

Assess Local Government Applications to Conduct a Postal Ballot Election

Version 1.0

Approval



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Electoral Commissioner

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Version history

Version	Notes	Author	Date of Change
1.0A	Draft	Principal Policy Officer	June 2019
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Review

This policy will be reviewed **every three years** from the approval date, or if the relevant regulatory frameworks change in a way that means this policy is no longer contemporary for the ECQ.

Purpose

This policy guides the Electoral Commissioner's assessment of an application to the Minister by a local government that seeks a poll for a quadrennial or by-election to be conducted by postal ballot. The Minister refers the application to the Electoral Commissioner under section 45AB of the *Local Government Electoral Act 2011* (LGEA). The Electoral Commissioner must have regard to key statutory requirements and consider the application prior to giving the Minister a written recommendation about whether the application should be approved and the reasons for the recommendation.

Rationale

Under section 45AA of the LGEA a local government may apply to the Minister for a poll to be conducted only by postal ballot for a quadrennial election for:

- all of the local government's area or part or division of the local government's area; or
- for a division of the local government's area or the division or a part of the division.

Under section 45AB of the LGEA the Minister must refer the application to the Electoral Commissioner. The Electoral Commissioner must recommend if the application should be approved but must have regard to all matters listed in section 45AB (4).

The Electoral Commissioner's recommendations and reasons and the Minister's decision are not subject to appeal as per section 158 of the LGEA . However, decisions affected by *jurisdictional error* are subject to review under the *Judicial Review Act 1991*.

Guiding Principles

The Electoral Commission of Queensland (ECQ) is responsible for the conduct and administration of free and democratic local government elections under the LGEA. The ECQ's independence and coordination of voting builds public confidence in the integrity and transparency of a strong local government electoral system in Queensland.

The guiding principles to assess and make a recommendation on a postal ballot only application, are:

1. Maximise the opportunity to exercise the right to vote by providing voter accessibility. Electors should be provided with maximum opportunities to cast their vote.
2. Freedom from any undue influence when exercising their right to vote. Electors must be free to cast their votes without any coercion, hindrance, interference or improper influence.
3. Assistance and information for voters. Electors should have access to information and help to aid them to cast their vote.
4. Maximisation of the formal vote count. Ballot papers should be admitted to the count where the voters' intentions are clear.

The ECQ conforms with the guiding principles to manage applications for postal-only elections from local governments to administer section 45AB of the LGEA.

Policy

The Electoral Commissioner's consideration of an application and the reasons for the recommendation must comply with the requirements set out in section 45AB of the LGEA.

1. Assessment of an application to conduct a postal ballot election

Any assessment of an application must have regard to these statutory requirements:

- 1.1. Reasons for a postal ballot: examine the local government's application to identify the reasons stated as to why the poll should be conducted by postal ballot.

Reasons a recommendation to conduct a poll by postal ballot may be made include:

- the local government's area includes:
 - large rural sector/s
 - large remote area/s; or
 - extensive island area/s
- there is evidence that a postal ballot is the preferred form of voting for the majority of electors' in the area, division, or part of the local government area
- there are less than a total of 5,000 electors in the whole local government area
- there are no corresponding state polling booths in the local government area
- postal ballots have previously been conducted due to the distance that electors live from the local government administrative centre
- historically, due to an election run in the Queensland wet season, electors are usually prevented from voting due to flooding rains isolating their properties.

Reasons a recommendation to conduct a poll by postal ballot may not be made include:

- the local government area has no rural sector, remote areas nor island areas
- there is more than a total of 5,000 electors in the whole local government area
- the local government area has corresponding state polling booths
- a high proportion of electors reside at an address that is more than 20 km from a polling booth and also are registered with the ECQ as a *special postal voter*
- full postal ballot was not conducted in any previous local government election
- electors have used a wide variety of voting methods that include: early voting (pre-poll); mobile polling; polling booth voting or telephone voting
- Australia Post network in rural and remote area has restricted delivery and may delay and disenfranchise electors if the postal ballots are not returned on time.

1.2. Costs for a postal ballot: the costs of conducting the local government poll by postal ballot must be compared to the costs of conduct polling at an attendance ballot.

