



Legislative Assembly

District of Penrith

By-election Report – 19 June 2010

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Please address all enquiries to the New South Wales Electoral Commission, Level 25, 201 Kent Street, Sydney 2000

The Hon Kristina Keneally MP
Premier
Level 40
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Premier,

I am pleased to submit to you, for presentation to Parliament, my report on the results and administration of the State by-election held on 19 June 2010 for the Legislative Assembly District of Penrith.

Yours sincerely,

A handwritten signature in black ink that reads 'Colin Barry'.

Colin Barry
Electoral Commissioner

31 August 2010

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Foreword

This Report provides information on the conduct, administration and results of the by-election held in the Penrith Electoral District on 19 June 2010 following the resignation of the Honourable Karyn Paluzzano MP on 7 May 2010.

The Writ was issued on 24 May 2010. This gave the New South Wales Electoral Commission (NSWEC) a little over three weeks to prepare the Penrith By-election.

A State by-election is very different to a State General Election not just in size but also in lead time. A by-election typically gives less time to prepare in the same structured way as a general election. On this occasion, the Penrith By-election falling nine months ahead of the NSW State Election 2011 provided an opportunity to test planning for the 2011 election and allow fine tuning of these plans.

There were four main themes to the NSWEC's approach to the Penrith By-election: increasing awareness by electors; emphasising service delivery; ensuring capability to deliver high quality elections; and analysing the effectiveness of initiatives planned for the NSW State Election 2011.

To increase participation, the NSWEC notified electors by e-mail and SMS of the coming by-election in addition to distributing an elector brochure and running an advertising campaign.

The NSWEC also tested the potential impact for enrolment, and indirectly for participation, of the still to be proclaimed *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009*. This legislation enables the NSWEC to use trusted information from agreed public sector agencies to automatically enrol or re-enrol eligible electors in their correct electoral district. The need for a new approach to enrolment became apparent over recent election cycles with the realization that significant numbers of eligible voters are not included on the current Australian Electoral Commission Register for NSW. The SmartRoll project addresses this problem by delivering for NSW a more up-to-date, accurate and comprehensive roll for upcoming elections than that currently supplied by the Australian Electoral Commission.

The results of the test of the capacity of SmartRoll indicate that, at any time in NSW, around 350,000 to 400,000 electors (approximately 9% of the NSW Electoral Roll) are not correctly enrolled at their current normal place of residence. Full use of the provisions of the legislation have the potential to markedly increase enrolment and reduce the voting difficulties that many electors face when changing address.

In its service delivery to the Penrith Electoral District, a major initiative of the NSWEC was to assess the satisfaction of voters with the services

Foreword

provided at the Penrith By-election, and to ascertain how electors prefer to receive information on electoral events. The NSWEC surveyed voters on these points as they left polling places. The results revealed that the service received by voters was very well regarded, as was the NSWEC in conducting an impartial election. These survey results compared very well to those of other jurisdictions and will also be reported as part of the State and Territory Electoral Commissioners' comparative performance measurement project.

Delivering efficient, accurate and trusted elections according to electoral legislation relies heavily upon the capability of the NSWEC's staff. As part of preparing the conduct of the NSW State Election 2011, all senior NSWEC staff gained the experience of running a polling place and seeing first hand the initiatives being trialled for the 2011 election. These initiatives included new polling place processes, such as the enrolment enquiry line, combined issuing tables, the Voting Reminder Service card, recording the issuing of Enrolment Cards and the conduct of a satisfaction survey as voters left polling places. Trialling these initiatives enabled their effectiveness to be evaluated.

The participation and informality rates for the Penrith By-election were 86.8% and 3.2% respectively. These figures fell within the range for recent State by-elections. Specifically, the participation rates for the four State by-elections held in 2008 ranged from 80.4% to 88.2%. The range of informality rates for these same four by-elections was 1.8% to 4.1%.

At the Penrith By-election the NSWEC provided the notional count results by 9.08pm on election night and declared the poll on the fourth day following election day. This was also within the range seen in the 2008 State by-elections.

I thank my staff and the NSWEC's suppliers and contractors for their contribution and commitment to the successful conduct of the Penrith By-election.



Colin Barry
Electoral Commissioner

Overview

Election Outcome

The candidate elected at the Penrith By-election on the 19 June 2010 was Mr Stuart Ayres of the NSW Liberal Party with 19,856 votes.

Election snapshot

- 46,304 electors were enrolled on 24 May 2010
- 8 candidates stood to represent the Penrith Electoral District
- 21 polling places
- 247 electoral staff
- 39,838 votes taken
- Participation rate of 86.8%
- Formality rate of 96.8%
- Total cost of by-election \$464,000

Important dates for the by-election

Issue of Writ: Monday, 24 May 2010

Close of Rolls: Monday, 24 May 2010 (6pm)

Close of Nominations

RPPs: Wednesday, 26 May 2010 (12 noon)

Candidates: Thursday, 27 May 2010 (12 noon)

Election Day: Saturday, 19 June 2010 Polling Places open 8.00am – 6.00pm

Return of Writ: Wednesday, 23 June 2010

Conduct of the Penrith By-election

The election night notional count for the two major candidates was completed and placed on the NSWEC website by 9.08pm. The count of postal votes and other declaration votes was finalised on 23 June and the poll result announced on 23 June 2010.

By-election Summary

| Enrolment | |
|-------------------------------------|--------|
| Total Electors | 46,304 |
| Polling Booths | |
| Pre-poll voting centres | 1 |
| Polling Places | 21 |
| Election Officials | 247 |
| Voter participation | |
| Formal votes | 38,556 |
| Informal votes | 1,282 |
| Total votes | 39,838 |
| Voter participation | 86.8% |
| Rate of formal votes | 96.8% |
| Non-voting penalty notices issued | 4,295 |
| Penalty notices issued as % of Roll | 9.3% |
| Voting methods chosen by Electors | |
| Ordinary | 34,789 |
| Postal | 2,142 |
| Pre-poll/Declared Institution | 2,832 |
| Section/Silent | 75 |
| Candidates | |
| Total candidates | 8 |
| Female candidates | 1 |
| Male candidates | 7 |



Features of the Penrith By-election

I. Increasing Electoral Awareness

The NSWEC used a number of different strategies to increase participation in the Penrith By-election. These strategies were a mix of previous approaches such as the elector brochure and some new approaches such as a notification sent to electors by e-mail and SMS.

Voter Reminder Service

In the Penrith By-election notifications were sent to 425 electors by e-mail and another 429 by SMS. These electors had subscribed to the notification service and provided preferred contact details. In

addition, the NSWEC provided the opportunity to electors to subscribe to this service for the coming NSW State Election in 2011.

Elector Brochure

The NSWEC provided an individually addressed brochure containing essential by-election information, such as location and accessibility of polling places, to each elector at their residential address.

This was a very well received initiative with the independently conducted survey of voters at the Penrith By-election revealing that the elector brochure was the most effective means of securing electors' awareness of the coming election.

2. Emphasising Service Delivery

The NSWEC focussed upon meeting the expectations of electors in its electoral services. The projects outlined below were introduced to improve services and to increase the knowledge of the NSWEC of the standards expected by electors.

Access and Polling Places

The NSWEC sought to provide the most accessible and appropriately situated polling places possible for the Penrith By-election. More detailed information was provided on polling places as part of this by-election to assist electors with mobility or other disabilities locate the most suitable polling place for them. This access material was provided on the NSWEC's website, in the elector brochure, in advertisements and by the NSWEC's staff.

Seeking Feedback from Voters on their Voting Experience

For the first time the NSWEC conducted a survey at polling places to ascertain electors' experiences when voting and their preferences for receiving information on coming electoral events.

The results were very positive on the NSWEC's conduct of the by-election with 89% reporting

satisfaction with the electoral services provided and with election staff. These results compared very well with results from other jurisdictions. The overwhelming majority of respondents (93%) believed that the election had been conducted impartially. Information on these responses is provided in greater detail in the 'Services to Electors' section.

In terms of electors' views on the different forms of communication that could be used to communicate with them, the vast majority indicated that written communication (preferably in hard copy form sent to their residential address) was likely to be most effective in getting their attention. (More information is provided on these responses in the section 'Analysis'.)

In addition to informing the NSWEC of electors' views, the results of the survey will become part of the body of knowledge the NSWEC will share with other electoral jurisdictions.

In addition to seeking direct feedback from voters as they left polling places, the NSWEC established an on-line feedback facility on its website which could be used to record compliments, suggestions or complaints. The Penrith By-election provided the opportunity to trial this facility ahead of the NSW State Election 2011.

3. Ensuring Capability to Deliver High Quality Elections

NSWEC Senior Management – Field Experience

To ensure a practical grasp of election day realities by senior managers planning the 2011 State General Election, all NSWEC senior management and those responsible for significant projects worked as Polling Place Managers for the Penrith By-election. This initiative ensured 'hands on' experience of the innovations and procedures under consideration for the NSW State Election 2011.

This experience also enabled senior managers to undertake a more comprehensive by-election debrief.

4. Analysis and Evaluation

Postal Voting

As part of the Penrith By-election, the NSWEC undertook an analysis of the applications received for use of the postal vote option. Of the total Penrith electorate, 6.5% of electors either were General Postal Voters or applied for a postal vote just for this by-election. The results of this examination are outlined in the 'Analysis' section.

