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# The New South Wales Electoral Commission

## What does the New South Wales Electoral Commission (NSWEC) do?

The NSWEC's mission is to provide high quality election services that are impartial, effective, efficient and in accordance with the law.

The Electoral Commissioner is appointed by the Governor. The Electoral Commissioner is responsible for the registration of political parties, enrolment of electors, preparation of lists and rolls of electors and the conduct of elections. The Electoral Commissioner is the Returning Officer for the periodic Legislative Council elections and is also one of three Electoral Districts Commissioners appointed by the Governor to carry out electoral district redistributions according to law.

The NSWEC supports the Electoral Commissioner by:

- conducting elections for the Parliament of NSW and elections for local government councils
- conducting elections for registered clubs, statutory boards and State registered industrial organisations
- working with the Australian Electoral Commission (AEC) in the management of the joint electoral roll in NSW
- providing administrative support to the Election Funding Authority

## Who are the NSWEC's stakeholders?

The NSWEC's stakeholders are:

- the people and electors of NSW
- the Parliament of NSW
- local government councils
- Registered Political Parties
- candidates and other participants at elections
- industrial organisations, registered clubs and statutory bodies
- the media

## What is the NSWEC's electoral environment?

The NSWEC recognises the diversity of the NSW community and the demand for high quality electoral services to meet a wide range of needs, expectations and levels of understanding of the democratic system.

Elections are conducted in a high profile legal environment where impartiality, accuracy, reliability and efficiency are essential.

The NSWEC recognises an increasing community demand for access to election services. In addition to a strong commitment to its obligations under privacy laws, the NSWEC is committed to continuing to respond effectively and efficiently to higher community expectations with respect to the handling of electors' personal information.

## What do Returning Officers do?

Returning Officers are the officers appointed by the Electoral Commissioner to be responsible for conducting an election in each electoral district. In the period prior to an election, Returning Officers establish temporary offices and employ staff to facilitate the smooth running of the election for their electoral districts. They also issue pre-poll and postal votes, receive candidates' nominations, register How-to-Vote cards and organise staff and polling places for election day.

## What is the role of the NSWEC between General elections?

The NSWEC undertakes a range of tasks following a General election. Detailed statistical breakdowns of election results are prepared and published and reports are compiled for Parliament on the General election and by-elections. Nonvoters are contacted and asked to explain why they did not vote and where no acceptable excuse is provided issued with a fine of \$25.

The NSWEC works with the AEC in the management of the joint electoral roll in NSW and provides administrative support to the Election Funding Authority.

In addition the NSWEC is responsible for the conduct of all parliamentary by-elections and local government elections in NSW. It is also responsible for the conduct of elections and polls for registered clubs and statutory boards and industrial ballots.

## Representative Democracy in New South Wales

### What is representative democracy?

The term democracy originated in Greece in the fifth century BC. (The word 'democracy' comes from the Greek word demos, which means 'the body of citizens'). Democracy means government by the people or the rule of the majority. In a democracy, citizens decide how they will be governed. In NSW a system of representative democracy is used and at each election citizens give power to a group of representatives. At elections voters are invited to judge the performance of their representatives. They can re-elect the governing party or replace it with their opposition including coalitions.

In NSW, voters have only changed government four times since the mid 1960s.

These elections were in:

- 1965** Liberal Party elected
- 1976** Australian Labor Party elected
- 1988** Liberal-National Party coalition elected
- 1995** Australian Labor Party elected

### What purpose do elections serve in a democracy?

Elections are a fundamental component of democracy. An election is the process through which the people (the electorate) choose their representatives in Parliament. Electors have a choice of representatives, usually organised in political parties, and can vote for candidates/political parties according to the policies of these candidates/parties. The electors' votes provide the elected government with the legitimacy to implement its political program.

### How many Parliaments have there been in New South Wales?

To date there have been 53 Parliaments in NSW.

### How is government formed in New South Wales?

The NSW Parliament is made up of 135 representatives sitting in two houses – the lower house and the upper house.

The lower house is called the Legislative Assembly. The Legislative Assembly is constituted by representatives elected by the people. The State is divided into 93 electoral districts with one member representing each district. An electoral district for the Legislative Assembly has approximately 48,300 electors. The government of the day must have the support of a majority of members in the Legislative Assembly.

The upper house is called the Legislative Council and has 42 members who are elected to represent the approximately 6,800,000 citizens (4,300,000 electors) of NSW as one electorate.

Unlike members in the Legislative Assembly, who each represent the voters of a particular electoral district, members of the Legislative Council are elected by all voters with the whole State as one electorate. They therefore represent all the people of NSW. The system of election for the Legislative Council is known as proportional representation. Members are elected according to the proportion of votes they receive after the distribution of preferences.

### How long are members elected for?

Members of the Legislative Assembly are elected for a maximum four year term of Parliament.

Elections held for the purpose of electing all members of the Legislative Assembly are known as General elections. General elections are required to be held every four years although Parliament can be dissolved sooner by the Governor.

Members of the Legislative Council are elected for two terms of Parliament (eight years).

The Legislative Council is constituted so that at each General election (every 4 years) half of the 42 members have served their two terms of Parliament and must retire. These members may stand for re-election. The Legislative Council is constituted by 21 members serving their first of two terms and 21 members serving their second and final term in Parliament.

Elections held for the purpose of electing the 21 members of the Legislative Council are known as periodic Council elections. The date of a periodic Council election is the same as that for the General election of members of the Legislative Assembly.

## Elections

### **What is the timeframe between General elections?**

A referendum was held on 25 March 1995 to ask if NSW electors wanted a fixed four year term for Parliament. This was passed. Therefore NSW has a General election every four years with election day being the fourth Saturday in March. The next General election will take place on Saturday 24 March 2007.

### **What is the timeframe for a General election?**

NSW has fixed term Parliaments. As such the date of the General election is known in advance. The Governor of NSW formally commences the election process by issuing writs to the Electoral Commissioner. The Governor issues one writ for each Legislative Assembly district and a single writ for the Legislative Council election.

