



Electoral Commission
QUEENSLAND

Audit Report on the Conduct of Preselection Ballots

2020 State General Election

October 2021

© State of Queensland, 2021.

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.

You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Contents

1.	Executive Summary	1
2.	Background	3
2.1.	What is a preselection ballot?	3
2.2.	Notification of preselection ballots	3
2.3.	Audits of preselection ballots	3
2.4.	Report on audit	4
3.	Notice of preselection ballots	5
4.	Conduct of audit	6
4.1.	Selection of preselection ballots	6
4.2.	Examination of documentation	7
4.3.	Consultation	7
5.	Findings of audit	8
6.	Recommendations	9
6.1.	Review of model procedures	9
6.2.	Increased education and engagement	9
	Appendix 1 – Documentation requested for preselection ballot audit	10

1. Executive Summary

The Electoral Commission of Queensland (ECQ) is authorised under part 9 of the *Electoral Act 1992* (the Act) to perform inquiries and audits into the conduct of preselection ballots for State and local government elections in Queensland.

Between February and June 2021, the ECQ audited the conduct of preselection ballots by registered political parties for the 2020 State general election, which was held on 31 October 2020. The purpose of the audit was to identify whether the ballots were conducted in accordance with:

- The model procedures under schedule 1 of the Electoral Regulation 2013; and
- The parties' constitutions.

The ECQ used audit sampling to decide the total number of preselection ballots to audit for each registered political party. A random draw was then conducted in accordance with the Act to select which preselection ballots would be audited.

At the conclusion of the audit, the ECQ was required to produce a report (this report) identifying which preselection ballots were examined and any preselection ballots in which someone voted in contravention of the model procedures or the parties' constitutions.

The ECQ found that someone voted in contravention of the model procedures or the parties' constitutions in all preselection ballots that were examined.

The preselection ballots that were audited, and the results of those audits, are set out in Table 1 below.

Table 1 – Preselection ballots audited by the ECQ for the 2020 State general election

Registered political party	Candidate	Electorate	Did someone vote in contravention of the model procedures or the party's constitution?
Australian Labor Party (State of Queensland)	WALKER, Les	Mundingburra	Y
	KING, Ali	Pumicestone	Y
Queensland Greens	COYNE, Thomas	Toowoomba South	Y
	BATES, Stephen	Stafford	Y
	MACMAHON, Amy	South Brisbane	Y
	RATH, Helen	Everton	Y
	DAVIES, Jim	Nudgee	Y
Liberal National Party of Queensland	DE GROOT, Adrian	Keppel	Y
	BOULTON, Kirrily	Springwood	Y
	DOYLE, Glenn	Mundingburra	Y

Note: The number of preselection ballots that were audited for a registered political party was proportionate to the number of preselection ballots conducted by the party (see Section 4 of this report).

The audits raised concerns regarding the capacity of registered political parties to act in accordance with the current model procedures, which have not undergone any significant reform in almost 20 years and, as such, do not reflect the contemporary practices used by parties to conduct preselection ballots. This did not ultimately affect the results of the audits set out in Table 1, since the ECQ identified substantial flaws in each of the preselection ballots that were not attributable to

the model procedures being outdated. Nonetheless, the ECQ recommends a review of the model procedures to modernise the requirements.

The audit also identified deficiencies in the ECQ's education of, and engagement with, registered political parties about preselection ballot requirements, and highlighted the need for audits to be performed more consistently after elections to help promote compliance with the model procedures and parties' constitutions.

2. Background

Preselection is the process by which a political party chooses a candidate to endorse for a particular election. Registered political parties are free to adopt any form of preselection process that they wish, provided the rules associated with the preselection process are clearly stated in their constitutions.¹

If part or whole of the preselection process involves conducting a preselection ballot for either a State or local government election, the registered political party must comply with particular requirements under the Act.

Part 9 of the Act empowers the ECQ to oversee the conduct of preselection ballots, including by performing inquiries or audits of the ballots.

2.1. What is a preselection ballot?

A preselection ballot is defined under schedule 1 of the Act as:

- a) The process, or that part of the process, of selecting a candidate to be endorsed by a political party for an election, or an election for a local government, in which a member of the party votes in a ballot in his or her capacity as a member of the party, rather than as a member of a committee (however called) of the party, for the candidate; and
- b) Includes matters preparatory to the ballot and the scrutiny and counting of votes in the ballot.