Changes to Enrolment

The *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009* (passed by Parliament in December 2009) once proclaimed will allow the NSWEC to gather trusted information from other public sector agencies and use that information to automatically enrol or re-enrol eligible electors in their correct electoral district at their current residential address. While the legislation is still to be proclaimed, the NSWEC was able to test its potential impact using data from the Penrith By-election. The analysis confirmed the strategic significance of automatic enrolment. The results of this test are reported in the 'Analysis' section.

Background to the By-election

Penrith District Profile

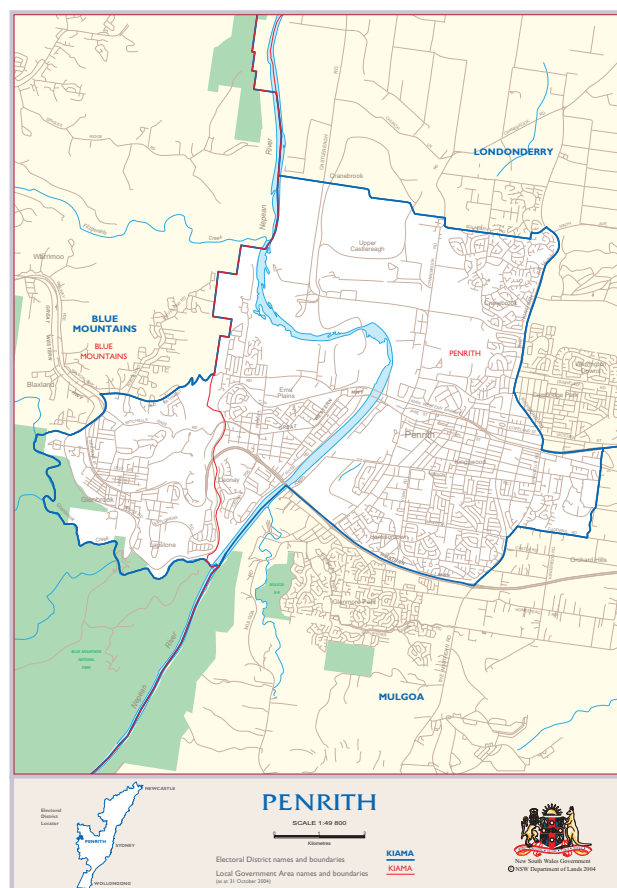
The Penrith State Electoral District includes the geographical area from:

- Boundary Road in the north to the Western Motorway in the south; and
- Glenbrook Creek in the west to the Northern Road in the east.

The District covers an area of six square kilometres. The relevant postcodes are 2747, 2749, 2750, 2773, 2774 and the Local Government Areas within the district are parts of the Blue Mountains Local Government Area and the Penrith Local Government Area.

The localities include Blaxland, Cambridge Park, Castlereagh, Cranebrook, East Blaxland, Emu Heights, Emu Plains, Glenbrook, Jamisontown, Kingswood, Kingswood Park, Lapstone, Lemongrove, Leonay, Penrith, RAAF Glenbrook and South Penrith.

The Penrith State Electoral District is bounded by the State Electoral Districts of Mulgoa, Londonderry and the Blue Mountains.



Background to the By-election

Demographic Profile

The 2006 census revealed that the Penrith Electoral District had:

- 64,170 as the number of usual residents (excluding overseas visitors) of which 51.1% were female (32,811) and 48.9% were male (31,359);
- 2.3% were Indigenous people;
- 20.7% were children aged between 0-14 years, and 22.3% were people aged 55 years and over;
- A median age of 34 years compared with 37 years in Australia overall;
- 88.9% were Australian citizens, 17.6% were born overseas and 0.3% were overseas visitors; and
- English was the language spoken at home by 88.3% with the most common other languages spoken at home being: Arabic 0.6%, Greek 0.5%, Italian 0.5%, German 0.3% and Cantonese 0.3%

Appendix A provides gender details for each age group.

Historical Electoral Representation

Previous State presentation for the Penrith Electoral District has been:

| | | |
|-------------|----------------------------|------------------------|
| 2003 – 2010 | Karyn Lesley PALUZZANO | Australian Labor Party |
| 1991 – 2003 | Faye LO PO | Australian Labor Party |
| 1988 – 1991 | Guy Kevin Vincent MATHESON | Liberal Party |
| 1981 – 1988 | Peter Thomas ANDERSON | Australian Labor Party |
| 1973 – 1981 | (Ron) Ronald Joseph MULOCK | Australian Labor Party |

Services to Electors

Maximising Participation in the Penrith By-election

The NSWEC undertook an advertising and communication campaign to raise awareness of the by-election and to provide necessary information to electors and candidates. The major aspects of this strategy involved advertisements placed in State and local newspapers and provision of information via the NSWEC website and the Returning Officer.

An innovative feature of this by-election's communication strategy was the focus upon engaging electors to participate in a reminder service that provided information about upcoming elections.

Elector Brochure

An elector brochure was sent to each person on the electoral roll for the Penrith Electoral District. The brochure provided valuable information on date of the election and the opening hours of polling places, location of polling places and the accessibility of these, the mandatory nature of participation in the by-election, voting options if unable to vote on election day, instructions on how to vote formally, and how to get assistance for electors not confident in written English or unable to read the brochure for other reasons.

The Penrith By-election brochure also had new features. These features enabled electors to subscribe to a Voting Reminder Service and facilitated voting by having a detachable section

that could be used by election officials in the polling place for more efficient issuing of ballot papers.

In total 45,984 brochures were sent at a total cost of \$27,855, that is \$0.60 cents each (including postage of \$0.34 cents). The brochures were lodged with Australia Post on Friday 4 June to ensure delivery and receipt by electors by Wednesday 9 June, 2010. A copy of the brochure is provided at Appendix B.

Advertising

The *Parliamentary Electorates and Elections Act 1912* prescribes that certain advertising must occur. The advertising strategy for the Penrith By-election comprised seven separate components:

- Enrol to Vote
- Issue of Writ
- Candidate Information Seminar
- Register Electoral material
- Pre poll and postal voting
- Candidates and polling places
- Results

Advertising was conducted over the period Saturday 15 May to Thursday 17 June 2010 with the poll results advertised on Friday 25 June.

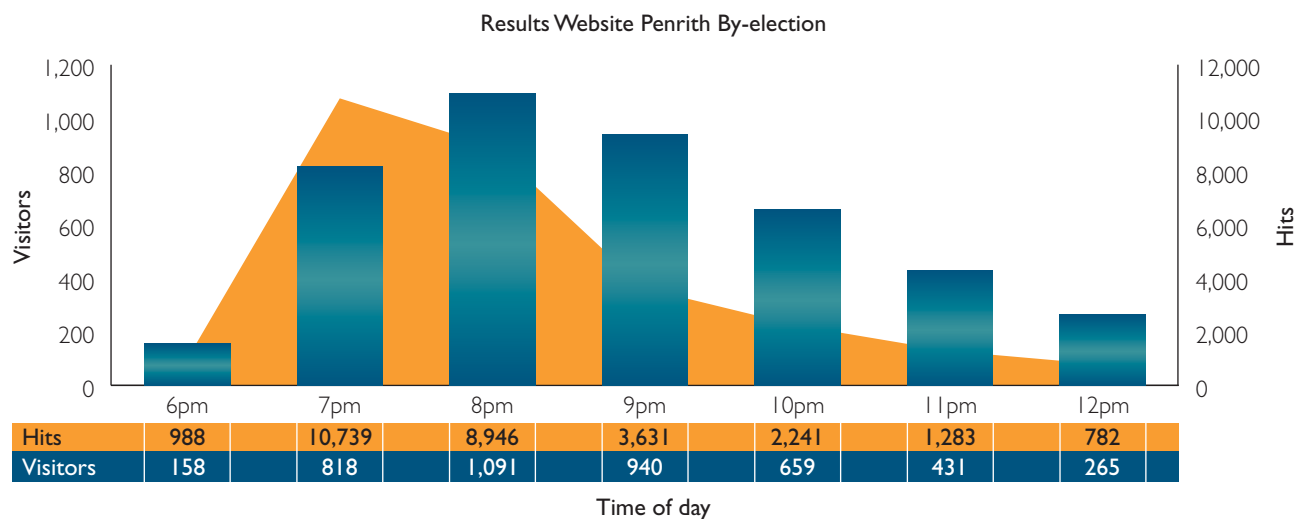
The schedule of advertising is provided in Appendix C and copies of the advertisements at Appendix D.

NSWEC Website

The NSWEC's website provided all the information that stakeholders generally, not just electors, needed to participate in the by-election. It provided information on the election timetable, employment opportunities, enrolment, polling places, candidates and election results.

Use of the NSWEC's website is typically greatest on election night when users seek information on results. The following graph provides a picture of usage over the period from close of polling to midnight on election night for the Penrith By-election.

Graph 1: Usage of the NSWEC Website for Election Results, 19 June 2010



Voter Reminder Service

To proactively address the issue of enrolment for the Penrith By-election and the NSW State Election in March 2011, the NSWEC trialed an election reminder service. This provided electors the opportunity to request to be kept informed of electoral activities and information by SMS messaging or e-mail. The service commenced prior to the Penrith By-election and continued to be offered in the by-election for future elections via a detachable part of the elector brochure and also with forms available at polling places in the Penrith District.