The writs name the key dates for the election which are:

- the close of the electoral roll (the day of the issue of writs)
- the close of nominations for candidates who want to stand for Parliament. This date is specified in the writ and is generally three to four days from the issue of the writ.
- election day (fixed as 24 March 2007)
- the return of the writs (no later than 60 days from the issue of the writs)

### **How many people are employed on election day?**

Around 25,000 temporary election officials are employed on election day. These officials assist with the running of the polling places and with the counting of the votes.

### **How many polling places are there on election day?**

There are around 2,700 polling places across NSW on election day. Metropolitan electoral districts have around 20 polling places each. Geographically large rural electoral districts can have up to 65 polling places.

### **How much will the 2007 General election cost?**

The 2007 General election will cost approximately \$37 million.

## Electoral Districts

### **What is an electoral district?**

An electoral district is a geographical area with clearly defined boundaries containing approximately equal numbers of voters. NSW is divided into 93 State electoral districts.

Each of the 93 electoral districts has approximately 48,300 electors. Each district is represented in Parliament by a member of the Legislative Assembly. For the Legislative Council, members represent the whole State, therefore the whole State is considered the district.

A redistribution of NSW State electoral boundaries was finalised in December 2004. The 2007 General election will be contested on the new boundaries.

### **Where can electoral maps be obtained?**

Electoral maps are available on the NSWEC website at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au).

## Enrolment

### Who can enrol to vote?

You are eligible to enrol if you:

- are 17 years of age or older (but you cannot vote until you are 18)
- are an Australian citizen or a British subject who was on an Australian electoral roll on 25 January 1984
- have lived at your present address for at least the last month.

### Is enrolment compulsory?

Enrolment is compulsory for Australian citizens aged 18 years and over and who have lived at their current address for at least a month. If you are only 17, enrolment is not compulsory.

### Is voting compulsory?

If you are enrolled, voting is compulsory for State elections. You may be fined if you do not vote without a sufficient reason.

### Are there people who cannot enrol to vote?

People may not enrol if they:

- have been convicted of a crime and have been sentenced to imprisonment for 12 months or more and are serving that sentence
- have been convicted of treason
- are a protected or an incapable person within the meaning of the *Mental Health Act 1958*
- are the holder of a temporary entry permit or are a prohibited immigrant under the *Migration Act 1958* (except for British subjects who were enrolled in 1984).

### Am I on the roll?

There is a joint roll agreement between the State and the Commonwealth in order to prepare, update and revise rolls of electors for State elections. The work is undertaken by the Australian Electoral Commission (AEC) on behalf of the State.

You can check that your enrolment is correct by accessing the online verification facility found on the AEC website at [www.aec.gov.au](http://www.aec.gov.au). Electoral rolls can be viewed at any of the offices of the AEC or at the New South Wales Electoral Commission (NSWEC). If you phone these locations you can only enquire about your own enrolment.

You will be asked for your:

- full name
- address
- date of birth

The enquiry officer can only confirm the enrolment if it matches the details supplied by the caller. Details of the federal electoral division, State electoral district and local government area can be provided to the caller but no other information can be given. You can contact the NSWEC on 1300 135 736 for this information.

### Can I check who is on the roll?

You can inspect the roll for the 93 NSW electoral districts at the NSWEC. The electoral roll is not available on the internet for general searching. You can confirm your own enrolment on the internet. See previous heading "Am I on the roll?".

## **What State electoral district am I in?**

If you are unsure of your electoral district you can contact the NSWEC, phone 1300 135 736 for this information.

The online verification facility found on the AEC website at [www.aec.gov.au](http://www.aec.gov.au) provides details of relevant electoral districts.

## **How do people enrol to vote?**

To be able to vote in State, federal and local government elections people must first enrol. The AEC is responsible for maintaining and updating the electoral roll. To enrol each person is required to complete an electoral enrolment form which must be lodged with the AEC or NSWEC. Details are on the form.

Electoral enrolment forms and business reply envelopes are available from:

- Post Offices
- AEC Divisional Offices located throughout NSW
- NSWEC.

You may also download and print a form from the AEC ([www.aec.gov.au](http://www.aec.gov.au)) or NSWEC ([www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)) website. The forms must be signed in person and returned to the NSWEC or the AEC. You cannot enrol online.

Locations for the AEC Divisional Offices can be found in the White Pages or the AEC website at [www.aec.gov.au](http://www.aec.gov.au).

Whenever you change your address, name or other enrolment details you must complete a new electoral enrolment form to update your enrolment.

When you enrol, your name will be placed on the electoral roll for federal, State and local government elections.

You will receive an "Acknowledgement of enrolment" card which provides details of your federal electoral division, State electoral district and local government area. If this card has not been received within 4 weeks you should contact the AEC.

## **I have changed my address from where I was previously enrolled. What do I do? Can I vote?**

You must have lived at your new address for one (1) month before reenrolling. To re-enrol, fill in an enrolment form and send it to the AEC. Details of AEC Divisional Offices are at [www.aec.gov.au](http://www.aec.gov.au).

If your new address is in the same electoral district as your old address you can re-enrol immediately (i.e. there is no one month residential requirement).

If you have been at your new address for some time (and it is in a different electoral district) and you have not yet re-enrolled, you may have been removed from the electoral roll. If so you must re-enrol before the close of rolls for the election.

If you do not qualify to be enrolled at your present address before the close of rolls you may vote for the address in which you are currently enrolled provided you have lived there within the previous three (3) months.

## **What special enrolment facilities are available?**

### **Antarctic electors**

Enrolled voters who intend to work in Antarctica can vote in elections by giving notice to the AEC ([www.aec.gov.au](http://www.aec.gov.au)).

## General postal voters

An elector may apply to be registered as a general postal voter if he/she:

- is a patient in a hospital or similar institution which does not have mobile polling facilities and the elector is too ill or infirm to travel
- is seriously ill or infirm, lives at home and cannot travel
- is a person who is at a place (other than a hospital) caring for a person who is seriously ill or infirm and as a result cannot travel to a polling place
- is being held in prison (electors serving a sentence of less than 12 months are entitled to remain on the electoral roll and therefore to vote)
- is a silent elector
- has a physical disability which prevents him/her from signing his/her name and when he/she enrolled providing a doctor's certificate to that effect
- is because of his/her religious beliefs or membership of a religious order precluded from attending a polling booth for a greater part of the hours of polling on election day.
- lives more than 20 kilometres by the nearest practical route from a polling place
- is enrolled in a remote subdivision
- will not be within NSW during any period that exceeds three (3) months.