If the selection of a candidate for an election involves a poll of the party members followed by the endorsement of the poll result by a party committee, only the poll is a preselection ballot.

2.2. Notification of preselection ballots

The registered officer of a registered political party must give the ECQ at least 7 days written notice of when voting in a preselection ballot is to be held.²

Additionally, if a registered political party endorses a candidate in a state election, the party's registered officer must, not later than 30 days after polling day for the election, notify the ECQ whether the selection of the candidate involved a preselection ballot.³

2.3. Audits of preselection ballots

The ECQ must, after each state election, perform an audit on a selected number of preselection ballots of which it is notified by registered political parties. The purpose of the audit is to identify whether the ballots were conducted in accordance with:

- The model procedures, as prescribed under schedule 1 of the Electoral Regulation 2013; and
- The parties' constitutions.⁴

¹ Explanatory Notes, *Electoral and Other Acts Amendment Act 2002* (Act no.8 of 2002).

² Section 167(1) of the *Electoral Act 1992*.

³ Section 170 of the *Electoral Act 1992*.

⁴ Section 172(1) of the *Electoral Act 1992*.

The ECQ must decide the total number of preselection ballots it will audit for each registered political party as soon as practicable after the 30th day after polling day for the election.⁵ The ECQ must then randomly select which preselection ballots are to be audited in accordance with the procedure set out under section 171(2) of the Act. The ECQ must allow any candidate, or representative of a candidate, to be present during this process.⁶

The ECQ is required to give notice of the preselection ballots selected for audit to the registered officer of the relevant registered political party, who must provide the ECQ with copies of the party's records for the ballots, including the names and addresses of party members who voted in the ballots, within one month of receiving the notice.⁷

An audit of the preselection ballots is then conducted by the ECQ in accordance with its *Inquiry or a random audit of a preselection ballot conducted by a registered political party policy and procedure*, which ensures a systematic approach to the audit while maintaining the focus on compliance.

2.4. Report on audit

Upon conclusion of the audit, the ECQ is required to give the Minister a report (this report), which identifies the preselection ballots that were examined as part of the audit, and any ballots in which someone voted in contravention of the model procedures or the parties' constitutions.⁸

It is the ECQ's view that a finding that someone voted in contravention of the model procedures or a party's constitution may be made where there are substantial flaws in the overall processes used to conduct a preselection ballot, and not just where the flaws relate to the eligibility of the voters or the process of casting a ballot itself. This view is consistent with both the broad scope of the terms of the audit required to be conducted by the ECQ under section 172(1) of the Act, and the purpose of the legislation, which is to ensure that preselection ballots are 'transparent and accountable' and satisfy the 'general principles of free and democratic elections'.⁹

Section 173 of the Act makes it clear that an election is not invalid only because the ECQ gave the Minister a report that identified a preselection ballot in which someone voted in contravention of the model procedures or a party's constitution.

⁵ Section 171(1) of the *Electoral Act 1992*.

⁶ Section 171(3) of the *Electoral Act 1992*.

⁷ Section 172 of the *Electoral Act 1992*.

⁸ Section 172(5) of the *Electoral Act 1992*.

⁹ Explanatory Notes, *Electoral and Other Acts Amendment Act 2002* (Act no.8 of 2002).

3. Notice of preselection ballots

In accordance with section 170 of the Act, all 12 registered political parties that endorsed candidates in the 2020 State general election notified the ECQ about whether the selection of their candidates involved a preselection ballot.

Three parties confirmed that the selection of their endorsed candidates did involve a preselection ballot. These were:

- Australian Labor Party (State of Queensland)
- Queensland Greens
- Liberal National Party of Queensland

The remaining nine parties confirmed that the selection of their endorsed candidates did not involve a preselection ballot.

The names of all the registered political parties that endorsed candidates for the 2020 State general election, and the details of their notices under section 170 of the Act, are outlined in Table 2 below.

