

Questions for NSWEC 20/10/2024 - Toomelah

NEW ENGLAND TIMES

RESPONSIBILITY FOR CURRENT REGULATIONS

The Minister for Local Government/OLG say they don't make the rules, that they change the regs based on NSWEC advice, that is NSWEC that decide the policy settings around the conduct of elections.

1. Why, when and who decided to implement the minimum preference requirements that are in the forms of ballot paper in Schedule 11 of the regulations?

2. Was there any public discussion about these minimum preference rules at the time that we can look at?

A gazette notice or question time dixer - anything like that? We're trying to get an understanding of what was intended and the rationale, as well as whether there is a reasonable expectation for people to know that these rules work the way they do.

3a) When this decision was made - or if it was not overtly made but rather is a legacy of a different time, in any of the review of the legislation and regulations that OLG tells us happens in the lead up to each election - was there a consideration given to the resultant high informality rate and the consequences of that to electoral result?

3b) if yes, did that consideration specifically include impact on vulnerable populations?

4) Who is the ultimate decision maker for how those regulations should be interpreted and applied?

5) Is there a policy or guideline on how the savings provisions are to be applied in local government elections that explains the NSWEC's practice that we can access?

6) Has there been any court proceedings or ruling in relation to application of savings provisions in local government elections that has informed or dictated current practices?

7) As part of the current parliamentary inquiry into trust in the electoral process, or through any other process, has the NSWEC previously advised that reform is needed on these requirements for local government elections to reduce the informality rate?

APPLICATION OF SAVING PROVISIONS AND OTHER ISSUES IN THE VOTE DATA

We're still working through the vote data file but it would be very helpful if we could get a better understanding of what we are looking at.

8. Can you advise what specifically the X and \ symbols in the voter data files refer to?

9. How and for how long do you keep the physical ballots?

10. We understand that two different people do the data entry and there is a reconciliation process, but we have found some examples of likely data entry errors in the MPSC vote data.

Can you advise if there is any part of the process where possible coding errors are reviewed by a returning officer or other person physically inspecting the ballot paper?

To assist, here's a few examples:

INF_307937 - Example likely data entry error (7 likely to be a 1)

12580	PP	Mungindi Hall	INF_307937	2	PEARSE Susannah	Informal
12581	PP	Mungindi Hall	INF_307937	3	WILLIAMS Debra	Informal
12582	PP	Mungindi Hall	INF_307937	4	IVANOV Michael	Informal
12583	PP	Mungindi Hall	INF_307937	5	DILLON Meryl	Informal
12584	PP	Mungindi Hall	INF_307937	7	COCHRANE Mekayla	Informal

INF_3713647 - Example likely data entry error (one of the 7's likely to be a 1)

7991	PP	Moree Masonic Cntr	INF_3713647	3	MAILLER Peter	Informal
7992	PP	Moree Masonic Cntr	INF_3713647	7	WILLIAMS Debra	Informal
7993	PP	Moree Masonic Cntr	INF_3713647	4	RITCHIE Stephen	Informal
7994	PP	Moree Masonic Cntr	INF_3713647	6	MCGRADY Frederick	Informal
7995	PP	Moree Masonic Cntr	INF_3713647	8	IVANOV Michael	Informal
7996	PP	Moree Masonic Cntr	INF_3713647	2	TIGHE Wayne	Informal
7997	PP	Moree Masonic Cntr	INF_3713647	5	DILLON Meryl	Informal
7998	PP	Moree Masonic Cntr	INF_3713647	7	HODGKINSON Dominique	Informal
7999	PP	Moree Masonic Cntr	INF_3713647	10	COCHRANE Mekayla	Informal
8000	PP	Moree Masonic Cntr	INF_3713647	11	JAMES Kelly	Informal
8001	PP	Moree Masonic Cntr	INF_3713647	9	MUNN Karen	Informal
8002	PP	Moree Masonic Cntr	INF_3713647	12	CASSELLS Kerry	Informal
8003	PP	Moree Masonic Cntr	INF_3713647	13	TAYLOR Liz	Informal

INF_3830527 - Example likely data entry error (one of the 11's likely to be a 1)

20263	PR	Moree Pre-Poll	INF_3830527	11	SAUER Brooke	Informal
20264	PR	Moree Pre-Poll	INF_3830527	12	MAILLER Peter	Informal
20265	PR	Moree Pre-Poll	INF_3830527	11	WILLIAMS Debra	Informal
20266	PR	Moree Pre-Poll	INF_3830527	10	RITCHIE Stephen	Informal
20267	PR	Moree Pre-Poll	INF_3830527	9	MCGRADY Frederick	Informal
20268	PR	Moree Pre-Poll	INF_3830527	3	TIGHE Wayne	Informal
20269	PR	Moree Pre-Poll	INF_3830527	4	HODGKINSON Dominique	Informal
20270	PR	Moree Pre-Poll	INF_3830527	5	COCHRANE Mekayla	Informal
20271	PR	Moree Pre-Poll	INF_3830527	6	JAMES Kelly	Informal
20272	PR	Moree Pre-Poll	INF_3830527	2	MUNN Karen	Informal
20273	PR	Moree Pre-Poll	INF_3830527	7	CASELLS Kerry	Informal
20274	PR	Moree Pre-Poll	INF_3830527	8	TAYLOR Liz	Informal

11. The following two votes are almost certainly data entry errors, with it looking like someone using autofill or drag to fill functionality.