Application forms for registration as a general postal voter are available from the NSWEC or any office of the AEC ([www.aec.gov.au](http://www.aec.gov.au)).

Registration as a general postal voter means that, as soon as possible after the close of nominations for an election, the State Returning Officer will send the elector ballot papers for the election.

## Itinerants

An itinerant elector is a person who is entitled to be on the electoral roll but who does not have a permanent residential address. A special enrolment form for itinerant voters is available at the NSWEC and at any office of the AEC.

## Overseas electors

Electors going overseas for six (6) years or less can apply to be registered as an overseas elector. This entitles you to have your name retained on the electoral roll while you are overseas. Forms are available from the NSWEC or AEC.

## Provisional enrolment of 17 year olds

Provisional enrolment allows 17 year olds to enrol so that they are able to vote when they turn 18. The advantage of provisional enrolment is that people who turn 18 on or just before an election day will be able to vote, even if the rolls have closed.

## Silent electors

Silent electors are those people who believe that having their address shown on a publicly available electoral roll or list of electors would endanger themselves or their families. They may be silently enrolled. The names of silent electors are shown on the roll but their address is not. Applicants for silent enrolment must explain why they have applied and attach a statutory declaration to their application. Forms are available from the NSWEC or AEC.

## What kind of information is collected for the maintenance of the electoral roll?

People applying to enrol to vote are asked to give the following information:

- title
- name
- residential address (and postal address, if different)
- date and place of birth
- gender
- former name and address, if changed
- occupation.

## What kind of information appears on the publicly available electoral roll?

On the NSW roll and local government roll the following information appears:

- name
- address
- gender.

## Who has access to elector information?

### The general public

- The electoral roll can be inspected at the NSWEC or at any office of the AEC.

### The Commonwealth of Australia

Under the *Commonwealth Electoral Act* 1918, electoral information may be given to:

- Members of State Parliament and Registered Political Parties
- the electoral authorities of those states and territories that have entered into a joint roll arrangement with the Commonwealth
- medical research and public health screening programs
- Australian government agencies including Centrelink, the Australian Taxation Office and the Department of Foreign Affairs & Trade. A full list of agencies entitled to this information is available from the AEC ([www.aec.gov.au](http://www.aec.gov.au)).

### The State of NSW

- Members of State Parliament and Registered Political Parties
- groups and candidates participating in the electoral process
- approved medical research and public health screening programs
- State agencies including NSW Police, Sheriffs Office, ICAC, Office of Fair Trading, Office of State Revenue.

## Candidates and Parties

### Who can stand as a candidate?

A candidate is a person who stands for election as a member of Parliament. Every person enrolled as an elector for any electoral district in the State (subject to certain disqualifications) is eligible to be nominated as a candidate for either the Legislative Assembly or the Legislative Council. A candidate for the Legislative Assembly can only contest an election for one district.

### Who cannot stand as a candidate?

Apart from people not qualified to enrol, the *Constitution Act 1902* prescribes that certain circumstances will disqualify a person from being elected to the Legislative Assembly and Legislative Council. It is not the role of the NSWEC to determine whether or not a candidate is subject to any of these disqualifications. If a person is in any doubt about their eligibility to be elected they are advised to seek their own legal advice.

### How do candidates nominate?

#### Legislative Assembly nominations

Nominations for the Legislative Assembly must be submitted on the prescribed form. In the case of independent candidates the nomination form must be submitted to the Returning Officer for the electoral district for which the candidate wishes to stand for election. Registered Political Parties may nominate all of their candidates for the Legislative Assembly with the Electoral Commissioner. Such nominations must be lodged by 12 noon the day before nominations close. Nominations must be received by the close of nominations shortly after the close of rolls. This date is widely advertised.

A person must be nominated by either:

- the registered officer or deputy registered officer of a Registered Political Party which has endorsed the person for the election

or

- by at least 15 electors on the roll for the electoral district for which the candidate is standing.

The nomination must be accompanied by a deposit of \$250 (cash or cheque from an authorised deposit taking institution). This deposit is returned if the candidate is elected or receives more than 4% of the total first preference votes polled in the district.

#### Legislative Council nominations

Nominations for the Legislative Council must be submitted on the prescribed form to the Electoral Commissioner who is the Returning Officer for Legislative Council elections. Nominations must be received by the close of nominations. This date is widely advertised.

A person must be nominated by either:

- the registered officer or deputy registered officer for a Registered Political Party which has endorsed the person for the election

or

- by at least 15 electors enrolled for any NSW electoral district.

The nomination must be accompanied by a deposit of \$500 (cash or bank cheque only). The deposit is returned if:

- the candidate is elected

or

- if at least one of the candidates in the group in which the candidate is included is elected

or

- the total number of votes polled as first preference votes in the candidate's favour or in favour of the members of the group in which the candidate is included is at least 4% of the total number of first preference votes polled in the election.

## What is a group?

For the Legislative Council election certain candidates may form a group. A group must comprise at least 15 candidates before it can have a group voting square above the thick black line on the ballot paper. Candidates not included in a group are shown in a column on the extreme right of the ballot paper, and are generally referred to as ungrouped candidates. An example of a Legislative Council ballot paper can be seen in the Voting section on page 56.

More detailed information on nominating as a candidate can be obtained by contacting the NSWEC and by reference to the publication *Parties, Groups and Candidates Handbook for State Elections* available from the NSWEC or from the website ([www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)). This publication is under review to comply with changes to the legislation.

## How is the order on the ballot paper decided?

### Legislative Assembly

The order of names on the ballot paper is decided by a draw at the Returning Officer's office. This takes place soon after the close of nominations. Candidates and members of the press are invited to witness the draw.

### Legislative Council

A draw is held by the Electoral Commissioner to determine the order of the appearance of grouped and ungrouped candidates on the Legislative Council ballot paper. The draw takes place soon after the close of nominations. Candidates and members of the press are invited to witness the draw.

## How do political parties register?

Initial and continued registration as a political party is subject to strict legislative requirements. Organisations with at least 750 members enrolled on the NSW electoral roll can apply for registration as Registered Political Parties. A \$2,000 application fee is required. If preliminary tests and inquiries indicate that a party meets the registration eligibility requirements prescribed by the *Parliamentary Electorates and Elections Act 1912*, a process of public consultation will be undertaken with a notice being published in one or more newspapers circulating in NSW before a party's registration is approved.