Table 2 – Notice from registered political parties about whether the selection of candidates for the 2020 State general election involved a preselection ballot

Registered political party	Notice received from registered officer under s170 of the Act	Selection of candidates involved a preselection ballot
Australian Labor Party (State of Queensland)	Y	Y
Queensland Greens	Y	Y
Liberal National Party of Queensland	Y	Y
Pauline Hanson's One Nation Queensland Division	Y	N
Katter's Australian Party (KAP)	Y	N
Civil Liberties & Motorists Party	Y	N
Shooters, Fishers and Farmers Party (QLD)	Y	N
North Queensland First	Y	N
Animal Justice Party (Queensland)	Y	N
Clive Palmer's United Australia Party	Y	N
Informed Media Options Party (IMOP)	Y	N
Legalise Cannabis Qld (Party)	Y	N

4. Conduct of audit

4.1. Selection of preselection ballots

On 4 December 2020, the ECQ decided the total number of preselection ballots that it would audit for the 2020 State general election. In making this decision, the ECQ referred to its *Internal Audit Sampling Policy*, which provided a minimum sample size for testing small populations that are subject to compliance requirements.

The total number of preselection ballots selected for each registered political party is outlined in Table 3 below.

Table 3 – Number of preselection ballots selected for audit for the 2020 State general election

Registered political party	Total no. of preselection ballots conducted	Total no. of preselection ballots selected for audit
Australian Labor Party (State of Queensland)	3	2
Queensland Greens	32	5
Liberal National Party of Queensland	16	3
TOTAL	51	10

The ECQ notified the registered officers for the Australian Labor Party (State of Queensland), Queensland Greens, and Liberal National Party of Queensland of the total number of preselection ballots to be selected for the audit, as well as the date, time, and location of the ECQ's random draw to select the preselection ballots. The ECQ invited candidates and their representatives to be present during the draw.

The ECQ conducted the draw for each registered political party in accordance with the procedure set out in section 171(2) of the Act. The preselection ballots that were selected for the audit are set out in Table 4 below.

Table 4 – Preselection ballots selected for audit for the 2020 State general election

Registered political party	Candidate	Electorate
Australian Labor Party (State of Queensland)	WALKER, Les	Mundingburra
	KING, Ali	Pumicestone
Queensland Greens	COYNE, Thomas	Toowoomba South
	BATES, Stephen	Stafford
	MACMAHON, Amy	South Brisbane
	RATH, Helen	Everton
	DAVIES, Jim	Nudgee
Liberal National Party of Queensland	DE GROOT, Adrian	Keppel
	BOULTON, Kirrily	Springwood
	DOYLE, Glenn	Mundingburra

The ECQ provided notice of the preselection ballots selected for the audit to the registered officer of the relevant registered political party, and requested that they provide documentation relating to the ballots within one month of receiving the notice. The documentation that was requested is set out in Appendix 1.

4.2. Examination of documentation

Documentation for the audit was provided to the ECQ by the registered officers within the required timeframe. The documentation was examined by the ECQ and assessed against the model procedures under schedule 1 of the Act and each party's constitution.

4.3. Consultation

The ECQ consulted with representatives of the relevant registered political parties throughout the course of the audit to clarify any discrepancies or to request additional information or documentation as necessary.

The registered officers of each registered political party were also given the opportunity to comment on the ECQ's preliminary findings once the audits had been completed.

5. Findings of audit

The ECQ found that someone voted in contravention of the model procedures or the party's constitution in **all** preselection ballots that were audited for the 2020 State general election (see Table 1).

6. Recommendations

6.1. Review of model procedures

The results of the audit highlight the need for a review of the model procedures, which are prescribed under schedule 1 of the Electoral Regulation 2013. The model procedures have largely remained unchanged since they were first introduced in 2002, and as such, they have not kept up with modern technology, which has changed the way preselection ballots are conducted.

It was apparent to the ECQ during its audit that technology is widely used by registered political parties in the conduct of preselection ballots, for example, in calling for nominations, compiling the preselection roll, issuing ballot papers, and casting votes. However, the model procedures require registered political parties to use traditional paper-based methods to conduct preselection ballots for State elections, and they do not readily accommodate electronic processes.

Consequently, there were several occasions during the audit where the ECQ was required to make an assessment that a preselection ballot was not conducted in accordance with a section of the model procedures simply because the registered political party used technology to conduct the ballot instead of using the manual processes prescribed under that section.

For example, section 19 of the model procedures requires that the returning officer or an issuing officer must initial a ballot paper for a preselection ballot before it is given to an eligible preselection voter. However, the majority of preselection ballots audited by the ECQ used electronic voting, and as such, they were found to be conducted in contravention of this requirement due to there being no physical ballot papers for the returning officer or an issuing officer to initial.

