

Full postal ballot elections – application assessment policy

Version 2.0

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
1.0	Issued for use	Electoral Commissioner	October 2019
2.0A	Reviewed and renamed	Principal Policy Officer, Strategy and Governance	December 2022
2.0	Issued for use	Electoral Commissioner	May 2023

Review

This policy will be reviewed at least **one year prior to the scheduled date for the local government quadrennial elections**, 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 assessment of applications from local governments for full postal ballots for local government quadrennial elections or by-elections, to inform the Electoral Commissioner's recommendation to the Minister responsible for Local Government (the Minister) to approve or not approve an application.

Rationale

Under section 45AA of the *Local Government Electoral Act 2011* (LGEA), a local government may apply to the Minister for an election to be conducted by full postal ballot for a local government quadrennial election or by-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 a part of the division.

Applications for a full postal ballot at a local government quadrennial election must be made by the local government before 1 May in the year preceding the election. Applications for a full postal ballot at a by-election must be made before the day for holding the by-election is fixed¹. The election day is considered fixed on the day the Electoral Commissioner approves the timetable for the by-election.

Under section 45AB of the LGEA, the Minister must refer the application to the Electoral Commissioner. The Electoral Commissioner must recommend whether the application should be approved or not approved but must have regard to all matters listed in section 45AB(4) of the LGEA.

The Electoral Commissioner's recommendations and reasons and the Minister's decision are not subject to appeal².

Guiding Principles

When considering the legislative requirements, the ECQ will apply the following guiding principles to assess and make a recommendation on a full postal ballot application:

1. Ensuring voters have maximum opportunity to cast a vote in a manner most appropriate to their local context.
2. Providing local governments value for money. In accordance with the *Queensland Procurement Policy 2021*, value for money means more than just the lowest price, but also includes the advancement of economic, environmental and social outcomes.
3. Ensuring recommendations to the Minister are impartial, transparent and evidence based and balance consideration of all relevant factors.
4. Giving proper consideration to any human rights that may be affected by a decision to recommend a full postal ballot, in particular the right for every eligible person in Queensland to vote at periodic elections in accordance with section 23(2) of the *Human Rights Act 2019*.

¹ LGEA, section 45AA(2)

² LGEA, sections 45A and 158

Policy

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

Assessment of an application to conduct a full postal ballot election

Assessment of full postal ballot applications must have regard to relevant matters prescribed in the LGEA. The ECQ will also consider common identified factors which would favour a recommendation to either approve or not approve an application.

The factors identified in the LGEA will be the primary considerations in the decision-making process, and overall assessment of the application will be undertaken within the context of the needs of the local community and individual electors. The Electoral Commissioner may ask the relevant local government for additional information if reasonably required to make a recommendation³.

The process of assessment of applications will have regard to the following statutory requirements listed in 45AB(4) of the LGEA:

- a. Reasons, stated in the application, why a postal ballot should be conducted: the local government's application should identify the reasons, including local contextual factors, as to why the poll should be conducted by postal ballot.
- b. Costs of conducting a postal ballot compared to the costs of an attendance ballot: a comparative costing of attendance and full postal ballots will be prepared to assist in assessing the application and the relative value for money for the local government and the services provided to electors within the community.
- c. Number of persons enrolled in the area to which the application relates: the number of electors enrolled in the relevant local government area will be considered to determine the impact of a recommendation to approve or not approve an application.
- d. Population density and distribution: the distribution of electors across the local government area will be examined, including the distance that may be required for voters to travel to polling places for an attendance ballot.
- e. Whether a postal ballot has previously been conducted in the area: the history of any full postal ballots conducted for the area will be considered, including whether voters are likely to be familiar with the postal voting process and consequently more likely to participate in a full postal ballot. The rates of both informal voting and rejected votes at previous full postal ballots will be considered. A record of the full postal and hybrid ballots undertaken at the three most recent local government quadrennial elections is at **Appendix 3**.

³ LGEA, section 45AB(3)

Full postal ballots are generally most appropriate for local governments with lower population sizes and density, where it is impractical to deliver an attendance ballot across a large geographical area with a dispersed population.

Accordingly, the following factors may support a recommendation to approve an application for a full postal ballot:

- A significant proportion of the population resides in areas classified as 'remote' or 'very remote' Australia as reported by the Queensland Government Statistician's Office, with low population density and where electors would be required to travel long distances to major population centres where polling places would likely be located.
- There is evidence that postal voting is a common or preferred form of voting for the majority of electors in the area, division, or part of the local government area as evidenced by voting data from previous election events, including turnout and voting channels used.
- There are fewer than 5,000 electors in the whole local government area, which is a threshold recommended by the *Inquiry Report: A review of the conduct of the 2016 local government elections, the referendum and the Toowoomba South by-election*.
- There is a high proportion of electors in the area who are registered as special postal voters and who would receive a postal ballot automatically regardless of the mode of election delivery. A high number of special postal voters would therefore reduce the demand for attendance election services.