Organisations applying for registration as a political party should familiarise themselves with the requirements of the Act, and with the *Registration of Political Parties for State Elections Handbook*, available from the NSWEC. They should also contact the NSWEC for advice or guidance about the registration process.

## Why do political parties register?

Registration is not compulsory. However registration provides certain entitlements as well as obligations.

Registration enables a party's name to be printed on ballot papers alongside the names of the party's endorsed candidates at NSW elections. Unless a party is registered its name cannot be shown on ballot papers next to the names of its candidates. Once a party is registered another party cannot be registered with a similar name.

Other benefits of registration include entitlements to public funding and access to copies of the electoral roll for electoral purposes only. Each Registered Political Party must enter into a Safeguard Agreement to ensure that electors' personal information is protected.

To be entitled to apply for these benefits a party needs to be registered for at least 12 months before the close of nominations prior to the General election.

## Which political parties are currently registered?

The list of Registered Political Parties is on page 28 of this publication. A current list of Registered Political Parties is also available on the NSWEC's website at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au). The Register of Political Parties is open for public inspection, without fee, during office hours at the NSWEC, Level 25, 201 Kent St, Sydney, 2000.

## How many candidates contested the last General election?

Six hundred and sixty (660) candidates stood for the Legislative Assembly and 284 candidates stood for the Legislative Council at the 2003 General election.

## Can parties and candidates receive funding for their election expenses?

Parties and candidates are eligible for election funding payments if they meet certain criteria.

A party's or candidate's funding entitlement is based on the proportion of votes they receive. Funding is limited to the lesser of either the amount of money they spent in relation to conducting the election or their maximum entitlement under the *Election Funding Act 1981*.

In order to receive such a payment parties and candidates must lodge an audited claim for payment.

In addition to lodging a claim for payment, parties must lodge an audited declaration of "Political contributions and electoral expenditure incurred".

Further information is available in the *Election Funding Authority Guides* available from the NSWEC or the Election Funding Authority website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

## Do candidates have to declare what they spend on the election?

It is a requirement that candidates, groups and parties disclose all political donations received and electoral expenditure incurred.

Electoral expenditure includes all advertising utilising radio, television, cinemas, internet, newspapers, magazines and periodicals. Additionally other printed material must be disclosed which includes such things as photographs, balloons, badges, stickers, agency fees, artwork etc. Samples of all printed material as well as scripts for media advertising must also be provided to the Election Funding Authority when a declaration is lodged. All expenditure has to be "vouched" for by showing invoices and receipts. Other items of expenditure which must be disclosed are administrative items. Further information can be obtained from the Election Funding Authority website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

## Do donors to political parties and candidates have to declare their donation?

Where a donation of money is made, goods or services are donated or a gift is given which is valued at more than \$1500, the donor is required to lodge a declaration.

A political donation made by a person or organisation (other than a candidate or a party), for the purposes of the *Election Funding Act 1981*, is considered to be electoral expenditure and hence must be disclosed. There are more details on the Election Funding Authority website at [www.efa.nsw.gov.au](http://www.efa.nsw.gov.au).

## What is the role of scrutineers?

Scrutineers play an important role in ensuring that elections are conducted in a fair, impartial and transparent environment.

Candidates are able to appoint scrutineers to observe the issue and counting of ballot papers and to generally safeguard the interests of the candidate.

Scrutineers must be enrolled as electors in NSW. Candidates cannot act as scrutineers at an election which they contest. One scrutineer per candidate can be present at any one time in a polling place during the hours of polling (8 am-6 pm).

One scrutineer per candidate per counting point may be present after the close of polling at 6 pm. Candidates must appoint scrutineers in writing and appointment forms must be handed to the Polling Place Manager. The list of scrutineers can be obtained from the Returning Officer.

### **What restrictions are there on political election advertising?**

Political election advertising must be authorised and must have the name and address of the person authorising it on the advertisement. Printed electoral material must also contain the name and address of the printer. Electoral advertising must not include anything that is likely to mislead or deceive an elector in relation to the casting of the elector's vote, and no party or candidate is allowed to produce an electoral advertisement depicting a ballot paper that is likely to induce an elector to vote otherwise than in accordance with the directions on a ballot paper.

Election advertising (not news broadcasting) in the electronic media is subject to a blackout from midnight on the Wednesday before election day where the broadcast area is within an area to which the election relates. The blackout does not relate to news broadcasts or to the printed media.

The blackout does not apply to the NSWEC's advertising to provide important information to electors. The NSWEC is not responsible for the enforcing the provisions of the blackout as this is a matter for the Australian Communications and Media Authority.

## Voting

### Why vote?

By voting the citizens of NSW have a say in how they would like NSW to be governed by electing people to represent them in State Parliament. Voting is compulsory – everyone who is enrolled must vote in a General election or by-election. It is the responsibility of Australian citizens to enrol when they turn 18.

### What is the method of voting in General elections?

NSW uses a system of optional preferential voting. The preferential voting system requires an elector to vote for his or her preferred candidate and, if desired, to indicate an order of preferences for the remaining candidates.

### Legislative Assembly

The method of voting for the Legislative Assembly is known as 'optional preferential'. Electors are required to place the number '1' in the square next to the name of the candidate for whom they wish to give their first preference vote. This is sufficient for a valid vote. 'Optional preferential' means that electors then have the option of allocating further preferences. They can vote for additional candidates by placing consecutive numbers, beginning with the number '2', in the squares next to the names of those additional candidates in order of preference.

Under the preferential voting system, a candidate must gain an absolute majority of the formal votes (50% plus one vote) to be elected. In electoral districts where there are three or more candidates, it is possible that no candidate will receive an absolute majority of first preference votes. In these cases, preferences are distributed until one candidate does gain an absolute majority.

An example of a Legislative Assembly ballot paper is illustrated overleaf:

Legislative Assembly ballot paper



BALLOT PAPER

LEGISLATIVE ASSEMBLY ELECTION  
Electoral District of

BEACHVILLE

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote.