The total number of reminder forms collected in the Penrith By-election was 155, made up of 105 brochures returned with the "Voting Reminder Service" panel completed and 50 Voting Reminder Service slips completed in the polling places.

Arrangements for Voting before Election Day

Electors unable to vote on election day had the opportunity to vote early.

A total of 2,832 electors voted early in person or in Declared Institutions and another 2,142 utilised postal voting. Variations from the voting pattern shown in the 2007 State General Election consisted of a greater proportion of electors in the Penrith Electoral District voting in person at polling places (87.3% in 2010 compared to 83.1% in 2007).

Table 1 following provides a comparison between the type of voting in the Penrith By-election and the 2007 State General Election as well as a comparison with the picture for all electoral districts at the 2007 State General Election. It can be seen that the greater proportion of attendance voting at the Penrith By-election was different not just for the same electoral district in the 2007 State General Election, but also in comparison to the average for all of the electoral districts in the 2007 State General Election.

Table 1: Voting Methods Penrith By-election 2010 and 2007 State General Election

| Vote Type | Penrith Electoral District By-election | | SGE2007 Penrith Electoral District | | SGE 2007 NSW All Electoral Districts | |
|----------------|--|---------|------------------------------------|---------|--------------------------------------|---------|
| | No. | % Total | No. | % Total | No. | % Total |
| Ordinary | 34,789 | 87.3 | 35,065 | 83.1 | 3,285,087 | 81.1 |
| Postal | 2,142 | 5.4 | 2,262 | 5.4 | 223,951 | 5.5 |
| Pre-poll/DIs | 2,832 | 7.1 | 1,952 | 4.6 | 239,236 | 5.9 |
| Section/Silent | 75 | 0.2 | 81 | 0.2 | 5,714 | 0.1 |
| Absent | – | – | 2,856 | 6.7 | 298,135 | 7.4 |

Services to Electors

Postal Voting

Electors unable to attend a polling place on election day were able to apply for a postal vote. Postal vote applications were available from the Returning Officer and the NSWEC's website. In addition, both the Liberal and Australian Labor Parties produced their own postal vote applications and letter box drop in the electorate. All postal votes were processed by the NSWEC's Returning Officer.

Electors registered as 'General Postal Voters' did not have to re-apply and received vote material sent by post to their address.

The closing dates for receipt of postal voting applications were Tuesday 15 June 2010, 6pm for those applying from overseas and Wednesday, 16 June 2010, 6pm for electors from within Australia. Postal votes had to be returned by Wednesday, 23 June 2010, 6.00pm.

A total of 2,142 postal votes were included in the count of formal votes.

Pre-Poll Voting

Pre-poll voting was provided at the Returning Officer's office, 385 High Street, Penrith the NSWEC's office in Kent Street Sydney and at each electoral administration office in the other States and Territories. The latter occurred during

their normal office hours until close of business on Friday, 18 June 2010. The locations of these offices were listed on the NSWEC website. There was no overseas voting organised for the by-election.

Within NSW, pre-poll voting occurred from Monday, 31 May 2010, until Friday, 18 June 2010 as follows:

NSWEC Office:

9am – 5pm Monday 31 May to Thursday 17 June 2010
9am – 6pm Friday 18 June 2010

RO's Office

9am – 5pm Monday to Friday (31/5/10 – 11/6/10)
8am – 1pm Saturday (12/6/10)
Closed Monday (14/6/10) – Public Holiday
8am – 6pm Tuesday & Wednesday (15 & 16/6/10)
8am – 8pm Thursday (17/6/10)
8am – 6pm Friday (18/6/10)

Gaining access to the pre-poll centre was easier for Penrith electors than has been the case in some other by-elections. This was a result of the NSWEC requesting candidates and parties not to place "A" frames outside the Penrith pre-poll voting centre following advice from the Penrith Council that the placement of "A" frames on footpaths was illegal.

Polling Places

Securing appropriate premises for polling places and the Returning Officer's office can be a difficult task. The NSWEC does not own any facilities and therefore has to lease venues owned by others. The pool of available premises is limited by the short-term nature of the lease as well as space, accessibility and location criteria.

There were 21 polling places established for the Penrith State By-election. The NSWEC was able to source venues known to the community as polling places in the majority of cases. Only two polling places (Penrith Police Citizens and Youth Club and Jamison High) were not used previously as polling places by the NSWEC.

For this by-election the NSWEC trialed a new Assisted Access rating system. This system rated the accessibility of each of the 21 polling places in Penrith, indicating any restrictions. The Assisted Access rating system was an attempt to allow people to make more informed choices about the polling place they might use. The information was made available on the NSWEC website, in press advertisements and the elector brochure posted to all electors enrolled in the Penrith Electoral District.

Table 2 following provides the list of all polling places plus the access rating using the new Assisted Access rating system.



Services to Electors

Table 2: Penrith State By-Election – Polling Places

| Venue Name | Address | Locality | Access |
|--|--|----------------|-------------------|
| Blaxland East Public School | Old Bathurst Road | Blaxland | Assisted 1,4,5 |
| Blaxland High School | Coughlan Road | Blaxland | Assisted 3,5 |
| Braddock Public School | Laycock Street | Cranebrook | Assisted 2,5 |
| Emu Heights Public School | Wedmore Road | Emu Heights | Assisted 3,5 |
| Emu Plains Public School | Emerald Street | Emu Plains | Assisted 3,4,5 |
| Glenbrook Public School | Woodville Road | Glenbrook | Assisted 2,4 |
| Jamison High School | 222 Evan Street | South Penrith | None |
| Jamisontown Public School | Thurwood Avenue | Penrith | Assisted 3,4,5 |
| Jamisontown Uniting Church Hall | 3 Stuart Street | Jamisontown | None |
| Kingswood Public School | Second Avenue | Kingswood | None |
| Kingswood Park Public School | Caloola Avenue | Kingswood Park | Assisted 3,4,5 |
| Kingswood South Public School | Smith Street East | Kingswood | Assisted 1,3,4,5 |
| Lapstone Public School | Achievement Avenue | Lapstone | Assisted 1,3, 4,5 |
| Leonay Public School | Buring Avenue | Leonay | Assisted 2,4,5 |
| Melrose Hall | Corner Park Street & Great Western Highway | Emu Plains | None |
| Nepean District Hospital | Derby Street | Kingswood | Full |
| Penrith High School | High Street | Penrith | None |
| Penrith Police Citizens and Youth Club | 100 Station Street | Penrith | Full |
| Penrith South Public School | Jamison Road | Penrith | Assisted 2,4,5 |
| Penrith Samuel Terry Public School | Grays Lane | Cranebrook | Assisted 1,5 |
| Penrith St Dominic's College | Copeland Street | Kingswood | Assisted 1,3,4 |

Assisted Access Legend: **1.** Path of travel from car park may be difficult **2.** Access ramp does not meet standards **3.** Building has lips and/or steps **4.** No designated disabled parking spot **5.** No disabled toilet **6.** May have limited circulation space in voting area **7.** Door width is between 760 – 800mm

The access rating system used at the Penrith By-election is being reviewed to improve the approach for the March 2011 State Election.

Hospitals and Declared Institutions

The *Parliamentary Electorates and Elections Act 1912* allows hospitals or similar institutions to be appointed by the Electoral Commissioner as polling places for election day. Similarly the Electoral Commissioner has the power to appoint nursing homes, retirement villages and like facilities as Declared Institutions from which votes can be taken by election officials on the Monday, Tuesday or Wednesday in the week preceding the election.

Using hospital facilities as polling places raises challenges due to their design, possible issues of infection control and the operational considerations of a working hospital.

There are challenges identifying all facilities in a district and then liaising with the individual facility managers to allow visits by election officials.

Nepean Hospital was used to provide a polling facility on election day. Seven facilities were contacted in relation to becoming Declared Institutions for the Penrith By-election.

Electors Feedback

Of the 21 polling places used in the Penrith By-election there was only one (Penrith High School) where delays in voting were experienced to the extent that electors were inconvenienced throughout election day. There were however,

no formal complaints from electors, candidates or parties regarding the time it took to vote. To the contrary, the survey undertaken by the NSWEC indicated a very positive response to the time required to vote.

Survey of Electors' Satisfaction with Electoral Services

The aims of the survey were twofold: to assess electors' satisfaction with the services provided and the preferred ways of receiving information from the NSWEC. The questions were developed to meet these aims and drew also from the questions developed by the State and Territories Electoral Commissioners' comparative measurement project. In addition to informing the NSWEC of electors' feedback, the results of the survey will become part of the body of knowledge shared amongst all jurisdictions.

The survey was undertaken by an independent research company. Ten of the 21 polling places were included in the study. Voters were approached as they left polling places and asked if they would participate in the survey. Responses were anonymous. Respondents were given the option of providing their contact details if they wished the NSWEC to contact them with information about the survey or electoral events. These contact details were provided separately to the NSWEC from the survey data so survey responses remained anonymous. Details of the methodology including sampling size are provided in Appendix E.

