and ensure feedback and input is taken into consideration.</p>
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Absence of scrutineers and technological issues limiting availability of results information. • Requirements to conduct notional (indicative) counts on election night. • Importance of allowing presence of scrutineers for post-election scrutiny, where safe to do so. 	<p>As noted above, the ECQ issued the Direction about Candidates and Scrutineers at Particular Places in the interests of ensuring public health and safety during the extraordinary circumstances of the COVID-19 global pandemic. The ECQ acknowledges the critical role of scrutineers within the electoral system and is committed to ensuring maximum transparency during the vote counting process.</p> <p>Indicative counts were conducted for both the Currumbin and Bundamba by-elections on election night. The ECQ notes the suggestions and feedback provided and will consider this in preparation for future events.</p>
22. Ken Kirby	
<p>Expressed concerns regarding voting accessibility for remote and regional communities such as the Southern Moreton Bay Islands.</p>	<p>The matters raised in the submission are out of scope for this inquiry, however the ECQ notes the issues raised.</p>
23. Central Highlands Regional Council	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Uploading results to the ECQ results website and the rate these were updated. • Speed of counting votes and declaring result. 	<p>The counting of votes is a highly manual and decentralised process and electoral legislation requires the conduct of multiple counts as a safeguard to the accuracy and legitimacy of election results. Instances where the results are close may require additional time to ensure the accuracy of the result. It should be noted in the instance of</p>

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Submission	ECQ response
	<p>Central Highlands Regional Council, the difference between the 8th placed and 9th placed councillor candidate was 72 votes out of a possible 86,400 votes counted.</p> <p>As noted above, once the augmented data load process was finalised, the ECQ updated data based on available results reported from Returning Officers. The limiting factor became the speed of Returning Officers counting votes within the COVID-19 restrictions and associated resourcing impacts.</p>
24. Local Government Association of Queensland (LGAQ)	
<p>Expressed concerns regarding:</p> <ul style="list-style-type: none"> • Counting and publication of results on election night. • Timeframes for vote counting and website results updates. • Varying vote counting approaches by Returning Officers. • Timing of declarations for uncontested and contested positions. • ECQ website not user-friendly. • Regularity of updates of election results data. • Data availability at booth level. • Communication issues. 	<p>The counting of votes is a highly manual and decentralised process and electoral legislation requires the conduct of multiple counts as a safeguard to the accuracy and legitimacy of election results. The ECQ accepts that the delay in publishing results on election night is unacceptable, however, this did not affect the progress or integrity of the count being undertaken for individual councils.</p> <p>ECQ staff continued to count votes every day from election night onwards, excluding Good Friday, and the declaration of individual elections was the ECQ’s highest priority. The ECQ implemented additional verification and validation processes prior to public release of data, and results data was updated based on results reported from Returning Officers. However, the upload of additional data for individual elections was dependent on the progress of vote counting and reporting of results for individual council areas.</p> <p>At the 2020 local government elections, there were 46 uncontested mayoral and councillor positions, meaning only one candidate had nominated for election and was therefore elected unopposed. All uncontested positions were formally declared by the ECQ on 30 March 2020, the first business day after election day. The CEOs of councils with uncontested elections were advised on 31 March 2020.</p> <p>Booth level data is now available on the results website and the ECQ is reviewing display of information on the website to ensure that the information can be accessed and used by stakeholders for a variety of purposes.</p> <p>The ECQ is committed to addressing all issues relating to the display of results from the March 2020 elections and will continue to engage with key stakeholders, including the LGAQ, to ensure their feedback and input is taken into consideration.</p>
<p>Expressed concerns regarding the cost of elections and the conduct of elections by the ECQ rather than councils.</p>	<p>The ECQ has conducted local government elections since 2008, when local government election administration was transferred from councils. Key factors considered by the Government in making this decision included the importance of impartiality, objectivity and transparency.</p>

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Submission	ECQ response
	<p>For the 2020 local government elections, the ECQ undertook a review of costs of conducting the elections and provided cost estimates to each council in 2019. The costs of the 2020 elections differ from the 2016 elections for a number of reasons, including the State Government subsidy for the concurrent conduct of a referendum in 2016, and the substantial operational improvements (e.g. remuneration review and additional training for temporary election staff) implemented following the 2016 elections. The ECQ endeavours to minimise costs and work with individual councils to identify savings at the local level wherever possible given the cost recovery requirement noted earlier.</p>
<p>Expressed concerns regarding the exclusion of scrutineers from the preliminary count and impact of technological issues in publication of results.</p>	<p>As noted above, the ECQ issued the Direction about Candidates and Scrutineers at Particular Places in the interests of ensuring public health and safety during the extraordinary circumstances of the COVID-19 global pandemic. The ECQ acknowledges the critical role of scrutineers within the electoral system and is committed to ensuring maximum transparency during the vote counting process.</p> <p>The ECQ acknowledges the views of stakeholders regarding the prohibition of scrutineers from the preliminary count on election night. As advised to the Committee at the public briefing, the ECQ acknowledges the significance of the decision and the contrary views expressed by stakeholders regarding this decision. Due to the circumstances and timeframes involved, the usual process of consultation with key stakeholders was unable to be undertaken. However, ultimately, the Direction was issued in the interests of ensuring public health and safety during the counting process, during the extraordinary circumstances of the COVID-19 global pandemic.</p>
<p>LGAQ provided suggestions on a range of electoral matters.</p>	<p>The ECQ notes the suggestions and feedback provided and will consider this in preparation for future events.</p>