You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

**SAMPLE ONLY**

CANDIDATES

WILSON, Jane  
ABC PARTY

HOOPER, Allen

WALTON, Scott  
INDEPENDENT

PARISH, Robyn  
XYZ PARTY

For information on the method of counting the votes for the Legislative Assembly see Counting and Results at page 61.

## **Legislative Council**

The method of voting for the Legislative Council is known as 'optional preferential proportional representation'.

For the 2007 election you may vote in one of two ways:

### **"ABOVE THE LINE"**

Electors may vote:

- by placing the number '1' in one of the Group Voting Squares located above the thick black line on the ballot paper. This will record a vote for the first candidate in that group with the preferences going to the other candidates in that group. (A group must comprise at least 15 candidates before it can have a Group Voting Square above the thick black line)

or

- by placing the number '1' in a Group Voting Square then marking a second or subsequent preference in other Group Voting Squares above the line. In this case you will have indicated preferences for candidates in the second and subsequent groups for the candidates in those groups in the order they appear on the ballot paper.

### **"BELOW THE LINE"**

Electors voting below the line must select their own order of preferences by placing the numbers '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', '13', '14', '15' in the squares next to the names of 15 candidates in order of preference for them. This is sufficient for a valid vote. If they wish to, electors can then vote for additional candidates by placing consecutive numbers beginning with the number '16' in the squares next to the names of those additional candidates in order of preference for them.

For information on the method of counting the Legislative Council votes see Counting and Results at page 62.

An example of a Legislative Council ballot paper is overleaf.

Legislative Council ballot paper



NEW SOUTH WALES Election of 21 Members of Legislative Council.

BALLOT PAPER

You may vote in one of two ways:

**either**

Place the number '1' in the square above the group of candidates for whom you desire to vote. You may if you wish vote for additional groups of candidates by placing consecutive numbers beginning with the number '2' in the squares above the additional groups of candidates in order of your preferences for them.

**GROUP A**  **XYZ PARTY**

**GROUP B**  **GHI PARTY**

**GROUP D**  **QRS PARTY**

**GROUP F**  **ABC PARTY**

**GROUP I**  **JKL PARTY**

**OR**

**Or**

Place the number '1', '2', '3', '4', '5', '6', '7', '8', '9', '10', '11', '12', '13', '14' and '15' in the squares opposite the names of '15' candidates in order of your preferences for them. You may if you wish vote for additional candidates by placing consecutive numbers beginning with the number '16' in the squares opposite the names of these additional candidates in the order of your preferences for them.