Services to Electors



The results of the survey were very positive over all issues raised. Satisfaction with the overall voting experience was very high with almost four out of five voters (78%) indicating they were very satisfied and just 3% indicating they were dissatisfied or very dissatisfied with services received. Respondents were asked why they gave the response that they did and analysis showed that two positive reasons clearly outweighed all others: that voting was quick (46%); and that it was easy and no problems were experienced (40%).

Very few voters reported being dissatisfied with the overall experience of voting in the Penrith

By-election. When dissatisfaction was reported the reasons given for this view included the inconvenience or dislike of voting in general (4%), being approached by political party representatives outside the polling place (2%) and long waits or queues (2%).

Voters were largely happy with the length of time they spent voting. Two-thirds (66%) of voters described the time taken as above satisfactory, whilst one-third described this as satisfactory. Just 2% of voters participating in the survey described the time they spent as below satisfactory. These results compare well with those in a similar study

Services to Electors

undertaken by the Victorian Electoral Commission in 2006 found 86% of voters who attended polling places were either satisfied or extremely satisfied with the service they received. The Victorian study was in the context of their State General Election and it may not be completely reliable to compare satisfaction ratings across the two types of elections.

Voters at Penrith High School reported spending a significantly longer period of time voting overall compared to all other locations and the perception of below satisfactory service levels was higher in this location (9% as compared to 3% overall).

In terms of perceptions of polling place staff, overwhelmingly, voters rated staff performance highly. Voters' ratings of electoral staff were very high being consistently either 94% or 95% in terms of satisfaction with the manner of staff, the efficiency of staff, the helpfulness of staff, and staff competency. Less than 1% of voters were dissatisfied or very dissatisfied with any of these aspects. In the 2006 Victorian State General Election the survey results indicated that 97% were satisfied with the efficiency and helpfulness of staff.

17% of voters reported nuisances when voting. The issues reported were various and there are no specific issues that appear to be more prominent than others although the behaviour of party campaign workers was raised by a number of respondents.

The NSWEC is required to provide secret ballots in a lawful and impartial manner. This is a key accountability of the NSWEC and the survey explicitly sought feedback on voters' perceptions of this attribute. The overwhelming perception of voters participating in the survey was that the Penrith By-election was conducted impartially and without bias (93%).

Over one-third (37%) of respondents did not provide a reason why they took this view but of the reasons provided the most common were captured in the following statements: 'no one influenced me / spoke to me in a way to sway my vote / no pressure' (16%) and 'I have no reason to think otherwise / there were no indicators of bias' (15%). The reasons provided by the 4% of voters who did not believe the by-election was conducted impartially were too sporadic to quantify into themes.

Services to Candidates and Registered Political Parties

Candidate Information Seminar

A Candidate Information Seminar was held Thursday, 20 May 2010, from 6.00pm until 8.00pm at the Returning Officer's office and all candidates were invited to attend. Information regarding funding and disclosure obligations was covered as well as matters regarding the electoral process.

Nominations

While nomination forms were available from the NSWEC website from Friday, 14 May 2010 nomination forms could not be lodged before the issue of the Writ on 24 May 2010. The Writ set Thursday 27 May as nomination day.

Registered Officers (or Deputy Registered Officers) of Registered Political Parties could nominate candidates at the NSWEC's office in the city or at the Returning Officer's office in Penrith. Independent candidates could only nominate at the Returning Officer's office.

There were eight nominated candidates. Following the close of nominations the Returning Officer conducted a draw to determine the order of candidates on the ballot paper.

'How-to-Vote' Material

Registration of 'How-to-Vote' material was handled at the NSWEC rather than in the Returning Officer's office. Any 'How-to-Vote' material for distribution on election day could be registered with the NSWEC prior to printing.

Close of applications to register 'How to Vote' materials was 5.00pm Friday, 11 June 2010.

Postal Vote Applications

Registered Political Parties that planned to send Postal Vote Applications to electors were requested to submit these forms to the NSWEC prior to distribution.

Both the Australian Labor Party and the Liberal Party produced their own postal vote applications.

Electoral Material

In the Penrith By-election, there were no reported incidences of electoral material displayed or distributed on election day not complying with the legislative requirements.

Conduct of the Penrith By-election

Returning Officer Arrangements

Mr Louis Deutscher was the Returning Officer for the Penrith By-election. The Returning Officer's office was well situated in the main street with a shop front entrance and parking at the rear. It was wheelchair accessible and was able to be successfully used for pre-poll voting in addition to storing and distributing the materials required by the 21 polling places.

The Returning Officer's office was situated at 385 High Street, Penrith and open from Monday, 24 May 2010 at the following hours:

| | |
|--------------------------------------|-----------|
| Monday to Friday (24/5/10 – 11/6/10) | 9am – 5pm |
| Saturday (12/6/10) | 8am – 1pm |
| Monday (14/6/10) – Public Holiday | Closed |
| Tuesday and Wednesday (15 & 16/6/10) | 8am – 6pm |
| Thursday (17/6/10) | 8am – 8pm |
| Friday (18/6/10) | 8am – 6pm |

The Returning Officer's duties include:

- set up and decommissioning of a temporary office
- training of office staff and polling place managers
- arranging voting at polling places and declared institutions
- issuing and processing postal and pre-poll votes
- dealing with enquiries from candidates and electors and other feedback

- processing candidate nominations and how-to vote material; and
- counting votes and declaring the results of the election.

A Returning Officer Support Officer was appointed to provide support on electoral matters and procedures in the conduct of an election. This officer was an experienced Returning Officer who had also worked in the head office of the NSWEC over many elections.

Logistical and Other Support

Staffing

The majority of staff were employed to work on election day in polling places as Polling Place Managers or Election Officials. In addition casual staff were employed in the Returning Officer's office to pack materials for each polling place, operate pre-poll voting, visit Declared Institutions, count votes and pack up materials following the election.

Staff employed to work in the 21 polling places numbered 217 and staff working from the Returning Officer's office numbered 30. Both Polling Place Managers and Election Officials were trained by the Returning Officer and Returning Officer Support Officer and provided with manuals setting out the requirements and procedures to be followed.

Conduct of the Penrith By-election

The NSWEC website was used again to provide on-line registration of prospective staff. The entire employment process is now undertaken on-line including the provision of bank, tax and superannuation details and again proved to be a very efficient and effective mechanism.

Organisation of Polling Places

The staffing model developed for Penrith By-election included a 'combined issuing' table at every polling place to cater for those electors whose names were not on the roll or who found that their name had already been marked as having voted. Previously such votes were not handled by officers issuing ordinary votes but by the Polling Place Manager, the Deputy Polling Place Manager or the Enquiry Officer.

Prior to the Penrith By-election combined tables were used in small rural polling places where the total number of ordinary and declaration (absent) votes is insufficient for separate tables. For this reason they have not been used in metropolitan areas where numbers of declaration votes are much larger. The NSWEC considered that the particular circumstances of the Penrith State By-election warranted testing of that practice.

Supplies

While unexpected, the Penrith By-election was a straight forward logistical exercise as it was the only State by-election being conducted at the time.

The ballot papers were printed by the NSWEC's preferred security printer with ballot papers having a security background. 56,000 ballot papers were printed. A copy of the ballot paper is at Appendix F.

As in every election considerable quantities of materials need to be printed. Some printing was done in house and some by commercial printers. In general the printing undertaken externally concerned documents to be used by external stakeholders such as postal voters and where more specialised printing was required such as in the treatment of declaration envelopes.

Providing the right type and quantity of supplies to the right location is comparatively easy in a by-election compared to a State General Election. Even so, to adequately supply all 21 polling places and the Returning Officer's office as well as provide materials to candidates and registered political parties, approximately 55,000 items of election material were distributed over three weeks.

Conduct of the Penrith By-election

Election Costs

The expenditure on the Penrith By-election was \$464,000.

The key cost drivers for the Penrith By-election were:

- election official wages including that of the Returning Officer;
- hire of premises;
- information and technology support;
- advertising;
- printed materials such as ballot papers;
- cardboard and other materials for polling places; and
- survey of electors' views of services received and preferences for receiving electoral information in future.

Analysis revealed that the election expenditure was distributed over the major items as shown below:

- | | |
|--|-------|
| • Employee related expenses | 36.5% |
| • Communication, advertising and media | 22.4% |
| • Survey of Electors and reporting | 11.4% |
| • Rent | 4.7% |

Expenditure over employee related, communication (including advertising and media) and rental items usually are the major cost items for an election.

For the Penrith By-election the survey of electors and the reporting was an additional expense and comprised 11.4% of total expenditure.

Waste Management

The NSWEC is bound by the NSW Government's Waste Management Policy. In providing electoral services the NSWEC seeks to use wherever possible paper and cardboard comprising recycled content and to ensure that the paper and cardboard material used in elections are recycled.

The majority of the cardboard used in the Penrith By-election was recycled from the polling places and unused paper and other cardboard materials were accepted by the venues.

IT Support

The Election Management Application was introduced at the 2007 State General Election as an internet based application for the use of Returning Officers, office assistants and head office staff. It consists of a suite of software modules to assist with managing election processes such as enquiries, election day staffing, candidate nominations, the distribution and return of declaration votes, results and non-voter administration.

It was again utilised for the Penrith By-election.