Table 1 identifies the cost elements that must be measured when considering a comparative analysis between conducting a postal ballot against use of polling booths.

Table 1. The cost elements between an attendance ballot and a postal ballot

Attendance Ballot	Postal Ballot
Communications/Media (Advertising of the event and media monitoring)	Communications/Media (Advertising of the event and media monitoring)
Voter Information Card	Not applicable
Courier and postage (electors may apply for Postal Ballot, election materials distribution out and return of materials)	Courier and postage (postage out, postage in, and distributing equipment to Returning Officer)
Election materials (forms, ballot papers, information and communication technology)	Election materials (information and communication technology, envelopes and ballot papers)
How to Vote cards assessment	Not applicable
Returning Officer's office, communication costs, and general stationery	Returning Officer's office, communication costs, and general stationery
Polling booth(s)	Not applicable
Polling officials including Returning Officer (pre-poll, election day, counting Saturday night and possibly on Sunday and Monday)	Returning Officer and polling officials (to assist with administration tasks i.e. handling request for postal ballots from electors, polling officials to count the ballots for Saturday night and Sunday). Allocation of resources are highly reliant on the number of enrolled electors.
Indirect costs (e.g. Telephone Assisted Voting, call centre and other services provided to the local government and the electors)	Indirect costs (e.g. Telephone Assisted Voting, call centre and other services provided to the local government and the electors)

The cost comparative analysis to inform the assessment between an attendance ballot and postal ballot is undertaken on a case-by-case basis to inform the recommendation that is made by the Electoral Commissioner to the Minister.

1.3. Electors that will be restricted to a postal vote: the number of electors enrolled on an electoral roll for the local government area for the postal ballot must be clearly identified. Under section 45AA of the LGEA an application for a poll to be conducted only by postal ballot for a quadrennial election can be in these configurations:

- all of the local government's area or part or division of the local government's area; or
- for a division of the local government's area / the division or a part of the division.

The assessment must identify the number of electors to be restricted to a postal vote to the area which the application relates i.e. local government area, division or part thereof.

- 1.4. Population density and distribution of the electors: population density is a geographical term for the measurement of population per unit of a specific area. In simple terms population density refers to the number of people living in an area per kilometre square.

Electoral density is the current enrolment divided by the area per kilometre square. The assessment must identify the geographic size of the local government area, division or part thereof that is the subject of the application demonstrated as its electoral density.

- 1.5. History of postal ballot in the local government area: the assessment must establish if polls have been conducted by postal ballots in the area to which the application relates.

Refer to Appendix 3 that identifies the use of postal ballot by local governments in previous quadrennial local government elections in the years 2008, 2012 and 2016.

2. Postal ballot election issues

The Minister may approve conducting a postal ballot election for a local government area, division or part thereof under section 45 of the LGEA. Under section 67(2) of the LGEA in a postal ballot election, an elector must cast a postal vote. Section 68(5) of the LGEA stipulates an elector is restricted to only cast their vote as a postal vote in a postal ballot election.

The risks linked to restricting electors to only use postal voting when casting a vote may include:

- Unnecessary use of postal voting increases costs and delays in finalising election results.
- Unreliability of postal services delaying the delivery of the ballot papers to the ECQ within the required 10 days after polling day resulting in the disenfranchisement of the voter.
- Ballot packs which are delivered or returned by post may be delayed by interruptions to the postal service, which could mean the postal votes are received too late to be counted.
- Complexity in mandatory requirements to lodge a formal postal vote, including record a vote on the ballot paper, sign the declaration on the declaration envelope in the presence of an adult, have the adult sign the declaration envelope as a witness and place the completed sealed declaration envelope in the reply-paid envelope and then post to ECQ.
- Electors unfamiliar with postal ballot processes may inadvertently cast an informal vote.
- Postal voters vote outside the controlled environment of a polling booth and therefore the elector may be subject to coercion, interference or other improper influences when voting.
- Electors at a polling booth who make a mistake can request a replacement ballot.
- Electors who are 20 kilometres from a polling booth may register as a special postal voter.
- Polling booth voting may help minimise disenfranchisement due to administrative errors.

Delegations

1. Only the Electoral Commissioner or Assistant Electoral Commissioner may approve decisions to apply this policy.
2. Assessment of referred applications will be performed by select ECQ staff to consider matters and apply all requirements under section 45AB of the LGEA.