**GROUP A**  **XYZ PARTY**

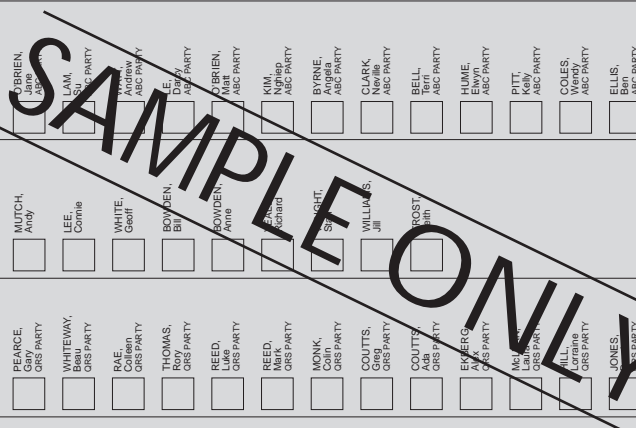
**GROUP B**  **GHI PARTY**

**GROUP D**  **QRS PARTY**

**GROUP F**  **ABC PARTY**

**GROUP I**  **JKL PARTY**

<input type="checkbox"/> KRUSE, Bill XYZ PARTY	<input type="checkbox"/> LILICH, Rob GHI PARTY	<input type="checkbox"/> KING, John QRS PARTY	<input type="checkbox"/> MATCH, Andy ABC PARTY	<input type="checkbox"/> BERNETT, Nick JKL PARTY	<input type="checkbox"/> NOEL, Joel INDEPENDENT
<input type="checkbox"/> FERRIS, Geoff XYZ PARTY	<input type="checkbox"/> BHAT, Ho GHI PARTY	<input type="checkbox"/> BROWN, George QRS PARTY	<input type="checkbox"/> LEE, Connie ABC PARTY	<input type="checkbox"/> VAN, Gladis JKL PARTY	<input type="checkbox"/> SMITH, Jason INDEPENDENT
<input type="checkbox"/> GRAVEN, [Name] XYZ PARTY	<input type="checkbox"/> PREST, [Name] GHI PARTY	<input type="checkbox"/> SAWTELL, Jim QRS PARTY	<input type="checkbox"/> WHITE, Geoff ABC PARTY	<input type="checkbox"/> RIDER, [Name] JKL PARTY	<input type="checkbox"/> KOUNIS, [Name] INDEPENDENT
<input type="checkbox"/> TAIT, [Name] XYZ PARTY	<input type="checkbox"/> REY, [Name] GHI PARTY	<input type="checkbox"/> RHALL, Adul QRS PARTY	<input type="checkbox"/> BOWEN, Bill ABC PARTY	<input type="checkbox"/> FINN, [Name] JKL PARTY	<input type="checkbox"/> MAK, [Name] INDEPENDENT
<input type="checkbox"/> BILSON, Alan XYZ PARTY	<input type="checkbox"/> KAZI, [Name] GHI PARTY	<input type="checkbox"/> NASH, Kim QRS PARTY	<input type="checkbox"/> BOWDEN, Anne ABC PARTY	<input type="checkbox"/> WANG, [Name] JKL PARTY	<input type="checkbox"/> SMITH, [Name] INDEPENDENT
<input type="checkbox"/> REX, Lindsay XYZ PARTY	<input type="checkbox"/> POLLARD, Sue GHI PARTY	<input type="checkbox"/> GRIMMER, Liz QRS PARTY	<input type="checkbox"/> REED, [Name] ABC PARTY	<input type="checkbox"/> LEARY, Warren JKL PARTY	<input type="checkbox"/> TAYLOR, Anne INDEPENDENT
<input type="checkbox"/> WILSON, John XYZ PARTY	<input type="checkbox"/> WHITE, Jerry GHI PARTY	<input type="checkbox"/> MONK, Colin QRS PARTY	<input type="checkbox"/> MONK, Colin ABC PARTY	<input type="checkbox"/> POLLOS, Con JKL PARTY	<input type="checkbox"/> BRINO, Frank INDEPENDENT
<input type="checkbox"/> BERRY, Sylvia XYZ PARTY	<input type="checkbox"/> FORD, Miam GHI PARTY	<input type="checkbox"/> COULTS, Greg QRS PARTY	<input type="checkbox"/> CLARK, Neville ABC PARTY	<input type="checkbox"/> DAY, Greg JKL PARTY	<input type="checkbox"/> MATTHEWS, Liz INDEPENDENT
<input type="checkbox"/> JAMES, Ann XYZ PARTY	<input type="checkbox"/> GRIFFIN, Leibel GHI PARTY	<input type="checkbox"/> COUTTY, Ada QRS PARTY	<input type="checkbox"/> BELL, Tiff ABC PARTY	<input type="checkbox"/> WEST, Victoria JKL PARTY	<input type="checkbox"/> JAMES, Terry INDEPENDENT
<input type="checkbox"/> WALTERS, [Name] XYZ PARTY	<input type="checkbox"/> AGEY, [Name] GHI PARTY	<input type="checkbox"/> EVERG, [Name] QRS PARTY	<input type="checkbox"/> HUME, [Name] ABC PARTY	<input type="checkbox"/> NIVEN, Kari JKL PARTY	
<input type="checkbox"/> MURRAY, [Name] XYZ PARTY	<input type="checkbox"/> DOBSON, [Name] GHI PARTY	<input type="checkbox"/> MCLEOD, [Name] QRS PARTY	<input type="checkbox"/> PITT, [Name] ABC PARTY	<input type="checkbox"/> BERG, [Name] JKL PARTY	
<input type="checkbox"/> Riche, [Name] XYZ PARTY	<input type="checkbox"/> PLUMB, [Name] GHI PARTY	<input type="checkbox"/> HALL, [Name] QRS PARTY	<input type="checkbox"/> GOLES, [Name] ABC PARTY	<input type="checkbox"/> WATKINS, [Name] JKL PARTY	
<input type="checkbox"/> MOORE, [Name] XYZ PARTY	<input type="checkbox"/> KIRK, Lesnie GHI PARTY	<input type="checkbox"/> JONES, [Name] QRS PARTY	<input type="checkbox"/> ELLIS, [Name] ABC PARTY	<input type="checkbox"/> CHAN, Charlie JKL PARTY	
<input type="checkbox"/> POPE, Kevin XYZ PARTY	<input type="checkbox"/> O'CONNELL, Des GHI PARTY	<input type="checkbox"/> BOO, [Name] QRS PARTY	<input type="checkbox"/> HADDAD, Laile ABC PARTY	<input type="checkbox"/> OLIVER, Jacob JKL PARTY	
<input type="checkbox"/> THOMAS, Mby XYZ PARTY	<input type="checkbox"/> BOYLE, Ann GHI PARTY	<input type="checkbox"/> COOK, Annette QRS PARTY	<input type="checkbox"/> DAHER, Samir ABC PARTY	<input type="checkbox"/> RIZZO, Siano JKL PARTY	



## Is voting compulsory?

Voting is compulsory for State elections if you are eligible. You may be fined if you do not vote without a sufficient reason.

In Australia, voting was first made compulsory in Queensland State elections in 1915. Compulsory voting was introduced at the federal level by a Private Member's Bill in 1924, and operated for the first time at the 1925 federal election. In NSW, compulsory voting was first introduced in 1928.

## How does voter turnout in Australia compare with other Western democracies?

Australia is one of a minority of countries to have compulsory voting. There are currently 32 countries with compulsory voting. Ten of the thirty members of the OECD have compulsory voting. Countries with compulsory voting include Belgium, Cyprus, Fiji, Luxembourg, Nauru, Singapore and Uruguay.

Voter turnout at Australian federal elections has not fallen below 90% since compulsory voting was introduced in 1924.

At the General election held in New Zealand (compulsory enrolment and voluntary voting) in September 2005, 75% of the eligible population voted. In the US Presidential elections (voluntary enrolment, voluntary voting) held in November 2000, 49.3% of the voting age population voted. At the General election held in the United Kingdom (voluntary enrolment, voluntary voting) in May 2005, 61.4% of those enrolled voted. The voter turnout at the 2003 NSW General election was 91.9%.

## What options are there for where, when and how electors can vote?

### Before election day

#### Postal vote

Electors can vote before election day as a postal voter if they:

- won't be in NSW during the hours of polling (8 am to 6 pm) on election day
- will be travelling under conditions which will prevent them from voting at any polling place during the hours of polling (8 am to 6 pm) on election day
- will not be within 8 kilometres of any polling place open on election day during the hours of polling (8 am to 6 pm)
- are sick, infirm or approaching maternity (postal vote only) or are caring for a person in any of these conditions (postal and pre-poll vote)
- are a member of a religious order or have religious beliefs which prevent them from attending a polling place or voting during the hours of polling (8 am to 6 pm) on election day
- are being held in prison (within the meaning of the *Prisons Act 1952*) and are precluded from attending at any polling place to vote (postal vote only)
- will be working during the hours of polling (8 am to 6 pm) on election day and won't be able to attend a polling place to vote
- are a silent elector.

If electors are overseas at the time of an election they can vote as a postal voter at a number of overseas Australian embassies or other government offices. Electors can vote at the embassy before election day or apply to the embassy for a postal vote. Votes are sent back to the NSWEC after the close of poll.

To vote as a postal voter electors must complete a postal vote application form and return it to the Returning Officer so that it can be processed and checked against the electoral roll.

Applications for postal votes are available from Post Offices (at the time of the election), the NSWEC or any Returning Officer's office. If electors need to vote by post, they should make sure they have their application in early so that voting material can be sent to them before election day.

Postal vote application forms must be received by the Returning Officer by Monday 19 March 2007 if sent from outside NSW or on Wednesday 21 March 2007 if sent from within NSW.

Once the application has been received and processed electors will be sent postal vote ballot papers and a declaration envelope for their return. Electors must complete the ballot papers, place them in the declaration envelope and sign and date the declaration prior to the close of voting on election day. The envelope may also be handed in at a polling place on election day. Postal votes must be received by the Returning Officer by the fourth day after election day (by the last mail on the Wednesday after election day) in order for them to be admitted to the count.