Results

On election night the NSWEC provided figures showing the result of counts conducted at each polling place for the first preference vote for each candidate, and the result of the notional count for the two candidates considered most likely to receive the greatest number of votes. The figures provided on election night did not include any postal, pre-poll, absent or other declaration votes. These results were shown on election night from 6.30pm and progressively updated. The final election night count was uploaded to the NSWEC website just after 9pm.

On the day after polling day, all the ballot papers from every polling place were recounted to ensure the election night count was accurate (the Check Count). Declaration votes were added progressively over the next few days with postal votes accepted up to Wednesday afternoon after election day at which point the final distribution of preferences was conducted to determine who was to be elected.

Scrutineers appointed by candidates were welcome to attend all counts however there were no scrutineers at the Sunday check count and one scrutineer at the distribution of preferences.

The distribution of votes and preferences for all candidates is provided below in Table 3.

**Table 3: Final Results, Candidates Penrith By-election
19 June 2010**

| Candidates | Votes | |
|--|---------------|----------------|
| THAIN, John (Labor) | 9,437 | |
| WRIGHT, Suzie (The Greens) | 4,679 | |
| SAUNDERS, Mick | 766 | |
| AYRES, Stuart (Liberal) | 19,856 | ELECTED |
| LEYONHJELM, David (Outdoor Recreation Party) | 721 | |
| SANZ, Jose (Australian Democrats) | 358 | |
| GREEN, Andrew (Christian Democratic Party (Fred Nile Group)) | 1,692 | |
| SELBY, Noel (Independent) | 1,047 | |
| Total Formal Votes | 38,556 | |
| Total Informal Votes | 1,282 | |
| Total Votes | 39,838 | |
| Absolute Majority | 19,279 | |

More detailed information of the election night and other counts is available on the NSWEC's website www.elections.nsw.gov.au

Declaration of the Poll

On 23 June 2010 the Returning Officer declared the results of the Penrith State By-election. The Writ was dated, signed and returned the same day.

Stuart Ayres was declared elected by the Returning Officer. A reproduction of the declaration of the poll is at Appendix H.

Enforcement of Compulsory Voting

Failure to Vote

Under electoral legislation, the NSWEC is required to issue 'failure to vote' notices to those electors whose names were not marked off the electoral roll as having voted or recorded providing a valid excuse. The penalty for not voting in a State by-election is \$25.00. The funds generated from penalty notices are not collected by the NSWEC. The funds are directed to the consolidated fund held by NSW Treasury rather than the NSWEC.

All electoral rolls marked at polling places or in the Returning Officer's office were scanned after election day to create a list of non-voters for the Penrith Electoral District.

The number of electors who could vote in the Penrith By-election but did not was 6,385 or 13.8% of the electoral roll for the Penrith Electoral District.

Of this group, 2,090 were excused from voting. Of these a significant proportion were older people (632; 9.9%) followed by 'Religious Objector' (285; 4.5%); those who were 'Away Indefinitely' (28); followed by those electors who were 'Sick' (68) and 'Infirm' (7). Another 1,070 fell outside these categories.

On 23 July 2010, 4,295 penalty notices were issued. This represented 9.3% of the electoral roll for the Penrith Electoral District. The rate for the 2007 State General Election was 3.5%. This pattern of a higher rate of non-voters tends to be consistent for by-elections as compared to State General elections.

To assist electors avoid this penalty in future elections, the penalty notice advises non-voters of the availability of the 'Voter Reminder Service' discussed earlier in this report.



Analysis

I. Comparison to 2007 State General Election and other State by-elections

Participation and informality rates

At the 2007 State General Election in the Penrith Electoral District with seven candidates, the voter turnout figure was 93.7% and the informality rate was 2.7%. At the June 2010 Penrith By-election with eight candidates, the comparable rates were 86.8% and 3.2%. Traditionally in by-elections, participation rates tend to be lower than in general elections and informality rates higher.

Another means of assessing the conduct of the election is to compare it to other recent State by-elections. The participation and informality rate for the Penrith By-election were 86.8% and 3.2%

respectively and within the range for other recent State by-elections. The range of participation rates for the four State by-elections held in 2008 was 80.4% to 88.2%. The range of informality rates for these same four by-elections was 1.8% to 4.1%. The participation and informality rates for the Penrith By-election fell within these ranges and indicate that the conduct of this by-election was of a comparable or slightly improved performance.

Non-voters and penalty notices

The rate of penalty notices issued for the Penrith By-election was 9.3%. This falls within the range for other recent by-elections as the following table shows.

Table 4: Non-voters and Penalty Notices, 2008 State By-elections frequency and %s

| Election | No. Roll | No. Non-voters | Penalty Notices Issued | No. PN as % Roll |
|----------------|----------|----------------|------------------------|------------------|
| Cabramatta | 50,383 | 8,261 | 4,422 | 8.8 |
| Port Macquarie | 48,198 | 6,849 | 3,250 | 6.7 |
| Ryde | 48,002 | 9,258 | 4,726 | 9.9 |
| Lakemba | 51,288 | 11,197 | 6,700 | 13.1 |

Analysis

Availability of results of counting

The Penrith election night notional results provided stakeholders the first preference vote for each candidate, and the result of the notional count for the two candidates considered most likely to receive the greatest number of votes. These were posted progressively on the NSWEC's website from 6.30pm concluding just after 9pm.

This is comparable to the postings for the 2008 State by-elections where the range was from 8.29pm to 9.08pm on election night.

The Penrith By-election poll was declared on Wednesday, 23 June as soon as the close of the deadline for return of postal votes had passed and all such votes were counted. This was an elapsed time of four days from polling day. The range for the time between election day and declaration of the poll for the four 2008 by-elections was five to six days.

2. Electors' Preferences for Receiving Electoral Information

One of the aims of the independent survey undertaken by the NSWEC at the Penrith By-election was to better understand how electors prefer to receive electoral information.

The survey results in Table 5 reveal that for the majority, hard copy was rated as the most acceptable and preferred means of receiving information from the NSWEC on forthcoming elections and activities such as enrolment. However, 45% of voters believe that e-mail is acceptable, with 25% preferring this means of communication. Additionally 20% feel that an e-mail would be most likely to grab their attention, indicating there is an opportunity to communicate via e-mail to a large proportion of voters. SMS is considered acceptable by 22% of voters interviewed, with 7% preferring this approach and 10% claiming it would be 'most likely to grab their attention'. Younger electors tended to find electronic forms of communication more acceptable and preferred.

Table 5: Communication Methods, Acceptability, Preference and Likely Effectiveness, 19 June 2010

| Method | % voters who find acceptable | % voters who prefer | % voters who find effective |
|---------------------------|------------------------------|---------------------|-----------------------------|
| Letter addressed to home | 84 | 67 | 67 |
| E-mail | 45 | 25 | 20 |
| SMS | 22 | 7 | 10 |
| Phone call from the NSWEC | 13 | 1 | 3 |

Voter Reminder Service

Survey participants were also asked about their knowledge and use of the NSWEC's Voter Reminder Service. Just 1% had subscribed to the NSWEC's service with 21% being aware of the service but not subscribers. Interestingly, voters from culturally and linguistically diverse communities were more likely to have already subscribed to this information service (7.0% compared to 0.7% of those voters who only spoke English at home). In the Penrith Electoral District, 68% of respondents indicated that they were either unlikely or very unlikely to use the Voter Reminder Service.

These results are strikingly similar to those of the South Australian Electoral Commission where 17% were aware of the South Australian voter reminder service, 1% had used it and 86% were either unlikely or very unlikely to use it.

In terms of differences between voters in the Penrith By-election, males were less likely to subscribe than females (77% compared to 60%). Voters from culturally and linguistically diverse communities were more likely to subscribe to this service in future (44% compared to 21% 'only English spoken at home' voters).

Website Usage

The NSWEC examined the usage of the website specifically in relation to the Penrith By-election. On 19 June 2010 there were two local government by-elections in addition to the one State by-election in the Penrith Electoral District. On election day for these three election events, the number of visits was three to four times higher than the days on either side of the by-elections; and nearly six times the average number of visits per day. On average each visit entailed 4.75 web pages being opened.

After the home page, the Penrith By-election page was the second most visited page for the month of June. The Penrith By-election results page was the third most visited page. In terms of searches the terms 'Penrith election 2010' and 'penrith election' were in the top key phrases and 'penrith' was the fourth most popular keyword that searchers used to locate the NSWEC website during June 2010. Of all external websites, the ABC's website (www.abc.net.au/Penrith results page) and www.penrith.city.nsw.gov.au referred the most traffic to the NSWEC's website during June.

The NSWEC is launching a new website in October 2010 and a range of analyses has been used to refine the final website design.

