

Report on the conduct of the 2015 Canning by-election

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Introduction

A by-election is triggered when a House of Representatives seat falls vacant for reasons such as the death, resignation or absence without leave of the sitting member, or the sitting member becoming ineligible to retain their seat by virtue of a disqualification under section 44 of the Constitution. This by-election was triggered by the death of the former Member for Canning, Mr Don Randall MP on 21 July 2015.

Key information

By-election timetable

The Canning by-election was held on Saturday 19 September 2015.

A number of essential steps are involved in the conduct of a by-election. These steps, according to the Australian Constitution and the *Commonwealth Electoral Act 1918* (Electoral Act) set various milestones in the by-election timetable. The timetable for the Canning by-election is available at [Attachment A](#). Key data relating to the conduct of the Canning by-election is provided at [Attachment B](#).

Canning by-election Service Plan

The Service Plan, which was a new initiative for the Australian Electoral Commission (AEC), outlined the key election services and standards that underpinned the AEC's delivery of the by-election in the Division of Canning. The [Service Plan](#) was published on the AEC website after the declaration of nominations.

The AEC's performance against the standards outlined in the Service Plan is at [Attachment C](#).

This report has been structured based on the four standards outlined in the Service Plan:

1. Voters and candidates receive timely and accurate information.
2. The AEC delivers a high quality service.
3. Votes will be counted in accordance with the Electoral Act and the public and stakeholders have confidence in the result.
4. The public and stakeholders have confidence that the electoral process is well managed.

1. Voters and candidates receive timely and accurate information

For each electoral event, the AEC produces a guide that provides information on where, how and when to vote and what to do if an elector cannot attend a polling place on by-election day.

A personally addressed 'Your official guide to the 2015 Canning by-election' (the guide) was delivered to voters enrolled in the Division of Canning as at the close of rolls deadline.

The guide was supplemented by a series of print advertisements in *The West Australian* newspaper to alert voters to key aspects of the by-election including:

- the issue of the writ and election timetable
- early voting locations and times
- polling places and candidates.

Digital advertising, social media (Twitter) and media releases were also used to support key messaging throughout the election period.

AEC staff in Perth answered calls made to the AEC's 13 23 26 number during the by-election period. More than 5 100 calls were recorded over the five weeks to by-election day, with some 600 calls received on by-election day itself.

2. The AEC delivers a high quality service

Enrolment services

112 824 electors were eligible to vote in the by-election to elect one of 12 candidates who nominated. During the close of rolls period the AEC processed 1 077 enrolment transactions.

Voting services

A range of voting services were available to Canning voters and key facts are provided at [Attachment B](#).

Early voting services

Review of pre-poll voting procedures

The grounds of application for a pre-poll (early) vote are set out in Schedule 2 of the Electoral Act. There is no specific or express requirement under the Electoral Act for a person to declare that he or she is applying for a pre-poll vote on one or more of the grounds in Schedule 2. However, following a legal review of the relevant procedures prior

to the Canning by-election, the AEC adopted a new administrative procedure to better test that voters who presented for a pre-poll vote were entitled to vote prior to by-election day.

At the Canning by-election, the issuing officers asked each voter who presented at an early voting centre the question “Are you entitled to apply for an early vote?” By asking this question the issuing officers were better able to be satisfied that the voters were entitled to a pre-poll vote before issuing them with a ballot paper.

Fly-in fly-out workers

The resources sector is a major employer across Western Australia, with a high proportion of fly-in fly-out (FIFO) workers. The number of FIFO workers enrolled in the Division of Canning is difficult to quantify with any accuracy, however estimates indicated the FIFO workforce represented between four and nine per cent of the Division of Canning's total enrolment.

Early voting services were provided at FIFO departure sites at Perth Airport, specifically at the Cobham and Skippers terminals and Terminals 2 and 3, with signs directing voters at the Network terminal to the Cobham terminal as they were less than 100 metres apart.

Information about voting arrangements was extensively promoted through direct contact with various mine sites, on-site notices, targeted media releases and, where possible, at the airport itself.

Other voting services

Blind and low vision and mobile polling services were available for the by-election. Overseas voters were catered for in line with the usual practice for by-elections, through postal voting services.