## **Pre-poll voting**

Electors who satisfy the criteria above can cast an early vote in person at a pre-poll centre. There are approximately 150 pre-poll centres appointed throughout the State at General elections, and a number of pre-poll centres interstate and overseas. A listing of pre-poll voting centres will be available on the NSWEC website, [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au).

## **Declared institutions**

Some convalescent homes, hospitals or similar institutions in which a polling place has not been appointed may be appointed as declared institutions by the Electoral Commissioner. This means that during the week before election day the Returning Officer or an election official for the district in which the declared institution is located will visit the institution in order to enable residents to vote.

## **Overseas voting**

Electors can vote in State General elections at any of a number of overseas locations appointed at the time of an election for several days after nominations close until the close of business on the Thursday before election day (if outside Australia). Electors can vote in person or by requesting a postal vote application. The envelope containing the completed ballot paper must be completed prior to 6 pm on election day. A listing of interstate and overseas voting offices will be available on the NSWEC website, [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au).

## **On election day**

### **Ordinary vote**

An elector can cast an ordinary vote on election day by going to a polling place in his or her electoral district.

### **Absent vote**

Electors who cannot vote in their own electoral district on election day can cast an absent vote at any polling place in any other NSW electoral district.

Electors who go to vote and find that their names are not on the electoral roll or find they have already been crossed off can vote, provided they sign a declaration claiming that they are entitled to vote. These votes are counted only if they satisfy certain checks.

## **What arrangements are there to assist voters with a disability?**

The NSWEC has a number of initiatives designed to improve access to electoral services for people with a disability at the election and provide more doors to the electoral process. The NSWEC has developed an Equal Access to Democracy Plan in consultation with seventeen peak disability consumer and industry organisations.

The Plan was developed to address key issues including access to electoral information, access and participation in enrolment, access to voting, physical access to polling places and promoting positive attitudes.

Through established community networks, the NSWEC will provide customised election information for persons with a disability that is inclusive and provides greater information access. Election information will be provided in a timely manner in a range of alternative formats such as Easy Read, Large Print, Braille, Audio, 2RPH radio broadcasts, Open Captions and TTY text telephone.

Election officials have been trained to assess accessibility, recognise the special needs of people with disabilities and provide appropriate assistance at Returning Officers' offices, pre-poll centres and polling places.

Election furniture, forms, signage and polling place layout have been reviewed to follow optimal accessibility principles. Practical solutions such as luminous contrast graphic design principles, large print information, magnifying tools and large user-friendly pencils will be used at all pre-poll centres and polling places.

In partnership with Vision Australia and the Spastic Centre, the NSWEC will trial the use of pre-poll voting centres and polling places for use by the whole community, specifically designed to provide improved access for electors with a disability. The pre-poll voting centres and polling places will be located in Vision Australia centres and the Spastic Centre premises and will operate in the week prior to and on election day. These facilities will enable the use of specialised devices such as large print signage, audiotapes, magnifiers and closed circuit television.

## **What happens if I am enrolled and do not vote?**

When you go to a polling place to vote, your name is marked off an electoral roll which is later scanned by computer to identify which enrolled electors have not voted. If you have not voted, a notice from the NSWEC is sent asking for your reason for failure to vote. A fine of \$25 can be levied against nonvoters. Nonpayment of fines is dealt with by the courts and it is possible to appeal against a fine through the courts.

## **What happens if I have changed my address from where I was previously enrolled?**

You must have lived at your new address for one (1) month before re-enrolling. To re-enrol, fill in an enrolment form and send it to the AEC. If your new address is in the same electoral district as your old address you can re-enrol immediately (there is no one (1) month residential requirement).

If you have been at your new address for some time (and it is in a different electoral district) and you have not yet re-enrolled, you may have been removed from the electoral roll. If so you must re-enrol before the close of rolls.

If you do not qualify to be enrolled at your present address before the close of rolls, you may vote for the address in which you are currently enrolled provided you have lived there within the previous three months.

## **What is the fine for not voting?**

The fine for not voting at a General election is \$25.

## **What are the opening hours for polling places?**

Polling places open at 8 am and close at 6 pm. Early polling places are open at times and dates determined by the Electoral Commissioner.

## **What is an informal vote?**

A ballot paper is considered informal if it is not completed in the manner directed on the ballot paper and consequently is not admitted to the count. The percentage of informal voting at the March 2003 NSW General election was 2.6% for the Legislative Assembly and 5.3% for the Legislative Council.

### **What are How-to-Vote cards?**

A How-to-Vote card is a simulated copy of the ballot paper showing an elector how to mark the paper and vote for a particular candidate or party. Supporters of candidates, political parties and interest groups often distribute cards outside polling places on election day, suggesting to electors how to cast their votes. All such cards as well as pamphlets or handbills that are distributed on election day must be registered by the Electoral Commissioner. Applications for registration of such electoral material must be received by 5 pm on the eighth day before election day.

## Counting and Results

### How are votes counted?

Once votes have been cast and ballot papers placed in the ballot box they remain untouched until the close of the poll at 6 pm on election day.

After the close of poll the ballot boxes are opened and the ballot papers sorted and counted. Only election officials and scrutineers are permitted to be present. Election officials are the only people allowed to handle the ballot papers. Election officials count the votes for the Legislative Assembly first and then for the Legislative Council.

Only ordinary votes are counted on election night. Absent, postal, pre-poll and declared institution votes are checked and counted after the close of poll.

On election night the staff at each polling place count only the first preference votes. The results of the count are forwarded to the Returning Officer who then forwards them electronically to the tally room which is set up to receive the polling figures from all of the electoral districts in the State. The results are recorded and updated in a centralised computer system, a virtual tally room. Results are also posted on the NSWEC election results website as they become available.

The results, as recorded in the virtual tally room on election night, are televised. Media representatives and candidates are present to watch the results as they become available. The results that you hear about on election night represent only the beginning of the count.

On the Sunday following election day all the Legislative Assembly ballot papers are check counted, that is, they are all counted again.