Analysis

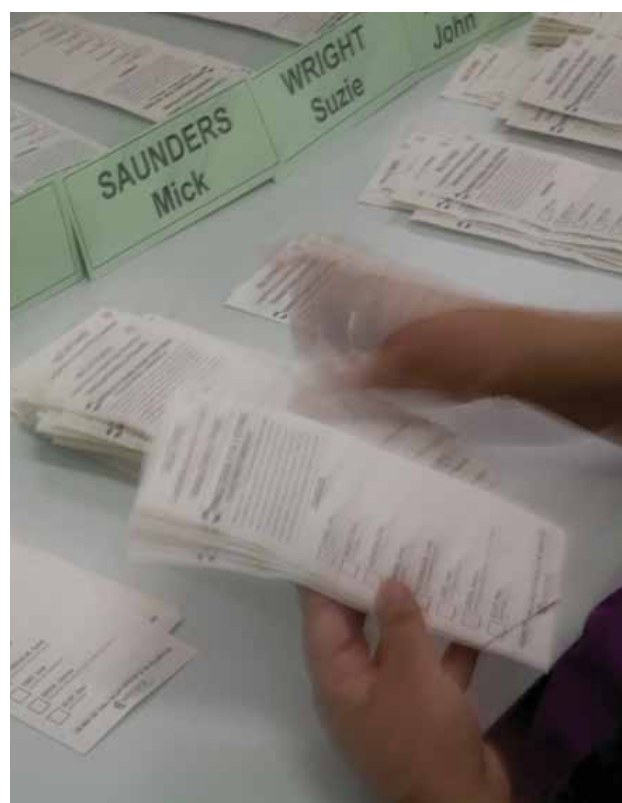
3. Internal evaluation of conduct of the By-election

A debriefing was held with NSWEC staff who acted as Polling Place Managers at the Penrith By-election. The matters identified for addressing at the NSW State Election 2011, State by-elections and future Local Government elections included:

- arrangements for the efficient set up of polling places, and provision of material resources for polling places;
- polling place staffing model and arrangements such as combined issuing tables;
- dealing with election day enrolment voters and other declaration voters;
- polling place management issues; and
- improvements to forms, manuals and procedures.

Receiving particular attention was the introduction of combined issuing tables at every polling place where Issuing Officers (rather than Polling Place Managers/ Deputy Polling Place Manager or Enquiry Officers) issued section votes. The experience was that these tables helped to deal with those electors from outside Penrith but that these would be less effective at a general election where there are greater numbers of electors requiring other forms of voting such as absentee voting, and where there are specific tables for declaration voting. For the State General Election in 2011, combined tables will be predominantly restricted to small rural polling places.

The Voter Reminder Service was seen to have value but ensuring that election officials ask each voter if they wish to subscribe while issuing ballot papers in busy polling places was seen as a lower priority to managing queues and ensuring proper management of the polling place. This position was also informed by the survey results indicating that the majority of electors are not interested in subscribing to such a service.



Postal vote applications

The NSWEC undertook an analysis of the applications received for use of the postal vote option. Of the total Penrith electorate, 6.5% of electors either were General Postal Voters or applied for a postal vote just for this by-election. Of the total of 1,286 applications received, only 49 of these applications came from electors whose names were not on the roll (2% of all applicants). 87% of all applications for postal vote were generated by the Registered Political Parties. The vast majority of postal vote applications were accepted (83.8%) and of all the postal vote declarations accepted, 72.8% returned a postal vote declaration. 2.5% of postal vote declarations received failed scrutiny typically because they were not signed.

In terms of postal vote applications by parties for electors there is often confusion as to whether the postal vote application has been provided by candidates or Registered Political Parties or the NSWEC. The de-brief found that for future elections it would be helpful if parties and candidates distinguished between telephone numbers used for party/candidate contact and the NSWEC's enquiry number.

Testing the Potential Impact of Changes to Enrolment

The *Parliamentary Electorates and Elections Amendment (Automatic Enrolment) Act 2009* (passed by Parliament in December 2009) once proclaimed will allow the NSWEC to gather trusted information from other public sector agencies and use that information to automatically enrol or re-enrol eligible electors in their correct electoral district at their current residential address. While the legislation is still to be proclaimed, the NSWEC was able to test its potential impact using data from the Penrith By-election.

At the close of the roll for the Penrith By-election on 24 May 2010, there were 46,304 electors enrolled. Of these Table 6 following shows the number of eligible electors who were incorrectly enrolled or missing from the Penrith roll, and the reasons why these electors were considered to be incorrectly enrolled or not present on the Penrith roll.

The analysis reveals that the largest group of electors for whom a change of electoral details was warranted was the group who had recently moved into the area (49.4%). The analysis also identified that there are approximately 3,616 eligible citizens resident in Penrith District who have never been enrolled.

Analysis

Table 6: Analysis of Electors Incorrectly or Not Enrolled on the Electoral Roll for Penrith By-election 19 June 2010

| Apparent Enrolment Error | No. | % Total |
|---|--------------|--------------|
| Incorrectly Enrolled (i) | | |
| Deceased (a) | 5 | 0.1 |
| Out of District (b) | 1,621 | 36.2 |
| Recent entry (c) | 2,213 | 49.4 |
| Move within the District (d) | 640 | 14.3 |
| Total | 4,479 | 100.0 |
| Missing from Roll (ii) | | |
| Students not previously enrolled (e) | 104 | 2.9 |
| Home Owners not previously enrolled (f) | 262 | 7.2 |
| RTA customers not previously enrolled (g) | 3,458 | 95.6 |
| Adjustment for duplication (h) | -208 | -5.7 |
| Net Total | 3,616 | 100.0 |

Notes:

- (i) Data sources were electors already enrolled in NSW, the NSW Births, Deaths and Marriages Registry and RTA
 - (a) number of enrolled electors who died between 24 May 2010 and 19 June 2010
 - (b) number of electors found to have moved out of the Penrith Electoral District
 - (c) number of electors recently moved to the Penrith Electoral District and whose AEC address was out of date and lay outside the Penrith Electoral District
 - (d) number of enrolled electors on the Penrith roll but who were enrolled at a previous Penrith address
- (ii) Data sources were RTA, First Home Owners Grant and Board of Studies for initial identification, NSW Births,

Deaths and Marriages Registry data for electoral eligibility, and RTA 'change of address' data for residential location

- (e) number of eligible students resident in the Penrith Electoral District who had not been enrolled before
- (f) number of eligible first home owners grant registered people resident in the Penrith Electoral District who had not been enrolled before
- (g) number of eligible RTA NSW customers who were resident in the Penrith Electoral District who had not been enrolled before
- (h) Subtracting the number of people whose details are present in the RTA, Board of Studies and First Home Owners grant databases to avoid over counting

The results of this analysis confirm the strategic significance of automatic enrolment. If automatic enrolment legislation had commenced prior to the Penrith By-election, the details of 7,887 electors would have been more accurately reflected on the electoral roll for the by-election. This data comparison demonstrated that using reliable records to augment those provided by electors to the Australian Electoral Commission will produce a more up to date and accurate electoral roll.

Appendices

List of Appendices

Appendix A Penrith Electoral District – Gender Distribution by Age Group

Appendix B Penrith By-election Elector Brochure

Appendix C Penrith By-election Schedule of Advertising

Appendix D Penrith By-election Copies of Advertisements

Appendix E Penrith By-election Elector Survey Methodology

Appendix F Penrith By-election Ballot Paper

Appendix G Penrith By-election Declaration of Poll

Appendix A: Penrith Electoral District – Gender Distribution by Age Group

| Gender | Age | Count |
|--------|-------------|-------|
| F | 18 – 25 | 3,214 |
| F | 26 – 35 | 4,545 |
| F | 36 – 45 | 3,965 |
| F | 46 – 55 | 4,408 |
| F | 56 – 65 | 3,995 |
| F | 66 – 75 | 2,153 |
| F | 75 or older | 1,868 |

| Gender | Age | Count |
|--------|-------------|-------|
| M | 18 – 25 | 3,058 |
| M | 26 – 35 | 4,362 |
| M | 36 – 45 | 3,779 |
| M | 46 – 55 | 3,951 |
| M | 56 – 65 | 3,772 |
| M | 66 – 75 | 1,982 |
| M | 75 or older | 1,137 |

Appendix B: Penrith By-election Elector Brochure

Here's where to vote on election day
Penrith

| Locality | Name and Address | Accessibility |
|---------------|--|---------------|
| Blairland | Blairland East Public School Old Barkhore Road | 1,4,5 |
| Blairland | Blairland High School Copleigh Road | 3,5 |
| Crandbrook | Bradfield Public School Laycock Street | 2,5 |
| Crandbrook | Samuel Terry Public School Gray Lane | 1,5 |
| Emu Heights | Emu Heights Public School Wentworth Road | 3,5 |
| Emu Plains | Emu Plains Public School Emerald Street | 3,4,5 |
| Emu Plains | Mairness Hall Car Park Corner 8 Great Western Highway | 0 |
| Glenbrook | Glenbrook Public School Woodville Road | 2,4 |
| Jamiesontown | Jamieson Living Church Hall S Stuart Street | 0 |
| Kingwood | Kingwood Public School 46-54 Seaward Avenue | 3,4,5 |
| Kingwood | Kingwood South Public School Smith Street East | 1,3,4,5 |
| Kingwood | Nepnes District Hospital Darcy Street | 5 |
| Kingwood | St Chems's College Copeland Street | 1,3,4 |
| Lapstone | Lapstone Public School Achievement Avenue | 1,3,4,5 |
| Leany | Leany Public School Boring Avenue | 2,4,5 |
| Penrith | Jamieson Public School Thornwood Avenue | 3,4,5 |
| Penrith | Kingwood Park Public School Cuddeba Avenue | 0 |
| Penrith | Penrith High School High Street | 0 |
| Penrith | Penrith Police Citizens & Youth Club 100 Seaward Street | 5 |
| Penrith | Penrith South Public School Jamieson Road | 2,4,5 |
| South Penrith | Jamieson High School 222 Swan Street | 0 |

Legend

| Number | Accessibility |
|--------|---|
| 0 | Does not meet accessibility requirements |
| 1 | Path of travel from car park may be difficult |
| 2 | Access onto place not meet standards |
| 3 | Building has steps and/or ramps |
| 4 | No designated disabled parking spots |
| 5 | No disabled toilet |
| 6 | May have limited circulation space in voting area |
| 7 | Door width is between 750 - 800mm |

Full Website: [www.elections.nsw.gov.au](#)
1. Information correct as at 27 May 2010.