Voting on by-election day

On by-election day, Saturday 19 September, Canning voters were able to vote between 8am and 6pm at any one of the 45 polling places that were open across the Division of Canning.

Electronic Certified Lists

For the Canning by-election all polling places, early voting centres and mobile polling teams used Electronic Certified Lists (ECLs) to issue ordinary votes to voters. Training was provided to all polling officials using ECLs for the by-election.

Every polling place was also provided with a contingency supply of all materials required to conduct polling in case of ECL failure.

3. Votes will be counted in accordance with the Electoral Act and the public and stakeholders have confidence in the result

In total, 89 717 votes were counted representing a turnout of 79.52 per cent.¹

The elected candidate was Mr Andrew Hastie, the Liberal Party candidate, who received 46.92 per cent of the formal first preference votes.

The poll was declared on Friday 25 September 2015 and the writ for the Canning by-election was returned on Wednesday 30 September 2015.

4. The public and stakeholders have confidence that the electoral process is well managed

The AEC is well underway with its delivery of the 2016 federal election. The federal election will see the implementation of a significant range of reforms arising from its own post-election review processes, the recommendations of the *Inquiry into the 2013 Western Australia Senate Election* (the Keelty Report) and reports of the Australian National Audit Office.

The Canning by-election provided an early opportunity for the AEC to implement its response to many of these recommendations through a range of new and enhanced policies and procedures that included:

- New policies to address ballot paper handling and security; visual identification of AEC staff, visitors and scrutineers in polling places; the operation of out-posted centres and the management of election waste. These new policies were supported by a range of new and enhanced forms and materials that included:
 - ballot paper tracking forms, packaging labels, posters indicating ballot paper secure zones, and Divisional Materials Manager logs; and
 - tamper evident tape, parcel bags, election personnel bibs, vests and lanyards for all polling officials, final ballot paper storage boxes, barrier tape, and cardboard screens to cordon off ballot paper secure zones.
- Eight Polling Place Liaison Officers (PPLOs) were assigned to monitor the operation of polling places on by-election day; two more than the number of PPLOs employed in the Division of Canning for the 2013 federal election. PPLOs were scheduled to undertake a minimum of two visits to each polling place on by-election day.

¹ Turnout figure is the percentage of people who voted in the election, calculated by dividing the sum of formal and informal votes by the final enrolment figure.

- Early Voting Liaison Officers were employed for the first time to monitor the operation of mobile polling teams and early voting centres, visiting each early voting centre twice daily during their period of operation. Mobile teams were visited several times whilst conducting polling.
- Ballot box guards were employed at every polling place and pre-poll voting centre.
- An enhanced security procedure was implemented on election night for the transmission and recording of results. Officers in Charge of polling places were required to provide a pre-assigned unique passcode before relaying vote results.
- Ballot paper images were made available for divisional offices outside of Western Australia so that all divisions were able to issue pre-poll votes where required. This was done via a secure intranet site with restricted access to the ballot paper images for nominated divisional office staff.
- Standard Operating Procedures (SOPs) for five essential processes and procedures were trialled covering distribution of preferences, further scrutiny, House of Representative fresh scrutiny, election night scrutiny and preliminary scrutiny. An interim SOP for sorting of election materials returned from polling places was also piloted.

The AEC also implemented enhanced means of AEC staff (permanent and temporary staff) demonstrating their commitment and compliance with the AEC's values and principles, such as political neutrality and the ballot paper principles, during their employment which included the following:

- All permanent and temporary AEC staff involved in the by-election were required to sign a new 'Acknowledgement and Declaration of Key Obligations' form.
- Officers in Charge were also required to confirm, in writing as a condition of employment, that they had appropriate storage arrangements for ballot papers in their home and that they had a suitable, enclosed vehicle to transport the ballot materials.

Apparent non-voters and multiple marks

The AEC investigated 39 cases of multiple marks (all dual marks) occurring at the by-election. Twenty-three cases were subsequently referred to the Australian Federal Police. The AEC is currently in the process of prosecuting non-voters whose excuse was found to be not valid and sufficient and who have not paid the \$20 penalty.

Election funding

On 9 October 2015, the AEC authorised the payment of election funding to the three candidates who received more than four per cent of all formal first preference votes. The public funding rate applicable for the Canning by-election was 259.405 cents per vote. The total of payments made was \$193 970.09.