Generally, Legislative Council ballot papers that are marked above the line will be counted and retained at regional counting centres. The results will be bulk entered into the computer system. Generally, ballot papers marked below the line will be sent from regional counting centres to a central counting centre in Sydney. Here ballot papers will be entered into the computer system.

The voting system for the Legislative Council is different to the Legislative Assembly voting system and it takes longer (approximately two weeks) to achieve a result.

### Counting the Legislative Assembly votes

In order to be elected a candidate must receive more than half the number of the formal first preference votes taken in the electoral district, that is, 50% + 1 of the total formal first preference votes.

If no candidate receives more than half of the first preference votes a distribution of preferences takes place. In this process the candidate with the fewest votes is eliminated and his/her ballot papers are distributed to the remaining candidates according to the next available preference shown on them.

Those ballot papers on which only a first preference is shown cannot be distributed and are set aside as exhausted. Those ballot papers which are set aside as exhausted are not classified as remaining in the count and by reducing the number of votes remaining in the count also reduce the number of votes required to be elected.

The distribution process is repeated, one candidate is eliminated at a time, until a candidate has more than half the number of the votes remaining in the count.

An example of the process is shown.

Candidates	First Preference Votes	NICOTRA Excluded 348		DUNN Excluded 2382		GILES Excluded 3469		STEVENS Excluded 3838 **	
		Votes	Total	Votes	Total	Votes	Total	Votes	Total
McTAGGART	15,052	46	15,098	558	15,656	1,721	17,377	2,306	19,683
NICOLAOU	14,622	19	14,641	218	14,859	622	15,481	388	15,869
GILES	3,208	10	3,218	251	3,469				
DUNN	2,316	66	2,382						
STEVENS	2,819	81	2,900	715	3,615	223	3,838		
NICOTRA	348								
Total Votes in Count	38,365	222	38,239	1,742	37,599	2,566	36,696	2,694	35,552
Exhausted		126	126	640	766	903	1,669	1,144	2,813
Informal	730		730		730		730		730
Total Votes	39,095	348	39,095	2382	39,095	3,469	39,095	3,838	39,095

## \*\* ALEX McTAGGART ELECTED AT THIS COUNT

Majority is 50% + 1 of + 1 of the total votes in the count	50% + 1 of 38,365 is 19,183. No candidate has a majority	50% + 1 of 38,239 is 19,120. No candidate has a majority	50% + 1 of 37,599 is 18,800. No candidate has a majority	50% + 1 of 36,696 is 18,349. No candidate has a majority	50% + 1 of 35,552 is 17,777. Mc Taggart has a majority
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## Counting the Legislative Council votes

In order to be elected, candidates generally need to obtain a quota (about 4%) of the total formal votes cast in an election.

The quota is determined by using a formula set out in the Sixth Schedule of the *Constitution Act 1902*. The quota remains the same for the whole count and is determined using the formula:

$$\frac{\text{Total number of formal first preference votes}}{\text{Number to be elected} + 1} + 1$$

Those candidates who receive at any time during the count a number of votes that is equal to or greater than this quota are elected.

Any votes a candidate receives above the quota are known as surplus votes and are transferred to the remaining candidates according to the next available preference shown on them. A transfer value is applied to the transferred votes. The transfer value generally has a value less than one. The ballot papers transferred are selected at random. The transfer value is calculated using the formula:

$$\frac{\text{Number of elected candidate's surplus votes}}{\text{Number of candidate's first preference votes excluding the number of exhausted ballot papers}}$$

Exhausted ballot papers are those which do not have a next available preference for any of the candidates remaining in the count.

If there are no surplus votes to transfer (or subject to other conditions in the count) but not all 21 members have been elected, the ballot papers of the candidate with the lowest number of votes are transferred according to the next available preference shown on them.

A transfer value is not applied to votes transferred at this stage and thus the votes have full value, that is, a value of 1.

The process continues until all 21 members of the Legislative Council have been elected.

## How are the results compiled and distributed?

On election night, progressive figures for all Legislative Assembly electoral districts and some Legislative Council results are displayed in the tally room and on the NSWEC's website. Usually the first results begin to be posted by 6.30 pm. Election results are transmitted electronically from Returning Officers to the NSWEC, and from the NSWEC to the tally room and onto the Internet. All ordinary votes cast throughout the State will generally have been counted and the results displayed at the tally room by 10.30 pm. The results on display will represent the votes of approximately 85% of the enrolled electors. Postal votes, absent votes and other declaration votes reach the election manager subsequently and are verified and counted for up to 10 days after election day.

To be elected to the Legislative Assembly, a candidate must receive an absolute majority (50% plus one) of the formal votes.

Distribution of preferences is done regardless of whether a candidate receives an absolute majority of first preference votes. In most electoral districts, the result will be clear on election night. However, in close contests, it may take up to two weeks for the result to become known. By law, declaration votes can be received into the count for nine days after election day.

## How are the results of the election declared?

As soon as practicable after the close of the poll and the completion of counting, each Returning Officer declares the poll, that is, officially announces the result of the election for each district.

The results of the Legislative Council election are declared by the Electoral Commissioner.

The NSWEC publishes the results for the Legislative Council and Legislative Assembly in a newspaper circulating throughout the State.

## What is the tally room and who has access to it?

Part of the running of an election is the set up of the tally room environment, where the progressive results are displayed to those present in the tally room such as the television, press, radio and political party representatives.

When polling places close at 6 pm on election day, journalists, candidates and election officials assemble in the tally room, which is set up by the NSWEC. The tally room is the place from which public information on the progress of the count is available on election night. Election results from across the State are sent to the tally room and displayed on a tally board and distributed electronically to the media. This allows people in all parts of NSW to find out from the media what the progressive results are on election night. The results are also displayed on the NSWEC's website at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au). The general public are not able to attend the tally room. Television, radio and print journalists attend the tally room by NSWEC invitation.

## When are the final election results known?

The final election results for the Legislative Assembly are generally known 10 days after election day, after the deadline for the receipt of postal and absent votes. Final results for the Legislative Council can take considerably longer due to the method of counting.

## Where are the results published?

Election results are published on the NSWEC's website at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au), in newspapers and in the NSWEC's report to Parliament on the election. Result's data is also available electronically from the Office's FTP site [ftp.elections.nsw.gov.au](ftp://elections.nsw.gov.au).