Bring this brochure with you on election day. It will make voting easier.


Voting Reminder Service
Would you like a reminder about the upcoming state and local government elections via sms or email?
If so please fill this out and give to an election official when you vote.

Name (or sms number)
Phone

Legislative Assembly By-election
Saturday, 19 June 2010

Your guide to voting in
Penrith

Your vote is your voice.
Be heard.



Front of brochure

Penrith By-election Saturday, 19 June 2010

This brochure contains important information about the election. It's particularly important to remember:

- Polling places will be open from 8am to 6pm on Saturday 19 June 2010.
- Voting is compulsory for all enrolled electors in the electoral district of Penrith, and
- The penalty for not voting at the by-election is \$25.

Do I need to vote?
You have received this brochure because you are enrolled in the Legislative Assembly District of Penrith. Voting is compulsory for all enrolled electors.

Where can I vote?
On election day you can vote at the polling places listed in this brochure. Visit the NSWEC website or call 1300 135 736 for more details.

What if I can't get to a polling place on election day?
You can either vote by post

Postal voting is also available for eligible voters. Application forms are available from [www.elections.nsw.gov.au](#) or by contacting the returning officer. Applications must be received by the returning officer by 6.00pm Wednesday, 16 June 2010. Electors who are registered general postal voters will automatically be sent their ballot papers without further application.

For more information visit
[www.elections.nsw.gov.au](#)
or call 1300 135 736
Assistance for hearing and speech impaired
TTY (02) 9247 3568

Or you can vote early
You may be eligible to cast a pre-poll vote. Pre-poll voting is available at the following locations and times:


Penrith RO Office
385 High Street, Penrith
Monday, 31 May to Friday, 11 June - 9am to 5pm
Saturday, 12 June 8am to 1pm
Monday, 14 June - **Closed Public Holiday**
Tuesday, 15 June to Wednesday, 16 June - 8am to 6pm
Thursday, 17 June - 8am to 6pm
Friday, 18 June - 8am to 6pm

NSW Electoral Commission
Level 25, 201 Kent Street Sydney
Monday, 31 May to Thursday, 17 June - 9am to 5pm
(Note: Weddays only)
Monday 14 June - **Closed Public Holiday**
Friday, 18 June - 9am to 6pm

Can I get assistance in any other language?
For assistance in any of the following languages please call 13 14 50.

| | | | |
|---------|---------|------------------|------------|
| العربية | ARABIC | Bahasa Indonesia | INDONESIAN |
| فارسی | PERSIAN | Tiếng Việt | VIETNAMESE |
| فارسی | PERSIAN | Türkçe | TURKISH |
| فارسی | PERSIAN | മലയാളം | MALAYALAM |
| فارسی | PERSIAN | فارسی | URDU |
| فارسی | PERSIAN | සිංහල | SINHALA |

How can I help someone who cannot read this brochure?
If you, or someone you know, requires assistance reading this brochure please call 1300 135 736.



How to Vote
The ballot paper you will receive will resemble the example below.

BALLOT PAPER
Legislative Assembly Election
Electoral District of Penrith

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

Please place the number "1" in the square opposite the name of the candidate for whom you wish 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.

CANDIDATES

TRANK, John
LIBERAL

MORGAN, Susan
LABOUR

SANDERS, Mark
LABOUR

WYLLIE, Stuart
LABOUR


LESTER-REID, David
LABOUR

TRANK, John
LIBERAL (PRE-FERRED GROUP)

GREEN, Andrew
LABOUR

GILBY, Neil
LABOUR

DO NOT WRITE OR SIGNIFY ANY OF THE PAPER



Back of brochure

Appendix C: Penrith By-election Schedule of Advertising

| Publication | Advertisement Date |
|--------------------------|-----------------------|
| Enrol to Vote | |
| Sydney Morning Herald | Saturday, 15 May 2010 |
| Daily Telegraph | Saturday, 15 May 2010 |
| Sunday Telegraph | Sunday, 16 May 2010 |
| Penrith Press | Friday, 21 May 2010 |
| Penrith City Star | Thursday, 20 May 2010 |
| Issue of Writ | |
| Sydney Morning Herald | Monday, 17 May 2010 |
| Daily Telegraph | Monday, 17 May 2010 |
| Penrith Press | Tuesday, 18 May 2010 |
| Penrith City Star | Thursday, 20 May 2010 |
| Candidate Seminar | |
| Penrith Press | Tuesday, 18 May 2010 |
| Penrith City Star | Thursday, 20 May 2010 |

| Publication | Advertisement Date |
|--------------------------------------|-------------------------|
| Register Electoral Material | |
| Sydney Morning Herald | Monday, 31 May 2010 |
| Daily Telegraph | Monday, 31 May 2010 |
| Pre-poll and Postal | |
| Penrith Press | Tuesday, 1 June 2010 |
| Penrith City Star | Thursday, 3 June 2010 |
| Candidates and Polling Places | |
| Sydney Morning Herald | Wednesday, 16 June 2010 |
| Daily Telegraph | Wednesday, 16 June 2010 |
| Penrith Press | Tuesday, 15 June 2010 |
| Penrith City Star | Thursday, 17 June 2010 |
| Results | |
| Daily Telegraph | Friday, 25 June 2010 |

Appendix D: Penrith By-election Copies of Advertisements

LEGISLATIVE ASSEMBLY BY-ELECTION

District of Penrith
Saturday 19 June 2010

CANDIDATES
The following candidates have nominated for election

THAIN John
LABOR

WRIGHT Suzie
THE GREENS

SAUNDERS Mick
AYRES Stuart
LIBERAL

LEYONHJELM David
OUTDOOR RECREATION PARTY

SANZ Joe
AUSTRALIAN DEMOCRATS

GREEN Andrew
CHRISTIAN DEMOCRATIC PARTY (FRED NILE GR)

SELBY Noel
INDEPENDENT

VOTE EARLY IN PERSON
If you are unable to vote on election day you can vote at a polling place until Friday, 18 June 2010.

Opening hours are:
Tue 15 June 2010 – Wed 16 June 2010:
Thur 17 June 2010:
Fri 18 June 2010:

or

New South Wales Electoral Commission
Level 25, 201 Kent St Sydney
Tue 15 June 2010 – Thur 17 June 2010:
Fri 18 June 2010:

POLLING PLACES
Voting will take place at the following locations below

| Locality | Venue |
|---------------|-------------------------------|
| Blaxland | Blaxland East Public School |
| Blaxland | Blaxland High School |
| Blaxland | Bradbrook Public School |
| Cranbrook | Sansou Terry Public School |
| Emu Heights | Emu Heights Public School |
| Emu Plains | Emu Plains Public School |
| Emu Plains | Melrose Hall |
| Glenbrook | Glenbrook Public School |
| Glenbrook | 3 Stuart Street |
| Jamistown | Jamistown Uniting Church Hall |
| Jamistown | 46-54 Second Avenue |
| Kingswood | South Street East |
| Kingswood | DeWry Street |
| Kingswood | Cogland Street |
| Kingswood | Achievement Avenue |
| Lagstone | Burning Avenue |
| Leontay | Thurwood Avenue |
| Penrith | Jamistown Public School |
| Penrith | Kingwood Park Public School |
| Penrith | High Street |
| Penrith | 100 Station Street |
| Penrith | Jamison Road |
| Penrith | 222 Evan Street |
| South Penrith | Jamison High School |

Legend – Assisted Access

- Does not meet accessibility requirements
- Path of travel from car park may be difficult
- Access ramp does not meet standards
- Building has lifts and/or steps
- No designated disabled parking spot
- No disabled toilet
- May have limited circulation space in voting area
- Door width is between 760 - 800mm
- Fully wheelchair accessible

For any enquiries please telephone the Returning Officer, Mr Lou Deutscher on 0427 773 085 or by ringing 1300 135 736 or visit our website at www.elections.nsw.gov.au or by ringing 1300 135 736

Information about the Penrith by-election can be found at www.elections.nsw.gov.au or by ringing 1300 135 736

For enquiries in languages other than English call our interpreting service on 13 14 50

For hearing and speech impaired enquiries call our telephone typewriter (TTY) (02) 9247 3568

For hearing and speech impaired enquiries call our telephone typewriter (TTY) (02) 9247 3568

Your vote is your voice. Be heard.

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney, NSW 2000.

LEGISLATIVE ASSEMBLY BY-ELECTION

DISTRICT OF PENRITH
SATURDAY 19 JUNE 2010

Enrol to vote

A By-election for the State District of Penrith will be held on Saturday 19 June 2010.