Attachment A - Canning by-election timetable

Action	Key dates
Announcement of election	Monday 17 August 2015
Issue of writ	Monday 17 August 2015
Close of rolls	8 pm Monday 24 August 2015
Close of nominations	12 midday Thursday 27 August 2015
Declaration of nominations	12 midday Friday 28 August 2015
Early voting commenced	Tuesday 1 September 2015
Mobile polling conducted	from Monday 7 September 2015
Last day for receipt of postal vote applications	6pm Wednesday 16 September 2015
By-election day	Saturday 19 September 2015
Declaration of the poll	Friday 25 September 2015
Return of writs	Wednesday 30 September 2015
Last day for receipt of declaration votes	Friday 2 October 2015

Attachment B - Canning by-election key data as at 5 November 2015

Item	Number
Enrolment transactions processed during close of rolls	1 077
Total enrolled	112 824
Turnout	89 717 (79.52%)
Formal votes cast	84 635 (94.34%)
Total number of candidates	12
Number of polling staff	349
Number of Blind and Low Vision registrations	6
Number of Blind and Low Vision votes cast	6
Polling places	45
Mobile polling teams	3
Early (pre-poll) voting centres	8 (includes 1 Blind Low Vision, 1 Divisional Office and 4 airport centres)
Total number of ordinary votes cast	78 881 (87.92%)
Total number of pre-poll votes cast as ordinary votes (NB: this is a subset of the ordinary votes cast total above)	11 341
Total number of provisional votes cast	1 860
Total number of postal vote certificates returned	9 918
Total number of postal vote applications	12 152
Total number of political party postal vote applications	7 410
Election event costings	\$1 803 322 ²

² Figures are as at 30 April 2016 and are subject to change due to non-voter processes still occurring.

Public funding	\$193 970
Total cost	\$1 997 293 ³

Attachment C: AEC assessment against performance indicators

Standard 1: Voters and candidates receive timely and accurate information

Indicators	Target	Assessment
The AEC will provide timely and accurate information using appropriate technology and channels.	Always	Achieved
Details of voting centres (early voting centres and polling places) are published on the AEC website a minimum of 48 hours prior to being open to the public.	100 per cent	Achieved
Information published on the AEC website about the location and accessibility of voting centres (early voting centres and polling places) is accurate.	100 per cent	Not achieved One replacement polling place required; old polling place address was available for 24 hours.
By-election results are published as soon as they are available.	100 per cent	Achieved

Standard 2: The AEC delivers a high quality service

Indicators	Target	Assessment
AEC staff are courteous and professional in all their dealings with the public and candidates.	Always	Achieved
Polling places are inspected and accurately assessed for accessibility.	100 per cent	Achieved
Enrolment claims received by the close of rolls deadline are correctly processed.	100 per cent	Not achieved Five application forms were not processed however, internal AEC processes were implemented to ensure the voters were not

³ Refer footnote 2.

disenfranchised.

Postal vote packs are despatched within 3 business days of receipt of a valid and complete postal vote application (once ballot papers are available).

100 per cent

Achieved

Voting locations (including early voting centres and polling places) open in accordance with advertised date/s and times.

100 per cent

Not achieved
One instance recorded of a polling place opening at 8.02am.

Standard 3: Votes will be counted in accordance with the Electoral Act and the public and stakeholders have confidence in the result

Indicators	Target	Assessment
After election night, accurate count information is progressively updated on the AEC Website.	At least once per day (where counting activity has occurred)	Achieved
Ballot papers (both used and unused) are accounted for.	100 per cent	Achieved

Standard 4: The public and stakeholders have confidence that the electoral process is well managed

Indicators	Target	Assessment
The writ for the by-election is returned in accordance with the <i>Commonwealth Electoral Act 1918</i> .	returned within 100 days of being issued	Achieved
The AEC's conduct of the by-election is upheld in the event of any challenge in the Court of Disputed Returns.	All	Not applicable
All instances of apparent multiple voting are reviewed and dealt with in accordance with AEC policy and procedures and within statutory timeframes.	Always	Achieved
All instances of apparent non-voting are	Always	Achieved

reviewed and dealt with in accordance with AEC policy and procedures and within statutory timeframes.