- Is the NSWEC able to identify if the same data entry person did these two votes?
And if yes, how many other votes did they enter incorrectly?**
- Why did the dual data entry process not catch and correct this obvious error?**

INF_3797581 - almost certainly data entry error, should have been saved?

25010	PR	Moree Pre-Poll	INF_3797581	1	MAILLER Peter	Informal
25011	PR	Moree Pre-Poll	INF_3797581	2	WILLIAMS Debra	Informal
25012	PR	Moree Pre-Poll	INF_3797581	3	RITCHIE Stephen	Informal
25013	PR	Moree Pre-Poll	INF_3797581	4	MCGRADY Frederick	Informal
25014	PR	Moree Pre-Poll	INF_3797581	6	IVANOV Michael	Informal
25015	PR	Moree Pre-Poll	INF_3797581	7	TIGHE Wayne	Informal
25016	PR	Moree Pre-Poll	INF_3797581	8	DILLON Meryl	Informal
25017	PR	Moree Pre-Poll	INF_3797581	10	HODGKINSON Dominique	Informal
25018	PR	Moree Pre-Poll	INF_3797581	9	COCHRANE Mekayla	Informal
25019	PR	Moree Pre-Poll	INF_3797581	11	JAMES Kelly	Informal
25020	PR	Moree Pre-Poll	INF_3797581	21	MUNN Karen	Informal
25021	PR	Moree Pre-Poll	INF_3797581	23	CASELLS Kerry	Informal

INF_3791985 - almost certainly data entry error (? same data entry operator as INF_3797581)

28350	PR	Moree Pre-Poll	INF_3791985	22	MAILLER Peter	Informal
28351	PR	Moree Pre-Poll	INF_3791985	23	WILLIAMS Debra	Informal
28352	PR	Moree Pre-Poll	INF_3791985	24	RITCHIE Stephen	Informal
28353	PR	Moree Pre-Poll	INF_3791985	25	MCGRADY Frederick	Informal
28354	PR	Moree Pre-Poll	INF_3791985	26	IVANOV Michael	Informal
28355	PR	Moree Pre-Poll	INF_3791985	27	TIGHE Wayne	Informal
28356	PR	Moree Pre-Poll	INF_3791985	28	DILLON Meryl	Informal
28357	PR	Moree Pre-Poll	INF_3791985	29	HODGKINSON Dominique	Informal
28358	PR	Moree Pre-Poll	INF_3791985	30	COCHRANE Mekayla	Informal
28359	PR	Moree Pre-Poll	INF_3791985	31	JAMES Kelly	Informal
28360	PR	Moree Pre-Poll	INF_3791985	32	MUNN Karen	Informal
28361	PR	Moree Pre-Poll	INF_3791985	33	CASELLS Kerry	Informal
28362	PR	Moree Pre-Poll	INF_3791985	34	TAYLOR Liz	Informal

12. We have found examples of votes with more than 5 boxes marked, with a clear vote intention, that were deemed informal. For each of these examples, can you please advise:

- a) why this vote is informal and not saved by the relevant provisions, and
- b) if a returning officer physically inspected the ballot paper to make the determination that the voter's intent was not clear, or that determination was made by the computer counting system

INF_37469 - Example broken order + other marks, ? not saved by (2)(b)(ii) break in order of preferences and (2)(e) crosses to be disregarded

8385	PP	Moree Masonic Cntr	INF_3746920	X	SAUER Brooke	Informal
8386	PP	Moree Masonic Cntr	INF_3746920	X	MAILLER Peter	Informal
8387	PP	Moree Masonic Cntr	INF_3746920	X	WILLIAMS Debra	Informal
8388	PP	Moree Masonic Cntr	INF_3746920	X	RITCHIE Stephen	Informal
8389	PP	Moree Masonic Cntr	INF_3746920	1	MCGRADY Frederick	Informal
8390	PP	Moree Masonic Cntr	INF_3746920	4	IVANOV Michael	Informal
8391	PP	Moree Masonic Cntr	INF_3746920	3	TIGHE Wayne	Informal
8392	PP	Moree Masonic Cntr	INF_3746920	7	DILLON Meryl	Informal
8393	PP	Moree Masonic Cntr	INF_3746920	8	HODGKINSON Dominique	Informal
8394	PP	Moree Masonic Cntr	INF_3746920	10	COCHRANE Mekayla	Informal