The electoral rolls will close at 6pm, Monday, 14 June 2010.

To be eligible to vote, you must be correctly enrolled at an address you'll need to update your enrolment form or become an Australian citizen, you'll need to vote for the first time.

To check your enrolment or for an enrolment form are also available from any Medicare Australia Post office.

You can enrol in person at any Australian Electoral Commission office including:
Lindsay: Ground Floor, 311 High Street Penrith NSW 2150
Completed enrolment forms can also be faxed to:
New South Wales Electoral Commission - Fax: (02) 972 3568
Australian Electoral Commission - Fax: (02) 972 3568

Remember, voting is compulsory and all must be received by 6pm, Monday, 24 May 2010.

For enquiries in languages other than English call our interpreting service on 13 14 50.

For hearing and speech impaired enquiries call our telephone typewriter (TTY) (02) 9247 3568.

Your vote is your voice. Be heard.

LEGISLATIVE ASSEMBLY BY-ELECTION

Saturday, 19 June 2010

DISTRICT OF PENRITH

On Monday, 24 May 2010, I received from the Speaker of the Legislative Assembly, the Honourable Richard Torbay, MPA, a writ for the election of one Member of the Legislative Assembly for the Electoral District of Penrith. The Writ sets the following dates:

Close of Roll: 6pm Monday, 24 May 2010
Close of Nominations: Noon, Thursday, 27 May 2010
Election Day: Saturday, 19 June 2010
Return of the Writ: Wednesday, 30 June 2010

HOW TO NOMINATE AS A CANDIDATE

To nominate you must lodge a nomination form, child-related conduct declaration and a \$250 nomination deposit by 12 noon, Thursday, 27 May 2010 with the Returning Officer. Nomination forms and the **Handbook for Candidates and Parties - State By-elections** are available from the Returning Officer or from the NSW Electoral Commission website, www.elections.nsw.gov.au

For nomination enquiries please telephone 0427 773 085

Returning Officer details:
Mr Lou Deutscher
385 High Street
Penrith NSW 2150

CANDIDATE INFORMATION SEMINAR

If you are intending to nominate as a candidate you should be aware of your legal obligations and responsibilities. These will be explained at a free seminar, organised and conducted by the NSW Electoral Commission, to be held at 6pm Thursday, 20 May 2010 at 385 High Street, Penrith.

WANT TO WORK AT THE BY-ELECTION ?

If you are interested in working as an election official at a polling place and you are on the electoral roll, please register your expression of interest online on our website from Monday, 17 May 2010.

For Information: www.elections.nsw.gov.au or call 1300 135 736

For enquiries in languages other than English call our interpreting service on 13 14 50. For hearing and speech impaired enquiries, call our telephone typewriter (TTY) (02) 9247 3568.

Your vote is your voice. Be heard.

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney, NSW 2000.

PENRITH BY-ELECTION

Saturday, 19 June 2010

CANDIDATE INFORMATION SEMINAR

Are you intending to run as a candidate?

If so, you should attend a free Candidate Information Seminar organised and conducted by the NSW Electoral Commission.

As a candidate, you should be aware of your legal obligations and responsibilities. Even if you have been a candidate in the past you should attend.

The seminar will cover a range of topics including the election timetable, nominations, election advertising and how-to-vote material, public scrutiny of candidates, voting and formality, scrutineering, vote counting and election funding and disclosure obligations.

The seminar will take place at 6pm on **Thursday, 20 May 2010** at 385 High Street, Penrith. Pre-registration is not required.

Call 1300 135 736
For enquiries in languages other than English call our interpreting service on 13 14 50
For hearing and speech impaired enquiries call our telephone typewriter (TTY) (02) 9247 3568

LEGISLATIVE ASSEMBLY BY-ELECTION

Saturday 19 June 2010
DISTRICT OF PENRITH

Register Your Electoral Material

Electoral material, including how to vote cards, to be distributed on election day by candidates, registered political parties or any person or organisation, must be registered.

Information about electoral material is available in the *Handbook for Parties and Candidates - State by-elections* available from the NSWEC or www.elections.nsw.gov.au

Applications to register electoral material should be forwarded to the NSW Electoral Commission:
Fax - (02) 9290 5939
Mail - GPO BOX 832 Sydney NSW 2001
Deliver in person - Level 25, 201 Kent St Sydney 2000

Applications must be received by **5 pm Friday, 11 June 2010**. Material received after the deadline will not be considered.

Enquiries: 1300 135 736

Electoral material distributed before election day is not required to be registered but must comply with electoral legislation.

For information: www.elections.nsw.gov.au or 1300 135 736

For enquiries in languages other than English call our interpreting service on 13 14 50. For hearing and speech impaired enquiries call our telephone typewriter (TTY) (02) 9247 3568

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Appendix E: Penrith By-election Survey Methodology


The overall approach to the research was conducted in four stages:

| Summary of data collection approach | Detail |
|-------------------------------------|--|
| Target respondent | A screening question was inserted to ensure the survey was only undertaken with people who voted at the Penrith By-election at the polling location where they were intercepted. This procedure automatically screened out people who were ineligible to vote at the Penrith By-election and any friends or family of people who voted at the Penrith By-election but did not vote themselves. |
| Sample size and margin of error | n=300 surveys were completed with voters at the Penrith By-election. A sample size of this magnitude was chosen because of its reliability and cost-effectiveness. Given that there were approximately 50,000 people on the Electoral Roll in this By-election, the margin of error associated with this survey is +/- 5.7% (generally anything around +/- 5% is acceptable in market research). |
| Location | <p>The NSWEC operated 21 polling places for the Penrith State By-election. To achieve a sample of n=300 on the day, it was not necessary to intercept voters at all 21 locations (this would unnecessarily increase the costs associated with the job due to a higher number of interviewers being required).</p> <p>Alternatively we selected 10 polling locations, of which we will aim to achieve a minimum of n=30 surveys at each location. Polling locations were selected to ensure a spread of locations geographically was achieved to overcome any potential skews in demographic clusters, and a combination of locations with varying degrees of access were selected to ensure the sample included persons with physical impairment.</p> <p>Upon arriving at each polling location, in conjunction with the polling centre manager, interviewers assessed the building set-up to ensure that voters were intercepted where foot-traffic is highest exiting the polling booths. In line with NSWEC's requirements, intercepts were conducted within a 6 metre radius of polling booth exits.</p> |
| Survey length | As this was an intercept survey, it was absolutely essential to keep the survey as short as possible. A survey of 5 minutes was chosen to limit refusals and respondent drop-out mid-way through the survey. |
| Representativeness of opinion | <p>To ensure that the opinions collected were representative of the total Penrith Electoral Roll, respondents were selected at random.</p> <p>1 in every 10 voters were selected at random and asked to participate.</p> <p>A strictly random approach was undertaken to assist in preventing any biases in the survey sample. The achieved sample was very similar to electoral roll statistics in terms of age and gender, however the data shown in this report has been weighted according to these characteristics to counteract any small differences.</p> |
| Administration | Due to the need to obtain spontaneous opinion on some questions and ensure that the questions were interpreted and completed correctly, the survey was read out by interviewers. Voters were not allowed to complete the hard copy survey. |
| Incentive | There was no incentive for participation. |

Appendix F: Penrith By-election Ballot Paper



BALLOT PAPER
Legislative Assembly Election
Electoral District of Penrith

 **DIRECTIONS FOR VOTING**
PLEASE READ CAREFULLY

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. Fold the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

CANDIDATES

THAIN, John
LABOR

WRIGHT, Suzie
THE GREENS

SAUNDERS, Mick

AYRES, Stuart
LIBERAL


LEYONHJELM, David
OUTDOOR RECREATION PARTY

SANZ, Jose
AUSTRALIAN DEMOCRATS

GREEN, Andrew
CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP)

SELBY, Noel
INDEPENDENT

YOU MUST NOT TAKE A BALLOT PAPER OUT OF THE POLLING PLACE



Appendix H: Penrith By-election Declaration of Poll

LEGISLATIVE ASSEMBLY BY-ELECTION DISTRICT OF PENRITH Held Saturday, 19 June 2010

RESULT OF BY-ELECTION

On Wednesday, 23 June 2010 I returned to the Speaker of the Legislative Assembly, the Honourable Richard Torbay, MP, the writ for the election of the member for the Legislative Assembly District of Penrith.

The following candidate was elected:

Stuart AYRES

Detailed results are available from the Electoral Commission website, www.elections.nsw.gov.au.

Colin Barry,
Electoral Commissioner

**Your vote is your voice.
Be heard.**

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney, NSW 2000.

LEGISLATIVE ASSEMBLY BY-ELECTION DISTRICT OF PENRITH Held Saturday, 19 June 2010

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 **electoral**
commission NSW

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References

Australian Bureau of Statistics '2006 Census QuickStat; Penrith (State Electoral District)'

New South Wales Electoral Commission, 'Penrith State By-election Survey', July 2010.

South Australian Electoral Commission, 'Market Research of Electors Eligible to Vote for the 2010 South Australian State Election Final Report', April 2010.

Victorian Electoral Commission, 'Evaluation of VEC Communications – 2006 Victorian State Election', February 2007.