That is not to say that all instances of noncompliance detected by the ECQ during the audit were solely due to the model procedures being outdated. The ECQ only made an assessment that someone voted in a preselection ballot in contravention of the model procedures where there were substantial flaws in the overall processes used by the registered political party to conduct the ballot, and not just where the party used technology to replace or streamline the prescribed paper-based procedures.

Nonetheless, it is clear to the ECQ that compliance with the model procedures will become increasingly difficult as registered political parties become more and more reliant on technology in performing their election activities. Accordingly, a review of the model procedures is recommended to assess whether they can be modernised to improve their relevance and value, and to make it easier for registered political parties to comply.

6.2. Increased education and engagement

The ECQ did not engage with, nor provide dedicated educational material to, registered political parties with regards to their preselection ballot requirements until two months before the 2020 State general election (i.e., after many of the parties had already finalised their preselection processes for the election). The ECQ has also been inconsistent in performing audits of preselection ballots over the last two election cycles, and as such, registered political parties have not been afforded regular opportunities to identify and improve on any deficiencies that may have otherwise been detected as a result of these audits.

The ECQ acknowledges the need to increase its education and engagement with registered political parties regarding preselection ballot requirements, and perform audits of preselection ballots more consistently after each State election, in order to promote further compliance by the parties with the model procedures and their constitutions.

Appendix 1 – Documentation requested for preselection ballot audit

Relevant procedure	Document requested	Relevant legislation
Returning officer appointment	Details of the returning officer for the preselection ballot, including the method of appointment	Section 3, Model Procedures
	If the returning officer was appointed by resolution of the party at a meeting held under the party's constitution - a copy of the minutes of the meeting	Section 3, Model Procedures
Nomination of candidates	A written statement about the way in which nominations were called	Section 5, Model Procedures
	A copy of all notices and advertisements calling for nominations	Section 5, Model Procedures
	All nominations of candidates, including nominations that were withdrawn or not accepted	Section 7, Model Procedures
	Any withdrawal of a nomination	Section 8, Model Procedures
	Copies of records that show the date and address at which nominations or withdrawals were received	Sections 7 & 8, Model Procedures
Preparation for preselection ballot	A copy of the membership roll (for the section of the party for which the preselection ballot is held) at the closing time for the membership roll	Section 10, Model Procedures
	A copy of the notice given to candidates whose nominations were accepted by the returning officer	Section 12, Model Procedures
	A copy of the candidates' written acknowledgement of receiving a copy of the model procedures from the party's registered officer	Section 167, <i>Electoral Act 1992</i>
	The marked preselection roll, containing the names and addresses of party members who were eligible to vote in the ballot	Section 14, Model Procedures
	Certification from the party's registered officer that the members on the preselection roll were on the membership roll at the closing time for the membership roll, and were eligible to vote in the preselection ballot under the party's constitution	Section 14, Model Procedures
Preselection ballot	All ballot papers, including spoiled ballot papers	Section 16 & 19, Model Procedures
	A written statement about the way in which the secrecy of the ballot was ensured	Section 17, Model Procedures
	A written statement about the way in which ballot boxes used for the preselection ballot were sealed and secured	Section 18, Model Procedures

Relevant procedure	Document requested	Relevant legislation
	If the preselection ballot included postal voting - - all declaration envelopes received, including any excluded from the count; and - copies of records that show the date on which postal votes were issued, the number of postal votes issued, the number of postal votes returned undelivered, the number of completed postal votes received, and the date and address at which they were received	Section 20-22 & 25, Model Procedures
	A written statement about the identification procedures used to satisfy the returning officer or issuing officer about the identity of a person voting in the preselection ballot	Section 23 & 25, Model Procedures
	A document showing the total number of formal votes, the number recorded for each candidate and the total number of informal votes	Section 25, Model Procedures
	A copy of any scrutineer appointments	Section 26, Model Procedures
	The certification of the result of the preselection ballot	Section 28, Model Procedures
	The report on the conduct of the preselection ballot, including reconciliation of ballot papers	Section 28, Model Procedures
	A copy of the minutes of the meeting in which the report on the conduct of the preselection ballot was included	Section 28, Model Procedures