INF_3879037 - Example other marks, ? not saved by (2)(e) crosses to be disregarded

25709	PR	Moree Pre-Poll	INF_3879037	X	PEARSE Susannah	Informal
25710	PR	Moree Pre-Poll	INF_3879037	X	SAUER Brooke	Informal
25711	PR	Moree Pre-Poll	INF_3879037	1	MAILLER Peter	Informal
25712	PR	Moree Pre-Poll	INF_3879037	X	WILLIAMS Debra	Informal
25713	PR	Moree Pre-Poll	INF_3879037	X	RITCHIE Stephen	Informal
25714	PR	Moree Pre-Poll	INF_3879037	X	MCGRADY Frederick	Informal
25715	PR	Moree Pre-Poll	INF_3879037	X	IVANOV Michael	Informal
25716	PR	Moree Pre-Poll	INF_3879037	X	TIGHE Wayne	Informal
25717	PR	Moree Pre-Poll	INF_3879037	X	DILLON Meryl	Informal
25718	PR	Moree Pre-Poll	INF_3879037	X	HODGKINSON Dominique	Informal
25719	PR	Moree Pre-Poll	INF_3879037	X	COCHRANE Mekayla	Informal
25720	PR	Moree Pre-Poll	INF_3879037	X	JAMES Kelly	Informal
25721	PR	Moree Pre-Poll	INF_3879037	X	MUNN Karen	Informal
25722	PR	Moree Pre-Poll	INF_3879037	X	CASSELLS Kerry	Informal
25723	PR	Moree Pre-Poll	INF_3879037	X	TAYLOR Liz	Informal

INF_3963321 Example order error (and likely data entry issue - 8 instead of 3) ? not saved by (2)(b)(ii) break in order of preferences

19093	PR	Moree Pre-Poll	INF_3963321	5	WILLIAMS Debra	Informal
19094	PR	Moree Pre-Poll	INF_3963321	4	RITCHIE Stephen	Informal
19095	PR	Moree Pre-Poll	INF_3963321	8	TIGHE Wayne	Informal
19096	PR	Moree Pre-Poll	INF_3963321	1	JAMES Kelly	Informal
19097	PR	Moree Pre-Poll	INF_3963321	2	MUNN Karen	Informal

INF_3884301 (Possible data entry error) ? not saved by (2)(b)(ii) break in order of preferences and (2)(e) crosses to be disregarded

25816	PR	Moree Pre-Poll	INF_3884301	X	PEARSE Susannah	Informal
25817	PR	Moree Pre-Poll	INF_3884301	1	MAILLER Peter	Informal
25818	PR	Moree Pre-Poll	INF_3884301	3	WILLIAMS Debra	Informal
25819	PR	Moree Pre-Poll	INF_3884301	5	RITCHIE Stephen	Informal
25820	PR	Moree Pre-Poll	INF_3884301	4	MCGRADY Frederick	Informal

INF_1355435 (Possible data entry error) ? not saved by (2)(e) crosses to be disregarded

37385	Postal	Postal	INF_1355435	X	SAUER Brooke	Informal
37386	Postal	Postal	INF_1355435	4	MCGRADY Frederick	Informal
37387	Postal	Postal	INF_1355435	3	TIGHE Wayne	Informal
37388	Postal	Postal	INF_1355435	2	HODGKINSON Dominique	Informal
37389	Postal	Postal	INF_1355435	1	COCHRANE Mekayla	Informal

TOOMELAH

We still haven't figured out what exactly went wrong in Toomelah. Previous results from there had next to no informal votes, it's one of the things that makes this event more odd.

13a. It is our understanding that Toomelah normally has a booth for state elections, but not always for local or federal elections, and didn't have a booth in the 2021 local government election. **Why was the decision made to hold a booth there this time, and who made that decision?**

13b. Given there was no Toomelah booth in 2021, and recent elections were state elections with optional preferences (or Land Council elections which are generally just vote 1), **was there any communication or education undertaken to ensure that locals there understood that the requirements to vote formally were different for a local government election?**

14. The Moree Plains Shire Council Director of Legal and Governance has recommended that MPSC conduct the more expensive by-election rather than a countback, which we understand is driven by the concerns around the electoral irregularities. **Did MPSC consult with NSWEC on these issues between the election and making this recommendation?**

15. Was there any other booth in any other LGA that experienced the same near complete vote failure in 2024 as Toomelah?

16. Locals have said they were given no verbal instructions, which aligns with your previous answer that booth staff said no one asked for further instructions. Is it normal practice for booth staff not to explain the formality requirements verbally?

17. Is there a script or similar guidance given in training to booth workers on what they must do and say when issuing a ballot paper to a voter? We would appreciate it if we could see a copy if possible.

18. Did Council, or anyone from Toomelah, formally raise concerns with NSWEC prior to the declaration of the MPSC result?