Appendix 1 — Definitions

Definitions

Term	Definition	Reference (if applic.)
Disenfranchise	To take away a person's right to vote.	
Elector	Elector means a person entitled to vote in an election.	LGEA, Schedule
Electoral density	The number of electors per square kilometre.	
Post ballot election	Postal ballot election means an election for which the Minister has directed, under section 45, that the poll be conducted by postal ballot.	LGEA, Schedule
Postal vote	In a postal vote an elector cast their vote using posted voting papers.	LGEA, section 67(1)(c)
Postal voter	Postal voter means an elector who casts a postal vote in an election.	LGEA, Schedule
Quadrennial election	Quadrennial election means the election of councillors for local governments that is held in 2012, and every fourth year after 2012.	LGEA, Schedule
Special postal voter	An elector is a special postal voter if – (a) the elector's name is included in the register of special postal voters kept under section 21A because of a compliant written application.	LGEA, section 68 (5A)
Voter access	Ensuring access to the vote for eligible citizens is fundamental to the protection of enfranchisement. It is important that access to a range of convenient options is guaranteed for as many electors as possible particularly voters in any remote areas.	

Appendix 2 — Regulatory Framework

Regulatory framework

- *Local Government Electoral Act 2011*
- *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019*

Appendix 3 — Postal ballots in local governments

Local Government	2008 quadrennial general election	2012 quadrennial general election	2016 quadrennial general election
Balonne	FP	FP	FP
Banana	FP	FP	FP
Barcaldine	FP	FP	FP
Barcoo	FP	FP	FP
Blackall-Tambo	FP	FP	FP
Bulloo	FP	FP	FP
Burke	FP	FP	H ¹
Central Highlands	FP	FP	FP
Cook	FP	FP	FP
Croydon	FP	FP	A
Diamantina	FP	FP	FP
Etheridge	FP	FP	FP
Flinders	FP	FP	A
Goondiwindi	FP	FP	FP
Isaac	FP	FP	H ²
Lockyer Valley	A	FP	FP ³
Longreach	FP	FP	FP
Maranoa	FP	FP	FP
McKinlay	FP	FP	FP
North Burnett	FP	FP	FP
Paroo	FP	FP	FP
Quilpie	FP	FP	FP
Richmond	FP	FP	FP
Southern Downs	FP	FP	FP
Western Downs	FP	FP	FP

Key	
Full Postal	FP
Hybrid	H
Attendance	A

¹ No division with a circle drawn around Burketown to denote the outer zone for the partial postal ballot.

² Divisions 1 and 8 postal ballot with divisions 2 to 7 attendance at polling booths.

³ Due to the death of a mayoral candidate the Minister for Local Government decided on a full postal vote.

Appendix 4 — Postal ballots application assessment tool⁴

Identify local government area (LGA) applied for (all the LGA or a part or division of the LGA).

1. Identify the reasons stated in the local government's application for a postal ballot

Brief summary of reasons provided by the local government, if any. Assess reasons against section 1.1 'Reasons for a postal ballot' in the ECQ Policy.

2. Calculate the comparative costs for postal and full-service elections

Finance team can provide indicative and comparative historical costs. Assess costs against section 1.2 'Costs for a postal ballot' in the ECQ Policy.

3. Identify the number of electors in the applied for area of the application

Elections team provide electors data. Assess elector numbers against section 1.4 'Population density and distribution of the electors' in the ECQ Policy.

4. LGA population density and distribution

Spatial Team help to assess population density and distribution against section 1.4 'Population density and distribution of the electors' in the ECQ Policy.

5. Postal ballot previous historical use in the area

Election Team can help to assess* against section 1.5 'History of postal ballot in the local government area' in the ECQ Policy.

*Assessment considerations

- Identify if the local government had a full or partial postal ballot in 2012 and/or 2016 or previous by-election in the LGA?
- Calculate the turnout rate at a previous full or partial postal ballot election compared to full service in the LGA.
- What was the level of informality and rejection compared to full service in the LGA or more broadly?

⁴ Used on conjunction with ECQ Policy: *Assess Local Government Application to Conduct Postal Ballot Election*.