The following factors may support a recommendation not to approve an application for a full postal ballot:

- The local government area is largely urban or regional, with more than 5,000 electors and a high population density.
- Full postal ballots have not been conducted in any recent local government elections, suggesting that electors in the local government area may not be familiar with the postal voting process.
- Previous full postal ballots have had participation rates below the state-wide average, or informality or rejection rates above the state-wide average.
- Voters have shown a preference for other voting methods, including early voting, mobile polling, election day voting or telephone voting, as evidenced by voting data from previous elections.
- The approval of a full postal ballot would impose an unreasonable limitation on the voting options of electors (e.g. blind or low vision electors) who would not have the option to utilise other voting methods as only postal votes may be cast in these elections.
- Not all mail services in the area operate daily, which may increase the risk that postal votes are not received by the elector before election day, or by ECQ within 10 days of election day.

The ECQ will assess the application using the template in **Appendix 4**. The Electoral Commissioner will make the recommendation to the Minister on the balance of all the evidence taken together and after consideration of legislative requirements and weighing other relevant factors.

The decision whether to approve or not approve a full postal ballot is made at the discretion of the Minister, having regard to the Electoral Commissioner's recommendation and the matters prescribed in section 45AB(4) of the LGEA. The ECQ will make all arrangements necessary to deliver the election in accordance with the Minister's decision.

Delegations

Only the Electoral Commissioner or a person acting in the role of Electoral Commissioner may approve a recommendation to the Minister.

Appendix 1 — Definitions

Term	Definition
Attendance ballot	Attendance ballots allow voters to cast their ballot in-person at polling places during the early voting period and on election day, supplemented by additional election services including mobile polling, postal voting (upon application) and telephone voting (for eligible electors).
By-election	An election to replace a councillor or mayor after their office becomes vacant between quadrennial elections. The successful candidate of the by-election will hold the office until the next quadrennial or fresh election.
Elector	An individual enrolled to vote in Queensland.
Full postal ballot	An election which the Minister responsible for Local Government has directed, under section 45 of the LGEA, be conducted by postal ballot. Only postal votes can be cast at these elections and no other forms of voting are provided.
Postal vote	A vote cast using posted voting papers that is completed in accordance with section 69(1)(a) of the LGEA.
Local government quadrennial elections	Elections held every four years for all councillors and mayors.
Special postal voter	An elector whose name is on the register of special postal voters under section 21A of the LGEA and is automatically sent a postal vote at an election.
Voter	An elector who casts a vote at an election.

Appendix 2 — Regulatory Framework

Regulatory framework

- *Local Government Electoral Act 2011*, division 3, subdivision 1 – Polls by ballot
- *Human Rights Act 2009*, section 23 – Taking part in public life

Appendix 3 — Postal and hybrid ballots in previous local government quadrennial elections

Local Government	2012 quadrennial general election	2016 quadrennial general election	2020 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	H ¹	FP
Central Highlands	FP	FP	A
Cook	FP	FP	H ⁴
Croydon	FP	A	A
Diamantina	FP	FP	FP
Etheridge	FP	FP	FP
Flinders	FP	A	A
Goondiwindi	FP	FP	FP
Isaac	FP	H ²	H ²
Lockyer Valley	FP	FP ³	A
Longreach	FP	FP	FP
Maranoa	FP	FP	H ⁵
McKinlay	FP	FP	A
North Burnett	FP	FP	FP
Paroo	FP	FP	FP
Quilpie	FP	FP	FP
Richmond	FP	FP	FP
Southern Downs	FP	FP	A
Western Downs	FP	FP	FP

Key	
Full Postal	FP
Hybrid	H
Attendance	A

¹ No divisions 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 ballot.

⁴ Attendance ballot in Coen and Cooktown with a full postal ballot outside these towns.

⁵ Attendance ballot in Roma, Mitchell, Yuleba, Injune, Wallumbilla and Surat with a full postal ballot outside these towns.

Appendix 4 — Assessment template

Election event	
Legislative provisions – <i>Local Government Electoral Act 2011</i>	
Application made in time (s44AA)	
Reasons stated in the application (s45AB(4)(a))	
Costs of conducting poll by postal compared to attendance (s45AB(4)(b))	
Number of persons enrolled in area, or part of area, to which the application relates (s45AB(4)(c))	
Population density and distribution in the area (s45AB(4)(d))	
Whether poll has previously been conducted by postal ballot in the area (s45AB(4)(e))	
Additional considerations	
Is a high proportion of the population residing in remote or very remote Australia?	
Are there fewer than 5,000 electors enrolled in the local government area?	
What was the level of voter participation at previous elections?	
Is there evidence that a postal ballot is the preferred form of voting in the area? (based on historic voting data)	
How many 'special postal voters' are enrolled in the local government area?	
What are the Australia Post expected delivery timeframes for the area?	
Are any human rights relevant to the proposed act or decision?	
Are any human rights limited by the proposed act or decision? Explain why limited or not limited.	
Any other relevant factors	
Recommendation	